

FEB 9 2005
NATURAL RESOURCES

HOUSE FILE 244
BY ALONS

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

A BILL FOR

1 An Act restricting the sale of bait by nonresidents who hold a
2 license to engage in aquaculture.

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

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HF 244

1 Section 1. Section 481A.142, subsection 5, paragraph b,
2 Code 2005, is amended to read as follows:

3 b. A person who holds a nonresident aquaculture unit
4 licensee license shall be limited to selling bait at to a
5 licensed wholesale unless-the-home-state-of-the-nonresident
6 licensee-allows-residents-of-this-state-to-sell bait at-retail
7 dealer.

8 EXPLANATION

9 This bill amends a provision which regulates persons
10 engaged in aquaculture, which is the controlled propagation,
11 growth, and harvest of aquatic organisms (e.g., fish,
12 amphibians, reptiles, mollusks, crustaceans, gastropods, and
13 algae). These persons must be licensed by the department of
14 natural resources. The water where aquaculture occurs is
15 referred to as a licensed unit. A person who has been issued
16 a license may sell bait (such as minnows, frogs, and clams)
17 propagated or raised within the licensed unit without having
18 to obtain a bait dealer's license under Code section 483A.1.

19 The bill applies to a person who is licensed under the
20 statute but who is a nonresident. Currently, a nonresident
21 can only sell bait at wholesale. However, there is one
22 exception based on reciprocity of state law. If the
23 nonresident's home state allows Iowa residents to sell bait at
24 retail to its citizens, then Iowa law also allows the
25 nonresident to sell bait at retail to Iowa citizens. The bill
26 eliminates that exception and provides that the nonresident
27 may only sell the bait to a licensed wholesale dealer
28 regardless of the law of the nonresident's home state.

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