

2005 DRAFTING REQUEST

Bill

Received: **04/06/2005**

Received By: **rnelson2**

Wanted: **As time permits**

Identical to LRB:

For: **Joel Kleefisch (608) 266-8551**

By/Representing: **Kelly**

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.Kleefisch@legis.state.wi.us**

Carbon copy (CC:) to: **kurt.thiede@dnr.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Disposal of carcasses with chronic wasting disease

Instructions:

See Attached and 03-4075, 03s0167, 05-0620

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>
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/P1	rnelson2 04/06/2005	wjackson 04/13/2005	pgreensl 04/13/2005	_____	lemery 04/13/2005		State
/P2	rnelson2 04/22/2005	wjackson 04/23/2005	jfrantze 04/25/2005	_____	sbasford 04/25/2005		State
/1	rnelson2 06/15/2005	wjackson 06/15/2005	rschluet 06/15/2005	_____	sbasford 06/16/2005		State

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At Intro.

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				<i>ps 1/15</i>			

FE Sent For:

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CORRESPONDENCE/MEMORANDUM

DATE: March 16, 2005

TO: Rep. Kleefisch

FROM: Kurt A. Thiede, Rules and Regulations Specialist, Bureau of Wildlife Management, DNR

SUBJECT: Chronic Wasting Disease Legislation

mtg w/d
4/6/05

Below is a list of Chronic Wasting Disease (CWD) legislative authorities that the Department of Natural Resources is seeking in the 2005-2006 legislative session along with an explanation of these items.

Summary:

Each of these items has been determined as a critical component in the state's CWD management control strategies:

- Indemnification for processing and disposal of deer carcasses. yes
- Authorize the department to promulgate rules to regulate the movement of carcasses of wild and free ranging deer and elk into and within Wisconsin, and the eventual disposal of the carcass or carcass parts. narrow
- Require individuals and organizations to provide tissue samples for disease testing upon request. yes
- Repeal sunset provisions to allow DNR staff and agents to shoot from vehicles in CWD zones, and allow landowners and family to shoot deer from tractors and farm implements. yes
- Authorize the department to exempt all deer hunters from deer hunting license requirements when hunting in areas where designated by the department for disease control purposes. yes
- Authorize the department to require reimbursement of state costs for activities associated with disease management resulting from captive animals. no
- Allow the department to directly issue incentives to those individuals assisting the department with CWD related activities.

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Requested Authorities:

Indemnification for processing and disposal of deer carcasses. The Department may enter into agreements with parties who operate landfills, wastewater treatment plants and meat processing facilities to indemnify them, their employees, officers and agents against liability for damage to persons, property or the environment resulting from their processing or disposal of carcasses of deer that had chronic wasting disease. ✓

Authorize the promulgation of rules that regulate the movement and disposal of deer and elk carcasses. Authorize as follows, "the Department may promulgate rules to regulate the movement of carcasses of wild and free ranging deer and elk into and within Wisconsin, and the eventual disposal of the carcass or carcass parts if it is determined that there is a risk to the health or safety of the natural resources of the state." ✓

Require individuals and organizations to provide tissue samples for disease testing upon request. Authorize as follows, "the Department may require any person or organization to provide to them disease sample tissue or disease sample data derived from wild animals in Wisconsin, if needed by the Department to determine the existence or extent of disease in wild animals in Wisconsin."

Reestablish Department and Landowner Authorities...

Repeal ss. 167.31(4)(bg)1m. and 2., Stats. :

s. 167.31(4)(bg)1. Subsection (2) (a), (b), (c), and (d) does not apply to a state employee or agent, or to a federal employee or agent, who is acting within the scope of his or her employment or agency, who is authorized by the department of natural resources to take animals in the wild for the purpose of controlling the spread of disease in animals and who is hunting in an area designated by the department of natural resources as a chronic wasting disease eradication zone, except that this subdivision does not authorize the discharge of a firearm or the shooting of a bolt or arrow from a bow or crossbow across a state trunk highway, county trunk highway, or paved town highway.

1g. Subsection (2) (b) and (c) does not apply to a landowner, a family member of the landowner, or an employee of the landowner who is using a firearm, bow, or crossbow to shoot wild animals from a farm tractor or an implement of husbandry on the landowner's land that is located in an area designated by the department of natural resources as a chronic wasting disease eradication zone.

~~1m. Subsection (3) (a) and (b) does not apply to a state employee or agent or a federal employee or agent hunting an animal in the wild as authorized under s. 29.307(2).~~

~~2. This paragraph does not apply after June 30, 2004.~~

Note: s. 167.31(2) Prohibitions; motorboats and vehicles; highways and roadways. (a) Except as provided in sub. (4), no person may place, possess or transport a firearm, bow or crossbow in or on a motorboat with the motor running, unless the firearm is unloaded or unless the bow or crossbow is unstrung or is enclosed in a carrying case.

(b) Except as provided in sub. (4), no person may place, possess or transport a firearm, bow or crossbow in or on a vehicle, unless the firearm is unloaded and encased or unless the bow or crossbow is unstrung or is enclosed in a carrying case.

(c) Except as provided in sub. (4), no person may load or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow in or from a vehicle.

(d) Except as provided in sub. (4) (a), (bg), (cg), (e), and (g), no person may discharge a firearm or shoot a bolt or an arrow from a bow or crossbow from or across a highway or within 50 feet of the center of a roadway.

(3) Prohibitions; aircraft. (a) Except as provided in sub. (4), no person may place, possess or transport a firearm, bow or crossbow in or on an aircraft, unless the firearm is unloaded and encased or unless the bow or crossbow is unstrung or is enclosed in a carrying case.

(b) Except as provided in sub. (4), no person may load or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow in or from an aircraft.

Nelson, Robert P.

From: Thiede, Kurt A
Sent: Thursday, April 07, 2005 10:25 AM
To: Nelson, Robert P.
Cc: Crossley, Alan X.; Smith, Amber M.; Andryk, Timothy A.
Subject: Chronic Wasting Disease (CWD) Legislation

Bob,

It was nice to meet you yesterday. Attached is a document with suggested modifications and language for the legislation discussed yesterday morning with Rep. Kleefisch regarding CWD. This language pertains to carcass transportation and license exemption authority. If you have any question or you have other suggested language that you would like us to review, please feel free to call or send me an e-mail. Thanks for your work on this.

Kurt



CWD Legis
Language.doc

Kurt A. Thiede

Regulation Policy and Outreach Specialist
Bureau of Wildlife Management
Wisconsin Department of Natural Resources
phone: (608) 267-2452
fax: (608) 267-7857
e-mail: kurt.thiede@dnr.state.wi.us

2) Proposed language for waiving the license requirement for hunters in CWD management areas (Similar to language in 2003 SB 407).

[Note: The Department's intent would be to exempt a hunter from obtaining a hunting license, but still require a backtag and for carcasses to be tagged with a carcass tag. In addition, we may utilize this authority in an area that is smaller than the entire disease eradication zone (DEZ), or a hotspot area around a positive that may not be in the current DEZ. Therefore, we suggest using the language "chronic wasting disease management area" which provides the flexibility to be more narrow in scope with the implementation of this rule if necessary as an incentive to focus harvest and to potentially reduce the impact of license revenue loss.]

SECTION 1. 29.063 (5) of the statutes is created to read:

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

SECTION 2. 29.089 (3) of the statutes is amended to read:

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

SECTION 3. 29.177 (1) of the statutes is amended to read:

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

1) Proposed alternative language regarding the department's authority to regulate carcass movement, which appeared in AB 292 in 2004.

[Note: I'm not sure if this is what Rep. Kleefisch had in mind, but with the modifications listed below, there was no vocal opposition in either hearing held on AB 292 in 2004.]

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, except that the rules may 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 to which no part of the spinal column or head is attached.
- (c) Meat that has been boned.
- (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.

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, except that the rules may 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 to which no part of the spinal column or head is attached.
- (c) Meat that has been boned.
- (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.

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2003 ASSEMBLY BILL 292**

SOON

LRS: Please
PWF

October 14, 2003 - Offered by Representatives SERATTI, GROTHMAN and GUNDERSON.

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.

regulation
of the

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). DNR 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.

Under the bill, these rules may not apply

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, ~~except that~~ certain types of meat and antlers, including boned meat, wrapped meat, and finished taxidermy heads, ~~may not be prohibited.~~ *(No)*

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~~ *processing or disposal* of deer or elk ~~with~~ *that have* chronic wasting disease.

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

*insert
an A*
*ins, J
anl B*

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

(hd)

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

2 20.370 (1) ~~(fg)~~ *(hc)* *Indemnification agreements.* From the general fund, a sum
3 sufficient to provide indemnification under agreements under s. 29.063 ~~(5)~~ *(6)*.

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, except that the rules may not apply to any
15 of the following:

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

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

19 (c) Meat that has been boned.

20 (d) Hides with no heads attached.

21 (e) Finished taxidermy heads.

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

23 (g) Skull plates with antlers attached and with no meat or tissue attached.

24 (h) Upper canine teeth.

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

Chronic Wasting Disease

1 29.063 (4) The department may promulgate rules prohibiting the
2 transportation of the carcass of a deer or an elk from another state or country in
3 which chronic wasting disease has been confirmed in a deer or an elk, except that the
4 rules may not apply to any of the following:

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

*insert
4-13*

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

15 29.063 (5) (a) In this subsection:

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

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

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

24 (b) Subject to par. (c), the department may enter into agreements with persons
25 who operate landfills, meat processing facilities, or wastewater treatment facilities

1 in which this state agrees to indemnify those persons and their employees, officers,
2 and agents against liability for damage to persons, property, or the environment
3 resulting from the processing or disposal of carcasses of cervids that have chronic
4 wasting disease.

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

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

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

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

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

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

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

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

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

6 **SECTION 9.** 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 ^{plain} ~~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 10.** 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 11.** 29.347 (3) of the statutes is amended to read:

insert 5

SSO 290063 (5)
end

plain 290063 (5) or

1 29.347 (3) HEADS AND SKINS. ~~The Except as provided in sub. (6), the head and~~
2 skin of any deer or elk lawfully killed, when severed from the rest of the carcass, are
3 not subject to this chapter; but no person may have possession or control of the green
4 head or green skin of a deer or an elk during the period beginning 30 days after the
5 close of the applicable season and the opening of the succeeding applicable season.
6 Unless authorized by the department, no person may at any time have possession
7 or control of a deer or an elk head in the velvet or a deer or an elk skin in the red, blue,
8 or spotted coat.

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

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

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

17 29.347 (5) (b) (intro.) No person may take possession of the carcass of a deer
18 killed in the manner specified in par. (a) and remove the carcass from the scene of
19 the accident unless the person has complied with rules promulgated by the
20 department under s. 29.063 (3) and one of the following apply:

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

22 29.347 (6) CONTROL OF CARCASSES. No person may transport, possess, store,
23 butcher, or control the carcass of a deer or an elk in violation of rules promulgated
24 by the department under s. 29,063 (3) or (4).

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

insert
7-8 →

1 29.357 **(4m)** CONTROL OF DEER OR ELK CARCASSES. No person may transport,
2 cause to be transported, deliver, receive, offer to deliver or receive, or control the
3 carcass of a deer or an elk in violation of rules promulgated by the department under
4 s. 29.063 (3) or (4).

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

6 29.357 **(5)** (b) Subsections (1) to ~~(4)~~ **(4m)** do not apply to the possession,
7 transportation, delivery, or receipt of farm-raised deer, farm-raised fish,
8 farm-raised game birds, or wild animals that are subject to regulation under ch. 169.

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

10 29.361 **(3m)** Notwithstanding subs. (1), (2), (2m), (3), and (5), no person may
11 receive for transportation, transport, or attempt to transport the carcass of a deer or
12 an elk in violation of rules promulgated by the department under s. 29.063 (3) ~~or (4)~~.

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

14 29.506 **(5m)** CONTROL OF DEER OR ELK CARCASSES. No taxidermist may possess,
15 transport, or control the carcass of a deer or an elk in violation of rules promulgated
16 by the department under s. 29.063 (3) or (4).

17

(END)

insert
8-16

Insert an C A:

4 If ^e this bill requires any person to provide DNR with tissue or data derived from a wild animal if that sample is needed to determine the extent of a disease in wild animals. The bill removes the sunset date of June 30, 2004, to again allow DNR and staff, federal employees and landowners to shoot deer from certain vehicles in areas designated as chronic wasting disease eradication zones.

2003 SENATE BILL 407

- CWD DEER LICENSE EXEMPTIONS

January 26, 2004 - Introduced by Senators KEDZIE, ZIEN, S. FITZGERALD, COWLES, ROESSLER, LASSA, SCHULTZ and STEPP, cosponsored by Representatives JOHNSRUD, HUEBSCH, FREESE, KRAWCZYK, OTT, GRONEMUS, ALBERS, HINES, HAHN, VRAKAS, LOTHIAN, J. LEHMAN, PETROWSKI, MOLEPSKE, JESKEWITZ, SUDER, AINSWORTH, MUSSER, OLSEN and PLOUFF. Referred to Committee on Environment and Natural Resources.

1 AN ACT to repeal 29.569 (2) (b), 29.569 (2) (c) 1. and 29.569 (2) (c) 3.; to renumber
 2 29.569 (2) (c) 2.; to amend 29.089 (3), 29.177 (1), 29.301 (3), 29.347 (2), 29.569
 3 (2) (a) and 29.569 (2) (c) (title); and to create 29.063 (3) of the statutes; relating
 4 to: hunting deer in a chronic wasting disease intensive harvest or ^{herd} ~~herd~~
 5 reduction zone without a deer hunting license; ^{the} receipt of a deer hunting
 6 license during an open season for hunting deer; ~~and~~ granting rule-making
 7 authority.

Insert 1-10

Analysis by the Legislative Reference Bureau

Under current law, a person must have a valid deer hunting license to obtain a permit to hunt deer. In addition, the person is required to wear a back tag while hunting and to attach a deer tag to any deer killed during the deer hunt. This bill allows ~~the Department of Natural Resources~~ (DNR) to exempt deer hunters in chronic wasting disease intensive harvest or herd reduction zones from having a deer hunting license, wearing a back tag, or tagging a deer killed in the hunt. The bill requires DNR to promulgate a rule that establishes eligibility criteria and application procedures for receipt of an exemption from those requirements.

Insert and B

Currently, no deer hunting license, sports license, or conservation patron license may be issued during the open season for the hunting of deer, except to an active member of the U.S. armed forces or to a person who becomes 12 years of age during the open season. This bill repeals that prohibition.

SENATE BILL 407

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~~⁵ 29.063 ~~(1)~~⁽⁵⁾ of the statutes is created to read:
2 29.063 ~~(1)~~⁽⁵⁾ The department may exempt deer hunters from obtaining a license
3 under this chapter for the hunting of deer, from displaying a back tag under s. 29.301
4 (3)[✓], and from attaching a deer tag under s. 29.347 (2)[✓] in an area that the department
5 has designated by rule as a chronic wasting disease intensive harvest zone or herd
6 reduction zone. Deer hunters that are exempted under this subsection shall be at
7 least 12 years of age, except that a person born on or after January 1, 1973, may not
8 hunt deer under this subsection unless he or she complies with s. 29.593[✓]. The
9 department shall by rule establish eligibility criteria and application procedures for
10 receipt of an exemption under this subsection, including a method for obtaining a
11 permit to hunt deer without a license under this subsection.

insert
4-13

12 SECTION ~~#~~[✓] 29.089 (3)[✓] of the statutes is amended to read:
13 29.089 (3) A person may hunt deer, elk, wild turkeys, or small game in a state
14 park, or in a portion of a state park, if the department has authorized by rule the
15 hunting of that type of game in the state park, or in the portion of the state park, and,
16 except as provided in s. 29.063 ~~(1)~~⁵, if the person holds the approvals required under
17 this chapter for hunting that type of game.

insert
6-5

18 SECTION ~~#~~[✓] 29.177 (1)[✓] of the statutes is amended to read:
19 29.177 (1) ISSUANCE. The department may issue a hunter's choice deer hunting
20 permit, a deer hunting party permit or other special deer hunting permit to a person
21 with a valid deer hunting license who applies for the permit and to a person who is

SENATE BILL 407

1 exempt from obtaining a deer hunting license under s. 29.063 (5) who applies for a
2 permit.

3 SECTION 4 29.301 (3) of the statutes is amended to read:

4 29.301 (3) BACK TAG, DISPLAY. No Except as provided under s. 29.063 (5), no
5 person may hunt deer unless the back tag issued to the person with the license
6 authorizing deer hunting is attached to the center of the person's coat, shirt, jacket
7 or similar outermost garment where it can clearly be seen.

8 SECTION 5, 29.347 (2) of the statutes is amended to read:

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

22 SECTION 6. 29.569 (2) (a) of the statutes is amended to read:

23 29.569 (2) (a) *Archer hunting license: issuance after the beginning of the open*
24 *season for hunting deer.* Except as provided in par. (c) 2., a resident archer hunting
25 license, a nonresident archer hunting license, a resident conservation patron license

insert
6-5

↑

↓

f

SENATE BILL 407

1 or a nonresident conservation patron license issued during the open season for the
2 hunting of deer with a bow and arrow does not authorize hunting until 3 days after
3 it is issued, excluding the date of issuance.

4 **SECTION 7.** 29.569 (2) (b) of the statutes is repealed.

5 **SECTION 8.** 29.569 (2) (c) (title) of the statutes is amended to read:

6 29.569 (2) (c) (title) ~~Exceptions~~ Exception.

7 **SECTION 9.** 29.569 (2) (c) 1. of the statutes is repealed.

8 **SECTION 10.** 29.569 (2) (c) 2. of the statutes is renumbered 29.569 (2) (c).

9 **SECTION 11.** 29.569 (2) (c) 3. of the statutes is repealed.

10

~~(END)~~

**2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2676/P1ins
RPN:.....

1 insert 8-16:

2 **SECTION ~~1.~~** 167.31 (4) (bg) 1m. of the statutes is repealed.

3 **SECTION ~~2.~~** 167.31 (4) (bg) 2. of the statutes is repealed.

Insert 7-8

Section #. 29.347 (3) (a) of the statutes is amended to read:

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

History: 1975 c. 97, 199; 1983 a. 546; 1991 a. 269, 316; 1995 a. 79, 126; 1997 a. 248 s. 504; Stats. 1997 s. 29.347; 1999 a. 9; 2001 a. 16, 56, 109; 2003 a. 247, 321.

Nelson, Robert P.

From: Thiede, Kurt A
Sent: Wednesday, April 20, 2005 12:08 PM
To: Nelson, Robert P.
Cc: Van Haren, Thomas
Subject: RE: Draft review: LRB 05-2676/P1 Topic: Disposal of carcasses with chronic wasting disease

✓ Bob, just when you thought..."there couldn't possibly be anymore!" I failed to include one change that our Law Enforcement folks identified as a necessity in the legislation. On Page 5, Line 8...you cross-reference the hunter education requirement, but we do not cross-reference the hunting age requirement. I believe this can be fixed by adding " ss. 29.304 and" before the reference to s. 29.593.

Thanks again,
 Kurt

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

From: Thiede, Kurt A
Sent: Wednesday, April 20, 2005 11:15 AM
To: Nelson, Robert P.
Cc: Emery, Lynn; Crossley, Alan X.; Hauge, Tom M; Osterndorf, Laurie J; Smith, Amber M.; Van Haren, Thomas; Andryk, Timothy A.
Subject: RE: Draft review: LRB 05-2676/P1 Topic: Disposal of carcasses with chronic wasting disease

Bob,

We've had a chance to review the CWD draft and have identified a few areas of additional clarification. Please feel free to call me about any of these suggestions.

1) **Identification of Zones.** In various places in the bill names such as Intensive Harvest Zones (IHZ), Herd Reduction Zones (HRZ) and Eradication Zones are used. For the purposes of this legislation it would be better to refer to all of these areas as chronic wasting disease control zones which we will designate by rule. The department can then designate a specified area as large as the eradication zone or smaller, in rule. *Why is this important?* First, we have already ceased using the term IHZ, and have eliminated the reference from code. As our management objectives evolve it may be better to have a general term in statute that refers to any zone we establish by rule. Secondly, in regard to waiving the requirement to purchase a hunting license, we may wish to offer this incentive in areas outside the current CWD eradication zone. For instance, we have positives currently that are referred to as "hot spots", these small areas are not currently in the official eradication zone, but we are looking to increase harvest in these areas, so flexibility on the language to describe these areas or zones is important. For these reasons we recommend the following modifications to the draft bill...

✓ Page 1, Line 10. Change "eradication zone" to "control zone"

✓ Page 1, Lines 11 and 12. Change "intensive harvest or herd reduction zone" to "control zone"

✓ In the analysis on Page 2, 5th paragraph, again change "intensive harvest or herd reduction zone" to "control zone".

✓ Page 5, Lines 5 and 6. Change "intensive harvest or herd reduction zone" to "control zone".

2) **Deer and Elk References.** According to S. 29.001(20), Stats., deer means a white-tailed deer. That is correct definition for deer in Wisconsin. However, for the purposes of the proposed carcass transportation language, many of the states in the west where CWD exists in the wild have other species of deer such as mule deer, which are known to contract and have been diagnosed with chronic wasting disease. Therefore, we recommend changing references of deer or elk to "cervids", an all inclusive term that includes all deer species. Also, to clarify that we are referring to free ranging cervids and not game farm animals, we recommend including a definition in this bill of a cervid. Finally, since we do intend to include farm-raised deer under indemnification agreements, "farm-raised deer" should be included under the indemnification

04/21/2005

language. Here are specific recommended changes and language...

- ✓ Include a reference in s. 29.001, Stats., "Cervid" for the purposes of this chapter means any species of deer or elk present in the wild that is not a farm-raised deer or elk.
- ✓ In the analysis on Page 2, 2nd paragraph, change "deer or an elk" to "cervid".
- ✓ In the analysis on Page 2, 4th paragraph, change "deer or elk" to "cervids".
- ✓ Page 3, Lines 9, 10 15 and 16. Change "deer or elk" to "cervid".
- ✓ Page 4, Line 1, 14 and 15. Change "deer or an elk" to "cervid".
- ✓ Page 6, Line 1. Add "and farm-raised deer" in between the words "cervids" and "that".
- ✓ Page 6, Line 18. Add "and farm-raised deer" in between the words "cervids" and "that".
- ✓ Page 6, Line 22. Add "and farm-raised deer" in between the words "cervids" and "that".
- ✓ Page 8, Line 18. Change "deer or elk" to "cervid".
- ✓ Page 9, Lines 10, 13, 23 and 24. Change "deer or elk" to "cervid".
- ✓ Page 10, Line 2. Change "deer or an elk" to "cervid".

Other references to deer or elk are appropriate as they deal with the hunting of species native to Wisconsin which are already identified in statute as white-tailed deer and elk.

3) **License Exemption Intentions.** The department would use its authority to exempt hunters from licenses in certain areas of the state (in and around the CWD eradication zone, but we would still require hunters to have back tags and to place carcass tags on harvested deer. Therefore, we recommend eliminating language in this bill that would exempt a hunter from obtaining a back tag or using a carcass tag. Specifically, we recommend the following changes...

- ✓ In the analysis on Page 2, 5th paragraph, omit the phrase ", wearing a back tag, or tagging a deer killed in the hunt."
- ✓ Page 5, Lines 3 and 4. Delete ", from displaying a back tag under s. 29.301(3), and from attaching a deer tag under s. 29.347(2)".
- ✓ Page 7, Lines 16 through 20. Delete.
- ✓ Page 7, Lines 22 and 23. Do not make the changes suggested.
- ✓ Page 8, Line 2. Do not add suggested text.

4) **Authority.** The indemnification language closely mirrors the PCB statutes, however it is likely that the DNR may potentially enter into a number of agreements under this authority, and the requirement that each agreement be signed by the Governor, may be unnecessary. Therefore, the department recommends that **Page 6, Lines 5 and 6 be omitted**, which would allow the DNR Secretary and the Facility to approve agreements, greatly streamlining the indemnification process.

5) **Miscellaneous Clarifications.** The following clarifications should be considered to help clarify the intent of the legislation:

- ✓ Page 4, Line 6 & Line 20, I believe the proper terminology should be "deboned" rather than "boned", since we are referring to meat from which the bone has been separated from the tissue.
- ✓ Page 4, Line 10 and Line 24, Since "European mounts" are a popular taxidermy item, we recommend that the bill refer to "Skulls" and omit the word "plates".
- ✓ Page 5, Line 23, Insert "own or" between "who" and "operate".
- Page 6, Line 16 & Line 19. Add "owner or" between "the" and "operator".

Regarding these last two changes, using operator is probably OK here, but because chs. 283 and 289, Stats., establish joint liability for waste water treatment facilities and for landfills on the "owner or operator", not just the operator, the indemnification language in the bill seemed a little too narrow.

We appreciate the opportunity to comment on this draft and I would be happy to meet with you to discuss any of these suggestions.

Kurt A. Thiede

Regulation Policy and Outreach Specialist
Bureau of Wildlife Management
Wisconsin Department of Natural Resources

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

From: Emery, Lynn [mailto:Lynn.Emery@legis.state.wi.us]
Sent: Thursday, April 14, 2005 11:23 AM
To: Thiede, Kurt A
Cc: Nelson, Robert P.
Subject: RE: Draft review: LRB 05-2676/P1 Topic: Disposal of carcasses with chronic wasting disease

Kurt,

Your welcome! When you are finished reviewing the language, any changes/questions can go to Robert Nelson, the drafter of the bill. His email address is robert.nelson@legis.state.wi.us.

Thanks!

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

From: Thiede, Kurt A
Sent: Thursday, April 14, 2005 11:15 AM
To: Emery, Lynn
Subject: RE: Draft review: LRB 05-2676/P1 Topic: Disposal of carcasses with chronic wasting disease

Lynn, thank you. We are currently reviewing the language and will get back to you ASAP.

Kurt

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

From: Emery, Lynn [mailto:Lynn.Emery@legis.state.wi.us]
Sent: Wednesday, April 13, 2005 4:14 PM
To: Thiede, Kurt A
Subject: Draft review: LRB 05-2676/P1 Topic: Disposal of carcasses with chronic wasting disease

Draft Requester: Joel Kleefisch

Following is the PDF version of draft LRB 05-2676/P1.