

MAR 2 2001
Agriculture

HOUSE FILE 485
BY MERTZ and DOLECHECK

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

A BILL FOR

1 An Act relating to farm deer and providing for an effective date.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 485

1 Section 1. Section 10.1, subsection 14, Code 2001, is
2 amended to read as follows:

3 14. "Livestock" means an animal belonging to the bovine,
4 caprine, equine, ovine, or porcine species, ostriches, rheas,
5 emus, farm deer as defined in section ~~481A.1~~ 189A.2, or
6 poultry.

7 Sec. 2. Section 169A.1, subsection 1, Code 2001, is
8 amended to read as follows:

9 1. "Animal" means a creature belonging to the bovine,
10 caprine, equine, ovine, or porcine species; ostriches, rheas,
11 or emus; farm deer as defined in section ~~481A.1~~ 189A.2; or
12 poultry.

13 Sec. 3. Section 169C.1, subsection 3, Code 2001, is
14 amended to read as follows:

15 3. "Livestock" means an animal belonging to the bovine,
16 caprine, equine, ovine, or porcine species; ostriches, rheas,
17 or emus; farm deer as defined in section ~~481A.1~~ 189A.2; or
18 poultry.

19 Sec. 4. Section 189A.2, subsection 6A, Code 2001, is
20 amended to read as follows:

21 6A. "Farm deer" means an animal belonging to the cervidae
22 family and classified as part of the dama species of the dama
23 genus, commonly referred to as fallow deer; part of the
24 elaphus species of the cervus genus, commonly referred to as
25 red deer or elk; part of the virginianus species of the
26 odocioleus genus commonly referred to as whitetail; or part of
27 the nippon species of the cervus genus, commonly referred to
28 as sika. However, a farm deer does not include any unmarked
29 free-ranging elk or whitetail.

30 Sec. 5. Section 190C.1, subsection 12, Code 2001, is
31 amended to read as follows:

32 12. "Livestock" means an animal belonging to the bovine,
33 caprine, equine, ovine, or porcine species; ostriches, rheas,
34 or emus; farm deer as defined in section ~~481A.1~~ 189A.2; or
35 poultry.

1 Sec. 6. Section 481A.1, subsection 20, paragraph h, Code
2 2001, is amended to read as follows:

3 h. The Cervidae: such as elk or deer, other than farm
4 deer. As used in this paragraph, "farm deer" means ~~an animal~~
5 ~~belonging to the cervidae family and classified as part of the~~
6 ~~dama species of the dama genus, commonly referred to as fallow~~
7 ~~deer, part of the elaphus species of the cervus genus,~~
8 ~~commonly referred to as red deer or elk, or part of the nippon~~
9 ~~species of the cervus genus, commonly referred to as sika.~~
10 However, ~~a farm deer does not include any unmarked free-~~
11 ~~ranging elk~~ the same as defined in section 189A.2.

12 Sec. 7. Section 481A.1, Code 2001, is amended by adding
13 the following new subsection:

14 NEW SUBSECTION. 33A. "Whitetail" means an animal
15 belonging to the cervidae family and classified as part of the
16 virginianus species of the odocioleus genus commonly referred
17 to as whitetail.

18 Sec. 8. Section 481A.124, subsection 2, Code 2001, is
19 amended to read as follows:

20 2. This section only applies to ~~deer of the species~~
21 ~~whitetail~~ only other than farm deer.

22 Sec. 9. Section 481A.130, Code 2001, is amended by adding
23 the following new subsection:

24 NEW SUBSECTION. 3. This section does not apply to a
25 person who fails to exclude an ungulate that is property of
26 the state from becoming part of a hunting preserve, if the
27 person acts in compliance with section 484B.5.

28 Sec. 10. Section 484B.5, Code 2001, is amended to read as
29 follows:

30 484B.5 BOUNDARIES SIGNED -- FENCED.

31 Upon receipt of a hunting preserve license, the licensee
32 shall promptly sign the licensed property with signs
33 prescribed by the department. A licensee holding and
34 releasing ungulates shall construct and maintain boundary
35 fences prescribed by the department ~~so as to.~~ The boundary

1 fences shall enclose and contain all released ungulates and
2 exclude all ungulates which that are property of the state
3 from becoming a part of the hunting preserve enterprise. The
4 department may have access to the area within the boundary
5 fences in order to exclude ungulates that are property of the
6 state from becoming a part of the hunting preserve. The
7 department may assess a charge for each ungulate that cannot
8 be excluded based on its fair market value. However, the
9 charge assessed for a whitetail shall not exceed fifty
10 dollars.

11 Sec. 11. Section 484B.14, Code 2001, is amended to read as
12 follows:

13 484B.14 PENALTIES.

14 1. A person who violates a provision of this chapter or a
15 rule adopted under this chapter is guilty of a simple
16 misdemeanor.

17 2. A person who fails to exclude an ungulate that is
18 property of the state from becoming part of a hunting
19 preserve, shall not be subject to the penalty provided in this
20 section or to a civil or criminal penalty provided in any
21 other chapter, if the person acts in compliance with section
22 484B.5.

23 Sec. 12. Section 717.1, subsection 2, Code 2001, is
24 amended to read as follows:

25 2. "Livestock" means an animal belonging to the bovine,
26 caprine, equine, ovine, or porcine species, ostriches, rheas,
27 emus; farm deer, as defined in section ~~481A.1~~ 189A.2; or
28 poultry.

29 Sec. 13. EFFECTIVE DATE. This bill, being deemed of
30 immediate importance, takes effect upon enactment.

31 EXPLANATION

32 This bill relates to farm deer, which is an animal
33 generally classified as belonging to the cervidae family that
34 is more narrowly referred to in common use as fallow deer, red
35 deer, elk, or sika. A farm deer does not include any unmarked

1 free-ranging elk. These types of cervidae are considered
2 livestock for a number of provisions throughout the Code,
3 including branding regulations under Code chapter 169A,
4 trespassing livestock under Code chapter 169C, meat and
5 poultry inspection under Code chapter 189A, organic
6 agricultural production under Code chapter 190C, and livestock
7 neglect and abuse under Code chapter 717.

8 Farm deer are generally excluded from provisions referring
9 to game in chapters administered by the department of natural
10 resources providing for wildlife conservation and hunting
11 regulations (see Code section 481A.1).

12 The bill adds whitetail to the definition of farm deer, but
13 excludes whitetail that are free-ranging.

14 The bill amends a number of provisions referring to the
15 definition of "farm deer" that currently exist in the Code.

16 The bill also amends Code chapter 484B, which provides for
17 hunting preserves. Under current law, a person establishing a
18 hunting preserve must exclude ungulates, including whitetail,
19 prior to enclosing the hunting preserve and populating it with
20 ungulates owned by the person. The bill amends Code section
21 484B.5 to provide the department may have access to the area
22 within the boundary fences in order to remove ungulates that
23 are property of the state from becoming a part of the hunting
24 preserve. It also provides that the department may assess a
25 charge for each ungulate that cannot be excluded based on its
26 fair market value, but placing a limit on the charge for a
27 whitetail of not more than \$50.

28 The bill provides that a penalty that might apply to a
29 person who takes an ungulate that is property of the state
30 does not apply to a person who fails to exclude the ungulate
31 from a hunting preserve, if the person acts in compliance with
32 the bill.

33 The bill takes effect upon enactment.

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