

2003 SENATE BILL 503

February 26, 2004 – Introduced by Senator KEDZIE, cosponsored by Representative LOTHIAN. Referred to Committee on Environment and Natural Resources.

1 **AN ACT** *to amend* 29.875 (1r) and 95.55 (1) (a); and *to create* 169.04 (5m) of the
2 statutes; **relating to:** possession of certain white-tailed deer in Walworth
3 County.

Analysis by the Legislative Reference Bureau

Under current law, no person may rehabilitate white-tailed deer found in the wild unless the person has a rehabilitation license issued by the Department of Natural Resources (DNR). A rehabilitation license authorizes a person to take a white-tailed deer from the wild and rehabilitate it for release back into the wild, but the license does not authorize possession of the deer after it is rehabilitated.

This bill authorizes the holder of a rehabilitation license (licensee) who is rehabilitating white-tailed deer in Walworth County to keep white-tailed deer without any other license authorizing possession for purposes other than rehabilitation if the deer were taken from the wild before August 1, 2003. The bill also exempts such a licensee from the registration requirements for farm-raised deer that are imposed by the Department of Agriculture, Trade and Consumer Protection (DATCP). The bill requires the licensee to keep the deer confined in a fenced area that has a double-perimeter fence and that complies with the other rules promulgated by DNR for deer fences for white-tailed deer. The bill also requires the licensee to tag or otherwise identify the deer as required by DATCP. The licensee must not allow the deer to reproduce or allow them to be removed from the facilities that the licensee operates under the rehabilitation license. In addition, the licensee must report any disease in the deer to DATCP and, if any of the deer dies, the licensee

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must have the carcass tested for CWD. If the test for CWD shows evidence of the disease, the licensee must have all of the deer destroyed.

If the licensee does not comply with these requirements, the licensee may no longer possess the deer. If any of the deer escape, the bill requires the licensee to notify DNR within 24 hours. The licensee may at no time release the deer into the wild without the approval of DNR.

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

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

1 **SECTION 1.** 29.875 (1r) of the statutes is amended to read:

2 29.875 (1r) The department may seize and dispose of or may authorize the
3 disposal of any deer that has escaped from land owned by a person registered under
4 s. 95.55 or by a person who is subject to s. 169.04 (5m) if the escaped deer has traveled
5 more than 3 miles from the land or if the licensee or person has not had the deer
6 returned to the land within 24 hours of the discovery of the escape.

7 **SECTION 2.** 95.55 (1) (a) of the statutes is amended to read:

8 95.55 (1) (a) Except as provided in par. (b) and s. 169.04 (5m), no person may
9 keep farm-raised deer unless the person is registered with the department under
10 this section.

11 **SECTION 3.** 169.04 (5m) of the statutes is created to read:

12 169.04 (5m) EXEMPTION FOR CERTAIN DEER. (a) A person holding a rehabilitation
13 license who is rehabilitating white-tailed deer in Walworth County may possess
14 these white-tailed deer after they have been rehabilitated without holding any other
15 license or approval as required under this chapter and without being registered
16 under s. 95.55 if all of the following conditions apply:

17 1. The deer were taken from the wild before August 1, 2003.

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1 2. The license holder keeps the deer within a fenced area that has a double
2 perimeter fence around the area and that complies with all of the requirements
3 under the rules promulgated under s. 90.21 (6).

4 3. The license holder identifies the deer by tagging or by other means as
5 required by the department of agriculture, trade and consumer protection.

6 4. The license holder does not propagate the deer or otherwise allow the deer
7 to reproduce.

8 5. The license holder does not remove, or authorize the removal of, the deer from
9 the facilities and premises that are approved for use under the rehabilitation license.

10 6. The license holder notifies the department of agriculture, trade and
11 consumer protection of any illness found in any of the deer.

12 7. If any of the deer dies, the license holder shall have the carcass tested for
13 chronic wasting disease and shall have the test results submitted to the department
14 of natural resources and the department of agriculture, trade and consumer
15 protection.

16 8. If any of the deer is found, as a result of testing, to have chronic wasting
17 disease, the license holder shall have all of the deer destroyed.

18 (b) Legal title to the white-tailed deer subject to par. (a) remains with the state.

19 (c) The holder of the rehabilitation license who possesses the white-tailed deer
20 as authorized under par. (a) shall immediately notify the department if any of the
21 deer are not fenced as required under par. (a) 2., are not identified as required under
22 par. (a) 3., reproduce, or are removed from the facilities and premises that are
23 approved for use under the rehabilitation license.

