

# House File 390 - Introduced

HOUSE FILE \_\_\_\_\_  
BY WINDSCHITL

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

## 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:  
4 TLSB 1777YH 83  
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1 1 Section 1. Section 481C.2, Code 2009, is amended to read  
1 2 as follows:  
1 3 481C.2 DUTIES.  
1 4 1. The director of the department of natural resources  
1 5 shall enter into a memorandum of agreement with the United  
1 6 States department of agriculture, animal damage control  
1 7 division. The wild animal depredation unit shall serve and  
1 8 act as the liaison to the department for ~~the producers~~ owners  
1 9 and tenants in the state, as defined in section 483A.24, who  
1 10 suffer crop, horticultural product, tree, or nursery damage  
1 11 due to wild animals.  
1 12 2. The department shall issue depredation permits to any  
1 13 ~~landowner~~ owner or tenant, as defined in section 483A.24, who  
1 14 incurs agricultural crop, horticultural product, tree, or  
1 15 nursery damage of one thousand dollars or more due to wild  
1 16 animals.  
1 17 3. The criteria for issuing depredation licenses and  
1 18 permits shall be established in administrative rules in  
1 19 consultation with the farmer advisory committee created in  
1 20 section 481A.10A. The administrative rules adopted pursuant  
1 21 to this section shall not require ~~a producer an owner or~~  
1 22 tenant to erect or maintain fencing at a cost exceeding one  
1 23 thousand dollars as a requisite for receiving a depredation  
1 24 license or permit or for participation in a depredation plan.  
1 25 Sec. 2. Section 481C.2A, subsections 1, 2, 3, and 7, Code  
1 26 2009, are amended to read as follows:  
1 27 1. Deer depredation licenses shall be available for  
1 28 issuance as follows:  
1 29 a. Deer depredation licenses shall be available for  
1 30 issuance to resident hunters and to owners and tenants or  
1 31 family members of owners and tenants as defined in section  
1 32 483A.24.  
1 33 b. Depredation licenses issued pursuant to this subsection  
1 34 shall be valid to harvest antlerless deer only. Depredation  
1 35 licenses that are issued to ~~a landowner and~~ owners and tenants  
2 1 or family members of owners and tenants as defined in section  
2 2 483A.24 shall be in addition to the number of free licenses  
2 3 that are available for issuance to such persons under section  
2 4 483A.24. ~~A landowner~~ An owner or tenant or a family member of  
2 5 an owner or tenant may obtain one free depredation license for  
2 6 each deer hunting season that is established by the  
2 7 commission. Deer may be harvested with a rifle pursuant to a  
2 8 depredation license in any area and in any season where the  
2 9 commission authorizes the use of rifles.  
2 10 c. Licenses issued pursuant to this subsection may be  
2 11 issued at any time to a resident hunter who has permission to  
2 12 hunt on the land for which the license is valid pursuant to  
2 13 this subsection.  
2 14 d. ~~A producer~~ An owner or tenant who enters into a  
2 15 depredation agreement with the department of natural resources  
2 16 shall be issued a set of authorization numbers. Each  
2 17 authorization number authorizes the owner or tenant, a family  
2 18 member of the owner or tenant, or a resident hunter to obtain  
2 19 a depredation license that is valid only for taking antlerless  
2 20 deer on the land designated in the ~~producer's~~ owner's or

2 21 tenant's depredation plan. A producer ~~An owner or tenant~~ may  
2 22 transfer an authorization number issued to that ~~producer~~  
2 23 ~~person~~ to a resident hunter who has permission to hunt on the  
2 24 land for which the authorization number is valid. An  
2 25 authorization number shall be valid to obtain a depredation  
2 26 license in any season. ~~The provisions of this paragraph shall~~  
2 27 ~~be implemented by August 15, 2008.~~ A transferee who receives  
2 28 an authorization number pursuant to this paragraph "d" shall  
2 29 be otherwise qualified to hunt deer in this state, have a  
2 30 hunting license, pay the wildlife habitat fee, and pay the one  
2 31 dollar fee for the purpose of the deer herd population  
2 32 management program.

2 33 2. Deer shooting permits shall be available for issuance  
2 34 as follows:

2 35 a. Deer shooting permits shall be available for issuance  
3 1 to ~~landowners~~ owners or tenants who incur crop, horticultural  
3 2 product, tree, or nursery damage as provided in section 481C.2  
3 3 and shall be available for issuance for use on areas where  
3 4 public safety may be an issue.

3 5 b. Deer shooting permits issued pursuant to this  
3 6 subsection shall be valid and may be used outside of  
3 7 established deer hunting seasons.

3 8 3. Notwithstanding section 481C.2, subsection 3, ~~a~~  
3 9 ~~producer an owner or tenant~~ shall not be required to erect or  
3 10 maintain fencing as a requisite for receiving a deer  
3 11 depredation permit or for participation in a deer depredation  
3 12 plan pursuant to this section.

3 13 7. The department shall conduct outreach programs for  
3 14 farmers and farm and commodity organizations that explain the  
3 15 deer depredation management program. The department shall  
3 16 develop, by rule, a master hunter program and maintain a list  
3 17 of master hunters who are available to assist ~~producers~~ owners  
3 18 ~~or tenants~~ in the deer depredation management program by  
3 19 increasing the harvest of antlerless deer on the ~~producer's~~  
3 20 ~~owner's or tenant's~~ property.

3 21 Sec. 3. Section 483A.24, subsection 2, paragraph a, Code  
3 22 2009, is amended to read as follows:

3 23 a. As used in this subsection:

3 24 (1) "Family member" means a ~~resident of Iowa~~ person who is  
3 25 the spouse or child of the owner or tenant and who resides  
3 26 with the owner or tenant.

3 27 (2) "Farm unit" means all parcels of land which are  
3 28 certified by the commission pursuant to rule as meeting all of  
3 29 the following requirements:

- 3 30 (a) Are in tracts of two or more contiguous acres.
- 3 31 (b) Are operated as a unit for agricultural purposes.
- 3 32 (c) Are under the lawful control of the owner or the  
3 33 tenant.

3 34 (3) "Owner" means an owner of a farm unit who ~~is a~~  
3 35 ~~resident of Iowa and who~~ is one of the following:

- 4 1 (a) Is the sole operator of the farm unit.
- 4 2 (b) Makes all of the farm operation decisions but  
4 3 contracts for custom farming or hires labor for all or part of  
4 4 the work on the farm unit.
- 4 5 (c) Participates annually in farm operation decisions or  
4 6 cropping practices on specific fields of the farm unit that  
4 7 are rented to a tenant.
- 4 8 (d) Raises specialty crops on the farm unit including, but  
4 9 not limited to, orchards, nurseries, or tree farms that do not  
4 10 always produce annual income but require annual operating  
4 11 decisions about maintenance or improvement.
- 4 12 (e) Has all or part of the farm unit enrolled in a  
4 13 long-term agricultural land retirement program of the federal  
4 14 government.

4 15 ~~(f) An "owner" does not mean a person who owns~~ Owns a farm  
4 16 unit and ~~who~~ employs a farm manager or third party to operate  
4 17 the farm unit, or ~~a person who~~ owns a farm unit and ~~who~~ rents  
4 18 the entire farm unit to a tenant who is responsible for all  
4 19 farm operations. ~~However, this paragraph does not apply to an~~  
4 20 ~~owner who is a parent of the tenant and who resides in this~~  
4 21 ~~state.~~

4 22 (4) "Tenant" means a person who is a resident of Iowa and  
4 23 who rents and actively farms a farm unit owned by another  
4 24 person. A member of the owner's family may be a tenant. A  
4 25 person who works on the farm for a wage and is not a family  
4 26 member does not qualify as a tenant.

4 27 EXPLANATION

4 28 This bill relates to hunting, particularly deer hunting, by  
4 29 certain nonresident landowners on land owned by them.  
4 30 Code chapter 481C, concerning the state's wild animal  
4 31 depredation procedures, is amended to apply to nonresident

4 32 owners of farm units as defined in Code section 483A.24. The  
4 33 bill provides that depredation licenses and permits, and in  
4 34 particular deer depredation licenses and permits, be available  
4 35 for issuance to resident and nonresident owners who incur  
5 1 agricultural crop, horticultural product, tree, or nursery  
5 2 damage of \$1,000 or more due to wild animals, particularly  
5 3 deer.

5 4 Deer depredation licenses may be transferred by a resident  
5 5 or nonresident owner or tenant to a resident hunter for use on  
5 6 the land designated in the depredation plan. Deer shooting  
5 7 permits are available to resident and nonresident owners and  
5 8 tenants who incur such damage, for use on areas where public  
5 9 safety may be an issue, and outside of established deer  
5 10 hunting seasons.

5 11 Code section 483A.24 is amended to allow a nonresident  
5 12 owner of a farm unit, or a family member of such an owner to  
5 13 hunt, fish, and trap on the farm unit without a license and to  
5 14 obtain special licenses to hunt deer and wild turkey on that  
5 15 farm unit, just as resident owners and their families do.

5 16 The bill also changes the definition of "owner" of a farm  
5 17 unit to include a person who owns a farm unit and employs a  
5 18 farm manager or third party to operate the farm unit or who  
5 19 rents the entire farm unit to a tenant who is responsible for  
5 20 all farm operations. "Farm unit" means all parcels of land  
5 21 which are certified by the natural resource commission as  
5 22 being in tracts of two or more contiguous acres, operated as a  
5 23 unit for agricultural purposes, and under the lawful control  
5 24 of the owner or tenant.

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