



2003 ASSEMBLY BILL 292

April 23, 2003 - Introduced by Representatives SERATTI, GUNDERSON, BLACK, GROTHMAN, ALBERS, BIES, HINES, MILLER, OTT, PETROWSKI and TOWNSEND, cosponsored by Senators STEPP and CARPENTER. Referred to Committee on Natural Resources.

1 **AN ACT to amend** 29.047 (1m), 29.047 (2) (a), 29.347 (2), 29.347 (2m) (b), 29.347
2 (3), 29.347 (5) (a), 29.347 (5) (b) (intro.) and 29.357 (5) (b); and **to create** 29.047
3 (1) (c) 3., 29.063 (3), 29.063 (4), 29.347 (6), 29.357 (4m), 29.361 (3m) and 29.506
4 (5m) of the statutes; **relating to:** granting rule-making authority regarding
5 the transportation, possession, control, storage, or disposal of the carcass of a
6 deer or an elk from a chronic wasting disease eradication zone or a state with
7 confirmed chronic wasting disease.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources (DNR) may manage and provide funding to conduct testing for chronic wasting disease in cervids (deer and elk). The department also may designate an area as a chronic wasting disease eradication zone and permit hunting in that zone to control the spread of chronic wasting disease.

This bill allows DNR, if it designates an area as a chronic wasting disease eradication zone, to promulgate rules regulating the transportation, possession, control, storage, and disposal of the carcass of a deer or an elk that is killed in that chronic wasting disease eradication zone. The bill also allows DNR to promulgate rules prohibiting the transportation into this state of the carcass of a deer or an elk from a state in which chronic wasting disease has been confirmed in a deer or an elk.

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The rules, under the bill, would apply to everyone that may be involved with the deer or elk carcass, including motor vehicle operators who accidentally kill a deer or an elk on a highway, and hunters, taxidermists, and transporters.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 29.047 (1) (c) 3. of the statutes is created to read:

2 29.047 (1) (c) 3. If the game is a deer or an elk the person transports, possesses,
3 delivers, receives, or controls the carcass of the deer or elk in compliance with rules
4 promulgated by the department.

5 **SECTION 2.** 29.047 (1m) of the statutes is amended to read:

6 29.047 (1m) Unless prohibited by the laws of an adjoining state or a rule
7 promulgated by the department under s. 29.063 (3) or (4), any person who has
8 lawfully killed a deer or an elk in this state may take the deer or elk or its carcass
9 into the adjoining state and ship the deer or elk or carcass from any point in the
10 adjoining state to any point in this state.

11 **SECTION 3.** 29.047 (2) (a) of the statutes is amended to read:

12 29.047 (2) (a) A person who has a valid taxidermist permit and who, in
13 compliance with rules promulgated by the department under s. 29.063 (3) or (4),
14 possesses, transports, causes to be transported, delivers or receives, or offers to
15 deliver or receive, a wild animal carcass in connection with his or her business.

16 **SECTION 4.** 29.063 (3) of the statutes is created to read:

17 29.063 (3) If the department designates an area as a chronic wasting disease
18 eradication zone, the department may promulgate rules regulating the

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1 transportation, possession, control, storage, or disposal of the carcass of a deer or an
2 elk lawfully killed in that chronic wasting disease eradication zone.

3 **SECTION 5.** 29.063 (4) of the statutes is created to read:

4 29.063 (4) The department may promulgate rules prohibiting the
5 transportation of the carcass of a deer or an elk into this state from a state in which
6 chronic wasting disease has been confirmed in a deer or an elk.

7 **SECTION 6.** 29.347 (2) of the statutes is amended to read:

8 29.347 (2) DEER OR ELK CARCASS TAGS. Except as provided under sub. (5) and s.
9 29.324 (3), any person who kills a deer shall immediately attach to the ear or antler
10 of the deer a current validated deer carcass tag which is authorized for use on the
11 type of deer killed. Any person who kills an elk shall immediately attach to the ear
12 or antler of the elk a current validated elk carcass tag. Except as provided under sub.
13 (2m) or s. 29.89 (6), no person may possess, control, store, or transport a deer carcass
14 unless it is tagged as required under this subsection. Except as provided under sub.
15 (2m), no person may possess, control, store, or transport an elk carcass unless it is
16 tagged as required under this subsection. A person who kills a deer or an elk shall
17 register the deer or elk in the manner required by the department. A person who kills
18 a deer or an elk shall possess, control, store, or transport the deer or elk in compliance
19 with rules promulgated by the department under s. 29.063 (3). The carcass tag may
20 not be removed before registration. The removal of a carcass tag from a deer or an
21 elk before registration renders the deer or elk untagged.

22 **SECTION 7.** 29.347 (2m) (b) of the statutes is amended to read:

23 29.347 (2m) (b) Any Subject to sub. (6), any person who retains a tag under par.
24 (a) may give deer or elk meat to another person. The person who receives the gift of
25 deer or elk meat is not required to possess a tag.

ASSEMBLY BILL 292**SECTION 8**

1 **SECTION 8.** 29.347 (3) of the statutes is amended to read:

2 29.347 (3) HEADS AND SKINS. The Except as provided in sub. (6), the head and
3 skin of any deer or elk lawfully killed, when severed from the rest of the carcass, are
4 not subject to this chapter; but no person may have possession or control of the green
5 head or green skin of a deer or an elk during the period beginning 30 days after the
6 close of the applicable season and the opening of the succeeding applicable season.
7 Unless authorized by the department, no person may at any time have possession
8 or control of a deer or an elk head in the velvet or a deer or an elk skin in the red, blue,
9 or spotted coat.

10 **SECTION 9.** 29.347 (5) (a) of the statutes is amended to read:

11 29.347 (5) (a) Any Subject to sub. (6), any person who while operating a motor
12 vehicle on a highway accidentally collides with and kills a deer may take possession
13 of the carcass. If Subject to sub. (6), if the motor vehicle operator does not want to
14 take the carcass, the carcass may be taken by any other person who is present at the
15 scene of the accident at the time the collision occurs or at any time after the collision
16 occurs.

17 **SECTION 10.** 29.347 (5) (b) (intro.) of the statutes is amended to read:

18 29.347 (5) (b) (intro.) No person may take possession of the carcass of a deer
19 killed in the manner specified in par. (a) and remove the carcass from the scene of
20 the accident unless the person has complied with rules promulgated by the
21 department under s. 29.063 (3) and one of the following apply:

22 **SECTION 11.** 29.347 (6) of the statutes is created to read:

23 29.347 (6) CONTROL OF CARCASSES. No person may transport, possess, store,
24 butcher, or control the carcass of a deer or an elk in violation of rules promulgated
25 by the department under s. 29.063 (3) or (4).

