

SENATE FILE **538**
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 2991)

Passed Senate, Date 4/29/91 (p. 1521) Passed House, Date _____
Vote: Ayes 43 Nays 7 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for a wildlife nuisance management program, and
2 providing financing for the program.

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

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SENATE FILE 538

S-3634

1 Amend Senate File 538, as follows:
2 1. Page 1, line 28, by inserting after the figure
3 "159.51." the following: "Moneys from the fund shall
4 only be used to support field operations."

By BERL E. PRIEBE

S-3634 FILED APRIL 29, 1991
ADOPTED (p. 1521)

SF 538

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1 Section 1. NEW SECTION. 159.50 WILDLIFE NUISANCE
2 MANAGEMENT PROGRAM.

3 1. The secretary may establish a wildlife nuisance
4 management program. The program shall provide for controlling
5 wildlife nuisances which interfere with agricultural
6 production, including reducing damage or injury to property
7 involved in farming as defined in section 172C.1.

8 2. The program shall emphasize the prevention of wildlife
9 nuisances through management techniques which preserve the
10 life and habitat of wildlife. An animal or an animal's
11 habitat believed to interfere with agricultural production may
12 be destroyed, if prevention is not feasible. An animal or an
13 animal's habitat shall not be destroyed only because the
14 animal belongs to a particular species.

15 3. a. The secretary may contract with the United States
16 department of agriculture to operate the program. If such a
17 contract is executed, the program shall be coordinated as a
18 joint program administered by the secretary and the United
19 States department of agriculture. The secretary shall
20 cooperate with the department of natural resources in
21 administering this program.

22 b. The secretary may contribute to the operation of the
23 program by sharing facilities, equipment, and supplies with
24 any person operating the program under contract. The contract
25 may provide that the department contribute moneys to pay
26 program expenses. State moneys expended to support the
27 program shall be paid from the wildlife nuisance management
28 fund established in section 159.51. Contributions from the
29 fund to support operations of the program under contract shall
30 be made on a matching basis.

31 4. The program shall be conducted in accordance with
32 federal and state law relating to the destruction of wildlife
33 or wildlife habitat, including rules adopted by the department
34 of agriculture and land stewardship and the department of
35 natural resources, and county and city ordinances. However,

1 animals may be destroyed pursuant to this program,
2 notwithstanding laws or ordinances relating to open seasons,
3 including but not limited to sections 109.48 and 109.87.

4 Sec. 2. NEW SECTION. 159.51 WILDLIFE NUISANCE MANAGEMENT
5 FUND.

6 1. A wildlife nuisance management fund is established in
7 the office of the treasurer of state under the control of the
8 secretary. The fund shall contain contributions by counties
9 together with any gifts or any federal or state grants
10 received by the secretary for purposes of supporting the
11 wildlife nuisance management program established in section
12 159.50. All interest earned on proceeds in the fund shall
13 remain in the fund. Section 8.33 shall not apply to moneys in
14 the fund. The secretary shall not pay from the fund more than
15 one hundred thousand dollars in one fiscal year to support the
16 wildlife nuisance management program.

17 2. Moneys in the fund shall be subject to audit which
18 shall be conducted at least annually by the auditor of the
19 state. The fund shall be subject at all times to warrants by
20 the director of revenue and finance, drawn upon the written
21 requisition of the secretary or the secretary's designee.

22 3. If it appears to the secretary that the balance in the
23 fund on March 1 is insufficient to support the wildlife
24 nuisance management program for the following fiscal year, the
25 secretary shall notify the board of supervisors of each county
26 to remit a contribution of up to six hundred dollars. Not
27 later than the next July 1, each county treasurer shall
28 transmit the amount to the treasurer of state for deposit into
29 the fund. A county which does not remit its contribution by
30 July 1 shall also pay an interest penalty as provided in
31 section 421.7.

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EXPLANATION

33 This bill creates a new program administered by the
34 department of agriculture and land stewardship. The program
35 provides for controlling wildlife nuisances which interfere

1 with agricultural production. The program provides for the
2 prevention of wildlife nuisances by management techniques
3 which preserve the life and habitat of wildlife. An animal or
4 an animal's habitat believed to interfere with agricultural
5 production may be destroyed, if prevention is not feasible.
6 An animal or an animal's habitat shall not be destroyed only
7 because the animal belongs to a particular species.

8 The bill provides that the secretary of agriculture may
9 contract with the United States department of agriculture to
10 operate the program. The secretary may contribute to the
11 operation of the program by sharing facilities, equipment, and
12 supplies with any person operating the program under contract.
13 The contract may provide that the department contribute moneys
14 to pay program expenses. Program expenses shall be
15 contributed only on a matching basis. Moneys expended to
16 support the program shall be paid from a wildlife nuisance
17 management fund.

18 The fund shall contain contributions by counties together
19 with any gifts or federal or state grants received by the
20 secretary for purposes of supporting the program. The
21 secretary may require a contribution from counties if the
22 balance in the fund on March 1 is insufficient to support the
23 program for the following fiscal year. The contribution may
24 be up to \$600.

25 This bill may create a state mandate as provided in chapter
26 25B.

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SENATE FILE 538
FISCAL NOTE

A fiscal note for Senate File 538 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 538 establishes a Wildlife Nuisance Management Program in the Department of Agriculture and Land Stewardship (DALs). The main emphasis would be to control wildlife interfering with agricultural production with management techniques. An animal may be destroyed only if prevention is not feasible, and not because the animal belongs to a particular species.

The Secretary of Agriculture may contract with the United States Department of Agriculture (USDA), and must cooperate with the Department of Natural Resources (DNR) in administering the program. Both the DALs and DNR are to adopt rules.

The Wildlife Nuisance Management Fund established in this bill will be made up of contributions by counties, gifts, and any federal or State grants received. If the Secretary determines that an insufficient balance is available in the fund on March 1 to support the program, he shall notify the Board of Supervisors of each county to remit a contribution of up to \$600.

Assumptions:

1. The county match will be limited to \$600/county, or \$59,400 in total.
2. All funds received for this program will be deposited into the Wildlife Nuisance Management Fund, and no more than \$100,000 may be spent from this fund each year for implementation of the program.

Fiscal Effect:

1. The amount for salaries and support is calculated for two wildlife biology specialists, one serving in a supervisory position, and secretarial support.
2. After the first year of implementation, an ending balance of \$18,800 would remain in the fund.
3. After the second year of implementation, with no increase in the spending allowance, an ending balance of \$37,600 would remain in the fund.

	Fiscal Year 1992			Fiscal Year 1993		
	Current Law	Proposed Law	Increase (Decrease)	Current Law	Proposed Law	Increase (Decrease)
REVENUE						
Federal	\$ 0	\$ 59,400	\$ 59,400	\$ 0	\$ 59,400	\$ 0
Other	0	59,400	59,400	0	59,400	0
Balance Forward	0	0	0	0	18,300	18,800
Total	\$ 0	\$ 118,800	\$ 118,800	\$ 0	\$ 137,600	\$ 18,800

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EXPENDITURES

Salary/Supp	\$	0	\$	60,000	\$	60,000	\$	0	\$	63,000	\$	3,000
Supplies		0		7,000		7,000		0		7,000		0
Phone		0		2,000		2,000		0		2,000		0
Travel		0		18,000		18,000		0		18,000		0
Vehicles		0		10,000		10,000		0		10,000		0
Equipment		0		3,000		3,000		0		0		(3,000)
Total	\$	<u>0</u>	\$	<u>100,000</u>	\$	<u>100,000</u>	\$	<u>0</u>	\$	<u>100,000</u>	\$	<u>0</u>
NET EFFECT	\$	<u>0</u>	\$	<u>18,800</u>	\$	<u>18,800</u>	\$	<u>0</u>	\$	<u>37,600</u>	\$	<u>18,800</u>

Source: Department of Agriculture and Land Stewardship (S.B. 2051sz, AAW)

FILED APRIL 29, 1991

BY DENNIS PROUTY, FISCAL DIRECTOR

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