

MAR 15 2005
Place On Calendar

HOUSE FILE 759
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HF 490)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the keeping of farm deer, and providing for
2 fees and the appropriation of the fees.

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

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HF 759

1 Section 1. Section 170.1, Code 2005, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 3A. "Escape cover" means plants which
4 afford farm deer cover or camouflage including but not limited
5 to timberland, woodland, woody brush, switch grass, canary
6 reed grass, common cattail, or standing corn.

7 NEW SUBSECTION. 7. "Professional hunting ranch" means
8 land where a landowner keeps farm deer as part of a business,
9 if the business's purpose is to charge persons for the
10 opportunity to hunt the farm deer as part of a recreational
11 endeavor.

12 Sec. 2. Section 170.4, Code 2005, is amended to read as
13 follows:

14 170.4 REQUIREMENTS FOR KEEPING WHITETAIL -- FENCE
15 CERTIFICATION.

16 1. A landowner shall not keep whitetail as farm deer,
17 unless the whitetail is kept on land which is enclosed by a
18 fence.

19 2. If the land is part of a professional hunting ranch
20 which keeps whitetail, the fence must enclose at least one
21 hundred fifty contiguous acres. However, the fence may
22 enclose a lesser number of acres, if the enclosure includes
23 any of the following:

24 a. At least one hundred contiguous acres, with fifty or
25 more of those acres being predominately escape cover.

26 b. At least eighty contiguous acres being predominately
27 escape cover and enclosed by a fence which was certified
28 during a period beginning on May 23, 2003, and ending on June
29 30, 2005.

30 3. The A fence must be constructed and maintained as
31 prescribed by rules adopted by the department. A landowner
32 shall not keep the whitetail unless the fence is certified in
33 a manner and according to procedures required by the
34 department. The fence shall be constructed and maintained to
35 ensure that whitetail are kept in the enclosure and that other

1 deer are excluded from the enclosure. A fence that is
2 constructed on or after May 23, 2003, shall be at least eight
3 feet in height above ground level. The department of
4 agriculture and land stewardship may require that the fence is
5 inspected and approved prior to certification. The department
6 of natural resources may periodically inspect the fence
7 according to appointment with the enclosure's landowner.

8 Sec. 3. NEW SECTION. 170.6A PROFESSIONAL HUNTING RANCH
9 -- WHITETAIL -- COMPLIANCE FEE.

10 A compliance fee is imposed on a landowner who keeps
11 whitetail as farm deer as part of a professional hunting
12 ranch. The compliance fee shall be administered by the
13 department. The fee shall not exceed three hundred fifty
14 dollars per fiscal year. If on June 30, the balance of
15 unencumbered and unobligated moneys in the compliance fund
16 created pursuant to section 170.6B is fifty thousand dollars
17 or more, the fee is waived for the following fiscal year.

18 Sec. 4. NEW SECTION. 170.6B PROFESSIONAL HUNTING RANCH
19 -- WHITETAIL -- COMPLIANCE FUND -- APPROPRIATION.

20 1. A compliance fund is created in the state treasury
21 under the control of the department. The fund is composed of
22 moneys appropriated by the general assembly and moneys
23 available to and obtained or accepted by the department from
24 the United States or private sources for placement in the
25 compliance fund. The compliance fund shall include all moneys
26 collected from the imposition of compliance fees as provided
27 in section 170.6A.

28 2. The moneys in the compliance fund are appropriated to
29 the department for the exclusive purpose of administrating and
30 enforcing requirements applicable to keeping whitetail as part
31 of a professional hunting ranch, including but not limited to
32 rules adopted under this chapter, the certification of fences
33 pursuant to section 170.4, and carrying out disciplinary
34 proceedings under section 170.6.

35 3. Section 8.33 shall not apply to moneys in the fund.

1 Notwithstanding section 12C.7, moneys earned as income or
2 interest from the fund shall remain in the fund until expended
3 as provided in this section.

4 EXPLANATION

5 This bill provides for the regulation of farm deer,
6 including animals belonging to the cervidae family commonly
7 referred to as fallow deer, red deer, elk, mule deer, sika,
8 whitetail, and mule deer. These types of cervidae are
9 considered livestock under a number of provisions throughout
10 the Code, and are generally excluded from provisions referring
11 to game in Code chapters administered by the department of
12 natural resources (DNR), including those chapters providing
13 for wildlife conservation and hunting regulations (see Code
14 section 481A.1). The department of agriculture and land
15 stewardship (DALs) has regulatory jurisdiction over these
16 types of animals under Code chapter 170. Code section 170.4
17 provides that a landowner cannot keep whitetail as farm deer
18 unless the whitetail are kept on land enclosed by a fence
19 which is constructed and maintained according to rules adopted
20 by DALs.

21 The bill regulates how farm deer are kept by a business
22 which offers persons the opportunity to hunt them. The area
23 is defined in the bill as a professional hunting ranch, and
24 the bill specifically regulates for those professional hunting
25 ranches which keep whitetail. The bill provides that the
26 certified fence must enclose at least 150 acres. However,
27 there are two exceptions and both require that the land
28 include escape cover such as timber or woody plants and may
29 include standing corn. First, a professional hunting ranch
30 may have a minimum of 100 contiguous acres so long as at least
31 50 of those acres include escape cover. Second, the
32 professional hunting ranch may have a minimum of 80 acres if
33 the land is predominately escape cover and enclosed by a fence
34 which was certified by the department between May 23, 2003,
35 and June 30, 2005.

1 The bill imposes a \$350 compliance fee on landowners who
2 keep whitetail as part of a professional hunting ranch. The
3 moneys are required to be deposited into a compliance fund
4 under the control of DALs. Moneys in the compliance fund are
5 appropriated to DALs for the purpose of regulating
6 professional hunting ranches which keep whitetail. The moneys
7 do not revert to the general fund and the fund retains
8 interest earned on the moneys. The compliance fee is imposed
9 on a fiscal year basis beginning on July 1 and ending on June
10 30. If at the end of a fiscal year there is \$50,000 or more
11 in the fund, the fee for the next fiscal year is waived.

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HOUSE FILE 759**H-1096**

1 Amend House File 759 as follows:

2 1. Page 1, line 7, by striking the words
3 "Professional hunting" and inserting the following:
4 "Hunting or shooting".

5 2. Page 1, line 10, by inserting after the word
6 "hunt" the following: "or shoot".

7 3. Page 1, line 19, by striking the words
8 "professional hunting" and inserting the following:
9 "hunting or shooting".

10 4. Page 2, line 8, by striking the words
11 "PROFESSIONAL HUNTING" and inserting the following:
12 "HUNTING OR SHOOTING".

13 5. Page 2, line 11, by striking the words
14 "professional hunting" and inserting the following:
15 "hunting or shooting".

16 6. Page 2, line 18, by striking the words
17 "PROFESSIONAL HUNTING" and inserting the following:
18 "HUNTING OR SHOOTING".

19 7. Page 2, line 31, by striking the words
20 "professional hunting" and inserting the following:
21 "hunting or shooting".

By BAUDLER of Adair

H-1096 FILED MARCH 16, 2005

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