

FEB 17 2003
Agriculture

HOUSE FILE 158
BY MERTZ

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to farm deer and providing for an effective date.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 158

1 Section 1. Section 10.1, subsection 14, Code 2003, is
2 amended to read as follows:

3 14. "Livestock" means an animal belonging to the bovine,
4 caprine, equine, ovine, or porcine species, ostriches, rheas,
5 emus, farm deer as defined in section ~~481A.1~~ 189A.2, or
6 poultry.

7 Sec. 2. Section 169A.1, subsection 1, Code 2003, is
8 amended to read as follows:

9 1. "Animal" means a creature belonging to the bovine,
10 caprine, equine, ovine, or porcine species; ostriches, rheas,
11 or emus; farm deer as defined in section ~~481A.1~~ 189A.2; or
12 poultry.

13 Sec. 3. Section 169C.1, subsection 3, Code 2003, is
14 amended to read as follows:

15 3. "Livestock" means an animal belonging to the bovine,
16 caprine, equine, ovine, or porcine species; ostriches, rheas,
17 or emus; farm deer as defined in section ~~481A.1~~ 189A.2; or
18 poultry.

19 Sec. 4. Section 189A.2, subsection 6A, Code 2003, is
20 amended to read as follows:

21 6A. "Farm deer" means an animal belonging to the cervidae
22 family and classified as part of the dama species of the dama
23 genus, commonly referred to as fallow deer; part of the
24 elaphus species of the cervus genus, commonly referred to as
25 red deer or elk; part of the virginianus species of the
26 odocioleus genus commonly referred to as whitetail; or part of
27 the nippon species of the cervus genus, commonly referred to
28 as sika. However, a farm deer does not include any unmarked
29 free-ranging elk or whitetail.

30 Sec. 5. Section 190C.1, subsection 12, Code 2003, is
31 amended to read as follows:

32 12. "Livestock" means an animal belonging to the bovine,
33 caprine, equine, ovine, or porcine species; ostriches, rheas,
34 or emus; farm deer as defined in section ~~481A.1~~ 189A.2; or
35 poultry.

1 Sec. 6. Section 481A.1, Code 2003, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 16A. "Farm deer" means the same as
4 defined in section 189A.2.

5 Sec. 7. Section 481A.1, subsection 20, paragraph h, Code
6 2001, is amended to read as follows:

7 h. The Cervidae: such as elk or deer, other than farm
8 deer. ~~As-used-in-this-paragraph, "farm-deer" means an animal~~
9 ~~belonging to the cervidae family and classified as part of the~~
10 ~~dama species of the dama genus, commonly referred to as fallow~~
11 ~~deer, part of the elaphus species of the cervus genus,~~
12 ~~commonly referred to as red deer or elk, or part of the nippon~~
13 ~~species of the cervus genus, commonly referred to as sika.~~
14 ~~However, a farm deer does not include any unmarked free-~~
15 ~~ranging elk.~~

16 Sec. 8. Section 481A.1, Code 2003, is amended by adding
17 the following new subsection:

18 NEW SUBSECTION. 33A. "Whitetail" means an animal
19 belonging to the cervidae family and classified as part of the
20 virginianus species of the odocioleus genus commonly referred
21 to as whitetail.

22 Sec. 9. Section 481A.124, subsection 2, Code 2003, is
23 amended to read as follows:

24 2. This section only applies to deer of the species
25 whitetail only other than farm deer.

26 Sec. 10. Section 481A.130, Code 2003, is amended by adding
27 the following new subsection:

28 NEW SUBSECTION. 3. This section does not apply to a
29 person who fails to exclude an ungulate that is property of
30 the state from becoming part of a hunting preserve licensed
31 under chapter 484B if the person acts in compliance with
32 section 484B.5.

33 Sec. 11. Section 484B.5, Code 2003, is amended to read as
34 follows:

35 484B.5 BOUNDARIES SIGNED -- FENCED.

1 Upon receipt of a hunting preserve license, the licensee
2 shall promptly sign post signs around the licensed property
3 with-signs of the hunting preserve as prescribed by the
4 department. A licensee holding-and-releasing who may release
5 ungulates into the hunting preserve shall construct and
6 maintain a boundary fences fence around the hunting preserve
7 as prescribed by the department so-as-to. The boundary fence
8 shall enclose the property and be constructed to contain all
9 released ungulates and. Upon the construction of the boundary
10 fence, the licensee shall notify the department in writing
11 according to procedures required by the department that the
12 fence has been constructed. For thirty days following receipt
13 of the notice, the department may enter the hunting preserve
14 to exclude all ungulates which are property of the state from
15 becoming-a-part-of-the-hunting-preserve-enterprise. The
16 department may treat any enclosed ungulate in the hunting
17 preserve as property of the state. After the end of the
18 thirty-day period, the state shall relinquish its property
19 interest in any remaining enclosed ungulate, which shall
20 become property of the licensee.

21 Sec. 12. Section 484B.14, Code 2003, is amended to read as
22 follows:

23 484B.14 PENALTIES.

24 1. A person who violates a provision of this chapter or a
25 rule adopted under this chapter is guilty of a simple
26 misdemeanor.

27 2. A person who fails to exclude an ungulate that is
28 property of the state from becoming part of a hunting preserve
29 licensed under this chapter shall not be subject to the
30 penalty provided in this section or to a civil or criminal
31 penalty provided in any other chapter, if the person acts in
32 compliance with section 484B.5.

33 Sec. 13. Section 717.1, subsection 2, Code 2003, is
34 amended to read as follows:

35 2. "Livestock" means an animal belonging to the bovine,

1 caprine, equine, ovine, or porcine species, ostriches, rheas,
2 emus; farm deer, as defined in section ~~481A.1~~ 189A.2; or
3 poultry.

4 Sec. 14. EFFECTIVE DATE. This bill, being deemed of
5 immediate importance, takes effect upon enactment.

6 EXPLANATION

7 This bill relates to farm deer, which is an animal
8 generally classified as belonging to the cervidae family that
9 is more narrowly referred to in common use as fallow deer, red
10 deer, elk, or sika. A farm deer does not include any unmarked
11 free-ranging elk. These types of cervidae are considered
12 livestock for a number of provisions throughout the Code,
13 including branding regulations under Code chapter 169A,
14 trespassing livestock under Code chapter 169C, meat and
15 poultry inspection under Code chapter 189A, organic
16 agricultural production under Code chapter 190C, exemptions
17 from sales tax for inputs under Code section 422.45, and
18 livestock neglect and abuse under Code chapter 717.

19 Farm deer are generally excluded from provisions referring
20 to game in chapters administered by the department of natural
21 resources providing for wildlife conservation and hunting
22 regulations (see Code section 481A.1).

23 The bill adds whitetail to the definition of farm deer, but
24 excludes whitetail that are free-ranging.

25 The bill amends a number of provisions referring to the
26 definition of "farm deer" that currently exist in the Code.

27 The bill also amends Code chapter 484B, which provides for
28 the licensure of hunting preserves. Under current law, a
29 person obtaining a license to establish a hunting preserve
30 must exclude ungulates, including whitetail, prior to
31 enclosing the hunting preserve and populating it with
32 ungulates owned by the person. The bill amends Code section
33 484B.5 to provide that the department may have access to the
34 area within the boundary fences in order to remove ungulates
35 that are property of the state from becoming a part of the

1 hunting preserve.

2 The bill provides that a penalty that might apply to a
3 person who takes an ungulate that is property of the state
4 does not apply to a person who fails to exclude the ungulate
5 from a hunting preserve, if the person acts in compliance with
6 the requirements of Code section 484B.5.

7 The bill takes effect upon enactment.

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