

2-18-97 Nat. Resources

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SENATE FILE  
BY LUNDBY

155

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

A BILL FOR

1 An Act relating to the taking of deer to minimize depredation of  
2 property.

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

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S.F. 155

1 Section 1. Section 483A.24, Code 1997, is amended by  
2 adding the following new subsection:

3 NEW SUBSECTION. 15. a. As used in this subsection:

4 (1) "Excessive damage" means a loss of six hundred dollars  
5 or more to a horticultural crop as calculated by the producer  
6 based on market prices.

7 (2) "Farm unit" means all parcels of land, not necessarily  
8 contiguous, which are operated as a unit for horticultural  
9 purposes and which are under lawful control of the owner or  
10 tenant. However, "farm unit" does not include land located  
11 within one hundred fifty feet of a habitable building or  
12 within the boundaries of a city.

13 (3) "Horticultural crops" include, but are not limited to,  
14 Christmas trees, nursery stock, fruit bushes and trees, and  
15 vegetable and nut crops.

16 (4) "Producer" means an owner or tenant of a farm unit who  
17 is actively engaged in growing horticultural crops.

18 b. If a producer finds excessive damage to one or more of  
19 the producer's horticultural crops on a farm unit caused by  
20 deer, the producer shall notify the department of natural  
21 resources and the county sheriff of the producer's intention  
22 to take deer on the farm unit. The notification shall be by  
23 certified mail and shall include the producer's name and  
24 address, the location of the affected farm unit, and the  
25 amount of excessive damage to the producer's horticultural  
26 crops.

27 c. Upon notification as provided in paragraph "b", a  
28 producer or the producer's designee may take deer on a farm  
29 unit where a horticultural crop has received excessive damage  
30 at any time except during a firearm deer hunting season.  
31 Notwithstanding chapters 481A and 483A, a producer or a  
32 producer's designee may take the deer without restrictions as  
33 to a deer hunting license, the hour of day, the use of  
34 artificial light, the use of blaze orange apparel, the type or  
35 caliber of weapon or firearm, the taking of deer within two

1 hundred yards of habitable buildings, or the discharge of  
2 firearms from a motor vehicle. Upon taking a deer, the  
3 carcass shall be field dressed and left in the field.

4 d. After taking a deer, the producer shall promptly notify  
5 the county sheriff to arrange for the removal of the carcass.  
6 The county sheriff shall maintain a list of nonprofit,  
7 charitable organizations desiring to obtain deer carcass to  
8 use for free meals and, upon notification by a producer, shall  
9 arrange for the timely removal of the carcass. If the county  
10 sheriff is unable to arrange for the removal of the deer  
11 carcass, the producer shall properly dispose of the carcass by  
12 burial or as provided in chapter 167.

13 e. A producer or producer's designee shall report to the  
14 department, upon a form supplied by the department, the number  
15 of deer taken as provided in this subsection.

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#### EXPLANATION

17 This bill provides that a producer or a producer's designee  
18 may take deer on the producer's farm unit if the deer have  
19 caused excessive damage to the producer's horticultural crops.  
20 Excessive damage is defined as damage of \$600 or more, as  
21 determined by the producer. If a producer finds excessive  
22 damage to horticultural crops on the producer's farm unit, the  
23 producer shall notify, by certified mail, the department of  
24 natural resources and the county sheriff of the excessive  
25 damage and of the producer's intention to take deer on the  
26 farm unit. The producer or the producer's designee may take  
27 deer on the farm unit with few restrictions. The deer may be  
28 taken without restrictions as to the hour of the day, the use  
29 of artificial light, the use of blaze orange apparel, the type  
30 or caliber of weapon or firearm, or hunting from a motor  
31 vehicle. The producer or the producer's designee shall not  
32 hunt within 150 feet of a habitable building, within the  
33 boundaries of a city, or during an open firearms season.

34 When a deer is taken, the deer shall be field dressed and  
35 left in the field. The producer shall promptly notify the

1 county sheriff of the deer carcass and the county sheriff  
2 shall contact an interested nonprofit charitable organization  
3 to retrieve the carcass. The county sheriff shall maintain a  
4 list of nonprofit charitable organizations which wish to use  
5 deer carcasses for free meals. If the sheriff cannot arrange  
6 for the removal of the deer carcass, the producer shall  
7 dispose of it by burial or by a livestock disposal service.

8 The producer is required to report the number of deer taken  
9 to the department of natural resources.

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