

MAR 1 2004  
Agriculture

Withdrawn  
3/17/04

HOUSE FILE 2406  
BY MERTZ, WHITAKER,  
and DOLECHECK

(COMPANION TO LSB 5675SS BY  
FRAISE)

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.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HF 2406

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1 Section 1. Section 170.4, Code Supplement 2003, is amended  
2 to read as follows:

3 170.4 REQUIREMENTS FOR KEEPING WHITETAIL -- FENCE  
4 CERTIFICATION.

5 A landowner shall not keep whitetail as farm deer, unless  
6 the whitetail is kept on land of any number of acres which is  
7 enclosed by a fence. The fence must be constructed and  
8 maintained as prescribed by rules adopted by the department.  
9 A landowner shall not keep the whitetail unless the fence is  
10 certified in a manner and according to procedures required by  
11 the department. The fence shall be constructed and maintained  
12 to ensure that whitetail are kept in the enclosure and that  
13 other deer are excluded from the enclosure. A fence that is  
14 constructed on or after May 23, 2003, shall be at least eight  
15 feet in height above ground level. The department of  
16 agriculture and land stewardship may require that the fence is  
17 inspected and approved prior to certification. The department  
18 of natural resources may periodically inspect the fence  
19 according to appointment with the enclosure's landowner.

20 EXPLANATION

21 During the 2003 legislative session the General Assembly  
22 passed House File 624 (2003 Acts, chapter 149) regulating farm  
23 deer, including whitetail deer. The bill effectively  
24 transferred regulatory authority from the department of  
25 natural resources under Code chapter 484 (which supervises  
26 hunting preserves) to the department of agriculture and land  
27 stewardship under new Code chapter 170. That Code chapter  
28 does not currently establish minimum acreage restrictions.  
29 The department's administrative rules provide that an  
30 enclosure must include at least 320 contiguous acres. This  
31 bill expressly provides that there is no minimum acreage  
32 requirement.

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