

JAN 17 2002  
NATURAL RESOURCES

HOUSE FILE 2076  
BY KETTERING

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the designation of open water refuges for, and  
2 the protection of, migratory and wild birds and subjecting  
3 violators to a penalty.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HF 2076

1 Section 1. NEW SECTION. 481A.43 MIGRATORY OR WILD BIRDS  
2 -- WATER OR ICE REFUGES -- DRIVING, CONCENTRATING, RALLYING  
3 PROHIBITED -- EXCEPTIONS -- PENALTY.

4 1. All waters of the state under the jurisdiction of the  
5 commission that are two hundred fifty or more yards from shore  
6 or emergent vegetation shall be an open water or ice refuge  
7 for migratory or wild birds. All watercraft, snowmobiles, or  
8 motor vehicles shall enter an open water or ice refuge on a  
9 course so as not to disturb any resting migratory or wild  
10 birds and at a speed of not more than five miles per hour.

11 2. A person shall not drive, concentrate, or rally  
12 migratory or wild birds with the use of any watercraft on any  
13 waters of this state under the jurisdiction of the commission.

14 3. This section does not apply to towboats, barges, or  
15 other large vessels operating on the Mississippi or Missouri  
16 river within the navigation channel. This section shall also  
17 not apply to waterfowl hunters who enter an open water or ice  
18 refuge to retrieve waterfowl legally taken if the waterfowl is  
19 retrieved in a manner so as not to disturb resting migratory  
20 or wild birds in the open water or ice refuge.

21 4. A person violating this section is guilty of a simple  
22 misdemeanor punishable by a scheduled fine as provided in  
23 section 805.8B, subsection 3, paragraph "d".

24 Sec. 2. Section 805.8B, subsection 3, paragraph d, Code  
25 Supplement 2001, is amended to read as follows:

26 d. For violations of sections 481A.7, 481A.24, 481A.43,  
27 481A.47, 481A.52, 481A.53, 481A.55, 481A.58, 481A.76, 481A.90,  
28 481A.91, 481A.97, 481A.122, 481A.126, 481A.142, 481A.145,  
29 subsection 2, sections 482.8, and 483A.37, the scheduled fine  
30 is fifty dollars.

31

#### EXPLANATION

32 This bill establishes an open water or ice refuge for  
33 migratory or other wild birds in all waters of the state under  
34 the jurisdiction of the natural resource commission that are  
35 250 or more yards from the shore or emergent vegetation. All

1 watercraft, snowmobiles, or motor vehicles approaching resting  
2 migratory or wild birds in a refuge shall reduce their speed  
3 to a maximum of five miles per hour and take a course so as  
4 not to disturb the resting birds. This prohibition does not  
5 apply to towboats, barges, and other large vessels operating  
6 on the Mississippi or Missouri river, within the navigation  
7 channel and to hunters who enter water or ice refuges to  
8 retrieve legally taken waterfowl and follow a course in a  
9 manner so as not to disturb resting birds.

10 This bill also prohibits the driving, concentrating, or  
11 rallying of migratory or wild birds with any watercraft.

12 A person violating the prohibition against disturbing  
13 migratory or wild birds in an open water or ice refuge or  
14 against driving, concentrating, or rallying migratory or wild  
15 birds with any watercraft is guilty of a simple misdemeanor  
16 which is punishable by a scheduled fine of \$50.

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35