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2/27/98 Do Pass

FEB 17 1998

NATURAL RESOURCES

HOUSE FILE 2290
BY ARNOLD

Passed House, Date ^{p.537} 3/5/98 Passed Senate, Date ^(p.928) 3/26/98
Vote: Ayes 95 Nays 0 Vote: Ayes 50 Nays 0
Approved May 19, 1998

A BILL FOR

1 An Act relating to the civil damages and penalties for the
2 illegal taking of antlered deer.

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

HOUSE FILE 2290

H-8173

1 Amend House File 2290 as follows:

2 1. Page 1, line 6, by striking the words "four
3 hundred".

4 2. Page 1, line 7, by inserting after the word
5 "service" the following: "or, in lieu of the
6 community service, a total of four thousand dollars".
By ARNOLD of Lucas

H-8173 FILED MARCH 3, 1998

~~3/5/98~~ 3/5/98 (p.536)

HF 2290

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

4 g. For each antlered deer during September, October,
5 November, or December before the regular gun season, two
6 thousand dollars and four hundred eighty hours of community
7 service.

8 Sec. 2. Section 481A.130, subsection 1, Code 1997, is
9 amended by adding the following new paragraph:

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

12 EXPLANATION

13 This bill increases the amount of civil damages from \$1,500
14 to \$2,000 and requires the performance of 480 hours of
15 community service for illegally taking antlered deer during
16 September, October, November, or December before the regular
17 gun season. The civil damages remain the same for all deer
18 illegally taken during the other months of the year and for
19 deer without antlers illegally taken during the months of
20 September through December.

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S - 3/12/98 Do Pass

S. 3/26/98 UNFINISHED BUSINESS CALENDAR

HOUSE FILE 2290

BY ARNOLD

S - 4/15/98 Motion to R/c Vote
by Angelo

S - 4/20/98 MTR - Withdrawn

(As Amended and Passed by the House, March 5, 1998)

(P. 1478)
Passed House, Date 4-13-98

(P. 928)
Passed Senate, Date 3/26/98

Vote: Ayes 94 Nays 0

Vote: Ayes 50 Nays 0

Approved May 19, 1998

(P. 1285) Passed 4/15/98
Vote 49-0

A BILL FOR

1 An Act relating to the civil damages and penalties for the
2 illegal taking of antlered deer.

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

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New Language _____

Deleted Language *

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

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

9 Sec. 2. Section 481A.130, subsection 1, Code 1997, is
10 amended by adding the following new paragraph:

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

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HOUSE FILE 2290

S-5297

1 Amend House File 2290, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 481A.93, Code 1997, is amended
6 to read as follows:

7 481A.93 HUNTING BY ARTIFICIAL LIGHT.

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

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

22 2. Page 1, by inserting after line 12 the
23 following:

24 "Sec. ____ . Section 481C.2, Code Supplement 1997,
25 is amended to read as follows:

26 481C.2 DUTIES.

27 The director of the department of natural resources
28 shall enter into a memorandum of agreement with the
29 United States department of agriculture, animal damage
30 control division. The wild animal depredation unit
31 shall serve and act as the liaison to the department
32 for the producers in the state who suffer crop and
33 nursery damage due to wild animals. The department
34 shall issue depredation permits ~~as-necessary-to-reduce~~
35 to any landowner who incurs crop and nursery damage of
36 one thousand dollars or more due to wild animals. The
37 criteria for issuing depredation permits shall be
38 established in administrative rules in consultation
39 with the farmer advisory committee created in section
40 481A.10A. The administrative rules adopted pursuant
41 to this section shall not require a producer to erect
42 or maintain fencing at a cost exceeding one thousand
43 dollars as a requisite for receiving a depredation
44 permit or for participation in a depredation plan.

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

47 3. A nonresident deer hunter is required to have
48 only a nonresident deer license and a wildlife habitat
49 stamp. The commission shall annually limit to five
50 seven thousand five hundred licenses the number of

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S-5297

Page 2

1 nonresidents allowed to have deer hunting licenses.
2 The number of nonresident deer hunting licenses shall
3 be determined as provided in section 481A.38. The
4 commission shall allocate the nonresident deer hunting
5 licenses issued among the zones based on the
6 populations of deer. However, a nonresident applicant
7 may request one or more hunting zones, in order of
8 preference, in which the applicant wishes to hunt. If
9 the request cannot be fulfilled, the applicable fees
10 shall be returned to the applicant. A nonresident
11 applying for a deer hunting license must exhibit proof
12 of having successfully completed a hunter safety and
13 ethics education program as provided in section
14 483A.27 or its equivalent as determined by the
15 department before the license is issued.

16 Sec. 101. Section 483A.8, Code 1997, is amended by
17 adding the following new subsection:

18 NEW SUBSECTION. 4. The commission may provide, by
19 rule, for the issuance of an additional antlerless
20 deer license to a person who has been issued an
21 antlerless deer license. The rules shall specify the
22 number of additional antlerless deer licenses which
23 may be issued, and the season and zone in which the
24 license is valid. The fee for an additional
25 antlerless deer license shall be ten dollars for
26 residents. If the commission provides for antlerless
27 deer licenses for nonresidents, the fee shall be
28 twenty-five dollars.

29 Sec. ____ . EFFECTIVE DATE. Section 101 of this
30 Act, being deemed of immediate importance, takes
31 effect upon enactment."

32 3. Title page, line 1, by inserting after the
33 word "to" the following: "the regulation of the deer
34 population and to".

By MERLIN E. BARTZ
DENNIS H. BLACK

S-5297 FILED MARCH 23, 1998

Adopted
3/26/98
(p. 928)

SENATE AMENDMENT TO HOUSE FILE 2290

H-8758

1 Amend House File 2290, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 481A.93, Code 1997, is amended
6 to read as follows:

7 481A.93 HUNTING BY ARTIFICIAL LIGHT.

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

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

22 2. Page 1, by inserting after line 12 the
23 following:

24 "Sec. ____ . Section 481C.2, Code Supplement 1997,
25 is amended to read as follows:

26 481C.2 DUTIES.

27 The director of the department of natural resources
28 shall enter into a memorandum of agreement with the
29 United States department of agriculture, animal damage
30 control division. The wild animal depredation unit
31 shall serve and act as the liaison to the department
32 for the producers in the state who suffer crop and
33 nursery damage due to wild animals. The department
34 shall issue depredation permits ~~as necessary to reduce~~
35 to any landowner who incurs crop and nursery damage of
36 one thousand dollars or more due to wild animals. The
37 criteria for issuing depredation permits shall be
38 established in administrative rules in consultation
39 with the farmer advisory committee created in section
40 481A.10A. The administrative rules adopted pursuant
41 to this section shall not require a producer to erect
42 or maintain fencing at a cost exceeding one thousand
43 dollars as a requisite for receiving a depredation
44 permit or for participation in a depredation plan.

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

47 3. A nonresident deer hunter is required to have
48 only a nonresident deer license and a wildlife habitat
49 stamp. The commission shall annually limit to ~~five~~
50 seven thousand five hundred licenses the number of

H-8758

H-8758

Page 2

1 nonresidents allowed to have deer hunting licenses.
2 The number of nonresident deer hunting licenses shall
3 be determined as provided in section 481A.38. The
4 commission shall allocate the nonresident deer hunting
5 licenses issued among the zones based on the
6 populations of deer. However, a nonresident applicant
7 may request one or more hunting zones, in order of
8 preference, in which the applicant wishes to hunt. If
9 the request cannot be fulfilled, the applicable fees
10 shall be returned to the applicant. A nonresident
11 applying for a deer hunting license must exhibit proof
12 of having successfully completed a hunter safety and
13 ethics education program as provided in section
14 483A.27 or its equivalent as determined by the
15 department before the license is issued.

16 Sec. 101. Section 483A.8, Code 1997, is amended by
17 adding the following new subsection:

18 NEW SUBSECTION. 4. The commission may provide, by
19 rule, for the issuance of an additional antlerless
20 deer license to a person who has been issued an
21 antlerless deer license. The rules shall specify the
22 number of additional antlerless deer licenses which
23 may be issued, and the season and zone in which the
24 license is valid. The fee for an additional
25 antlerless deer license shall be ten dollars for
26 residents. If the commission provides for antlerless
27 deer licenses for nonresidents, the fee shall be
28 twenty-five dollars.

29 Sec. ____ . EFFECTIVE DATE. Section 101 of this
30 Act, being deemed of immediate importance, takes
31 effect upon enactment."

32 3. Title page, line 1, by inserting after the
33 word "to" the following: "the regulation of the deer
34 population and to".

RECEIVED FROM THE SENATE

H-8758 FILED MARCH 26, 1998

House Concurred
4-13-98 (p. 1478)

HOUSE FILE 2290

H-8855

1 Amend the Senate amendment, H-8758, to House File
 2 2290, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, by inserting after line 21 the
 5 following:
 6 "____. Page 1, by inserting after line 12 the
 7 following:
 8 "Sec. ____ Section 481C.1, Code Supplement 1997,
 9 is amended to read as follows:
 10 481C.1 WILD ANIMAL DEPREDATION UNIT.
 11 A wild animal depredation unit is established
 12 within the fish and wildlife division of the
 13 department of natural resources. The unit shall be
 14 comprised of ~~two~~ four wild animal depredation
 15 biologists. The biologists shall serve under the
 16 director of the department of natural resources."
 By DOTZLER of Black Hawk

H-8855 FILED APRIL 1, 1998

W/D 4-13-98 (P 1478)

HOUSE FILE 2290

H-8987

1 Amend the Senate amendment, H-8758, to House File
 2 2290, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 2, line 1, by inserting the word
 5 "licenses." the following: "Of the first six thousand
 6 nonresident deer licenses issued, not more than
 7 thirty-five percent of the licenses shall be bow
 8 season licenses and, after the first six thousand
 9 nonresident deer licenses have been issued, all
 10 additional licenses shall be issued for antlerless
 11 deer only."
 12 2. Page 2, by striking lines 26 through 28 and
 13 inserting the following: "residents."

adopted 4/13/98 (P. 1478)

By ARNOLD of Lucas
DOTZLER of Black Hawk

H-8987 FILED APRIL 7, 1998

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 2290

S-5628

1 Amend the Senate amendment, H-8758, to House File
 2 2290, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 2, line 1, by inserting after the word
 5 "licenses." the following: "Of the first six thousand
 6 nonresident deer licenses issued, not more than
 7 thirty-five percent of the licenses shall be bow
 8 season licenses and, after the first six thousand
 9 nonresident deer licenses have been issued, all
 10 additional licenses shall be issued for antlerless
 11 deer only."
 12 2. Page 2, by striking lines 26 through 28 and
 13 inserting the following: "residents."

Senate Concurred 4/15/98

RECEIVED FROM THE HOUSE

S-5628 FILED APRIL 13, 1998 (P. 1285)

HOUSE FILE 2290

H-8812

1 Amend the Senate amendment, H-8758, to House File
2 2290, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, line 50, by striking the words "seven
5 thousand five hundred" and inserting the following:
6 "six thousand".

7 2. Page 2, line 1, by inserting after the word
8 "licenses." the following: "Five hundred of the
9 licenses shall be issued for antlerless deer only."

By DOTZLER of Black Hawk

H-8812 FILED MARCH 31, 1998

W/D 4/13/98 (p.1478)

HOUSE FILE 2290

H-8813

1 Amend the Senate amendment, H-8758, to House File
2 2290, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 2, line 1, by inserting after the word
5 "licenses." the following: "Six hundred twenty-five
6 of the licenses shall be issued to nonresident archery
7 hunters only."

By DOTZLER of Black Hawk

H-8813 FILED MARCH 31, 1998

W/D 4/13/98 (p.1478)

HOUSE FILE 2290

H-8823

1 Amend the Senate amendment, H-8758, to House File
2 2290, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 2, line 1, by inserting after the word
5 "licenses." the following: "Two hundred fifty of the
6 licenses shall be issued to nonresident archery
7 hunters only."

By DOTZLER of Black Hawk

H-8823 FILED MARCH 31, 1998

W/D 4/13/98 (p.1478)

HOUSE FILE 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.

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2290, Seventy-seventh General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved May 19, 1998

TERRY E. BRANSTAD
Governor