

2003 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB292)

Received: **09/04/2003**

Received By: **rnelson2**

Wanted: **As time permits**

Identical to LRB:

For: **Lorraine Seratti (608) 266-3780**

By/Representing: **Andy**

This file may be shown to any legislator: **NO**

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - fish and game**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Seratti@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Control of cervids related to chronic wasting disease

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rnelson2 09/05/2003	wjackson 09/08/2003		_____			State
/1			jfrantze 09/08/2003	_____	lemery 09/08/2003	lemery 09/08/2003	State
/2	rnelson2	wjackson	pgreensl	_____	Inorthro	Inorthro	State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	09/11/2003	09/11/2003	09/11/2003	_____	09/11/2003	09/11/2003	
/3	rnelson2 10/10/2003	wjackson 10/13/2003	pgreensl 10/13/2003	_____	lnorthro 10/13/2003	lnorthro 10/13/2003	

FE Sent For:

<END>

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/?	rnelson2 09/05/2003	wjackson 09/08/2003		_____			State
/1			jfrantze 09/08/2003	_____	lemery 09/08/2003	lemery 09/08/2003	State
/2	rnelson2	wjackson	pgreensl	19/13 PS1	Inorthro	Inorthro	

14/13 ps 19/13 PS1 [Signature]

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	09/11/2003	09/11/2003	09/11/2003	_____	09/11/2003	09/11/2003	

13 WLj 10/13

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/1		1/2 Wlj 9/11	jfrantze 09/08/2003	9/11 9/11 PG	lemery 09/08/2003	lemery 09/08/2003	
				DB/RS			

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1/?	rnelson2	1 WLj 9/8	769/8	76/8 9/8			

FE Sent For:

<END>

ASH RC

CORRESPONDENCE/MEMORANDUM

DATE: July 21, 2003
TO: Rep. Lorain Seratti
FROM: Kurt Thiede, DNR - Bureau of Wildlife Management
SUBJECT: Assembly Bill 292

292.70

I've attached revised statutory language for AB 292 and additional language pertaining to landfill indemnification and tissue collection/sharing that the department views as important Chronic Wasting Disease (CWD) control issues. As we discussed last week, we hope that these modifications will reduce the potential risk of contamination and transmittance due to movement of infected carcass across our borders and within the state's borders as well.

- Here are the modifications that we would suggest for current wording in AB 292:

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

29.063 (3) ~~If the department designates an area as a chronic wasting disease eradication zone, the~~ The department may promulgate rules regulating the transportation, possession, control, storage, or disposal of the carcass of a deer or an elk lawfully killed in that chronic wasting disease eradication zone the state to control chronic wasting disease.

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

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

With these changes the department will be able to restrict movement of carcasses in any of the CWD zones (which include areas outside the current eradication zone), as well as address situations arise involving CWD positive cervid farms in non-CWD zones that could potentially be located throughout the state. Additionally, with the modification to include other countries and provinces we effectively can manage carcasses being imported from Canada or other countries where CWD may have been found or where sufficient testing has not taken place.

- In addition to these changes, we offer the addition of the following language regarding landfill indemnification.

SECTION 1. 20.370(1)(fq) is created to read:

20.370(1)(fq) *Indemnification agreements* From the general fund, a sum sufficient to provide indemnification under agreements under s. 29.063(3).

SECTION 2. 29.063 (3) of the statutes is created to read:

29.063 (3) (a) In this subsection:

1. "Landfill" means a solid waste facility for solid waste disposal licensed pursuant to s. 289.31.

2. "Meat processing facility" means a plant or premises where animals are slaughtered for human consumption, or where meat or meat products are processed, but does not include rendering plants.



3. "Wastewater treatment facility" means a plant or premises used to treat industrial wastewater or domestic wastewater or any combination of industrial wastewater and domestic wastewater and permitted pursuant to ch. 283.

(b) Subject to par. (c), the department may enter into agreements with persons who operate landfills, meat processing facilities, and wastewater treatment facilities in which this state agrees to indemnify those persons and their employees, officers, and agents against liability for damage to persons, property, or the environment resulting from the processing or disposal of carcasses of cervids that have chronic wasting disease.

(c) The department may enter into an agreement under par. (b) only if all of the following apply:

1. The agreement is approved by the governor and the governing body of the landfill, meat processing facility or wastewater treatment plant.
2. The agreement specifies a method for determining whether the landfill, meat processing facility or wastewater treatment plant is liable for damage described in par. (b).
3. The agreement requires the landfill, meat processing facility or wastewater treatment plant to notify the department and the attorney general when a claim or lawsuit to which the agreement may apply is filed against them
4. The agreement authorizes the attorney general to intervene on behalf of the landfill, meat processing facility or wastewater treatment plant and this state in any lawsuit to which the agreement may apply.
5. The agreement requires the operator of the landfill, meat processing facility or wastewater treatment plant to minimize risks related to processing or disposal of carcasses of cervids that have chronic wasting disease.
6. The agreement authorizes the department to require the operator of the landfill, meat processing facility or wastewater treatment plant to operate in a manner specified in writing by the department in order to minimize risks related to processing or disposal of carcasses of cervids that have chronic wasting disease

(d) This subsection and any agreement entered into under par. (b) may not be construed as consent to sue this state.

(e) If a claim is filed under an agreement under par (b), the department shall review the claim to determine whether it is valid. A valid claim shall be paid from the appropriation under s. 20.370(1)(fq).

- **Finally, we feel that this final addition in conjunction with the language in AB 292 will help to address the issues of tissue collection, tissue sharing and data sharing:**

SECTION 1. 23.09 (2) (p) of the statutes is created to read:

23.09 (2) (p) *Disease control*. Require any person to provide the department with disease sample tissue or disease sample data derived from a wild animal, as defined in s. 29.001 (90), if the department decides that the tissue or data is needed to determine the existence or extent of a disease in wild animals in this state.

If you have any questions regarding these changes or would prefer an electronic copy of this memo and language, I would be happy to meet with you again. Also, if you would like us to review a revised draft, please feel free to call or e-mail me at (608) 267-2452 or kurt.thiede@dnr.state.wi.us. Once again I would like to personally thank you for working with us on developing this legislation and hope that we can continue working with you and your staff of future wildlife management related issues.

Cc. Scott Hassett – AD/5
Laurie Osterndorf – AD/5

Elizabeth Kluesner – AD/5
Paul Heinen – AD/5

Tom Hauge – WM/4
Tim Andryk – LS/5

500a (9/5)

Assembly Substitute Amendment
to

2003 ASSEMBLY BILL 292

TODAY
please

LPS: INSERTS ARE
OUT OF ORDER

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.

regen.

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 and making an appropriation

of carcasses with 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.

to control

another country or to control

access to tissue or disease data from wild animals

ASSEMBLY BILL 292

¶ The bill also allows DNR to enter into agreements with persons who operate landfills, ~~wastewater treatment~~ processing facilities to indemnify them for damages resulting from disposing of deer or elk with chronic wasting disease.

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.

or
Wastewater
treatment
facilities

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

Insert
2-1
INSERT
22 →

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, to control chronic wasting disease, the department may promulgate rules regulating the

ASSEMBLY BILL 292

1 transportation, possession, control, storage, or disposal of the carcass of a deer or an
2 elk ~~lawfully taken in that chronic wasting disease eradication zone~~ ^{this state}

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 ^{another or country} a state ~~in which~~
6 chronic wasting disease ^{to control} ~~has been confirmed in a deer or an elk~~

Insert
3-6 →

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 ^{carcass} 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

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).

DATE: July 21, 2003

TO: Rep. Lorain Seratti

FROM: Kurt Thiede, DNR - Bureau of Wildlife Management

SUBJECT: Assembly Bill 292

Inserts 2-1

I've attached revised statutory language for AB 292 and additional language pertaining to landfill indemnification and tissue collection/sharing that the department views as important Chronic Wasting Disease (CWD) control issues. As we discussed last week, we hope that these modifications will reduce the potential risk of contamination and transmittance due to movement of infected carcass across our borders and within the state's borders as well.

- Here are the modifications that we would suggest for current wording in AB 292:

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

29.063 (3) ~~If the department designates an area as a chronic wasting disease eradication zone, the~~ The department may promulgate rules regulating the transportation, possession, control, storage, or disposal of the carcass of a deer or an elk lawfully killed in ~~that chronic wasting disease eradication zone~~ the state to control chronic wasting disease.

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

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

With these changes the department will be able to restrict movement of carcasses in any of the CWD zones (which include areas outside the current eradication zone), as well as address situations arise involving CWD positive cervid farms in non-CWD zones that could potentially be located throughout the state. Additionally, with the modification to include other countries and provinces we effectively can manage carcasses being imported from Canada or other countries where CWD may have been found or where sufficient testing has not taken place.

- In addition to these changes, we offer the addition of the following language regarding landfill indemnification.

SECTION 4. 20.370(1)(fq) is created to read:

20.370(1)(fq) *Indemnification agreements*. From the general fund, a sum sufficient to provide indemnification under agreements under s. 29.063(1). *5*

SECTION 5. 29.063 (X) of the statutes is created to read:

29.063 (X) (a) In this subsection:

1. "Landfill" means a solid waste facility for solid waste disposal licensed ~~under~~ *as defined in s. 289.01(35)* s. 289.31.

2. "Meat processing facility" means a plant or premises where animals are slaughtered for human consumption, or where meat or meat products are processed, but does not include rendering plants.

Insert 3-6

LPS: Please reformat to fit statutes.



insert 2-1 part

3. "Wastewater treatment facility" means a plant or premises used to treat industrial wastewater or domestic wastewater or any combination of industrial wastewater and domestic wastewater and permitted pursuant to ch. 283.

(b) Subject to par. (c), the department may enter into agreements with persons who operate landfills, meat processing facilities, ~~and~~ wastewater treatment facilities in which this state agrees to indemnify those persons and their employees, officers, and agents against liability for damage to persons, property, or the environment resulting from the processing or disposal of carcasses of cervids that have chronic wasting disease.

(c) The department may enter into an agreement under par. (b) only if all of the following apply:

1. The agreement is approved by the governor and the governing body of the landfill, meat processing facility or wastewater treatment ~~plant~~ ^{facility}.

2. The agreement ~~specifies~~ ^{facility} a method for determining whether the landfill, meat processing facility, or wastewater treatment ~~plant~~ ^{facility} is liable for damage described in par. (b).

3. The agreement requires the landfill, meat processing facility, or wastewater treatment ~~plant~~ ^{facility} to notify the department and the attorney general when a claim or lawsuit to which the agreement may apply is filed ~~against~~ ^{facility} ~~them~~.

4. The agreement authorizes the attorney general to intervene on behalf of the landfill, meat processing facility or wastewater treatment ~~plant~~ ^{facility}, and this state in any lawsuit to which the agreement may apply.

5. The agreement requires the operator of the landfill, meat processing facility, or wastewater treatment ~~plant~~ ^{facility} to minimize risks related to processing or disposal of carcasses of cervids that have chronic wasting disease.

6. The agreement authorizes the department to require the operator of the landfill, meat processing facility, or wastewater treatment ~~plant~~ ^{facility} to operate in a manner specified in writing by the department ~~in order~~ ^{facility} to minimize risks related to processing or disposal of carcasses of cervids that have chronic wasting disease.

(d) This subsection and any agreement entered into under par. (b) may not be construed as consent to sue this state.

(e) If a claim is filed under an agreement under par. (b), the department shall review the claim to determine whether it is valid. A valid claim shall be paid from the appropriation under s. 20.370(1)(fq).
 Δ Δ

END INSERT 3-6

LPS: Please reformat to fit statutes. Thanks.

Finally, we feel that this final addition in conjunction with the language in AB 292 will help to address the issues of tissue collection, tissue sharing and data sharing:

SECTION 23.09 (2) (p) of the statutes is created to read: INSERT 2-2

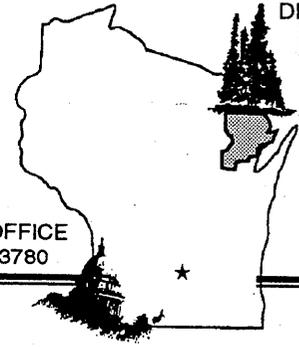
23.09 (2) (p) Disease control. Require any person to provide the department with disease sample tissue or disease sample data derived from a wild animal, as defined in s. 29.001 (90), if the department decides that the tissue or data is needed to determine the existence or extent of a disease in wild animals in this state.

end of insert

If you have any questions regarding these changes or would prefer an electronic copy of this memo and language, I would be happy to meet with you again. Also, if you would like us to review a revised draft, please feel free to call or e-mail me at (608)-267-2452 or kurt.thiede@dnr.state.wi.us. Once again I would like to personally thank you for working with us on developing this legislation and hope that we can continue working with you and your staff of future wildlife management related issues.

Cc. Scott Hassett - AD/5 Elizabeth Kluesner - AD/5 Tom Hauge - WM/4
Laurie Osterdorf - AD/5 Paul Heinen - AD/5 Tim Andryk - LS/5

LORRAINE M.
SERATTI
STATE REPRESENTATIVE
36TH ASSEMBLY DISTRICT



DISTRICT OFFICE
(715) 696-3513

MADISON OFFICE
(608) 266-3780

Section 7: The department may promulgate
rules prohibiting the transportation of the carcass
of a deer or an elk from ^{another} A state or country in
which C - W - D - has been confirmed in a deer or
an elk.



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBs0167/A
RPN:wlj:jf

2

ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2003 ASSEMBLY BILL 292

SOON

REGEN

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* 20.370
3 (1) (fq), 23.09 (2) (p), 29.047 (1) (c) 3., 29.063 (3), 29.063 (4), 29.063 (5), 29.347
4 (6), 29.357 (4m), 29.361 (3m) and 29.506 (5m) of the statutes; **relating to:**
5 agreements to indemnify persons who process or dispose of carcasses with
6 chronic wasting disease, access to tissue or disease data from wild animals,
7 granting rule-making authority regarding the transportation, possession,
8 control, storage, or disposal of the carcass of a deer or an elk from a chronic
9 wasting disease eradication zone or a state with confirmed chronic wasting
10 disease, and making an appropriation.

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 to promulgate rules regulating the transportation, possession, control, storage, and disposal of the carcass of a deer or an elk to control chronic wasting disease. The bill also allows DNR to promulgate rules prohibiting the transportation ~~into this state~~ of the carcass of a deer or an elk from another ^{state} ~~country~~ or ^{county} ~~state~~ in which chronic wasting disease ^{has been confirmed in a deer or an elk} ~~is present~~.

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.

The bill also allows DNR to enter into agreements with persons who operate landfills, meat processing facilities, or wastewater treatment facilities to indemnify them for damages resulting from disposing of deer or elk with chronic wasting disease.

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.** 20.370 (1) (fq) of the statutes is created to read:

2 20.370 (1) (fq) *Indemnification agreements.* From the general fund, a sum
3 sufficient to provide indemnification under agreements under s. 29.063 (5).

4 **SECTION 2.** 23.09 (2) (p) of the statutes is created to read:

5 23.09 (2) (p) *Disease control.* Require any person to provide the department
6 with disease sample tissue or disease sample data derived from a wild animal, as
7 defined in s. 29.001 (90), if the department decides that the tissue or data is needed
8 to determine the existence or extent of a disease in wild animals in this state.

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

10 29.047 (1) (c) 3. If the game is a deer or an elk the person transports, possesses,
11 delivers, receives, or controls the carcass of the deer or elk in compliance with rules
12 promulgated by the department.

13 **SECTION 4.** 29.047 (1m) of the statutes is amended to read:

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

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

7 29.047 (2) (a) A person who has a valid taxidermist permit and who, in
8 compliance with rules promulgated by the department under s. 29.063 (3) or (4),
9 possesses, transports, causes to be transported, delivers or receives, or offers to
10 deliver or receive, a wild animal carcass in connection with his or her business.

11 **SECTION 6.** 29.063 (3) of the statutes is created to read:

12 29.063 (3) To control chronic wasting disease, the department may promulgate
13 rules regulating the transportation, possession, control, storage, or disposal of the
14 carcass of a deer or an elk in this state.

15 **SECTION 7.** 29.063 (4) of the statutes is created to read:

16 29.063 (4) The department may promulgate rules prohibiting the
17 transportation of the carcass of a deer or an elk ~~into this state~~ from another state or
18 country ~~to control~~ ^{in which} chronic wasting disease ^{has been confirmed in a}
19 ^{deer or an elk}

19 **SECTION 8.** 29.063 (5) of the statutes is created to read:

20 29.063 (5) (a) In this subsection:

21 1. “Landfill” means a solid waste facility, as defined in s. 289.01 (35), for solid
22 waste disposal, as defined in s. 289.01 (34), licensed under s. 289.31.

23 2. “Meat processing facility” means a plant or premises where animals are
24 slaughtered for human consumption, or where meat or meat products are processed,
25 but does not include rendering plants.

1 3. “Wastewater treatment facility” means a plant or premises used to treat
2 industrial wastewater or domestic wastewater or any combination of industrial
3 wastewater and domestic wastewater and permitted pursuant to ch. 283.

4 (b) Subject to par. (c), the department may enter into agreements with persons
5 who operate landfills, meat processing facilities, or wastewater treatment facilities
6 in which this state agrees to indemnify those persons and their employees, officers,
7 and agents against liability for damage to persons, property, or the environment
8 resulting from the processing or disposal of carcasses of cervids that have chronic
9 wasting disease.

10 (c) The department may enter into an agreement under par. (b) only if all of the
11 following apply:

12 1. The agreement is approved by the governor and the governing body of the
13 landfill, meat processing facility, or wastewater treatment facility.

14 2. The agreement specifies a method for determining whether the landfill, meat
15 processing facility, or wastewater treatment facility is liable for damage described
16 in par. (b).

17 3. The agreement requires the landfill, meat processing facility, or wastewater
18 treatment facility to notify the department and the attorney general when a claim
19 or lawsuit to which the agreement may apply is filed.

20 4. The agreement authorizes the attorney general to intervene on behalf of the
21 landfill, meat processing facility, or wastewater treatment facility and this state in
22 any lawsuit to which the agreement may apply.

23 5. The agreement requires the operator of the landfill, meat processing facility,
24 or wastewater treatment facility to minimize risks related to processing or disposal
25 of carcasses of cervids that have chronic wasting disease.

1 6. The agreement authorizes the department to require the operator of the
2 landfill, meat processing facility, or wastewater treatment facility to operate in a
3 manner specified in writing by the department to minimize risks related to
4 processing or disposal of carcasses of cervids that have chronic wasting disease.

5 (d) This subsection and any agreement entered into under par. (b) may not be
6 construed as consent to sue this state.

7 (e) If a claim is filed under an agreement under par. (b), the department shall
8 review the claim to determine whether it is valid. A valid claim shall be paid from
9 the appropriation under s. 20.370 (1) (fq).

10 **SECTION 9.** 29.347 (2) of the statutes is amended to read:

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

25 **SECTION 10.** 29.347 (2m) (b) of the statutes is amended to read:

1 29.347 (2m) (b) Any Subject to sub. (6), any person who retains a tag under par.
2 (a) may give deer or elk meat to another person. The person who receives the gift of
3 deer or elk meat is not required to possess a tag.

4 **SECTION 11.** 29.347 (3) of the statutes is amended to read:

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

13 **SECTION 12.** 29.347 (5) (a) of the statutes is amended to read:

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

20 **SECTION 13.** 29.347 (5) (b) (intro.) of the statutes is amended to read:

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

25 **SECTION 14.** 29.347 (6) of the statutes is created to read:

Nelson, Robert P.

From: Potts, Andrew
Sent: Friday, October 10, 2003 1:06 PM
To: Nelson, Robert P.
Subject: AB 292

Robert,

Rep. Seratti would like one more change in her substitute amendment to AB 292. She would like to add the following language to 29.063(3) and 29.063 (4):

This section does not apply to any of the following:

- (a) Meat that is cut and wrapped, either commercially or privately.
- (b) Quarters or other portions of meat with no part of the spinal column or head attached.
- (c) Meat that has been boned out.
- (d) Hides with no heads attached.
- (e) Finished taxidermy heads.
- (f) Antlers with no meat or tissue attached.
- (g) Skull plates with antlers attached and with no meat or tissue attached.
- (h) Upper canine teeth.

Thanks.

Andy



ASSEMBLY SUBSTITUTE AMENDMENT ,
TO 2003 ASSEMBLY BILL 292

OTHER

REGEN

AN ACT *to amend* 29.047 (1m), 29.047 (2) (a), 29.347 (2), 29.347 (2m) (b), 29.347 (3), 29.347 (5) (a), 29.347 (5) (b) (intro.) and 29.357 (5) (b); and *to create* 20.370 (1) (fq), 23.09 (2) (p), 29.047 (1) (c) 3., 29.063 (3), 29.063 (4), 29.063 (5), 29.347 (6), 29.357 (4m), 29.361 (3m) and 29.506 (5m) of the statutes; **relating to:** agreements to indemnify persons who process or dispose of carcasses with chronic wasting disease, access to tissue or disease data from wild animals, granting rule-making authority regarding the transportation, possession, control, storage, or disposal of the carcass of a deer or an elk from a chronic wasting disease eradication zone or a state with confirmed chronic wasting disease, and making an appropriation.

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~~ ^{DNR} also may designate an area as a chronic wasting disease

except that certain types of meat and antlers, including boned meat, wrapped meats, and finished taxidermy heads, may not be prohibited

eradication zone and permit hunting in that zone to control the spread of chronic wasting disease.

This bill allows DNR to promulgate rules regulating the transportation, possession, control, storage, and disposal of the carcass of a deer or an elk to control chronic wasting disease. The bill also allows DNR to promulgate rules prohibiting the transportation of the carcass of a deer or an elk from another state or country in which chronic wasting disease has been confirmed in a deer or an elk.

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.

The bill also allows DNR to enter into agreements with persons who operate landfills, meat processing facilities, or wastewater treatment facilities to indemnify them for damages resulting from disposing of deer or elk with chronic wasting disease.

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:

SECTION 1. 20.370 (1) (fq) of the statutes is created to read:

20.370 (1) (fq) *Indemnification agreements.* From the general fund, a sum sufficient to provide indemnification under agreements under s. 29.063 (5).

SECTION 2. 23.09 (2) (p) of the statutes is created to read:

23.09 (2) (p) *Disease control.* Require any person to provide the department with disease sample tissue or disease sample data derived from a wild animal, as defined in s. 29.001 (90), if the department decides that the tissue or data is needed to determine the existence or extent of a disease in wild animals in this state.

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

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

SECTION 4. 29.047 (1m) of the statutes is amended to read:

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

SECTION 5. 29.047 (2) (a) of the statutes is amended to read:

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

SECTION 6. 29.063 (3) of the statutes is created to read:

29.063 (3) To control chronic wasting disease, the department may promulgate rules regulating the transportation, possession, control, storage, or disposal of the carcass of a deer or an elk in this state.

SECTION 7. 29.063 (4) of the statutes is created to read:

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

SECTION 8. 29.063 (5) of the statutes is created to read:

29.063 (5) (a) In this subsection:

1. “Landfill” means a solid waste facility, as defined in s. 289.01 (35), for solid waste disposal, as defined in s. 289.01 (34), licensed under s. 289.31.
2. “Meat processing facility” means a plant or premises where animals are slaughtered for human consumption, or where meat or meat products are processed, but does not include rendering plants.

Insert
A
Use
twice

3. “Wastewater treatment facility” means a plant or premises used to treat industrial wastewater or domestic wastewater or any combination of industrial wastewater and domestic wastewater and permitted pursuant to ch. 283.

(b) Subject to par. (c), the department may enter into agreements with persons who operate landfills, meat processing facilities, or wastewater treatment facilities in which this state agrees to indemnify those persons and their employees, officers, and agents against liability for damage to persons, property, or the environment resulting from the processing or disposal of carcasses of cervids that have chronic wasting disease.

(c) The department may enter into an agreement under par. (b) only if all of the following apply:

1. The agreement is approved by the governor and the governing body of the landfill, meat processing facility, or wastewater treatment facility.

2. The agreement specifies a method for determining whether the landfill, meat processing facility, or wastewater treatment facility is liable for damage described in par. (b).

3. The agreement requires the landfill, meat processing facility, or wastewater treatment facility to notify the department and the attorney general when a claim or lawsuit to which the agreement may apply is filed.

4. The agreement authorizes the attorney general to intervene on behalf of the landfill, meat processing facility, or wastewater treatment facility and this state in any lawsuit to which the agreement may apply.

5. The agreement requires the operator of the landfill, meat processing facility, or wastewater treatment facility to minimize risks related to processing or disposal of carcasses of cervids that have chronic wasting disease.

6. The agreement authorizes the department to require the operator of the landfill, meat processing facility, or wastewater treatment facility to operate in a manner specified in writing by the department to minimize risks related to processing or disposal of carcasses of cervids that have chronic wasting disease.

(d) This subsection and any agreement entered into under par. (b) may not be construed as consent to sue this state.

(e) If a claim is filed under an agreement under par. (b), the department shall review the claim to determine whether it is valid. A valid claim shall be paid from the appropriation under s. 20.370 (1) (fq).

SECTION 9. 29.347 (2) of the statutes is amended to read:

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

SECTION 10. 29.347 (2m) (b) of the statutes is amended to read:

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

SECTION 11. 29.347 (3) of the statutes is amended to read:

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

SECTION 12. 29.347 (5) (a) of the statutes is amended to read:

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

SECTION 13. 29.347 (5) (b) (intro.) of the statutes is amended to read:

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

SECTION 14. 29.347 (6) of the statutes is created to read:

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

SECTION 15. 29.357 (4m) of the statutes is created to read:

29.357 (4m) CONTROL OF DEER OR ELK CARCASSES. No person may transport, cause to be transported, deliver, receive, offer to deliver or receive, or control the carcass of a deer or an elk in violation of rules promulgated by the department under s. 29.063 (3) or (4).

SECTION 16. 29.357 (5) (b) of the statutes is amended to read:

29.357 (5) (b) Subsections (1) to (4) (4m) do not apply to the possession, transportation, delivery or receipt of farm–raised deer, farm–raised fish, farm–raised game birds, or wild animals that are subject to regulation under ch. 169.

SECTION 17. 29.361 (3m) of the statutes is created to read:

29.361 (3m) Notwithstanding subs. (1), (2), (2m), (3), and (5), no person may receive for transportation, transport, or attempt to transport the carcass of a deer or an elk in violation of rules promulgated by the department under s. 29.063 (3) or (4).

SECTION 18. 29.506 (5m) of the statutes is created to read:

29.506 (5m) CONTROL OF DEER OR ELK CARCASSES. No taxidermist may possess, transport, or control the carcass of a deer or an elk in violation of rules promulgated by the department under s. 29.063 (3) or (4).

(END)

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0167/3ins
RPN:wlj:pg

- 1 insert A:
2 No
R, except that the rules may not apply to any of the following:
3 (a) Meat that is cut and wrapped, either commercially or privately.
4 (b) Quarters or other portions of meat to which no part of the spinal column or
5 head is attached.
6 (c) Meat that has been boned ^gout.
7 (d) Hides with no heads attached.
8 (e) Finished taxidermy heads.
9 (f) Antlers with no meat or tissue attached.
10 (g) Skull plates with antlers attached and with no meat or tissue attached.
11 (h) Upper canine teeth.