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

AN ACT to amend 29.875 (1r) and 95.55 (1) (a); and to create 169.04 (5m) of the statutes; relating to: possession of certain 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. 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...
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.

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

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

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 or by a person who is subject to s. 169.04 (5m) 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.

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

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

**SECTION 3.** 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 and without being registered
under s. 95.55 if all of the following conditions apply:

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

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

7. 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.

8. If any of the deer is found, as a result of testing, to have chronic wasting disease, the license holder shall have all of the 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 who possesses 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 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) If any of the deer escape from the facilities or premises that are approved
for use under the rehabilitation license, the license holder shall notify the
department immediately.

(f) 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)