

CHAPTER 109

ENDANGERED WILDLIFE AND PLANTS

H. F. 497

AN ACT relating to the conservation management and protection of fish, plant life, and wildlife species endangered or threatened with extinction and prescribing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

- 1 SECTION 1. NEW SECTION. **Definitions.** As used in this Act:
 2 1. "Commission" means the state conservation commission.
 3 2. "Director" means the director of the state conservation commis-
 4 sion.
 5 3. "Endangered species" means any species of fish, plant life, or
 6 wildlife which is in danger of extinction throughout all or a significant
 7 part of its range. "Endangered species" does not include a species of
 8 insecta determined by the commission or the secretary of the United
 9 States department of interior to constitute a pest whose protection un-
 10 der this Act would present an overwhelming and overriding risk to
 11 man.
 12 4. "Fish or wildlife" means any member of the animal kingdom, in-
 13 cluding any mammal, fish, amphibian, mollusk, crustacean, arthropod,
 14 or other invertebrate, and includes any part, product, egg, or offspring,
 15 or the dead body of parts thereof. Fish or wildlife includes migratory
 16 birds, nonmigratory birds, or endangered birds for which protection is
 17 afforded by treaty or other international agreement.
 18 5. "Import" means to bring into, or introduce into, or attempt to
 19 bring into, or attempt to introduce into, any place subject to the juris-
 20 diction of this state.
 21 6. "Person" means person as defined in subsection thirteen (13) of
 22 section four point one (4.1) of the Code.
 23 7. "Plant or plant life" means any member of the plant kingdom,
 24 including seeds, roots, and other parts thereof.
 25 8. "Species" includes any subspecies of fish, plant life, or wildlife
 26 and any other group of fish, plants, or wildlife of the same species or
 27 smaller taxa in common spatial arrangement that interbreed or cross-
 28 pollinate when mature.
 29 9. "Take", in reference to fish and wildlife, means to harass, harm,
 30 pursue, hunt, shoot, wound, kill, trap, capture, collect and it includes
 31 an attempt to engage in any such conduct.
 32 10. "Take", in reference to plants, means to collect, pick, cut, dig
 33 up, or destroy in any manner.
 34 11. "Threatened species" means any species which is likely to be-
 35 come an endangered species within the foreseeable future throughout
 36 all or a significant portion of its range.

1 SEC. 2. NEW SECTION. The commission shall perform those acts
 2 necessary for the conservation, protection, restoration, and propagation
 3 of endangered and threatened species in cooperation with the federal
 4 government, pursuant to Public Law ninety-three hyphen two hundred
 5 five (93-205), and pursuant to rules promulgated by the secretary of the
 6 interior.

1 SEC. 3. NEW SECTION. The director shall conduct investigations on
 2 fish, plants, and wildlife in order to develop information relating to
 3 population, distribution, habitat needs, limiting factors, and other bio-
 4 logical and ecological data to determine management measures neces-
 5 sary for their continued ability to sustain themselves successfully. On
 6 the basis of these determinations and other available scientific and

7 commercial data, which may include consultation with scientists and
 8 others who may have specialized knowledge, learning, or experience,
 9 the commission shall pursuant to chapter seventeen A (17A) of the
 10 Code promulgate a rule listing those species of fish, plants, and wild-
 11 life which are determined to be endangered or threatened within the
 12 state.

13 The commission shall review the state list of endangered and threat-
 14 ened species at least every two years and may amend the list.

1 SEC. 4. NEW SECTION. The director shall establish programs, in-
 2 cluding acquisition of land or aquatic habitat, necessary for the man-
 3 agement of endangered or threatened species.

4 In carrying out the programs authorized by this section, the commis-
 5 sion may enter into cooperative agreements with federal and state
 6 agencies, political subdivisions of the state, or with private persons for
 7 the administration and management of any area or program estab-
 8 lished under this section or for investigation as outlined in section
 9 three (3) of this Act.

1 SEC. 5. NEW SECTION. Except as otherwise provided in this Act, a
 2 person shall not take, possess, transport, import, export, process, sell or
 3 offer for sale, buy or offer to buy, nor shall a common or contract car-
 4 rier transport or receive for shipment, any species of fish, plants, or
 5 wildlife appearing on the following lists:

6 1. The list of fish, plants, and wildlife indigenous to the state deter-
 7 mined to be endangered or threatened within the state pursuant to sec-
 8 tion three (3) of this Act.

9 2. The United States list of endangered or threatened native fish
 10 and wildlife as contained in the code of federal regulations, title fifty
 11 (50), part seventeen (17) as amended to December 30, 1974.

12 3. The United States list of endangered or threatened plants as con-
 13 tained in the code of federal regulations, title fifty (50), part seventeen
 14 (17) as amended to December 30, 1974.

15 4. The United States list of endangered or threatened foreign fish
 16 and wildlife as contained in the code of federal regulations, title fifty
 17 (50), part seventeen (17) as amended to December 30, 1974.

18 5. A species of fish, plant, or wildlife appearing on any of the lists
 19 which enters the state from another state or from a point outside the
 20 territorial limits of the United States may enter, be transported, pos-
 21 sessed and sold in accordance with the terms of a federal permit issued
 22 pursuant to Public Law ninety-three hyphen two hundred five (93-205)
 23 or an applicable permit issued under the laws of another state.

1 SEC. 6. NEW SECTION. The commission may, by rule, treat any
 2 species as an endangered species or threatened species even though it is
 3 not listed pursuant to section three (3) of this Act if it finds that the
 4 species so closely resembles in appearance a species which is listed pur-
 5 suant to section three (3) of this Act and that enforcement personnel
 6 would have substantial difficulty in attempting to differentiate be-
 7 tween the listed and unlisted species, and the effect of this substantial
 8 difficulty is an additional threat to an endangered or threatened spe-
 9 cies, or finds that the treatment of an unlisted species will substantial-
 10 ly facilitate the enforcement and further the intent of this Act.

1 SEC. 7. NEW SECTION. The director may permit the taking, posses-
 2 sion, purchase, sale, transportation, importation, exportation, or ship-
 3 ment of endangered or threatened species which appear on the state
 4 list for scientific, zoological, or educational purposes, for propagation
 5 in captivity of such fish, plants, or wildlife, to insure their survival.

1 SEC. 8. NEW SECTION. Upon good cause shown and where neces-
 2 sary to reduce damage to property or to protect human health, endan-
 3 gered or threatened species found on the state list may be removed,
 4 captured, or destroyed, but only pursuant to a permit issued by the di-
 5 rector.

1 SEC. 9. NEW SECTION. This Act shall not prohibit:

2 1. The importation of a trophy under a permit issued pursuant to
 3 Public Law ninety-three hyphen two hundred five (93-205) which is not
 4 for resale and which was lawfully taken in a manner permitted by the
 5 laws of the state, territory, or country where the trophy was caught,
 6 taken, or killed.

7 2. The taking of a threatened species when the commission has de-
 8 termined that its abundance in the state justifies a controlled harvest
 9 not in violation of federal laws or regulations.

1 SEC. 10. NEW SECTION. **Penalties.** Whoever violates any of the
 2 provisions of this Act shall be fined not less than ten dollars nor more
 3 than one hundred dollars or be imprisoned in the county jail not more
 4 than thirty days.

Approved June 3, 1975

CHAPTER 110

GREEN THUMB PROGRAM

S. F. 573

AN ACT relating to programs for elderly, handicapped, and lower income persons and persons in need of health care and making appropriations.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. NEW SECTION. There is established a "green thumb" pro-
 2 gram to be administered by the state conservation commission. The
 3 purpose of the program is to encourage and promote meaningful em-
 4 ployment of senior citizens in horticultural related fields.

1 SEC. 2. NEW SECTION. There is created a "green thumb" fund to be
 2 administered by the state conservation commission which shall consist
 3 of those moneys appropriated by the general assembly, received from
 4 the federal government, or donated by a private individual or organi-
 5 zation for the purpose of implementing the "green thumb" program.
 6 The state conservation commission may allocate money from the
 7 "green thumb" fund to county conservation boards in amounts not ex-
 8 ceeding the amount expended by the county conservation board to im-
 9 plement its "green thumb" program.

1 SEC. 3. NEW SECTION. The state conservation commission in cooper-
 2 ation with the commission on aging and the governor's committee on
 3 employment of the handicapped shall prepare a state plan for imple-
 4 mentation of the "green thumb" program in facilities under the juris-
 5 diction of the state conservation commission and for "green thumb"
 6 programs sponsored by county conservation boards.

1 SEC. 4. NEW SECTION. The plan for a "green thumb" program shall
 2 include the following: