



1995 SENATE BILL 210

May 18, 1995 - Introduced by Senator RUDE, cosponsored by Representatives HAHN, BRANDEMUEHL, LEHMAN, FREESE, OLSEN, JOHNSRUD, ALBERS and ZUKOWSKI. Referred to Committee on Transportation, Agriculture and Local Affairs.

1 **AN ACT to repeal** 95.72 (2) (b) 5., 95.72 (3), 95.72 (4) (c) 2. a. and c., 95.72 (6) (c)
2 and 95.72 (11); **to renumber** 95.72 (title) and (1) (intro.) and (a) to (d), 95.72 (2)
3 (title), (a) and (b) (title) and 1. to 4., 95.72 (2) (b) 6. to 9., 95.72 (2) (d), 95.72 (2)
4 (f), 95.72 (4) (title), (a) and (b), 95.72 (4) (c) (title), 95.72 (4) (d), 95.72 (5), 95.72
5 (6) (title), (a) and (b) and 95.72 (8) to (10); **to renumber and amend** 95.72 (1)
6 (e), 95.72 (2) (c), 95.72 (2) (e), 95.72 (4) (c) 1. and 95.72 (7); **to consolidate,**
7 **renumber and amend** 95.72 (4) (c) 2. (intro.) and b.; and **to amend** 66.052 (1),
8 95.10 (3), 95.27 (7), 97.43 (1), 97.44 (2) and 254.58 of the statutes; **relating to:**
9 transportation, processing and disposal of dead animals.

Analysis by the Legislative Reference Bureau

This bill makes changes in the law related to the transportation, processing and disposal of dead animals other than animals slaughtered as food for humans. Under current law, the department of agriculture, trade and consumer protection (DATCP) regulates animal food processors, grease processors, renderers, rendering and processing plants, persons who sell or deliver dead animals to others, and related activities. Cities and villages may also regulate these persons and activities.

Current law prohibits the establishment of a rendering or processing plant within one-eighth mile of a dwelling, business building or public highway. This bill eliminates that prohibition.

Under current law, DATCP issues licenses to persons who collect or process dead animals. This bill eliminates the current provision that exempts persons who collect or process animal hides from the licensing requirement. Under current law,

licenses issued to persons who collect or process dead animals expire on February 28. Under this bill, the licenses expire on July 31.

Under current law, if DATCP finds that a licensee's plant, equipment or vehicles do not comply with requirements in the statutes or DATCP's rules, DATCP must notify the licensee and order appropriate changes. After a period of not more than 90 days, DATCP must reinspect the premises. DATCP may allow up to 90 days for the correction of deficiencies discovered during reinspection. Failure to correct deficiencies is grounds for the denial, suspension or revocation of the license. This bill eliminates these provisions concerning failure by persons with licenses for collecting or processing dead animals to comply with requirements. DATCP has general authority to deny, suspend or revoke licenses that it issues.

Under current law, persons who transport dead animals are generally required to be licensed by DATCP. This bill eliminates 2 exceptions from the transportation license requirement. Under current law, a person generally may not operate a vehicle for the transportation of dead animals unless the person has a permit from

DATCP for the vehicle. This bill provides that DATCP may not issue a permit until the vehicle is inspected by an agent of DATCP.

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.** 66.052 (1) of the statutes is amended to read:

2 66.052 (1) Any common council or village board may direct the location,
3 management and construction of, and license, regulate or prohibit any industry,
4 thing or place where any nauseous, offensive or unwholesome business is carried on,
5 that is within the city or village or within 4 miles of the boundaries of the city or
6 village, except that the Milwaukee, Menominee and Kinnickinnic rivers with their
7 branches to the outer limits of the county of Milwaukee, and all canals connecting
8 with said rivers, together with the lands adjacent to said rivers and canals or within
9 100 yards of them, are deemed to be within the jurisdiction of the city of Milwaukee.

10 Any town board shall have the same powers as are provided in this section for cities
11 and villages, as to the area within the town that is not licensed, regulated or

1 prohibited by any city or village under this section. Any business that is conducted
2 in violation of any city, village or town ordinance that is authorized to be enacted
3 under this section is a public nuisance. An action for the abatement or removal of
4 the business or to obtain an injunction to prevent operation of the business may be
5 brought and maintained by the common council or village or town board in the name
6 of this state on the relation of such city, village or town as provided in ss. 823.01,
7 823.02 and 823.07, or as provided in s. 254.58. Section 97.42 may not limit the powers
8 granted by this section. Section ~~95.72~~ 97.435 does not limit the powers granted
9 by this section to cities or villages but powers granted to towns by this section are
10 limited by s. ~~95.72~~ 97.435 and by any orders and rules promulgated under s. ~~95.72~~
11 97.435.

12 **SECTION 2.** 95.10 (3) of the statutes is amended to read:

13 95.10 (3) "Public or commercial garbage" as used in this section means
14 putrescible animal or vegetable wastes containing animal parts, resulting from the
15 handling, preparation, processing, cooking or consumption of food and which is
16 collected from any source, and includes dead animals as defined in s. ~~95.72~~ 97.435
17 (1) (c). The term does not apply to private household wastes not removed from the
18 premises where produced.

19 **SECTION 3.** 95.27 (7) of the statutes is amended to read:

20 95.27 (7) A person in control of any premises on which swine have died of
21 pseudorabies shall promptly dispose of the carcasses as provided under s. 95.50 or
22 have the carcasses removed by a renderer licensed under s. ~~95.72~~ 97.435 (2).

23 **SECTION 4.** 95.72 (title) and (1) (intro.) and (a) to (d) of the statutes are
24 renumbered 97.435 (title) and (1) (intro.) and (a) to (d).

1 **SECTION 5.** 95.72 (1) (e) of the statutes is renumbered 97.435 (1) (e) and
2 amended to read:

3 97.435 (1) (e) “Rendering or processing plant” means a plant or facility for
4 slaughtering animals or collecting dead animals and rendering or processing them
5 to produce animal food, grease or other products or a plant or facility for collecting
6 or receiving and melting or refining previously cooked materials containing dead
7 animal fat or tallow or a combination of dead animal fat or tallow and vegetable oil
8 to produce grease.

9 **SECTION 6.** 95.72 (2) (title), (a) and (b) (title) and 1. to 4. of the statutes are
10 renumbered 97.435 (2) (title), (a) and (b) (title) and 1. to 4.

11 **SECTION 7.** 95.72 (2) (b) 5. of the statutes is repealed.

12 **SECTION 8.** 95.72 (2) (b) 6. to 9. of the statutes are renumbered 97.435 (2) (b)
13 5. to 8.

14 **SECTION 9.** 95.72 (2) (c) of the statutes is renumbered 97.435 (2) (c), and 97.435
15 (2) (c) 4., as renumbered, is amended to read:

16 97.435 (2) (c) 4. Each license expires on ~~February 28~~ July 31.

17 **SECTION 10.** 95.72 (2) (d) of the statutes is renumbered 97.435 (2) (d).

18 **SECTION 11.** 95.72 (2) (e) of the statutes is renumbered 97.435 (2) (e) and
19 amended to read:

20 97.435 (2) (e) *Inspection; fee.* An applicant for an initial license as a renderer,
21 grease processor or animal food processor shall submit an inspection fee of \$25 for
22 each separate plant to be operated by the applicant. The department ~~may grant a~~
23 ~~temporary permit pending final action on the application, but the department may~~
24 ~~not issue the a license unless, other than a conditional license, until~~ it finds that the
25 applicant’s plant, premises, facilities and equipment are in compliance with the

1 requirements of this section and rules promulgated under sub. (5). The department
2 may not refund the inspection fee if the application is denied. Inspection fees are not
3 required for the annual renewal of a license.

4 **SECTION 12.** 95.72 (2) (f) of the statutes is renumbered 97.435 (2) (f).

5 **SECTION 13.** 95.72 (3) of the statutes is repealed.

6 **SECTION 14.** 95.72 (4) (title), (a) and (b) of the statutes are renumbered 97.435
7 (4) (title), (a) and (b).

8 **SECTION 15.** 95.72 (4) (c) (title) of the statutes is renumbered 97.435 (4) (c)
9 (title).

10 **SECTION 16.** 95.72 (4) (c) 1. of the statutes is renumbered 97.435 (4) (c) 1. and
11 amended to read:

12 97.435 (4) (c) 1. A person who operates a rendering or processing plant shall
13 deposit all dead animals received for storage, rendering or processing within the
14 plant or other enclosed structure immediately upon their arrival.

15 **SECTION 17.** 95.72 (4) (c) 2. (intro.) and b. of the statutes are consolidated,
16 renumbered 97.435 (4) (c) 2. and amended to read:

17 97.435 (4) (c) 2. A person who operates a rendering or processing plant shall
18 dispose of an animal within 24 hours after its arrival during the days of Sunday to
19 Friday, or within 48 hours after its arrival on a Saturday or a Sunday followed by a
20 holiday, unless ~~any of the following occurs: b. The the carcass is received in a frozen~~
21 condition and is disposed of within a reasonable period of time.

22 **SECTION 18.** 95.72 (4) (c) 2. a. and c. of the statutes are repealed.

23 **SECTION 19.** 95.72 (4) (d) of the statutes is renumbered 97.435 (4) (d).

24 **SECTION 20.** 95.72 (5) of the statutes is renumbered 97.435 (5).

1 **SECTION 21.** 95.72 (6) (title), (a) and (b) of the statutes are renumbered 97.435
2 (6) (title), (a) and (b).

3 **SECTION 22.** 95.72 (6) (c) of the statutes is repealed.

4 **SECTION 23.** 95.72 (7) of the statutes is renumbered 97.435 (7) and amended
5 to read:

6 97.435 (7) TRANSPORTATION OF DEAD ANIMALS. (a) *License requirement.* No
7 person may transport dead animals on public highways in this state without a
8 license issued under this section. A licensee may not transport dead animals under
9 conditions not authorized by the license. This paragraph does not apply to persons
10 exempt from obtaining a license under this section, a farmer transporting dead
11 animals raised on his or her farm, the transportation of hides or fully rendered or
12 processed dead animal products, the transportation of dead animals by government
13 agencies or private agencies engaged in scientific research, ~~persons transporting~~
14 ~~dead animals for destruction or burial,~~ or livestock truckers transporting animals
15 which have died in transit if the dead animals are transported directly to a licensed
16 renderer, animal food processor or collector.

17 (b) *Enclosure or covering of dead animals.* No person may transport a dead
18 animal on a public highway unless it is transported in a closed vehicle or container
19 or unless it is completely covered with a tarpaulin or other suitable material.
20 Vehicles or containers used for the transportation of dead animals shall be leakproof
21 to prevent spilling or dripping of liquid waste. This paragraph does not apply to the
22 ~~transportation of animal hides or to a farmer transporting dead animals raised on~~
23 his or her farm.

24 (c) *Permit.* No licensee or fur farmer may operate any vehicle for the
25 transportation of dead animals unless the person is issued a vehicle permit by the

1 department. The department may not issue a permit until the vehicle is inspected
2 and approved by an agent of the department. There is no charge for this permit. An
3 applicant for a vehicle permit shall submit a completed application form prescribed
4 by the department which states the applicant's name and address, vehicle
5 identification and other information required by the department. The permit holder
6 shall keep the permit with the vehicle for which it was issued.

7 (d) *Interstate transport.* Except as provided in reciprocal agreements between
8 this state and contiguous states, no dead animals or parts of dead animals which are
9 raw or unrendered, ~~except green or salted hides,~~ may be transported into this state
10 unless the requirements of this subsection and rules promulgated under sub. (5)
11 relating to the transportation of dead animals are complied with.

12 **SECTION 24.** 95.72 (8) to (10) of the statutes are renumbered 97.435 (8) to (10).

13 **SECTION 25.** 95.72 (11) of the statutes is repealed.

14 **SECTION 26.** 97.43 (1) of the statutes is amended to read:

15 97.43 (1) No meat from any diseased animal, or any dead animal as defined
16 under s. ~~95.72~~ 97.435 (1) (c), may be sold or used for human consumption, or
17 dismembered or stored at premises where other food is sold or prepared for sale.

18 **SECTION 27.** 97.44 (2) of the statutes is amended to read:

19 97.44 (2) Animal feed manufacturers and operators of fur farms, exempt from
20 s. ~~95.72~~ 97.435, shall register their names and business locations with the
21 department if they engage in slaughtering animals or in buying dead animals or
22 parts of the carcasses of such animals. The department, by rule, may require that
23 they keep records of their purchase and disposition of such animals and carcass
24 parts.

25 **SECTION 28.** 254.58 of the statutes is amended to read:

