

# House File 624

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1 3 AN ACT  
1 4 REGULATING FARM DEER, PROVIDING FOR PENALTIES, AND PROVIDING  
1 5 AN EFFECTIVE DATE.  
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1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
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1 9 Section 1. Section 10.1, subsection 14, Code 2003, is  
1 10 amended to read as follows:  
1 11 14. "Livestock" means an animal belonging to the bovine,  
1 12 caprine, equine, ovine, or porcine species, ostriches, rheas,  
1 13 emus, farm deer as defined in section ~~481A.1~~ 170.1, or  
1 14 poultry.  
1 15 Sec. 2. Section 169A.1, subsection 1, Code 2003, is  
1 16 amended to read as follows:  
1 17 1. "Animal" means a creature belonging to the bovine,  
1 18 caprine, equine, ovine, or porcine species; ostriches, rheas,  
1 19 or emus; farm deer as defined in section ~~481A.1~~ 170.1; or  
1 20 poultry.  
1 21 Sec. 3. Section 169C.1, subsection 3, Code 2003, is  
1 22 amended to read as follows:  
1 23 3. "Livestock" means an animal belonging to the bovine,  
1 24 caprine, equine, ovine, or porcine species; ostriches, rheas,  
1 25 or emus; farm deer as defined in section ~~481A.1~~ 170.1; or  
1 26 poultry.  
1 27 Sec. 4. NEW SECTION. 170.1 DEFINITIONS.  
1 28 As used in this chapter, unless the context otherwise  
1 29 requires:  
1 30 1. "Chronic wasting disease" means the animal disease  
1 31 afflicting deer and elk that is a transmissible disease of the  
1 32 nervous system resulting in distinctive lesions in the brain  
1 33 and that belongs to the group of diseases that is known as  
1 34 transmissible spongiform encephalopathies (TSE).  
1 35 2. "Council" means the farm deer council established  
2 1 pursuant to section 170.2.  
2 2 3. "Department" means the department of agriculture and  
2 3 land stewardship.  
2 4 4. "Farm deer" means an animal belonging to the cervidae  
2 5 family and classified as part of the dama species of the dama  
2 6 genus, commonly referred to as fallow deer; part of the  
2 7 elaphus species of the cervus genus, commonly referred to as  
2 8 red deer or elk; part of the virginianus species of the  
2 9 odocoileus genus, commonly referred to as whitetail; part of  
2 10 the hemionus species of the odocoileus genus, commonly  
2 11 referred to as mule deer; or part of the nippon species of the  
2 12 cervus genus, commonly referred to as sika. However, a farm  
2 13 deer does not include any unmarked free-ranging elk,  
2 14 whitetail, or mule deer.  
2 15 5. "Fence" means a boundary fence which encloses farm deer  
2 16 within a landowner's property as required to be constructed  
2 17 and maintained pursuant to section 170.4.  
2 18 6. "Landowner" means a person who holds an interest in  
2 19 land, including a titleholder or tenant.  
2 20 Sec. 5. NEW SECTION. 170.2 FARM DEER COUNCIL.  
2 21 1. A farm deer council is established within the  
2 22 department.  
2 23 a. The council shall consist of not more than seven  
2 24 members who shall be appointed by the secretary of  
2 25 agriculture. All members must be actively engaged in the  
2 26 production of farm deer and at least four members must be  
2 27 actively engaged in the production of whitetail as farm deer.  
2 28 b. The members of the council shall serve staggered terms  
2 29 of two years, except that the initial council members shall  
2 30 serve terms of unequal length. A person appointed to fill a  
2 31 vacancy for a member shall serve only for the unexpired  
2 32 portion of the term. A member is eligible for reappointment  
2 33 for three successive terms.  
2 34 c. The council shall elect a chairperson and meet  
2 35 according to rules adopted by the council. A majority of the  
3 1 council constitutes a quorum and an affirmative vote of a  
3 2 majority of members is necessary for substantive action taken  
3 3 by the council. The majority shall not include any member who  
3 4 has a conflict of interest and a statement by a member of a  
3 5 conflict of interest shall be conclusive for this purpose. A

3 6 vacancy in the membership does not impair the right of a  
3 7 quorum to exercise all rights and perform all duties of the  
3 8 council.

3 9 d. A member of the council is not entitled to receive  
3 10 expenses incurred in the discharge of the member's duties on  
3 11 the council. A member is also not entitled to receive  
3 12 compensation as otherwise provided in section 7E.6.

3 13 2. The council shall do all of the following:

3 14 a. Monitor conditions relating to the production of farm  
3 15 deer, the processing of farm deer products, and the marketing  
3 16 of such products. The council shall advise the department  
3 17 about health issues affecting farm deer, including but not  
3 18 limited to chronic wasting disease, and related regulations or  
3 19 practices.

3 20 b. Advise the department about the administration and  
3 21 enforcement of this chapter, including but not limited to  
3 22 consulting with the department regarding the rules adopted  
3 23 under this chapter, the certification of fences, and  
3 24 disciplinary actions. However, the council shall not control  
3 25 policy decisions or direct the administration or enforcement  
3 26 of this chapter.

3 27 Sec. 6. NEW SECTION. 170.3 JURISDICTION OF THE  
3 28 DEPARTMENT OF NATURAL RESOURCES == COOPERATION WITH THE  
3 29 DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP.

3 30 1. Farm deer are livestock as provided in this title and  
3 31 are principally subject to regulation by the department of  
3 32 agriculture and land stewardship, and also the department of  
3 33 natural resources as specifically provided in this chapter.  
3 34 The regulations adopted by the department of agriculture and  
3 35 land stewardship may include but are not limited to providing  
4 1 for the importation, transportation, and disease control of  
4 2 farm deer. The department of natural resources shall not  
4 3 require that the landowner be issued a license or permit for  
4 4 keeping farm deer or for the construction of a fence for  
4 5 keeping farm deer.

4 6 2. The department of agriculture and land stewardship and  
4 7 the department of natural resources shall cooperate in  
4 8 administering and enforcing this chapter.

4 9 Sec. 7. NEW SECTION. 170.4 REQUIREMENTS FOR KEEPING  
4 10 WHITETAIL == CERTIFICATION.

4 11 A landowner shall not keep whitetail as farm deer, unless  
4 12 the whitetail is kept on land which is enclosed by a fence.  
4 13 The fence must be constructed and maintained as prescribed by  
4 14 rules adopted by the department. A landowner shall not keep  
4 15 the whitetail unless the fence is certified in a manner and  
4 16 according to procedures required by the department. The fence  
4 17 shall be constructed and maintained to ensure that whitetail  
4 18 are kept in the enclosure and that other deer are excluded  
4 19 from the enclosure. A fence that is constructed on or after  
4 20 the effective date of this Act shall be at least eight feet in  
4 21 height above ground level. The department of agriculture and  
4 22 land stewardship may require that the fence is inspected and  
4 23 approved prior to certification. The department of natural  
4 24 resources may periodically inspect the fence according to  
4 25 appointment with the enclosure's landowner.

4 26 Sec. 8. NEW SECTION. 170.5 REQUIREMENTS FOR RELEASING  
4 27 WHITETAIL == PROPERTY INTERESTS.

4 28 A person shall not release whitetail kept as farm deer onto  
4 29 land unless the landowner complies with all of the following:

4 30 1. The landowner must notify the department of natural  
4 31 resources and the department of agriculture and land  
4 32 stewardship at least thirty days prior to first releasing the  
4 33 whitetail on the land. The notice shall be provided in a  
4 34 manner required by the departments. The notice must at least  
4 35 provide all of the following:

5 1 a. A statement verifying that the fence which encloses the  
5 2 land is certified by the department of agriculture and land  
5 3 stewardship pursuant to section 170.4.

5 4 b. The landowner's name.

5 5 c. The location of the land enclosed by the fence.

5 6 2. The landowner shall cooperate with the department of  
5 7 natural resources and the department of agriculture and land  
5 8 stewardship to remove any whitetail from the enclosed land.  
5 9 However, after the thirtieth day following receipt of the  
5 10 notice, the state shall relinquish its property interest in  
5 11 any remaining whitetail that the landowner and the cooperating  
5 12 departments were unable to remove from the enclosed land. Any  
5 13 remaining whitetail existing at that time on the enclosed  
5 14 land, and any progeny of the whitetail, shall become property  
5 15 of the landowner.

5 16 Sec. 9. NEW SECTION. 170.6 DISCIPLINARY PROCEEDINGS.

5 17 1. The department of agriculture and land stewardship may  
5 18 suspend or revoke a certification issued pursuant to section  
5 19 170.4 if the department determines that a landowner has done  
5 20 any of the following:  
5 21 a. Provided false information to the department in an  
5 22 application for certification pursuant to section 170.4.  
5 23 b. Failed to provide notice or access to the department of  
5 24 natural resources as required by section 170.5.  
5 25 c. Failed to maintain a fence enclosing the land where a  
5 26 whitetail is kept as required in section 170.4.  
5 27 d. Forces or lures a whitetail that is property of the  
5 28 state onto the enclosed land.  
5 29 e. Restrains or inhibits a whitetail that is property of  
5 30 the state from leaving the enclosed land.  
5 31 f. Takes a whitetail that is property of the state which  
5 32 is enclosed on the property in violation of a chapter in Title  
5 33 XI, subtitle 6.

5 34 2. If the department suspends a landowner's certification,  
5 35 the landowner shall not release additional whitetail onto the  
6 1 enclosed land, unless otherwise provided in the department's  
6 2 order for suspension. If the department revokes a landowner's  
6 3 certification under this section, the landowner shall provide  
6 4 for the disposition of the enclosed whitetail by any lawful  
6 5 means.

6 6 Sec. 10. NEW SECTION. 170.7 DEPARTMENT OF NATURAL  
6 7 RESOURCES == INVESTIGATIONS.

6 8 This chapter does not prevent the department of natural  
6 9 resources from conducting an investigation of a violation of  
6 10 fish and game laws, including but not limited to a provision  
6 11 of Title XI, subtitle 6. The department of natural resources  
6 12 may obtain a warrant to search the enclosed land pursuant to  
6 13 chapter 808. This chapter does not prevent the department of  
6 14 natural resources from examining the landowner's business  
6 15 records according to appointment with the enclosure's  
6 16 landowner. The records include but are not limited to those  
6 17 relating to whitetail inventories, health, inspections, or  
6 18 shipments; and the enclosure's fencing.

6 19 Sec. 11. NEW SECTION. 170.8 PENALTIES.

6 20 A person is guilty of taking a whitetail in violation of  
6 21 section 481A.48 if the whitetail is on the land enclosed by a  
6 22 fence required to be certified as provided in section 170.4  
6 23 and the person does any of the following:

6 24 1. Forces or lures a whitetail that is property of the  
6 25 state onto the enclosed land.  
6 26 2. Restrains or inhibits a whitetail that is property of  
6 27 the state from leaving the enclosed land.  
6 28 3. Takes a whitetail that is property of the state that is  
6 29 within the enclosure in violation of a chapter in Title XI,  
6 30 subtitle 6.

6 31 Sec. 12. Section 189A.2, subsection 6A, Code 2003, is  
6 32 amended by striking the subsection and inserting in lieu  
6 33 thereof the following:

6 34 6A. "Farm deer" means the same as defined in section  
6 35 170.1.

7 1 Sec. 13. Section 190C.1, subsection 12, Code 2003, is  
7 2 amended to read as follows:

7 3 12. "Livestock" means an animal belonging to the bovine,  
7 4 caprine, equine, ovine, or porcine species; ostriches, rheas,  
7 5 or emus; farm deer as defined in section ~~481A.1~~ 170.1; or  
7 6 poultry.

7 7 Sec. 14. Section 481A.1, Code 2003, is amended by adding  
7 8 the following new subsection:

7 9 NEW SUBSECTION. 16A. "Farm deer" means the same as  
7 10 defined in section 170.1.

7 11 Sec. 15. Section 481A.1, subsection 20, paragraph h, Code  
7 12 2003, is amended to read as follows:

7 13 h. The Cervidae: such as elk or deer, other than farm  
7 14 deer. ~~As used in this paragraph, "farm deer" means an animal~~  
~~7 15 belonging to the cervidae family and classified as part of the~~  
~~7 16 dama species of the dama genus, commonly referred to as fallow~~  
~~7 17 deer; part of the elaphus species of the cervus genus,~~  
~~7 18 commonly referred to as red deer or elk; or part of the nippon~~  
~~7 19 species of the cervus genus, commonly referred to as sika.~~  
~~7 20 However, a farm deer does not include any unmarked free-~~  
~~7 21 ranging elk.~~

7 22 Sec. 16. Section 481A.1, Code 2003, is amended by adding  
7 23 the following new subsection:

7 24 NEW SUBSECTION. 33A. "Whitetail" means an animal  
7 25 belonging to the cervidae family and classified as part of the  
7 26 virginianus species of the odocoileus genus, commonly referred  
7 27 to as whitetail.

7 28 Sec. 17. Section 481A.124, subsection 2, Code 2003, is  
7 29 amended to read as follows:

7 30 2. This section only applies to ~~deer of the species~~  
7 31 ~~whitetail only, other than farm deer that is kept as provided~~  
7 32 ~~in chapter 170.~~

7 33 Sec. 18. Section 481A.130, Code 2003, is amended by adding  
7 34 the following new subsection:

7 35 NEW SUBSECTION. 3. This section does not apply to a  
8 1 landowner who cooperates with the department of natural  
8 2 resources and the department of agriculture and land  
8 3 stewardship to remove all whitetail from enclosed land as  
8 4 provided in section 170.5, even if all whitetail are not  
8 5 removed.

8 6 Sec. 19. Section 484B.3, Code 2003, is amended by adding  
8 7 the following new unnumbered paragraph:

8 8 NEW UNNUMBERED PARAGRAPH. The chapter does not apply to  
8 9 keeping farm deer as defined in section 170.1.

8 10 Sec. 20. Section 484B.12, Code 2003, is amended to read as  
8 11 follows:

8 12 484B.12 HEALTH REQUIREMENTS == UNGULATES.

8 13 All ungulates which are purchased, propagated, confined,  
8 14 released, or sold by a licensed hunting preserve shall be free  
8 15 of diseases considered significant for wildlife, poultry, or  
8 16 livestock. The department of agriculture and land stewardship  
8 17 shall provide for the regulation of farm deer as provided in  
8 18 chapter 170.

8 19 Sec. 21. Section 717.1, subsection 2, Code 2003, is  
8 20 amended to read as follows:

8 21 2. "Livestock" means an animal belonging to the bovine,  
8 22 caprine, equine, ovine, or porcine species, ostriches, rheas,  
8 23 emus; farm deer~~;~~ as defined in section ~~481A.1~~ 170.1; or  
8 24 poultry.

8 25 Sec. 22. HUNTING PRESERVES AND GAME BREEDERS == AUTOMATIC  
8 26 CERTIFICATION. Any farm deer kept on land which is owned by a  
8 27 person licensed pursuant to section 484B.5 or 481A.61 and  
8 28 which is enclosed with a fence on the effective date of this  
8 29 Act shall be deemed to comply with construction requirements  
8 30 of section 170.4 and shall be automatically certified by the  
8 31 department of agriculture and land stewardship without  
8 32 submitting an application. The landowner is not required to  
8 33 notify the department of natural resources concerning removal  
8 34 of whitetail as otherwise required pursuant to section 170.5.

8 35 Sec. 23. EFFECTIVE DATE. This Act, being deemed of  
9 1 immediate importance, takes effect upon enactment.

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CHRISTOPHER C. RANTS  
Speaker of the House

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MARY E. KRAMER  
President of the Senate

9 13 I hereby certify that this bill originated in the House and  
9 14 is known as House File 624, Eightieth General Assembly.

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MARGARET THOMSON  
Chief Clerk of the House

9 20 Approved \_\_\_\_\_, 2003

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THOMAS J. VILSACK  
Governor