

Senate File 367 - Reprinted

SENATE FILE _____
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 1233)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to various conservation and recreation activities
2 under the purview of the department of natural resources,
3 modifying fees, and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1616SV 81
6 av/gg/14

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1 1 Section 1. Section 455A.4, subsection 1, paragraph j, Code
1 2 2005, is amended by striking the paragraph.
1 3 Sec. 2. Section 456A.37, subsection 1, paragraph c, Code
1 4 2005, is amended to read as follows:
1 5 c. "Aquatic invasive species" means a species that is not
1 6 native to an ecosystem and whose introduction causes or is
1 7 likely to cause economic or environmental harm or harm to
1 8 human health including but not limited to habitat alteration
1 9 and degradation, and loss of biodiversity. For the purposes
1 10 of this section, "aquatic invasive species" are limited to
1 11 Eurasian water milfoil, purple loosestrife, ~~and~~ zebra mussels,
1 12 ~~except as provided in subsection 4 and those species~~
1 13 ~~identified as "aquatic invasive species" by the commission by~~
1 14 ~~rule.~~

1 15 Sec. 3. Section 456A.37, subsection 4, unnumbered
1 16 paragraph 2, Code 2005, is amended to read as follows:
1 17 c. If the commission determines that an additional species
1 18 should be defined as an "aquatic invasive species", the
1 19 species ~~may~~ shall be defined by the commission by rule as an
1 20 "aquatic invasive species" ~~subject to enactment of the~~
~~1 21 definition by the general assembly at the next regular session~~
~~1 22 of the general assembly. Failure of the general assembly to~~
~~1 23 enact the definition pursuant to this paragraph constitutes a~~
~~1 24 nullification of the definition effective upon adjournment of~~
~~1 25 that next regular session of the general assembly.~~

1 26 Sec. 4. Section 461A.25, unnumbered paragraph 1, Code
1 27 2005, is amended to read as follows:
1 28 The commission may ~~recommend that the executive council~~
1 29 lease property under the commission's jurisdiction. All
1 30 leases shall reserve to the public of the state the right to
1 31 enter upon the property leased for any lawful purpose. ~~The~~
~~1 32 council may, if it approves the recommendation and the~~ If a
1 33 lease is to be entered into ~~is~~ for a period of five years or
1 34 less, the director, upon approval by the commission, shall
1 35 execute the lease in on behalf of the state and commission.
~~2 1 If the recommendation is for a lease is to be entered into for~~
2 2 a period in excess of five years, with the exception of
2 3 agricultural lands specifically dealt with in Article I,
2 4 section 24, of the Constitution of the State of Iowa, the
2 5 council commission shall advertise for bids. If a bid is
~~2 6 accepted, the lease shall be let or executed by the council in~~
~~2 7 accordance with the most desirable bid. The commission may~~
2 8 accept bids and approve leases that the commission determines
2 9 are in the best interests of the state. A lease shall not be
2 10 executed for a term longer than fifty years. Any such
2 11 leasehold interest, including any improvements placed on it,
2 12 shall be listed on the tax rolls as provided in chapters 428
2 13 and 443; assessed and valued as provided in chapter 441; taxes
2 14 shall be levied on it as provided in chapter 444 and collected
2 15 as provided in chapter 445; and the leasehold interest is
2 16 subject to tax sale, redemption, and apportionment of taxes as

2 17 provided in chapters 446, 447 and 448. The lessee shall
2 18 discharge and pay all taxes.

2 19 Sec. 5. Section 462A.2, Code 2005, is amended by adding
2 20 the following new subsections:

2 21 NEW SUBSECTION. 8A. "Cut-off switch" means an operable
2 22 factory-installed or dealer-installed emergency cut-off engine
2 23 stop switch that is installed on a personal watercraft.
2 24 NEW SUBSECTION. 8B. "Cut-off switch lanyard" means the
2 25 cord used to attach the person of the operator of a personal
2 26 watercraft to the cut-off switch.

2 27 Sec. 6. Section 462A.7, subsections 1 and 2, Code 2005,
2 28 are amended to read as follows:

2 29 1. The operator of a vessel involved in ~~a collision,~~
2 30 ~~accident or other casualty~~ an occurrence that results in
2 31 personal property damage or that results in the injury or
2 32 death of a person shall, so far as possible without serious
2 33 danger to the operator's own vessel, crew or passengers,
2 34 render to other persons affected by the ~~collision, accident or~~
2 35 ~~casualty occurrence~~, such assistance as may be practicable and
3 1 necessary to save them from or minimize any danger caused by
3 2 the ~~collision, accident or other casualty occurrence~~. The
3 3 operator shall also give the operator's name, address, and
3 4 identification of the operator's vessel in writing to any
3 5 person injured and to the owner of any property damaged in the
3 6 ~~collision, accident or other casualty occurrence~~.

3 7 2. Whenever any vessel is involved in ~~a collision,~~
3 8 ~~accident or casualty~~ an occurrence that results in personal
3 9 property damage or that results in the injury or death of a
3 10 person, except one which results only in property damage not
3 11 exceeding ~~five hundred~~ two thousand dollars, a report thereof
3 12 shall be filed with the commission. The report shall be filed
3 13 by the operator of the vessel and shall contain such
3 14 information as the commission may, by rule, require. The
3 15 report shall be submitted ~~without delay~~ within forty-eight
3 16 hours of the occurrence in death or disappearance cases and in
3 17 occurrences that result in personal injuries requiring more
3 18 than first aid treatment, and within five days of the
3 19 occurrence in all other cases.

3 20 Sec. 7. Section 462A.9, Code 2005, is amended by adding
3 21 the following new subsection:

3 22 NEW SUBSECTION. 12A. An owner of a personal watercraft
3 23 equipped with a cut-off switch shall maintain the cut-off
3 24 switch and the accompanying cut-off switch lanyard in an
3 25 operable, fully functional condition.

3 26 Sec. 8. Section 462A.12, Code 2005, is amended by adding
3 27 the following new subsections:

3 28 NEW SUBSECTION. 14. A person shall not operate a personal
3 29 watercraft that is equipped with a cut-off switch, at any
3 30 time, without first attaching the accompanying cut-off switch
3 31 lanyard to the operator's person while the engine is running
3 32 and the personal watercraft is in use.

3 33 NEW SUBSECTION. 15. A person shall not operate a vessel
3 34 on the waters of this state unless every person on board the
3 35 vessel who is under thirteen years of age is wearing a type I,
4 1 II, III, or V personal flotation device that is approved by
4 2 the United States coast guard, while the vessel is under way.
4 3 This subsection does not apply to a person who is under
4 4 thirteen years of age and is in an enclosed cabin or below
4 5 deck.

4 6 Sec. 9. Section 481A.55, subsection 1, Code 2005, is
4 7 amended to read as follows:

4 8 1. Except as otherwise provided, a person shall not buy or
4 9 sell, dead or alive, a bird or animal or any part of one which
4 10 is protected by this chapter, but this section does not apply
4 11 to fur-bearing animals, bones of wild turkeys that were
4 12 legally taken, and the skins, plumage, and antlers of legally
4 13 taken game. This section does not prohibit the purchase of
4 14 jackrabbits from sources outside this state. A person shall
4 15 not purchase, sell, barter, or offer to purchase, sell, or
4 16 barter for millinery or ornamental use the feathers of
4 17 migratory game birds; and a person shall not purchase, sell,
4 18 barter, or offer to purchase, sell, or barter mounted
4 19 specimens of migratory game birds.

4 20 Sec. 10. Section 481A.123, Code 2005, is amended by adding
4 21 the following new subsection:

4 22 NEW SUBSECTION. 5. This section does not apply to the
4 23 discharge of a firearm on a farm unit by the owner or tenant
4 24 of the farm unit or by a family member of the owner or tenant
4 25 of the farm unit.

4 26 As used in this subsection, "family member", "farm unit",
4 27 "owner", and "tenant" mean the same as defined in section

4 28 483A.24, subsection 2.

4 29 Sec. 11. Section 481A.130, subsection 1, paragraph g, Code
4 30 2005, is amended to read as follows:

4 31 g. For each antlered deer, reimbursement shall be based on
4 32 the point score of the antlered deer as measured by the Boone
4 33 and Crockett club's ~~net~~ scoring system for whitetail deer as
4 34 follows:

4 35 (1) 150 gross points or less: A minimum of two thousand
5 1 dollars and not more than five thousand dollars, and eighty
5 2 hours of community service or, in lieu of the community
5 3 service, a minimum of four thousand dollars and not more than
5 4 ten thousand dollars, in an amount that is deemed reasonable
5 5 by the court.

5 6 (2) More than 150 gross points: A minimum of five
5 7 thousand dollars and not more than ten thousand dollars, and
5 8 eighty hours of community service or, in lieu of the community
5 9 service, a minimum of ten thousand dollars and not more than
5 10 twenty thousand dollars, in an amount that is deemed
5 11 reasonable by the court.

5 12 Sec. 12. Section 481A.133, Code 2005, is amended to read
5 13 as follows:

5 14 481A.133 SUSPENSION OF LICENSES, CERTIFICATES, AND
5 15 PERMITS.

5 16 A person who is assessed damages pursuant to section
5 17 481A.130 shall immediately surrender all licenses,
5 18 certificates, and permits to hunt, fish, or trap in the state
5 19 to the department. The licenses, permits, and certificates,
5 20 and the privileges associated with them shall remain suspended
5 21 until the assessed damages and any accrued interest are paid
5 22 ~~or a payment schedule is established by the court in full.~~

~~5 23 Upon payment of the assessed damages and any accrued interest,
5 24 the suspension shall be lifted. If a payment schedule is
5 25 established, the suspension shall be lifted and remain so
5 26 unless the person fails to make a payment pursuant to that
5 27 schedule. Failure to make a payment shall cause the
5 28 suspension to be renewed. Interest shall begin to accrue as
5 29 of the date of judgment at a rate of ten percent per year.~~

5 30 Sec. 13. Section 483A.27, subsections 1 and 7, Code 2005,
5 31 are amended to read as follows:

5 32 1. A person born after January 1, ~~1967~~ 1972, shall not
5 33 obtain a hunting license unless the person has satisfactorily
5 34 completed a hunter safety and ethics education course approved
5 35 by the commission. A person who is eleven years of age or
6 1 more may enroll in an approved hunter safety and ethics
6 2 education course, but a person who is eleven years of age and
6 3 who has successfully completed the course shall be issued a
6 4 certificate of completion which becomes valid on the person's
6 5 twelfth birthday. A certificate of completion from an
6 6 approved hunter safety and ethics education course issued in
6 7 this state since 1960, by another state, or by a foreign
6 8 nation, is valid for the requirements of this section.

6 9 7. A hunting license obtained under this section by a
6 10 person who gave false information or presented a fraudulent
6 11 certificate of completion shall be revoked and a new hunting
6 12 license shall not be issued for at least two years from the
6 13 date of conviction. A hunting license obtained by a person
6 14 who was born after January 1, ~~1967~~ 1972, but has not
6 15 satisfactorily completed the hunter safety and ethics
6 16 education course or has not met the requirements established
6 17 by the commission, shall be revoked.

6 18 EXPLANATION

6 19 This bill contains provisions relating to the regulation of
6 20 various conservation and recreation activities under the
6 21 purview of the department of natural resources.

6 22 Code section 455A.4 is amended by striking the provision
6 23 that requires the department of natural resources to submit a
6 24 report every five years to the natural resource commission
6 25 that includes information concerning the classification of the
6 26 state's parks, recreation areas, and preserves and any
6 27 recommendations for reclassification; methods for maintaining
6 28 the diversity of animal and plant life in state parks,
6 29 recreation areas, and preserves; options to achieve controlled
6 30 deer hunting in order to prevent overpopulation of deer; and
6 31 prevention of economic damage to private property which is
6 32 located adjacent to state parks, recreation areas, and
6 33 preserves.

6 34 Code section 456A.37 is amended to identify and define
6 35 additional species as "aquatic invasive species" by rule
7 1 without the subsequent codification of the definitions by the
7 2 general assembly at the next regular session.

7 3 Code section 461A.25 is amended by allowing the director of

7 4 the department of natural resources to execute leases of
7 5 property under the natural resource commission's jurisdiction
7 6 for periods of five years or less, with the approval of the
7 7 commission. The bill also provides that for leases of such
7 8 property in excess of five years the commission shall
7 9 advertise and may accept bids and approve leases that the
7 10 commission determines are in the best interests of the state.

7 11 Code section 462A.2 is amended to define a "cut-off switch"
7 12 as an operable factory=installed or dealer=installed emergency
7 13 cut-off engine stop switch that is installed on a personal
7 14 watercraft and to define a "cut-off switch lanyard" as the
7 15 cord used to attach the person of the operator of a personal
7 16 watercraft to the cut-off switch.

7 17 Code section 462A.7 is amended to provide that the owner of
7 18 a vessel shall give assistance, so far as possible, and
7 19 provide the vessel operator's name, address, and vessel
7 20 identification to any person who is injured or whose property
7 21 is damaged when the operator's vessel is involved in an
7 22 occurrence that results in personal property damage or that
7 23 results in the injury or death of a person. Code section
7 24 462A.7 is also amended to provide that when any vessel is
7 25 involved in such an occurrence, except one which results only
7 26 in property damage not exceeding \$2,000, a report must be
7 27 filed with the natural resource commission by the operator of
7 28 the vessel involved. Previously, a report had to be filed
7 29 when the property damage exceeded \$500. The report must be
7 30 filed within 48 hours of the occurrence when a person dies or
7 31 disappears or when a person suffers an injury requiring more
7 32 than first aid treatment. In all other cases, the report must
7 33 be filed within five days of the occurrence.

7 34 Code section 462A.9 is amended to provide that the owner of
7 35 a personal watercraft equipped with a cut-off switch must
8 1 maintain the cut-off switch and the accompanying cut-off
8 2 switch lanyard in an operable, fully functional condition. A
8 3 violation of this new provision is punishable by a scheduled
8 4 fine of \$20 under Code section 805.8B.

8 5 Code section 462A.12 is amended to prohibit a person from
8 6 operating a personal watercraft that is equipped with a cut=
8 7 off switch, at any time, without first attaching the
8 8 accompanying cut-off switch lanyard to the operator's person
8 9 while the engine is running and the personal watercraft is in
8 10 use. A violation of this provision is punishable by a
8 11 scheduled fine of \$25.

8 12 Code section 462A.12 is amended to prohibit a person from
8 13 operating a vessel on the waters of this state unless every
8 14 person on board the vessel who is under 13 years of age is
8 15 wearing a type I, II, III, or V personal flotation device that
8 16 is approved by the United States coast guard, while the vessel
8 17 is under way. This provision does not apply to a person under
8 18 13 years of age who is in an enclosed cabin or below deck. A
8 19 violation of this provision is punishable by a scheduled fine
8 20 of \$25.

8 21 Code section 481A.55 is amended to allow a person to buy or
8 22 sell the bones of wild turkeys that were legally taken. A
8 23 violation of this provision is punishable by a scheduled fine
8 24 of \$50.

8 25 Code section 481A.130 is amended to specify that damages
8 26 for illegally taking an antlered deer are based on the Boone
8 27 and Crockett club scoring system of gross points for whitetail
8 28 deer.

8 29 Code section 481A.133 is amended to provide that when a
8 30 person is assessed damages for unlawfully selling, taking,
8 31 catching, killing, injuring, destroying, or possessing an
8 32 animal, the person's licenses, certificates, and permits are
8 33 suspended until payment in full of the assessed damages and
8 34 accrued interest. The bill removes the option that allowed a
8 35 person to pay damages pursuant to a payment schedule. The
9 1 bill also specifies that interest begins to accrue as of the
9 2 date of judgment at a rate of 10 percent per year.

9 3 Code section 483A.27 is amended to provide that a person
9 4 born after January 1, 1972, instead of January 1, 1967, must
9 5 complete a hunter safety and ethics education course before
9 6 obtaining a hunting license and that a hunting license
9 7 obtained by a such a person who has not completed the required
9 8 course shall be revoked. A violation of these provisions is
9 9 punishable by a scheduled fine of \$20.

9 10 LSB 1616SV 81

9 11 av:nh/gg/14