

**House File 2151 - Introduced**

HOUSE FILE 2151

BY HORBACH

**A BILL FOR**

1 An Act relating to swine, by prohibiting feral swine in this  
2 state, providing for the regulation of nonferal swine  
3 classified with certain ungulates as game animals, and  
4 making penalties applicable.

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

1 Section 1. NEW SECTION. 163.33 Feral swine.

2 1. As used in this section, unless the context otherwise  
3 requires:

4 a. "*Feral swine*" means any swine that fails to comply  
5 with inspection, testing, or vaccination requirements for an  
6 infectious or contagious disease that is capable of affecting  
7 swine as those requirements are provided by any of the  
8 following:

9 (1) Federal law applicable to swine within this state.

10 (2) State law applicable to swine within this state,  
11 including but not limited to this chapter, chapter 163A,  
12 chapter 166, chapter 166B, chapter 166D, or any other provision  
13 in this subtitle.

14 b. "*Swine*" means any animal classified as belonging to the  
15 genus *sus* regardless of its species.

16 2. A person shall not do any of the following:

17 a. Own or possess feral swine.

18 b. Cause or allow a feral swine owned or possessed by a  
19 person to come into contact with another animal in this state.

20 c. Transport a feral swine into this state.

21 Sec. 2. Section 163.61, Code 2011, is amended by adding the  
22 following new subsection:

23 NEW SUBSECTION. 3A. A person who violates section 163.33  
24 shall be subject to a civil penalty under this section only to  
25 the extent that a civil penalty is not imposed upon the person  
26 pursuant to another provision of law for the same violation.

27 Sec. 3. Section 484B.1, Code 2011, is amended by adding the  
28 following new subsections:

29 NEW SUBSECTION. 3A. "*Feral swine*" means the same as defined  
30 in section 163.33.

31 NEW SUBSECTION. 3B. "*Game animal*" means a swine, other than  
32 a feral swine, or an ungulate.

33 NEW SUBSECTION. 8A. "*Swine*" means the same as defined in  
34 section 163.33.

35 Sec. 4. Section 484B.4, subsection 1, Code 2011, is amended

1 to read as follows:

2 1. a. A person who owns or controls by lease or otherwise  
3 for five or more years, a contiguous tract of land having an  
4 area of not less than three hundred twenty acres, and who  
5 desires to establish a hunting preserve, ~~to propagate~~ may apply  
6 to the department for a hunting preserve operator's license  
7 under this chapter or rules adopted by the commission. A  
8 person whose application is approved shall be issued a license  
9 to do any of the following:

10 (1) Propagate and sell game birds and their young or  
11 unhatched eggs, ~~and or~~ shoot game birds ~~and ungulates~~ on the  
12 land, ~~under this chapter or the rules of the commission,~~

13 (2) Breed, raise, or maintain game animals for the purpose  
14 of hunting on the land, including as provided in section  
15 717F.7. However, a person shall not keep feral swine on the  
16 land.

17 b. A person shall ~~make~~ submit an application to the  
18 department for ~~an~~ a hunting preserve operator's license as  
19 required by the department. The application shall be made  
20 under oath of the applicant or under oath of one of its  
21 principal officers if the applicant is an association or  
22 corporation. Under the authority of this license, any property  
23 or facilities to be used for propagating, holding, processing,  
24 or pasturing of game birds ~~or ungulates~~ or game animals  
25 shall not be required to be contained within the contiguous  
26 land area used for hunting purposes. The application shall  
27 be accompanied by an operator's license fee of two hundred  
28 dollars.

29 Sec. 5. Section 484B.4, subsection 2, unnumbered paragraph  
30 1, Code 2011, is amended to read as follows:

31 Upon receipt of an application, the department or its  
32 authorized agent shall inspect the proposed hunting preserve  
33 and facilities described in the application. The department  
34 of agriculture and land stewardship may inspect a proposed  
35 hunting preserve that confines swine and shall advise the

1 department of natural resources regarding the approval of the  
2 application. If the department of natural resources finds that  
3 the proposed hunting preserve meets the following requirements,  
4 the department may approve the application and issue a hunting  
5 preserve ~~operator's~~ license for the operation of the property  
6 and facilities described in the application with the rights  
7 and subject to the limitations in this chapter and the rules  
8 adopted by the commission:

9     Sec. 6. Section 484B.4, subsection 2, paragraph d, Code  
10 2011, is amended to read as follows:

11     d. The game birds or ~~ungulates~~ game animals released on the  
12 preserve will not be detrimental to wildlife.

13     Sec. 7. Section 484B.4, subsection 2, Code 2011, is amended  
14 by adding the following new paragraph:

15     NEW PARAGRAPH. f. If the application is for a hunting  
16 preserve operator's license for swine, the application shall  
17 include a certificate made on an official form approved by  
18 the department of agriculture, and issued by a veterinarian  
19 licensed pursuant to chapter 169, which provides that the swine  
20 listed on the form meets the health requirements of this state.

21     Sec. 8. Section 484B.5, Code 2011, is amended to read as  
22 follows:

23     **484B.5 Boundaries signed — fenced.**

24     Upon receipt of a hunting preserve license, the licensee  
25 shall promptly sign the licensed property with signs prescribed  
26 by the department. A licensee holding and releasing ~~ungulates~~  
27 game animals shall construct and maintain boundary fences  
28 prescribed by the department so as to enclose and contain all  
29 released ~~ungulates~~ game animals and exclude all ~~ungulates~~ or  
30 swine which are ~~property of the state~~ not owned by the licensee  
31 from becoming a part of the hunting preserve enterprise.

32     Sec. 9. Section 484B.7, subsection 2, Code 2011, is amended  
33 to read as follows:

34     2. a. Each licensee shall file an annual report with the  
35 department on or before April 30. The report shall detail the

1 hunting preserve operations during the preceding license year.  
2 The original report shall be forwarded to the department and a  
3 copy shall be retained in the hunting preserve's file for three  
4 years from the date of expiration of the hunting preserve's  
5 last license issued. Records required by this section shall be  
6 entered in the annual report record within twenty-four hours  
7 of the event. ~~Failure~~ A failure to keep or submit the required  
8 records and reports is grounds for refusal to renew a license  
9 for the succeeding year.

10 b. An on-site inspection of property and facilities shall be  
11 conducted by an authorized agent of the department prior to the  
12 initial issuance of a hunting preserve license. The hunting  
13 preserve may be reinspected by an agent of the department at  
14 any reasonable time. The department of agriculture and land  
15 stewardship may provide for an inspection of swine maintained  
16 at the hunting preserve at any time and inform the department  
17 of natural resources whether the licensee is in compliance  
18 with this chapter. A licensed hunting preserve shall maintain  
19 adequate facilities for all designated birds, ~~and~~ ungulates, or  
20 swine held under the hunting preserve license.

21 Sec. 10. Section 484B.9, Code 2011, is amended to read as  
22 follows:

23 **484B.9 Ungulate Game animal transportation tags — markings.**

24 The department shall prepare transportation tags suitable  
25 for use upon the carcass of ungulates a game animal as  
26 described in this chapter. The tags shall be used to designate  
27 all ungulates game animals taken by hunters upon a licensed  
28 hunting preserve. The department shall provide licensees with  
29 the tags. All ungulates game animals taken on a licensed  
30 hunting preserve shall be tagged with a numbered tag prior  
31 to being removed from the hunting preserve. The tags shall  
32 distinguish between ungulates and swine. The hunter shall tag  
33 ~~the ungulate~~ a game animal taken in accordance with the rules  
34 as determined by the department. The tag shall remain attached  
35 to the carcass of the dead ungulate game animal until processed

1 for consumption or otherwise prepared for display. The hunter  
2 shall be provided with a bill of sale by the licensee. The bill  
3 of sale shall remain in the possession of the hunter. ~~Ungulate~~  
4 ~~tags~~ A tag issued to a hunting preserve are under this section  
5 is not transferable.

6 Sec. 11. Section 484B.10, subsection 1, Code 2011, is  
7 amended to read as follows:

8 1. A person shall not take a game bird or ungulate game  
9 animal upon a hunting preserve, by shooting in any manner,  
10 except during the established season or as authorized by  
11 section 481A.56. The established season shall be September 1  
12 through March 31 of the succeeding year, both dates inclusive.  
13 The owner of a hunting preserve shall establish the hunting  
14 season for nonnative, pen-reared ungulates on the hunting  
15 preserve.

16 Sec. 12. Section 484B.12, Code 2011, is amended to read as  
17 follows:

18 **484B.12 Health requirements — ungulates game animals.**

19 1. All ungulates which are purchased, propagated, confined,  
20 released, or sold by a licensed hunting preserve shall be free  
21 of diseases considered significant for wildlife, poultry, or  
22 livestock. Swine shall not be feral.

23 2. The department of agriculture and land stewardship shall  
24 provide for the regulation of ~~farm~~ all of the following:

25 a. Farm deer as provided in chapter 170.

26 b. Swine as provided in title V.

27 (1) The swine must be born and reared in captivity.

28 (2) The department shall provide for the inspection,  
29 testing, and vaccination of swine that the department  
30 determines may be feral with the associated costs paid by  
31 the licensee. Alternatively, the department may order the  
32 quarantine, transportation, and slaughter or humane destruction  
33 of such swine as determined by the department. The licensee  
34 shall not be entitled to indemnification as provided in section  
35 163.15, section 165.18, chapter 166B, or otherwise.

EXPLANATION

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2       GENERAL. This bill amends provisions relating to the  
3 regulation of infectious or contagious diseases affecting  
4 animals, including swine, by the department of agriculture and  
5 land stewardship (Code chapter 163). Generally, the department  
6 is authorized to provide for the prevention, suppression, or  
7 eradication of an infectious or contagious disease afflicting  
8 an animal within the state (Code section 163.2(2)).

9       FERAL SWINE — PROHIBITION. The bill prohibits a person from  
10 owning or possessing feral swine, causing or allowing a feral  
11 swine owned or possessed by a person to come into contact with  
12 another animal, or transporting a feral swine in this state.  
13 "Feral swine" is defined as any animal classified as belonging  
14 to the genus sus regardless of its species, if the animal fails  
15 to comply with inspection, testing, or vaccination requirements  
16 for an infectious or contagious disease that is capable of  
17 affecting swine as those requirements are set forth in federal  
18 or state law.

19       FERAL SWINE — CIVIL PENALTY APPLICABLE. A person who  
20 violates the feral swine prohibition is subject to a civil  
21 penalty of not more than \$25,000 for a continuous violation  
22 (i.e., a violation that extends over the course of continuous  
23 days). The civil penalty does not apply if the person is  
24 subject to another civil penalty for the same offense (Code  
25 section 163.61).

26       NONFERAL SWINE — HUNTING PRESERVES. The bill also provides  
27 that a person may apply for and be issued a license as a hunting  
28 preserve (Code chapter 484B) in order to confine swine for  
29 the purpose of breeding and hunting. Currently, the license  
30 applies to land reserved for hunting game birds and certain  
31 animals classified as nondomesticated ungulates. Hunting  
32 preserves are regulated by the department of natural resources.

33       HUNTING PRESERVES — APPLICABLE REGULATIONS. The bill  
34 provides that a hunting preserve may also operate for hunting  
35 any species of swine so long as the swine are not classified as

1 feral. The bill refers to ungulates and nonferal swine as game  
2 animals and many of the requirements that currently apply to  
3 ungulates would apply to nonferal swine, including requirements  
4 associated with license applications (Code section 484B.4),  
5 fence boundaries and signs (Code section 484B.5), records  
6 and reports (Code section 484B.7), transportation tags (Code  
7 section 484B.9), health (Code section 484B.12), and refusal to  
8 renew a license (Code section 484B.13).

9 HUNTING PRESERVES — SPECIAL REGULATIONS. The bill also  
10 provides special requirements applicable to confining swine  
11 as part of a hunting preserve. An application must include  
12 a health certificate issued by a licensed veterinarian.  
13 The confined swine must be born and raised in captivity.  
14 The confined swine must be approved by the department  
15 of agriculture and land stewardship. The department of  
16 agriculture and land stewardship is authorized to conduct  
17 inspections of a hunting preserve confining swine. The  
18 department may provide for the testing and vaccination of  
19 swine at the licensee's expense or alternatively may order the  
20 quarantine, transportation, and slaughter or destruction of the  
21 swine without the state being liable for indemnification paid  
22 to the licensee.

23 HUNTING PRESERVES — PENALTIES APPLICABLE. A person who  
24 violates a hunting preserve regulation is guilty of a simple  
25 misdemeanor (Code section 484B.14). A simple misdemeanor is  
26 punishable by confinement for no more than 30 days or a fine of  
27 at least \$65 but not more than \$625 or by both.