

*Reprinted*

FILED MAR 03 1992

SENATE FILE 2257

BY COMMITTEE ON NATURAL RESOURCES

*approved (p. 844)*

(SUCCESSOR TO SSB 2161)

Passed Senate, Date 3/10/92 (p. 697) Passed House, Date 3/27/92 (p. 844)

Vote: Ayes 48 Nays 0 Vote: Ayes 97 Nays 0

Approved April 28, 1992

A BILL FOR

1 An Act relating to the regulation of hunting preserves and  
2 providing penalties for violations.

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

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*SF 2257*

1 Section 1. NEW SECTION. 110C.1 DEFINITIONS.

2 As used in this chapter unless the context otherwise  
3 requires:

4 1. "Commission" means the natural resource commission.

5 2. "Department" means the department of natural resources.

6 3. "Director" means the director of the department.

7 4. "Game birds" means pen-reared birds of the family  
8 gallinae and mallard ducks.

9 5. "Hunting preserve" means property and facilities either  
10 privately owned or leased for holding, rearing, releasing, or  
11 processing captive-raised game for the purpose of hunting, for  
12 a fee, over an extended season.

13 6. "Pen-reared" means the propagation and holding of game  
14 birds and game animals whose origins are from captive  
15 populations.

16 7. "Season" means hunting preserve season.

17 8. "Ungulate" means hoofed nondomesticated mammal that is  
18 a member of a species that is native to North America.

19 Sec. 2. NEW SECTION. 110C.2 RULES.

20 The commission may adopt rules under chapter 17A as  
21 necessary to carry out this chapter.

22 Sec. 3. NEW SECTION. 110C.3 AUTHORITY OF THE DIRECTOR.

23 The director shall develop, administer, and enforce hunting  
24 preserve programs and requirements within the state which  
25 implement the provisions of this chapter and the rules adopted  
26 by the commission.

27 Sec. 4. NEW SECTION. 110C.4 APPLICATION AND LICENSE  
28 REQUIREMENTS.

29 1. A person who owns or controls by lease or otherwise for  
30 five or more years, a contiguous tract of land having an area  
31 of not less than three hundred twenty acres, and who desires  
32 to establish a hunting preserve, to propagate and sell game  
33 birds and their young or unhatched eggs, and shoot game birds  
34 and ungulates on the land under this chapter or the rules of  
35 the commission, shall make application to the department, for

1 an operator's license. The application shall be made under  
2 oath of the applicant or under oath of one of its principal  
3 officers if the applicant is an association, corporation, or  
4 copartnership. Under the authority of this license, any  
5 property or facilities to be used for propagating, holding,  
6 processing, or pasturing of game birds or ungulates shall not  
7 be required to be contained within the contiguous land area  
8 used for hunting purposes. The application shall be  
9 accompanied by an operator's license fee of two hundred  
10 dollars.

11 2. Upon receipt of an application, the department or its  
12 authorized agent shall inspect the proposed hunting preserve  
13 and facilities described in the application. If the  
14 department finds that the proposed hunting preserve meets the  
15 following requirements, the department may approve the  
16 application and issue a hunting preserve operator's license  
17 for the operation of the property and facilities described in  
18 the application with the rights and subject to the limitations  
19 in this chapter and the rules adopted by the commission:

20 a. The proposed hunting preserve contains at least three  
21 hundred twenty acres but not more than one thousand two  
22 hundred eighty acres.

23 b. The area of the proposed hunting preserve is  
24 contiguous.

25 c. There is no other licensed hunting preserve in the  
26 township.

27 d. The total area of all licensed hunting preserves and  
28 the proposed hunting preserve will not exceed three percent of  
29 the land area of the county.

30 e. The game birds or ungulates released on the preserve  
31 will not be detrimental to wildlife.

32 f. The proposed hunting preserve will not interfere with  
33 the normal activities of migratory birds.

34 3. All hunting preserve operator's licenses shall expire  
35 on March 31 of each year.

1     Sec. 5. NEW SECTION. 110C.5 BOUNDARIES SIGNED -- FENCED.

2     Upon receipt of a hunting preserve license, the licensee  
3 shall promptly sign the licensed property with signs  
4 prescribed by the department. A licensee holding and  
5 releasing ungulates shall construct and maintain boundary  
6 fences prescribed by the department so as to enclose and  
7 contain all released ungulates and exclude all ungulates which  
8 are property of the state from becoming a part of the hunting  
9 preserve enterprise.

10    Sec. 6. NEW SECTION. 110C.6 GAME BIRDS RELEASED.

11    The licensee of a licensed hunting preserve may take, or  
12 authorize to be taken within the season, the numbers of game  
13 birds as provided in this section:

14    1. A licensed hunting preserve of each species may take or  
15 authorize the taking of no more than the number of birds  
16 released.

17    2. A minimum of five hundred game birds shall be released  
18 during the hunting preserve season by each licensed hunting  
19 preserve authorized to release game birds.

20    3. A licensee operating two or more licensed hunting  
21 preserve areas shall release a cumulative minimum of eight  
22 hundred game birds during the hunting preserve season.

23    Sec. 7. NEW SECTION. 110C.7 RECORDS -- REPORTS --  
24 INSPECTIONS.

25    1. Each hunting preserve licensee shall keep the records  
26 and make the reports required on forms prepared and provided  
27 by the department. All records shall be open for inspection  
28 at any reasonable time by the department or its authorized  
29 agents.

30    2. Each licensee shall file an annual report with the  
31 department on or before April 30. The report shall detail the  
32 hunting preserve operations during the preceding license year.  
33 The original report shall be forwarded to the department and a  
34 copy shall be retained in the hunting preserve's file for  
35 three years from the date of expiration of the hunting

1 preserve's last license issued. Records required by this  
2 section shall be entered in the annual report record within  
3 twenty-four hours of the event. Failure to keep or submit the  
4 required records and reports is grounds for refusal to renew a  
5 license for the succeeding year. An on-site inspection of  
6 property and facilities shall be conducted by an authorized  
7 agent of the department prior to the initial issuance of a  
8 hunting preserve license. The hunting preserve may be  
9 reinspected by an agent of the department at any reasonable  
10 time. A licensed hunting preserve shall maintain adequate  
11 facilities for all designated birds and ungulates held under  
12 the hunting preserve license.

13 Sec. 8. NEW SECTION. 110C.8 GAME BIRD TRANSPORTATION  
14 TAGS -- MARKINGS.

15 The department shall prepare transportation tags suitable  
16 for use upon the legs of game birds described in this chapter.  
17 The tags shall be of a type which are not removable without  
18 breaking and mutilating the tag. The tags shall be used to  
19 designate all game birds taken by hunters upon a licensed  
20 hunting preserve. The department shall provide licensees with  
21 the tags. All dead game birds removed from a licensed hunting  
22 preserve shall have a hunting preserve tag affixed to one leg  
23 prior to being transported from the licensed hunting preserve,  
24 except as otherwise provided by rule of the commission. All  
25 mallards released for hunting purposes shall be physically  
26 marked by the removal of the hind toe from the right foot at  
27 not more than four weeks of age, so as to provide for  
28 permanent identification. Game bird tags issued to a hunting  
29 preserve are not transferable.

30 Sec. 9. NEW SECTION. 110C.9 UNGULATE TRANSPORTATION TAGS -  
31 - MARKINGS.

32 The department shall prepare transportation tags suitable  
33 for use upon the carcass of ungulates described in this  
34 chapter. The tags shall be used to designate all ungulates  
35 taken by hunters upon a licensed hunting preserve. The

1 department shall provide licensees with the tags. All  
2 ungulates taken on a licensed hunting preserve shall be tagged  
3 with a numbered tag prior to being removed from the hunting  
4 preserve. The hunter shall tag the ungulate taken in  
5 accordance with the rules as determined by the department.  
6 The tag shall remain attached to the carcass of the dead  
7 ungulate until processed for consumption. The hunter shall be  
8 provided with a bill of sale by the licensee. The bill of  
9 sale shall remain in the possession of the hunter. Ungulate  
10 tags issued to a hunting preserve are not transferable.

11 Sec. 10. NEW SECTION. 110C.10 SEASON -- HUNTING LICENSE.

12 1. A person shall not take a game bird or ungulate upon a  
13 hunting preserve, by shooting in any manner, except during the  
14 established season or as authorized by section 109.56. The  
15 established season shall be September 1 through March 31 of  
16 the succeeding year, both dates inclusive.

17 2. Waterfowl shall not be shot over any area where pen-  
18 reared mallards may serve as live decoys for wild waterfowl.  
19 All persons hunting game birds or ungulates upon a licensed  
20 hunting preserve shall secure a hunting license to do so in  
21 accordance with the game laws of Iowa, with the exception that  
22 an unlicensed person may secure an annual hunting preserve  
23 license restricted to hunting preserves only for a license fee  
24 of five dollars. A wildlife habitat stamp shall be required  
25 of all persons who hunt on hunting preserves.

26 Sec. 11. NEW SECTION. 110C.11 HEALTH REQUIREMENTS --  
27 GAME BIRDS.

28 All game birds, including breeders and nonbreeders; or  
29 their chicks or unhatched eggs either purchased, propagated,  
30 confined, released, or sold by a licensed hunting preserve  
31 shall be free of diseases considered significant for wildlife,  
32 poultry, or livestock and shall comply with all game bird,  
33 mallard, and turkey requirements as designated by the national  
34 poultry improvement plan (NPIP) and in accordance with the  
35 United States department of agriculture and requirements of

1 the Iowa department of agriculture and land stewardship.

2 Sec. 12. NEW SECTION. 110C.12 HEALTH REQUIREMENTS --  
3 UNGULATES.

4 All ungulates other than livestock as described by the Iowa  
5 department of agriculture and land stewardship which are  
6 purchased, propagated, confined, released, or sold by a  
7 licensed hunting preserve shall be free of diseases considered  
8 significant for wildlife, poultry, or livestock. The Iowa  
9 department of agriculture and land stewardship shall  
10 administer the inspection and disease control regulations of  
11 ungulates that are livestock.

12 Sec. 13. NEW SECTION. 110C.13 LICENSE REFUSAL.

13 The department may either refuse to issue, refuse to renew,  
14 or suspend or revoke a hunting preserve license if the  
15 department finds that the licensed area or the operator or  
16 employees of the licensed area are not in compliance with this  
17 chapter, or that the property or area is operated in violation  
18 of this chapter or administrative rules adopted under this  
19 chapter.

20 Sec. 14. NEW SECTION. 110C.14 PENALTIES.

21 A person who violates a provision of this chapter or a rule  
22 adopted under this chapter is guilty of a simple misdemeanor.

23 Sec. 15. Section 107.14, Code 1991, is amended to read as  
24 follows:

25 107.14 TEMPORARY APPOINTMENTS -- PEACE OFFICER STATUS.

26 The director may appoint temporary officers for a period  
27 not to exceed six months and may adopt minimum physical,  
28 educational, mental, and moral requirements for the temporary  
29 officers. Chapter 80B does not apply to the temporary  
30 officers. Temporary officers have all the powers of peace  
31 officers in the enforcement of chapters 106 through 110, 110B  
32 through 111, 111B, and 321G, and the trespass laws.

33 Sec. 16. Section 107.24, subsection 12, Code Supplement  
34 1991, is amended to read as follows:

35 12. Adopt rules authorizing officers and employees of the

1 department who are peace officers to issue warning citations  
2 for violations of chapters 106 through 110, 110B through 112,  
3 and chapter 321G.

4 Sec. 17. Section 109.1, unnumbered paragraph 1, Code 1991,  
5 is amended to read as follows:

6 Words and phrases as used in chapters 106 ~~to~~ through 110,  
7 110B through 112, and such other chapters as relate to the  
8 subject matter of these chapters shall be construed as  
9 follows:

10 Sec. 18. Section 109.38, subsection 2, Code 1991, is  
11 amended to read as follows:

12 2. If the commission finds that the number of hunters  
13 licensed or the type of license issued to take deer or wild  
14 turkey should be limited or further regulated the commission  
15 shall conduct a drawing to determine which applicants shall  
16 receive a license and the type of license. Applications for  
17 licenses shall be received during a period established by the  
18 commission. At the end of the period a drawing shall be  
19 conducted. The commission may establish rules to issue  
20 licenses after the established application period. If an  
21 applicant receives a deer license which is more restrictive  
22 than licenses issued to others for the same period and place,  
23 the applicant shall receive a certificate with the license  
24 entitling the applicant to priority in the drawing for the  
25 less restrictive deer licenses the following year. The  
26 certificate must accompany that person's application the  
27 following year, or the applicant will not receive this  
28 priority. Persons purchasing a deer license for the gun  
29 season under this section and under section 110.1 are not  
30 eligible for a gun deer-hunting license under section 110.24,  
31 except as authorized by rules of the department. This  
32 subsection does not apply to the hunting of wild turkey on  
33 ~~game-breeding-and-shooting-preserves~~ a hunting preserve  
34 licensed under chapter ~~110A~~ 110C.

35 Sec. 19. Section 109.134, Code 1991, is amended to read as

1 follows:

2 109.134 AUTHORITY TO SUSPEND OR REVOKE LICENSE -- POINT  
3 SYSTEM.

4 The department shall establish rules pursuant to chapter  
5 17A providing for the suspension or revocation of licenses  
6 issued by the department. For purposes of determining when to  
7 suspend or revoke a license issued by the department under  
8 this section, the department shall adopt a point system  
9 pursuant to chapter 17A for the purpose of weighing the  
10 seriousness of violations of the provisions of chapter 109,  
11 109A, 109B, 110, ~~110A~~, or 110B, or 110C. The weighted scale  
12 may be amended from time to time as experience dictates.

13 Sec. 20. Section 109.135, subsections 2, 3, and 4, Code  
14 1991, is amended to read as follows:

15 2. A person who pleads guilty or is convicted of a  
16 violation of any provision of chapter 109, 109A, 109B, 110,  
17 ~~110A~~, or 110B, or 110C while the person's license or licenses  
18 are suspended or revoked is guilty of a simple misdemeanor if  
19 the person has no other violations within the previous three  
20 years which occurred while the person's license or licenses  
21 have been suspended or revoked.

22 3. A person who pleads guilty or is convicted of a  
23 violation of any provision of chapter 109, 109A, 109B, 110,  
24 ~~110A~~, or 110B, or 110C while the person's license or licenses  
25 are suspended or revoked is guilty of a serious misdemeanor if  
26 the person has one other violation within the previous three  
27 years which occurred while the person's license or licenses  
28 have been suspended or revoked.

29 4. A person who pleads guilty or is convicted of a  
30 violation of any provision of chapter 109, 109A, 109B, 110,  
31 ~~110A~~, or 110B, or 110C while the person's license or licenses  
32 are suspended or revoked is guilty of an aggravated  
33 misdemeanor when the person has had two or more convictions  
34 within the previous three years which occurred while the  
35 person's license or licenses have been suspended or revoked.

1 Sec. 21. Section 232.8, subsection 1, paragraph b, Code  
2 Supplement 1991, is amended to read as follows:

3 b. Violations by a child of provisions of chapter 98, 106,  
4 106A, 109, 109A, 110, ~~110A~~, 110B, 110C, 111, 321, or 321G  
5 which would be simple misdemeanors if committed by an adult,  
6 and violations by a child of county or municipal curfew or  
7 traffic ordinances, are excluded from the jurisdiction of the  
8 juvenile court and shall be prosecuted as simple misdemeanors  
9 as provided by law. A child convicted of a violation excluded  
10 from the jurisdiction of the juvenile court under this  
11 paragraph shall be sentenced pursuant to section 805.8, where  
12 applicable, and pursuant to section 903.1, subsection 3, for  
13 all other violations.

14 Sec. 22. Section 455A.4, subsection 1, paragraph b, Code  
15 Supplement 1991, is amended to read as follows:

16 b. Provide overall supervision, direction, and  
17 coordination of functions to be administered by the  
18 administrators under chapters 84, 93, 106, 107, 108, 108A,  
19 109, 109A, 110, ~~110A~~, 110B, 110C, 111, 111B, 111D, 112, 305,  
20 321G, 455B, and 455C.

21 Sec. 23. Section 455A.5, subsection 6, paragraphs a, b,  
22 and d, Code Supplement 1991, are amended to read as follows:

23 a. Establish policy and adopt rules, pursuant to chapter  
24 17A, necessary to provide for the effective administration of  
25 chapter 106, 107, 108, 108A, 109, 109A, 110, ~~110A~~, 110B, 110C,  
26 111, 111B, 111D, 112, or 321G.

27 b. Hear appeals in contested cases pursuant to chapter 17A  
28 on matters relating to actions taken by the director under  
29 chapter 106, 107, 108, 108A, 109, 109A, 110, ~~110A~~, 110B, 110C,  
30 111, 111B, 111D, 112, or 321G.

31 d. Approve the budget request prepared by the director for  
32 the programs authorized by chapters 106, 107, 108, 108A, 109,  
33 109A, 110, ~~110A~~, 110B, 110C, 111, 111D, 112, and 321G. The  
34 commission may increase, decrease, or strike any item within  
35 the department budget request for the specified programs

1 before granting approval.

2 Sec. 24. Section 805.16, subsection 1, Code 1991, is  
3 amended to read as follows:

4 1. Except as provided in subsection 2 of this section, a  
5 peace officer shall issue a police citation or uniform  
6 citation and complaint, in lieu of making a warrantless  
7 arrest, to a person under eighteen years of age accused of  
8 committing a simple misdemeanor under chapter 106, 106A, 109,  
9 109A, 110, ~~110A~~, 110B, 110C, 111, 321, or 321G, section  
10 123.47, or a local ordinance not subject to the jurisdiction  
11 of the juvenile court, and shall not detain or confine the  
12 person in a facility regulated under chapter 356 or 356A.

13 Sec. 25. Section 903.1, subsection 3, unnumbered paragraph  
14 1, Code Supplement 1991, is amended to read as follows:

15 A person under eighteen years of age convicted of a simple  
16 misdemeanor under chapter 98, 106, 106A, 109, 109A, 110, ~~110A~~,  
17 110B, 110C, 111, 321, or 321G, or a violation of a county or  
18 municipal curfew or traffic ordinance, except for an offense  
19 subject to section 805.8, may be required to pay a fine, not  
20 to exceed one hundred dollars, as fixed by the court, or may  
21 be required to perform community service as ordered by the  
22 court.

23 Sec. 26. DEPARTMENT REVIEW OF FEES FOR HUNTING ON  
24 PRESERVES. The department of natural resources shall review  
25 the method of collecting and the amount of the fees charged  
26 for hunting licenses to be issued to persons who will be  
27 hunting on a hunting preserve under chapter 110C. The review  
28 shall include consideration of the types of animals to be  
29 hunted on the preserves, the development of a sliding fee  
30 scale of up to \$1,000 for the hunting of various kinds and  
31 sizes of animals, development of an alternative collection  
32 system for fees charged, and consideration of the fees  
33 normally charged in various jurisdictions for the hunting of  
34 big game animals. The department shall summarize its findings  
35 and submit any recommendations in a report to the general

1 assembly by January 1, 1993.

2 Sec. 27. Chapter 110A, Code 1991, is repealed.

3 EXPLANATION

4 This bill adds a new chapter, 110C, and repeals chapter  
5 110A relating to the regulation of game breeding and shooting  
6 preserves.

7 The new chapter 110C revises the law regarding hunting  
8 preserves. Hunting preserves, usually privately owned, are  
9 areas where hunting is allowed for an extended season. Birds  
10 are raised and released on the preserve for hunting purposes.  
11 The hunting preserves law was originally enacted 35 years ago  
12 and has not been substantially changed since that date.

13 The department of natural resources is to conduct a review  
14 of fees charged for licenses issued to hunters on hunting  
15 preserves and submit findings in a report to the general  
16 assembly.

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SENATE FILE 2257

S-5168

1 Amend Senate File 2257 as follows:

2 1. Page 5, by inserting after line 25 the  
3 following:

4 "3. In lieu of the hunting license or annual  
5 hunting preserves license provided for in subsection  
6 2, a hunting and fishing combined license may be  
7 obtained for the license fee specified in section 101  
8 of this Act."

9 2. Page 9, by inserting before line 1, the  
10 following:

11 "Sec. \_\_\_\_ . Section 110.1, subsection 1, Code  
12 Supplement 1991, is amended by adding the following  
13 new paragraph:

14 NEW PARAGRAPH. e. Lifetime license for legal  
15 residents permanently disabled or sixty-five years of  
16 age or older  
17 ..... \$ 10.50

18 Sec. 101. Section 110.1, subsection 3, Code  
19 Supplement 1991, is amended by striking the subsection  
20 and inserting in lieu thereof the following:

21 3. Hunting and fishing combined licenses:  
22 a. Legal residents except as otherwise provided  
23 ..... \$ 20.50

24 b. Lifetime license for legal residents  
25 permanently disabled or sixty-five years of age or  
26 older  
27 ..... \$ 30.50"

By BERL E. PRIEBE  
JAMES B. KERSTEN  
DERRYL McLAREN

EMIL J. HUSAK  
JOHN E. SOORHOLTZ

S-5168 FILED MARCH 10, 1992  
RULED OUT OF ORDER (p. 699)

SENATE FILE 2257

S-5162

1 Amend Senate File 2257 as follows:

2 1. Page 5, by inserting after line 25 the  
3 following:

4 "3. In lieu of the hunting license or annual  
5 hunting preserves license provided for in subsection  
6 2, a hunting and fishing combined license may be  
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10 following:

11 "Sec. \_\_\_\_ Section 110.1, subsection 1, Code  
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13 new paragraph:

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15 residents permanently disabled or sixty-five years of  
16 age or older

17 ..... \$ 10.50

18 Sec. 101. Section 110.1, subsection 3, Code  
19 Supplement 1991, is amended by striking the subsection  
20 and inserting in lieu thereof the following:

21 3. Hunting and fishing combined licenses:

22 a. Legal residents except as otherwise provided

23 ..... \$ 23.50

24 b. Lifetime license for legal residents  
25 permanently disabled or sixty-five years of age or  
26 older

27 ..... \$ 30.50"

By BERL E. PRIEBE

EMIL J. HUSAK

JAMES B. KERSTEN

JOHN E. SOORHOLTZ

DERRYL McLAREN

S-5162 FILED MARCH 10, 1992

WITHDRAWN (p. 699)

SENATE FILE 2257

S-5141

1 Amend Senate File 2257 as follows:

2 1. Page 5, by striking lines 20 through 24 and  
3 inserting the following: "hunting preserve shall  
4 secure an Iowa hunting preserve license to do so in  
5 accordance with the game law of Iowa. The department  
6 of natural resources shall adopt rules which establish  
7 a sliding fee scale, of up to one thousand dollars for  
8 a hunting preserve license that shall be based on the  
9 type and size of game bird or ungulate hunted. Rules  
10 adopted may include provisions which permit the  
11 hunting of particular species of game birds or  
12 ungulates on game preserves by persons who have the  
13 appropriate regular hunting license for that species  
14 in lieu of requiring an Iowa hunting preserve license.  
15 A wildlife habitat stamp shall be required".

16 2. By striking page 10, line 23 through page 11,  
17 line 1.

18 3. By renumbering sections as necessary.

By JOHN P. KIBBIE

BERL E. PRIEBE

DALE L. TIEDEN

JAMES R. RIORDAN

JACK W. HESTER

RALPH ROSENBERG

WILLIAM O. PALMER

H. KAY HEDGE

WILMER RENSINK

AL STURGEON

S-5141 FILED MARCH 5, 1992

ad. p. 692

*Substituted for HF 2281*

SENATE FILE 2257  
BY COMMITTEE ON NATURAL RESOURCES

(SUCCESSOR TO SSB 2161)

(AS AMENDED AND PASSED BY THE SENATE MARCH 10, 1992)

- \_\_\_\_\_ - New Language by the Senate
- \* - Language Stricken by the Senate

~~By~~ Passed Senate, Date 4/8/92 (p. 1285) Passed House, Date 3/27/92 (p. 844)

Vote: Ayes 48 Nays 0 Vote: Ayes 97 Nays 0

Approved April 28, 1992 (p. 1697)

*Repassed Senate 4/16/92 (p. 1446)  
aye 50, Nays 0*

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S.F. 2257

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19 Sec. 2. NEW SECTION. 110C.2 RULES.

20 The commission may adopt rules under chapter 17A as  
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27 Sec. 4. NEW SECTION. 110C.4 APPLICATION AND LICENSE  
28 REQUIREMENTS.

29 1. A person who owns or controls by lease or otherwise for  
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31 of not less than three hundred twenty acres, and who desires  
32 to establish a hunting preserve, to propagate and sell game  
33 birds and their young or unhatched eggs, and shoot game birds  
34 and ungulates on the land under this chapter or the rules of  
35 the commission, shall make application to the department, for

1 an operator's license. The application shall be made under  
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3 officers if the applicant is an association, corporation, or  
4 copartnership. Under the authority of this license, any  
5 property or facilities to be used for propagating, holding,  
6 processing, or pasturing of game birds or ungulates shall not  
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12 authorized agent shall inspect the proposed hunting preserve  
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16 application and issue a hunting preserve operator's license  
17 for the operation of the property and facilities described in  
18 the application with the rights and subject to the limitations  
19 in this chapter and the rules adopted by the commission:

20 a. The proposed hunting preserve contains at least three  
21 hundred twenty acres but not more than one thousand two  
22 hundred eighty acres.

23 b. The area of the proposed hunting preserve is  
24 contiguous.

25 c. There is no other licensed hunting preserve in the  
26 township.

27 d. The total area of all licensed hunting preserves and  
28 the proposed hunting preserve will not exceed three percent of  
29 the land area of the county.

30 e. The game birds or ungulates released on the preserve  
31 will not be detrimental to wildlife.

32 f. The proposed hunting preserve will not interfere with  
33 the normal activities of migratory birds.

34 3. All hunting preserve operator's licenses shall expire  
35 on March 31 of each year.

1 Sec. 5. NEW SECTION. 110C.5 BOUNDARIES SIGNED -- FENCED.

2 Upon receipt of a hunting preserve license, the licensee  
3 shall promptly sign the licensed property with signs  
4 prescribed by the department. A licensee holding and  
5 releasing ungulates shall construct and maintain boundary  
6 fences prescribed by the department so as to enclose and  
7 contain all released ungulates and exclude all ungulates which  
8 are property of the state from becoming a part of the hunting  
9 preserve enterprise.

10 Sec. 6. NEW SECTION. 110C.6 GAME BIRDS RELEASED.

11 The licensee of a licensed hunting preserve may take, or  
12 authorize to be taken within the season, the numbers of game  
13 birds as provided in this section:

5387 14 1. A licensed hunting preserve of each species may take or  
15 authorize the taking of no more than the number of birds  
16 released.

17 2. A minimum of five hundred game birds shall be released  
18 during the hunting preserve season by each licensed hunting  
19 preserve authorized to release game birds.

20 3. A licensee operating two or more licensed hunting  
21 preserve areas shall release a cumulative minimum of eight  
22 hundred game birds during the hunting preserve season.

5387 23 Sec. 7. NEW SECTION. 110C.7 RECORDS -- REPORTS --  
24 INSPECTIONS.

25 1. Each hunting preserve licensee shall keep the records  
26 and make the reports required on forms prepared and provided  
27 by the department. All records shall be open for inspection  
28 at any reasonable time by the department or its authorized  
29 agents.

30 2. Each licensee shall file an annual report with the  
31 department on or before April 30. The report shall detail the  
32 hunting preserve operations during the preceding license year.  
33 The original report shall be forwarded to the department and a  
34 copy shall be retained in the hunting preserve's file for  
35 three years from the date of expiration of the hunting

1 preserve's last license issued. Records required by this  
2 section shall be entered in the annual report record within  
3 twenty-four hours of the event. Failure to keep or submit the  
4 required records and reports is grounds for refusal to renew a  
5 license for the succeeding year. An on-site inspection of  
6 property and facilities shall be conducted by an authorized  
7 agent of the department prior to the initial issuance of a  
8 hunting preserve license. The hunting preserve may be  
9 reinspected by an agent of the department at any reasonable  
10 time. A licensed hunting preserve shall maintain adequate  
11 facilities for all designated birds and ungulates held under  
12 the hunting preserve license.

13 Sec. 8. NEW SECTION. 110C.8 GAME BIRD TRANSPORTATION  
14 TAGS -- MARKINGS.

15 The department shall prepare transportation tags suitable  
16 for use upon the legs of game birds described in this chapter.  
17 The tags shall be of a type which are not removable without  
18 breaking and mutilating the tag. The tags shall be used to  
19 designate all game birds taken by hunters upon a licensed  
20 hunting preserve. The department shall provide licensees with  
21 the tags. All dead game birds removed from a licensed hunting  
22 preserve shall have a hunting preserve tag affixed to one leg  
23 prior to being transported from the licensed hunting preserve,  
24 except as otherwise provided by rule of the commission. All  
25 mallards released for hunting purposes shall be physically  
26 marked by the removal of the hind toe from the right foot at  
27 not more than four weeks of age, so as to provide for  
28 permanent identification. Game bird tags issued to a hunting  
29 preserve are not transferable.

30 Sec. 9. NEW SECTION. 110C.9 UNGULATE TRANSPORTATION TAGS -  
31 -MARKINGS.

32 The department shall prepare transportation tags suitable  
33 for use upon the carcass of ungulates described in this  
34 chapter. The tags shall be used to designate all ungulates  
35 taken by hunters upon a licensed hunting preserve. The

1 department shall provide licensees with the tags. All  
2 ungulates taken on a licensed hunting preserve shall be tagged  
3 with a numbered tag prior to being removed from the hunting  
4 preserve. The hunter shall tag the ungulate taken in  
5 accordance with the rules as determined by the department.  
6 The tag shall remain attached to the carcass of the dead  
7 ungulate until processed for consumption. The hunter shall be  
8 provided with a bill of sale by the licensee. The bill of  
9 sale shall remain in the possession of the hunter. Ungulate  
10 tags issued to a hunting preserve are not transferable.

11 Sec. 10. NEW SECTION. 110C.10 SEASON -- HUNTING LICENSE.

12 1. A person shall not take a game bird or ungulate upon a  
13 hunting preserve, by shooting in any manner, except during the  
14 established season or as authorized by section 109.56. The  
15 established season shall be September 1 through March 31 of  
16 the succeeding year, both dates inclusive.

5357 17 2. Waterfowl shall not be shot over any area where pen-  
18 reared mallards may serve as live decoys for wild waterfowl.  
19 All persons hunting game birds or ungulates upon a licensed  
20 hunting preserve shall secure an Iowa hunting preserve license  
21 to do so in accordance with the game law of Iowa. The  
22 department of natural resources shall adopt rules which  
23 establish a sliding fee scale, of up to one thousand dollars  
24 for a hunting preserve license that shall be based on the type  
25 and size of game bird or ungulate hunted. Rules adopted may  
26 include provisions which permit the hunting of particular  
27 species of game birds or ungulates on game preserves by  
28 persons who have the appropriate regular hunting license for  
29 that species in lieu of requiring an Iowa hunting preserve  
30 license. A wildlife habitat stamp shall be required of all  
31 persons who hunt on hunting preserves.

32 Sec. 11. NEW SECTION. 110C.11 HEALTH REQUIREMENTS --GAME  
33 BIRDS.

34 All game birds, including breeders and nonbreeders; or  
35 their chicks or unhatched eggs either purchased, propagated,

1 confined, released, or sold by a licensed hunting preserve  
2 shall be free of diseases considered significant for wildlife,  
3 poultry, or livestock and shall comply with all game bird,  
4 mallard, and turkey requirements as designated by the national  
5 poultry improvement plan (NPIP) and in accordance with the  
6 United States department of agriculture and requirements of  
7 the Iowa department of agriculture and land stewardship.

8 Sec. 12. NEW SECTION. 110C.12 HEALTH REQUIREMENTS --  
9 UNGULATES.

10 All ungulates other than livestock as described by the Iowa  
11 department of agriculture and land stewardship which are  
12 purchased, propagated, confined, released, or sold by a  
13 licensed hunting preserve shall be free of diseases considered  
14 significant for wildlife, poultry, or livestock. The Iowa  
15 department of agriculture and land stewardship shall  
16 administer the inspection and disease control regulations of  
17 ungulates that are livestock.

18 Sec. 13. NEW SECTION. 110C.13 LICENSE REFUSAL.

19 The department may either refuse to issue, refuse to renew,  
20 or suspend or revoke a hunting preserve license if the  
21 department finds that the licensed area or the operator or  
22 employees of the licensed area are not in compliance with this  
23 chapter, or that the property or area is operated in violation  
24 of this chapter or administrative rules adopted under this  
25 chapter.

26 Sec. 14. NEW SECTION. 110C.14 PENALTIES.

27 A person who violates a provision of this chapter or a rule  
28 adopted under this chapter is guilty of a simple misdemeanor.

29 Sec. 15. Section 107.14, Code 1991, is amended to read as  
30 follows:

31 107.14 TEMPORARY APPOINTMENTS -- PEACE OFFICER STATUS.

32 The director may appoint temporary officers for a period  
33 not to exceed six months and may adopt minimum physical,  
34 educational, mental, and moral requirements for the temporary  
35 officers. Chapter 80B does not apply to the temporary

1 officers. Temporary officers have all the powers of peace  
2 officers in the enforcement of chapters 106 through 110, 110B  
3 through 111, 111B, and 321G, and the trespass laws.

4 Sec. 16. Section 107.24, subsection 12, Code Supplement  
5 1991, is amended to read as follows:

6 12. Adopt rules authorizing officers and employees of the  
7 department who are peace officers to issue warning citations  
8 for violations of chapters 106 through 110, 110B through 112,  
9 and chapter 321G.

10 Sec. 17. Section 109.1, unnumbered paragraph 1, Code 1991,  
11 is amended to read as follows:

12 Words and phrases as used in chapters 106 to through 110,  
13 110B through 112, and such other chapters as relate to the  
14 subject matter of these chapters shall be construed as  
15 follows:

16 Sec. 18. Section 109.38, subsection 2, Code 1991, is  
17 amended to read as follows:

18 2. If the commission finds that the number of hunters  
19 licensed or the type of license issued to take deer or wild  
20 turkey should be limited or further regulated the commission  
21 shall conduct a drawing to determine which applicants shall  
22 receive a license and the type of license. Applications for  
23 licenses shall be received during a period established by the  
24 commission. At the end of the period a drawing shall be  
25 conducted. The commission may establish rules to issue  
26 licenses after the established application period. If an  
27 applicant receives a deer license which is more restrictive  
28 than licenses issued to others for the same period and place,  
29 the applicant shall receive a certificate with the license  
30 entitling the applicant to priority in the drawing for the  
31 less restrictive deer licenses the following year. The  
32 certificate must accompany that person's application the  
33 following year, or the applicant will not receive this  
34 priority. Persons purchasing a deer license for the gun  
35 season under this section and under section 110.1 are not

1 eligible for a gun deer-hunting license under section 110.24,  
2 except as authorized by rules of the department. This  
3 subsection does not apply to the hunting of wild turkey on  
4 ~~game-breeding-and-shooting-preserves~~ a hunting preserve  
5 licensed under chapter ~~110A~~ 110C.

6 Sec. 19. Section 109.134, Code 1991, is amended to read as  
7 follows:

8 109.134 AUTHORITY TO SUSPEND OR REVOKE LICENSE -- POINT  
9 SYSTEM.

10 The department shall establish rules pursuant to chapter  
11 17A providing for the suspension or revocation of licenses  
12 issued by the department. For purposes of determining when to  
13 suspend or revoke a license issued by the department under  
14 this section, the department shall adopt a point system  
15 pursuant to chapter 17A for the purpose of weighing the  
16 seriousness of violations of the provisions of chapter 109,  
17 109A, 109B, 110, ~~110A, or 110B,~~ or 110C. The weighted scale  
18 may be amended from time to time as experience dictates.

19 Sec. 20. Section 109.135, subsections 2, 3, and 4, Code  
20 1991, is amended to read as follows:

21 2. A person who pleads guilty or is convicted of a  
22 violation of any provision of chapter 109, 109A, 109B, 110,  
23 ~~110A, or 110B,~~ or 110C while the person's license or licenses  
24 are suspended or revoked is guilty of a simple misdemeanor if  
25 the person has no other violations within the previous three  
26 years which occurred while the person's license or licenses  
27 have been suspended or revoked.

28 3. A person who pleads guilty or is convicted of a  
29 violation of any provision of chapter 109, 109A, 109B, 110,  
30 ~~110A, or 110B,~~ or 110C while the person's license or licenses  
31 are suspended or revoked is guilty of a serious misdemeanor if  
32 the person has one other violation within the previous three  
33 years which occurred while the person's license or licenses  
34 have been suspended or revoked.

35 4. A person who pleads guilty or is convicted of a

1 violation of any provision of chapter 109, 109A, 109B, 110,  
2 ~~110A~~, or 110B, or 110C while the person's license or licenses  
3 are suspended or revoked is guilty of an aggravated  
4 misdemeanor when the person has had two or more convictions  
5 within the previous three years which occurred while the  
6 person's license or licenses have been suspended or revoked.

7 Sec. 21. Section 232.8, subsection 1, paragraph b, Code  
8 Supplement 1991, is amended to read as follows:

9 b. Violations by a child of provisions of chapter 98, 106,  
10 106A, 109, 109A, 110, ~~110A~~, 110B, 110C, 111, 321, or 321G  
11 which would be simple misdemeanors if committed by an adult,  
12 and violations by a child of county or municipal curfew or  
13 traffic ordinances, are excluded from the jurisdiction of the  
14 juvenile court and shall be prosecuted as simple misdemeanors  
15 as provided by law. A child convicted of a violation excluded  
16 from the jurisdiction of the juvenile court under this  
17 paragraph shall be sentenced pursuant to section 805.8, where  
18 applicable, and pursuant to section 903.1, subsection 3, for  
19 all other violations.

20 Sec. 22. Section 455A.4, subsection 1, paragraph b, Code  
21 Supplement 1991, is amended to read as follows:

22 b. Provide overall supervision, direction, and  
23 coordination of functions to be administered by the  
24 administrators under chapters 84, 93, 106, 107, 108, 108A,  
25 109, 109A, 110, ~~110A~~, 110B, 110C, 111, 111B, 111D, 112, 305,  
26 321G, 455B, and 455C.

27 Sec. 23. Section 455A.5, subsection 6, paragraphs a, b,  
28 and d, Code Supplement 1991, are amended to read as follows:

29 a. Establish policy and adopt rules, pursuant to chapter  
30 17A, necessary to provide for the effective administration of  
31 chapter 106, 107, 108, 108A, 109, 109A, 110, ~~110A~~, 110B, 110C,  
32 111, 111B, 111D, 112, or 321G.

33 b. Hear appeals in contested cases pursuant to chapter 17A  
34 on matters relating to actions taken by the director under  
35 chapter 106, 107, 108, 108A, 109, 109A, 110, ~~110A~~, 110B, 110C,

1 111, 111B, 111D, 112, or 321G.

2 d. Approve the budget request prepared by the director for  
3 the programs authorized by chapters 106, 107, 108, 108A, 109,  
4 109A, 110, ~~110A~~, 110B, 110C, 111, 111D, 112, and 321G. The  
5 commission may increase, decrease, or strike any item within  
6 the department budget request for the specified programs  
7 before granting approval.

8 Sec. 24. Section 805.16, subsection 1, Code 1991, is  
9 amended to read as follows:

10 1. Except as provided in subsection 2 of this section, a  
11 peace officer shall issue a police citation or uniform  
12 citation and complaint, in lieu of making a warrantless  
13 arrest, to a person under eighteen years of age accused of  
14 committing a simple misdemeanor under chapter 106, 106A, 109,  
15 109A, 110, ~~110A~~, 110B, 110C, 111, 321, or 321G, section  
16 123.47, or a local ordinance not subject to the jurisdiction  
17 of the juvenile court, and shall not detain or confine the  
18 person in a facility regulated under chapter 356 or 356A.

19 Sec. 25. Section 903.1, subsection 3, unnumbered paragraph  
20 1, Code Supplement 1991, is amended to read as follows:

21 A person under eighteen years of age convicted of a simple  
22 misdemeanor under chapter 98, 106, 106A, 109, 109A, 110, ~~110A~~,  
23 110B, 110C, 111, 321, or 321G, or a violation of a county or  
24 municipal curfew or traffic ordinance, except for an offense  
25 subject to section 805.8, may be required to pay a fine, not  
26 to exceed one hundred dollars, as fixed by the court, or may  
27 be required to perform community service as ordered by the  
28 court.

\* 29 Sec. 26. Chapter 110A, Code 1991, is repealed.

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SENATE FILE 2257

H-5387

1 Amend Senate File 2257, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, lines 17 and 18, by striking the words  
4 "that is a member of a species that is native to North  
5 America".

6 2. Page 2, lines 20 and 21, by striking the words  
7 "one thousand two hundred eighty" and inserting the  
8 following: "two thousand five hundred sixty".

9 3. Page 3, by striking lines 14 through 16 and  
10 inserting the following:

11 "1. A licensed hunting preserve may take up to  
12 eighty percent of the total number of pheasant and  
13 quail released. One hundred percent of all other game  
14 birds released may be taken."

15 4. Page 3, by inserting after line 22 the  
16 following:

17 "4. If hen ring-necked pheasants are shot on the  
18 licensed hunting preserve, no less than thirty-five  
19 percent of all ring-necked pheasants released shall be  
20 hens."

21 5. Page 5, by striking lines 20 through 30 and  
22 inserting the following: "hunting preserve shall  
23 secure a hunting license to do so in accordance with  
24 the game laws of Iowa, with the exception that an  
25 unlicensed person may secure an annual hunting  
26 preserve license restricted to hunting preserves only  
27 for a license fee of five dollars. A wildlife habitat  
28 stamp shall be required of all".

By SCHRADER of Marion

H-5387 FILED MARCH 19, 1992

*(Adapted 3/27 (p. 843))*

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 2257  
H-5855

1 Amend the House amendment, S-5418, to Senate File  
2 2257, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 1, line 13, by inserting after the word  
5 "released." the following: "However, not more than  
6 twenty-five percent of the total number of the hen  
7 pheasants which are released shall be taken on a game  
8 preserve."

9 2. Page 1, by striking lines 15 through 20.

RECEIVED FROM THE SENATE

H-5855 FILED APRIL 10, 1992

*House referred to concur 4/15 (p. 1475)*  
*Senate recessed 4/16 (p. 1446)*

HOUSE AMENDMENT TO  
SENATE FILE 2257

S-5418

1 Amend Senate File 2257, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, lines 17 and 18, by striking the words  
4 "that is a member of a species that is native to North  
5 America".

-6 2. Page 2, lines 20 and 21, by striking the words  
7 "one thousand two hundred eighty" and inserting the  
8 following: "two thousand five hundred sixty".

9 3. Page 3, by striking lines 14 through 16 and  
10 inserting the following:

11 "1. A licensed hunting preserve may take up to  
12 eighty percent of the total number of pheasant and  
13 quail released. One hundred percent of all other game  
14 birds released may be taken."

15 4. Page 3, by inserting after line 22 the  
16 following:

17 "4. If hen ring-necked pheasants are shot on the  
18 licensed hunting preserve, no less than thirty-five  
19 percent of all ring-necked pheasants released shall be  
20 hens."

21 5. Page 5, by striking lines 20 through 30 and  
22 inserting the following: "hunting preserve shall  
23 secure a hunting license to do so in accordance with  
24 the game laws of Iowa, with the exception that an  
25 unlicensed person may secure an annual hunting  
26 preserve license restricted to hunting preserves only  
27 for a license fee of five dollars. A wildlife habitat  
28 stamp shall be required of all".

RECEIVED FROM THE HOUSE

S-5418 FILED MARCH 26, 1992

*Adopted as amended by 55-89 4/8 (p. 1285)*

## SENATE FILE 2257

S-5570

Amend the House amendment, S-5418, to Senate File  
2257, as amended, passed, and reprinted by the Senate,  
as follows:

1. Page 1, by striking lines 17 through 20 and  
inserting the following:

"A hen ring-necked pheasant shall not be taken  
on a licensed hunting preserve."

By BERL E. PRIEBE  
JOHN P. KIBBIE

S-5570 FILED APRIL 6, 1992

*Adopted by 55-89 (p. 1265)*

SENATE FILE 2257

S-5589

1 Amend the House amendment, S-5418, to Senate File  
2 2257, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 1, line 13, by inserting after the word  
5 "released." the following: "However, not more than  
6 twenty-five percent of the total number of the hen  
7 pheasants which are released shall be taken on a game  
8 preserve."

9 2. Page 1, by striking lines 15 through 20.

By BERL PRIEBE

S-5589 FILED APRIL 7, 1992

*Adopted 4/8/92 (p. 1284)*

KIBBIE, CH.  
RIRDAN  
DIELEMAN

SSB 2161  
NATURAL RESOURCES NOW-

SENATE FILE 2257  
BY (PROPOSED COMMITTEE ON  
NATURAL RESOURCES BILL  
BY CHAIRPERSON PALMER)

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

A BILL FOR

1 An Act relating to the regulation of hunting preserves and  
2 providing penalties for violations.

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

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1 Section 1. NEW SECTION. 110C.1 DEFINITIONS.

2 As used in this chapter unless the context otherwise  
3 requires:

4 1. "Commission" means the natural resource commission.

5 2. "Department" means the department of natural resources.

6 3. "Director" means the director of the department.

7 4. "Game birds" means pen-reared birds of the family  
8 gallinae and mallard ducks.

9 5. "Hunting preserve" means property and facilities either  
10 privately owned or leased for holding, rearing, releasing, or  
11 processing captive-raised game for the purpose of hunting, for  
12 a fee, over an extended season.

13 6. "Pen-reared" means the propagation and holding of game  
14 birds and game animals whose origins are from captive  
15 populations.

16 7. "Season" means hunting preserve season.

17 8. "Ungulate" means hooped nondomesticated mammal.

18 Sec. 2. NEW SECTION. 110C.2 RULES.

19 The commission may adopt rules under chapter 17A as  
20 necessary to carry out this chapter.

21 Sec. 3. NEW SECTION. 110C.3 AUTHORITY OF THE DIRECTOR.

22 The director shall develop, administer, and enforce hunting  
23 preserve programs and requirements within the state which  
24 implement the provisions of this chapter and the rules adopted  
25 by the commission.

26 Sec. 4. NEW SECTION. 110C.4 APPLICATION AND LICENSE  
27 REQUIREMENTS.

28 1. A person who owns or controls by lease or otherwise for  
29 five or more years, a contiguous tract of land having an area  
30 of not less than three hundred twenty acres, and who desires  
31 to establish a hunting preserve, to propagate and sell game  
32 birds and their young or unhatched eggs, and shoot game birds  
33 and ungulates on the land under this chapter or the rules of  
34 the commission, shall make application to the department, for  
35 an operator's license. The application shall be made under

1 oath of the applicant or under oath of one of its principal  
 2 officers if the applicant is an association, corporation, or  
 3 copartnership. Under the authority of this license, any  
 4 property or facilities to be used for propagating, holding,  
 5 processing, or pasturing of game birds or ungulates shall not  
 6 be required to be contained within the contiguous land area  
 7 used for hunting purposes. The application shall be  
 8 accompanied by an operator's license fee of two hundred  
 9 dollars.

10 2. Upon receipt of an application, the department or its  
 11 authorized agent shall inspect the proposed hunting preserve  
 12 and facilities described in the application. If the  
 13 department finds that the proposed hunting preserve meets the  
 14 following requirements, the department may approve the  
 15 application and issue a hunting preserve operator's license  
 16 for the operation of the property and facilities described in  
 17 the application with the rights and subject to the limitations  
 18 in this chapter and the rules adopted by the commission:

19 a. The proposed hunting preserve contains at least three  
 20 hundred twenty acres but not more than two thousand five  
 21 hundred sixty acres.

22 b. The area of the proposed hunting preserve is  
 23 contiguous.

24 c. There is no other licensed hunting preserve in the  
 25 township.

26 d. The total area of all licensed hunting preserves and  
 27 the proposed hunting preserve will not exceed three percent of  
 28 the land area of the county.

29 e. The game birds or ungulates released on the preserve  
 30 will not be detrimental to wildlife.

31 f. The proposed hunting preserve will not interfere with  
 32 the normal activities of migratory birds.

33 3. All hunting preserve operator's licenses shall expire  
 34 on March 31 of each year.

35 Sec. 5. NEW SECTION. 110C.5 BOUNDARIES SIGNED -- FENCED.

1 Upon receipt of a hunting preserve license, the licensee  
2 shall promptly sign the licensed property with signs  
3 prescribed by the department. A licensee holding and  
4 releasing ungulates shall construct and maintain boundary  
5 fences prescribed by the department so as to enclose and  
6 contain all released ungulates and exclude all ungulates which  
7 are property of the state from becoming a part of the hunting  
8 preserve enterprise.

9 Sec. 6. NEW SECTION. 110C.6 GAME BIRDS RELEASED.

10 The licensee of a licensed hunting preserve may take, or  
11 authorize to be taken within the season, the numbers of game  
12 birds as provided in this section:

13 1. A licensed hunting preserve of each species may take or  
14 authorize the taking of no more than the number of birds  
15 released.

16 2. A minimum of five hundred game birds shall be released  
17 during the hunting preserve season by each licensed hunting  
18 preserve authorized to release game birds.

19 3. A licensee operating two or more licensed hunting  
20 preserve areas shall release a cumulative minimum of eight  
21 hundred game birds during the hunting preserve season.

22 Sec. 7. NEW SECTION. 110C.7 RECORDS -- REPORTS --  
23 INSPECTIONS.

24 1. Each hunting preserve licensee shall keep the records  
25 and make the reports required on forms prepared and provided  
26 by the department. All records shall be open for inspection  
27 at any reasonable time by the department or its authorized  
28 agents.

29 2. Each licensee shall file an annual report with the  
30 department on or before April 30. The report shall detail the  
31 hunting preserve operations during the preceding license year.  
32 The original report shall be forwarded to the department and a  
33 copy shall be retained in the hunting preserve's file for  
34 three years from the date of expiration of the hunting  
35 preserve's last license issued. Records required by this

1 section shall be entered in the annual report record within  
2 twenty-four hours of the event. Failure to keep or submit the  
3 required records and reports is grounds for refusal to renew a  
4 license for the succeeding year. An on-site inspection of  
5 property and facilities shall be conducted by an authorized  
6 agent of the department prior to the initial issuance of a  
7 hunting preserve license. The hunting preserve may be  
8 reinspected by an agent of the department at any reasonable  
9 time. A licensed hunting preserve shall maintain adequate  
10 facilities for all designated birds and ungulates held under  
11 the hunting preserve license.

12 Sec. 8. NEW SECTION. 110C.8 GAME BIRD TRANSPORTATION  
13 TAGS -- MARKINGS.

14 The department shall prepare transportation tags suitable  
15 for use upon the legs of game birds described in this chapter.  
16 The tags shall be of a type which are not removable without  
17 breaking and mutilating the tag. The tags shall be used to  
18 designate all game birds taken by hunters upon a licensed  
19 hunting preserve. The department shall provide licensees with  
20 the tags. All dead game birds removed from a licensed hunting  
21 preserve shall have a hunting preserve tag affixed to one leg  
22 prior to being transported from the licensed hunting preserve,  
23 except as otherwise provided by rule of the commission. All  
24 mallards released for hunting purposes shall be physically  
25 marked by the removal of the hind toe from the right foot at  
26 not more than four weeks of age, so as to provide for  
27 permanent identification. Game bird tags issued to a hunting  
28 preserve are not transferable.

29 Sec. 9. NEW SECTION. 110C.9 UNGULATE TRANSPORTATION TAGS -  
30 - MARKINGS.

31 The department shall prepare transportation tags suitable  
32 for use upon the carcass of ungulates described in this  
33 chapter. The tags shall be used to designate all ungulates  
34 taken by hunters upon a licensed hunting preserve. The  
35 department shall provide licensees with the tags. All

1 ungulates taken on a licensed hunting preserve shall be tagged  
2 with a numbered tag prior to being removed from the hunting  
3 preserve. The hunter shall tag the ungulate taken in  
4 accordance with the rules as determined by the department.  
5 The tag shall remain attached to the carcass of the dead  
6 ungulate until processed for consumption. The hunter shall be  
7 provided with a bill of sale by the licensee. The bill of  
8 sale shall remain in the possession of the hunter. Ungulate  
9 tags issued to a hunting preserve are not transferable.

10 Sec. 10. NEW SECTION. 110C.10 SEASON -- HUNTING LICENSE.

11 1. A person shall not take a game bird or ungulate upon a  
12 hunting preserve, by shooting in any manner, except during the  
13 established season.

14 2. Waterfowl shall not be shot over any area where pen-  
15 reared mallards may serve as live decoys for wild waterfowl.  
16 All persons hunting game birds or ungulates upon a licensed  
17 hunting preserve shall secure a hunting license to do so in  
18 accordance with the game laws of Iowa, with the exception that  
19 an unlicensed person may secure an annual hunting preserve  
20 license restricted to hunting preserves only for a license fee  
21 of five dollars. A wildlife habitat stamp shall be required  
22 of all persons who hunt on hunting preserves.

23 Sec. 11. NEW SECTION. 110C.11 HEALTH REQUIREMENTS --  
24 GAME BIRDS.

25 All game birds, including breeders and nonbreeders; or  
26 their chicks or unhatched eggs either purchased, propagated,  
27 confined, released, or sold by a licensed hunting preserve  
28 shall be free of diseases considered significant for wildlife,  
29 poultry, or livestock and shall comply with all game bird,  
30 mallard, and turkey requirements as designated by the national  
31 poultry improvement plan (NPIP) and in accordance with the  
32 United States department of agriculture and requirements of  
33 the Iowa department of agriculture and land stewardship.

34 Sec. 12. NEW SECTION. 110C.12 HEALTH REQUIREMENTS --  
35 UNGULATES.

1 All ungulates other than livestock as described by the Iowa  
2 department of agriculture and land stewardship which are  
3 purchased, propagated, confined, released, or sold by a  
4 licensed hunting preserve shall be free of diseases considered  
5 significant for wildlife, poultry, or livestock. The Iowa  
6 department of agriculture and land stewardship shall  
7 administer the inspection and disease control regulations of  
8 ungulates that are livestock.

9 Sec. 13. NEW SECTION. 110C.13 LICENSE REFUSAL.

10 The department may either refuse to issue, refuse to renew,  
11 or suspend or revoke a hunting preserve license if the  
12 department finds that the licensed area or the operator or  
13 employees of the licensed area are not in compliance with this  
14 chapter, or that the property or area is operated in violation  
15 of this chapter or administrative rules adopted under this  
16 chapter.

17 Sec. 14. NEW SECTION. 110C.14 PENALTIES.

18 A person who violates a provision of this chapter or a rule  
19 adopted under this chapter is guilty of a simple misdemeanor.

20 Sec. 15. Section 107.14, Code 1991, is amended to read as  
21 follows:

22 107.14 TEMPORARY APPOINTMENTS -- PEACE OFFICER STATUS.

23 The director may appoint temporary officers for a period  
24 not to exceed six months and may adopt minimum physical,  
25 educational, mental, and moral requirements for the temporary  
26 officers. Chapter 80B does not apply to the temporary  
27 officers. Temporary officers have all the powers of peace  
28 officers in the enforcement of chapters 106 through 110, 110B  
29 through 111, 111B, and 321G, and the trespass laws.

30 Sec. 16. Section 107.24, subsection 12, Code Supplement  
31 1991, is amended to read as follows:

32 12. Adopt rules authorizing officers and employees of the  
33 department who are peace officers to issue warning citations  
34 for violations of chapters 106 through 110, 110B through 112,  
35 and chapter 321G.

1 Sec. 17. Section 109.1, unnumbered paragraph 1, Code 1991,  
2 is amended to read as follows:

3 Words and phrases as used in chapters 106 to through 110,  
4 110B through 112, and such other chapters as relate to the  
5 subject matter of these chapters shall be construed as  
6 follows:

7 Sec. 18. Section 109.38, subsection 2, Code 1991, is  
8 amended to read as follows:

9 2. If the commission finds that the number of hunters  
10 licensed or the type of license issued to take deer or wild  
11 turkey should be limited or further regulated the commission  
12 shall conduct a drawing to determine which applicants shall  
13 receive a license and the type of license. Applications for  
14 licenses shall be received during a period established by the  
15 commission. At the end of the period a drawing shall be  
16 conducted. The commission may establish rules to issue  
17 licenses after the established application period. If an  
18 applicant receives a deer license which is more restrictive  
19 than licenses issued to others for the same period and place,  
20 the applicant shall receive a certificate with the license  
21 entitling the applicant to priority in the drawing for the  
22 less restrictive deer licenses the following year. The  
23 certificate must accompany that person's application the  
24 following year, or the applicant will not receive this  
25 priority. Persons purchasing a deer license for the gun  
26 season under this section and under section 110.1 are not  
27 eligible for a gun deer-hunting license under section 110.24,  
28 except as authorized by rules of the department. This  
29 subsection does not apply to the hunting of wild turkey on  
30 ~~game-breeding-and-shooting-preserves~~ a hunting preserve  
31 licensed under chapter ~~110A~~ 110C.

32 Sec. 19. Section 109.134, Code 1991, is amended to read as  
33 follows:

34 109.134 AUTHORITY TO SUSPEND OR REVOKE LICENSE -- POINT  
35 SYSTEM.

1 The department shall establish rules pursuant to chapter  
2 17A providing for the suspension or revocation of licenses  
3 issued by the department. For purposes of determining when to  
4 suspend or revoke a license issued by the department under  
5 this section, the department shall adopt a point system  
6 pursuant to chapter 17A for the purpose of weighing the  
7 seriousness of violations of the provisions of chapter 109,  
8 109A, 109B, 110, ~~110A~~, or 110B, or 110C. The weighted scale  
9 may be amended from time to time as experience dictates.

10 Sec. 20. Section 109.135, subsections 2, 3, and 4, Code  
11 1991, is amended to read as follows:

12 2. A person who pleads guilty or is convicted of a  
13 violation of any provision of chapter 109, 109A, 109B, 110,  
14 ~~110A~~, or 110B, or 110C while the person's license or licenses  
15 are suspended or revoked is guilty of a simple misdemeanor if  
16 the person has no other violations within the previous three  
17 years which occurred while the person's license or licenses  
18 have been suspended or revoked.

19 3. A person who pleads guilty or is convicted of a  
20 violation of any provision of chapter 109, 109A, 109B, 110,  
21 ~~110A~~, or 110B, or 110C while the person's license or licenses  
22 are suspended or revoked is guilty of a serious misdemeanor if  
23 the person has one other violation within the previous three  
24 years which occurred while the person's license or licenses  
25 have been suspended or revoked.

26 4. A person who pleads guilty or is convicted of a  
27 violation of any provision of chapter 109, 109A, 109B, 110,  
28 ~~110A~~, or 110B, or 110C while the person's license or licenses  
29 are suspended or revoked is guilty of an aggravated  
30 misdemeanor when the person has had two or more convictions  
31 within the previous three years which occurred while the  
32 person's license or licenses have been suspended or revoked.

33 Sec. 21. Section 232.8, subsection 1, paragraph b, Code  
34 Supplement 1991, is amended to read as follows:

35 b. Violations by a child of provisions of chapter 98, 106,

1 106A, 109, 109A, 110, ~~110A~~, 110B, 110C, 111, 321, or 321G  
2 which would be simple misdemeanors if committed by an adult,  
3 and violations by a child of county or municipal curfew or  
4 traffic ordinances, are excluded from the jurisdiction of the  
5 juvenile court and shall be prosecuted as simple misdemeanors  
6 as provided by law. A child convicted of a violation excluded  
7 from the jurisdiction of the juvenile court under this  
8 paragraph shall be sentenced pursuant to section 805.8, where  
9 applicable, and pursuant to section 903.1, subsection 3, for  
10 all other violations.

11 Sec. 22. Section 455A.4, subsection 1, paragraph b, Code  
12 Supplement 1991, is amended to read as follows:

13 b. Provide overall supervision, direction, and  
14 coordination of functions to be administered by the  
15 administrators under chapters 84, 93, 106, 107, 108, 108A,  
16 109, 109A, 110, ~~110A~~, 110B, 110C, 111, 111B, 111D, 112, 305,  
17 321G, 455B, and 455C.

18 Sec. 23. Section 455A.5, subsection 6, paragraphs a, b,  
19 and d, Code Supplement 1991, are amended to read as follows:

20 a. Establish policy and adopt rules, pursuant to chapter  
21 17A, necessary to provide for the effective administration of  
22 chapter 106, 107, 108, 108A, 109, 109A, 110, ~~110A~~, 110B, 110C,  
23 111, 111B, 111D, 112, or 321G.

24 b. Hear appeals in contested cases pursuant to chapter 17A  
25 on matters relating to actions taken by the director under  
26 chapter 106, 107, 108, 108A, 109, 109A, 110, ~~110A~~, 110B, 110C,  
27 111, 111B, 111D, 112, or 321G.

28 d. Approve the budget request prepared by the director for  
29 the programs authorized by chapters 106, 107, 108, 108A, 109,  
30 109A, 110, ~~110A~~, 110B, 110C, 111, 111D, 112, and 321G. The  
31 commission may increase, decrease, or strike any item within  
32 the department budget request for the specified programs  
33 before granting approval.

34 Sec. 24. Section 805.16, subsection 1, Code 1991, is  
35 amended to read as follows:

1 1. Except as provided in subsection 2 of this section, a  
2 peace officer shall issue a police citation or uniform  
3 citation and complaint, in lieu of making a warrantless  
4 arrest, to a person under eighteen years of age accused of  
5 committing a simple misdemeanor under chapter 106, 106A, 109,  
6 109A, 110, ~~110A~~, 110B, 110C, 111, 321, or 321G, section  
7 123.47, or a local ordinance not subject to the jurisdiction  
8 of the juvenile court, and shall not detain or confine the  
9 person in a facility regulated under chapter 356 or 356A.

10 Sec. 25. Section 903.1, subsection 3, unnumbered paragraph  
11 1, Code Supplement 1991, is amended to read as follows:

12 A person under eighteen years of age convicted of a simple  
13 misdemeanor under chapter 98, 106, 106A, 109, 109A, 110, ~~110A~~,  
14 110B, 110C, 111, 321, or 321G, or a violation of a county or  
15 municipal curfew or traffic ordinance, except for an offense  
16 subject to section 805.8, may be required to pay a fine, not  
17 to exceed one hundred dollars, as fixed by the court, or may  
18 be required to perform community service as ordered by the  
19 court.

20 Sec. 26. Chapter 110A, Code 1991, is repealed.

21 EXPLANATION

22 This bill adds a new chapter, 110C, and repeals chapter  
23 110A relating to the regulation of game breeding and shooting  
24 preserves.

25 The new chapter 110C revises the law regarding hunting  
26 preserves. Hunting preserves, usually privately owned, are  
27 areas where hunting is allowed for an extended season. Birds  
28 are raised and released on the preserve for hunting purposes.  
29 The hunting preserves law was originally enacted 35 years ago  
30 and has not been substantially changed since that date.

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SENATE FILE 2257

AN ACT  
RELATING TO THE REGULATION OF HUNTING PRESERVES AND PROVIDING  
PENALTIES FOR VIOLATIONS.

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

Section 1. NEW SECTION. 110C.1 DEFINITIONS.

As used in this chapter unless the context otherwise requires:

1. "Commission" means the natural resource commission.
2. "Department" means the department of natural resources.
3. "Director" means the director of the department.
4. "Game birds" means pen-reared birds of the family gallinae and mallard ducks.
5. "Hunting preserve" means property and facilities either privately owned or leased for holding, rearing, releasing, or processing captive-raised game for the purpose of hunting, for a fee, over an extended season.
6. "Pen-reared" means the propagation and holding of game birds and game animals whose origins are from captive populations.
7. "Season" means hunting preserve season.
8. "Ungulate" means hoofed nondomesticated mammal.

Sec. 2. NEW SECTION. 110C.2 RULES.

The commission may adopt rules under chapter 17A as necessary to carry out this chapter.

Sec. 3. NEW SECTION. 110C.3 AUTHORITY OF THE DIRECTOR.

The director shall develop, administer, and enforce hunting preserve programs and requirements within the state which implement the provisions of this chapter and the rules adopted by the commission.

Sec. 4. NEW SECTION. 110C.4 APPLICATION AND LICENSE REQUIREMENTS.

1. A person who owns or controls by lease or otherwise for five or more years, a contiguous tract of land having an area of not less than three hundred twenty acres, and who desires to establish a hunting preserve, to propagate and sell game birds and their young or unhatched eggs, and shoot game birds and ungulates on the land under this chapter or the rules of the commission, shall make application to the department, for an operator's license. The application shall be made under oath of the applicant or under oath of one of its principal officers if the applicant is an association, corporation, or copartnership. Under the authority of this license, any property or facilities to be used for propagating, holding, processing, or pasturing of game birds or ungulates shall not be required to be contained within the contiguous land area used for hunting purposes. The application shall be accompanied by an operator's license fee of two hundred dollars.

2. Upon receipt of an application, the department or its authorized agent shall inspect the proposed hunting preserve and facilities described in the application. If the department finds that the proposed hunting preserve meets the following requirements, the department may approve the application and issue a hunting preserve operator's license for the operation of the property and facilities described in the application with the rights and subject to the limitations in this chapter and the rules adopted by the commission:

a. The proposed hunting preserve contains at least three hundred twenty acres but not more than two thousand five hundred sixty acres.

- b. The area of the proposed hunting preserve is contiguous.
  - c. There is no other licensed hunting preserve in the township.
  - d. The total area of all licensed hunting preserves and the proposed hunting preserve will not exceed three percent of the land area of the county.
  - e. The game birds or ungulates released on the preserve will not be detrimental to wildlife.
  - f. The proposed hunting preserve will not interfere with the normal activities of migratory birds.
3. All hunting preserve operator's licenses shall expire on March 31 of each year.

Sec. 5. NEW SECTION. 110C.5 BOUNDARIES SIGNED -- FENCED.

Upon receipt of a hunting preserve license, the licensee shall promptly sign the licensed property with signs prescribed by the department. A licensee holding and releasing ungulates shall construct and maintain boundary fences prescribed by the department so as to enclose and contain all released ungulates and exclude all ungulates which are property of the state from becoming a part of the hunting preserve enterprise.

Sec. 6. NEW SECTION. 110C.6 GAME BIRDS RELEASED.

The licensee of a licensed hunting preserve may take, or authorize to be taken within the season, the numbers of game birds as provided in this section:

- 1. A licensed hunting preserve may take up to eighty percent of the total number of pheasant and quail released. One hundred percent of all other game birds released may be taken.
- 2. A minimum of five hundred game birds shall be released during the hunting preserve season by each licensed hunting preserve authorized to release game birds.
- 3. A licensee operating two or more licensed hunting preserve areas shall release a cumulative minimum of eight hundred game birds during the hunting preserve season.

- 4. If hen ring-necked pheasants are shot on the licensed hunting preserve, no less than thirty-five percent of all ring-necked pheasants released shall be hens.

Sec. 7. NEW SECTION. 110C.7 RECORDS -- REPORTS -- INSPECTIONS.

- 1. Each hunting preserve licensee shall keep the records and make the reports required on forms prepared and provided by the department. All records shall be open for inspection at any reasonable time by the department or its authorized agents.
- 2. Each licensee shall file an annual report with the department on or before April 30. The report shall detail the hunting preserve operations during the preceding license year. The original report shall be forwarded to the department and a copy shall be retained in the hunting preserve's file for three years from the date of expiration of the hunting preserve's last license issued. Records required by this section shall be entered in the annual report record within twenty-four hours of the event. Failure to keep or submit the required records and reports is grounds for refusal to renew a license for the succeeding year. An on-site inspection of property and facilities shall be conducted by an authorized agent of the department prior to the initial issuance of a hunting preserve license. The hunting preserve may be reinspected by an agent of the department at any reasonable time. A licensed hunting preserve shall maintain adequate facilities for all designated birds and ungulates held under the hunting preserve license.

Sec. 8. NEW SECTION. 110C.8 GAME BIRD TRANSPORTATION TAGS -- MARKINGS.

The department shall prepare transportation tags suitable for use upon the legs of game birds described in this chapter. The tags shall be of a type which are not removable without breaking and mutilating the tag. The tags shall be used to designate all game birds taken by hunters upon a licensed

hunting preserve. The department shall provide licensees with the tags. All dead game birds removed from a licensed hunting preserve shall have a hunting preserve tag affixed to one leg prior to being transported from the licensed hunting preserve, except as otherwise provided by rule of the commission. All mallards released for hunting purposes shall be physically marked by the removal of the hind toe from the right foot at not more than four weeks of age, so as to provide for permanent identification. Game bird tags issued to a hunting preserve are not transferable.

Sec. 9. NEW SECTION. 110C.9 UNGULATE TRANSPORTATION TAGS -- MARKINGS.

The department shall prepare transportation tags suitable for use upon the carcass of ungulates described in this chapter. The tags shall be used to designate all ungulates taken by hunters upon a licensed hunting preserve. The department shall provide licensees with the tags. All ungulates taken on a licensed hunting preserve shall be tagged with a numbered tag prior to being removed from the hunting preserve. The hunter shall tag the ungulate taken in accordance with the rules as determined by the department. The tag shall remain attached to the carcass of the dead ungulate until processed for consumption. The hunter shall be provided with a bill of sale by the licensee. The bill of sale shall remain in the possession of the hunter. Ungulate tags issued to a hunting preserve are not transferable.

Sec. 10. NEW SECTION. 110C.10 SEASON -- HUNTING LICENSE.

1. A person shall not take a game bird or ungulate upon a hunting preserve, by shooting in any manner, except during the established season or as authorized by section 109.56. The established season shall be September 1 through March 31 of the succeeding year, both dates inclusive.

2. Waterfowl shall not be shot over any area where pen-reared mallards may serve as live decoys for wild waterfowl. All persons hunting game birds or ungulates upon a licensed

hunting preserve shall secure a hunting license to do so in accordance with the game laws of Iowa, with the exception that an unlicensed person may secure an annual hunting preserve license restricted to hunting preserves only for a license fee of five dollars. A wildlife habitat stamp shall be required of all persons who hunt on hunting preserves.

Sec. 11. NEW SECTION. 110C.11 HEALTH REQUIREMENTS -- GAME BIRDS.

All game birds, including breeders and nonbreeders; or their chicks or unhatched eggs either purchased, propagated, confined, released, or sold by a licensed hunting preserve shall be free of diseases considered significant for wildlife, poultry, or livestock and shall comply with all game bird, mallard, and turkey requirements as designated by the national poultry improvement plan (NPIP) and in accordance with the United States department of agriculture and requirements of the Iowa department of agriculture and land stewardship.

Sec. 12. NEW SECTION. 110C.12 HEALTH REQUIREMENTS -- UNGULATES.

All ungulates other than livestock as described by the Iowa department of agriculture and land stewardship which are purchased, propagated, confined, released, or sold by a licensed hunting preserve shall be free of diseases considered significant for wildlife, poultry, or livestock. The Iowa department of agriculture and land stewardship shall administer the inspection and disease control regulations of ungulates that are livestock.

Sec. 13. NEW SECTION. 110C.13 LICENSE REFUSAL.

The department may either refuse to issue, refuse to renew, or suspend or revoke a hunting preserve license if the department finds that the licensed area or the operator or employees of the licensed area are not in compliance with this chapter, or that the property or area is operated in violation of this chapter or administrative rules adopted under this chapter.

Sec. 14. NEW SECTION. 110C.14 PENALTIES.

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

Sec. 15. Section 107.24, Code 1991, is amended to read as follows:

107.24 TEMPORARY APPOINTMENTS -- PEACE OFFICER STATUS.

The director may appoint temporary officers for a period not to exceed six months and may adopt minimum physical, educational, mental, and moral requirements for the temporary officers. Chapter 80B does not apply to the temporary officers. Temporary officers have all the powers of peace officers in the enforcement of chapters 106 through 110, 110B through 111, 111B, and 321G, and the trespass laws.

Sec. 16. Section 107.24, subsection 12, Code Supplement 1991, is amended to read as follows:

12. Adopt rules authorizing officers and employees of the department who are peace officers to issue warning citations for violations of chapters 106 through 110, 110B through 112, and chapter 321G.

Sec. 17. Section 109.1, unnumbered paragraph 1, Code 1991, is amended to read as follows:

Words and phrases as used in chapters 106 to through 110, 110B through 112, and such other chapters as relate to the subject matter of these chapters shall be construed as follows:

Sec. 18. Section 109.38, subsection 2, Code 1991, is amended to read as follows:

2. If the commission finds that the number of hunters licensed or the type of license issued to take deer or wild turkey should be limited or further regulated the commission shall conduct a drawing to determine which applicants shall receive a license and the type of license. Applications for licenses shall be received during a period established by the commission. At the end of the period a drawing shall be conducted. The commission may establish rules to issue licenses after the established application period. If an

applicant receives a deer license which is more restrictive than licenses issued to others for the same period and place, the applicant shall receive a certificate with the license entitling the applicant to priority in the drawing for the less restrictive deer licenses the following year. The certificate must accompany that person's application the following year, or the applicant will not receive this priority. Persons purchasing a deer license for the gun season under this section and under section 110.1 are not eligible for a gun deer-hunting license under section 110.24, except as authorized by rules of the department. This subsection does not apply to the hunting of wild turkey on ~~game-breeding-and-shooting-preserves~~ a hunting preserve licensed under chapter ~~110A~~ 110C.

Sec. 19. Section 109.134, Code 1991, is amended to read as follows:

109.134 AUTHORITY TO SUSPEND OR REVOKE LICENSE -- POINT SYSTEM.

The department shall establish rules pursuant to chapter 17A providing for the suspension or revocation of licenses issued by the department. For purposes of determining when to suspend or revoke a license issued by the department under this section, the department shall adopt a point system pursuant to chapter 17A for the purpose of weighing the seriousness of violations of the provisions of chapter 109, 109A, 109B, 110, ~~110A~~ or 110B, or 110C. The weighted scale may be amended from time to time as experience dictates.

Sec. 20. Section 109.135, subsections 2, 3, and 4, Code 1991, is amended to read as follows:

2. A person who pleads guilty or is convicted of a violation of any provision of chapter 109, 109A, 109B, 110, ~~110A~~ or 110B, or 110C while the person's license or licenses are suspended or revoked is guilty of a simple misdemeanor if the person has no other violations within the previous three years which occurred while the person's license or licenses have been suspended or revoked.

3. A person who pleads guilty or is convicted of a violation of any provision of chapter 109, 109A, 109B, 110, ~~110A~~, or 110B, or 110C while the person's license or licenses are suspended or revoked is guilty of a serious misdemeanor if the person has one other violation within the previous three years which occurred while the person's license or licenses have been suspended or revoked.

4. A person who pleads guilty or is convicted of a violation of any provision of chapter 109, 109A, 109B, 110, ~~110A~~, or 110B, or 110C while the person's license or licenses are suspended or revoked is guilty of an aggravated misdemeanor when the person has had two or more convictions within the previous three years which occurred while the person's license or licenses have been suspended or revoked.

Sec. 21. Section 232.8, subsection 1, paragraph b, Code Supplement 1991, is amended to read as follows:

b. Violations by a child of provisions of chapter 98, 106, 106A, 109, 109A, 110, ~~110A~~, 110B, 110C, 111, 321, or 321G which would be simple misdemeanors if committed by an adult, and violations by a child of county or municipal curfew or traffic ordinances, are excluded from the jurisdiction of the juvenile court and shall be prosecuted as simple misdemeanors as provided by law. A child convicted of a violation excluded from the jurisdiction of the juvenile court under this paragraph shall be sentenced pursuant to section 805.8, where applicable, and pursuant to section 903.1, subsection 3, for all other violations.

Sec. 22. Section 455A.4, subsection 1, paragraph b, Code Supplement 1991, is amended to read as follows:

b. Provide overall supervision, direction, and coordination of functions to be administered by the administrators under chapters 84, 93, 106, 107, 108, 108A, 109, 109A, 110, ~~110A~~, 110B, 110C, 111, 111B, 111D, 112, 305, 321G, 455B, and 455C.

Sec. 23. Section 455A.5, subsection 6, paragraphs a, b, and d, Code Supplement 1991, are amended to read as follows:

a. Establish policy and adopt rules, pursuant to chapter 17A, necessary to provide for the effective administration of chapter 106, 107, 108, 108A, 109, 109A, 110, ~~110A~~, 110B, 110C, 111, 111B, 111D, 112, or 321G.

b. Hear appeals in contested cases pursuant to chapter 17A on matters relating to actions taken by the director under chapter 106, 107, 108, 108A, 109, 109A, 110, ~~110A~~, 110B, 110C, 111, 111B, 111D, 112, or 321G.

d. Approve the budget request prepared by the director for the programs authorized by chapters 106, 107, 108, 108A, 109, 109A, 110, ~~110A~~, 110B, 110C, 111, 111D, 112, and 321G. The commission may increase, decrease, or strike any item within the department budget request for the specified programs before granting approval.

Sec. 24. Section 805.16, subsection 1, Code 1991, is amended to read as follows:

1. Except as provided in subsection 2 of this section, a peace officer shall issue a police citation or uniform citation and complaint, in lieu of making a warrantless arrest, to a person under eighteen years of age accused of committing a simple misdemeanor under chapter 106, 106A, 109, 109A, 110, ~~110A~~, 110B, 110C, 111, 321, or 321G, section 123.47, or a local ordinance not subject to the jurisdiction of the juvenile court, and shall not detain or confine the person in a facility regulated under chapter 356 or 356A.

Sec. 25. Section 903.1, subsection 3, unnumbered paragraph 1, Code Supplement 1991, is amended to read as follows:

A person under eighteen years of age convicted of a simple misdemeanor under chapter 98, 106, 106A, 109, 109A, 110, ~~110A~~, 110B, 110C, 111, 321, or 321G, or a violation of a county or municipal curfew or traffic ordinance, except for an offense subject to section 805.8, may be required to pay a fine, not to exceed one hundred dollars, as fixed by the court, or may

be required to perform community service as ordered by the court.

Sec. 26. Chapter 110A, Code 1991, is repealed.

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MICHAEL E. GRONSTAL  
President of the Senate

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ROBERT C. ARNOULD  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2257, Seventy-fourth General Assembly.

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JOHN F. DWYER  
Secretary of the Senate

Approved \_\_\_\_\_, 1992

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TERRY E. BRANSTAD  
Governor