

**CHAPTER 1203****DEER HUNTING AND DEER POPULATION CONTROL***H.F. 2290*

**AN ACT** relating to the regulation of the deer population and to the civil damages and penalties for the illegal taking of antlered deer.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 481A.93, Code 1997, is amended to read as follows:  
481A.93 HUNTING BY ARTIFICIAL LIGHT.

1. A person shall not throw or cast the rays of a spotlight, headlight, or other artificial light on a highway, or in a field, woodland, or forest for the purpose of spotting, locating, or taking or attempting to take or hunt a bird or animal, except raccoons or other fur-bearing animals when treed with the aid of dogs, while having in possession or control, either singly or as one of a group of persons, any firearm, bow, or other implement or device whereby a bird or animal could be killed or taken.

2. This section does not apply to deer being taken by or under the control of a local governmental body within its corporate limits pursuant to an approved special deer population control plan.

Sec. 2. Section 481A.130, subsection 1, paragraph g, Code 1997, is amended by striking the paragraph and inserting in lieu thereof the following:

g. For each antlered deer during September, October, November, or December before the regular gun season, two thousand dollars and eighty hours of community service or, in lieu of the community service, a total of four thousand dollars.

Sec. 3. Section 481A.130, subsection 1, Code 1997, is amended by adding the following new paragraph:

NEW PARAGRAPH. h. For each deer, except as provided in paragraph "g", one thousand five hundred dollars.

Sec. 4. Section 481C.2, Code Supplement 1997, is amended to read as follows:  
481C.2 DUTIES.

The director of the department of natural resources shall enter into a memorandum of agreement with the United States department of agriculture, animal damage control division. The wild animal depredation unit shall serve and act as the liaison to the department for the producers in the state who suffer crop and nursery damage due to wild animals. The department shall issue depredation permits ~~as necessary to reduce to any landowner who incurs~~ crop and nursery damage of one thousand dollars or more due to wild animals. The criteria for issuing depredation permits shall be established in administrative rules in consultation with the farmer advisory committee created in section 481A.10A. The administrative rules adopted pursuant to this section shall not require a producer to erect or maintain fencing at a cost exceeding one thousand dollars as a requisite for receiving a depredation permit or for participation in a depredation plan.

Sec. 5. Section 483A.8, subsection 3, Code 1997, is amended to read as follows:

3. A nonresident deer hunter is required to have only a nonresident deer license and a wildlife habitat stamp. The commission shall annually limit to ~~five~~ seven thousand ~~five hundred~~ licenses the number of nonresidents allowed to have deer hunting licenses. Of the first six thousand nonresident deer licenses issued, not more than thirty-five percent of the licenses shall be bow season licenses and, after the first six thousand nonresident deer licenses have been issued, all additional licenses shall be issued for antlerless deer only. The number of nonresident deer hunting licenses shall be determined as provided in section 481A.38. The commission shall allocate the nonresident deer hunting licenses issued among

the zones based on the populations of deer. However, a nonresident applicant may request one or more hunting zones, in order of preference, in which the applicant wishes to hunt. If the request cannot be fulfilled, the applicable fees shall be returned to the applicant. A nonresident applying for a deer hunting license must exhibit proof of having successfully completed a hunter safety and ethics education program as provided in section 483A.27 or its equivalent as determined by the department before the license is issued.

Sec. 6. Section 483A.8, Code 1997, is amended by adding the following new subsection:  
**NEW SUBSECTION.** 4. The commission may provide, by rule, for the issuance of an additional antlerless deer license to a person who has been issued an antlerless deer license. The rules shall specify the number of additional antlerless deer licenses which may be issued, and the season and zone in which the license is valid. The fee for an additional antlerless deer license shall be ten dollars for residents.

\*Sec. 7. **EFFECTIVE DATE.** Section 6 of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 19, 1998

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## CHAPTER 1204

### ALCOHOL SALES TO MINORS — FINES AND PENALTIES

H.F. 2487

**AN ACT** relating to the fines and penalties applicable to the sale of alcohol and providing an effective date.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 123.50, subsection 1, Code Supplement 1997, is amended to read as follows:

1. Any person who violates any of the provisions of section 123.49, except subsection 2, paragraph "h", shall be guilty of a simple misdemeanor. A person who violates section 123.49, subsection 2, paragraph "h", commits a ~~serious simple~~ misdemeanor punishable by ~~a fine of one thousand five hundred dollars~~ as a scheduled violation under section 805.8, subsection 10, paragraph "a". ~~If the violation is committed by a person who is employed by a licensee or permittee, the licensee or permittee and the individual shall each be deemed to have committed the violation and shall each be punished as provided in this subsection.~~

Sec. 2. Section 123.50, subsection 3, paragraphs a, b, and c, Code Supplement 1997, are amended to read as follows:

a. Upon a first conviction, the violator's liquor control license, wine permit, or beer permit shall be suspended for a period of fourteen days. However, if the conviction is for a violation of section 123.49, subsection 2, paragraph "h", the violator's liquor control license or wine or beer permit shall not be suspended, but the violator shall be assessed a civil penalty in the amount of ~~three~~ five hundred dollars. Failure to pay the civil penalty as ordered under section 123.39 for a violation of section 123.49, subsection 2, paragraph "h", or this subsection will result in automatic suspension of the license or permit for a period of fourteen days.

b. Upon a second conviction within a period of two years, the violator's liquor control license, wine permit, or beer permit shall be suspended for a period of thirty days. However,

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\* See chapter 1223, §28 herein