

State of Wisconsin



1995 Senate Bill 356

Date of enactment: **November 22, 1995**

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1995 WISCONSIN ACT 79

AN ACT *to repeal* 29.092 (9) (hg), 29.092 (9) (hr), 29.093 (9) (gm), 29.093 (9) (gr), 29.58, 29.581, 95.25 (5m) and 97.42 (1) (cm); *to renumber* 95.001 (1) (a); *to renumber and amend* 93.07 (10); *to amend* 20.115 (2) (ha), 29.02 (3m), 29.03 (8), 29.05 (5), 29.05 (6), 29.05 (6m), 29.05 (8) (b), 29.06 (1), 29.06 (2), 29.06 (3), 29.40 (6), 29.42 (4), 29.425 (4m), 29.427 (6), 29.43 (5) (b), 29.44 (3), 29.45 (6), 29.48 (1m), 29.49 (1) (a) (intro.), 29.574 (1m), 29.578 (1m), 29.583 (1), 29.583 (2), 29.585 (2) (a), 29.59 (1) (f), 29.598 (1), 29.645, 29.99 (15), 95.25 (1) and (2), 95.30, 95.31 (3), 95.33, 95.40 (title) and (1), 95.41 (2), 95.42, 95.68 (1) (d), 95.80 (1) (b), 97.42 (1) (a), 97.42 (3) (em), 97.42 (4) (em), 97.42 (5) (b), 97.44 (3), 174.001 (3), 895.57 (3) and 943.75 (3); and *to create* 29.01 (2r), 29.49 (3), 29.55 (2m), 29.586 (4), 90.20, 93.07 (10) (a), 95.001 (1) (a), 95.25 (2m), 95.25 (4m), 95.55 and 97.42 (1) (dm) of the statutes; **relating to:** the exemption of certain farm-raised deer and venison from regulation by the department of natural resources, fencing of farm-raised deer, liability for damages caused by dogs, licensing of establishments that slaughter certain deer, the duties and authority of the department of agriculture, trade and consumer protection concerning domestic animals, animal health and farm-raised deer, granting rule-making authority and making an appropriation.

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

SECTION 1. 20.115 (2) (ha) of the statutes is amended to read:

20.115 (2) (ha) *Inspection, testing and enforcement.* All moneys received under ss. 93.06 (1f) and (1g), 95.55, 95.68, 95.69, 95.71 and 95.715, to be used for animal health inspection and testing and for enforcement of animal health laws.

SECTION 2. 29.01 (2r) of the statutes is created to read:

29.01 (2r) "Farm-raised deer" has the meaning given in s. 95.001 (1) (a).

SECTION 3. 29.02 (3m) of the statutes is amended to read:

29.02 (3m) This section does not permit the seizure by the department, or prohibit the possession or sale, of

~~commercially raised farm-raised~~ deer, as defined in s. 95.25 (5m), that are kept in compliance with this chapter.

SECTION 4. 29.03 (8) of the statutes is amended to read:

29.03 (8) Any dog found running deer, ~~except farm-raised deer~~, at any time, or used in violation of this chapter.

SECTION 5. 29.05 (5) of the statutes is amended to read:

29.05 (5) OPENING PACKAGES. The department and its wardens may examine and open any package in the possession of a common carrier which they have probable cause to believe contains ~~contraband~~ wild animals in violation of this chapter, or carcasses or parts thereof, or is falsely labeled in violation of this chapter; and every such common carrier, and every agent, servant, or employe thereof, shall permit any such officer to examine and

* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

open any such package. Any package so opened shall be restored to its original condition.

SECTION 6. 29.05 (6) of the statutes is amended to read:

29.05 (6) ACCESS TO STORAGE PLACES. ~~They~~ For purposes of enforcing this chapter, the department and its wardens shall be permitted by the owner or occupant of any cold storage warehouse or building used for the storage or retention of wild animals, or carcasses or parts thereof, to enter and examine said premises subject to ss. 66.122 and 66.123; and the owner or occupant, or the agent, servant, or employe of the owner, shall deliver to any such officer any wild animal, or carcass or part thereof, in his or her possession during the closed season therefor, whether taken within or without the state.

SECTION 7. 29.05 (6m) of the statutes is amended to read:

29.05 (6m) ACCESS TO PRIVATE LAND. ~~Agents of~~ For purposes of this chapter, the department may, after making reasonable efforts to notify the owner or occupant, enter upon private lands to retrieve, diagnose or otherwise determine if there are dead or diseased wild animals upon those lands, and take actions reasonably necessary to prevent the spread of contagious disease in the wild animals.

SECTION 8. 29.05 (8) (b) of the statutes is amended to read:

29.05 (8) (b) Any perishable property seized by the department or its wardens may be sold at the highest available price, and the proceeds of the sale turned into court to await disposition of the proceeds as the court directs. A conservation warden or other officers charged with the enforcement of the laws dealing with the conservation of the natural resources of the state may kill a dog found running, injuring, causing injury to, or killing any deer, other than farm-raised deer, or destroying game birds, their eggs or nests, if immediate action is necessary to protect the deer or game birds, their nests or eggs, from injury or death.

SECTION 9. 29.06 (1) of the statutes is amended to read:

29.06 (1) All ~~confiscated~~ wild animals, or carcasses or parts thereof, that are confiscated by the department and all confiscated apparatus, appliances, equipment, vehicles or devices shall, if not destroyed as authorized by law, be sold at the highest price obtainable, by the department or its wardens, or by an agent on commission under the written authority and supervision of the department. The net proceeds of ~~such~~ the sales, after deducting the expense of seizure and sale and any such commissions, shall be promptly remitted by the warden by whom or under whose authority and supervision the sales are made, to the department; the remittance to be accompanied by a complete and certified report of ~~such~~ the sales, supported by proper vouchers covering all deductions made for expenses and commissions, to be filed with the de-

partment. Of the remittance from ~~such~~ the sales of confiscated apparatus, appliances, equipment, vehicles or devices, 18% shall be paid into the conservation fund to reimburse it for expenses incurred in seizure and sale, and the remaining 82% shall be paid into the common school fund. In the case of the proceeds from the sale of a confiscated motor vehicle if the holder of a security interest perfected by filing with ~~such~~ the motor vehicle as security, ~~satisfies (and the burden of proof shall be upon the holder of a security interest)~~ proves to the court, or after judgment of confiscation, to the department, that the violation that led to ~~such~~ the confiscation was not with his or her knowledge, consent or connivance or with that of some person employed or trusted by the holder of a security interest, there shall also be deducted the amount due under the security agreement from the proceeds of ~~such~~ the sale and the amount due shall be paid to the one entitled; in case a sufficient amount does not remain for such purpose after the other deductions then the amount remaining shall be paid. The department shall make a reasonable effort within 10 days after seizure to ascertain if a security interest in the seized motor vehicle exists, and shall within 10 days after obtaining actual or constructive notice of ~~such~~ any security interest give the secured party notice of the time and place when there is to be any proceeding before the court or the judge pertaining to ~~such~~ the confiscation and shall also give ~~such~~ the secured party at least 10 days' notice of the time and place of sale. Constructive notice shall be limited to security interests perfected by filing. In all such cases the time of sale of the confiscated motor vehicle shall be within 20 days after judgment of confiscation provided in s. 29.05 (8). The provisions of s. 973.075 (1) (b) 1. to 3. and (5) apply to vehicles other than motor vehicles under this subsection. This subsection shall not apply to a deer killed, or so injured that it must be killed, by a collision with a motor vehicle on a highway. Such deer carcass shall be released free of charge to the motor vehicle operator under s. 29.40 (5) by the department or its agent, but shall be retained by the department or its agent if the motor vehicle operator declines to accept the carcass. For purposes of this subsection, "deer" does not include farm-raised deer.

SECTION 10. 29.06 (2) of the statutes is amended to read:

29.06 (2) On any ~~such~~ sales under this section of wild animals, or carcasses or parts thereof, the warden or agent selling them shall issue to each purchaser a certificate, on forms to be prepared and furnished by the department, covering such sales. The wild animals, or carcasses or parts thereof, so purchased shall be consumed or otherwise disposed of by the purchaser within a period to be set by the department, but shall not be resold, bartered, or exchanged, in whole or in part, to any other person, except as provided in sub. (3).

SECTION 11. 29.06 (3) of the statutes is amended to read:

29.06 (3) Confiscated fish or game sold under this section to the keeper, manager, or steward of any restaurant, club, hotel, or boarding house may be served to the guests thereof; but in such case the certificate covering the purchase shall be hung in public view in the place where the fish or game is served, and such fish or game shall at the time of sale be tagged by the warden or agent selling it, such tag to show the date of sale and be returned to said warden or agent within 5 days thereafter.

SECTION 12. 29.092 (9) (hg) of the statutes is repealed.

SECTION 13. 29.092 (9) (hr) of the statutes is repealed.

SECTION 14. 29.093 (9) (gm) of the statutes is repealed.

SECTION 15. 29.093 (9) (gr) of the statutes is repealed.

SECTION 16. 29.40 (6) of the statutes is amended to read:

29.40 (6) (title) ~~COMMERCIALY-RAISED FARM-RAISED DEER.~~ This section does not apply to ~~commercially-raised farm-raised~~ deer, as defined in s. 95.25 (5m).

SECTION 17. 29.42 (4) of the statutes is amended to read:

29.42 (4) (title) ~~COMMERCIALY-RAISED FARM-RAISED DEER.~~ This section does not permit the seizure by the department, or prohibit the possession or sale, of ~~commercially-raised farm-raised~~ deer, as defined in s. 95.25 (5m), that are kept in compliance with this chapter.

SECTION 18. 29.425 (4m) of the statutes is amended to read:

29.425 (4m) **APPLICABILITY.** This section does not apply to ~~commercially-raised farm-raised~~ deer, as defined in s. 95.25 (5m).

SECTION 19. 29.427 (6) of the statutes is amended to read:

29.427 (6) **DESTRUCTION.** A person may kill at any time a wild skunk which is a nuisance to activities authorized under s. 29.55, 29.572, 29.574, 29.575, 29.578, 29.58 or 29.585. A person who kills an adult wild skunk with young shall attempt to kill the young skunks.

SECTION 20. 29.43 (5) (b) of the statutes is amended to read:

29.43 (5) (b) Subsections (1) to (4) do not apply to the possession, transportation, delivery or receipt of ~~commercially-raised farm-raised~~ deer, as defined in s. 95.25 (5m).

SECTION 21. 29.44 (3) of the statutes is amended to read:

29.44 (3) Subsection (1) does not apply to the possession, transportation, delivery or receipt of ~~commercially-raised farm-raised~~ deer, as defined in s. 95.25 (5m).

SECTION 22. 29.45 (6) of the statutes is amended to read:

29.45 (6) This section does not apply to the transportation of ~~commercially-raised farm-raised~~ deer, as defined in s. 95.25 (5m).

SECTION 23. 29.48 (1m) of the statutes is amended to read:

29.48 (1m) Subsection (1) does not apply to ~~commercially-raised farm-raised~~ deer, as defined in s. 95.25 (5m).

SECTION 24. 29.49 (1) (a) (intro.) of the statutes is amended to read:

29.49 (1) (a) (intro.) Except as provided in ss. ~~s. 29.52 and 29.584~~, no innkeeper, manager or steward of any restaurant, club, hotel, boarding house, tavern, logging camp or mining camp may sell, barter, serve or give, or cause to be sold, bartered, served or given to the guests or boarders thereof:

SECTION 25. 29.49 (3) of the statutes is created to read:

29.49 (3) **EXEMPTION.** This section does not apply to the meat from farm-raised deer.

SECTION 26. 29.55 (2m) of the statutes is created to read:

29.55 (2m) Subsections (1) and (2) do not apply to farm-raised deer.

SECTION 27. 29.574 (1m) of the statutes is amended to read:

29.574 (1m) This section does not apply to ~~commercially-raised farm-raised~~ deer, as defined in s. 95.25 (5m).

SECTION 28. 29.578 (1m) of the statutes is amended to read:

29.578 (1m) This section does not apply to ~~commercially-raised~~ deer, as defined in s. 95.25 (5m), or to ~~commercial deer farms licensed under s. 29.58 of the genus dama, cervus or rangifer.~~

SECTION 29. 29.58 of the statutes is repealed.

SECTION 30. 29.581 of the statutes is repealed.

SECTION 31g. 29.583 (1) of the statutes is amended to read:

29.583 (1) The department may seize and dispose of or may authorize the disposal of any deer that has escaped from land licensed under s. 29.574, ~~or 29.578 or 29.58~~ or owned by a person registered under s. 95.55 if the escaped deer has traveled more than 3 miles from the land ~~or if the licensee or person~~ has not had the deer returned to the land within 72 hours of the discovery of the escape.

SECTION 31r. 29.583 (2) of the statutes is amended to read:

29.583 (2) Notwithstanding the ~~72-hour waiting period~~ in sub. (1), the department of natural resources may dispose of the deer immediately if the department of agriculture, trade and consumer protection determines that the deer poses a risk to public safety or to the health of other domestic or wild animals.

SECTION 33. 29.585 (2) (a) of the statutes is amended to read:

29.585 (2) (a) ~~The term In this section,~~ “wild animal” as used in this section means any mammal, fish or bird of a wild nature as distinguished from domestic animals under the common law or under the Wisconsin statutes whether or not the mammal, fish or bird was bred or reared in captivity, but does not include deer of the genus *dama*, *cervus* or *rangifer*.

SECTION 34. 29.586 (4) of the statutes is created to read:

29.586 (4) This section does not apply to farm-raised deer.

SECTION 35. 29.59 (1) (f) of the statutes is amended to read:

29.59 (1) (f) Notwithstanding s. 29.01 (14), “wild animal” means any undomesticated mammal or bird, but does not include farm-raised deer.

SECTION 36. 29.598 (1) of the statutes is amended to read:

29.598 (1) DEFINITION. ~~As used in In~~ this section, “wildlife damage” means damage caused by wild deer that live in the wild, bear or geese to commercial seedings or crops on agricultural land, to orchard trees or nursery stock or to apiaries or livestock.

SECTION 37. 29.645 of the statutes is amended to read:

29.645 Larceny of game. A person who, without permission of the owner, molests, disturbs or appropriates any wild animal or its carcass that has been lawfully reduced to possession by another shall forfeit not less than \$1,000 nor more than \$2,000. This section does not apply to farm-raised deer.

SECTION 38. 29.99 (15) of the statutes is amended to read:

29.99 (15) In any prosecution under this section it is not necessary for the state to allege or prove that the animals were not ~~commercially raised farm-raised~~ deer or domesticated animals; that they were not taken for scientific purposes, or that they were taken or in possession or under control without a required approval. The person claiming that these animals were ~~commercially raised farm-raised~~ deer or domesticated animals, that they were taken for scientific purposes or that they were taken or in possession or under control under the required approval, has the burden of proving these facts. ~~In this subsection, “commercially raised deer” has the meaning given in s. 95.25(5m).~~

SECTION 39b. 90.20 of the statutes is created to read:

90.20 Fencing of farm-raised deer. (1) DEFINITIONS. In this section:

(a) “Farm-raised deer” has the meaning given in s. 95.001 (1) (a).

(b) “Heavily galvanized” means having a zinc coating weighing 230 grams per square meter or 0.8 ounces per square foot.

(c) “High tensile” means having a tensile strength of 179,000 to 210,000 pounds per square inch.

(d) “Medium tensile” means having a tensile strength of 101,000 to 123,000 pounds per square inch.

(2) SPECIFICATIONS. Any person who keeps farm-raised deer shall keep the farm-raised deer enclosed by a fence that meets all of the following requirements:

(a) Except for animals of the genus *rangifer*, the fence is at least 7 feet 10 inches high and is a woven wire fence that satisfies sub. (3), is a high tensile fence that satisfies sub. (4) or, if made of other materials, is of a design and level of strength that provides equivalent retentive capacity. The top 6 inches of the fence may consist of a single strand of smooth high tensile wire.

(b) For animals of the genus *rangifer*, the fence is at least 5 feet high and is a woven wire fence that satisfies sub. (3), is a high tensile fence that satisfies sub. (4) or, if made of other materials, is of a design and level of strength that provides equivalent retentive capacity.

(c) If the fence is made with wood posts, all of the following apply:

1. The posts are at least 12 feet long.

2. The tops of the line posts are, if rectangular, at least 3.5 inches in the smallest dimension or, if round, at least 3.5 inches in diameter.

3. The tops of the corner and gate posts are, if rectangular, at least 5.5 inches in the smallest dimension or, if round, at least 5.5 inches in diameter.

4. The wires are held securely to the posts, allowing for free movement of the horizontal line wires, using 9-gauge staples of at least 1.5 inch size.

(d) If the fence is made with steel or iron posts, the posts are at least 11 feet long or, if the posts are of the type known as T post, the posts are at least 10 feet long.

(e) The wires are installed on the side of the fence toward the farm-raised deer except at corners.

(3) WOVEN WIRE FENCE. A woven wire fence satisfies the requirements of this subsection if all of the following apply:

(a) The wire is 14 1/2 gauge or heavier.

(b) If the wire is 14 1/2 gauge, the mesh is not larger than 36 square inches.

(c) If the wire is heavier than 14 1/2 gauge, the mesh is not larger than 48 square inches.

(d) The posts are not more than 12 feet apart.

(4) HIGH TENSILE FENCE. A high tensile fence satisfies the requirements of this subsection if all of the following apply:

(a) The horizontal line wires are not less than 2.5 millimeters in size and are heavily galvanized high tensile wire.

(b) The vertical stay wires are not less than 2.5 millimeters in size and are heavily galvanized medium tensile wire.

(c) The knot wire is not less than 2.24 millimeters in size and is heavily galvanized mild steel.

(d) The distance between vertical stay wires is not more than 6 inches.

(e) The distance between horizontal line wires is not more than 4 inches in the bottom foot of the fence, is not more than 6.5 inches in the next 2 feet of the fence and is not more than 8.5 inches in the rest of the fence.

(f) The posts are not more than 20 feet apart.

SECTION 40. 93.07 (10) of the statutes, as affected by 1995 Wisconsin Act 27, is renumbered 93.07 (10) (b) and amended to read:

93.07 (10) (b) To protect the health of domestic animals of the state; to determine and employ the most efficient and practical means for the prevention, suppression, control and eradication of communicable diseases among domestic animals, and for these purposes it may establish, maintain, enforce and regulate such quarantine and such other measures relating to the importation, movement and care of animals and their products, the disinfection of suspected localities and articles, and the disposition of animals, as the department may deem necessary. The definition of "communicable disease" in s. 990.01 (5g) does not apply to this subsection ~~paragraph~~.

SECTION 41. 93.07 (10) (a) of the statutes is created to read:

93.07 (10) (a) In this subsection, "domestic animals" includes farm-raised deer, as defined in s. 95.001 (1) (a).

SECTION 42. 95.001 (1) (a) of the statutes is renumbered 95.001 (1) (am).

SECTION 43. 95.001 (1) (a) of the statutes is created to read:

95.001 (1) (a) "Farm-raised deer" means an animal that is a member of the family cervidae and of the genus dama, the genus rangifer or the genus cervus, except for an elk that is present in the wild and that does not have an ear tag or other mark identifying it as being raised on a farm.

SECTION 44. 95.25 (1) and (2) of the statutes are amended to read:

95.25 (1) In order to detect and control bovine tuberculosis the department may test for tuberculosis those cattle where indication of possible infection is disclosed by means of the slaughter cattle identification program and any other cattle ~~or herds, farm-raised deer or other species~~ the department has reason to believe may be infected or exposed or ~~deems~~ considers necessary to test for any other reason. Tuberculosis tests authorized by the department shall be made at such times and in such manner as the department determines, in the light of the latest and best scientific and practical knowledge and experience.

(2) Upon reasonable notice, the department, its authorized agents and all inspectors and persons appointed or authorized to assist in the work of applying the tuberculin test, may enter any buildings or inclosures where cattle, farm-raised deer or other species are, for the purpose of making inspection and applying the tuberculin test, and any person who interferes therewith or obstructs

them in their work or attempts to obstruct or prevent by force the inspection and the testing (in addition to the penalty prescribed therefor) shall be liable for all damages caused thereby to the state or to any person lawfully engaged in the work of inspection and testing.

SECTION 45. 95.25 (2m) of the statutes is created to read:

95.25 (2m) The owner or other person in possession of animals subject to inspection or testing under this section shall provide animal handling facilities to ensure the safety of the animals and the persons conducting the inspection or testing under this section.

SECTION 46. 95.25 (4m) of the statutes is created to read:

95.25 (4m) The department is not liable for injury to or death of animals during inspection or testing under this section unless negligence by the department causes the injury or death.

SECTION 47. 95.25 (5m) of the statutes is repealed.

SECTION 48. 95.30 of the statutes is amended to read:

95.30 (title) Disposal of cattle animals infected with tuberculosis. The owner of cattle ~~or farm-raised deer~~ tested and found to be afflicted with bovine tuberculosis shall ship them under the direction of the department to some place designated by it for immediate slaughter under U.S. government inspection, or under the inspection approved by the department.

SECTION 49. 95.31 (3) of the statutes is amended to read:

95.31 (3) In addition to the indemnities for specific animal diseases provided under ss. 95.25, 95.26, 95.27 and 95.35 or under special emergency programs, the department shall pay indemnities on livestock condemned and destroyed because of unknown or unidentified contagions or infections, the cause or nature of which cannot be fully determined at the time of condemnation. Indemnities for unknown or unidentified diseases shall be equal to the difference between net salvage and appraised or agreed values, but not to exceed \$600. As used in this subsection, "livestock" means bovines, equines, swine, sheep, goats, poultry and ~~commercially-raised farm-raised deer, as defined in s. 95.25 (5m).~~

SECTION 50. 95.33 of the statutes is amended to read:

95.33 Tubercular animals that do not react. Whenever in the opinion of the department a bovine or farm-raised deer is afflicted with tuberculosis, although failing to react to the tubercular test, such animal shall be condemned and the appraisal and all subsequent procedure shall be the same as in the case of reactors.

SECTION 51. 95.40 (title) and (1) of the statutes are amended to read:

95.40 (title) Neutralizing cattle tuberculosis test. (1) No person shall use or cause to be used tuberculin or any other agent upon cattle ~~or farm-raised deer~~, by injection or otherwise, for the purpose of preventing a proper reaction when a tuberculin test is made.

SECTION 52. 95.41 (2) of the statutes is amended to read:

95.41 (2) The department shall provide ear tags to be used for identifying cattle and farm-raised deer tested for purposes of disease control, and shall distribute the tags to persons authorized by the department to identify cattle and farm-raised deer.

SECTION 53. 95.42 of the statutes is amended to read:

95.42 Revocation of permit to test. Only veterinarians approved by the department may apply the tuberculin test to cattle and farm-raised deer, and no veterinarian applying the test may tag or brand reactors except as specifically authorized or directed by the department. Any veterinarian who fails to comply with this section and the rules and instructions furnished by the department shall forfeit all right to apply the tuberculin test.

SECTION 54. 95.55 of the statutes is created to read:

95.55 Farm-raised deer; registration. (1) REGISTRATION. (a) Except as provided in par. (b), no person may keep farm-raised deer unless the person is registered with the department under this section.

(b) Establishments licensed under s. 97.42 may keep live farm-raised deer for slaughtering purposes for up to 72 hours without being registered under this section.

(2) **APPLICATION.** A person shall register under this section using a form provided by the department. The form shall be accompanied by the fee specified under sub. (3).

(3) **FEE.** The department shall, by rule, specify the fee for registration under this section.

(4) **ANIMAL HANDLING FACILITIES.** A person required to register under this section shall provide animal handling facilities to ensure the safety of farm-raised deer during handling and of the persons handling the farm-raised deer.

SECTION 55. 95.68 (1) (d) of the statutes is amended to read:

95.68 (1) (d) “Livestock” means bovine animals, sheep, goats, swine, farm-raised deer and equine animals.

SECTION 56. 95.80 (1) (b) of the statutes is amended to read:

95.80 (1) (b) “Livestock” means cattle, horses, swine, sheep, goats, farm-raised deer and other species of animals susceptible of use in the production of meat and meat products.

SECTION 57. 97.42 (1) (a) of the statutes is amended to read:

97.42 (1) (a) “Animal” means cattle, sheep, swine, goats, ~~commercially raised~~ farm-raised deer, horses, mules, and other equines.

SECTION 58. 97.42 (1) (cm) of the statutes is repealed.

SECTION 59. 97.42 (1) (dm) of the statutes is created to read:

97.42 (1) (dm) “Farm-raised deer” has the meaning given in s. 95.001 (1) (a).

SECTION 60. 97.42 (3) (em) of the statutes is amended to read:

97.42 (3) (em) (title) *Slaughter of ~~commercially raised~~ farm-raised deer.* The requirements of pars. (a) and (b) do not apply to the slaughter of a ~~commercially raised~~ farm-raised deer if its meat food products are not sold by a person holding a restaurant permit under s. 254.64 or by an operator of a retail food establishment, as defined under s. 97.30 (1) (c). The operator of an establishment in which ~~commercially raised~~ farm-raised deer, their carcasses or their meat food products are examined and inspected under this subsection shall pay the department for the cost of the department’s examination and inspection.

SECTION 61. 97.42 (4) (em) of the statutes is amended to read:

97.42 (4) (em) The rate at which an operator of an establishment that slaughters ~~commercially raised~~ farm-raised deer or processes the meat products of ~~commercially raised~~ farm-raised deer shall pay the costs of examination and inspection under sub. (3) (em) and the manner in which the department shall collect those amounts.

SECTION 62. 97.42 (5) (b) of the statutes is amended to read:

97.42 (5) (b) No county or municipality may collect any fees or charges for meat or poultry inspection or enforcement from any licensee under this section, except for overtime inspection work and the inspection of ~~commercially raised~~ farm-raised deer. Charges for overtime or for the inspection of ~~commercially raised~~ farm-raised deer shall be on the same basis as and shall not exceed charges for overtime work or for the inspection of ~~commercially raised~~ farm-raised deer prescribed by this section or by the rules of the department.

SECTION 63. 97.44 (3) of the statutes is amended to read:

97.44 (3) As used in this section “animals” means cattle, sheep, goats, swine, equines, farm-raised deer, as defined in s. 95.001 (1) (a), and poultry, except in the phrase “animal feed manufacturers”.

SECTION 64. 174.001 (3) of the statutes is amended to read:

174.001 (3) “Livestock” means any horse, bovine, sheep, goat, pig, domestic rabbit, farm-raised deer, as defined in s. 95.001 (1) (a), or domestic fowl, including game fowl raised in captivity.

SECTION 65. 895.57 (3) of the statutes is amended to read:

895.57 (3) Subsection (2) does not apply to any humane officer, local health officer, peace officer, employe of the department of natural resources while on any land licensed under s. 29.52, 29.573, 29.574, 29.575, ~~or 29.578 or 29.58~~ or designated as a wildlife refuge under s. 29.57 (1) or employe of the department of agriculture, trade and consumer protection if the officer’s or

employee's acts are in good faith and in an apparently authorized and reasonable fulfillment of his or her duties.

SECTION 66. 943.75 (3) of the statutes is amended to read:

943.75 (3) Subsection (2) does not apply to any humane officer, local health officer, peace officer, employe of the department of natural resources while on any land licensed under s. 29.52, 29.573, 29.574, 29.575, ~~or 29.578 or 29.58~~ or designated as a wildlife refuge under s. 29.57 (1) or employe of the department of agriculture, trade and consumer protection if the officer's or employe's acts are in good faith and in an apparently authorized and reasonable fulfillment of his or her duties. This subsection does not limit any other person from claiming the defense of privilege under s. 939.45 (3).

SECTION 67. Nonstatutory provisions.

(1) BOVINE TUBERCULOSIS TESTING.

(a) In this subsection, "farm-raised deer" has the meaning given in section 95.001 (1) (a) of the statutes, as created by this act.

(b) Except as provided in paragraph (c), a person who keeps farm-raised deer shall have those farm-raised deer tested for bovine tuberculosis after the effective date of this paragraph or after the date on which the farm-raised deer are enclosed by fencing that complies with section 90.20 of the statutes, as created by this act, which-

ever is later, and before the first day of the first month beginning 18 months after the effective date of this paragraph.

(c) The requirement for bovine tuberculosis testing under paragraph (b) does not apply to a person whose herd of farm-raised deer is certified by the department of agriculture, trade and consumer protection to be free of bovine tuberculosis.

(d) This subsection does not limit the authority of the department of agriculture, trade and consumer protection under section 95.25 (1) to (6) of the statutes.

(e) A person who violates this subsection is subject to the penalties in section 95.99 of the statutes.

SECTION 68. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of sections 29.01 (2r), 29.02 (3m), 29.03 (8), 29.05 (5), (6), (6m) and (8) (b), 29.06 (1), (2) and (3), 29.092 (9) (hg) and (hr), 29.093 (9) (gm) and (gr), 29.40 (6), 29.42 (4), 29.425 (4m), 29.427 (6), 29.43 (5) (b), 29.44 (3), 29.45 (6), 29.48 (1m), 29.49 (1) (a) (intro.) and (3), 29.55 (2m), 29.574 (1m), 29.578 (1m), 29.58, 29.581, 29.583 (1) and (3), 29.585 (2) (a), 29.586 (4), 29.59 (1) (f), 29.598 (1), 29.645, 29.99 (15), 95.55, 95.68 (1) (d), 895.57 (3) and 943.75 (3) of the statutes takes effect on the first day of the 6th month beginning after publication.