

APR 21 2005
WAYS & MEANS CALENDAR

HOUSE FILE 874
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 759)

(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 regulation of whitetail, and providing for
2 fees and penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 874

1 Section 1. Section 170.1, subsection 4, Code 2005, is
2 amended to read as follows:

3 4. a. "Farm deer" means an animal belonging to the
4 cervidae family and classified as part of the dama species of
5 the dama genus, commonly referred to as fallow deer; part of
6 the elaphus species of the cervus genus, commonly referred to
7 as red deer or elk; part of the virginianus species of the
8 odocoileus genus, commonly referred to as whitetail; part of
9 the hemionus species of the odocoileus genus, commonly
10 referred to as mule deer; or part of the nippon species of the
11 cervus genus, commonly referred to as sika. ~~However, a farm~~
12 ~~deer~~

13 b. "Farm deer" does not include any unmarked free-ranging
14 elk, whitetail, or mule deer. "Farm deer" also does not
15 include confined whitetail which are kept on a hunting ranch
16 or shooting preserve as provided in chapter 484C.

17 Sec. 2. NEW SECTION. 170.1A APPLICATION OF CHAPTER.

18 1. A landowner shall not keep whitetail unless the
19 whitetail are kept as farm deer under this chapter or kept as
20 confined whitetail on a hunting ranch or shooting preserve
21 pursuant to chapter 484C.

22 2. This chapter authorizes the department to regulate
23 whitetail kept as farm deer. However, confined whitetail kept
24 on a hunting ranch or shooting preserve pursuant to chapter
25 484C shall be regulated by the department of natural
26 resources.

27 Sec. 3. Section 484B.3, Code 2005, is amended to read as
28 follows:

29 484B.3 AUTHORITY OF THE DIRECTOR.

30 1. The director shall develop, administer, and enforce
31 hunting preserve programs and requirements within the state
32 which implement the provisions of this chapter and ~~the~~ rules
33 adopted by the commission pursuant to this chapter.

34 2. The chapter does not apply to keeping farm deer as
35 ~~defined in section 170.1~~ as regulated by the department of

1 agriculture and land stewardship pursuant to chapter 170 or
2 confined whitetail kept on a hunting ranch or shooting
3 preserve as regulated by the department of natural resources
4 pursuant to chapter 484C.

5 Sec. 4. NEW SECTION. 484C.1 DEFINITIONS.

6 As used in this chapter, unless the context otherwise
7 requires:

- 8 1. "Confined whitetail" means whitetail kept on a hunting
9 ranch or shooting preserve.
- 10 2. "Department" means the department of natural resources.
- 11 3. "Escape cover" means plants which afford confined
12 whitetail cover or camouflage including but not limited to
13 timberland, woodland, woody brush, switch grass, common
14 cattail, standing corn, or additional types of cover approved
15 by the department.
- 16 4. "Fence" means a boundary fence which encloses confined
17 whitetail within a landowner's property as required to be
18 constructed and maintained pursuant to this chapter.
- 19 5. "Hunting ranch" or "shooting preserve" means land where
20 a landowner keeps confined whitetail as part of a business, if
21 the business's purpose is to charge persons for the
22 opportunity to hunt the confined whitetail as part of a
23 recreational endeavor.
- 24 6. "Landowner" means a person who holds an interest in
25 land, including a titleholder.
- 26 7. "Whitetail" means an animal belonging to the cervidae
27 family and classified as part of the virginianus species of
28 the odocoileus genus.

29 Sec. 5. NEW SECTION. 484C.2 APPLICATION OF CHAPTER.

30 1. A landowner shall not keep whitetail unless the
31 whitetail are kept as confined whitetail pursuant to this
32 chapter or as farm deer pursuant to chapter 170.

33 2. This chapter authorizes the department to regulate
34 confined whitetail. However, whitetail kept as farm deer
35 pursuant to chapter 170 shall be regulated by the department

1 of agriculture and land stewardship.

2 Sec. 6. NEW SECTION. 484C.3 FENCING -- MINIMUM ENCLOSED
3 ACREAGE.

4 A hunting ranch or shooting preserve must include at least
5 three hundred twenty contiguous acres which are enclosed by a
6 fence certified pursuant to section 484C.4. However, the
7 hunting ranch or shooting preserve may include a fewer number
8 of enclosed acres if any of the following applies:

9 1. The hunting ranch or shooting preserve includes at
10 least one hundred sixty contiguous acres and eighty of those
11 acres are predominately escape cover.

12 2. The hunting ranch or shooting preserve was operated as
13 a business on January 1, 2005. If the business was operating
14 on that date, the landowner or the landowner's successor in
15 interest may sell or otherwise transfer ownership of the
16 hunting ranch or shooting preserve to another person who may
17 continue to operate the business in the same manner as the
18 landowner. However, this subsection shall not apply if the
19 owner of the business or any successor in interest fails to
20 register with the department as provided in section 484C.5 for
21 three or more consecutive years.

22 Sec. 7. NEW SECTION. 484C.4 FENCING -- CERTIFICATION.

23 A fence required to enclose confined whitetail under
24 section 484C.3 must be constructed and maintained as
25 prescribed by rules adopted by the department and certified by
26 the department. The fence shall be constructed and maintained
27 to ensure that the confined whitetail are kept in the
28 enclosure. A fence that was certified by the department of
29 agriculture and land stewardship pursuant to chapter 170 prior
30 to the effective date of this Act shall be certified by the
31 department of natural resources. A fence shall be at least
32 eight feet in height above ground level. The department may
33 require that the fence be inspected and approved by the
34 department prior to certification. The department may
35 periodically inspect the fence according to appointment with

1 the landowner.

2 Sec. 8. NEW SECTION. 484C.5 REGISTRATION AND FEE.

3 A landowner who keeps confined whitetail shall annually
4 register the landowner's hunting ranch or shooting preserve
5 with the department. The landowner shall pay the department a
6 registration fee. The amount of the registration fee shall
7 not exceed three hundred fifty dollars per fiscal year. The
8 fees shall be deposited into the general fund of the state.

9 Sec. 9. NEW SECTION. 484C.6 PENALTIES.

10 1. A landowner who keeps confined whitetail and who fails
11 to register with the department as required in section 484C.5
12 is subject to a civil penalty of not more than two thousand
13 five hundred dollars. Such civil penalties shall be deposited
14 in the state fish and game protection fund.

15 2. The department may suspend or revoke a certification
16 issued pursuant to section 484C.4 if the department determines
17 that a landowner has done any of the following:

18 a. Provided false information to the department in an
19 application for certification pursuant to section 484C.4.

20 b. Failed to provide access to the department for an
21 inspection as required by section 484C.4.

22 c. Failed to maintain a fence enclosing the land where
23 confined whitetail are kept as required by this chapter. The
24 department shall not suspend or revoke a certification, if the
25 landowner remedies each item as provided in a notice of
26 deficiency delivered to the landowner by the department. The
27 remedies shall be completed within sixty days from receipt of
28 the notice. The notice shall be hand delivered or sent by
29 certified mail.

30 Sec. 10. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
31 AND DEPARTMENT OF NATURAL RESOURCES -- JOINT STUDY AND
32 RECOMMENDATIONS.

33 1. The department of agriculture and land stewardship and
34 the department of natural resources shall conduct a joint
35 study to consider issues relating to keeping of farm deer and

1 keeping confined whitetail as part of a hunting ranch or
2 shooting preserve. As part of the study, the departments
3 shall consider all of the following:

4 a. The fair and effective regulation of farm deer and
5 confined whitetail by the departments.

6 b. Threats to farm deer and confined whitetail caused by
7 potential outbreaks of infectious diseases including but not
8 limited to chronic wasting disease, and methods to cooperate
9 in monitoring and controlling infectious diseases and
10 obtaining federal moneys necessary to provide for the
11 prevention and suppression of infectious diseases.

12 2. The departments shall jointly report the results of the
13 study, including findings and recommendations, to the
14 government oversight committees by November 2005 as required
15 by that committee.

16 EXPLANATION

17 This bill provides for the regulation of whitetail
18 classified as a type of farm deer which are kept in fenced
19 enclosures as regulated by the department of agriculture and
20 land stewardship (DALs) under Code chapter 170. Farm deer are
21 considered livestock under a number of provisions throughout
22 the Code, and are generally excluded from provisions referring
23 to game in Code chapters administered by the department of
24 natural resources (DNR), including provisions under Code
25 chapter 484B which provide for the regulation of hunting
26 preserves.

27 The bill restores DNR authority over areas where whitetail
28 are kept for purposes of hunting and shooting (referred to as
29 a "hunting ranch" or "shooting preserve"). Whitetail which
30 are kept in these areas are referred to as "confined
31 whitetail". DALs retains authority over areas where whitetail
32 are kept for other purposes such as breeding or slaughtering.

33 The bill provides that a hunting ranch or shooting preserve
34 must include 320 contiguous acres with certain exceptions.
35 The area may contain as few as 160 contiguous acres if at

1 least 80 acres are predominately escape cover (e.g., wooded)
2 or the area was operated as a business on January 1, 2005,
3 regardless of acreage.

4 The bill requires DNR to certify fences where confined
5 whitetail are kept and requires DNR to certify those fences
6 that were certified by DALs prior to the effective date of
7 this bill. The provisions regarding certification are based
8 on similar provisions in Code chapter 170. The bill requires
9 that a person operating a hunting ranch or shooting preserve
10 must register with DNR and pay an annual registration fee.

11 The bill provides for penalties. A landowner who fails to
12 register is subject to a civil penalty. DNR may also suspend
13 or revoke a certification for a number of causes, including
14 failure to maintain a fence.

15 The bill provides that DALs and DNR are required to conduct
16 a joint study which considers issues affecting the keeping of
17 whitetail as farm deer and confined whitetail, including
18 regulation and disease control. The department must jointly
19 report the results of the study to the government oversight
20 committees by November 2005.

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HOUSE FILE 874

H-1537

1 Amend the amendment, H-1506, to House File 874 as
2 follows:

3 1. Page 5, by inserting before line 37, the
4 following:

5 "Sec. ____ . NEW SECTION. 484C.9A WHITETAIL
6 IDENTIFICATION.

7 A landowner who keeps whitetail on a hunting
8 preserve shall identify the whitetail with an
9 identification device which may be in the form of a
10 tag or other item approved by the department. The
11 identification device shall identify the landowner and
12 the hunting preserve including by name and address."

13 2. Page 7, by inserting after line 19, the
14 following:

15 " ____ . The department shall impose, assess, and
16 collect a civil penalty upon a landowner who keeps
17 whitetail in a hunting preserve, if the whitetail
18 trespasses upon the land of another person or strays
19 from the landowner's control onto a public road or a
20 right-of-way. The amount of the civil penalty shall
21 not exceed one thousand five hundred dollars for each
22 offense. A civil penalty collected by the department
23 shall be deposited into the general fund of the state.
24 In addition, the landowner shall be liable for all
25 damages caused by the landowner's whitetail that
26 strays from the landowner's control upon the land of
27 another person or onto a public road or a right-of-
28 way."

29 3. Page 8, by inserting after line 14, the
30 following:

31 " ____ . Title page, line 1, by inserting after the
32 word "for" the following: "remedies and"."

33 4. By renumbering as necessary.

By ZIRKELBACH of Jones

H-1537 FILED APRIL 26, 2005

HOUSE FILE 874

H-1506

1 Amend House File 874 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 170.1, subsection 4, Code
5 2005, is amended to read as follows:

6 4. a. "Farm deer" means an animal belonging to
7 the cervidae family and classified as part of the dama
8 species of the dama genus, commonly referred to as
9 fallow deer; part of the elaphus species of the cervus
10 genus, commonly referred to as red deer or elk; part
11 of the virginianus species of the odocoileus genus,
12 commonly referred to as whitetail; part of the
13 hemionus species of the odocoileus genus, commonly
14 referred to as mule deer; or part of the nippon
15 species of the cervus genus, commonly referred to as
16 sika. ~~However, a farm deer~~

17 b. "Farm deer" does not include any unmarked free-
18 ranging elk, whitetail, or mule deer. "Farm deer"
19 also does not include preserve whitetail which are
20 kept on a hunting preserve as provided in chapter
21 484C.

22 Sec. 2. NEW SECTION. 170.1A APPLICATION OF
23 CHAPTER.

24 1. A landowner shall not keep whitetail unless the
25 whitetail are kept as farm deer under this chapter or
26 kept as preserve whitetail on a hunting preserve
27 pursuant to chapter 484C.

28 2. This chapter authorizes the department of
29 agriculture and land stewardship to regulate whitetail
30 kept as farm deer. However, the department of natural
31 resources shall regulate preserve whitetail kept on a
32 hunting preserve pursuant to chapter 484C.

33 Sec. 3. Section 484B.3, Code 2005, is amended to
34 read as follows:

35 484B.3 AUTHORITY OF THE DIRECTOR.

36 1. The director shall develop, administer, and
37 enforce hunting preserve programs and requirements
38 within the state which implement the provisions of
39 this chapter and ~~the~~ rules adopted by the commission
40 pursuant to this chapter.

41 2. The chapter does not apply to keeping farm deer
42 ~~as defined in section 170.1 as regulated by the~~
43 department of agriculture and land stewardship
44 pursuant to chapter 170 or to preserve whitetail kept
45 on a hunting preserve as regulated by the department
46 of natural resources pursuant to chapter 484C.

47 Sec. 4. NEW SECTION. 484C.1 DEFINITIONS.

48 As used in this chapter, unless the context
49 otherwise requires:

50 1. "Commission" means the natural resource

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1 commission as created pursuant to section 455A.6.
2 2. "Department" means the department of natural
3 resources as created pursuant to section 455A.2.
4 3. "Documented event" includes but is not limited
5 to the birth, death, harvest, transfer for
6 consideration, or release of preserve whitetail.
7 4. "Fence" means a boundary fence which encloses
8 preserve whitetail within a landowner's property as
9 required to be constructed and maintained pursuant to
10 this chapter.
11 5. "Hunting preserve" means land where a landowner
12 keeps preserve whitetail as part of a business, if the
13 business's purpose is to provide persons with the
14 opportunity to hunt the preserve whitetail.
15 6. "Landowner" means a person who holds an
16 interest in land, including a titleholder.
17 7. "Preserve whitetail" means whitetail kept on a
18 hunting preserve.
19 8. "Whitetail" means an animal belonging to the
20 cervidae family and classified as part of the
21 virginianus species of the odocoileus genus.

22 Sec. 5. NEW SECTION. 484C.2 APPLICATION OF
23 CHAPTER.

24 1. A landowner shall not keep whitetail unless the
25 whitetail are kept as preserve whitetail pursuant to
26 this chapter or as farm deer pursuant to chapter 170.
27 2. This chapter authorizes the department of
28 natural resources to regulate preserve whitetail.
29 However, the department of agriculture and land
30 stewardship shall regulate whitetail kept as farm deer
31 pursuant to chapter 170.

32 Sec. 6. NEW SECTION. 484C.3 RULES.

33 The department shall adopt rules pursuant to
34 chapter 17A as necessary to administer this chapter.

35 Sec. 7. NEW SECTION. 484C.4 DEPARTMENTAL
36 PROGRAMS AND REQUIREMENTS.

37 The department shall develop, administer, and
38 enforce hunting preserve programs and requirements,
39 which implement the provisions of this chapter and
40 rules adopted by the department pursuant to section
41 484C.3, regarding fencing, recordkeeping, reporting,
42 and the tagging, transportation, testing, and
43 monitoring for disease of preserve whitetail.

44 Sec. 8. NEW SECTION. 484C.5 MINIMUM ENCLOSED
45 ACREAGE -- EXCEPTIONS.

46 A hunting preserve must include at least three
47 hundred twenty contiguous acres which are enclosed by
48 a fence certified pursuant to section 484C.6.
49 However, the hunting preserve may include a fewer
50 number of enclosed acres if any of the following

1 applies:

2 1. The commission grants a waiver for the hunting
3 preserve according to terms and conditions required by
4 the commission. The hunting preserve must include at
5 least one hundred sixty contiguous acres.

6 2. a. The hunting preserve was operated as a
7 business on January 1, 2005.

8 b. If the hunting preserve was operating on
9 January 1, 2005, the landowner or the landowner's
10 successor in interest may sell or otherwise transfer
11 ownership of the hunting preserve to another person
12 who may continue to operate the hunting preserve in
13 the same manner as the landowner. However, this
14 paragraph shall not apply if the owner of the hunting
15 preserve or any successor in interest fails to
16 register with the department as provided in section
17 484C.7 for three or more consecutive years.

18 3. a. The hunting preserve was not operated as a
19 business on January 1, 2005, and all of the following
20 apply:

21 (1) The hunting preserve has at least one hundred
22 contiguous acres.

23 (2) The hunting preserve's fence is certified by
24 the department not later than September 1, 2005.

25 b. If the hunting preserve complies with paragraph
26 "a", the landowner or the landowner's successor in
27 interest may sell or otherwise transfer ownership of
28 the hunting preserve to another person who may
29 continue to operate the hunting preserve in the same
30 manner as the landowner. However, this paragraph
31 shall not apply if the owner of the hunting preserve
32 or any successor in interest fails to register with
33 the department as provided in section 484C.7 for three
34 or more consecutive years.

35 Sec. 9. NEW SECTION. 484C.6 FENCING --
36 CERTIFICATION.

37 1. A fence required to enclose preserve whitetail
38 under section 484C.5 must be constructed and
39 maintained as prescribed by rules adopted by the
40 department and as certified by the department. The
41 fence shall be constructed and maintained to ensure
42 that the preserve whitetail are kept in the enclosure
43 and all other whitetail are excluded from the
44 enclosure.

45 2. A fence that was certified by the department of
46 agriculture and land stewardship pursuant to chapter
47 170 prior to the effective date of this Act shall be
48 certified by the department of natural resources.

49 3. A fence shall be at least eight feet in height
50 above ground level. The enclosure shall be posted

1 with signs as prescribed by rules adopted by the
2 department.

3 4. The department may require that the fence be
4 inspected and approved by the department prior to
5 certification. The department shall periodically
6 inspect the fence at any reasonable time by
7 appointment or by providing the landowner with at
8 least forty-eight hours' notice.

9 Sec. 10. NEW SECTION. 484C.7 REGISTRATION AND
10 FEE.

11 A landowner who keeps preserve whitetail shall
12 annually register the landowner's hunting preserve
13 with the department by June 30. The landowner shall
14 pay the department a registration fee. The amount of
15 the registration fee shall not exceed three hundred
16 fifty dollars per fiscal year. The fee shall be
17 deposited into the state fish and game protection
18 fund.

19 Sec. 11. NEW SECTION. 484C.8 REQUIREMENTS FOR
20 RELEASING WHITETAIL -- PROPERTY INTERESTS.

21 A person shall not release whitetail kept as
22 preserve whitetail onto land unless the landowner
23 complies with all of the following:

24 1. The landowner must notify the department at
25 least thirty days prior to first releasing the
26 preserve whitetail on the land. The notice shall be
27 provided in a manner required by the department. The
28 notice must at least provide all of the following:

29 a. A statement verifying that the fence which
30 encloses the land is certified by the department
31 pursuant to section 484C.6.

32 b. The landowner's name.

33 c. The location of the land enclosed by the fence.

34 2. The landowner shall cooperate with the
35 department to remove any whitetail from the enclosed
36 land. However, after the thirtieth day following
37 receipt of the notice, the state shall relinquish its
38 property interest in any remaining whitetail that the
39 landowner and the department were unable to remove
40 from the enclosed land. Any remaining whitetail
41 existing at that time on the enclosed land, and any
42 progeny of the whitetail, shall become preserve
43 whitetail and property of the landowner.

44 3. A hunting preserve may include whitetail which
45 were regulated as farm deer by the department of
46 agriculture and land stewardship pursuant to chapter
47 170 and transported to the hunting preserve. The
48 whitetail shall be considered farm deer until released
49 onto the hunting preserve. Once released onto the
50 hunting preserve, the whitetail and its progeny become

1 preserve whitetail and are subject to regulation by
2 the department of natural resources.

3 Sec. 12. NEW SECTION. 484C.9 DOCUMENTATION --
4 INSPECTIONS.

5 1. The department shall prepare forms for
6 documents, including records and reports, and provide
7 such forms to landowners in order to comply with this
8 section. The department shall provide procedures for
9 the receipt, filing, processing, and return of
10 documents in an electronic format. The department
11 shall provide for the authentication of the documents
12 that may include electronic signatures as provided in
13 chapter 554D. However, this subsection does not
14 require a landowner to complete or receive a document
15 in an electronic format.

16 2. A landowner who operates a hunting preserve
17 shall do all of the following:

18 a. Keep records as required by the department.
19 The records shall be open for inspection at any
20 reasonable time by the department.

21 b. File an annual report with the department on or
22 before June 30. The report shall describe the hunting
23 preserve operations during the preceding twelve
24 months. The original report shall be forwarded to the
25 department and a copy shall be retained in the hunting
26 preserve's file for three years from the date of
27 expiration of the landowner's last registration as
28 provided in section 484C.7.

29 c. Keep a record of a documented event as required
30 by the department. The record of the documented event
31 shall be entered in the annual report required in this
32 section. The record of the documented event shall be
33 maintained by the landowner and submitted to the
34 department. The entry of the documented event shall
35 be made within twenty-four hours after its occurrence
36 as prescribed by departmental rule.

37 Sec. 13. NEW SECTION. 484C.10 TAKING PRESERVE
38 WHITETAIL -- TRANSPORTATION TAGS.

39 The department shall provide transportation tags to
40 a landowner for use in identifying the carcass of
41 preserve whitetail.

42 1. The tags shall be used to designate all
43 preserve whitetail taken by persons on the hunting
44 preserve. A person taking the preserve whitetail
45 shall tag the preserve whitetail in accordance with
46 the rules adopted by the department.

47 2. The preserve whitetail taken on a hunting
48 preserve shall be tagged prior to being removed from
49 the hunting preserve.

50 3. A tag shall remain attached to the carcass of

1 the dead preserve whitetail until processed for
2 consumption. The person taking the preserve whitetail
3 shall be provided with a bill of sale by the
4 landowner. The bill of sale shall remain in the
5 possession of the person taking the preserve
6 whitetail.

7 4. Preserve whitetail tags issued to a hunting
8 preserve are not transferable.

9 Sec. 14. NEW SECTION. 484C.11 TAKING PRESERVE
10 WHITETAIL -- PROCESSING.

11 If preserve whitetail have been taken, the
12 harvested preserve whitetail may be processed by the
13 hunting preserve as prescribed by rules adopted by the
14 department. The rules shall provide for the marking
15 and shipment of meat.

16 Sec. 15. NEW SECTION. 484C.12 HEALTH
17 REQUIREMENTS -- CHRONIC WASTING DISEASE.

18 1. Preserve whitetail that are purchased,
19 propagated, confined, released, or sold by a hunting
20 preserve shall be free of diseases considered
21 reportable for wildlife, poultry, or livestock. The
22 department may provide for the quarantine of diseased
23 preserve whitetail that threaten the health of animal
24 populations.

25 2. The landowner, or the landowner's veterinarian,
26 and an epidemiologist designated by the department
27 shall develop a plan for eradicating a reportable
28 disease among the preserved whitetail population. The
29 plan shall be designed to reduce and then eliminate
30 the reportable disease, and to prevent the spread of
31 the disease to other animals. The plan must be
32 developed and signed within sixty days after a
33 determination that the preserved whitetail population
34 is affected with the disease. The plan must address
35 population management and adhere to rules adopted by
36 the department. The plan must be formalized as a
37 memorandum of agreement executed by the landowner or
38 landowner's veterinarian and the epidemiologist. The
39 plan must be approved by the department.

40 Sec. 16. NEW SECTION. 484C.13 PENALTIES.

41 1. A person who violates a provision of this
42 chapter or a rule adopted pursuant to this chapter is
43 guilty of a simple misdemeanor.

44 2. A landowner who keeps preserve whitetail and
45 who fails to register with the department as required
46 in section 484C.7 is subject to a civil penalty of not
47 more than two thousand five hundred dollars. The
48 civil penalty shall be deposited in the state fish and
49 game protection fund.

50 3. The department may suspend or revoke a fence

1 certification issued pursuant to section 484C.6 if the
2 department determines that a landowner has done any of
3 the following:

4 a. Provided false information to the department in
5 an application for fence certification pursuant to
6 section 484C.6.

7 b. Failed to provide access to the department for
8 an inspection as provided in this chapter.

9 c. Failed to maintain adequate records or to
10 submit timely reports as provided in section 484C.9.

11 d. Failed to maintain a fence enclosing the land
12 where preserve whitetail are kept as required by this
13 chapter. The department shall not suspend or revoke a
14 certification, if the landowner remedies each item as
15 provided in a notice of deficiency delivered to the
16 landowner by the department. The remedies shall be
17 completed within seven days from receipt of the
18 notice. The notice shall be hand delivered or sent by
19 certified mail.

20 Sec. 17. DEPARTMENT OF AGRICULTURE AND LAND
21 STEWARDSHIP AND DEPARTMENT OF NATURAL RESOURCES --
22 JOINT STUDY AND RECOMMENDATIONS.

23 1. The department of agriculture and land
24 stewardship and the department of natural resources
25 shall conduct a joint study to consider issues
26 relating to keeping of farm deer pursuant to Code
27 chapter 170 and keeping preserve whitetail as part of
28 a hunting preserve pursuant to Code chapter 484C as
29 enacted by this Act. As part of the study, the
30 departments shall consider all of the following:

31 a. The fair and effective regulation of farm deer
32 and preserve whitetail by the departments.

33 b. Threats to farm deer, preserve whitetail, and
34 state-owned whitetail caused by potential outbreaks of
35 infectious diseases including but not limited to
36 chronic wasting disease, and methods to cooperate in
37 monitoring and controlling infectious diseases and
38 obtaining federal moneys necessary to provide for the
39 prevention and suppression of infectious diseases.

40 2. The departments shall jointly report the
41 results of the study, including findings and
42 recommendations, to the government oversight
43 committees by November 2005 as required by the
44 committees.

45 Sec. 18. DEPARTMENT OF NATURAL RESOURCES AND
46 HUNTING PRESERVE INDUSTRY -- JOINT STUDY AND
47 RECOMMENDATIONS.

48 1. A preserve whitetail committee is established.
49 The committee shall be composed of the following:

50 a. Not more than five persons appointed by the

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1 governor who shall be members of the Iowa whitetail
2 deer association.

3 b. Not more than five persons appointed by the
4 director of the department of natural resources who
5 shall be knowledgeable regarding hunting preserves.

6 2. The committee shall develop recommendations for
7 industry standards and guidelines to be used by the
8 natural resource commission when considering the
9 granting of waivers for minimum acreage requirements
10 for hunting preserves as provided in section 484C.5 as
11 enacted in this Act.

12 3. The committee shall submit the recommendations
13 required in this section to the natural resource
14 commission by January 1, 2006."

By BAUDLER of Adair

H-1506 FILED APRIL 26, 2005

HOUSE FILE 874

H-1527

1 Amend the amendment, H-1506, to House File 874, as
2 follows:

3 1. Page 7, line 26, by striking the words "farm
4 deer" and inserting the following: "whitetail as farm
5 deer".

6 2. Page 7, line 31, by striking the words "farm
7 deer" and inserting the following: "whitetail kept as
8 farm deer".

9 3. Page 7, line 33, by striking the words "farm
10 deer" and inserting the following: "whitetail kept as
11 farm deer".

By MERTZ of Kossuth

DRAKE of Pottawattamie

H-1527 FILED APRIL 26, 2005

HOUSE FILE 874

H-1528

1 Amend the amendment, H-1506, to House File 874, as
2 follows:

3 1. Page 2, by striking lines 15 and 16, and
4 inserting the following:

5 "____. "Landowner" means a person who holds an
6 interest in land on which a hunting ranch or shooting
7 preserve is located."

8 2. By renumbering as necessary.

By MERTZ of Kossuth

H-1528 FILED APRIL 26, 2005

HOUSE FILE 874

H-1529

- 1 Amend the amendment, H-1506, to House File 874 as
2 follows:
3 1. Page 2, by striking lines 7 through 10, and
4 inserting the following:
5 "____. "Fence" means a boundary fence of at least
6 eight feet in height above ground level that encloses
7 confined whitetail within a landowner's property."
8 2. By renumbering as necessary.

By MERTZ of Kossuth

H-1529 FILED APRIL 26, 2005

HOUSE FILE 874

H-1530

- 1 Amend the amendment, H-1506, to House File 874 as
2 follows:
3 1. Page 4, by striking lines 7 and 8, and
4 inserting the following: "appointment."
5 2. Page 5, by striking lines 19 and 20, and
6 inserting the following: "The records shall be open
7 for inspection by the department at any reasonable
8 time by appointment."
9 3. Page 7, line 8, by inserting after the word
10 "chapter" the following: ", if access was denied
11 during a mutually agreed upon appointment".

By MERTZ of Kossuth

H-1530 FILED APRIL 26, 2005

HOUSE FILE 874

H-1531

- 1 Amend the amendment, H-1506, to House File 874, as
2 follows:
3 1. Page 4, lines 9 and 10, by striking the words
4 "AND FEE".
5 2. Page 4, by striking lines 13 through 18, and
6 inserting the following: "with the department by June
7 30."
8 3. Page 8, by inserting after line 14, the
9 following:
10 "____. Title page, line 2, by striking the words
11 "fees and"."

By MERTZ of Kossuth

H-1531 FILED APRIL 26, 2005