

**CHAPTER 1160**  
**HUNTING PRESERVES**  
*S.F. 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 107.14, Code 1991, is amended to read as follows:**

**107.14 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.

Approved April 28, 1992