

House File 2232 - Introduced

HOUSE FILE 2232
BY PETTENGILL

A BILL FOR

1 An Act relating to hunting by certain nonresident landowners on
2 land owned by them.

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

1 Section 1. Section 481C.2, Code 2009, is amended to read as
2 follows:

3 **481C.2 Duties.**

4 1. The director of the department of natural resources shall
5 enter into a memorandum of agreement with the United States
6 department of agriculture, animal damage control division. The
7 wild animal depredation unit shall serve and act as the liaison
8 to the department for ~~the producers~~ owners and tenants in
9 the state, as defined in section 483A.24, who suffer crop,
10 horticultural product, tree, or nursery damage due to wild
11 animals.

12 2. The department shall issue depredation permits to any
13 ~~landowner~~ owner or tenant, as defined in section 483A.24, who
14 incurs agricultural crop, horticultural product, tree, or
15 nursery damage of one thousand dollars or more due to wild
16 animals.

17 3. The criteria for issuing depredation licenses and
18 permits shall be established in administrative rules in
19 consultation with the farmer advisory committee created in
20 section 481A.10A. The administrative rules adopted pursuant to
21 this section shall not require a ~~producer~~ an owner or tenant to
22 erect or maintain fencing at a cost exceeding one thousand
23 dollars as a requisite for receiving a depredation license or
24 permit or for participation in a depredation plan.

25 Sec. 2. Section 481C.2A, subsections 1, 2, 3, and 7, Code
26 2009, are amended to read as follows:

27 1. Deer depredation licenses shall be available for
28 issuance as follows:

29 a. Deer depredation licenses shall be available for issuance
30 to resident hunters and to owners and tenants or family members
31 of owners and tenants as defined in section 483A.24.

32 b. Depredation licenses issued pursuant to this subsection
33 shall be valid to harvest antlerless deer only. Depredation
34 licenses that are issued to a ~~landowner and~~ owners and tenants
35 or family members of owners and tenants as defined in section

1 483A.24 shall be in addition to the number of free licenses
2 that are available for issuance to such persons under section
3 483A.24. ~~A landowner~~ An owner or tenant or a family member of
4 an owner or tenant may obtain one free depredation license for
5 each deer hunting season that is established by the commission.
6 Deer may be harvested with a rifle pursuant to a depredation
7 license in any area and in any season where the commission
8 authorizes the use of rifles.

9 c. Licenses issued pursuant to this subsection may be issued
10 at any time to a resident hunter who has permission to hunt
11 on the land for which the license is valid pursuant to this
12 subsection.

13 d. ~~A producer~~ An owner or tenant who enters into a
14 depredation agreement with the department of natural resources
15 shall be issued a set of authorization numbers. Each
16 authorization number authorizes the owner or tenant, a family
17 member of the owner or tenant, or a resident hunter to obtain a
18 depredation license that is valid only for taking antlerless
19 deer on the land designated in the ~~producer's~~ owner's
20 or tenant's depredation plan. ~~A producer~~ An owner or
21 tenant may transfer an authorization number issued to that
22 ~~producer~~ person to a resident hunter who has permission to hunt
23 on the land for which the authorization number is valid. An
24 authorization number shall be valid to obtain a depredation
25 license in any season. ~~The provisions of this paragraph shall~~
26 ~~be implemented by August 15, 2008.~~ A transferee who receives
27 an authorization number pursuant to this paragraph "d" shall be
28 otherwise qualified to hunt deer in this state, have a hunting
29 license, pay the wildlife habitat fee, and pay the one dollar
30 fee for the purpose of the deer herd population management
31 program.

32 2. Deer shooting permits shall be available for issuance as
33 follows:

34 a. Deer shooting permits shall be available for issuance
35 to ~~landowners~~ owners or tenants who incur crop, horticultural

1 product, tree, or nursery damage as provided in section 481C.2
2 and shall be available for issuance for use on areas where
3 public safety may be an issue.

4 *b.* Deer shooting permits issued pursuant to this subsection
5 shall be valid and may be used outside of established deer
6 hunting seasons.

7 3. Notwithstanding section 481C.2, subsection 3, a
8 ~~producer~~ an owner or tenant shall not be required to erect
9 or maintain fencing as a requisite for receiving a deer
10 depredation permit or for participation in a deer depredation
11 plan pursuant to this section.

12 7. The department shall conduct outreach programs for
13 farmers and farm and commodity organizations that explain
14 the deer depredation management program. The department
15 shall develop, by rule, a master hunter program and maintain
16 a list of master hunters who are available to assist
17 ~~producers~~ owners or tenants in the deer depredation management
18 program by increasing the harvest of antlerless deer on the
19 ~~producer's~~ owner's or tenant's property.

20 Sec. 3. Section 483A.24, subsection 2, paragraph a, Code
21 2009, is amended to read as follows:

22 *a.* As used in this subsection:

23 (1) "*Family member*" means a ~~resident of Iowa~~ person who is
24 the spouse or child of the owner or tenant and who resides with
25 the owner or tenant.

26 (2) "*Farm unit*" means all parcels of land which are
27 certified by the commission pursuant to rule as meeting all of
28 the following requirements:

29 (a) Are in tracts of two or more contiguous acres.

30 (b) Are operated as a unit for agricultural purposes.

31 (c) Are under the lawful control of the owner or the tenant.

32 (3) "*Owner*" means an owner of a farm unit who ~~is a resident~~
33 ~~of Iowa and who~~ is one of the following:

34 (a) Is the sole operator of the farm unit.

35 (b) Makes all of the farm operation decisions but contracts

1 for custom farming or hires labor for all or part of the work
2 on the farm unit.

3 (c) Participates annually in farm operation decisions or
4 cropping practices on specific fields of the farm unit that are
5 rented to a tenant.

6 (d) Raises specialty crops on the farm unit including, but
7 not limited to, orchards, nurseries, or tree farms that do
8 not always produce annual income but require annual operating
9 decisions about maintenance or improvement.

10 (e) Has all or part of the farm unit enrolled in a long-term
11 agricultural land retirement program of the federal government.

12 (f) ~~An "owner" does not mean a person who owns~~ Owns a farm
13 unit and ~~who~~ employs a farm manager or third party to operate
14 the farm unit, or ~~a person who owns a farm unit and who rents~~
15 the entire farm unit to a tenant who is responsible for all
16 farm operations. ~~However, this paragraph does not apply to an~~
17 ~~owner who is a parent of the tenant and who resides in this~~
18 ~~state.~~

19 (4) "Tenant" means a person who is a resident of Iowa and
20 who rents and actively farms a farm unit owned by another
21 person. A member of the owner's family may be a tenant. A
22 person who works on the farm for a wage and is not a family
23 member does not qualify as a tenant.

24 EXPLANATION

25 This bill relates to hunting, particularly deer hunting, by
26 certain nonresident landowners on land owned by them.

27 Code chapter 481C, concerning the state's wild animal
28 depredation procedures, is amended to apply to nonresident
29 owners of farm units as defined in Code section 483A.24. The
30 bill provides that depredation licenses and permits, and in
31 particular deer depredation licenses and permits, be available
32 for issuance to resident and nonresident owners who incur
33 agricultural crop, horticultural product, tree, or nursery
34 damage of \$1,000 or more due to wild animals, particularly
35 deer.

1 Deer depredation licenses may be transferred by a resident
2 or nonresident owner or tenant to a resident hunter for use on
3 the land designated in the depredation plan. Deer shooting
4 permits are available to resident and nonresident owners and
5 tenants who incur such damage, for use on areas where public
6 safety may be an issue, and outside of established deer hunting
7 seasons.

8 Code section 483A.24 is amended to allow a nonresident owner
9 of a farm unit, or a family member of such an owner to hunt,
10 fish, and trap on the farm unit without a license and to obtain
11 special licenses to hunt deer and wild turkey on that farm
12 unit, just as resident owners and their families do.

13 The bill also changes the definition of "owner" of a farm
14 unit to include a person who owns a farm unit and employs a
15 farm manager or third party to operate the farm unit or who
16 rents the entire farm unit to a tenant who is responsible for
17 all farm operations. "Farm unit" means all parcels of land
18 which are certified by the natural resource commission as being
19 in tracts of two or more contiguous acres, operated as a unit
20 for agricultural purposes, and under the lawful control of the
21 owner or tenant.