

House Study Bill 162 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
NATURAL RESOURCES BILL BY
CHAIRPERSON BACON)

A BILL FOR

1 An Act relating to the management of the spread of diseases in
2 wild animals, making penalties applicable, and including
3 effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 481A.38, subsection 1, Code 2019, is
2 amended to read as follows:

3 1. a. The commission may upon its own motion and after an
4 investigation, alter, limit, or restrict the methods or means
5 employed and the instruments or equipment used in taking wild
6 mammals, birds subject to [section 481A.48](#), fish, reptiles,
7 and amphibians, if the investigation reveals that the action
8 would be desirable or beneficial in promoting the interests of
9 conservation, ~~or the commission may, after an investigation~~
10 ~~when it is found there is imminent danger of loss of fish~~
11 ~~through natural causes, authorize the taking of fish by means~~
12 ~~found advisable to salvage imperiled fish populations.~~

13 b. The commission shall act to prevent, control, or
14 eradicate an infectious or contagious disease in any wild
15 animal as necessary to comply with section 456A.23. After
16 an investigation when it is found there is imminent danger
17 of loss of fish through natural causes, the commission may
18 authorize the taking of fish by means found advisable to
19 salvage imperiled fish populations. Upon the discovery of
20 an infectious or contagious disease in any wild animal, the
21 commission may establish a wild animal disease management zone
22 and take such actions within the zone as are necessary to
23 protect wild animal health and conserve biological balance.
24 Such actions are limited to establishing special seasons,
25 preventing the artificial movement of wild animals, wild
26 animal carcasses, or parts thereof, and requiring disease
27 sample collection from harvested wild animals. The commission
28 shall give at least twenty-four hours' notice by mail or
29 electronic means before establishing a disease management
30 zone and such notice shall identify the specific activity
31 requirements or restrictions imposed in the zone that shall
32 apply to both public and private lands with the zone. Any
33 requirement or restriction imposed in the zone shall not create
34 an out-of-pocket expense for a landowner or occupant whose
35 property exists within the zone.

1 c. The importation into the state of hunter-harvested
2 Cervidae carcasses from any state, province, or country that
3 chronic wasting disease has been confirmed within either
4 captive or wild cervid populations is prohibited, except for:

5 (1) Quarters or other portions of meat with no part of the
6 spinal column or head attached.

7 (2) Meat that is boned out or that is cut and wrapped,
8 either commercially or privately.

9 (3) Hides and teeth.

10 (4) Antlers or skull plates with antlers attached but with
11 no brain tissue attached.

12 (5) Finished taxidermy mounts.

13 Nonresidents transporting whole or partial carcasses on a
14 direct route through Iowa are exempt from this prohibition.

15 b. d. The commission shall adopt a rule permitting a
16 crossbow to be used only by individuals with disabilities
17 who are physically incapable of using a bow and arrow under
18 the conditions in which a bow and arrow is permitted. The
19 commission shall prepare an application to be used by an
20 individual requesting the status. The application shall
21 require the individual's physician to sign a statement
22 declaring that the individual is not physically able to use a
23 bow and arrow. This does not preclude the establishment of a
24 separate crossbow season.

25 e. A person who violates paragraph "c" shall, in lieu of the
26 provisions of section 481A.32, be assessed a minimum fine of
27 one hundred dollars. Each carcass transported into the state
28 in violation of paragraph "c" shall be a separate offense.

29 f. In administering paragraph "b", all of the following
30 shall apply:

31 (1) An employee or agent of the department shall not enter
32 private property in an investigative capacity without the
33 consent of the owner or occupant except when accompanying
34 a peace officer executing a search warrant pursuant to
35 chapter 808. An employee or officer may stop at a residence

1 or approach a landowner or occupant in the field within
2 one-quarter mile of a public road when in visual sight for
3 public relations purposes or to seek verbal or written consent
4 to collect wildlife samples.

5 (2) Absent a written agreement between the landowner or
6 occupant and the commission, the commission shall not:

7 (a) Prohibit the landowner or occupant from preventing
8 the natural congregation of wildlife on the landowner's or
9 occupant's property through the use of fences, gates, or other
10 methods that restrict wildlife access to gardens, feed lots,
11 food plots, tree farms, game farms, or other private land
12 needing protection from wildlife as long as the methods used
13 are not dangerous to wildlife.

14 (b) The commission may adopt rules to prevent the artificial
15 attraction and congregation of wildlife in concentrated areas
16 through the use of salt blocks, mineral blocks, feed stations,
17 or other attractants as deemed necessary to prevent the spread
18 of infectious disease in wildlife populations. However, the
19 commission shall not prevent a landowner or occupant from using
20 the following:

21 (i) Salt blocks or feed stations for the landowner's or
22 occupant's own domestic animals.

23 (ii) A bird feeder within one hundred feet of a private
24 residence.

25 Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate
26 importance, takes effect upon enactment.

27 EXPLANATION

28 The inclusion of this explanation does not constitute agreement with
29 the explanation's substance by the members of the general assembly.

30 This bill requires the natural resource commission to act
31 to prevent, control, or eradicate an infectious or contagious
32 disease in any wild animal. The bill authorizes the commission
33 to establish a disease management zone for any wild animal,
34 upon the finding of an infectious or contagious disease in a
35 population of that animal, and take certain actions to prevent

1 the spread of disease through that animal population. However,
2 when creating a wild animal disease management zone, the
3 commission shall not create an out-of-pocket expense for a
4 landowner or occupant whose property exists within the zone.
5 The commission also shall not prohibit a landowner or occupant
6 from using fences, gates, or other methods to prevent wildlife
7 from naturally congregating on the property and the commission
8 shall not prohibit a landowner or occupant from using salt
9 blocks or feed stations for the landowner's or occupant's own
10 domestic animals or a bird feeder within 100 feet of a private
11 residence.

12 The bill prohibits the importation of Cervidae carcasses
13 into the state from any state, province, or country where
14 chronic wasting disease has been confirmed within either
15 captive or wild cervid populations except under certain
16 conditions.

17 A person who transports a Cervidae carcass into the state
18 in violation of the provisions of the bill shall be assessed a
19 minimum \$100 fine.

20 The bill takes effect upon enactment.