

MAR 3 2006  
Place On Calendar

HOUSE FILE 2634  
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HF 2451)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to swine, by regulating feral swine, and  
2 providing penalties.

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

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HF 2634

1 Section 1. FINDINGS AND DECLARATION.

2 1. The general assembly finds all of the following:

3 a. Feral swine are known carriers of a variety of diseases  
4 including but not limited to pseudorabies, swine brucellosis,  
5 leptospirosis, and trichinosis impacting upon this state's  
6 domestic livestock herds and especially its domestic swine  
7 herds.

8 b. Feral swine carry diseases which may be transmitted to  
9 human populations.

10 c. Feral swine disrupt native wildlife and destroy native  
11 habitat.

12 2. a. The general assembly declares that the increased  
13 movement of feral swine into this state presents an immediate  
14 and serious risk to the state's economy, public health, and  
15 ecosystems.

16 b. The general assembly further declares that the state  
17 establishes a policy to eradicate all feral swine from this  
18 state with all possible speed.

19 Sec. 2. Section 170.6, Code 2005, is amended by adding the  
20 following new subsection:

21 NEW SUBSECTION. 3. The department shall revoke a fence  
22 certification issued pursuant to section 170.4 or disapprove a  
23 person's application for the certification of a fence pursuant  
24 to that section for a period of three years if the person  
25 violates a provision of section 171.5.

26 Sec. 3. NEW SECTION. 171.1 DEFINITIONS.

27 As used in this chapter, unless the context otherwise  
28 requires:

29 1. "Authorized department" means the department of  
30 agriculture and land stewardship or the department of natural  
31 resources.

32 2. "Department" means the department of agriculture and  
33 land stewardship.

34 3. "Domestic swine" means swine other than feral swine.

35 4. "Feral swine" means swine which is classified as part

1 of the species sus scrofa linnaeus and commonly referred to as  
2 a Russian boar or European boar.

3 5. "Landholder" means a titleholder or leaseholder of  
4 land.

5 6. "Local authority" means a county as provided in chapter  
6 331 or a city as defined in section 362.2.

7 7. "Move" or "movement" means to ship, transport, or  
8 deliver swine by land, water, or air.

9 8. "Public land" means land owned by the federal  
10 government, the state, or a local authority.

11 9. "Responsible party" means a person who owns or has  
12 custody of a swine, including by providing for the care and  
13 feeding of the swine.

14 10. "Swine" means an animal belonging to the order  
15 artiodactyla, and classified as part of the family suidae.

16 11. "Swine of unknown status" means swine which is not  
17 known to be a domestic swine or feral swine.

18 12. "System" means the feral swine reporting system  
19 established pursuant to section 171.4.

20 13. "Take" means to kill, injure, or capture a feral swine  
21 by a person other than the owner of the feral swine.

22 Sec. 4. NEW SECTION. 171.2 STATE FERAL SWINE ERADICATION  
23 POLICY -- AGENCY COOPERATION.

24 1. Feral swine in this state are declared to be a public  
25 nuisance and subject to a policy of eradication as  
26 administered by the department of agriculture and land  
27 stewardship pursuant to this chapter.

28 a. The department of agriculture and land stewardship  
29 shall be the principal enforcement agency charged with  
30 carrying out the policy.

31 b. The department of natural resources shall cooperate  
32 with the department of agriculture and land stewardship in  
33 carrying out the policy. The authorized departments shall  
34 periodically consult about how to most effectively contribute  
35 resources and their respective expertise, and divide

1 jurisdictional responsibility, including investigative  
2 personnel where appropriate. However, the department of  
3 natural resources shall regulate hunting preserves under  
4 chapter 484B or 484C, and the regulation of persons taking  
5 animals under Title XI, subtitle 6.

6 2. The department shall cooperate with the animal and  
7 plant health inspection service of the United States  
8 department of agriculture, and may enter into cooperative  
9 agreements with the animal and plant health inspection service  
10 in order to carry out the provisions of this chapter.

11 Sec. 5. NEW SECTION. 171.3 SWINE OF UNKNOWN STATUS  
12 DEEMED TO BE FERAL SWINE.

13 A person may deem a swine of unknown status as feral swine  
14 if all of the following apply:

15 1. The person finds the swine on public land, or on land  
16 other than public land and any of the following applies:

17 a. The swine is not enclosed to reasonably prevent escape  
18 including within a structure or behind a barrier such as a  
19 fence as provided in rules adopted by the department.

20 b. The swine is on the land without the consent of the  
21 landholder regardless of whether the swine is enclosed to  
22 reasonably prevent escape as required in this subsection.

23 2. The swine is not in the custody or control of a person.  
24 However, the person may only deem the swine to be a feral  
25 swine after a waiting period if one of the following applies:

26 a. The swine is reasonably identifiable as a domestic  
27 swine by an ear tag, brand, mark, or other conspicuous  
28 evidence of ownership. The waiting period shall be for five  
29 days after the person first finds the swine.

30 b. The person is provided notice by the responsible party  
31 that swine is no longer in the control or custody of the  
32 responsible party. The waiting period shall be for fifteen  
33 days after the person first finds the swine.

34 Sec. 6. NEW SECTION. 171.4 FERAL SWINE REPORTING SYSTEM.

35 1. a. The department of agriculture and land stewardship

1 shall establish a feral swine reporting system, in cooperation  
2 with the department of natural resources. The system may  
3 include receipt of reports by any of the following:

4 (1) Automated toll-free telephone number.

5 (2) Postcard.

6 (3) Electronic communication at an electronic licensing  
7 location.

8 (4) Electronic communication to the department including  
9 by the internet.

10 b. The department of natural resources shall maintain a  
11 database of information collected by the system which shall be  
12 made available to the department of agriculture and land  
13 stewardship.

14 2. The system shall allow persons to conveniently report  
15 the presence of a feral swine to an authorized department.  
16 Either authorized department may conduct the investigation or  
17 refer the report to the local authority responsible for the  
18 prevention and detection of crime in the jurisdiction where  
19 the swine is found.

20 3. a. The system shall provide for reports by persons who  
21 have taken or injured feral swine in this state. A person who  
22 has taken or injured feral swine in this state shall report to  
23 an authorized department within ten days after taking the  
24 swine. The report shall include at least all of the  
25 following:

26 (1) The name and address of the person who has taken or  
27 injured the feral swine.

28 (2) The county and township where the feral swine was  
29 taken or injured.

30 (3) The date when the feral swine was taken or injured.

31 (4) The number of feral swine found by the person on the  
32 date when the feral swine was taken or injured.

33 b. A person who takes a feral swine shall retain the feral  
34 swine or its carcass for examination by the authorized  
35 department. The authorized department may temporarily or

1 permanently confiscate the carcass for purposes of analysis  
2 including disease testing.

3 c. A person who does not report taking a feral swine as  
4 required in this subsection is subject to a civil penalty of  
5 not more than one hundred dollars.

6 Sec. 7. NEW SECTION. 171.5 PROHIBITIONS AND PENALTY.

7 1. A person shall not do any of the following:

8 a. Move a feral swine into this state.

9 b. Acquire custody or control of a feral swine in this  
10 state.

11 c. Maintain custody or control of a feral swine in this  
12 state on and after August 1, 2006.

13 2. A person who violates subsection 1 is guilty of an  
14 aggravated misdemeanor. A person is guilty of a separate  
15 offense for each feral swine which is the subject of  
16 violation.

17 Sec. 8. NEW SECTION. 171.6 MAINTAINING FERAL SWINE --  
18 INJUNCTIVE RELIEF.

19 A court may prevent and restrain a violation of section  
20 171.5 through the issuance of an injunction. The attorney  
21 general or a county attorney shall institute an action on  
22 behalf of the state to prevent or restrain a violation of this  
23 chapter.

24 Sec. 9. NEW SECTION. 171.7 MAINTAINING FERAL SWINE --  
25 STATE INVESTIGATORY AND LEGAL EXPENSES.

26 A person having custody or control of a feral swine and  
27 convicted of violating section 171.5 is liable for all of the  
28 following:

29 1. The amount to indemnify the state or a local authority  
30 for investigative expenses incurred by the state or the local  
31 authority. The amount paid for indemnification shall be  
32 deposited in the general fund of the state. However, if the  
33 investigation is not conducted by an authorized department or  
34 other state agency, the amount shall be paid to the local  
35 authority which conducts the investigation for deposit in the

1 general fund of the county or city, as the case requires.

2 2. If the attorney general or a county attorney is the  
3 prevailing party in an action for a violation of section  
4 171.5, the prevailing party shall be awarded court costs and  
5 reasonable attorney fees, which shall be taxed as part of the  
6 costs of the action. If the attorney general is the  
7 prevailing party, the moneys shall be deposited in the general  
8 fund of the state. If the county is the prevailing party, the  
9 moneys shall be deposited in the general fund of the county.

10 Sec. 10. NEW SECTION. 171.8 MAINTAINING FERAL SWINE --  
11 STRICT LIABILITY -- ATTORNEY FEES.

12 If a person having custody or control of a feral swine is  
13 convicted of violating section 171.5, the person is strictly  
14 liable for damages caused to the property of another person.  
15 The person who is the prevailing plaintiff in the case shall  
16 be awarded court costs and reasonable attorney fees, which  
17 shall be taxed as part of the costs of the action.

18 Sec. 11. NEW SECTION. 171.9 ORDINARY LIABILITY.

19 Nothing in this chapter affects a responsible party's  
20 liability which arises out of trespassing or stray swine or  
21 swine running at large and any remedies available to an  
22 injured party, as provided under statute, common law, or  
23 contract.

24 Sec. 12. NEW SECTION. 171.10 TAKING OF FERAL SWINE BY  
25 THE DEPARTMENT OR A LOCAL AUTHORITY.

26 An authorized department or local authority may take feral  
27 swine on public land and on land other than public land if one  
28 of the following applies:

29 1. The landowner provides consent.

30 2. The landowner may maintain custody or control of the  
31 feral swine on the landowner's land. The department or local  
32 authority may enter onto the land pursuant to a warrant issued  
33 by a court, or otherwise enter onto the land in a manner  
34 consistent with the laws of this state and the United States,  
35 including Article I, section 8, of the Constitution of the

1 State of Iowa, or the fourth amendment to the Constitution of  
2 the United States.

3 Sec. 13. NEW SECTION. 171.11 TAKING OF FERAL SWINE BY A  
4 PERSON OTHER THAN THE DEPARTMENT OR A LOCAL AUTHORITY --  
5 CRIMINAL PENALTY.

6 A person other than an authorized department or a local  
7 authority may take feral swine which is not in the custody or  
8 control of a person as provided in this section.

9 1. a. The person may take feral swine at any time  
10 regardless of whether the person has been issued a license  
11 under chapter 483A, unless a person's hunting license has been  
12 suspended or revoked as provided in chapter 481A, including  
13 but not limited to section 481A.134, or chapter 483A,  
14 including but not limited to section 483A.21.

15 b. The person shall not capture the feral swine.

16 c. The person shall not take feral swine on public land  
17 unless in compliance with regulations adopted by rule of the  
18 department of natural resources or an ordinance of the local  
19 authority that is responsible for the public land.

20 2. A person who violates this section is guilty of a  
21 simple misdemeanor. A person is guilty of a separate offense  
22 for each feral swine which is the subject of violation.

23 Sec. 14. Section 484B.13, Code 2005, is amended to read as  
24 follows:

25 484B.13 LICENSE-REFUSAL DISCIPLINARY ACTION.

26 1. The department may either refuse to issue, refuse to  
27 renew, or suspend or revoke a person's hunting preserve  
28 operator's license issued pursuant to section 484B.4 if the  
29 department finds that the licensed area or the operator or  
30 employees of the licensed area are not in compliance with this  
31 chapter, or that the property or area is operated in violation  
32 of this chapter or administrative rules adopted under this  
33 chapter.

34 2. The department shall revoke a person's hunting preserve  
35 operator's license issued pursuant to section 484B.4, or

1 disapprove a person's application for a hunting preserve  
2 operator's license issued under that section for a period of  
3 three years if the person violates a provision of section  
4 171.5.

5 Sec. 15. Section 484C.13, Code Supplement 2005, is amended  
6 by adding the following new subsection:

7 NEW SUBSECTION. 4. The department shall revoke a fence  
8 certification issued pursuant to section 484C.6 or disapprove  
9 a person's application for the certification of a fence issued  
10 pursuant to that section for a period of three years if the  
11 person violates a provision of section 171.5.

12 EXPLANATION

13 This bill regulates feral swine, classified as part of the  
14 species *sus scrofa linnaeus*, and commonly referred to as a  
15 Russian boar or European boar. The bill establishes a new  
16 chapter under the jurisdiction of the department of  
17 agriculture and land stewardship and the department of natural  
18 resources.

19 DEPARTMENTAL AUTHORITY. The bill provides that feral swine  
20 in this state are declared to be a public nuisance and subject  
21 to a policy of eradication as administered by the department  
22 of agriculture and land stewardship. The bill provides that  
23 the department of natural resources must cooperate with the  
24 department of agriculture and land stewardship in carrying out  
25 the policy. The department of agriculture and land  
26 stewardship may cooperate with the animal and plant health  
27 inspection service of the United States department of  
28 agriculture.

29 SWINE OF UNKNOWN STATUS. The bill addresses the issue of  
30 finding swine of unknown status on public land, unenclosed  
31 land, or on land without the consent of the landowner. The  
32 bill provides for a waiting period if the swine is reasonably  
33 identifiable as a domestic swine or notice is provided that a  
34 domestic swine is no longer in the control or custody of the  
35 person providing notice.

1       REPORTING SYSTEM. The bill establishes a feral swine  
2 reporting system (system). The system includes methods for  
3 persons to report findings of feral swine to the department of  
4 agriculture and land stewardship or the department of natural  
5 resources for purposes of investigation. It requires that a  
6 person who takes or injures a feral swine must report the  
7 information to a department. A person not reporting the  
8 taking or injuring of a feral swine is subject to a civil  
9 penalty of not more than \$100.

10       PROHIBITION AND PENALTY. The bill prohibits a person from  
11 moving a feral swine into this state, acquiring custody or  
12 control of a feral swine in this state, or maintaining custody  
13 or control of a feral swine in this state on and after August  
14 1, 2006. A person who violates these provisions is guilty of  
15 an aggravated misdemeanor. An aggravated misdemeanor is  
16 punishable by confinement for no more than two years and a  
17 fine of at least \$500 but not more than \$5,000. A court may  
18 prevent and restrain a violation of the provisions.

19       INDEMNIFICATION. The bill provides that a person having  
20 custody or control of a feral swine and convicted of violating  
21 provisions regulating how it must be maintained must indemnify  
22 the state or local authority for investigative expenses  
23 incurred by the state or local authority. It provides that if  
24 the attorney general or a county attorney is the prevailing  
25 party in an enforcement action, the state or county must be  
26 awarded court costs and reasonable attorney fees.

27       STRICT LIABILITY. The bill provides that a person having  
28 custody or control of a feral swine and convicted of violating  
29 provisions regulating how it must be maintained is strictly  
30 liable for damages caused to the property of another person.

31       TAKING FERAL SWINE. The bill provides that the department  
32 of agriculture and land stewardship, the department of natural  
33 resources or a local authority may take feral swine on public  
34 land; or on land other than public land, if the landowner  
35 provides consent, or the landowner may maintain custody or

1 control of feral swine. The bill authorizes the department of  
2 agriculture and land stewardship, department of natural  
3 resources, or local authority to enter onto the land to take  
4 the feral swine.

5 The bill provides that a person other than the state or  
6 local authority may take feral swine which is not in the  
7 custody and control of a person. The person may take feral  
8 swine regardless of whether the person has been issued a  
9 hunting license, but prohibits a person from taking the feral  
10 swine if the person's hunting license has been suspended or  
11 revoked. The bill provides that a person may not capture a  
12 feral swine. A person who violates this provision is guilty  
13 of a simple misdemeanor. A simple misdemeanor is punishable  
14 by confinement for no more than 30 days or a fine of at least  
15 \$50 but not more than \$500 or by both.

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HOUSE FILE 2634

H-8337

- 1 Amend House File 2634 as follows:
- 2 1. Page 1, line 1, by inserting before the word
- 3 "FINDINGS" the following: "NEW SECTION. 171.1".
- 4 2. Page 1, by inserting after line 11 the
- 5 following:
- 6 "\_\_\_\_. Feral swine damage or destroy cropland and
- 7 row crops, including but not limited to corn and
- 8 soybeans."
- 9 3. Page 1, line 25, by striking the figure
- 10 "171.5" and inserting the following: "171.6".
- 11 4. Page 1, line 26, by striking the figure
- 12 "171.1" and inserting the following: "171.2".
- 13 5. Page 1, by inserting after line 31 the
- 14 following:
- 15 "\_\_\_\_. "Custody or control" means any of the
- 16 following:
- 17 a. Keeping swine in a manner that prevents the
- 18 release or escape of the swine from containment at all
- 19 times, including keeping swine for breeding, growing,
- 20 or transport.
- 21 b. Using due diligence to return escaped swine to
- 22 containment and in compliance with any applicable
- 23 fencing requirements."
- 24 6. By striking page 1, line 35, through page 2,
- 25 line 2, and inserting the following:
- 26 "\_\_\_\_. "Feral swine" means swine that is currently
- 27 or has been out of the custody and control of the
- 28 swine's owner or that has no owner, including but not
- 29 limited to swine of either sex commonly known as
- 30 Russian boar or European boar, and that is not being
- 31 raised solely for personal consumption or marketing
- 32 through established livestock auctions or slaughter
- 33 plants. "Feral swine" includes swine, whether or not
- 34 the swine is in containment, that has been released
- 35 for the purpose of hunting or to breed and live
- 36 freely."
- 37 7. Page 2, line 19, by striking the figure
- 38 "171.4" and inserting the following: "171.5".
- 39 8. Page 2, by striking line 20 and inserting the
- 40 following:
- 41 "\_\_\_\_. "Take" means to kill or injure a feral
- 42 swine".
- 43 9. Page 2, line 22, by striking the figure
- 44 "171.2" and inserting the following: "171.3".
- 45 10. Page 3, line 11, by striking the figure
- 46 "171.3" and inserting the following: "171.4".
- 47 11. Page 3, line 31, by striking the words
- 48 "control or custody" and inserting the following:
- 49 "custody or control".
- 50 12. Page 3, line 34, by striking the figure

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- 1 "171.4" and inserting the following: "171.5".
- 2 13. Page 5, line 6, by striking the figure
- 3 "171.5" and inserting the following: "171.6".
- 4 14. Page 5, line 8, by inserting after the word
- 5 "into" the following: "or within".
- 6 15. Page 5, by inserting after line 8 the
- 7 following:
- 8 " \_\_\_\_ . Release or allow the escape of swine from
- 9 the person's custody or control except when the person
- 10 has exercised due diligence in maintaining the swine
- 11 in containment or to return the swine to containment."
- 12 16. Page 5, line 17, by striking the figure
- 13 "171.6" and inserting the following: "171.7".
- 14 17. Page 5, line 20, by striking the figure
- 15 "171.5" and inserting the following: "171.6".
- 16 18. Page 5, line 24, by striking the figure
- 17 "171.7" and inserting the following: "171.8".
- 18 19. Page 5, by striking line 26 and inserting the
- 19 following: "A person".
- 20 20. Page 5, line 27, by striking the figure
- 21 "171.5" and inserting the following: "171.6".
- 22 21. Page 5, line 30, by inserting after the word
- 23 "investigative" the following: "and eradivative".
- 24 22. Page 5, line 31, by inserting after the word
- 25 "authority." the following: "The amount of the
- 26 indemnification shall not exceed ten thousand dollars
- 27 for each swine involved in the violation."
- 28 23. Page 5, line 33, by inserting after the word
- 29 "investigation" the following: "or eradication".
- 30 24. Page 5, line 35, by inserting after the word
- 31 "investigation" the following: "or eradication".
- 32 25. Page 6, line 4, by striking the figure
- 33 "171.5" and inserting the following: "171.6".
- 34 26. Page 6, line 10, by striking the figure
- 35 "171.8" and inserting the following: "171.9".
- 36 27. Page 6, by striking line 12 and inserting the
- 37 following:
- 38 "If a person is".
- 39 28. Page 6, line 13, by striking the figure
- 40 "171.5" and inserting the following: "171.6".
- 41 29. Page 6, line 18, by striking the figure
- 42 "171.9" and inserting the following: "171.10".
- 43 30. Page 6, line 24, by striking the figure
- 44 "171.10" and inserting the following: "171.11".
- 45 31. Page 6, line 24, by striking the word "OF"
- 46 and inserting the following: "OR CAPTURING".
- 47 32. Page 6, line 26, by inserting after the word
- 48 "take" the following: "or capture".
- 49 33. Page 6, by striking lines 30 and 31 and
- 50 inserting the following:

**H-8337**

Page 3

- 1 "2. If the authorized department or local
- 2 authority has credible reason to believe that feral
- 3 swine is on land, the authorized department or local".
- 4 34. Page 7, line 3, by striking the figure
- 5 "171.11" and inserting the following: "171.12".
- 6 35. Page 7, line 15, by inserting after the word
- 7 "swine" the following: "except pursuant to the
- 8 approval of an authorized department or a local
- 9 authority".
- 10 36. Page 8, line 4, by striking the figure
- 11 "171.5" and inserting the following: "171.6".
- 12 37. Page 8, line 11, by striking the figure
- 13 "171.5" and inserting the following: "171.6".
- 14 38. Page 8, by inserting after line 11 the
- 15 following:
- 16 "Sec. \_\_\_\_ . EFFECTIVE DATE. This Act, being deemed
- 17 of immediate importance, takes effect upon enactment."
- 18 39. Title page, line 1, by striking the word
- 19 "and".
- 20 40. Title page, line 2, by inserting after the
- 21 word "penalties" the following: ", and providing an
- 22 effective date".
- 23 41. By renumbering as necessary.

**By** GREINER of Washington

**H-8337** FILED MARCH 21, 2006

**HOUSE FILE 2634**

**H-8340**

- 1 Amend House File 2634 as follows:
- 2 1. Page 5, line 13, by striking the figure "2."
- 3 and inserting the following: "\_\_\_\_ . a."
- 4 2. Page 5, by inserting after line 16, the
- 5 following:
- 6 "b. A person who violates subsection 1 shall not
- 7 be eligible to hold a license, certificate, or permit
- 8 to hunt, fish, or trap in this state as provided in
- 9 section 481A.138."
- 10 3. Page 7, by inserting after line 22, the
- 11 following:
- 12 "Sec. \_\_\_\_ . NEW SECTION. 481A.138 VIOLATIONS OF
- 13 PROVISIONS RELATING TO FERAL SWINE.
- 14 A person who is convicted of violating section
- 15 171.5 shall immediately surrender all licenses,
- 16 certificates, and permits to hunt, fish, or trap in
- 17 the state to the department. The person shall not be
- 18 eligible to obtain a license, permit, or certificate
- 19 or enjoy the privileges associated with such license,
- 20 permit, or certificate for twenty years following the
- 21 person's conviction."
- 22 4. By renumbering as necessary.

**By** WHITAKER of Van Buren

**H-8340** FILED MARCH 21, 2006

HOUSE FILE 2634

H-8342

1 Amend House File 2634 as follows:

2 1. Page 7, by inserting after line 22 the  
3 following:

4 "Sec. \_\_\_\_ . NEW SECTION. 171.12 SCHEDULE OF HUNTS  
5 -- PENALTY.

6 1. A person maintaining custody or control of  
7 feral swine on land as part of a business which  
8 provides persons with the opportunity to hunt the  
9 feral swine shall not provide for a hunt of the feral  
10 swine if the person sold or offered to sell the hunt,  
11 or scheduled a date or time for the hunt, on or after  
12 March 1, 2006.

13 2. A person maintaining custody or control of  
14 feral swine on land as part of a business which  
15 provides persons with the opportunity to hunt the  
16 feral swine shall report the schedule of all hunts of  
17 the feral swine to the department not later than May  
18 15, 2006, according to procedures required by the  
19 department.

20 3. A person who violates this section is subject  
21 to a civil penalty of not more than one thousand  
22 dollars.

23 4. This section is repealed on July 1, 2007."

24 2. Page 8, by inserting after line 11 the  
25 following:

26 "Sec. \_\_\_\_ . EFFECTIVE DATE. The section of this  
27 Act creating section 171.12, being deemed of immediate  
28 importance, takes effect upon enactment."

29 3. Title page, lines 1 and 2, by striking the  
30 words "and providing penalties" and inserting the  
31 following: "providing penalties, and providing an  
32 effective date".

33 4. By renumbering as necessary.

**By** MERTZ of Kossuth

H-8342 FILED MARCH 21, 2006

HOUSE FILE 2634

H-8358

1 Amend the amendment, H-8337, to House File 2634 as  
2 follows:

3 1. Page 1, by striking lines 30 through 36 and  
4 inserting the following: "Russian boar or European  
5 boar.""

6 2. Page 1, line 41, by striking the word "injure"  
7 and inserting the following: "attempt to kill".

8 3. Page 1, by inserting after line 46 the  
9 following:

10 "\_\_\_\_. Page 3, by striking lines 28 and 29 and  
11 inserting the following: "evidence of ownership.""

12 4. Page 1, by inserting after line 49 the  
13 following:

14 "\_\_\_\_. Page 3, by striking lines 32 and 33 and  
15 inserting the following: "responsible party.""

16 5. Page 3, by inserting after line 9 the  
17 following:

18 "\_\_\_\_. Page 7, by inserting after line 22 the  
19 following:

20 "Sec. \_\_\_\_ NEW SECTION. 171.12 FERAL SWINE  
21 INDEMNITY FUND.

22 1. A feral swine indemnity fund is created as a  
23 separate fund in the state treasury under the control  
24 of the department. The general fund of the state is  
25 not liable for claims presented against the indemnity  
26 fund.

27 2. a. The feral swine indemnity fund consists of  
28 any moneys appropriated by the general assembly and  
29 any other moneys available to and obtained or accepted  
30 by the department from the federal government or  
31 private sources for placement in the fund.  
32 Notwithstanding section 12C.7, subsection 2, interest  
33 or earnings on moneys deposited in the fund shall be  
34 credited to the fund.

35 3. The moneys deposited in the feral swine  
36 indemnity fund are appropriated to the department  
37 exclusively for paying claims of persons who purchased  
38 feral swine on or before the effective date of this  
39 Act for purposes of maintaining custody or control of  
40 the feral swine on land as part of a business, if the  
41 business's purpose is to do any of the following:

42 a. Provide persons with the opportunity to hunt  
43 the feral swine on the land.

44 b. Breed the swine for transfer to a person  
45 described in paragraph "a".

46 4. In order to be eligible to file a claim for  
47 indemnification, a person shall do all of the  
48 following:

49 a. File an application, including supporting  
50 documentation, with the department as required by the

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1 department pursuant to procedures established by the  
2 department. The application shall state the amount of  
3 the claim. The application shall be filed with the  
4 department not later than August 1, 2006.

5 b. Relinquish custody or control of the feral  
6 swine to an authorized department or a local  
7 authority, as required by the department of  
8 agriculture and land stewardship.

9 5. The department shall determine the validity of  
10 a claim which is submitted by an eligible person as  
11 part of the application for indemnification as  
12 provided in this section. The dollar value of a claim  
13 is one dollar per pound for each feral swine which the  
14 person relinquishes custody or control of to an  
15 authorized department or a local authority as provided  
16 in this section.

17 6. Upon a determination that the amount claimed in  
18 a person's application is valid, the department shall  
19 provide for payment of one hundred percent of the  
20 amount claimed. The department shall pay all valid  
21 claims not later than September 15, 2006. If the  
22 department determines that there are insufficient  
23 moneys in the feral swine indemnity fund to fully  
24 satisfy the amounts claimed in valid applications  
25 submitted by all eligible persons, the department  
26 shall prorate the amount paid to all eligible persons.

27 7. A person's submission of an application under  
28 this section constitutes a waiver of any further claim  
29 by the person against the state regarding the feral  
30 swine.

31 8. This section is repealed on September 16, 2006.  
32 Any moneys remaining in the feral swine indemnity fund  
33 on that date shall be distributed as follows:

34 a. The amount of moneys which were contributed to  
35 the fund by persons other than a state or federal  
36 government source shall be refunded to the respective  
37 persons. If the department determines that there are  
38 insufficient moneys in the fund to fully satisfy the  
39 amounts for refunds to all persons, the department  
40 shall prorate the amount of refunds paid to those  
41 persons based on their contributions.

42 b. Any remaining moneys that were appropriated by  
43 a state or federal government source shall be repaid  
44 to that source. If the department determines that  
45 there are insufficient moneys in the fund to fully  
46 satisfy the amounts for repayments to these sources,  
47 the department shall prorate the amounts repaid to  
48 those sources based on the amounts appropriated.

49 9. This section does not imply any guarantee or  
50 obligation on the part of the state of Iowa, the

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1 department of agriculture and land stewardship, or any  
2 state agency, employee, or official, either elective  
3 or appointive.""

4 6. Page 3, by inserting after line 15 the  
5 following:

6 ""Sec. \_\_\_\_\_. ADOPTION OF RULES. The department of  
7 agriculture and land stewardship shall adopt all rules  
8 necessary to administer this Act by July 1, 2006. If  
9 the department adopts the rules pursuant to section  
10 17A.4, subsection 2, and section 17A.5, subsection 2,  
11 it shall immediately readopt the rules as provided in  
12 section 17A.4, subsection 1, and section 17A.5,  
13 subsection 1."

14 7. By renumbering as necessary.

By GREINER of Washington  
WHITAKER of Van Buren

**H-8358** FILED MARCH 22, 2006

**HOUSE FILE 2634**

**H-8350**

1 Amend the amendment, H-8337, to House File 2634 as  
2 follows:

3 1. Page 1, by striking lines 26 through 36, and  
4 inserting the following:

5 ""\_\_\_\_\_. "Feral swine" means swine, including a  
6 Russian boar or European wild boar, that does not have  
7 an easily discernible ear tag affixed in either ear of  
8 the swine or other form of conspicuous identification  
9 and that is roaming freely on private land or public  
10 land without the landowner's consent.""

11 2. By renumbering as necessary.

By HORBACH of Tama

**H-8350** FILED MARCH 22, 2006

**HOUSE FILE 2634**

**H-8351**

1 Amend House File 2634 as follows:

2 1. By striking page 1, line 35, through page 2,  
3 line 2, and inserting the following:

4 "\_\_\_\_\_. "Feral swine" means swine, including a  
5 Russian boar or European wild boar, that does not have  
6 an easily discernible ear tag affixed in either ear of  
7 the swine or other form of conspicuous identification  
8 and that is roaming freely on private land or public  
9 land without the landowner's consent."

10 2. By renumbering as necessary.

By HORBACH of Tama

**H-8351** FILED MARCH 22, 2006