

House Amendment 2048

PAG LIN

1 1 Amend Senate File 601, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 55, by striking lines 23 through 30.
1 4 #2. Page 56, by striking lines 13 through 19.
1 5 #3. By striking page 56, line 26, through page 57,
1 6 line 6.
1 7 #4. Page 59, by inserting after line 10 the
1 8 following:
1 9 <DIVISION _____
1 10 REGULATION OF ESTRAY AND GAME SWINE
1 11 Sec. _____. Section 163.2, Code 2007, is amended by
1 12 adding the following new subsections:
1 13 NEW SUBSECTION. 2A. "Custody or control" means to
1 14 keep an animal in an enclosed or confined location, in
1 15 a manner that prevents the release or escape of the
1 16 animal from the location including but not limited to
1 17 keeping the animal for breeding, growing, movement, or
1 18 harvesting.
1 19 NEW SUBSECTION. 3A. "Estray" means not to be in
1 20 the custody or control of a person.
1 21 NEW SUBSECTION. 3B. "Game swine" means the same
1 22 as defined in section 171.1.
1 23 Sec. _____. Section 163.30, subsection 5, unnumbered
1 24 paragraph 1, Code 2007, is amended to read as follows:
1 25 All swine moved shall be accompanied by a
1 26 certificate of veterinary inspection issued by the
1 27 state of origin and prepared and signed by a
1 28 veterinarian. The certificate shall show the point of
1 29 origin, the point of destination, individual
1 30 identification, immunization status, and, when
1 31 required, any movement permit number assigned to the
1 32 shipment by the department. The certificate of
1 33 veterinary inspection shall state whether the swine
1 34 are game swine, and shall provide any registration
1 35 information as required by section 171.4. All such
1 36 movement of swine shall be completed within
1 37 seventy-two hours unless an extension of time for
1 38 movement is granted by the department.
1 39 Sec. _____. NEW SECTION. 163.32 ESTRAY SWINE.
1 40 1. Estray swine are declared to be a public
1 41 nuisance and are subject to a policy of eradication as
1 42 administered by the department which is the principal
1 43 enforcement agency charged with carrying out the
1 44 policy.
1 45 a. The department of natural resources shall
1 46 cooperate with the department of agriculture and land
1 47 stewardship in carrying out the policy. The
1 48 departments shall periodically consult about how to
1 49 most effectively contribute resources and their
1 50 respective expertise, and divide jurisdictional
2 1 responsibility, including the assignment of
2 2 investigative personnel where appropriate. However,
2 3 the department of natural resources shall regulate
2 4 hunting preserves under chapter 484B, and the
2 5 regulation of persons taking animals under Title XI,
2 6 subtitle 6.
2 7 b. The department of agriculture and land
2 8 stewardship shall cooperate with the animal and plant
2 9 health inspection service of the United States
2 10 department of agriculture, and may enter into
2 11 cooperative agreements with the animal and plant
2 12 health inspection service in order to carry out the
2 13 eradication policy.
2 14 2. A person who captures swine which is estray in
2 15 another state shall not move that swine into this
2 16 state.
2 17 Sec. _____. NEW SECTION. 163.61A PENALTY AND
2 18 DISCIPLINARY ACTION FOR TAKING ESTRAY SWINE.
2 19 1. A person who violates section 163.32 is guilty
2 20 of an aggravated misdemeanor. A person is guilty of a
2 21 separate offense for each swine which is the subject
2 22 of the violation.
2 23 2. Upon a person's conviction for violating
2 24 section 163.32, the sentencing court may, as part of

2 25 the judgment, revoke or suspend a license issued
2 26 pursuant to chapter 481A or 483A for a definite period
2 27 of time.

2 28 Sec. _____. NEW SECTION. 171.1 DEFINITIONS.

2 29 As used in this chapter, unless the context
2 30 otherwise requires:

2 31 1. "Custody or control" means the same as defined
2 32 in section 163.2.

2 33 2. "Department" means the department of
2 34 agriculture and land stewardship.

2 35 3. "Game swine" means the same as defined in
2 36 section 484B.1.

2 37 4. "Swine" means an animal belonging to the order
2 38 artiodactyla, and classified as part of the family
2 39 suidae.

2 40 Sec. _____. NEW SECTION. 171.2 RULES.

2 41 The department may adopt rules pursuant to chapter
2 42 17A as necessary to administer this chapter.

2 43 Sec. _____. NEW SECTION. 171.3 IDENTIFICATION.

2 44 A person who has custody or control of game swine
2 45 shall identify the game swine as required by the
2 46 department. Game swine shall at least be identified
2 47 with a numbered metal ear tag affixed to the game
2 48 swine or other method such as installing an electronic
2 49 device onto or beneath the hide of the game swine as
2 50 prescribed by the department. The game swine must be
3 1 identified within ten days following the person's
3 2 acquisition of the game swine, including acquisition
3 3 by transfer or birth.

3 4 Sec. _____. NEW SECTION. 171.4 GAME SWINE

3 5 REGISTRATION SYSTEM.

3 6 The department of agriculture and land stewardship
3 7 shall establish a game swine registration system, in
3 8 cooperation with the department of natural resources.

3 9 1. A person who has custody or control of a game
3 10 swine shall register the game swine within ten days
3 11 following the person's acquisition of the game swine,
3 12 including acquisition by transfer or birth.

3 13 2. The person required to register game swine as
3 14 provided in this section shall provide information
3 15 required by the department which shall at least
3 16 include all of the following:

3 17 a. The number, age, and description of the game
3 18 swine, including its identification number as provided
3 19 in section 171.3.

3 20 b. The location where the person maintains custody
3 21 or control of the game swine.

3 22 c. The purpose of the person in maintaining
3 23 custody or control of the game swine.

3 24 d. Whether the person has been issued a hunting
3 25 preserve operator's license as required in chapter
3 26 484B.

3 27 3. The department shall to every extent feasible
3 28 provide for registration using the internet, including
3 29 programming, necessary to ensure the convenience,
3 30 completeness, and accuracy of the registrations.

3 31 Sec. _____. NEW SECTION. 171.5 GAME SWINE

3 32 REGISTRATION FEE.

3 33 A person required to register game swine as
3 34 provided in section 171.4 shall remit a registration
3 35 fee to the department. The amount of the registration
3 36 fee shall not exceed five dollars per head of swine.

3 37 The moneys collected by the department under this
3 38 section shall be retained as repayment receipts by the
3 39 department exclusively to offset the costs of
3 40 providing for registrations pursuant to section 171.4.

3 41 Sec. _____. NEW SECTION. 171.6 HEALTH

3 42 REQUIREMENTS.

3 43 Game swine shall be free of an infectious or
3 44 contagious disease as defined in section 163.2. The
3 45 department shall regulate game swine as any other
3 46 swine for purposes of preventing, suppressing, and
3 47 eradicating an infectious or contagious disease
3 48 afflicting swine within the state.

3 49 Sec. _____. NEW SECTION. 171.7 PENALTY.

3 50 A person who violates section 171.3 or 171.4 is
4 1 subject to a civil penalty of not more than one
4 2 hundred dollars. Penalty moneys shall be deposited
4 3 into the general fund of the state.

4 4 Sec. _____. Section 484B.1, Code 2007, is amended by
4 5 adding the following new subsections:

4 6 NEW SUBSECTION. 3A. "Estray" means not to be in
4 7 the custody or control of a person.

4 8 NEW SUBSECTION. 4A. "Game swine" means swine that
4 9 are classified as part of the species sus scrofa
4 10 linnaeus which may be commonly known as Russian boar
4 11 or European boar of either sex.

4 12 Sec. _____. Section 484B.1, subsection 6, Code 2007,
4 13 is amended to read as follows:

4 14 6. "Livestock" means ~~the same livestock~~ as defined
4 15 in section 717.1 other than game swine.

4 16 Sec. _____. Section 484B.3, Code 2007, is amended by
4 17 adding the following new subsection:

4 18 NEW SUBSECTION. 3. The department shall regulate
4 19 game swine in cooperation with the department of
4 20 agriculture and land stewardship as provided in
4 21 chapter 171.

4 22 Sec. _____. Section 484B.4, subsection 2, Code 2007,
4 23 is amended by adding the following new paragraph:

4 24 NEW PARAGRAPH. f. The person has registered any
4 25 game swine to be kept at the hunting preserve with the
4 26 department of agriculture and land stewardship as
4 27 provided in section 171.4.

4 28 Sec. _____. Section 484B.5, Code 2007, is amended to
4 29 read as follows:

4 30 484B.5 BOUNDARIES SIGNED == FENCED.

4 31 1. Upon receipt of a hunting preserve license, the
4 32 licensee shall promptly sign the licensed property
4 33 with signs prescribed by the department.

4 34 2. a. A licensee holding and releasing ungulates
4 35 shall construct and maintain boundary fences
4 36 prescribed by the department so as to enclose and
4 37 contain all released ungulates and exclude all
4 38 ungulates which are property of the state from
4 39 becoming a part of the hunting preserve enterprise.

4 40 b. A person who begins to keep game swine on or
4 41 after the effective date of this Act shall construct

4 42 and maintain a fence in compliance with this
4 43 paragraph. The fence shall be constructed of twelve

4 44 gauge woven wire at least five feet high and topped
4 45 with one strand of electrified wire. An additional

4 46 two feet of such fencing shall be buried and angled
4 47 underground toward the enclosed interior. However,

4 48 upon application, the department may waive this
4 49 requirement if the department determines that a fence

4 50 is to be designed and constructed which provides
5 1 equivalent or greater security from escape by game

5 2 swine.

5 3 Sec. _____. NEW SECTION. 484B.6A ESTRAY GAME
5 4 SWINE.

5 5 A person required to be licensed pursuant to
5 6 section 484B.4 shall not allow the game swine to
5 7 become estray.

5 8 Sec. _____. Section 484B.7, subsection 1, Code 2007,
5 9 is amended to read as follows:

5 10 1. Each hunting preserve licensee shall keep the
5 11 records and make the reports required on forms
5 12 prepared and provided by the department. All records
5 13 shall be open for inspection at any reasonable time by
5 14 the department or its authorized agents. The

5 15 department of agriculture and land stewardship may
5 16 inspect records relating to game swine in order to

5 17 ensure compliance with chapter 171.

5 18 Sec. _____. Section 484B.9, Code 2007, is amended to
5 19 read as follows:

5 20 484B.9 UNGULATE TRANSPORTATION TAGS == MARKINGS.

5 21 The department shall prepare transportation tags
5 22 suitable for use upon the carcass of ungulates
5 23 described in this chapter. The tags shall be used to
5 24 designate all ungulates taken by hunters upon a
5 25 licensed hunting preserve. The department shall
5 26 provide licensees with the tags. All ungulates taken
5 27 on a licensed hunting preserve shall be tagged with a
5 28 numbered tag prior to being removed from the hunting
5 29 preserve. The For game swine, the department shall

5 30 provide for tags in cooperation with the department of
5 31 agriculture and land stewardship as provided in
5 32 chapter 171. A hunter shall tag the ungulate taken in

5 33 accordance with the rules as determined by the
5 34 department. The tag shall remain attached to the
5 35 carcass of the dead ungulate until processed for
5 36 consumption. The hunter shall be provided with a bill

5 37 of sale by the licensee. The bill of sale shall
5 38 remain in the possession of the hunter. Ungulate tags
5 39 issued to a hunting preserve are not transferable.
5 40 Sec. _____. Section 484B.12, Code 2007, is amended
5 41 to read as follows:
5 42 484B.12 HEALTH REQUIREMENTS == UNGULATES.
5 43 All ungulates which are purchased, propagated,
5 44 confined, released, or sold by a licensed hunting
5 45 preserve shall be free of diseases considered
5 46 significant for wildlife, poultry, or livestock. The
5 47 department of agriculture and land stewardship shall
5 48 provide for the regulation of farm deer as provided in
5 49 chapter 170, and for the regulation of game swine as
5 50 provided in chapter 171.

6 1 Sec. _____. NEW SECTION. 484B.12A HEALTH AND
6 2 MOVEMENT REQUIREMENTS == GAME SWINE.
6 3 1. All game swine which are purchased, propagated,
6 4 confined, released, or sold by a hunting preserve
6 5 required to be licensed under this chapter shall be
6 6 free of diseases considered significant for wildlife,
6 7 poultry, or livestock. The department of agriculture
6 8 and land stewardship shall provide for the regulation
6 9 of game swine as any other swine for purposes of
6 10 preventing, suppressing, and eradicating an infectious
6 11 or contagious disease afflicting swine within the
6 12 state.

6 13 2. Game swine that are purchased, propagated,
6 14 confined, or sold by a hunting preserve shall only be
6 15 moved in accordance with rules adopted or orders
6 16 issued by the department of agriculture and land
6 17 stewardship.

6 18 Sec. _____. NEW SECTION. 484B.15 CIVIL PENALTIES.
6 19 A person who violates section 484B.6A is subject to
6 20 a civil penalty of one thousand dollars. Each day
6 21 that a violation continues shall be considered a
6 22 separate offense. All civil penalties shall be
6 23 deposited in the general fund of the state.

6 24 Sec. _____. NEW SECTION. 484B.16 RESTITUTION.
6 25 1. A person required to be licensed pursuant to
6 26 section 484B.4 and who keeps game swine shall pay
6 27 restitution to the department of natural resources for
6 28 damages to the environment and wildlife caused by the
6 29 game swine which become estray. The amount of the
6 30 restitution shall also include the department's
6 31 administrative costs for investigating the incident.

6 32 2. The department shall adopt rules providing for
6 33 procedures for investigations and the administrative
6 34 assessment of restitution amounts. The rules shall
6 35 establish an opportunity to appeal a departmental
6 36 action including by a contested case proceeding under
6 37 chapter 17A. A final administrative decision
6 38 assessing an amount of restitution may be enforced by
6 39 the attorney general at the request of the department.

6 40 3. Moneys collected by the department in
6 41 restitution shall be deposited into the state fish and
6 42 game protection fund. The moneys shall be used
6 43 exclusively to support restoration or improvement of
6 44 the environment and repopulation of wildlife.
6 45 However, moneys collected from restitution paid for
6 46 investigative costs shall be used as determined by the
6 47 department.

6 48 Sec. _____. IDENTIFICATION AND REGISTRATION ==
6 49 COMPLIANCE PERIOD. Notwithstanding sections 171.3 and
6 50 171.4, a person required to identify game swine and
7 1 register game swine shall have until September 1,
7 2 2007, to comply with those sections.

7 3 Sec. _____. EFFECTIVE DATE. This division of this
7 4 Act, being deemed of immediate importance, takes
7 5 effect upon enactment.>

7 6 #5. By renumbering as necessary.

7 7
7 8
7 9

7 10 WHITAKER of Van Buren
7 11 SF 601.716 82
7 12 da/gg/10166