

State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-2676/P1  
RPN:wlj:pg

2

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SOON

Regen

1 AN ACT *to repeal* 167.31 (4) (bg) 1m. and 167.31 (4) (bg) 2.; *to amend* 29.047  
2 (1m), 29.047 (2) (a), 29.089 (3), 29.177 (1), 29.301 (3), 29.347 (2), 29.347 (2m) (b),  
3 29.347 (3) (a), 29.347 (5) (a), 29.347 (5) (b) (intro.) and 29.357 (5) (b); and *to*  
4 *create* 20.370 (1) (hc), 23.09 (2) (p), 29.047 (1) (c) 3., 29.063 (3), 29.063 (4),  
5 29.063 (5), 29.063 (6), 29.347 (6), 29.357 (4m), 29.361 (3m) and 29.506 (5m) of  
6 the statutes; **relating to:** agreements to indemnify persons who process or  
7 dispose of carcasses with chronic wasting disease; access to tissue or disease  
8 data from wild animals; the regulation of the transportation, possession,  
9 control, storage, or disposal of the carcass of a <sup>cervid</sup> deer or an elk from a chronic  
10 wasting disease; ~~eradication~~ <sup>control</sup> zone or a state with confirmed chronic wasting  
11 disease; hunting deer in a chronic wasting disease ~~intensive harvest or herd~~  
12 ~~reduction~~ <sup>control</sup> zone without a deer hunting license; the receipt of a deer hunting

1 license during an open season for hunting deer; granting rule-making  
2 authority; and making an appropriation.

---

**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.

This bill allows DNR to promulgate rules regulating the transportation, possession, control, storage, and disposal of the carcass of a ~~deer or an elk~~ cervid 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~~ cervid from another state or country in which chronic wasting disease has been confirmed in a ~~deer or an elk~~ cervid. Under the bill, these rules may not apply to certain types of meat and antlers, including ~~boned meat, wrapped meat, and finished taxidermy heads~~ de, including ~~boned meat, wrapped meat, and finished taxidermy heads~~ cervid. The rules, under the bill, would apply to everyone that may be involved with the ~~deer or elk~~ cervid carcass, including motor vehicle operators who accidentally kill a ~~deer or an elk~~ cervid on a highway, and hunters, taxidermists, and transporters.

The bill requires any person to provide DNR with sample 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 staff, federal employees, and landowners to shoot deer from certain vehicles in areas designated as chronic wasting disease ~~eradication~~ control zones. DNR or cervids

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

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 DNR to exempt deer hunters in chronic wasting disease ~~intensive harvest or herd reduction~~ control zones from having a deer hunting license, ~~wearing a back tag, or tagging a deer killed in the hunt~~ control. The bill requires DNR to promulgate a rule that establishes eligibility criteria and application procedures for receipt of an exemption from those requirements.

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:**

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

insert  
3-2

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

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

4 23.09 (2) (p) *Disease control*. Require any person to provide the department  
5 with disease sample tissue or disease sample data derived from a wild animal, as  
6 defined in s. 29.001 (90), if the department decides that the tissue or data is needed  
7 to determine the existence or extent of a disease in wild animals in this state.

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

9 29.047 (1) (c) 3. If the game is a ~~deer or an elk~~ <sup>cervid</sup> the person transports, possesses,  
10 delivers, receives, or controls the carcass of the ~~deer or elk~~ <sup>cervid</sup> in compliance with rules  
11 promulgated by the department.

12 SECTION 4. 29.047 (1m) of the statutes is amended to read:

13 29.047 (1m) Unless prohibited by the laws of an adjoining state or a rule  
14 promulgated by the department under s. 29.063 (3) or (4), any person who has  
15 lawfully killed a ~~deer or an elk~~ <sup>strike</sup> in this state may take the ~~deer or elk~~ <sup>cervid</sup> or its carcass  
16 into the adjoining state and ship the ~~deer or elk~~ <sup>cervid</sup> or carcass from any point in the  
17 adjoining state to any point in this state. <sup>strike</sup>

18 SECTION 5. 29.047 (2) (a) of the statutes is amended to read:

19 29.047 (2) (a) A person who has a valid taxidermist permit and who, in  
20 compliance with rules promulgated by the department under s. 29.063 (3) or (4),  
21 possesses, transports, causes to be transported, delivers or receives, or offers to  
22 deliver or receive, a wild animal carcass in connection with his or her business.

23 SECTION 6. 29.063 (3) of the statutes is created to read:

24 29.063 (3) To control chronic wasting disease, the department may promulgate  
25 rules regulating the transportation, possession, control, storage, or disposal of the

*cervid*  
1 carcass of a ~~deer or an elk~~ in this state, except that the rules may not apply to any  
2 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 ~~boned~~ *deboned*

7 (d) Hides with no heads attached.

8 (e) Finished taxidermy heads.

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

10 (g) Skull ~~plates~~ *plates* with antlers attached and with no meat or tissue attached.

11 (h) Upper canine teeth.

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

13 29.063 (4) The department may promulgate rules prohibiting the  
14 transportation of the carcass of a ~~deer or an elk~~ from another state or country in  
15 which chronic wasting disease has been confirmed in a ~~deer or an elk~~ *cervid*, except that the  
16 rules may not apply to any of the following:

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

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

20 (c) Meat that has been ~~boned~~ *deboned*

21 (d) Hides with no heads attached.

22 (e) Finished taxidermy heads.

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

24 (g) Skull ~~plates~~ *plates* with antlers attached and with no meat or tissue attached.

25 (h) Upper canine teeth.

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

2 29.063 (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~~ <sup>control</sup> 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 <sup>ss. 29.304 and</sup> ~~a)~~ 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.

12 SECTION 9. 29.063 (6) of the statutes is created to read:

13 29.063 (6) (a) In this subsection:

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

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

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

22 (b) Subject to par. (c), the department may enter into agreements with persons  
 23 who <sup>own or</sup> operate landfills, meat processing facilities, or wastewater treatment facilities  
 24 in which this state agrees to indemnify those persons and their employees, officers,  
 25 and agents against liability for damage to persons, property, or the environment

*and farm-raised deer*

1 resulting from the processing or disposal of carcasses of cervids that have chronic  
2 wasting disease.

3 (c) The department may enter into an agreement under par. (b) only if all of the  
4 following apply:

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

7 ~~10~~ 2. The agreement specifies a method for determining whether the landfill, meat  
8 processing facility, or wastewater treatment facility is liable for damage described  
9 in par. (b).

10 ~~20~~ 3. The agreement requires the landfill, meat processing facility, or wastewater  
11 treatment facility to notify the department and the attorney general when a claim  
12 or lawsuit to which the agreement may apply is filed.

13 ~~30~~ 4. The agreement authorizes the attorney general to intervene on behalf of the  
14 landfill, meat processing facility, or wastewater treatment facility and this state in  
15 any lawsuit to which the agreement may apply.

16 ~~40~~ 5. The agreement requires the <sup>owner or</sup> operator of the landfill, meat processing facility,  
17 or wastewater treatment facility to minimize risks related to processing or disposal  
18 of carcasses of cervids that have chronic wasting disease.

19 ~~50~~ 6. The agreement authorizes the department to require the <sup>owner or</sup> operator of the  
20 landfill, meat processing facility, or wastewater treatment facility to operate in a  
21 manner specified in writing by the department to minimize risks related to  
22 processing or disposal of carcasses of cervids that have chronic wasting disease.

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

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

4 **SECTION 10.** 29.089 (3) of the statutes is amended to read:

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

10 **SECTION 11.** 29.177 (1) of the statutes is amended to read:

11 29.177 (1) ISSUANCE. The department may issue a hunter's choice deer hunting  
12 permit, a deer hunting party permit or other special deer hunting permit to a person  
13 with a valid deer hunting license who applies for the permit and to a person who is  
14 exempt from obtaining a deer hunting license under s. 29.063 (5) who applies for a  
15 permit.

16 **SECTION 12.** 29.301 (3) of the statutes is amended to read:

17 29.301 (3) ~~BACK-TAG, DISPLAY.~~ No Except as provided under s. 29.063 (5), no  
18 person may hunt deer unless the back tag issued to the person with the license  
19 authorizing deer hunting is attached to the center of the person's coat, shirt, jacket  
20 or similar outermost garment where it can clearly be seen.

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

22 29.347 (2) DEER OR ELK CARCASS TAGS. Except as provided under sub. (5) and <sup>plain</sup> s.  
23 ~~ss. 29.063 (5) and~~ 29.324 (3), any person who kills a deer shall immediately attach  
24 to the ear or antler of the deer a current validated deer carcass tag which is  
25 authorized for use on the type of deer killed. Any person who kills an elk shall

1 immediately attach to the ear or antler of the elk a current validated elk carcass tag.  
2 Except as provided under sub. (2m) or s. ~~29.063 (5)~~ or 29.89 (6), no person may  
3 possess, control, store, or transport a deer carcass unless it is tagged as required  
4 under this subsection. Except as provided under sub. (2m), no person may possess,  
5 control, store, or transport an elk carcass unless it is tagged as required under this  
6 subsection. A person who kills a deer or an elk shall register the deer or elk in the  
7 manner required by the department. A person who kills a deer or an elk shall  
8 possess, control, store, or transport the deer or elk carcass in compliance with rules  
9 promulgated by the department under s. 29.063 (3). The carcass tag may not be  
10 removed before registration. The removal of a carcass tag from a deer or an elk before  
11 registration renders the deer or elk untagged.

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

13 29.347 (2m) (b) Any Subject to sub. (6), any person who retains a tag under par.  
14 (a) may give deer or elk meat to another person. The person who receives the gift of  
15 deer or elk meat is not required to possess a tag.

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

17 29.347 (3) (a) Except as provided in par. (b) and sub. (6), the control or  
18 possession of the head or skin of any deer or elk lawfully killed, when severed from  
19 the rest of the carcass, are not subject to this chapter.

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

21 29.347 (5) (a) Any Subject to sub. (6), any person who while operating a motor  
22 vehicle on a highway accidentally collides with and kills a deer may take possession  
23 of the carcass. If Subject to sub. (6), if the motor vehicle operator does not want to  
24 take the carcass, the carcass may be taken by any other person who is present at the



1 scene of the accident at the time the collision occurs or at any time after the collision  
2 occurs.

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

4 29.347 (5) (b) (intro.) No person may take possession of the carcass of a deer  
5 killed in the manner specified in par. (a) and remove the carcass from the scene of  
6 the accident unless the person has complied with rules promulgated by the  
7 department under s. 29.063 (3) and one of the following apply:

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

9 29.347 (6) CONTROL OF CARCASSES. No person may transport, possess, store,  
10 butcher, or control the carcass of a deer or an elk <sup>cervid</sup> in violation of rules promulgated  
11 by the department under s. 29.063 (3) or (4).

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

13 29.357 (4m) CONTROL OF ~~DEER OR ELK~~ <sup>CERVID</sup> CARCASSES. No person may transport,  
14 cause to be transported, deliver, receive, offer to deliver or receive, or control the  
15 carcass of a ~~deer or an elk~~ <sup>cervid</sup> in violation of rules promulgated by the department under  
16 s. 29.063 (3) or (4).

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

18 29.357 (5) (b) Subsections (1) to (4) (4m) do not apply to the possession,  
19 transportation, delivery, or receipt of farm-raised deer, farm-raised fish,  
20 farm-raised game birds, or wild animals that are subject to regulation under ch. 169.

21 **SECTION 21.** 29.361 (3m) of the statutes is created to read:

22 29.361 (3m) Notwithstanding subs. (1), (2), (2m), (3), and (5), no person may  
23 receive for transportation, transport, or attempt to transport the carcass of a ~~deer or~~  
24 ~~an elk~~ <sup>cervid</sup> in violation of rules promulgated by the department under s. 29.063 (3).

25 **SECTION 22.** 29.506 (5m) of the statutes is created to read:

*(CS) CERVID*

1 29.506 (5m) CONTROL OF ~~DEER OR ELK~~ CARCASSES. No taxidermist may possess,  
2 transport, or control the carcass of a ~~deer or an elk~~ *cervid* in violation of rules promulgated  
3 by the department under s. 29.063 (3) or (4).

4 **SECTION 23.** 167.31 (4) (bg) 1m. of the statutes is repealed.

5 **SECTION 24.** 167.31 (4) (bg) 2. of the statutes is repealed.

6 (END)

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

LRB-2676/P2ins  
RPN:wj:pg

1 insert 3-2:

2 **SECTION 1.** 29.001 (19) of the statutes is created to read:

3 29.001 (19) "Cervid" means any species of deer or elk that is present in the wild

4 and that is not a farm-raised deer or elk.

**Nelson, Robert P.**

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**From:** Thiede, Kurt A  
**Sent:** Friday, April 22, 2005 10:20 AM  
**To:** Kleefisch, Joel  
**Cc:** Nelson, Robert P.; Andryk, Timothy A.  
**Subject:** CWD Legislation

Rep. Kleefisch,

I spoke with your aide earlier today on this topic and she suggested that I forward this issue/request to you in writing.

1. The current draft of the CWD legislation that relates to indemnification would allow the state of Wisconsin to indemnify landfills, meat processors and water treatment plants that accept carcasses of both wild free-ranging deer and captive cervids (farm-raised deer). Are you interested in including both wild and captive cervids under this legislation?
2. If your intent is to allow both captive and free-ranging cervids to be included in the agreements, we will need to discuss the potential language with the Department of Ag. Trade and Consumer Protection (DATCP), as they are responsible for the captive cervid industry in the state. Are you OK with the DNR sharing your current bill language with the DATCP so that we can discuss the bill language that will ultimately effect them as well?

Please feel free to call if you have any question. I would be happy to stop over and discuss this issue with you further so we can keep this bill moving forward.

Sincerely,

**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

*6/15 Rep. to 9085  
DATCP ok with  
to Thiede language*

**Nelson, Robert P.**

**From:** Basford, Sarah  
**Sent:** Wednesday, May 18, 2005 7:44 AM  
**To:** Nelson, Robert P.  
**Subject:** FW: Draft review: LRB 05-2676/P2 Topic: Disposal of carcasses with chronic wasting disease  
**Importance:** High

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

**From:** Thiede, Kurt A  
**Sent:** Tuesday, May 17, 2005 3:16 PM  
**To:** Basford, Sarah; Kleefisch, Joel  
**Cc:** Crossley, Alan X.; Ehlenfeldt, Robert G DATCP; Andryk, Timothy A.; Hauge, Tom M; Smith, Amber M.  
**Subject:** RE: Draft review: LRB 05-2676/P2 Topic: Disposal of carcasses with chronic wasting disease  
**Importance:** High

*5/18 Kelly Hold until I hear from Rep. Kleefisch 5/20*

Sarah,

I apologize for the the delayed response, I first want to thank you for incorporating our previous comments in the draft. I only have a few remaining changes for this draft and then I think it is ready for Rep. Kleefisch.

Rep. Kleefisch,

I would like to reassure you that we are extremely eager to see this piece of legislation in effect as soon as possible to help save the DNR and hunters over \$100,000 in carcass disposal costs. I do apologize for the delay, we have been discussing this legislation with the Dept. of Ag. and feel that we have a very workable bill that should garner the same level of support it found in the last session.

Sincerely,

Kurt Thiede, WDNR

Page two, under the analysis, 4th paragraph...

After, "department" add "or the Department of Agriculture Trade and Consumer Protection" ✓

Page three, Section 3., Line 10...

Not sure if this needs changing or not, but elk are already included in the definition of "farm-raised deer" in s. 95.001(ag). It doesn't hurt to have it there, I just thought it might be redundant. ✓

Page five, Line 24...

After, "department" add "or the Department of Agriculture Trade and Consumer Protection" ✓

Page six, Line 5...

After, "department" add "or the Department of Agriculture Trade and Consumer Protection" ✓

Page six, between lines 6 and 7 I would reinsert the provision regarding governor approval of agreements...

1. The agreement is approved by the governor and the owner or operator of the landfill, meat processing facility

*No. 19 They made the agreement - no additional approval needed*

05/18/2005

or wastewater treatment facility.

Page six, Lines 11 and 22...

After, "department" add "or the Department of Agriculture Trade and Consumer Protection"

Page seven, Line 3...

After, "department" add "or the Department of Agriculture Trade and Consumer Protection"

## 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

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

**From:** Basford, Sarah [mailto:Sarah.Basford@legis.state.wi.us]

**Sent:** Monday, April 25, 2005 12:40 PM

**To:** Thiede, Kurt A

**Subject:** Draft review: LRB 05-2676/P2 Topic: Disposal of carcasses with chronic wasting disease

**Draft Requester: Joel Kleefisch**

**Following is the PDF version of draft LRB 05-2676/P2.**

## 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

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### Pre Topic:

No specific pre topic given

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### Topic:

Disposal of carcasses with chronic wasting disease

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### Instructions:

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

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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
/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		

FE Sent For:



State of Wisconsin  
2005 - 2006 LEGISLATURE

19  
LRB-2676/P2

RPN:wj:jt

Wanted 6/16 am

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

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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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on, and  
and the Department  
of Agriculture, Trade and  
Consumer Protection

- 1 deer hunting license during an open season for hunting deer; granting  
2 rule-making authority; and making an appropriation.

***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.

This bill allows DNR to promulgate rules regulating the transportation, possession, control, storage, and disposal of the carcass of a cervid to control chronic wasting disease. The bill also allows DNR to promulgate rules prohibiting the transportation of the carcass of a cervid from another state or country in which chronic wasting disease has been confirmed in a cervid. Under the bill, these rules may not apply to certain types of meat and antlers, including deboned meat, wrapped meat, and finished taxidermy heads. The rules, under the bill, would apply to everyone that may be involved with the cervid carcass, including motor vehicle operators who accidentally kill a deer on a highway, and hunters, taxidermists, and transporters.

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The bill also allows DNR to enter into agreements with persons who own or operate landfills, meat processing facilities, or wastewater treatment facilities to indemnify them for damages resulting from processing or disposal of cervids that have chronic wasting disease.

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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:***

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1           20.370 (1) (hc) *Indemnification agreements*. From the general fund, a sum  
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3           **SECTION 2.** 23.09 (2) (p) of the statutes is created to read:

4           23.09 (2) (p) *Disease control*. Require any person to provide the department  
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6 defined in s. 29.001 (90), if the department decides that the tissue or data is needed  
7 to determine the existence or extent of a disease in wild animals in this state.

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

9           29.001 (19) "Cervid" means any species of deer or elk that is present in the wild  
10 and that is not a farm-raised deer or elk.

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

12           29.047 (1) (c) 3. If the game is a cervid the person transports, possesses,  
13 delivers, receives, or controls the carcass of the cervid in compliance with rules  
14 promulgated by the department.

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

16           29.047 (1m) Unless prohibited by the laws of an adjoining state or a rule  
17 promulgated by the department under s. 29.063 (3) or (4), any person who has  
18 lawfully killed a ~~deer or an elk~~ cervid in this state may take the ~~deer or an elk~~ cervid  
19 or its carcass into the adjoining state and ship the ~~deer or an elk~~ cervid or carcass  
20 from any point in the adjoining state to any point in this state.

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

22           29.047 (2) (a) A person who has a valid taxidermist permit and who, in  
23 compliance with rules promulgated by the department under s. 29.063 (3) or (4),  
24 possesses, transports, causes to be transported, delivers or receives, or offers to  
25 deliver or receive, a wild animal carcass in connection with his or her business.

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

2           29.063 (3) To control chronic wasting disease, the department may promulgate  
3 rules regulating the transportation, possession, control, storage, or disposal of the  
4 carcass of a cervid in this state, except that the rules may not apply to any of the  
5 following:

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

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

9           (c) Meat that has been deboned.

10          (d) Hides with no heads attached.

11          (e) Finished taxidermy heads.

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

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

14          (h) Upper canine teeth.

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

16          29.063 (4) The department may promulgate rules prohibiting the  
17 transportation of the carcass of a cervid from another state or country in which  
18 chronic wasting disease has been confirmed in a cervid, except that the rules may not  
19 apply to any of the following:

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

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

23          (c) Meat that has been deboned.

24          (d) Hides with no heads attached.

25          (e) Finished taxidermy heads.

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

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

3 (h) Upper canine teeth.

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

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

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

15 29.063 (6) (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 *of the department of agriculture, trade and consumer protection* may enter into agreements with persons  
25 who own or operate landfills, meat processing facilities, or wastewater treatment

*g/o The agreement is approved by the governor*

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

*or the department of agriculture, trade and consumer protection*

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

7 ~~2~~ 1. The agreement specifies a method for determining whether the landfill, meat  
8 processing facility, or wastewater treatment facility is liable for damage described  
9 in par. (b).

10 ~~3~~ 2. The agreement requires the landfill, meat processing facility, or wastewater  
*that entered into the agreement*  
11 treatment facility to notify the department) and the attorney general when a claim  
12 or lawsuit to which the agreement may apply is filed.

13 ~~4~~ 3. The agreement authorizes the attorney general to intervene on behalf of the  
14 landfill, meat processing facility, or wastewater treatment facility and this state in  
15 any lawsuit to which the agreement may apply.

16 ~~5~~ 4. The agreement requires the owner or operator of the landfill, meat  
17 processing facility, or wastewater treatment facility to minimize risks related to  
18 processing or disposal of carcasses of cervids and farm-raised deer that have chronic  
19 wasting disease.

*that entered into the agreement*  
20 ~~6~~ 5. The agreement authorizes the department to require the owner or operator  
21 of the landfill, meat processing facility, or wastewater treatment facility to operate  
*that*  
22 in a manner specified in writing by the department to minimize risks related to  
23 processing or disposal of carcasses of cervids and farm-raised deer that have chronic  
24 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) *that entered into the agreement* 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) (hc).

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

7 29.089 (3) A person may hunt deer, elk, wild turkeys, or small game in a state  
8 park, or in a portion of a state park, if the department has authorized by rule the  
9 hunting of that type of game in the state park, or in the portion of the state park, and,  
10 except as provided in s. 29.063 (5), if the person holds the approvals required under  
11 this chapter for hunting that type of game.

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

13 29.177 (1) ISSUANCE. The department may issue a hunter's choice deer hunting  
14 permit, a deer hunting party permit or other special deer hunting permit to a person  
15 with a valid deer hunting license who applies for the permit and to a person who is  
16 exempt from obtaining a deer hunting license under s. 29.063 (5) who applies for a  
17 permit.

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

19 29.347 (2) DEER OR ELK CARCASS TAGS. Except as provided under sub. (5) and s.  
20 29.324 (3), any person who kills a deer shall immediately attach to the ear or antler  
21 of the deer a current validated deer carcass tag which is authorized for use on the  
22 type of deer killed. Any person who kills an elk shall immediately attach to the ear  
23 or antler of the elk a current validated elk carcass tag. Except as provided under sub.  
24 (2m) or s. 29.89 (6), no person may possess, control, store, or transport a deer carcass  
25 unless it is tagged as required under this subsection. Except as provided under sub.

1 (2m), no person may possess, control, store, or transport an elk carcass unless it is  
2 tagged as required under this subsection. A person who kills a deer or an elk shall  
3 register the deer or elk in the manner required by the department. A person who kills  
4 a deer or an elk shall possess, control, store, or transport the deer or elk carcass in  
5 compliance with rules promulgated by the department under s. 29.063 (3). The  
6 carcass tag may not be removed before registration. The removal of a carcass tag  
7 from a deer or an elk before registration renders the deer or elk untagged.

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

9 29.347 (2m) (b) Any Subject to sub. (6), any person who retains a tag under par.  
10 (a) may give deer or elk meat to another person. The person who receives the gift of  
11 deer or elk meat is not required to possess a tag.

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

13 29.347 (3) (a) Except as provided in par. (b) and sub. (6), the control or  
14 possession of the head or skin of any deer or elk lawfully killed, when severed from  
15 the rest of the carcass, are not subject to this chapter.

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

17 29.347 (5) (a) Any Subject to sub. (6), any person who while operating a motor  
18 vehicle on a highway accidentally collides with and kills a deer may take possession  
19 of the carcass. If Subject to sub. (6), if the motor vehicle operator does not want to  
20 take the carcass, the carcass may be taken by any other person who is present at the  
21 scene of the accident at the time the collision occurs or at any time after the collision  
22 occurs.

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

24 29.347 (5) (b) (intro.) No person may take possession of the carcass of a deer  
25 killed in the manner specified in par. (a) and remove the carcass from the scene of

1 the accident unless the person has complied with rules promulgated by the  
2 department under s. 29.063 (3) and one of the following apply:

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

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

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

8 29.357 (4m) CONTROL OF CERVID CARCASSES. No person may transport, cause to  
9 be transported, deliver, receive, offer to deliver or receive, or control the carcass of  
10 a cervid in violation of rules promulgated by the department under s. 29.063 (3) or  
11 (4).

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

13 29.357 (5) (b) Subsections (1) to (4) (4m) do not apply to the possession,  
14 transportation, delivery, or receipt of farm-raised deer, farm-raised fish,  
15 farm-raised game birds, or wild animals that are subject to regulation under ch. 169.

16 **SECTION 21.** 29.361 (3m) of the statutes is created to read:

17 29.361 (3m) Notwithstanding subs. (1), (2), (2m), (3), and (5), no person may  
18 receive for transportation, transport, or attempt to transport the carcass of a cervid  
19 in violation of rules promulgated by the department under s. 29.063 (3).

20 **SECTION 22.** 29.506 (5m) of the statutes is created to read:

21 29.506 (5m) CONTROL OF CERVID CARCASSES. No taxidermist may possess,  
22 transport, or control the carcass of a cervid in violation of rules promulgated by the  
23 department under s. 29.063 (3) or (4).

24 **SECTION 23.** 167.31 (4) (bg) 1m. of the statutes is repealed.





Joe K.

262-617-6343

**Nelson, Robert P.**

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**From:** Basford, Sarah  
**Sent:** Thursday, June 16, 2005 1:15 PM  
**To:** Nelson, Robert P.  
**Subject:** FW: Draft review: LRB 05-2676/1 Topic: Disposal of carcasses with chronic wasting disease

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

**From:** Thiede, Kurt A  
**Sent:** Thursday, June 16, 2005 1:12 PM  
**To:** Basford, Sarah  
**Subject:** RE: Draft review: LRB 05-2676/1 Topic: Disposal of carcasses with chronic wasting disease

Sarah,

Thanks for incorporating our changes. I just noticed a couple of minor errors that I'll pass along otherwise it looks good.

I think the last part of line 11 on page one and the first portion of line 1 on page 2 is a remnant from a previous bill that went into effect last year.

"; the receipt of a deer hunting license during an open deer season for hunting deer" should be deleted as that is not part of this bill and it is now an authority that is in effect.

Secondly, line 14 on page 6, the second "the" should be a "that".

Thanks again!

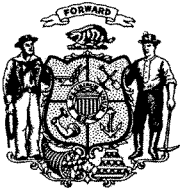
Kurt

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

**From:** Basford, Sarah [mailto:Sarah.Basford@legis.state.wi.us]  
**Sent:** Thursday, June 16, 2005 7:44 AM  
**To:** Thiede, Kurt A  
**Subject:** Draft review: LRB 05-2676/1 Topic: Disposal of carcasses with chronic wasting disease

**Draft Requester:** Joel Kleefisch

**Following is the PDF version of draft LRB 05-2676/1.**



# 2005 BILL

Regen

1 AN ACT *to repeal* 167.31 (4) (bg) 1m. and 167.31 (4) (bg) 2.; *to amend* 29.047  
2 (1m), 29.047 (2) (a), 29.089 (3), 29.177 (1), 29.347 (2), 29.347 (2m) (b), 29.347 (3)  
3 (a), 29.347 (5) (a), 29.347 (5) (b) (intro.) and 29.357 (5) (b); 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  
11 wasting disease control zone without a deer hunting license; the receipt of a

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1 deer hunting license during an open season for hunting deer, granting  
2 rule-making authority; and making an appropriation.

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***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.

This bill allows DNR to promulgate rules regulating the transportation, possession, control, storage, and disposal of the carcass of a cervid to control chronic wasting disease. The bill also allows DNR to promulgate rules prohibiting the transportation of the carcass of a cervid from another state or country in which chronic wasting disease has been confirmed in a cervid. Under the bill, these rules may not apply to certain types of meat and antlers, including deboned meat, wrapped meat, and finished taxidermy heads. The rules, under the bill, would apply to everyone that may be involved with the cervid carcass, including motor vehicle operators who accidentally kill a deer on a highway, and hunters, taxidermists, and transporters.

The bill requires any person to provide DNR with sample 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 staff, federal employees, and landowners to shoot deer from certain vehicles in areas designated as chronic wasting disease control zones.

The bill also allows DNR and the Department of Agriculture, Trade and Consumer Protection to enter into agreements with persons who own or operate landfills, meat processing facilities, or wastewater treatment facilities to indemnify them for damages resulting from processing or disposal of cervids that have chronic wasting disease.

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 DNR to exempt deer hunters in chronic wasting disease control zones from having a deer hunting license. The bill requires DNR to promulgate a rule that establishes eligibility criteria and application procedures for receipt of an exemption from those requirements.

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:***

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

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

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

4           23.09 (2) (p) *Disease control*. Require any person to provide the department  
5 with disease sample tissue or disease sample data derived from a wild animal, as  
6 defined in s. 29.001 (90), if the department decides that the tissue or data is needed  
7 to determine the existence or extent of a disease in wild animals in this state.

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

9           29.001 (19) “Cervid” means any species of deer or elk that is present in the wild  
10 and that is not a farm-raised deer.

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

12           29.047 (1) (c) 3. If the game is a cervid the person transports, possesses,  
13 delivers, receives, or controls the carcass of the cervid in compliance with rules  
14 promulgated by the department.

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

16           29.047 (1m) Unless prohibited by the laws of an adjoining state or a rule  
17 promulgated by the department under s. 29.063 (3) or (4), any person who has  
18 lawfully killed a deer or an elk cervid in this state may take the ~~deer or an elk~~ cervid  
19 or its carcass into the adjoining state and ship the ~~deer or an elk~~ cervid or carcass  
20 from any point in the adjoining state to any point in this state.

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

22           29.047 (2) (a) A person who has a valid taxidermist permit and who, in  
23 compliance with rules promulgated by the department under s. 29.063 (3) or (4),  
24 possesses, transports, causes to be transported, delivers or receives, or offers to  
25 deliver or receive, a wild animal carcass in connection with his or her business.

**BILL**

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

2           29.063 (3) To control chronic wasting disease, the department may promulgate  
3 rules regulating the transportation, possession, control, storage, or disposal of the  
4 carcass of a cervid in this state, except that the rules may not apply to any of the  
5 following:

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

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

9           (c) Meat that has been deboned.

10          (d) Hides with no heads attached.

11          (e) Finished taxidermy heads.

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

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

14          (h) Upper canine teeth.

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

16          29.063 (4) The department may promulgate rules prohibiting the  
17 transportation of the carcass of a cervid from another state or country in which  
18 chronic wasting disease has been confirmed in a cervid, except that the rules may not  
19 apply to any of the following:

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

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

23          (c) Meat that has been deboned.

24          (d) Hides with no heads attached.

25          (e) Finished taxidermy heads.

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

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

3 (h) Upper canine teeth.

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

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

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

15 29.063 (6) (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 or the department of agriculture, trade  
25 and consumer protection may enter into agreements with persons who own or

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1 operate landfills, meat processing facilities, or wastewater treatment facilities in  
2 which this state agrees to indemnify those persons and their employees, officers, and  
3 agents against liability for damage to persons, property, or the environment  
4 resulting from the processing or disposal of carcasses of cervids and farm-raised deer  
5 that have chronic wasting disease.

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

9 1. The governor approves the agreement.

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

13 3. The agreement requires the landfill, meat processing facility, or wastewater  
14 treatment facility to notify the department <sup>that</sup> entered into the agreement and the  
15 attorney general when a claim or lawsuit to which the agreement may apply is filed.

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

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

23 6. The agreement authorizes the department that entered into the agreement  
24 to require the owner or operator of the landfill, meat processing facility, or  
25 wastewater treatment facility to operate in a manner specified in writing by that



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1 department to minimize risks related to processing or disposal of carcasses of cervids  
2 and farm-raised deer that have chronic wasting disease.

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

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

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

9 29.089 (3) A person may hunt deer, elk, wild turkeys, or small game in a state  
10 park, or in a portion of a state park, if the department has authorized by rule the  
11 hunting of that type of game in the state park, or in the portion of the state park, and,  
12 except as provided in s. 29.063 (5), if the person holds the approvals required under  
13 this chapter for hunting that type of game.

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

15 29.177 (1) ISSUANCE. The department may issue a hunter's choice deer hunting  
16 permit, a deer hunting party permit or other special deer hunting permit to a person  
17 with a valid deer hunting license who applies for the permit and to a person who is  
18 exempt from obtaining a deer hunting license under s. 29.063 (5) who applies for a  
19 permit.

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

21 29.347 (2) DEER OR ELK CARCASS TAGS. Except as provided under sub. (5) and s.  
22 29.324 (3), any person who kills a deer shall immediately attach to the ear or antler  
23 of the deer a current validated deer carcass tag which is authorized for use on the  
24 type of deer killed. Any person who kills an elk shall immediately attach to the ear  
25 or antler of the elk a current validated elk carcass tag. Except as provided under sub.

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1 (2m) or s. 29.89 (6), no person may possess, control, store, or transport a deer carcass  
2 unless it is tagged as required under this subsection. Except as provided under sub.  
3 (2m), no person may possess, control, store, or transport an elk carcass unless it is  
4 tagged as required under this subsection. A person who kills a deer or an elk shall  
5 register the deer or elk in the manner required by the department. A person who kills  
6 a deer or an elk shall possess, control, store, or transport the deer or elk carcass in  
7 compliance with rules promulgated by the department under s. 29.063 (3). The  
8 carcass tag may not be removed before registration. The removal of a carcass tag  
9 from a deer or an elk before registration renders the deer or elk untagged.

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

11 29.347 (2m) (b) Any Subject to sub. (6), any person who retains a tag under par.  
12 (a) may give deer or elk meat to another person. The person who receives the gift of  
13 deer or elk meat is not required to possess a tag.

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

15 29.347 (3) (a) Except as provided in par. (b) and sub. (6), the control or  
16 possession of the head or skin of any deer or elk lawfully killed, when severed from  
17 the rest of the carcass, are not subject to this chapter.

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

19 29.347 (5) (a) Any Subject to sub. (6), any person who while operating a motor  
20 vehicle on a highway accidentally collides with and kills a deer may take possession  
21 of the carcass. If Subject to sub. (6), if the motor vehicle operator does not want to  
22 take the carcass, the carcass may be taken by any other person who is present at the  
23 scene of the accident at the time the collision occurs or at any time after the collision  
24 occurs.

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

**BILL**

1           29.347 (5) (b) (intro.) No person may take possession of the carcass of a deer  
2 killed in the manner specified in par. (a) and remove the carcass from the scene of  
3 the accident unless the person has complied with rules promulgated by the  
4 department under s. 29.063 (3) and one of the following apply:

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

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

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

10          29.357 (4m) CONTROL OF CERVID CARCASSES. No person may transport, cause to  
11 be transported, deliver, receive, offer to deliver or receive, or control the carcass of  
12 a cervid in violation of rules promulgated by the department under s. 29.063 (3) or  
13 (4).

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

15          29.357 (5) (b) Subsections (1) to (4) (4m) do not apply to the possession,  
16 transportation, delivery, or receipt of farm-raised deer, farm-raised fish,  
17 farm-raised game birds, or wild animals that are subject to regulation under ch. 169.

18          **SECTION 21.** 29.361 (3m) of the statutes is created to read:

19          29.361 (3m) Notwithstanding subs. (1), (2), (2m), (3), and (5), no person may  
20 receive for transportation, transport, or attempt to transport the carcass of a cervid  
21 in violation of rules promulgated by the department under s. 29.063 (3).

22          **SECTION 22.** 29.506 (5m) of the statutes is created to read:

23          29.506 (5m) CONTROL OF CERVID CARCASSES. No taxidermist may possess,  
24 transport, or control the carcass of a cervid in violation of rules promulgated by the  
25 department under s. 29.063 (3) or (4).



**Basford, Sarah**

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**From:** Merkel, Kelly  
**Sent:** Monday, June 20, 2005 8:54 AM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 05-2676/2 Topic: Disposal of carcasses with chronic wasting disease

It has been requested by <Merkel, Kelly> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-2676/2 Topic: Disposal of carcasses with chronic wasting disease