

2005 ASSEMBLY BILL 609

1 **AN ACT** *to repeal* 167.31 (4) (bg) 1m.; *to amend* 29.047 (1m), 29.047 (2) (a),
2 29.089 (3), 29.177 (1), 29.347 (2), 29.347 (2m) (b), 29.347 (3) (a), 29.347 (5) (a),
3 29.347 (5) (b) (intro.), 29.357 (5) (b) and 167.31 (4) (bg) 2.; and *to create* 20.370
4 (1) (hc), 23.09 (2) (p), 29.001 (19), 29.047 (1) (c) 3., 29.063 (3), 29.063 (4), 29.063
5 (5), 29.063 (6), 29.347 (6), 29.357 (4m), 29.361 (3m) and 29.506 (5m) of the
6 statutes; **relating to:** agreements to indemnify persons who process or dispose
7 of carcasses with chronic wasting disease; access to tissue or disease data from
8 wild animals; the regulation of the transportation, possession, control, storage,
9 or disposal of the carcass of a cervid from a chronic wasting disease control zone
10 or a state with confirmed chronic wasting disease; hunting deer in a chronic

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1 wasting disease control zone without a deer hunting license; granting
2 rule-making authority; and making an appropriation.

Analysis by the Legislative Reference Bureau

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

3 **SECTION 1.** 20.370 (1) (hc) of the statutes is created to read:

4 20.370 **(1)** (hc) *Indemnification agreements.* From the general fund, a sum
5 sufficient to provide indemnification under agreements under s. 29.063 (6).

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

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

11 **SECTION 3.** 29.001 (19) of the statutes is created to read:

12 29.001 **(19)** “Cervid” means any species of deer or elk that is present in the wild
13 and that is not a farm-raised deer.

14 **SECTION 4.** 29.047 (1) (c) 3. of the statutes is created to read:

15 29.047 **(1)** (c) 3. If the game is a cervid the person transports, possesses,
16 delivers, receives, or controls the carcass of the cervid in compliance with rules
17 promulgated by the department.

18 **SECTION 5.** 29.047 (1m) of the statutes is amended to read:

19 29.047 **(1m)** Unless prohibited by the laws of an adjoining state or a rule
20 promulgated by the department under s. 29.063 (3) or (4), any person who has
21 lawfully killed a deer ~~or an elk~~ cervid in this state may take the deer ~~or an elk~~ cervid

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1 or its carcass into the adjoining state and ship the deer ~~or an elk~~ cervid or carcass
2 from any point in the adjoining state to any point in this state.

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

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

8 **SECTION 7.** 29.063 (3) of the statutes is created to read:

9 29.063 **(3)** To control chronic wasting disease, the department may promulgate
10 rules regulating the transportation, possession, control, storage, or disposal of the
11 carcass of a cervid in this state, except that the rules may not apply to any of the
12 following:

13 (a) Meat that is cut and wrapped, either commercially or privately.

14 (b) Quarters or other portions of meat to which no part of the spinal column or
15 head is attached.

16 (c) Meat that has been deboned.

17 (d) Hides with no heads attached.

18 (e) Finished taxidermy heads.

19 (f) Antlers with no meat or tissue attached.

20 (g) Skulls with antlers attached and with no meat or tissue attached.

21 (h) Upper canine teeth.

22 **SECTION 8.** 29.063 (4) of the statutes is created to read:

23 29.063 **(4)** The department may promulgate rules prohibiting the
24 transportation of the carcass of a cervid from another state or country in which

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1 chronic wasting disease has been confirmed in a cervid, except that the rules may not
2 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 deboned.

7 (d) Hides with no heads attached.

8 (e) Finished taxidermy heads.

9 (f) Antlers with no meat or tissue attached.

10 (g) Skulls with antlers attached and with no meat or tissue attached.

11 (h) Upper canine teeth.

12 **SECTION 9.** 29.063 (5) of the statutes is created to read:

13 29.063 (5) The department may exempt deer hunters from obtaining a license
14 under this chapter for the hunting of deer in an area that the department has
15 designated by rule as a chronic wasting disease control zone. Deer hunters that are
16 exempted under this subsection shall be at least 12 years of age, except that a person
17 born on or after January 1, 1973, may not hunt deer under this subsection unless he
18 or she complies with ss. 29.304 and 29.593. The department shall by rule establish
19 eligibility criteria and application procedures for receipt of an exemption under this
20 subsection, including a method for obtaining a permit to hunt deer without a license
21 under this subsection.

22 **SECTION 10.** 29.063 (6) of the statutes is created to read:

23 29.063 (6) (a) In this subsection:

24 1. "Landfill" means a solid waste facility, as defined in s. 289.01 (35), for solid
25 waste disposal, as defined in s. 289.01 (34), licensed under s. 289.31.

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

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

7 (b) Subject to par. (c), the department or the department of agriculture, trade
8 and consumer protection may enter into agreements with persons who own or
9 operate landfills, meat processing facilities, or wastewater treatment facilities in
10 which this state agrees to indemnify those persons and their employees, officers, and
11 agents against liability for damage to persons, property, or the environment
12 resulting from the processing or disposal of carcasses of cervids and farm-raised deer
13 that have chronic wasting disease.

14 (c) The department or the department of agriculture, trade and consumer
15 protection may enter into an agreement under par. (b) only if all of the following
16 apply:

17 1. The governor approves the agreement.

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

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

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

4 5. The agreement requires the owner or operator of the landfill, meat
5 processing facility, or wastewater treatment facility to minimize risks related to
6 processing or disposal of carcasses of cervids and farm-raised deer that have chronic
7 wasting disease.

8 6. The agreement authorizes the department that entered into the agreement
9 to require the owner or operator of the landfill, meat processing facility, or
10 wastewater treatment facility to operate in a manner specified in writing by that
11 department to minimize risks related to processing or disposal of carcasses of cervids
12 and farm-raised deer that have chronic wasting disease.

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

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

18 **SECTION 11.** 29.089 (3) of the statutes is amended to read:

19 29.089 (3) A person may hunt deer, elk, wild turkeys, or small game in a state
20 park, or in a portion of a state park, if the department has authorized by rule the
21 hunting of that type of game in the state park, or in the portion of the state park, and,
22 except as provided in s. 29.063 (5), if the person holds the approvals required under
23 this chapter for hunting that type of game.

24 **SECTION 12.** 29.177 (1) of the statutes is amended to read:

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1 29.177 (1) ISSUANCE. The department may issue a hunter's choice deer hunting
2 permit, a deer hunting party permit or other special deer hunting permit to a person
3 with a valid deer hunting license who applies for the permit and to a person who is
4 exempt from obtaining a deer hunting license under s. 29.063 (5) who applies for a
5 permit.

6 **SECTION 13.** 29.347 (2) of the statutes is amended to read:

7 29.347 (2) DEER OR ELK CARCASS TAGS. Except as provided under sub. (5) and s.
8 29.324 (3), any person who kills a deer shall immediately attach to the ear or antler
9 of the deer a current validated deer carcass tag which is authorized for use on the
10 type of deer killed. Any person who kills an elk shall immediately attach to the ear
11 or antler of the elk a current validated elk carcass tag. Except as provided under sub.
12 (2m) or s. 29.89 (6), no person may possess, control, store, or transport a deer carcass
13 unless it is tagged as required under this subsection. Except as provided under sub.
14 (2m), no person may possess, control, store, or transport an elk carcass unless it is
15 tagged as required under this subsection. A person who kills a deer or an elk shall
16 register the deer or elk in the manner required by the department. A person who kills
17 a deer or an elk shall possess, control, store, or transport the deer or elk carcass in
18 compliance with rules promulgated by the department under s. 29.063 (3). The
19 carcass tag may not be removed before registration. The removal of a carcass tag
20 from a deer or an elk before registration renders the deer or elk untagged.

21 **SECTION 14.** 29.347 (2m) (b) of the statutes is amended to read:

22 29.347 (2m) (b) Any Subject to sub. (6), any person who retains a tag under par.
23 (a) may give deer or elk meat to another person. The person who receives the gift of
24 deer or elk meat is not required to possess a tag.

25 **SECTION 15.** 29.347 (3) (a) of the statutes is amended to read:

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1 29.347 (3) (a) Except as provided in par. (b) and sub. (6), the control or
2 possession of the head or skin of any deer or elk lawfully killed, when severed from
3 the rest of the carcass, are not subject to this chapter.

4 **SECTION 16.** 29.347 (5) (a) of the statutes is amended to read:

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

11 **SECTION 17.** 29.347 (5) (b) (intro.) of the statutes is amended to read:

12 29.347 (5) (b) (intro.) No person may take possession of the carcass of a deer
13 killed in the manner specified in par. (a) and remove the carcass from the scene of
14 the accident unless the person has complied with rules promulgated by the
15 department under s. 29.063 (3) and one of the following apply:

16 **SECTION 18.** 29.347 (6) of the statutes is created to read:

17 29.347 (6) CONTROL OF CARCASSES. No person may transport, possess, store,
18 butcher, or control the carcass of a cervid in violation of rules promulgated by the
19 department under s. 29.063 (3) or (4).

20 **SECTION 19.** 29.357 (4m) of the statutes is created to read:

21 29.357 (4m) CONTROL OF CERVID CARCASSES. No person may transport, cause to
22 be transported, deliver, receive, offer to deliver or receive, or control the carcass of
23 a cervid in violation of rules promulgated by the department under s. 29.063 (3) or
24 (4).

25 **SECTION 20.** 29.357 (5) (b) of the statutes is amended to read:

