

farmland or regulates a person who owns and operates protected farmland is unenforceable against the owner of the protected farmland for a period of ten years from the effective date of the annexation, to the extent the city ordinance or regulation is more stringent than county legislation. Section 335.2 shall apply to the protected farmland until the owner of the protected farmland determines that the land will no longer be operated as an agricultural operation. Any enforcement activity conducted in violation of this section is void.

A "condition or activity occurring on protected farmland" includes but is not limited to the raising, harvesting, drying, or storage of crops; the marketing of products at roadside stands or farm markets; the creation of noise, odor, dust, or fumes; the production, care, feeding, or housing of animals including but not limited to the construction, operation, or management of an animal feeding operation, an animal feeding operation structure, or aerobic structure, and to the storage, handling, or application of manure or egg washwater; the operation of machinery including but not limited to planting and harvesting equipment, grain dryers, grain handling equipment, and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

For the purposes of this section, "protected farmland" means land that is part of a century farm as that term is defined in section 403.17, subsection 10. "County legislation" means any ordinance, motion, resolution, or amendment adopted by a county pursuant to section 331.302.

Sec. 9. IMMEDIATE EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 23, 2003

CHAPTER 149

REGULATION OF FARM DEER

H.F. 624

AN ACT regulating farm deer, providing for penalties, and providing an effective date.

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

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

14. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine, or porcine species, ostriches, rheas, emus, farm deer as defined in section ~~481A.1~~ 170.1, or poultry.

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

1. "Animal" means a creature belonging to the bovine, caprine, equine, ovine, or porcine species; ostriches, rheas, or emus; farm deer as defined in section ~~481A.1~~ 170.1; or poultry.

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

3. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine, or porcine species; ostriches, rheas, or emus; farm deer as defined in section ~~481A.1~~ 170.1; or poultry.

Sec. 4. NEW SECTION. 170.1 DEFINITIONS.

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

1. "Chronic wasting disease" means the animal disease afflicting deer and elk that is a transmissible disease of the nervous system resulting in distinctive lesions in the brain and that belongs to the group of diseases that is known as transmissible spongiform encephalopathies (TSE).
2. "Council" means the farm deer council established pursuant to section 170.2.
3. "Department" means the department of agriculture and land stewardship.
4. "Farm deer" means an animal belonging to the cervidae family and classified as part of the dama species of the dama genus, commonly referred to as fallow deer; part of the elaphus species of the cervus genus, commonly referred to as red deer or elk; part of the virginianus species of the odocoileus genus, commonly referred to as whitetail; part of the hemionus species of the odocoileus genus, commonly referred to as mule deer; or part of the nippon species of the cervus genus, commonly referred to as sika. However, a farm deer does not include any unmarked free-ranging elk, whitetail, or mule deer.
5. "Fence" means a boundary fence which encloses farm deer within a landowner's property as required to be constructed and maintained pursuant to section 170.4.
6. "Landowner" means a person who holds an interest in land, including a titleholder or tenant.

Sec. 5. NEW SECTION. 170.2 FARM DEER COUNCIL.

1. A farm deer council is established within the department.
 - a. The council shall consist of not more than seven members who shall be appointed by the secretary of agriculture. All members must be actively engaged in the production of farm deer and at least four members must be actively engaged in the production of whitetail as farm deer.
 - b. The members of the council shall serve staggered terms of two years, except that the initial council members shall serve terms of unequal length. A person appointed to fill a vacancy for a member shall serve only for the unexpired portion of the term. A member is eligible for reappointment for three successive terms.
 - c. The council shall elect a chairperson and meet according to rules adopted by the council. A majority of the council constitutes a quorum and an affirmative vote of a majority of members is necessary for substantive action taken by the council. The majority shall not include any member who has a conflict of interest and a statement by a member of a conflict of interest shall be conclusive for this purpose. A vacancy in the membership does not impair the right of a quorum to exercise all rights and perform all duties of the council.
 - d. A member of the council is not entitled to receive expenses incurred in the discharge of the member's duties on the council. A member is also not entitled to receive compensation as otherwise provided in section 7E.6.
2. The council shall do all of the following:
 - a. Monitor conditions relating to the production of farm deer, the processing of farm deer products, and the marketing of such products. The council shall advise the department about health issues affecting farm deer, including but not limited to chronic wasting disease, and related regulations or practices.
 - b. Advise the department about the administration and enforcement of this chapter, including but not limited to consulting with the department regarding the rules adopted under this chapter, the certification of fences, and disciplinary actions. However, the council shall not control policy decisions or direct the administration or enforcement of this chapter.

Sec. 6. NEW SECTION. 170.3 JURISDICTION OF THE DEPARTMENT OF NATURAL RESOURCES — COOPERATION WITH THE DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP.

1. Farm deer are livestock as provided in this title and are principally subject to regulation by the department of agriculture and land stewardship, and also the department of natural resources as specifically provided in this chapter. The regulations adopted by the department of agriculture and land stewardship may include but are not limited to providing for the importation, transportation, and disease control of farm deer. The department of natural

resources shall not require that the landowner be issued a license or permit for keeping farm deer or for the construction of a fence for keeping farm deer.

2. The department of agriculture and land stewardship and the department of natural resources shall cooperate in administering and enforcing this chapter.

Sec. 7. NEW SECTION. 170.4 REQUIREMENTS FOR KEEPING WHITETAIL — CERTIFICATION.

A landowner shall not keep whitetail as farm deer, unless the whitetail is kept on land which is enclosed by a fence. The fence must be constructed and maintained as prescribed by rules adopted by the department. A landowner shall not keep the whitetail unless the fence is certified in a manner and according to procedures required by the department. The fence shall be constructed and maintained to ensure that whitetail are kept in the enclosure and that other deer are excluded from the enclosure. A fence that is constructed on or after the effective date of this Act shall be at least eight feet in height above ground level. The department of agriculture and land stewardship may require that the fence is inspected and approved prior to certification. The department of natural resources may periodically inspect the fence according to appointment with the enclosure's landowner.

Sec. 8. NEW SECTION. 170.5 REQUIREMENTS FOR RELEASING WHITETAIL — PROPERTY INTERESTS.

A person shall not release whitetail kept as farm deer onto land unless the landowner complies with all of the following:

1. The landowner must notify the department of natural resources and the department of agriculture and land stewardship at least thirty days prior to first releasing the whitetail on the land. The notice shall be provided in a manner required by the departments. The notice must at least provide all of the following:

- a. A statement verifying that the fence which encloses the land is certified by the department of agriculture and land stewardship pursuant to section 170.4.
- b. The landowner's name.
- c. The location of the land enclosed by the fence.

2. The landowner shall cooperate with the department of natural resources and the department of agriculture and land stewardship to remove any whitetail from the enclosed land. However, after the thirtieth day following receipt of the notice, the state shall relinquish its property interest in any remaining whitetail that the landowner and the cooperating departments were unable to remove from the enclosed land. Any remaining whitetail existing at that time on the enclosed land, and any progeny of the whitetail, shall become property of the landowner.

Sec. 9. NEW SECTION. 170.6 DISCIPLINARY PROCEEDINGS.

1. The department of agriculture and land stewardship may suspend or revoke a certification issued pursuant to section 170.4 if the department determines that a landowner has done any of the following:

- a. Provided false information to the department in an application for certification pursuant to section 170.4.
- b. Failed to provide notice or access to the department of natural resources¹ as required by section 170.5.
- c. Failed to maintain a fence enclosing the land where a whitetail is kept as required in section 170.4.
- d. Forces or lures a whitetail that is property of the state onto the enclosed land.
- e. Restrains or inhibits a whitetail that is property of the state from leaving the enclosed land.
- f. Takes a whitetail that is property of the state which is enclosed on the property in violation of a chapter in Title XI, subtitle 6.

2. If the department suspends a landowner's certification, the landowner shall not release

¹ See chapter 179, §66 herein

additional whitetail onto the enclosed land, unless otherwise provided in the department's order for suspension. If the department revokes a landowner's certification under this section, the landowner shall provide for the disposition of the enclosed whitetail by any lawful means.

Sec. 10. NEW SECTION. 170.7 DEPARTMENT OF NATURAL RESOURCES — INVESTIGATIONS.

This chapter does not prevent the department of natural resources from conducting an investigation of a violation of fish and game laws, including but not limited to a provision of Title XI, subtitle 6. The department of natural resources may obtain a warrant to search the enclosed land pursuant to chapter 808. This chapter does not prevent the department of natural resources from examining the landowner's business records according to appointment with the enclosure's landowner. The records include but are not limited to those relating to whitetail inventories, health, inspections, or shipments; and the enclosure's fencing.

Sec. 11. NEW SECTION. 170.8 PENALTIES.

A person is guilty of taking a whitetail in violation of section 481A.48 if the whitetail is on the land enclosed by a fence required to be certified as provided in section 170.4 and the person does any of the following:

1. Forces or lures a whitetail that is property of the state onto the enclosed land.
2. Restrains or inhibits a whitetail that is property of the state from leaving the enclosed land.
3. Takes a whitetail that is property of the state that is within the enclosure in violation of a chapter in Title XI, subtitle 6.

Sec. 12. Section 189A.2, subsection 6A, Code 2003, is amended by striking the subsection and inserting in lieu thereof the following:

6A. "Farm deer" means the same as defined in section 170.1.

Sec. 13. Section 190C.1, subsection 12, Code 2003, is amended to read as follows:

12. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine, or porcine species; ostriches, rheas, or emus; farm deer as defined in section ~~481A.1~~ 170.1; or poultry.

Sec. 14. Section 481A.1, Code 2003, is amended by adding the following new subsection: NEW SUBSECTION. 16A. "Farm deer" means the same as defined in section 170.1.

Sec. 15. Section 481A.1, subsection 20, paragraph h, Code 2003, is amended to read as follows:

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

Sec. 16. Section 481A.1, Code 2003, is amended by adding the following new subsection: NEW SUBSECTION. 33A. "Whitetail" means an animal belonging to the cervidae family and classified as part of the virginianus species of the odocoileus genus, commonly referred to as whitetail.

Sec. 17. Section 481A.124, subsection 2, Code 2003, is amended to read as follows:

2. This section only applies to ~~deer of the species whitetail only, other than farm deer that is kept as provided in chapter 170.~~

Sec. 18. Section 481A.130, Code 2003, is amended by adding the following new subsection: NEW SUBSECTION. 3. This section does not apply to a landowner who cooperates with

the department of natural resources and the department of agriculture and land stewardship to remove all whitetail from enclosed land as provided in section 170.5, even if all whitetail are not removed.

Sec. 19. Section 484B.3, Code 2003, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The chapter does not apply to keeping farm deer as defined in section 170.1.

Sec. 20. Section 484B.12, Code 2003, is amended to read as follows:
484B.12 HEALTH REQUIREMENTS — UNGULATES.

All ungulates 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 department of agriculture and land stewardship shall provide for the regulation of farm deer as provided in chapter 170.

Sec. 21. Section 717.1, subsection 2, Code 2003, is amended to read as follows:

2. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine, or porcine species, ostriches, rheas, emus; farm deer, as defined in section ~~481A.1~~ 170.1; or poultry.

Sec. 22. HUNTING PRESERVES AND GAME BREEDERS — AUTOMATIC CERTIFICATION. Any farm deer kept on land which is owned by a person licensed pursuant to section 484B.5 or 481A.61 and which is enclosed with a fence on the effective date of this Act shall be deemed to comply with construction requirements of section 170.4 and shall be automatically certified by the department of agriculture and land stewardship without submitting an application. The landowner is not required to notify the department of natural resources concerning removal of whitetail as otherwise required pursuant to section 170.5.²

Sec. 23. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 23, 2003

CHAPTER 150

COOPERATIVES — TAX CREDITS AND CREDIT REFUNDS

H.F. 681

AN ACT relating to tax credits and associated refunds for cooperatives engaged in the production of value-added agricultural products, and providing for its applicability.

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

Section 1. Section 15.333, subsection 1, unnumbered paragraph 1, Code 2003, is amended to read as follows:

An eligible business may claim a corporate tax credit up to a maximum of ten percent of the new investment which is directly related to new jobs created by the location or expansion of an eligible business under the program. Any credit in excess of the tax liability for the tax year

² See chapter 179, §82 herein