



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

June 3, 2005

The Honorable Chester Culver
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

Senate File 206, an Act relating to deer population management and providing penalties and appropriations.

The above Senate File is hereby approved this date.

Sincerely,

A handwritten signature in black ink that reads "Thomas J. Vilsack".

Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Chief Clerk of the House





SENATE FILE 206

AN ACT

RELATING TO DEER POPULATION MANAGEMENT AND PROVIDING PENALTIES
AND APPROPRIATIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 170.1, subsection 4, Code 2005, is amended to read as follows:

4. a. "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~~

b. "Farm deer" does not include any unmarked free-ranging elk, whitetail, or mule deer. "Farm deer" also does not include preserve whitetail which are kept on a hunting preserve as provided in chapter 484C.

Sec. 2. NEW SECTION. 170.1A APPLICATION OF CHAPTER.

1. A landowner shall not keep whitetail unless the whitetail are kept as farm deer under this chapter or kept as preserve whitetail on a hunting preserve pursuant to chapter 484C.

2. This chapter authorizes the department of agriculture and land stewardship to regulate whitetail kept as farm deer. However, the department of natural resources shall regulate preserve whitetail kept on a hunting preserve pursuant to chapter 484C.

Sec. 3. Section 483A.1, subsection 2, paragraphs f through u, Code 2005, are amended to read as follows:

f. Deer hunting license, antlerless deer only, required with the purchase of an antlered or any sex deer hunting license

..... \$ 100.00

f- g. Deer hunting license, antlerless deer only
..... \$ 150.00

g- h. Wild turkey hunting license \$ 100.00

h- i. Fur harvester license \$ 200.00

i- j. Fur dealer license \$ 501.00

j- k. Location permit for fur dealers \$ 56.00

k- l. Aquaculture unit license \$ 56.00

l- m. Retail bait dealer license \$ 125.00

or the amount for the same type of license in the nonresident's state, whichever is greater

m- n. Trout fishing fee \$ 13.00

n- o. Game breeder license \$ 26.00

o- p. Taxidermy license \$ 26.00

p- q. Falconry license \$ 26.00

q- r. Wildlife habitat fee \$ 8.00

r- s. Migratory game bird fee \$ 8.00

s- t. Fishing license, three-day \$ 15.50

t- u. Wholesale bait dealer license \$ 250.00

or the amount for the same type of license in the nonresident's state, whichever is greater

u- v. Fishing license, one-day \$ 8.50

Sec. 4. Section 483A.8, subsections 1, 3, and 6, Code 2005, are amended to read as follows:

1. A resident hunting deer who is required to have a hunting license must have a resident hunting license in addition to the deer hunting license and must pay the wildlife habitat fee. In addition, a resident who purchases a deer hunting license shall pay a one dollar fee that shall be used and is appropriated for the purpose of deer herd population management, including assisting with the cost of processing deer donated to the help us stop hunger program administered by the commission.

3. a. A nonresident hunting deer is required to have a nonresident hunting license and a nonresident deer license and must pay the wildlife habitat fee. In addition, a nonresident who purchases a deer hunting license shall pay a one dollar fee that shall be used and is appropriated for the purpose of deer herd population management, including assisting with the cost of processing deer donated to the help us stop hunger program administered by the commission.

b. A nonresident who purchases an antlered or any sex deer hunting license pursuant to section 483A.1, subsection 2, paragraph "e", is required to purchase an antlerless deer only deer hunting license at the same time, pursuant to section 483A.1, subsection 2, paragraph "f".

c. The commission shall annually limit to ~~eight~~ six thousand ~~five-hundred-licenses~~ the number of nonresidents allowed to have antlered or any sex deer hunting licenses. Of the ~~first~~ six thousand nonresident antlered or any sex deer licenses issued, not more than thirty-five percent of the licenses shall be bow season licenses ~~and~~ after. After the first six thousand antlered or any sex nonresident deer licenses have been issued, all additional licenses shall be issued for antlerless deer only. The commission shall annually determine the number of nonresident antlerless deer only deer hunting licenses that will be available for issuance.

d. The commission shall allocate the all nonresident deer hunting licenses issued among the zones based on the populations of deer. However, a nonresident applicant may request one or more hunting zones, in order of preference, in which the applicant wishes to hunt. If the request cannot be fulfilled, the applicable fees shall be returned to the applicant. A nonresident applying for a deer hunting license must exhibit proof of having successfully completed a hunter safety and ethics education program as provided in section 483A.27 or its equivalent as determined by the department before the license is issued.

6. The commission shall provide by rule for the annual issuance to a nonresident of a nonresident antlerless deer

hunting license that is valid for use only during the period beginning on December 24~~7~~-2003~~7~~ and ending at sunset on January 2~~7~~-2004 of the following year, and costs fifty dollars. A nonresident hunting deer with a license issued under this subsection shall be otherwise qualified to hunt deer in this state and shall have a nonresident hunting license, and pay the wildlife habitat fee, and pay the one dollar fee for the purpose of deer herd population management as provided in subsection 3. Pursuant to this subsection, the commission shall make available for issuance only the remaining nonresident antlerless deer hunting licenses allocated under subsection 3 that have not yet been issued for the 2003--2004 current year's nonresident antlerless deer hunting seasons.

Sec. 5. NEW SECTION. 483A.8A DEER HARVEST REPORTING SYSTEM.

1. The commission shall provide, by rule, for the establishment of a deer harvest reporting system for the purpose of collecting information from deer hunters concerning the deer population in this state. Each person who is issued a deer hunting license in this state shall report such information pursuant to this section. Information collected by the commission pursuant to the deer harvest reporting system from a deer hunter who takes a deer shall be limited to the following:

- a. The county where the deer was taken.
- b. The season during which the deer was taken.
- c. The sex of the deer taken.
- d. The age of the deer taken.
- e. The type of weapon used.
- f. The hunting license number of the hunter.
- g. The number of days the hunter hunted.
- h. The total number of deer taken by the hunter.

2. The deer harvest reporting system established by the commission shall utilize and is limited to utilizing one or more of the following methods of reporting deer taken by hunters:

- a. A toll-free telephone number.
- b. A postcard.
- c. Reporting at an electronic licensing location.
- d. Electronic internet communication.

Sec. 6. Section 483A.24, subsection 2, paragraph a, subparagraph (2), Code 2005, is amended to read as follows:

(2) "Farm unit" means all parcels of land, ~~not necessarily~~ which are certified by the commission pursuant to rule as meeting all of the following requirements:

- (a) Are in tracts of two or more contiguous acres.
- (b) which are Are operated as a unit for agricultural purposes and which are.
- (c) Are under the lawful control of the owner or the tenant.

Sec. 7. Section 483A.24, subsection 2, paragraph b, Code 2005, is amended to read as follows:

b. Upon written application on forms furnished by the department, the department shall issue annually without fee ~~one deer or~~ one wild turkey license, ~~or both,~~ to the owner of a farm unit or to a member of the owner's family, but not to both, and to the tenant or to a member of the tenant's family, but not to both. ~~The deer hunting license or~~ wild turkey hunting license issued shall be valid only on the farm unit for which an applicant qualifies pursuant to this subsection and shall be equivalent to the least restrictive license issued under section 481A.38. The owner or the tenant need not reside on the farm unit to qualify for a free license to hunt on that farm unit. ~~A free deer hunting license issued pursuant to this subsection shall be valid during all shotgun deer seasons.~~

Sec. 8. Section 483A.24, subsection 2, Code 2005, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Upon written application on forms furnished by the department, the department shall issue annually without fee two deer hunting licenses, one antlered or any sex deer hunting license and one antlerless deer only deer hunting license, to the owner of a farm unit or a member of the owner's family, but only a total of two licenses for

both, and to the tenant of a farm unit or a member of the tenant's family, but only a total of two licenses for both. The deer hunting licenses issued shall be valid only for use on the farm unit for which the applicant applies pursuant to this paragraph. The owner or the tenant need not reside on the farm unit to qualify for the free deer hunting licenses to hunt on that farm unit. The free deer hunting licenses issued pursuant to this paragraph shall be valid and may be used during any shotgun deer season. The licenses may be used to harvest deer in two different seasons. In addition, a person who receives a free deer hunting license pursuant to this paragraph shall pay a one dollar fee for each license that shall be used and is appropriated for the purpose of assisting with the cost of processing deer donated to the help us stop hunger program administered by the commission.

Sec. 9. Section 483A.24, subsection 2, paragraphs c and d, Code 2005, are amended to read as follows:

~~e.~~ d. In addition to the free deer hunting ~~license~~ licenses received pursuant to paragraph "c", an owner of a farm unit or a member of the owner's family and the tenant or a member of the tenant's family may purchase a deer hunting license for any option offered to paying deer hunting licensees. An owner of a farm unit or a member of the owner's family and the tenant or a member of the tenant's family may also purchase two additional antlerless deer hunting licenses which are valid only on the farm unit for a fee of ten dollars each.

~~d.~~ e. If the commission establishes a deer hunting season to occur in the first quarter of a calendar year that is separate from a deer hunting season that continues from the last quarter of the preceding calendar year, each owner and each tenant of a farm unit located within a zone where a deer hunting season is established, upon application, shall be issued a free deer hunting license for each of the two calendar quarters. Each license is valid only for hunting on the farm unit of the owner and tenant.

Sec. 10. Section 483A.24, subsection 2, Code 2005, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. A deer hunting license or wild turkey hunting license issued pursuant to this subsection shall be attested by the signature of the person to whom the license is issued and shall contain a statement in substantially the following form:

By signing this license I certify that I qualify as an owner or tenant under Iowa Code section 483A.24.

A person who makes a false attestation as described in this paragraph is guilty of a simple misdemeanor. In addition, the person's hunting license shall be revoked and the person shall not be issued a hunting license for a period of one year.

Sec. 11. NEW SECTION. 483A.24B SPECIAL DEER HUNTS.

1. The commission may establish a special season deer hunt for antlerless deer in those counties where paid antlerless only deer hunting licenses remain available for issuance.

2. Antlerless deer may be taken by shotgun, muzzleloading rifle, muzzleloading pistol, handgun, or bow during the special season as provided by the commission by rule.

3. Prior to December 15, a resident may obtain up to three paid antlerless only deer hunting licenses for the special season regardless of how many paid or free gun or bow deer hunting licenses the person may have already obtained. Beginning December 15, a resident or nonresident may purchase an unlimited number of antlerless only deer hunting licenses for the special season.

4. All antlerless deer hunting licenses issued pursuant to this section shall be included in the quotas established by the commission by rule for each county and shall be available in each county only until the quota established by the commission for that county is filled.

5. The daily bag and possession limit during the special season is one deer per license. The tagging requirements are the same as for the regular gun season.

6. A person who receives a license pursuant to this section shall be otherwise qualified to hunt deer in this state and shall have a hunting license and pay the wildlife habitat fee.

7. A person violating a provision of this section or a rule adopted pursuant to this section is guilty of a simple misdemeanor punishable as a scheduled violation as provided in section 483A.42.

Sec. 12. NEW SECTION. 483A.24C DEER DEPREDATION MANAGEMENT AGREEMENTS -- PERMITS.

It is the intent of the general assembly that the department shall administer and enforce the administrative rules concerning deer depredation that are contained in 571 IAC chapter 106.

Sec. 13. Section 484B.3, Code 2005, is amended to read as follows:

484B.3 AUTHORITY OF THE DIRECTOR.

1. 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 pursuant to this chapter.

2. The chapter does not apply to keeping farm deer as ~~defined in section 170.1~~ as regulated by the department of agriculture and land stewardship pursuant to chapter 170 or to preserve whitetail kept on a hunting preserve as regulated by the department of natural resources pursuant to chapter 484C.

Sec. 14. NEW SECTION. 484C.1 DEFINITIONS.

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

1. "Commission" means the natural resource commission as created pursuant to section 455A.6.

2. "Department" means the department of natural resources as created pursuant to section 455A.2.

3. "Documented event" includes but is not limited to the birth, death, harvest, transfer for consideration, or release of preserve whitetail.

4. "Fence" means a boundary fence which encloses preserve whitetail within a landowner's property as required to be constructed and maintained pursuant to this chapter.

5. "Hunting preserve" means land where a landowner keeps preserve whitetail as part of a business, if the business's purpose is to provide persons with the opportunity to hunt the preserve whitetail.

6. "Landowner" means a person who holds an interest in land, including a titleholder.

7. "Preserve whitetail" means whitetail kept on a hunting preserve.

8. "Whitetail" means an animal belonging to the cervidae family and classified as part of the virginianus species of the odocoileus genus.

Sec. 15. NEW SECTION. 484C.2 APPLICATION OF CHAPTER.

1. A landowner shall not keep whitetail unless the whitetail are kept as preserve whitetail pursuant to this chapter or as farm deer pursuant to chapter 170.

2. This chapter authorizes the department of natural resources to regulate preserve whitetail. However, the department of agriculture and land stewardship shall regulate whitetail kept as farm deer pursuant to chapter 170.

Sec. 16. NEW SECTION. 484C.3 RULES.

The department shall adopt rules pursuant to chapter 17A as necessary to administer this chapter.

Sec. 17. NEW SECTION. 484C.4 DEPARTMENTAL PROGRAMS AND REQUIREMENTS.

The department shall develop, administer, and enforce hunting preserve programs and requirements, which implement the provisions of this chapter and rules adopted by the department pursuant to section 484C.3, regarding fencing, recordkeeping, reporting, and the tagging, transportation, testing, and monitoring for disease of preserve whitetail.

Sec. 18. NEW SECTION. 484C.5 MINIMUM ENCLOSED ACREAGE -- EXCEPTIONS.

A hunting preserve must include at least three hundred twenty contiguous acres which are enclosed by a fence certified pursuant to section 484C.6. However, the hunting preserve may include a fewer number of enclosed acres if any of the following applies:

1. The commission grants a waiver for the hunting preserve according to terms and conditions required by the commission. The hunting preserve must include at least one hundred sixty contiguous acres.

2. a. The hunting preserve was operated as a business on January 1, 2005.

b. If the hunting preserve operated as a business on January 1, 2005, the landowner or the landowner's successor in interest may sell or otherwise transfer ownership of the hunting preserve to another person who may continue to operate the hunting preserve in the same manner as the landowner. However, this paragraph shall not apply if the owner of the hunting preserve or any successor in interest fails to register with the department as provided in section 484C.7 for three or more consecutive years.

3. a. The hunting preserve was not operated as a business on January 1, 2005, and all of the following apply:

(1) The hunting preserve has at least one hundred contiguous acres.

(2) The hunting preserve's fence is certified by the department not later than September 1, 2005.

b. If the hunting preserve complies with paragraph "a", the landowner or the landowner's successor in interest may sell or otherwise transfer ownership of the hunting preserve to another person who may continue to operate the hunting preserve in the same manner as the landowner. However, this paragraph shall not apply if the owner of the hunting preserve or any successor in interest fails to register with the department as provided in section 484C.7 for three or more consecutive years.

Sec. 19. NEW SECTION. 484C.6 FENCING -- CERTIFICATION.

1. A fence required to enclose preserve whitetail under section 484C.5 must be constructed and maintained as prescribed by rules adopted by the department and as certified by the department. The fence shall be constructed and maintained to ensure that the preserve whitetail are kept in the enclosure and all other whitetail are excluded from the enclosure.

2. A fence that was certified by the department of agriculture and land stewardship pursuant to chapter 170 prior to the effective date of this Act shall be certified by the department of natural resources.

3. A fence shall be at least eight feet in height above ground level. The enclosure shall be posted with signs as prescribed by rules adopted by the department.

4. The department may require that the fence be inspected and approved by the department prior to certification. The department shall periodically inspect the fence at any reasonable time by appointment or by providing the landowner with at least forty-eight hours' notice.

Sec. 20. NEW SECTION. 484C.7 REGISTRATION AND FEE.

A landowner who keeps preserve whitetail shall annually register the landowner's hunting preserve with the department by June 30. The landowner shall pay the department a registration fee. The amount of the registration fee shall not exceed three hundred fifty dollars per fiscal year. The fee shall be deposited into the state fish and game protection fund.

Sec. 21. NEW SECTION. 484C.8 REQUIREMENTS FOR RELEASING WHITETAIL -- PROPERTY INTERESTS.

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

1. The landowner must notify the department at least thirty days prior to first releasing the preserve whitetail on the land. The notice shall be provided in a manner required by the department. 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 pursuant to section 484C.6.

b. The landowner's name.

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

2. The landowner shall cooperate with the department 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 department 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 preserve whitetail and property of the landowner.

3. A hunting preserve may include whitetail which were regulated as farm deer by the department of agriculture and land stewardship pursuant to chapter 170 and transported to the hunting preserve. The whitetail shall be considered farm deer until released onto the hunting preserve. Once released onto the hunting preserve, the whitetail and its progeny become preserve whitetail and are subject to regulation by the department of natural resources.

Sec. 22. NEW SECTION. 484C.9 DOCUMENTATION --
INSPECTIONS.

1. The department shall prepare forms for documents, including records and reports, and provide such forms to landowners in order to comply with this section. The department shall provide procedures for the receipt, filing, processing, and return of documents in an electronic format. The department shall provide for the authentication of the documents that may include electronic signatures as provided in chapter 554D. However, this subsection does not require a landowner to complete or receive a document in an electronic format.

2. A landowner who operates a hunting preserve shall do all of the following:

a. Keep records as required by the department. The records shall be open for inspection at any reasonable time by the department.

b. File an annual report with the department on or before June 30. The report shall describe the hunting preserve operations during the preceding twelve months. 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 landowner's last registration as provided in section 484C.7.

c. Keep a record of a documented event as required by the department. The record of the documented event shall be entered in the annual report required in this section. The record of the documented event shall be maintained by the

landowner and submitted to the department. The entry of the documented event shall be made within twenty-four hours after its occurrence as prescribed by departmental rule.

Sec. 23. NEW SECTION. 484C.10 TAKING PRESERVE WHITETAIL -- TRANSPORTATION TAGS.

The department shall provide transportation tags to a landowner for use in identifying the carcass of preserve whitetail.

1. The tags shall be used to designate all preserve whitetail taken by persons on the hunting preserve. A person taking the preserve whitetail shall tag the preserve whitetail in accordance with the rules adopted by the department.

2. The preserve whitetail taken on a hunting preserve shall be tagged prior to being removed from the hunting preserve.

3. A tag shall remain attached to the carcass of the dead preserve whitetail until processed for consumption. The person taking the preserve whitetail shall be provided with a bill of sale by the landowner. The bill of sale shall remain in the possession of the person taking the preserve whitetail.

4. Preserve whitetail tags issued to a hunting preserve are not transferable.

Sec. 24. NEW SECTION. 484C.11 TAKING PRESERVE WHITETAIL -- PROCESSING.

If preserve whitetail have been taken, the harvested preserve whitetail may be processed by the hunting preserve as prescribed by rules adopted by the department. The rules shall provide for the marking and shipment of meat.

Sec. 25. NEW SECTION. 484C.12 HEALTH REQUIREMENTS -- CHRONIC WASTING DISEASE.

1. Preserve whitetail that are purchased, propagated, confined, released, or sold by a hunting preserve shall be free of diseases considered reportable for wildlife, poultry, or livestock. The department may provide for the quarantine of diseased preserve whitetail that threaten the health of animal populations.

2. The landowner, or the landowner's veterinarian, and an epidemiologist designated by the department shall develop a

plan for eradicating a reportable disease among the preserved whitetail population. The plan shall be designed to reduce and then eliminate the reportable disease, and to prevent the spread of the disease to other animals. The plan must be developed and signed within sixty days after a determination that the preserved whitetail population is affected with the disease. The plan must address population management and adhere to rules adopted by the department. The plan must be formalized as a memorandum of agreement executed by the landowner or landowner's veterinarian and the epidemiologist. The plan must be approved by the department.

Sec. 26. NEW SECTION. 484C.13 PENALTIES.

1. A person who violates a provision of this chapter or a rule adopted pursuant to this chapter is guilty of a simple misdemeanor.

2. A landowner who keeps preserve whitetail and who fails to register with the department as required in section 484C.7 is subject to a civil penalty of not more than two thousand five hundred dollars. The civil penalty shall be deposited in the state fish and game protection fund.

3. The department may suspend or revoke a fence certification issued pursuant to section 484C.6 if the department determines that a landowner has done any of the following:

a. Provided false information to the department in an application for fence certification pursuant to section 484C.6.

b. Failed to provide access to the department for an inspection as provided in this chapter.

c. Failed to maintain adequate records or to submit timely reports as provided in section 484C.9.

d. Failed to maintain a fence enclosing the land where preserve whitetail are kept as required by this chapter. The department shall not suspend or revoke a certification, if the landowner remedies each item as provided in a notice of deficiency delivered to the landowner by the department. The remedies shall be completed within seven days from receipt of the notice. The notice shall be hand delivered or sent by certified mail.

Sec. 27. Section 483A.24A, Code 2005, is repealed.

Sec. 28. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP AND DEPARTMENT OF NATURAL RESOURCES -- JOINT STUDY AND RECOMMENDATIONS.

1. The department of agriculture and land stewardship and the department of natural resources shall conduct a joint study to consider issues relating to keeping of whitetail farm deer pursuant to Code chapter 170 and keeping preserve whitetail as part of a hunting preserve pursuant to Code chapter 484C as enacted by this Act. As part of the study, the departments shall consider all of the following:

a. The fair and effective regulation of whitetail farm deer and preserve whitetail by the departments.

b. Threats to whitetail farm deer, preserve whitetail, and state-owned whitetail caused by potential outbreaks of infectious diseases including but not limited to chronic wasting disease, and methods to cooperate in monitoring and controlling infectious diseases and obtaining federal moneys necessary to provide for the prevention and suppression of infectious diseases.

2. The departments shall jointly report the results of the study, including findings and recommendations, to the government oversight committees by November 2005 as required by the committees.

Sec. 29. DEPARTMENT OF NATURAL RESOURCES AND HUNTING PRESERVE INDUSTRY -- JOINT STUDY AND RECOMMENDATIONS.

1. A preserve whitetail committee is established. The committee shall be composed of the following:

a. Not more than five persons appointed by the governor who shall be members of the Iowa whitetail deer association.

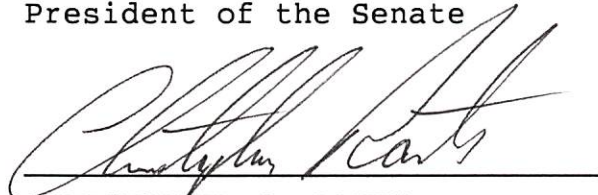
b. Not more than five persons appointed by the director of the department of natural resources who shall be knowledgeable regarding hunting preserves.

2. The committee shall develop recommendations for industry standards and guidelines to be used by the natural resource commission when considering the granting of waivers for minimum acreage requirements for hunting preserves as provided in section 484C.5 as enacted in this Act.

3. The committee shall submit the recommendations required in this section to the natural resource commission by January 1, 2006.



JOHN P. KIBBIE
President of the Senate



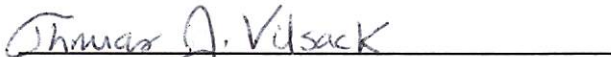
CHRISTOPHER C. RANTS
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 206, Eighty-first General Assembly.



MICHAEL E. MARSHALL
Secretary of the Senate

Approved June 3, 2005



THOMAS J. VILSACK
Governor