

MAR 1 2005  
Agriculture

HOUSE FILE 490  
BY MERTZ

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:

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HF 490

1 Section 1. Section 170.3, subsection 1, Code 2005, is  
2 amended to read as follows:

3 1. Farm deer are livestock as provided in this title and  
4 are principally subject to regulation by the department of  
5 agriculture and land stewardship, and also the department of  
6 natural resources as specifically provided in this chapter.  
7 The regulations adopted by the department of agriculture and  
8 land stewardship may include but are not limited to providing  
9 for the importation, transportation, and disease control of  
10 farm deer. The department of agriculture and land stewardship  
11 and the department of natural resources shall not require that  
12 the landowner be issued a license or permit for keeping farm  
13 deer or. The department of natural resources shall not  
14 require that the landowner be issued a certificate for the  
15 construction of a fence for keeping farm deer.

16 Sec. 2. Section 170.4, Code 2005, is amended to read as  
17 follows:

18 170.4 REQUIREMENTS FOR KEEPING WHITETAIL -- FENCE  
19 CERTIFICATION.

20 1. A landowner shall not keep whitetail as farm deer,  
21 unless the whitetail is kept on land of any number of acres  
22 which is enclosed by a fence. The fence must be constructed  
23 and maintained as prescribed by rules adopted by the  
24 department. A landowner shall not keep the whitetail unless  
25 the fence is certified in a manner and according to procedures  
26 required by the department. The fence shall be constructed  
27 and maintained to ensure that whitetail are kept in the  
28 enclosure and that other deer are excluded from the enclosure.  
29 A fence that is constructed on or after May 23, 2003, shall be  
30 at least eight feet in height above ground level. The  
31 department of agriculture and land stewardship may require  
32 that the fence is inspected and approved prior to  
33 certification. The department of natural resources may  
34 periodically inspect the fence according to appointment with  
35 the enclosure's landowner.

1 2. Any person may take farm deer which are kept within a  
2 certified fence, subject to the consent of the landowner. The  
3 department of agriculture and land stewardship shall not  
4 regulate the taking of farm deer unless the regulation is to  
5 prevent the outbreak of a transmissible disease including but  
6 not limited to chronic wasting disease.

7 EXPLANATION

8 This bill provides for the regulation of farm deer,  
9 including animals belonging to the cervidae family commonly  
10 referred to as fallow deer, red deer, elk, sika, whitetail,  
11 and mule deer. These types of cervidae are considered  
12 livestock under a number of provisions throughout the Code,  
13 and are generally excluded from provisions referring to game  
14 in Code chapters administered by the department of natural  
15 resources (DNR), including those chapters providing for  
16 wildlife conservation and hunting regulations (see Code  
17 section 481A.1). The department of agriculture and land  
18 stewardship (DALs) has regulatory jurisdiction over these  
19 types of animals under Code chapter 170. Code section 170.4  
20 provides that a landowner cannot keep whitetail as farm deer  
21 unless the whitetail are kept on land enclosed by a fence  
22 which is constructed and maintained according to rules adopted  
23 by DALs.

24 The bill prohibits DALs from requiring that a landowner be  
25 issued a license to keep farm deer. It prohibits DNR from  
26 requiring that a landowner be issued a certificate for the  
27 construction of a fence to keep farm deer. The bill expressly  
28 provides that a landowner may enclose any number of acres to  
29 keep whitetail. It provides that any person may take farm  
30 deer kept within a certified fence, subject to the landowner's  
31 consent. Finally, the bill prohibits DALs from regulating the  
32 taking of farm deer unless the regulation is to prevent the  
33 outbreak of a transmissible disease.

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