

**2003 DRAFTING REQUEST**

**Bill**

Received: **02/20/2004**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Neal Kedzie (608) 266-2635**

By/Representing: **himself**

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

Drafter: **mglass**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Kedzie@legis.state.wi.us**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Chronic wasting disease in certain captive deer

---

**Instructions:**

See Attached

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**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>
/?							State
/1	mglass 02/23/2004	kgilfoy 02/24/2004	rschluet 02/24/2004		sbasford 02/24/2004		State
/2	mglass 02/25/2004	kgilfoy 02/25/2004	chaugen 02/25/2004		sbasford 02/25/2004	Inorthro 02/25/2004	

Vers.    Drafted    Reviewed    Typed    Proofed    Submitted    Jacketed    Required

FE Sent For:

AA  
intro.

<END>

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FE Sent For:

*12-2/25  
mgg*

*On 2-25*

*On pb 2-25*

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1/?	mglass	1-2/23 Kmg					

FE Sent For:

<END>

## Kite, Robin

**From:** Sen.Kedzie  
**Sent:** Friday, February 20, 2004 12:12 PM  
**To:** Gibson-Glass, Mary  
**Cc:** Kite, Robin  
**Subject:** RE: Urgent draft request: captive deer exemption legislation

Mary,

Please change June 1, 2003 to August 1, 2003 in the draft instructions below. Thanks!

Neal Kedzie  
State Senator  
11th Senate District

-----Original Message-----

**From:** Sen.Kedzie  
**Sent:** Friday, February 20, 2004 9:55 AM  
**To:** Gibson-Glass, Mary  
**Cc:** Kite, Robin  
**Subject:** Urgent draft request: captive deer exemption legislation  
**Importance:** High

February 20, 2004

Dear Mary,

Please accept this correspondence as my request to add a paragraph to section 169.24, Stats. It is as follows:

(3)Notwithstanding any other provision of this chapter, a licensee under <sup>August</sup> this section who accepted deer for rehabilitation purposes in Walworth County before June 1, 2003 from an area where chronic wasting disease was subsequently discovered in free-ranging white-tailed deer may retain the deer subject to the following conditions:

- (a) Title to the deer shall remain with the state.
- (b) The deer shall be confined within a double fenced pen meeting the standards for farm raised deer promulgated by the department under s. 90.21(6).
- (c) The deer shall be identified in the manner required by the department of agriculture, trade and consumer protection for farm raised deer.
- (d) The deer may not be allowed to reproduce.
- (e) The deer may not be removed or allowed to escape from the premises.
- (f) Any deer that dies shall be tested for chronic wasting disease with test results submitted to the department and the department of agriculture, trade and consumer protection.
- (g) The department of agriculture, trade and consumer protection shall be notified of any illness in the deer.
- (h) If any deer is found to be positive to chronic wasting disease, all remaining deer shall be euthanized.
- (i) Upon a failure to follow any condition of this subsection, the licensee shall immediately notify the department and allow the department to remove the deer.

This is an absolutely urgent matter, due to the fact that without this provision, DNR is poised to destroy several deer taken in by a animal rehab facility in my district regardless if they know the deer have CWD or not. This is language the DNR put together for me, however it may be subject to change. I would, though, at least like to get something started as time is running out on the legislative session.

Thank you and if you have any questions, please contact Dan Johnson in my office. (6-2635)

Sincerely,

Neal Kedzie

State Senator  
11th Senate District





State of Wisconsin  
2003 - 2004 LEGISLATURE

RMR  
LRB-4329/1  
MGG: *Kag*

*Thurs.* *D-N*

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

*Print w/line #'s*

*Gen. Cat.*

AN ACT */...*; relating to: possession of certain white-tailed deer in Walworth County.

**Analysis by the Legislative Reference Bureau**

*they were*

*(DNR)*

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. 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.

*Stzt*

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, and if ~~they~~ taken from an area where chronic wasting disease (CWD) was subsequently found. The bill requires ~~that~~ the licensee <sup>to</sup> 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 the Department of Agriculture, Trade and Consumer Protection (DATCP). The licensee must not allow the deer to reproduce or allow them to <sup>be</sup> 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 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.

*was*  
*if it was*

*Stzt*

If the licensee does not comply with these requirements or if the deer escapes, the licensee may no longer ~~may no longer~~ possess the deer. 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:*

SECTION 1. 169.04 (5m) of the statutes is created to read:

169.04 (5m) EXEMPTION FOR CERTAIN DEER. (a) A person holding a rehabilitation license who is rehabilitating white-tail<sup>ed</sup> deer in Walworth County ~~that were taken from the wild~~ may possess these white-tailed deer after they have been rehabilitated without holding any other license or approval as required under this chapter if all of the following conditions apply:

1. The deer ~~were~~<sup>from the wild</sup> taken before August 1, 2003, from an area where chronic wasting disease was discovered in free-roaming ~~deer~~<sup>, white-tailed</sup> after that date.

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

3. The license holder identifies the deer by ~~branding, tagging, or~~<sup>by</sup> other means as required by the department of agriculture, trade<sup>e</sup> and consumer protection.

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

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

6. None of the deer escape from the facilities and premises that are approved for use under the rehabilitation license.

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

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

9. If any of the deer is found, as the results of testing, to have chronic wasting disease, the license holder shall have all of the remaining deer destroyed.

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

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

(d) Upon notification under par. (c), or if the department determines that any of the conditions under par. (a) are not met, the holder of the rehabilitation license shall no longer be authorized to possess the white-tailed deer.

(e) The holder of the rehabilitation license may not release any of the deer subject to par. (a) into the wild without the prior approval of the department.

(END)

L-NOTE

: King:

I recommend having DNR review this prior to introduction.

MGB

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-4329/1dn  
MGG:kg:rs

February 24, 2004

I recommend having DNR review this prior to introduction.

Mary Gibson-Glass  
Senior Legislative Attorney  
Phone: (608) 267-3215

## **Gibson-Glass, Mary**

---

**From:** Johnson, Dan (Legislature)  
**Sent:** Tuesday, February 24, 2004 3:06 PM  
**To:** Gibson-Glass, Mary  
**Subject:** change to LRB 4329: deer rehab bill

Hi Mary,

While I haven't heard back from everyone on the deer rehab bill (LRB 4329), Senator Kedzie and I had a chance to look at it and believe the language after August 1, 2003 (lines 7-9 on page 2) is not needed. Thus, we feel it could simply read:

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

As it's written, it says the deer would have been taken from an area where CWD was discovered, but that's not necessarily the case, and I don't think it should matter where they were taken from. Also, am I to understand that the only penalty for allowing the deer to escape is not letting the facility to keep them? That seems odd, but we're fine with that unless there is some other penalty were not aware of under the section.

I'll let you know if there are any more changes to the bill and get them to you quickly. Thank you!!

Dan Johnson  
State Senator Neal Kedzie  
11th Senate District  
(608) 266-2635

## **Gibson-Glass, Mary**

---

**From:** Johnson, Dan (Legislature)  
**Sent:** Wednesday, February 25, 2004 9:24 AM  
**To:** Gibson-Glass, Mary  
**Subject:** FW: LRB 4329: deer rehab bill

Hi Mary,

Please see DATCP's comments below on the deer rehab bill. I believe it is a reasonable request for addition to the bill.

Thanks!

Dan Johnson  
State Senator Neal Kedzie  
11th Senate District  
(608) 266-2635

-----Original Message-----

**From:** Moll, Keeley A DATCP  
**Sent:** Wednesday, February 25, 2004 9:14 AM  
**To:** Johnson, Dan (Legislature); Hurley, Sarah S.; Ehlenfeldt, Robert G DATCP  
**Subject:** RE: LRB 4329: deer rehab bill

Our atty. looked at the draft and said that in Section 1 (p. 2, line 5) after the word chapter, language including s. 95.55 needs to be added and a similar reference in our s. 95.55 for this new exemption in 169.04 would be helpful. Let me know if you have questions, or you can call our atty. Ruth Heike directly at 224-5025.

*OK to cross-reference these deer in 29.875(1r).*



DNR

NOW (immediately after amendments for the floor)

2003 BILL

for farm-raised deer that are imposed by

The bill also exempts such a licensee<sup>ea</sup> from the regulations requirements in the Department of Agriculture, Trade and Consumer Protection (DATCP).

1 AN ACT to create 169.04 (5m) of the statutes; relating to: possession of certain  
2 white-tailed deer in Walworth 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, and if they were taken from an area where chronic wasting disease (CWD) was subsequently found. 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 the Department of Agriculture, Trade and Consumer Protection (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 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 any of the deer escape  
- 2 -

**BILL**

The bill requires the licensee  
to notify DNR if any of the deer escape  
within 24 hours.

If the licensee does not comply with these requirements, ~~or if the deer escape,~~  
the licensee may no longer possess the deer. 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:*

INSERT  
2-1

SECTION 1. 169.04 (5m) of the statutes is created to read:

169.04 (5m) EXEMPTION FOR CERTAIN DEER. (a) A person holding a rehabilitation  
license who is rehabilitating white-tailed deer in Walworth County may possess  
these white-tailed deer after they have been rehabilitated without holding any other  
license or approval as required under this chapter ~~if~~ *and without being registered under* <sup>3.95.55</sup> if all of the following conditions  
apply:

1. The deer were taken from the wild before August 1, 2003, ~~from an area where  
chronic wasting disease was discovered in free-roaming, white-tailed deer after that  
date.~~

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

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

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

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

**BILL**

1 ~~6. None of the deer escape from the facilities and premises that are approved~~  
2 ~~for use under the rehabilitation license.~~

3 ~~6. 7.~~ The license holder notifies the department of agriculture, trade and  
4 consumer protection of any illness found in any of the deer.

5 7. ~~8~~ If any of the deer dies, the license holder shall have the carcass tested for  
6 chronic wasting disease and shall have the test results submitted to the department  
7 of natural resources and the department of agriculture, trade and consumer  
8 protection.

9 ~~8. 9~~ If any of the deer is found, as a result of testing, to have chronic wasting  
10 disease, the license holder shall have all of the deer destroyed.

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

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

17 (d) Upon notification under par. (c), or if the department determines that any  
18 of the conditions under par. (a) are not met, the holder of the rehabilitation license  
19 shall no longer be authorized to possess the white-tailed deer.

20 (f) ~~(e)~~ The holder of the rehabilitation license may not release any of the deer  
21 subject to par. (a) into the wild without the prior approval of the department.

(END)

22  
A If any of the deer escape from the facilities or premises that are approved for use under the reha-  
(e) ~~The holder of the rehabili~~ immediately  
bilitation license, the license holder shall  
notify the department with the security of the escape.

Section #. 29.875 (1r) of the statutes is amended to read:

~~or by a person~~ <sup>who is</sup> ~~subject to~~ <sup>s.</sup> ~~169.04(5m)~~ <sup>INS 2-1</sup>

29.875 (1r) The department may seize and dispose of or may authorize the disposal of any deer that has escaped from land 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 24 hours of the discovery of the escape.

History: 1991 a. 269; 1995 a. 79; 1997 a. 248 s. 631; Stats. 1997 s. 29.875; 2001 a. 56, 109.

(cont)



INSERT  
2-1  
(2nd page)  
(+end)

Section #. 95.55 (1) (a) of the statutes is amended to read:

and S. 169.04(5m) ✓

95.55 (1) (a) Except as provided in par. (b) <sup>↖</sup>no person may keep farm-raised deer unless the person is registered with the department under this section.

History: 1995 a. 79; 2001 a. 56.

**Northrop, Lori**

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**From:** Johnson, Dan (Legislature)  
**Sent:** Wednesday, February 25, 2004 3:55 PM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 03-4329/2 Topic: Chronic wasting disease in certain captive deer

It has been requested by <Johnson, Dan (Legislature)> that the following draft be jacketed for the SENATE:

Draft review: LRB 03-4329/2 Topic: Chronic wasting disease in certain captive deer