

**House File 177 - Introduced**

HOUSE FILE 177

BY HANSON, GASKILL, HALL,  
THEDE, WESSEL-KROESCHELL,  
and KELLEY

**A BILL FOR**

1 An Act relating to the keeping of farm deer and preserve  
2 whitetail and including penalties and applicability  
3 provisions.

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

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DIVISION I  
FARM DEER

Section 1. Section 170.1, subsection 5, Code 2013, is amended to read as follows:

5. ~~"Fence"~~ "Fencing" means a boundary perimeter fence and a secondary fence which encloses farm deer within a landowner's property as required to be constructed and maintained pursuant to section 170.4.

Sec. 2. Section 170.2, subsection 2, paragraph b, Code 2013, is amended to read as follows:

b. Advise the department about the administration and enforcement of this chapter, including but not limited to consulting with the department regarding the rules adopted under this chapter, the registration of landowners, the certification of ~~fences~~ fencing, and disciplinary actions. However, the council shall not control policy decisions or direct the administration or enforcement of this chapter.

Sec. 3. Section 170.3, subsection 1, Code 2013, is amended to read as follows:

1. Farm deer are livestock as provided in this title and are principally subject to regulation by the department of agriculture and land stewardship, and also the department of natural resources as specifically provided in this chapter. The regulations adopted by the department of agriculture and land stewardship ~~may~~ shall include but are not limited to providing for the importation, transportation, and disease control of farm deer and for fencing certification and registration requirements under this chapter. The department of natural resources shall not require that the landowner be issued a license or permit for keeping farm deer or for the construction of ~~a fence~~ fencing for keeping farm deer.

Sec. 4. Section 170.3A, Code 2013, is amended to read as follows:

**170.3A Chronic wasting disease control program — testing.**

1. The department shall establish and administer a chronic

1 wasting disease control program for the control of chronic  
2 wasting disease which threatens farm deer. The program shall  
3 include procedures for the inspection and testing of farm deer,  
4 responses to reported cases of chronic wasting disease, and  
5 methods to ensure that owners of farm deer may engage in the  
6 movement and sale of farm deer.

7 2. Farm deer that die or are sent for slaughter shall  
8 be tested for chronic wasting disease as set forth in rules  
9 adopted by the department. The landowner who keeps such farm  
10 deer shall pay the full cost of the testing.

11 Sec. 5. Section 170.3B, Code 2013, is amended to read as  
12 follows:

13 **170.3B ~~Farm deer administration~~ Registration and fee — proof**  
14 **of financial responsibility.**

15 1. The department may establish a farm deer administration A  
16 landowner who keeps farm deer under this chapter shall annually  
17 register with the department by June 30. A landowner shall not  
18 be registered under this section unless the landowner meets the  
19 applicable fencing certification and other requirements of this  
20 chapter. If a landowner meets the applicable certification and  
21 other requirements of this chapter, the landowner shall pay the  
22 department a registration fee which shall be annually imposed  
23 on each landowner who keeps farm deer in this state. The  
24 amount of the fee shall not exceed two hundred be five thousand  
25 dollars per year. The fee shall be collected by the department  
26 in a manner specified by rules adopted by the department after  
27 consulting with the farm deer council established in section  
28 170.2. The collected fees shall be credited to the farm deer  
29 administration fund created pursuant to section 170.3C.

30 2. a. An initial application for registration under  
31 subsection 1 shall be accompanied by a surety or cash  
32 performance bond in conformity with rules adopted by the  
33 department, in the principal amount of a minimum of one hundred  
34 thousand dollars. The bond shall be executed by a surety  
35 company authorized to do business in this state, and the bond

1 shall be continuous in nature until canceled by the surety with  
2 not less than sixty days' written notice to both the landowner  
3 and to the department. The notice shall indicate the surety's  
4 intent to cancel the bond on a date at least sixty days after  
5 the date of the notice.

6 b. The bond shall be payable to the state to indemnify the  
7 state for any costs that may be incurred in the event that a  
8 confirmed case of chronic wasting disease is found in farm deer  
9 kept by the applicant who purchased the bond.

10 Sec. 6. Section 170.3C, subsection 1, Code 2013, is amended  
11 to read as follows:

12 1. The fund shall be composed of moneys appropriated by  
13 the general assembly and moneys available to and obtained or  
14 accepted by the department from the United States or private  
15 sources for placement in the fund. The fund shall include all  
16 moneys collected from the farm deer ~~administration~~ registration  
17 fee as provided in section 170.3B and penalties assessed  
18 pursuant to section 170.8, subsection 2.

19 Sec. 7. Section 170.4, Code 2013, is amended to read as  
20 follows:

21 **170.4 Requirements for keeping whitetail — fence fencing**  
22 **certification.**

23 A landowner shall not keep whitetail as farm deer, unless the  
24 whitetail is kept on land which is enclosed by a double fence,  
25 which includes a perimeter fence around the enclosed area and  
26 a secondary fence that is a minimum of thirty feet inside the  
27 perimeter fence. The ~~fence~~ fences must be constructed and  
28 maintained as prescribed by rules adopted by the department. A  
29 landowner shall not keep the whitetail unless the ~~fence~~ fencing  
30 is certified in a manner and according to procedures required  
31 by the department. The ~~fence~~ fences shall be constructed and  
32 maintained to ensure that whitetail are kept in the enclosure  
33 and that other deer are excluded from the enclosure. ~~A fence~~  
34 ~~that is constructed on or after May 23, 2003,~~ The fences shall  
35 be at least ~~eight~~ ten feet in height above ground level. The

1 department of agriculture and land stewardship ~~may~~ shall  
2 require that the ~~fence is~~ fencing be inspected and approved  
3 prior to certification. The department of natural resources  
4 may periodically inspect the ~~fence~~ fencing according to  
5 appointment with the enclosure's landowner.

6 Sec. 8. NEW SECTION. **170.4A Missing or escaped farm deer.**

7 A landowner who keeps farm deer shall notify the department  
8 within forty-eight hours of discovering that a farm deer has  
9 escaped or is missing from enclosed land. A farm deer that  
10 has escaped or is missing from enclosed land for more than ten  
11 days shall be subject to the jurisdiction of the department of  
12 natural resources.

13 Sec. 9. Section 170.5, subsection 1, paragraph a, Code 2013,  
14 is amended to read as follows:

15 a. A statement verifying that the ~~fence which encloses~~  
16 ~~the land is certified by~~ landowner is registered with the  
17 department of agriculture and land stewardship pursuant to  
18 section ~~170.4~~ 170.3B.

19 Sec. 10. Section 170.6, Code 2013, is amended to read as  
20 follows:

21 **170.6 Disciplinary proceedings.**

22 1. The department of agriculture and land stewardship may  
23 suspend or revoke a ~~certification~~ registration issued pursuant  
24 to section ~~170.4~~ 170.3B if the department determines that a  
25 landowner has done any of the following:

26 a. Provided false information to the department in an  
27 application for ~~certification~~ registration pursuant to section  
28 ~~170.4~~ 170.3B.

29 b. Failed to provide notice or access to the department of  
30 natural resources and the department of agriculture and land  
31 stewardship as required by section 170.5.

32 c. Failed to maintain a ~~fence~~ fencing enclosing the land  
33 where a whitetail is kept as required in section 170.4.

34 d. ~~Forces or lures~~ Forced or lured a whitetail that is  
35 property of the state onto the enclosed land.

1 ~~e. Restrains or inhibits~~ Restrained or inhibited a whitetail  
2 that is property of the state from leaving the enclosed land.

3 ~~f. Takes~~ Taken a whitetail that is property of the state  
4 which is enclosed on the property in violation of a chapter in  
5 Title XI, subtitle 6.

6 ~~g. Falsely claimed that a farm deer died or was sent for~~  
7 slaughter when the farm deer escaped or was otherwise sold.

8 ~~h. Failed to maintain proof of financial responsibility as~~  
9 required in section 170.3B.

10 2. If the department suspends a landowner's ~~certification~~  
11 registration, the landowner shall not release additional  
12 whitetail onto the enclosed land, unless otherwise provided  
13 in the department's order for suspension. If the department  
14 revokes a landowner's ~~certification~~ registration under this  
15 section, the landowner shall provide for the disposition of the  
16 enclosed whitetail by any lawful means.

17 Sec. 11. Section 170.8, Code 2013, is amended to read as  
18 follows:

19 **170.8 Penalties.**

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

24 ~~1-~~ a. Forces or lures a whitetail that is property of the  
25 state onto the enclosed land.

26 ~~2-~~ b. Restrains or inhibits a whitetail that is property of  
27 the state from leaving the enclosed land.

28 ~~3-~~ c. Takes a whitetail that is property of the state that  
29 is within the enclosure in violation of a chapter in Title XI,  
30 subtitle 6.

31 2. A person who falsely claims that a farm deer died or  
32 was sent for slaughter when the farm deer escaped or was  
33 otherwise sold is subject to a civil penalty of five thousand  
34 dollars. The civil penalty shall be deposited in the farm deer  
35 administration fund created in section 170.3C.

1     Sec. 12.  APPLICABILITY.

2     1.  The section of this Act amending section 170.4 applies to  
3 fencing that is newly constructed on or after July 1, 2013.

4     2.  The section of this Act amending section 170.4 is  
5 applicable on or after July 1, 2014, to fences constructed  
6 before July 1, 2013, and in existence on July 1, 2014.

7                                   DIVISION II

8                                   PRESERVE WHITETAIL

9     Sec. 13.  Section 484C.1, subsection 5, Code 2013, is amended  
10 to read as follows:

11     5.  ~~"Fence"~~ "Fencing" means a boundary perimeter fence and  
12 a secondary fence which encloses preserve whitetail within  
13 a landowner's property as required to be constructed and  
14 maintained pursuant to this chapter.

15     Sec. 14.  Section 484C.5, subsection 1, unnumbered paragraph  
16 1, Code 2013, is amended to read as follows:

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

22     Sec. 15.  Section 484C.6, Code 2013, is amended to read as  
23 follows:

24     **484C.6  ~~Fencing — certification~~ Fencing certification —**  
25 **identification of animals.**

26     1.  a.  ~~A fence~~ Fencing required to enclose preserve  
27 whitetail under section 484C.5 must be constructed and  
28 maintained as prescribed by rules adopted by the department  
29 and as certified by the department.  The ~~fence~~ fencing shall  
30 be constructed and maintained to ensure that the preserve  
31 whitetail are kept in the enclosure and all other whitetail are  
32 excluded from the enclosure.

33     2.  b.  ~~A fence~~ Fencing that was certified by the department  
34 of agriculture and land stewardship pursuant to chapter 170  
35 prior to July 1, 2005, shall be certified by the department of

1 natural resources.

2 ~~3. c.~~ A fence A hunting preserve shall be enclosed by  
3 a double fence, which includes a perimeter fence around the  
4 enclosed area and a secondary fence that is a minimum of thirty  
5 feet inside the perimeter fence. The fences shall be at least  
6 eight ten feet in height above ground level. The enclosure  
7 perimeter fence shall be posted with signs as prescribed by  
8 rules adopted by the department.

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

15 2. Whitetail kept as preserve whitetail shall bear  
16 identification that is one of the following:

17 a. An identification ear tag approved by the United States  
18 department of agriculture that conforms to the alphanumeric  
19 national uniform tagging system as defined in 9 C.F.R. ch. 1,  
20 subch. c, pt. 71.1, revised as of July 21, 2006.

21 b. A plastic or other material tag that includes the  
22 official herd number issued by the United States department  
23 of agriculture, and includes individual animal identification  
24 which is no more than five digits and is unique for each  
25 animal.

26 c. A legible tattoo, that includes the official herd number  
27 issued by the United States department of agriculture, and  
28 includes individual animal identification which is no more than  
29 five digits and is unique for each animal.

30 d. A plastic or other material tag that provides unique  
31 animal identification and is issued and approved by the North  
32 American deer farmers association.

33 3. Preserve whitetail previously kept as farm deer  
34 that are released on a hunting preserve shall maintain the  
35 identification affixed on the whitetail pursuant to chapter 170



1 and rules adopted to implement that chapter.

2     Sec. 16. Section 484C.7, Code 2013, is amended to read as  
3 follows:

4     **484C.7 Registration and fee — proof of financial**  
5 **responsibility.**

6     1. A landowner who keeps preserve whitetail shall annually  
7 register the landowner's hunting preserve with the department  
8 by June 30. ~~The~~ A landowner shall not be registered under  
9 this section unless the landowner meets the applicable fencing  
10 certification and other requirements of this chapter. If a  
11 landowner meets the applicable fencing certification and other  
12 requirements of this chapter, the landowner shall pay the  
13 department a registration fee. The amount of the registration  
14 fee shall ~~not exceed three hundred fifty~~ be five thousand  
15 dollars per fiscal year. The fee shall be deposited into the  
16 state fish and game protection fund.

17     2. a. An initial application for registration under  
18 subsection 1 shall be accompanied by a surety or cash  
19 performance bond in conformity with rules adopted by the  
20 department, in the principal amount of a minimum of one hundred  
21 thousand dollars. The bond shall be executed by a surety  
22 company authorized to do business in this state, and the bond  
23 shall be continuous in nature until canceled by the surety with  
24 not less than sixty days' written notice to both the landowner  
25 and to the department. The notice shall indicate the surety's  
26 intent to cancel the bond on a date at least sixty days after  
27 the date of the notice.

28     b. The bond shall be payable to the state to indemnify the  
29 state for any costs that may be incurred in the event that a  
30 confirmed case of chronic wasting disease is found in preserve  
31 whitetail kept by the applicant who purchased the bond.

32     Sec. 17. Section 484C.8, subsection 1, paragraphs a and c,  
33 Code 2013, are amended to read as follows:

34     a. A statement verifying that the fence which encloses the  
35 land ~~landowner~~ is certified by registered with the department

1 pursuant to section ~~484C.6~~ 484C.7.

2 *c.* The location of the land enclosed by the fence fencing.

3 Sec. 18. Section 484C.12, Code 2013, is amended by adding  
4 the following new subsection:

5 NEW SUBSECTION. 3. Preserve whitetail that die or are  
6 taken by persons on the hunting preserve shall be tested for  
7 chronic wasting disease as set forth in rules adopted by the  
8 department. The landowner or the person taking the preserve  
9 whitetail shall pay the full cost of the testing.

10 Sec. 19. Section 484C.13, subsection 3, unnumbered  
11 paragraph 1, Code 2013, is amended to read as follows:

12 The department may suspend or revoke a ~~fence certification~~  
13 registration issued pursuant to section ~~484C.6~~ 484C.7 if the  
14 department determines that a landowner has done any of the  
15 following:

16 Sec. 20. Section 484C.13, subsection 3, paragraph d, Code  
17 2013, is amended to read as follows:

18 *d.* Failed to maintain a ~~fence~~ fencing enclosing the land  
19 where preserve whitetail are kept as required by this chapter.  
20 The department shall not suspend or revoke a ~~certification~~  
21 registration if the landowner remedies each item as provided  
22 in a notice of deficiency delivered to the landowner by the  
23 department. The remedies shall be completed within seven days  
24 from receipt of the notice. The notice shall be hand delivered  
25 or sent by certified mail.

26 Sec. 21. Section 484C.13, subsection 3, Code 2013, is  
27 amended by adding the following new paragraph:

28 NEW PARAGRAPH. *e.* Failed to maintain proof of financial  
29 responsibility as required in section 484C.7.

30 Sec. 22. Section 484C.13, Code 2013, is amended by adding  
31 the following new subsection:

32 NEW SUBSECTION. 4. A person who removes identification  
33 required in section 484C.6 from a preserve whitetail, prior to  
34 the taking of the whitetail, is subject to a civil penalty of  
35 five hundred dollars.

1     Sec. 23.  APPLICABILITY.

2     1.  The section of this Act amending section 484C.6,  
3 subsection 1, applies to fencing that is newly constructed on  
4 or after July 1, 2013.

5     2.  The section of this Act amending section 484C.6,  
6 subsection 1, is applicable on or after July 1, 2014, to fences  
7 constructed before July 1, 2013, and in existence on July 1,  
8 2014.

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EXPLANATION

10     This bill relates to the keeping of farm deer and preserve  
11 whitetail and includes penalties and applicability provisions.

12     DIVISION I.  Division I of the bill relates to regulation  
13 of the keeping of farm deer, which is principally under the  
14 purview of the department of agriculture and land stewardship  
15 (DALs).  DALs is required to adopt rules providing for the  
16 importation, transportation, and disease control of farm deer  
17 and for fencing certification and registration requirements  
18 under the Code chapter.

19     Farm deer that die or are sent for slaughter must be tested  
20 for chronic wasting disease pursuant to rules adopted by DALs,  
21 and the landowner must pay the full cost of the testing.

22     A landowner who keeps farm deer must register with DALs by  
23 June 30 each year.  In order to register, the landowner must  
24 meet the fencing certification requirements, show proof of  
25 financial responsibility via a surety or cash performance bond,  
26 and pay a registration fee of \$5,000 per year.  The surety or  
27 cash performance bond must be in a minimum amount of \$100,000,  
28 payable to indemnify the state in the event that a confirmed  
29 case of chronic wasting disease is found in farm deer kept by  
30 the landowner.  Registration fees are placed in the farm deer  
31 administration fund and appropriated to DALs for the purpose of  
32 administering the chronic wasting disease control program.

33     The bill requires that fencing enclosing land on which  
34 whitetail are kept as farm deer must include a perimeter  
35 fence around the enclosed area and a secondary fence that is

1 a minimum of 30 feet inside the perimeter fence, must be 10  
2 feet tall instead of eight feet tall, and must be inspected  
3 and approved prior to certification of the fencing. The  
4 new requirements are applicable to fencing that is newly  
5 constructed on or after July 1, 2013, when the bill takes  
6 effect, and are applicable on or after July 1, 2014, to fences  
7 existing before July 1, 2013.

8 A landowner who keeps farm deer shall notify DALs within 48  
9 hours of discovering that a farm deer has escaped or is missing  
10 from enclosed land. A farm deer that has escaped or is missing  
11 for more than 10 days is subject to the jurisdiction of the  
12 department of natural resources.

13 A landowner's registration may be suspended or revoked for  
14 failure to maintain proof of financial responsibility, or  
15 for falsely claiming that a farm deer died or was sent for  
16 slaughter when the farm deer escaped or was otherwise sold. A  
17 person who makes such a false claim is also subject to a civil  
18 penalty of \$5,000, which will be deposited in the farm deer  
19 administration fund.

20 DIVISION II. Division II of the bill relates to regulation  
21 of the keeping of preserve whitetail on a hunting preserve,  
22 which is principally under the purview of the department of  
23 natural resources (department).

24 The bill requires that a landowner cannot keep whitetail on  
25 a hunting preserve unless the preserve is enclosed by double  
26 fencing that includes a perimeter fence around the enclosed  
27 area and a secondary fence that is a minimum of 30 feet inside  
28 the perimeter fence. The fence must be at least 10 feet in  
29 height. The fencing requirements are applicable to fences  
30 that are newly constructed on or after July 1, 2013, when the  
31 bill takes effect, and is applicable on or after July 1, 2014,  
32 to fences existing before July 1, 2013. The department must  
33 inspect and approve the fencing prior to certification.

34 Whitetail kept on a hunting preserve must also bear an  
35 ear tag, tattoo, or other identification as specified in

1 the bill. Preserve whitetail previously kept as farm deer  
2 that are released on a hunting preserve shall maintain the  
3 identification affixed on them pursuant to the requirements  
4 applicable to farm deer under Code chapter 170 and rules  
5 adopted to implement that Code chapter.

6 A landowner who keeps whitetail on a hunting preserve must  
7 register each year and pay the registration fee of \$5,000. A  
8 landowner cannot be registered unless the landowner meets the  
9 applicable fencing certification and other requirements of Code  
10 chapter 484C. The initial application for registration must  
11 include proof of financial responsibility via a surety or cash  
12 performance bond. The surety or cash performance bond must be  
13 in a minimum amount of \$100,000, payable to indemnify the state  
14 in the event that a confirmed case of chronic wasting disease  
15 is found in preserve whitetail kept by the landowner.

16 Preserve whitetail that die or are taken by persons hunting  
17 on the hunting preserve shall be tested for chronic wasting  
18 disease as set forth in rules adopted by the department. The  
19 landowner or the hunter taking the preserve whitetail shall pay  
20 the full cost of the testing.

21 A person who removes the required identification from a  
22 preserve whitetail, prior to the taking of the whitetail, is  
23 subject to a civil penalty of \$500.