

House Study Bill 700 - Introduced

HOUSE FILE _____

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

A BILL FOR

1 An Act relating to the hunting of untamed game livestock on
2 hunting preserves and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 481A.125A, subsections 1 and 2, Code
2 2022, are amended to read as follows:

3 1. As used in [this section](#), “*remote control or internet*
4 *hunting*” means use of a computer or other electronic device,
5 equipment, or software to remotely control the aiming or
6 discharge of a firearm or other weapon, allowing a person who
7 is not physically present to take ~~a wild animal~~, a game bird,
8 untamed game livestock, or ungulate kept on a hunting preserve
9 under [chapter 484B](#), a wild animal, or a preserve whitetail kept
10 on a hunting preserve under [chapter 484C](#).

11 2. A person shall not offer for sale, take, or assist in the
12 taking of ~~a wild animal~~, a game bird, untamed game livestock,
13 or ungulate kept on a hunting preserve under [chapter 484B](#), a
14 wild animal, or a preserve whitetail kept on a hunting preserve
15 under [chapter 484C](#), by remote control or internet hunting.

16 Sec. 2. Section 484B.1, Code 2022, is amended by adding the
17 following new subsection:

18 NEW SUBSECTION. 11. “*Untamed game livestock*” means bison,
19 sheep, or goats if the bison, sheep, or goats are birthed and
20 raised in this state for purposes of hunting on a preserve in
21 this state.

22 Sec. 3. Section 484B.4, Code 2022, is amended to read as
23 follows:

24 **484B.4 Hunting preserve operator’s license — application and**
25 **requirements.**

26 1. A person who owns or controls by lease or otherwise for
27 five or more years, a contiguous tract of land having an area
28 of not less than three hundred twenty acres, and who desires
29 to establish a hunting preserve, to propagate and sell game
30 birds and their young or unhatched eggs, and shoot game birds,
31 untamed game livestock, and ungulates on the land, under this
32 chapter or the rules of the commission, shall make application
33 to the department for an operator’s license. The application
34 shall be made under oath of the applicant or under oath of one
35 of its principal officers if the applicant is an association

1 or corporation. Under the authority of this license, any
2 property or facilities to be used for propagating, holding,
3 processing, or pasturing of game birds, untamed game livestock,
4 or ungulates shall not be required to be contained within
5 the contiguous land area used for hunting purposes. The
6 application shall be accompanied by an operator's license fee
7 of two hundred dollars.

8 2. Upon receipt of an application, the department or its
9 authorized agent shall inspect the proposed hunting preserve
10 and facilities described in the application. If the department
11 finds that the proposed hunting preserve meets the following
12 requirements, the department may approve the application and
13 issue a hunting preserve operator's license for the operation
14 of the property and facilities described in the application
15 with the rights and subject to the limitations in [this chapter](#)
16 and the rules adopted by the commission:

17 a. The proposed hunting preserve contains at least three
18 hundred twenty acres but not more than two thousand five
19 hundred sixty acres.

20 b. The area of the proposed hunting preserve is contiguous.

21 c. The total area of all licensed hunting preserves and the
22 proposed hunting preserve will not exceed three percent of the
23 land area of the county.

24 d. The game birds, untamed game livestock, or ungulates
25 released on the preserve will not be detrimental to wildlife.

26 e. The proposed hunting preserve will not interfere with the
27 normal activities of migratory birds.

28 3. All hunting preserve operator's licenses shall expire
29 on March 31 of each year unless the department has granted a
30 variance pursuant to section 484B.10, in which case the license
31 shall expire at the conclusion of the extended season.

32 Sec. 4. Section 484B.5, Code 2022, is amended to read as
33 follows:

34 **484B.5 Boundaries signed — fenced.**

35 Upon receipt of a hunting preserve operator's license,

1 the licensee shall promptly sign the licensed property with
2 signs prescribed by the department. A licensee holding and
3 releasing ungulates or untamed game livestock shall construct
4 and maintain boundary fences prescribed by the department so
5 as to enclose and contain all released ungulates or untamed
6 game livestock and exclude all ungulates ~~which~~ or wild animals
7 similar to untamed game livestock that are property of the
8 state from becoming a part of the hunting preserve enterprise.

9 Sec. 5. Section 484B.7, subsection 2, Code 2022, is amended
10 to read as follows:

11 2. Each licensee shall file an annual report with the
12 department on or before April 30. The report shall detail the
13 hunting preserve operations during the preceding license year.
14 The original report shall be forwarded to the department and a
15 copy shall be retained in the hunting preserve's file for three
16 years from the date of expiration of the hunting preserve's
17 last license issued. Records required by [this section](#) shall be
18 entered in the annual report record within twenty-four hours
19 of the event. Failure to keep or submit the required records
20 and reports is grounds for refusal to renew a license for
21 the succeeding year. An on-site inspection of property and
22 facilities shall be conducted by an authorized agent of the
23 department prior to the initial issuance of a hunting preserve
24 operator's license. The hunting preserve may be reinspected by
25 an agent of the department at any reasonable time. A licensed
26 hunting preserve shall maintain adequate facilities for all
27 designated birds, untamed game livestock, and ungulates held
28 under the hunting preserve operator's license.

29 Sec. 6. Section 484B.9, Code 2022, is amended to read as
30 follows:

31 **484B.9 Ungulate and untamed game livestock transportation**
32 **tags — markings.**

33 The department shall prepare transportation tags suitable
34 for use upon the carcass of ungulates and untamed game
35 livestock described in [this chapter](#). The tags shall be used

1 to designate all ungulates and untamed game livestock taken
2 by hunters upon a licensed hunting preserve. The department
3 shall provide licensees with the tags. All ungulates and
4 untamed game livestock taken on a licensed hunting preserve
5 shall be tagged with a numbered tag prior to being removed from
6 the hunting preserve. The hunter shall tag the ungulate or
7 untamed game livestock taken in accordance with the rules as
8 determined by the department. The tag shall remain attached
9 to the carcass of the dead ungulate or untamed game livestock
10 until processed for consumption. The hunter shall be provided
11 with a bill of sale by the licensee. The bill of sale shall
12 remain in the possession of the hunter. Ungulate tags issued
13 to a hunting preserve are not transferable.

14 Sec. 7. Section 484B.12, Code 2022, is amended to read as
15 follows:

16 **484B.12 Health requirements — ungulates and untamed game**
17 **livestock.**

18 All ungulates ~~which~~ and untamed game livestock that are
19 purchased, propagated, confined, released, or sold by a
20 licensed hunting preserve shall be free of diseases considered
21 significant for wildlife, poultry, or livestock. The
22 department of agriculture and land stewardship shall provide
23 for the regulation of farm deer as provided in [chapter 170](#).

24 Sec. 8. Section 717.2, Code 2022, is amended by adding the
25 following new subsection:

26 NEW SUBSECTION. 4. This section does not apply to a hunting
27 preserve facility, as defined in section 484B.1, provided that
28 the hunting preserve facility performs functions within the
29 scope of accepted practices and disciplines associated with a
30 hunting preserve.

31 EXPLANATION

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

34 This bill relates to hunting untamed game livestock on
35 hunting preserves.

1 The bill defines "untamed game livestock" as bison, sheep,
2 and goats that are birthed and raised in this state for
3 purposes of hunting on a preserve in this state. The bill
4 includes untamed game livestock in provisions in Code chapter
5 484B (hunting preserves) so that untamed game livestock are
6 regulated for hunting on a hunting preserve in a manner similar
7 to ungulates. Those provisions include licensing, fencing,
8 tagging, and health requirements.

9 The bill prohibits remotely taking an untamed game livestock
10 animal. A person who violates this prohibition commits a
11 serious misdemeanor and a subsequent violation is a class
12 "D" felony. The person is also subject to a civil penalty
13 not to exceed \$10,000. A serious misdemeanor is punishable
14 by confinement for no more than one year and a fine of at
15 least \$430 but not more than \$2,560. A class "D" felony is
16 punishable by confinement for no more than five years and a
17 fine of at least \$1,025 but not more than \$10,245.

18 The bill exempts untamed game livestock from prohibitions
19 related to livestock neglect provided that the hunting preserve
20 facility performs functions within the scope of accepted
21 practices and disciplines associated with a hunting preserve.
22 A person who commits a livestock neglect violation commits
23 either a simple or a serious misdemeanor. A simple misdemeanor
24 is punishable by confinement for no more than 30 days and a
25 fine of at least \$105 but not more than \$855.

26 The department of natural resources may revoke the hunting
27 license of a person who violates a general hunting preserve
28 violation relating to hunting untamed game livestock, subject
29 to rules established by the department. A person who pleads
30 guilty or is convicted of an offense while the person's license
31 or licenses have been suspended or revoked commits either a
32 simple, serious, or aggravated misdemeanor depending on how
33 many prior offenses the person has committed.