

in the foregoing manner, then the assessor may determine the value of the property using the other uniform and recognized appraisal methods including its productive and earning capacity, if any, industrial conditions, its cost, physical and functional depreciation and obsolescence and replacement cost, and all other factors which would assist in determining the fair and reasonable market value of the property but the actual value shall not be determined by use of only one such factor. The following shall not be taken into consideration: Special value or use value of the property to its present owner, and the good will or value of a business which uses the property as distinguished from the value of the property as property. However, in assessing property that is rented or leased to low-income individuals and families as authorized by section 42 of the Internal Revenue Code, as amended, and which section limits the amount that the individual or family pays for the rental or lease of units in the property, the assessor shall use the productive and earning capacity from the actual rents received as a method of appraisal and shall take into account the extent to which that use and limitation reduces the market value of the property. The assessor shall not consider any tax credit equity or other subsidized financing as income provided to the property in determining the assessed value. Upon adoption of uniform rules by the revenue department or succeeding authority covering assessments and valuations of such properties, said valuation on such properties shall be determined in accordance therewith for assessment purposes to assure uniformity, but such rules shall not be inconsistent with or change the foregoing means of determining the actual, market, taxable and assessed values.

Approved May 7, 2001

CHAPTER 120

OFFENSES AGAINST ANIMAL FACILITIES OR CROP OPERATIONS

H.F. 502

AN ACT relating to agricultural production, by prohibiting acts relating to facilities or operations, making penalties applicable, and providing penalties and civil liability.

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

Section 1. NEW SECTION. 717A.0A DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Agricultural animal" means any of the following:
 - a. An animal that is maintained for its parts or products having commercial value, including but not limited to its muscle tissue, organs, fat, blood, manure, bones, milk, wool, hide, pelt, feathers, eggs, semen, embryos, or honey.
 - b. An animal belonging to the equine species, including horse, pony, mule, jenny, donkey, or hinny.
2. "Agricultural production" means any activity related to maintaining an agricultural animal at an animal facility or a crop on crop operation property.
3. "Animal" means a warm-blooded or cold-blooded animal, including but not limited to an animal belonging to the bovine, canine, feline, equine, ovine, or porcine species; farm deer as defined in section 189A.2; ostriches, rheas, or emus; an animal which belongs to a species of poultry or fish; mink or other pelt-bearing mammals; any invertebrate; or honey bees.

4. "Animal facility" means any of the following:
 - a. A location where an agricultural animal is maintained for agricultural production purposes, including but not limited to a location dedicated to farming as defined in section 9H.1, a livestock market, exhibition, or a vehicle used to transport the animal.
 - b. A location where an animal is maintained for educational or scientific purposes, including an institution as defined in section 145B.1, a research facility as defined in section 162.2, an exhibition, or a vehicle used to transport the animal.
 - c. A location operated by a person licensed to practice veterinary medicine pursuant to chapter 169.
 - d. A pound as defined in section 162.2.
 - e. An animal shelter as defined in section 162.2.
 - f. A pet shop as defined in section 162.2.
 - g. A boarding kennel as defined in section 162.2.
 - h. A commercial kennel as defined in section 162.2.
5. "Consent" means express or apparent assent by a person authorized to provide such assent.
6. a. "Crop" means any plant maintained for its parts or products having commercial value, including but not limited to stalks, trunks and branches, cuttings, grafts, scions, leaves, buds, fruit, vegetables, roots, bulbs, or seeds, if the plant is any of the following:
 - (1) A plant produced from an agricultural seed or vegetable seed as defined in section 199.1, including any plant producing a commodity listed in section 210.10.
 - (2) A plant which is a tree, shrub, vine, berry plant, greenhouse plant, or flower.
- b. A plant produced from a noxious weed seed as defined in section 199.1 is not a crop unless the plant is produced as a research crop.
7. "Crop operation" means a commercial enterprise where a crop is maintained on the property of the commercial enterprise.
8. "Crop operation property" means any of the following:
 - a. Real property that is a crop field, orchard, nursery, greenhouse, garden, elevator, seedhouse, barn, warehouse, any other associated land or structures located on the land, and personal property located on the land including machinery or equipment, that is part of a crop operation.
 - b. A vehicle used to transport a crop that was maintained on the crop operation property.
9. "Deprive" means to do any of the following:
 - a. For an animal maintained at an animal facility or property belonging to an animal facility, "deprive" means to do any of the following:
 - (1) Withhold the animal or property for a period of time sufficient to significantly reduce the value or enjoyment of the animal or property.
 - (2) Withhold the animal or property for ransom or upon condition to restore the animal or property in return for compensation.
 - (3) Dispose of the animal or property in a manner that makes recovery of the animal or property by its owner unlikely.
 - b. For crops maintained on crop operation property or for crop operation property, "deprive" means to do any of the following:
 - (1) Occupy any part of a crop operation property for a period of time sufficient to prevent access to the crop or crop operation property.
 - (2) Dispose of a crop maintained on the crop operation property or belonging to the crop operation in a manner that makes recovery of the crop or crop operation property by its owner unlikely.
10. "Maintain" means to do any of the following:
 - a. Keep and provide for the care and feeding of any animal, including any activity relating to confining, handling, breeding, transporting, or exhibiting the animal.
 - b. Keep and preserve any crop, by planting, nurturing, harvesting, and storing the crop; or storing, planting, or nurturing the crop's seed.

11. "Owner" means any of the following:

a. A person, including a public or private entity, who has a legal interest in an animal or property belonging to an animal facility or who is authorized by the holder of the legal interest to act on the holder's behalf in maintaining the animal.

b. A person, including a public or private entity, who has a legal interest in a crop or crop operation property or who is authorized by the holder of the legal interest to act on the holder's behalf in maintaining the crop.

12. "Research crop" means a crop, including the crop's seed, that is maintained for purposes of scientific research regarding the study or alteration of the genetic characteristics of a plant or associated seed, including its deoxyribonucleic acid, which is accomplished by breeding or by using biotechnological systems or techniques.

Sec. 2. Section 717A.1, subsection 1, Code 2001, is amended by striking the subsection.

Sec. 3. Section 717A.1, subsection 2, paragraph a, Code 2001, is amended to read as follows:

a. Willfully destroy property of an animal facility, or kill or injure an animal maintained at an animal facility, including by an act of violence or the transmission of a disease including but not limited to any disease designated by the department of agriculture and land stewardship pursuant to section 163.2.

Sec. 4. Section 717A.1, subsection 2, paragraph c, subparagraph (2), Code 2001, is amended to read as follows:

(2) ~~Injure~~ Kill or injure an animal maintained at the animal facility.

Sec. 5. Section 717A.1, subsection 5, Code 2001, is amended to read as follows:

5. a. This section does not prohibit any conduct of a person holding a legal interest in an animal or property which is superior to the interest held by a person suffering from damages resulting from the conduct.

b. ~~The~~ This section does not apply to ~~activities of a governmental agency that is taking lawful action against an animal or animal facility.~~

c. This section does not apply to a licensed veterinarian practicing veterinary medicine as provided in chapter 169 and according to customary standards of care.

Sec. 6. NEW SECTION. 717A.2 CROPS OR CROP OPERATION PROPERTY DAMAGE — CIVIL ACTION — CRIMINAL PENALTIES.

1. A person shall not, without the consent of the owner, do any of the following:

a. Willfully destroy or damage a crop maintained on crop operation property or crop operation property.

b. Exercise control over a crop maintained on crop operation property or crop operation property with an intent to deprive the owner of the crop or crop operation property.

c. Enter onto or remain on crop operation property, if the person has notice that the property is not open to the public, and the person has an intent to do one of the following:

(1) Disrupt agricultural production conducted on the crop operation property, if the agricultural production directly relates to the maintenance of crops. A person is presumed to intend disruption, if the person moves, removes, or defaces any sign posted on the crop operation property or label used by the owner and the sign or label identifies a crop maintained on the crop operation property.

(2) Destroy or damage a crop or any portion of a crop maintained on the crop operation property.

A person has notice that a crop operation property is not open to the public if the person is provided notice prohibiting entry before the person enters onto the crop operation property, or the person refuses to immediately depart from the crop operation property after being notified to leave. The notice may be in the form of a written or verbal communication by the owner, a fence or other enclosure designed to exclude intruders, or a sign posted which is

reasonably likely to come to the attention of an intruder and which indicates that entry is prohibited.

2. a. A person suffering damages resulting from an act which is in violation of this section may bring an action in the district court against the person causing the damage to recover all of the following:

(1) For damages that are not to a research crop, an amount equaling three times all actual and consequential losses.

(2) For damages to a research crop, all of the following:

(a) Twice the amount of damages directly incurred by market losses, based on the lost market value of the research crop due to the damage, assuming that the research crop would have matured undamaged and been sold in normal commercial channels. If the research crop has no market value, the damages shall be twice the amount of actual damages incurred in producing, harvesting, and storing the damaged research crop.

(b) Twice the amount of damages directly incurred by developmental losses, based on the losses associated with the research crop's expected scientific value. The research crop's scientific value shall be determined by calculating the amount expended in developing the research crop, including costs associated with researching, testing, breeding, or engineering. However, such damages shall not be awarded to the extent that the losses are mitigated by undamaged research crops that have been identically developed.

b. A prevailing plaintiff in an action brought under this section shall be awarded court costs and reasonable attorney fees, which shall be taxed as part of the costs of the action.

3. A person who violates this section as it applies to a research crop or crop operation property where a research crop is maintained is guilty of the following:

a. For a violation of subsection 1, paragraph "a", the person is guilty of criminal mischief as provided in section 716.1, and commits the same class of offense as provided in sections 716.3 through 716.6 based on the amount of damage to the research crop or crop operation property where the research crop is maintained.

b. For a violation of subsection 1, paragraph "b", the person is guilty of a class "D" felony.

c. For a violation of subsection 1, paragraph "c", the person is guilty of an aggravated misdemeanor.

4. A person who violates this section as it applies to a crop other than a research crop or crop operation property where a research crop is not maintained is guilty of the following:

a. For a violation of subsection 1, paragraph "a", the person is guilty of criminal mischief as provided in section 716.1, and commits the same class of offense as provided in sections 716.3 through 716.6 based on the amount of damage to the crop or crop operation property where the crop is maintained.

b. For a violation of subsection 1, paragraph "b", the person is guilty of an aggravated misdemeanor.

c. For a violation of subsection 1, paragraph "c", the person is guilty of a serious misdemeanor.

5. a. This section does not prohibit any conduct of a person holding a legal interest in a crop operation that is superior to the interest held by a person suffering from damages resulting from the conduct.

b. This section does not apply to a governmental agency that is taking lawful action against a crop or crop operation property.