



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 409
[2005 Assembly Bill 1209]

Deer Farms Located in Two States

A person who keeps deer on a deer farm must register the deer farm with the Department of Agriculture, Trade and Consumer Protection (DATCP). The statutes contain fencing requirements for deer farms. A deer farm owner who keeps farm-raised deer other than white-tailed deer must comply with DATCP fencing requirements. A deer farm owner who keeps farm-raised, white-tailed deer must receive a fence inspection certificate from the Department of Natural Resources (DNR) as a condition of registration with DATCP.

In order to issue a fence inspection certificate, the DNR must determine that the fence is in compliance with DNR rules for fencing white-tailed deer farms. The statute requires the farm-raised deer to be “contained in a fenced area for which the person holds a valid fence inspection certificate issued by the [DNR].” DNR does not have authority to inspect a fence located in another state, so that under the prior statutes a white-tailed deer farm that is located in Wisconsin and another state must have the entire area in Wisconsin fenced.

2005 Wisconsin Act 409 provides that the owner of a deer farm that exists on the effective date of the legislation and that is located in Wisconsin and another state is not required to have the entire area within this state fenced if specific conditions are met. The conditions include a requirement to meet the applicable fencing requirements of this state or the adjoining state, whichever is most stringent as determined by DNR, and a requirement to comply with the most stringent disease prevention requirements of the two states. The DNR must issue a fence inspection certificate as the means of indicating compliance with the fencing requirements for a white-tailed deer farm that crosses state boundaries. Also, the owner must immediately notify the DATCP and DNR of any escape of deer from the fenced area located in this state. The effect of Act 409 is to allow the fenced area to cross the boundary into the other state, although DNR still has jurisdiction over only the portion of the fence in Wisconsin.

Effective Date: June 2, 2006.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.state.wi.us/>.