

FEB 1 1 2005
Place On Calendar

HOUSE FILE 282
BY COMMITTEE ON NATURAL
RESOURCES

(SUCCESSOR TO HSB 92)

Passed House, Date _____ Passed Senate, 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
6

HF 282

HOUSE FILE 282

H-1036

1 Amend House File 282 as follows:
2 1. Page 4, by inserting after line 5 the
3 following:
4 "Sec. ____ . Section 481A.55, subsection 1, Code
5 2005, is amended to read as follows:
6 1. Except as otherwise provided, a person shall
7 not buy or sell, dead or alive, a bird or animal or
8 any part of one which is protected by this chapter,
9 but this section does not apply to fur-bearing
10 animals, bones of wild turkeys that were legally
11 taken, and the skins, plumage, and antlers of legally
12 taken game. This section does not prohibit the
13 purchase of jackrabbits from sources outside this
14 state. A person shall not purchase, sell, barter, or
15 offer to purchase, sell, or barter for millinery or
16 ornamental use the feathers of migratory game birds;
17 and a person shall not purchase, sell, barter, or
18 offer to purchase, sell, or barter mounted specimens
19 of migratory game birds."

By REICHERT of Muscatine

H-1036 FILED FEBRUARY 28, 2005

1 Section 1. Section 455A.4, subsection 1, paragraph j, Code
2 2005, is amended by striking the paragraph.

3 Sec. 2. Section 456A.37, subsection 1, paragraph c, Code
4 2005, is amended to read as follows:

5 c. "Aquatic invasive species" means a species that is not
6 native to an ecosystem and whose introduction causes or is
7 likely to cause economic or environmental harm or harm to
8 human health including but not limited to habitat alteration
9 and degradation, and loss of biodiversity. For the purposes
10 of this section, "aquatic invasive species" are limited to
11 Eurasian water milfoil, purple loosestrife, and zebra mussels,
12 ~~except-as-provided-in-subsection-4~~ and those species
13 identified as "aquatic invasive species" by the commission by
14 rule.

15 Sec. 3. Section 456A.37, subsection 4, unnumbered
16 paragraph 2, Code 2005, is amended to read as follows:

17 c. If the commission determines that an additional species
18 should be defined as an "aquatic invasive species", the
19 species may shall be defined by the commission by rule as an
20 "aquatic invasive species" ~~subject-to-enactment-of-the~~
21 ~~definition-by-the-general-assembly-at-the-next-regular-session~~
22 ~~of-the-general-assembly.--Failure-of-the-general-assembly-to~~
23 ~~enact-the-definition-pursuant-to-this-paragraph-constitutes-a~~
24 ~~nullification-of-the-definition-effective-upon-adjournment-of~~
25 ~~that-next-regular-session-of-the-general-assembly.~~

26 Sec. 4. Section 461A.25, unnumbered paragraph 1, Code
27 2005, is amended to read as follows:

28 The commission may ~~recommend-that-the-executive-council~~
29 lease property under the commission's jurisdiction. All
30 leases shall reserve to the public of the state the right to
31 enter upon the property leased for any lawful purpose. The
32 ~~council-may,--if-it-approves-the-recommendation-and-the~~ If a
33 lease is to be entered into ~~is~~ for a period of five years or
34 less, the director, upon approval by the commission, shall
35 execute the lease in on behalf of the state and commission.

1 ~~If the recommendation is for~~ a lease is to be entered into for
2 a period in excess of five years, with the exception of
3 agricultural lands specifically dealt with in Article I,
4 section 24, of the Constitution of the State of Iowa, the
5 ~~council~~ commission shall advertise for bids. ~~If a bid is~~
6 ~~accepted, the lease shall be let or executed by the council in~~
7 ~~accordance with the most desirable bid.~~ The commission may
8 accept bids and approve leases that the commission determines
9 are in the best interests of the state. A lease shall not be
10 executed for a term longer than fifty years. Any such
11 leasehold interest, including any improvements placed on it,
12 shall be listed on the tax rolls as provided in chapters 428
13 and 443; assessed and valued as provided in chapter 441; taxes
14 shall be levied on it as provided in chapter 444 and collected
15 as provided in chapter 445; and the leasehold interest is
16 subject to tax sale, redemption, and apportionment of taxes as
17 provided in chapters 446, 447 and 448. The lessee shall
18 discharge and pay all taxes.

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

21 NEW SUBSECTION. 8A. "Cut-off switch" means an operable
22 factory-installed or dealer-installed emergency cut-off engine
23 stop switch that is installed on a personal watercraft.

24 NEW SUBSECTION. 8B. "Cut-off switch lanyard" means the
25 cord used to attach the person of the operator of a personal
26 watercraft to the cut-off switch.

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

29 1. The operator of a vessel involved in ~~a collision,~~
30 ~~accident or other casualty~~ an occurrence that results in
31 personal property damage or that results in the injury or
32 death of a person shall, so far as possible without serious
33 danger to the operator's own vessel, crew or passengers,
34 render to other persons affected by the ~~collision, accident or~~
35 ~~casualty~~ occurrence, such assistance as may be practicable and

1 necessary to save them from or minimize any danger caused by
2 the ~~collision, accident or other casualty~~ occurrence. The
3 operator shall also give the operator's name, address, and
4 identification of the operator's vessel in writing to any
5 person injured and to the owner of any property damaged in the
6 ~~collision, accident or other casualty~~ occurrence.

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

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

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

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

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

33 NEW SUBSECTION. 15. A person shall not operate a vessel
34 on the waters of this state unless every person on board the
35 vessel who is under thirteen years of age is wearing a type I,

1 II, III, or V personal flotation device that is approved by
2 the United States coast guard, while the vessel is under way.
3 This subsection does not apply to a person who is under
4 thirteen years of age and is in an enclosed cabin or below
5 deck.

6 Sec. 9. Section 481A.130, subsection 1, paragraph g, Code
7 2005, is amended to read as follows:

8 g. For each antlered deer, reimbursement shall be based on
9 the point score of the antlered deer as measured by the Boone
10 and Crockett club's net scoring system for whitetail deer as
11 follows:

12 (1) 150 gross points or less: A minimum of two thousand
13 dollars and not more than five thousand dollars, and eighty
14 hours of community service or, in lieu of the community
15 service, a minimum of four thousand dollars and not more than
16 ten thousand dollars, in an amount that is deemed reasonable
17 by the court.

18 (2) More than 150 gross points: A minimum of five
19 thousand dollars and not more than ten thousand dollars, and
20 eighty hours of community service or, in lieu of the community
21 service, a minimum of ten thousand dollars and not more than
22 twenty thousand dollars, in an amount that is deemed
23 reasonable by the court.

24 Sec. 10. Section 481A.133, Code 2005, is amended to read
25 as follows:

26 481A.133 SUSPENSION OF LICENSES, CERTIFICATES, AND
27 PERMITS.

28 A person who is assessed damages pursuant to section
29 481A.130 shall immediately surrender all licenses,
30 certificates, and permits to hunt, fish, or trap in the state
31 to the department. The licenses, permits, and certificates,
32 and the privileges associated with them shall remain suspended
33 until the assessed damages and any accrued interest are paid
34 ~~or a payment schedule is established by the court~~ in full.
35 Upon payment of the assessed damages and any accrued interest,

1 the suspension shall be lifted. ~~If a payment schedule is~~
2 ~~established, the suspension shall be lifted and remain so~~
3 ~~unless the person fails to make a payment pursuant to that~~
4 ~~schedule. Failure to make a payment shall cause the~~
5 ~~suspension to be renewed.~~ Interest shall begin to accrue as
6 of the date of judgment at a rate of ten percent per year.

7 Sec. 11. Section 483A.27, subsections 1 and 7, Code 2005,
8 are amended to read as follows:

9 1. A person born after January 1, ~~1967~~ 1972, shall not
10 obtain a hunting license unless the person has satisfactorily
11 completed a hunter safety and ethics education course approved
12 by the commission. A person who is eleven years of age or
13 more may enroll in an approved hunter safety and ethics
14 education course, but a person who is eleven years of age and
15 who has successfully completed the course shall be issued a
16 certificate of completion which becomes valid on the person's
17 twelfth birthday. A certificate of completion from an
18 approved hunter safety and ethics education course issued in
19 this state since 1960, by another state, or by a foreign
20 nation, is valid for the requirements of this section.

21 7. A hunting license obtained under this section by a
22 person who gave false information or presented a fraudulent
23 certificate of completion shall be revoked and a new hunting
24 license shall not be issued for at least two years from the
25 date of conviction. A hunting license obtained by a person
26 who was born after January 1, ~~1967~~ 1972, but has not
27 satisfactorily completed the hunter safety and ethics
28 education course or has not met the requirements established
29 by the commission, shall be revoked.

30

EXPLANATION

31 This bill contains provisions relating to the regulation of
32 various conservation and recreation activities under the
33 purview of the department of natural resources.

34 Code section 455A.4 is amended by striking the provision
35 that requires the department of natural resources to submit a

1 report every five years to the natural resource commission
2 that includes information concerning the classification of the
3 state's parks, recreation areas, and preserves and any
4 recommendations for reclassification; methods for maintaining
5 the diversity of animal and plant life in state parks,
6 recreation areas, and preserves; options to achieve controlled
7 deer hunting in order to prevent overpopulation of deer; and
8 prevention of economic damage to private property which is
9 located adjacent to state parks, recreation areas, and
10 preserves.

11 Code section 456A.37 is amended to provide that the natural
12 resource commission can define additional species as "aquatic
13 invasive species" by rule without subsequent approval by the
14 general assembly.

15 Code section 461A.25 is amended by allowing the director of
16 the department of natural resources to execute leases of
17 property under the natural resource commission's jurisdiction
18 for periods of five years or less, with the approval of the
19 commission. The bill also provides that for leases of such
20 property in excess of five years the commission shall
21 advertise and may accept bids and approve leases that the
22 commission determines are in the best interests of the state.

23 Code section 462A.2 is amended to define a "cut-off switch"
24 as an operable factory-installed or dealer-installed emergency
25 cut-off engine stop switch that is installed on a personal
26 watercraft and to define a "cut-off switch lanyard" as the
27 cord used to attach the person of the operator of a personal
28 watercraft to the cut-off switch.

29 Code section 462A.7 is amended to provide that the owner of
30 a vessel shall give assistance, so far as possible, and
31 provide the vessel operator's name, address, and vessel
32 identification to any person who is injured or whose property
33 is damaged when the operator's vessel is involved in an
34 occurrence that results in personal property damage or that
35 results in the injury or death of a person. Code section

1 462A.7 is also amended to provide that when any vessel is
2 involved in such an occurrence, except one which results only
3 in property damage not exceeding \$2,000, a report must be
4 filed with the natural resource commission by the operator of
5 the vessel involved. Previously, a report had to be filed
6 when the property damage exceeded \$500. The report must be
7 filed within 48 hours of the occurrence when a person dies or
8 disappears or when a person suffers an injury requiring more
9 than first aid treatment. In all other cases, the report must
10 be filed within five days of the occurrence.

11 Code section 462A.9 is amended to provide that the owner of
12 a personal watercraft equipped with a cut-off switch must
13 maintain the cut-off switch and the accompanying cut-off
14 switch lanyard in an operable, fully functional condition. A
15 violation of this new provision is punishable by a scheduled
16 fine of \$20 under Code section 805.8B.

17 Code section 462A.12 is amended to prohibit a person from
18 operating a personal watercraft that is equipped with a cut-
19 off switch, at any time, without first attaching the
20 accompanying cut-off switch lanyard to the operator's person
21 while the engine is running and the personal watercraft is in
22 use. A violation of this provision is punishable by a
23 scheduled fine of \$25.

24 Code section 462A.12 is amended to prohibit a person from
25 operating a vessel on the waters of this state unless every
26 person on board the vessel who is under 13 years of age is
27 wearing a type I, II, III, or V personal flotation device that
28 is approved by the United States coast guard, while the vessel
29 is under way. This provision does not apply to a person under
30 13 years of age who is in an enclosed cabin or below deck. A
31 violation of this provision is punishable by a scheduled fine
32 of \$25.

33 Code section 481A.130 is amended to provide that
34 reimbursement for illegally taken antlered deer shall be based
35 on the gross point score of the antlered deer under the Boone

1 and Crockett club's scoring system for whitetail deer.

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

11 Code section 483A.27 is amended to provide that a person
12 born after January 1, 1972, instead of January 1, 1967, must
13 complete a hunter safety and ethics education course before
14 obtaining a hunting license and that a hunting license
15 obtained by a such a person who has not completed the required
16 course shall be revoked. A violation of these provisions is
17 punishable by a scheduled fine of \$20.

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**EIGHTY-FIRST GENERAL ASSEMBLY
2005 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

MARCH 28, 2005

HOUSE FILE 282

H-1177

1 Amend House File 282 as follows:

2 1. Page 4, by inserting after line 5 the
3 following:

4 "Sec. _____. Section 481A.130, subsection 1,
5 unnumbered paragraph 1, Code 2005, is amended to read
6 as follows:

7 In addition to the penalties for violations of this
8 chapter and chapters 350, 461A, 481B, and 482, or for
9 committing trespass as defined in section 716.7 while
10 hunting, fishing, or trapping, a person convicted of
11 unlawfully selling, taking, catching, killing,
12 injuring, destroying, or having in possession any
13 animal, shall reimburse the state for the value of
14 such as follows:"

15 2. Page 5, by inserting after line 6 the
16 following:

17 "Sec. _____. Section 481A.134, Code 2005, is amended
18 to read as follows:

19 481A.134 AUTHORITY TO CANCEL, SUSPEND, OR REVOKE
20 LICENSE -- POINT SYSTEM.

21 The department shall establish rules pursuant to
22 chapter 17A providing for the suspension or revocation
23 of licenses issued by the department. The rules may
24 include procedures for summary cancellation of a
25 license based on documentation that the licensee
26 failed to pay the applicable fee for the license. For
27 purposes of determining when to suspend or revoke a
28 license issued by the department under this section,
29 the department shall adopt a point system pursuant to
30 chapter 17A for the purpose of weighing the
31 seriousness of violations of the provisions of this
32 chapter or chapter 481B, 482, 483A, 484A, or 484B, or
33 of committing trespass as defined in section 716.7
34 while hunting, fishing, or trapping. The weighted
35 scale may be amended from time to time as experience
36 dictates.

37 Sec. _____. Section 481A.135, subsections 2, 3, and
38 4, Code 2005, are amended to read as follows:

39 2. A person who pleads guilty or is convicted of a
40 violation of any provision of this chapter or chapter
41 481B, 482, 483A, 484A, or 484B, or trespass as defined
42 in section 716.7 while hunting, fishing, or trapping,
43 while the person's license or licenses are suspended
44 or revoked is guilty of a simple misdemeanor if the
45 person has no other violations within the previous
46 three years which occurred while the person's license
47 or licenses have been suspended or revoked.

48 3. A person who pleads guilty or is convicted of a
49 violation of any provision of this chapter or chapter
50 481B, 482, 483A, 484A, or 484B, or trespass as defined

H-1177

1 in section 716.7 while hunting, fishing, or trapping,
2 while the person's license or licenses are suspended
3 or revoked is guilty of a serious misdemeanor if the
4 person has one other violation within the previous
5 three years which occurred while the person's license
6 or licenses have been suspended or revoked.

7 4. A person who pleads guilty or is convicted of a
8 violation of any provision of this chapter or chapter
9 481B, 482, 483A, 484A, or 484B, or trespass as defined
10 in section 716.7 while hunting, fishing, or trapping,
11 while the person's license or licenses are suspended
12 or revoked is guilty of an aggravated misdemeanor when
13 the person has had two or more convictions within the
14 previous three years which occurred while the person's
15 license or licenses have been suspended or revoked."

16 3. Page 5, by inserting after line 29 the
17 following:

18 "Sec. _____. Section 716.7, subsection 2, paragraph
19 a, Code 2005, is amended to read as follows:

20 a. Entering upon or in property without the
21 express permission of the owner, lessee, or person in
22 lawful possession with the intent to commit a public
23 offense, to use, remove therefrom, alter, damage,
24 harass, or place thereon or therein anything animate
25 or inanimate, or to hunt, fish or trap on or in the
26 property, including the act of taking or attempting to
27 take a wild animal as defined in section 481A.1 which
28 is on or in the property by a person who is outside
29 the property. This paragraph does not prohibit the
30 unarmed pursuit of game or ~~fur-bearing~~ fur-bearing
31 animals by a person who lawfully injured or killed the
32 game or fur-bearing animal which ~~come~~ comes to rest on
33 or ~~escape~~ escapes to the property of another.

34 Sec. _____. Section 716.8, subsection 1, Code 2005,
35 is amended to read as follows:

36 1. Any person who ~~knowingly~~ trespasses upon the
37 property of another commits a simple misdemeanor.

38 Sec. _____. Section 716.8, Code 2005, is amended by
39 adding the following new subsection:

40 NEW SUBSECTION. 5. A person who commits a
41 trespass as defined in section 716.7, subsection 2,
42 paragraph "a", and takes a wild animal, as defined in
43 section 481A.1, shall also be subject to civil
44 penalties as provided in sections 481A.130 and
45 481A.131. An animal taken by a person while
46 committing such a trespass shall be subject to seizure
47 as provided in section 481A.12."

48 4. By renumbering as necessary.

By HORBACH of Tama

Fiscal Services Division
Legislative Services Agency
Fiscal Note

HF 282 - DNR Technical Changes (LSB 1616 HV)

Analyst: Debra Kozel (Phone: (515) 281-6767) (deb.kozel@legis.state.ia.us)

Fiscal Note Version – New

Requested by Representative Mary Lou Freeman

Description

House File 282 makes technical changes related to operations in the Department of Natural Resources (DNR). The changes include:

1. Eliminates the requirement for the DNR to submit a report every five years, because annual reports are submitted. The report included the following:
 - a. Classifications of State parks, recreation areas, and preserves.
 - b. Methods for maintaining the diversity of animal and plant life in these areas.
 - c. Options for controlled deer hunting to prevent the overpopulation of deer.
 - d. Preventing damage to private property located adjacent to State parks, recreation areas, and preserves.
2. Uses the Administrative Rule process to add new aquatic invasive species to the list of non-native plants and animals likely to cause economic or environmental damage.
3. Allows DNR Director to enter into certain lease agreements with approval from the Natural Resource Commission. This streamlines the process and conforms to the way agricultural and other leases are handled.
4. Conforms to national safety standards by making the following changes related to operating personal watercraft (jet skis):
 - a. Adds definitions for a cut-off switch and cut-off switch lanyard.
 - b. Requires an owner of a personal watercraft equipped with a cut-off switch and cut-off switch lanyard to maintain the equipment in operable condition.
 - c. Requires a person operating a personal watercraft equipped with a cut-off switch to attach the cut-off switch to the operator using the cut-off switch lanyard.
5. Conforms to national safety standards by requiring persons less than 13 years of age to wear a type I, II, III, or V personal flotation device on board of a moving vessel.
6. Makes changes related to boating accidents:
 - a. Changes language from “accident” to “occurrence” to conform to current legal definitions.
 - b. Increases the amount from \$500 to \$2,000 in property damage for filing a boating incident report, to conform to national standards and reflect current costs of repairs.
7. Clarifies the method calculating damages for deer poaching based on antler sizes.
8. Requires persons to pay any outstanding damage payments plus interest prior to receiving hunting or fishing privileges.
9. Changes the year that hunters born after a certain date are required to complete a Hunter Safety Course and Ethics Education Course before receiving a hunting license. Complete records are unavailable until January 1, 1972, so hunters born before that date are not included in the requirement.

Background

The technical changes will improve administrative procedures and align Department policy with federal regulations.

*Freeman
May
Van Engelenhoven
Bell
Lykam*

Succeeded by
SF 242

HSB 92
NATURAL RESOURCES

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

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:

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1 Section 1. Section 455A.4, subsection 1, paragraph j, Code
2 2005, is amended by striking the paragraph.

3 Sec. 2. Section 461A.25, unnumbered paragraph 1, Code
4 2005, is amended to read as follows:

5 The commission may ~~recommend that the executive council~~
6 lease property under the commission's jurisdiction. All
7 leases shall reserve to the public of the state the right to
8 enter upon the property leased for any lawful purpose. The
9 ~~council may, if it approves the recommendation and the~~ If a
10 lease is to be entered into is for a period of five years or
11 less, the director, upon approval by the commission, shall
12 execute the lease in on behalf of the state and commission.
13 ~~If the recommendation is for a lease is to be entered into for~~
14 a period in excess of five years, with the exception of
15 agricultural lands specifically dealt with in Article I,
16 section 24, of the Constitution of the State of Iowa, the
17 ~~council~~ commission shall advertise for bids. ~~if a bid is~~
18 ~~accepted, the lease shall be let or executed by the council in~~
19 ~~accordance with the most desirable bid.~~ The commission may
20 accept bids and approve leases that the commission determines
21 are in the best interests of the state. A lease shall not be
22 executed for a term longer than fifty years. Any such
23 leasehold interest, including any improvements placed on it,
24 shall be listed on the tax rolls as provided in chapters 428
25 and 443; assessed and valued as provided in chapter 441; taxes
26 shall be levied on it as provided in chapter 444 and collected
27 as provided in chapter 445; and the leasehold interest is
28 subject to tax sale, redemption, and apportionment of taxes as
29 provided in chapters 446, 447 and 448. The lessee shall
30 discharge and pay all taxes.

31 Sec. 3. Section 462A.2, Code 2005, is amended by adding
32 the following new subsections:

33 NEW SUBSECTION. 8A. "Cut-off switch" means an operable
34 ~~factory-installed or dealer-installed emergency cut-off engine~~
35 ~~stop switch that is installed on a personal watercraft.~~

1 NEW SUBSECTION. 8B. "Cut-off switch lanyard" means the
2 cord used to attach the person of the operator of a personal
3 watercraft to the cut-off switch.

4 Sec. 4. Section 462A.7, subsections 1 and 2, Code 2005,
5 are amended to read as follows:

6 1. The operator of a vessel involved in ~~a collision,~~
7 accident-or-other-casualty an occurrence that results in
8 personal property damage or that results in the injury or
9 death of a person shall, so far as possible without serious
10 danger to the operator's own vessel, crew or passengers,
11 render to other persons affected by the ~~collision,-accident-or-~~
12 casualty occurrence, such assistance as may be practicable and
13 necessary to save them from or minimize any danger caused by
14 the ~~collision,-accident-or-other-casualty~~ occurrence. The
15 operator shall also give the operator's name, address, and
16 identification of the operator's vessel in writing to any
17 person injured and to the owner of any property damaged in the
18 ~~collision,-accident-or-other-casualty~~ occurrence.

19 2. Whenever any vessel is involved in ~~a collision,~~
20 accident-or-casualty an occurrence that results in personal
21 property damage or that results in the injury or death of a
22 person, except one which results only in property damage not
23 exceeding five-hundred two thousand dollars, a report thereof
24 shall be filed with the commission. The report shall be filed
25 by the operator of the vessel and shall contain such
26 information as the commission may, by rule, require. The
27 report shall be submitted ~~without-delay~~ within forty-eight
28 hours of the occurrence in death or disappearance cases and in
29 occurrences that result in personal injuries requiring more
30 than first aid treatment, and within five days of the
31 occurrence in all other cases.

32 Sec. 5. Section 462A.9, Code 2005, is amended by adding
33 the following new subsection:

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35 equipped with a cut-off switch shall maintain the cut-off

1 switch and the accompanying cut-off switch lanyard in an
2 operable, fully functional condition.

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4 the following new subsections:

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6 watercraft that is equipped with a cut-off switch, at any
7 time, without first attaching the accompanying cut-off switch
8 lanyard to the operator's person while the engine is running
9 and the personal watercraft is in use.

10 NEW SUBSECTION. 15. A person shall not operate a vessel
11 on the waters of this state unless every person on board the
12 vessel who is under thirteen years of age is wearing a type I,
13 II, III, or V personal flotation device that is approved by
14 the United States coast guard, while the vessel is under way.
15 This subsection does not apply to a person who is under
16 thirteen years of age and is in an enclosed cabin or below
17 deck.

18 Sec. 7. Section 481A.133, Code 2005, is amended to read as
19 follows:

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21 PERMITS.

22 A person who is assessed damages pursuant to section
23 481A.130 shall immediately surrender all licenses,
24 certificates, and permits to hunt, fish, or trap in the state
25 to the department. The licenses, permits, and certificates,
26 and the privileges associated with them shall remain suspended
27 until the assessed damages and any accrued interest are paid
28 ~~or-a-payment-schedule-is-established-by-the-court~~ in full.

29 Upon payment of the assessed damages and any accrued interest,
30 the suspension shall be lifted. ~~if-a-payment-schedule-is~~
31 ~~established-the-suspension-shall-be-lifted-and-remain-so~~
32 ~~unless-the-person-fails-to-make-a-payment-pursuant-to-that~~
33 ~~schedule---Failure-to-make-a-payment-shall-cause-the~~
34 ~~suspension-to-be-renewed.~~ Interest shall begin to accrue as
35 of the date of judgment at a rate of ten percent per year.

1 deer hunting in order to prevent overpopulation of deer; and
2 prevention of economic damage to private property which is
3 located adjacent to state parks, recreation areas, and
4 preserves.

5 Code section 461A.25 is amended by allowing the director of
6 the department of natural resources to execute leases of
7 property under the natural resource commission's jurisdiction
8 for periods of five years or less, with the approval of the
9 commission. The bill also provides that for leases of such
10 property in excess of five years the commission shall
11 advertise and may accept bids and approve leases that the
12 commission determines are in the best interests of the state.

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

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

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

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

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

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

32 Code section 483A.27 is amended to provide that a person
33 born after January 1, 1972, instead of January 1, 1967, must
34 complete a hunter safety and ethics education course before
35 obtaining a hunting license and that a hunting license

1 obtained by a such a person who has not completed the required
2 course shall be revoked. A violation of these provisions is
3 punishable by a scheduled fine of \$20.

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STATE OF IOWA

THOMAS J. VILSACK, GOVERNOR
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
JEFFREY R. VONK, DIRECTOR

To: General Assembly

From: Jeffrey R. Vonk, Director 
Iowa Department of Natural Resources

Date: January 19, 2005

Re: Technical and Corrective Conservation & Recreation Code Changes

The department proposes to amend seven Code sections to "clean up" administrative procedures, and bring the department in line with other states and federal agencies concerning recreational safety requirements.

The seven changes include the following:

- Rescinds the requirement of a report to the Natural Resource Commission on deer damage to parks, recreation areas and preserves every five years. This requirement began in 1992, and was established to maintain diversity of animal and plant life in these areas and determine economic damage to private property adjacent to these areas. Two separate annual reports include the information in this requirement: "Trends in Iowa Wildlife Populations and Harvest," and the annual report from the depredation program. Also, during the 1997 legislative session, an amendment to the Iowa Code was passed removing the statutory restriction on firearms in state parks, allowing the department to establish special population-control hunts in state parks without first seeking reclassification of that park as a state recreation area. (Most Iowa State Preserves already allow hunting). That same year the wild animal depredation unit was established by code. Biologists, park managers and adjacent landowners now identify where and when there is a need to reduce deer populations to address deer damage through the deer depredation program, thereby helping protect biological diversity in these areas.
- Allows the department director to enter into certain leases with Natural Resource Commission approval. This allows the department director authority to enter into leases under the same procedures established for agricultural leases and easements with political subdivisions or utilities.
- Increases reportable boating damage incidents from \$500 to \$2,000. This aligns with federal law, and addresses the fact that it doesn't take much of a collision for a boat to have more than \$500 of damage.
- Adds the requirement of safety cut-off switches for personal watercraft (PWC), also known as jet skis. This is generally a lanyard that attaches a switch on the PWC to the operator, either around the wrist or attached to the life jacket. If the operator falls off the machine, the engine is stopped.
- Requires personal flotation devices when boating for children under 13. This improves child safety, and brings Iowa in line with the rest of the states and federal regulations.
- Strengthens hunting and fishing license suspension requirements. This requires that assessed damages be paid in full prior to restoring license privileges. Many violators make the first payments, regain license privileges and never pay remaining damages.
- Changes hunter education requirements needed to obtain a hunting license from 1967 to 1972. The department is unable to accurately account for all hunter education records for the first five years of the program. Records are available from 1972 on, instead of 1967 on.