

2009 DRAFTING REQUEST

Bill

Received: 06/01/2009

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: Ann Hraychuck (608) 267-2365

By/Representing: Stephanie Hilton

This file may be shown to any legislator: NO

Drafter: rkite

May Contact:

Addl. Drafters:

Subject: Nat. Res. - fish and game

Extra Copies:

Submit via email: YES

Requester's email: Rep.Hraychuck@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Car killed animals

Instructions:

See attached

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>
/?							
/1	rkite 06/30/2009	bkraft 07/08/2009	jfrantze 07/08/2009	_____	lparisi 07/08/2009		
/2	rkite 09/04/2009	bkraft 09/10/2009	jfrantze 09/10/2009	_____	cduerst 09/10/2009		
/3	rkite 09/25/2009	bkraft 09/28/2009	phenry 09/30/2009	_____	sbasford 09/30/2009	mbarman 10/20/2009	

FE Sent For:

None

<END>

2009 DRAFTING REQUEST

Bill

Received: **06/01/2009**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Ann Hraychuck (608) 267-2365**

By/Representing: **Stephanie Hilton**

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

Drafter: **rkite**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Hraychuck@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Car killed animals

Instructions:

See attached

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>
/?							
/1	rkite 06/30/2009	bkraft 07/08/2009	jfrantze 07/08/2009	_____	lparisi 07/08/2009		
/2	rkite 09/04/2009	bkraft 09/10/2009	jfrantze 09/10/2009	_____	cduerst 09/10/2009		
/3	rkite 09/25/2009	bkraft 09/28/2009	phenry 09/30/2009	_____	sbasford 09/30/2009		

FE Sent For:

<END>

2009 DRAFTING REQUEST

Bill

Received: **06/01/2009**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Ann Hraychuck (608) 267-2365**

By/Representing: **Stephanie Hilton**

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

Drafter: **rkite**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Hraychuck@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Car killed animals

Instructions:

See attached

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>
/?							
/1	rkite 06/30/2009	bkraft 07/08/2009	jfrantze 07/08/2009	_____	lparisi 07/08/2009		
/2	rkite 09/04/2009	bkraft 09/10/2009	jfrantze 09/10/2009	_____	cduerst 09/10/2009		

FE Sent For:

13 bjk 9/28


<END>

2009 DRAFTING REQUEST

Bill

Received: **06/01/2009**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Ann Hraychuck (608) 267-2365**

By/Representing: **Stephanie Hilton**

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

Drafter: **rkite**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Hraychuck@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Car killed animals

Instructions:

See attached

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>
/?							
/1	rkite 06/30/2009	bkraft 07/08/2009	jfrantze 07/08/2009	g 12	lparisi 07/08/2009		

FE Sent For:

1/2 bjk 9/8

g
ub
4/10

<END>

mb/ D/H

2009 DRAFTING REQUEST

Bill

Received: 06/01/2009

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: Ann Hraychuck (608) 267-2365

By/Representing: Stephanie Hilton

This file may be shown to any legislator: NO

Drafter: rkite

May Contact:

Addl. Drafters:

Subject: Nat. Res. - fish and game

Extra Copies:

Submit via email: YES

Requester's email: Rep.Hraychuck@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Car killed animals

Instructions:

See attached

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>
1/2	rkite	11 bjk 7/8	<i>[Signature]</i> 7/8	<i>[Signature]</i> 7/8			

FE Sent For:

<END>

Kite, Robin

From: Hilton, Stephanie
Sent: Monday, June 01, 2009 3:50 PM
To: Kite, Robin
Cc: Hilton, Stephanie
Subject: Car killed animals

Attachments: Car killed animals language from DNR 0309.pdf

Hi Robin,
Attached is language from the DNR that would allow people to keep bear, turkey and other small game that are hit by cars. Current law allows people to take car-killed deer, and Rep. Hraychuck would like to draft legislation to expand this.

The contact over at the DNR for this issue is Thomas (Tom) Van Haren, Natural Resources Policy Officer, Bureau of Law Enforcement. His number is 6-3244.

Please let me know if you have any questions.

Thanks!

Stephanie



Car killed animals
language fr...

Stephanie Hilton
Legislative Assistant
Office of Rep. Ann Hraychuck
608-267-2365 or 1-888-529-0028
Room 6 North State Capitol

CREATE: 29.349 Possession vehicle killed wild animals.

(1) Definitions. In this section:

- (a) "Law enforcement officer" means a warden or any other law enforcement officer authorized by the department to issue tags for vehicle kill wild animals.
- (b) "Tagged" means marked with specified information in the manner required by the department.

(2) Vehicle kill deer, bear and wild turkey.

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

(b) No person may take possession of the carcass of a deer, bear or wild turkey killed in the manner specified in par. (a) and remove the carcass from the scene of the accident unless the person has complied with rules promulgated by the department under s. 29.063 (3) and one of the following apply:

1. The person has the carcass tagged by a law enforcement officer.
2. The person contacts a law enforcement officer and gives his or her name, the location of the carcass and the date and the time, and the law enforcement officer approves the removal and gives the person the instructions and location for having the carcass tagged at a later time.

(c) The person removing a carcass under the procedure specified in par. (b) 2. shall have the carcass tagged within 24 hours after receiving the instructions under par. (b) 2.

(d) No fee may be charged for a tag issued under this section.

(3) Vehicle killed small game. NR 10.001 (definition)

(a) Any person who while operating a motor vehicle on a highway accidentally collides with and kills a small game animal other than a bobcat, fisher or otter during the open season for that wild animal may take possession of the carcass if the person possess an approval issued under this chapter which authorizes the hunting or trapping of that species of small game. If the motor vehicle operator does not want to take the carcass, the carcass may be taken by any other person who is present at the scene of the accident at the time the collision occurs or at any time after the collision occurs if the person possess an approval issued under this chapter that authorizes the hunting or trapping of that species of small game.

(b) No other special permit or tag is required to take possession of a carcass as authorized under par. (a), and no fee may be charged for a wild animal taken under par. (a).

(4) Other vehicle killed wild animals.

(a) Except for wild animals which a person lawfully takes into possession under pars. (2) and (3), legal title to wild animals killed by vehicles remains with the state pursuant to s. 29.011.

(b) No person may possess a wild animal killed by a vehicle unless authorized under this section, s. 29.614 or other with written approval from the department.

This is the section we propose to repeal and recreate under s. 29.349

Repeal 29.347 (5) Car kill deer.

- (a) Subject to sub. (6), any person who while operating a motor vehicle on a highway accidentally collides with and kills a deer may take possession of the carcass. Subject to sub. (6), if the motor vehicle operator does not want to take the carcass, the carcass may be taken by any other person who is present at the scene of the accident at the time the collision occurs or at any time after the collision occurs.
- (b) No person may take possession of the carcass of a deer killed in the manner specified in par. (a) and remove the carcass from the scene of the accident unless the person has complied with rules promulgated by the department under s. 29.063 (3) and one of the following apply:
1. The person has the carcass tagged by a law enforcement officer.
 2. The person contacts a law enforcement officer and gives his or her name, the location of the carcass and the date and the time, and the law enforcement officer approves the removal and gives the person the instructions and location for having the carcass tagged at a later time.
- (c) The person removing a carcass under the procedure specified in par. (b) 2. shall have the carcass tagged within 24 hours after receiving the instructions under par. (b) 2.
- (d) No fee may be charged for a tag issued under this subsection.



~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

In 4/30
SA x-ref
Insert
D-Note

1 AN ACT ^{gen.}...; relating to: possession of certain animals killed by vehicles.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources (DNR) is authorized to issue hunting, fishing, and trapping licenses, permits, tags, and other approvals (approvals) and to otherwise establish and maintain conditions regulating hunting, fishing, and trapping. Generally, current law requires a person to have a valid approval to hunt a deer and to take possession of the deer carcass.

Current law authorizes a person who accidentally kills a deer while operating a motor vehicle on a highway to take possession of the deer carcass and to remove it from the scene of the accident if the person has the carcass tagged by a law enforcement officer or gives the law enforcement certain identifying information and has the carcass tagged at a later time as instructed by the law enforcement officer. Current law prohibits DNR from charging a fee to issue a tag for this purpose.

This bill allows a person who accidentally kills certain other small game animals while operating a motor vehicle on a highway to also take possession of the carcass of that small game animal. Under the bill, the operator of the motor vehicle may take possession of the carcass of the animal if the motor vehicle operator possesses an approval that authorizes the hunting or trapping of the kind of animal killed. If the operator of the motor vehicle does not want to take possession of the carcass, any other person who is present at the scene of the accident when the collision occurs, may take possession of the carcass if that person possesses an approval that authorizes the hunting or trapping of the kind of animal killed by the motor vehicle. Unlike current law authorizing the possession of the carcass of a deer killed by a vehicle, a person who is authorized under this bill to take possession of

or thereafter

office

> a small game animal killed by a vehicle need not have the animal tagged by a law enforcement officer. ~~ΔΔΔ~~

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

Insert 2-1

1 SECTION 1. 29.347 (1) (intro.) of the statutes is repealed.

2 SECTION 2. 29.347 (1) (a) of the statutes is renumbered 29.349 (1) (a) and
3 amended to read:

4 29.349 (1) (a) "Law enforcement officer" means a warden or any other law
5 enforcement officer authorized by the department to issue tags for ~~ear kill deer~~ an
6 animal killed by a vehicle.

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; 2005 a. 286.

7 SECTION 3. 29.347 (1) (b) of the statutes is renumbered 29.347 (1) and amended
8 to read:

9 29.347 (1) "~~Validated~~" In this section, "validated" means marked with specified
10 information in the manner required by the department.

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; 2005 a. 286.

11 SECTION 4. 29.347 (2) of the statutes is amended to read:

12 29.347 (2) DEER OR ELK CARCASS TAGS. Except as provided under ~~sub. (5) and s.~~
13 ss. 29.324 (3) and 29.349 (2), any person who kills a deer shall immediately attach
14 to the ear or antler of the deer a current validated deer carcass tag which is
15 authorized for use on the type of deer killed. Any person who kills an elk shall
16 immediately attach to the ear or antler of the elk a current validated elk carcass tag.
17 Except as provided under sub. (2m) or s. 29.89 (6), no person may possess, control,
18 store, or transport a deer carcass unless it is tagged as required under this
19 subsection. Except as provided under sub. (2m), no person may possess, control,
20 store, or transport an elk carcass unless it is tagged as required under this

1 subsection. A person who kills a deer or an elk shall register the deer or elk in the
2 manner required by the department. A person who kills a deer or an elk shall
3 possess, control, store, or transport the deer or elk carcass in compliance with rules
4 promulgated by the department under s. 29.063 (3). The carcass tag may not be
5 removed before registration. The removal of a carcass tag from a deer or an elk before
6 registration renders the deer or elk untagged.

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; 2005 a. 286.

7 **SECTION 5.** 29.347 (2m) (a) of the statutes is amended to read:

8 29.347 (2m) (a) A carcass tag attached under sub. (2) and a registration tag
9 attached by the department or a car kill tag attached under ~~sub. (5)~~ s. 29.349 (2), may
10 be removed from a gutted carcass at the time of butchering, but the person who killed
11 or obtained the deer or elk shall retain all tags until the meat is consumed.

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; 2005 a. 286.

12 **SECTION 6.** 29.347 (3) (b) of the statutes is amended to read:

13 29.347 (3) (b) No person may possess or control deer or elk antlers in the velvet
14 or a deer or an elk skin in the spotted coat of a lawfully killed deer or elk unless the
15 person to whom the carcass tag for the deer or elk was issued, or the person who had
16 the deer tagged under ~~sub. (5)~~ s. 29.349 (2), has requested and received authorization
17 from the department to control or possess the antlers or skin. A request for written
18 authorization from the department shall be made within 7 days after the carcass tag
19 has been attached to the deer or elk.

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; 2005 a. 286.

20 **SECTION 7.** 29.347 (5) (title) of the statutes is repealed.

21 **SECTION 8.** 29.347 (5) (a) of the statutes is renumbered 29.349 (2) (a) and
22 amended to read:

SECTION #. RN; ~~MAY~~ 29.347(5)(d); 29.349(2)(d)

1 29.349 (2) (a) Subject to sub. s. 29.347 (6), any person who while operating a
2 motor vehicle on a highway accidentally collides with and kills a deer may take
3 possession of the carcass. Subject to sub. s. 29.347 (6), if the motor vehicle operator
4 does not want to take the carcass, the carcass may be taken by any other person who
5 is present at the scene of the accident at the time the collision occurs or at any time
6 after the collision occurs.

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; 2005 a. 286.

7 SECTION 9. 29.347 (5) (b) of the statutes is renumbered 29.349 (2) (b).

8 SECTION 10. 29.347 (5) (c) of the statutes is renumbered 29.349 (2) (c).

9 SECTION 11. 29.349 of the statutes is created to read:

10 29.349 Animals killed by vehicles. (1) In this subsection:

11 (b) "Small game animal" means any variety of a mammal or bird for which there
12 is an open season for the hunting or trapping of the mammal or bird but does not
13 include deer, moose, elk, bear, wild turkey, bobcat, fisher, otter, or an endangered or
14 threatened species of mammal or bird.

15 (3) Any person who while operating a motor vehicle on a highway accidentally
16 collides with and kills a small game animal during the open season for that animal
17 may take possession of the carcass if the person possesses an approval issued under
18 this chapter that authorizes the hunting or trapping of the animal killed. If the motor
19 vehicle operator does not want to take the carcass, the carcass may be taken by any
20 other person who is present at the scene of the accident at the time the collision
21 occurs or at any time after the collision occurs if the person possesses an approval
22 issued under this chapter that authorizes the hunting or trapping of the kind of
23 animal killed.

(END)

D-note

kind of

small game

small game

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

LRB-2967²dn
RNK:.....

Ljk

Date

This draft regulates the possession of the carcasses of certain small game animals killed by a vehicle. Please note that the draft language provided with your drafting instructions included language specifying that the carcass of a wild animal killed by a vehicle remains with the state under s. 29.011, stats. I did not include that language because it seems to reiterate the language that already exists in s. 29.011, stats. I also did not include the suggested language that specifies that no special permit or tag is required to take possession of the carcass of a small game animal killed by a vehicle. This language is not necessary because the absence of such a requirement in the draft is sufficient for this purpose.

Please feel free to contact me if you have any questions with regard to this draft.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2967/1bkins
RNK:bjk:...

1 Insert 2-1

2 **SECTION 1.** 29.347 (1) (title) of the statutes is amended to read:

3 29.347 (1) (title) ~~DEFINITIONS~~ DEFINITION.

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; 2005 a. 286.

4 **SECTION 2.** 29.347 (1) (intro.) (except 29.347 (1) (title)) of the statutes is

5 repealed.

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

LRB-2967/1dn
RNK:bjk:jf

This draft regulates the possession of the carcasses of certain small game animals killed by a vehicle. Please note that the draft language provided with your drafting instructions included language specifying that the carcass of a wild animal killed by a vehicle remains with the state under s. 29.011, stats. I did not include that language because it seems to reiterate the language that already exists in s. 29.011, stats. I also did not include the suggested language that specifies that no special permit or tag is required to take possession of the carcass of a small game animal killed by a vehicle. This language is not necessary because the absence of such a requirement in the draft is sufficient for this purpose.

Please feel free to contact me if you have any questions with regard to this draft.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

7-10-09

2967-

Redraft instructions from Stephanie

wild turkey & bear - allow car killing ~~too~~
same process as w/ deer & elk - conform
throughout bill

also will send language from Tom Van
Haren re: enforcement

Kite, Robin

From: Hilton, Stephanie
Sent: Monday, August 10, 2009 4:42 PM
To: Kite, Robin
Subject: LRB 2967/1

Hi Robin,
Here's the information from Tom Van Haren that we spoke about on the phone. Please let me know if you have any questions.
Thanks,
Stephanie

From Tom:

The second concern I have is that we had also asked for a clear prohibition under s. 29.349(4) or it could be added as a s. 29.349(3)(b), which would read similar to the clear prohibition found under s. 29.349(2)(b), for illegally possessing a vehicle killed deer. We would like this prohibition to specifically state: No person may possess any bobcat, fisher, otter or small game animal killed by a motor vehicle unless authorized under this section, s. 29. 614 or other written approval from the department.

Without this prohibition, it makes it harder to enforce s. 29.349, related to small game, when a person without a valid hunting or trapping license, picks up a road kill, or a person with a license picks up a road killed small game animal during the closed season for that species. Having this included in this section allows us to set a minimal penalty for such violations. The courts and the public do not always consider the act of possessing a road killed animal as being a serious a thing as actually possessing an animal that was killed intentionally out of season or without a license.

Without this specific prohibition being included in this section of the statutes, wardens only option is a warning or a ticket for \$263.10 for possession of a game bird or animal during the closed season, or without the required license, plus the cost of the license.

Let me know if you have any questions.

Thanks for the opportunity to review.

Thomas Van Haren

Conservation Warden & NR Policy Officer

Bureau of Law Enforcement

Wisconsin Department of Natural Resources

(i) phone: (608) 266-3244

Stephanie Hilton
Legislative Assistant
Office of Rep. Ann Hraychuck
608-267-2365 or 1-888-529-0028
Room 6 North State Capitol

*Called Tom Van Haren -
left message*

*Tom -
cell - (608) 444-0700*



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-2967/1
RNK:bjk:jf

Stays

2009 BILL

In 9/4 SA X-ref Inserts

Regen. cat.

NO 9 Under this bill the law regulating the possession of the carcass of a deer killed by a vehicle also applies to elk, bear, and wild turkey.

1 AN ACT to repeal 29.347 (1) (intro.) (except 29.347 (1) (title)) and 29.347 (5) (title);
2 to renumber 29.347 (5) (b), 29.347 (5) (c) and 29.347 (5) (d); to renumber and
3 amend 29.347 (1) (a), 29.347 (1) (b) and 29.347 (5) (a); to amend 29.347 (1)
4 (title), 29.347 (2), 29.347 (2m) (a) and 29.347 (3) (b); and to create 29.349 of the
5 statutes; relating to: possession of certain animals killed by vehicles.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources (DNR) is authorized to issue hunting, fishing, and trapping licenses, permits, tags, and other approvals (approvals) and to otherwise establish and maintain conditions regulating hunting, fishing, and trapping. Generally, current law requires a person to have a valid approval to hunt a deer and to take possession of the deer carcass.

Current law authorizes a person who accidentally kills a deer while operating a motor vehicle on a highway to take possession of the deer carcass and to remove it from the scene of the accident if the person has the carcass tagged by a law enforcement officer or gives the law enforcement officer certain identifying information and has the carcass tagged at a later time as instructed by the law enforcement officer. Current law prohibits DNR from charging a fee to issue a tag for this purpose.

This bill allows a person who accidentally kills certain other small game animals while operating a motor vehicle on a highway to also take possession of the carcass of that small game animal. Under the bill, the operator of the motor vehicle

BILL

and if the animal is killed during the open season for that animal

Small game

if the animal is not a fished otter or bobcat

may take possession of the carcass of the animal if the motor vehicle operator possesses an approval that authorizes the hunting or trapping of the kind of animal killed. If the operator of the motor vehicle does not want to take possession of the carcass, any other person ~~who is present at the scene of the accident when the collision occurs or thereafter~~ may take possession of the carcass if that person possesses an approval that authorizes the hunting or trapping of the kind of animal killed by the motor vehicle. Unlike current law authorizing the possession of the carcass of a deer killed by a vehicle, a person who is authorized under this bill to take possession of a small game animal killed by a vehicle need not have the animal tagged by a law enforcement officer.

and if the animal was killed during the open season for that animal

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

insert 2-1

1 **SECTION 1.** 29.347 (1) (title) of the statutes is amended to read:

2 29.347 (1) (title) **DEFINITIONS** DEFINITION.

3 **SECTION 2.** 29.347 (1) (intro.) (except 29.347 (1) (title)) of the statutes is
4 repealed.

5 **SECTION 3.** 29.347 (1) (a) of the statutes is renumbered 29.349 (1) (a) and
6 amended to read:

In this section, law

7 29.349 (1) (a) "Law enforcement officer" means a warden or any other law
8 enforcement officer authorized by the department to issue tags for ear kill deer an
9 animal killed by a vehicle.

10 **SECTION 4.** 29.347 (1) (b) of the statutes is renumbered 29.347 (1) and amended
11 to read:

12 29.347 (1) "Validated" In this section, "validated" means marked with specified
13 information in the manner required by the department.

14 **SECTION 5.** 29.347 (2) of the statutes is amended to read:

15 29.347 (2) **DEER OR ELK CARCASS TAGS.** Except as provided under sub. (5) and s.
16 ss. 29.324 (3) and 29.349 (2), any person who kills a deer shall immediately attach
17 to the ear or antler of the deer a current validated deer carcass tag which is

BILL

1 authorized for use on the type of deer killed. ^{Except as provided under} ~~Any~~ ^{SOA 290349(2) any} person who kills an elk shall
 2 immediately attach to the ear or antler of the elk a current validated elk carcass tag.
 3 Except as provided under sub. (2m) or s. 29.89 (6), no person may possess, control,
 4 store, or transport a deer carcass unless it is tagged as required under this
 5 subsection. Except as provided under sub. (2m), no person may possess, control,
 6 store, or transport an elk carcass unless it is tagged as required under this
 7 subsection. A person who kills a deer or an elk shall register the deer or elk in the
 8 manner required by the department. A person who kills a deer or an elk shall
 9 possess, control, store, or transport the deer or elk carcass in compliance with rules
 10 promulgated by the department under s. 29.063 (3). The carcass tag may not be
 11 removed before registration. The removal of a carcass tag from a deer or an elk before
 12 registration renders the deer or elk untagged.

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

14 29.347 (2m) (a) A carcass tag attached under sub. (2) and a registration tag
 15 attached by the department or a car kill tag attached under ~~sub. (5)~~ s. 29.349 (2), may
 16 be removed from a gutted carcass at the time of butchering, but the person who killed
 17 or obtained the deer or elk shall retain all tags until the meat is consumed.

18 **SECTION 7.** 29.347 (3) (b) of the statutes is amended to read:

19 29.347 (3) (b) No person may possess or control deer or elk antlers in the velvet
 20 or a deer or an elk skin in the spotted coat of a lawfully killed deer or elk unless the
 21 person to whom the carcass tag for the deer or elk was issued, or the person who had
 22 the deer tagged under ~~sub. (5)~~ s. 29.349 (2), has requested and received authorization
 23 from the department to control or possess the antlers or skin. A request for written
 24 authorization from the department shall be made within 7 days after the carcass tag
 25 has been attached to the deer or elk.

BILL

1 **SECTION 8.** 29.347 (5) (title) of the statutes is repealed.

2 **SECTION 9.** 29.347 (5) (a) of the statutes is renumbered 29.349 (2) (a) and
3 amended to read:

4 29.349 (2) (a) Subject to ~~sub. s. 29.347~~ (6), any person who while operating a
5 motor vehicle on a highway accidentally collides with and kills a ^{bear} deer may take
6 possession of the carcass. Subject to ~~sub. s. 29.347~~ (6), if the motor vehicle operator
7 does not want to take the carcass, the carcass may be taken by any other person who
8 is present at the scene of the accident at the time the collision occurs or at any time
9 after the collision occurs.

10 **SECTION 10.** 29.347 (5) (b) of the statutes is renumbered 29.349 (2) (b). *el*

11 **SECTION 11.** 29.347 (5) (c) of the statutes is renumbered 29.349 (2) (c). *el*

12 **SECTION 12.** 29.347 (5) (d) of the statutes is renumbered 29.349 (2) (d). *el*

13 **SECTION 13.** 29.349 ^{(title) and (3)} of the statutes ^{are} created to read:

14 **29.349 (title) Animals killed by vehicles. (1) In this subsection:**

15 (b) "Small game animal" means any variety of a mammal or bird for which there
16 is an open season for the hunting or trapping of the mammal or bird but does not
17 include deer, moose, elk, bear, wild turkey, bobcat, fisher, otter, or an endangered or
18 threatened species of mammal or bird.

19 (3) Any person who while operating a motor vehicle on a highway accidentally
20 collides with and kills a small game animal during the open season for that animal
21 may take possession of the carcass if the person possesses an approval issued under
22 this chapter that authorizes the hunting or trapping of the kind of small game animal
23 killed. If the motor vehicle operator does not want to take the carcass, the carcass
24 may be taken by any other person who is present at the scene of the accident at the
25 time the collision occurs or at any time after the collision occurs if the person

BILL

1
2
~~possesses an approval issued under this chapter that authorizes the hunting or trapping of the kind of small game animal killed.~~

(END)

insert
5-2
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2967/2ins.
RNK:.....

INSERT 2-1

1 SECTION 1. 29.184 (8) of the statutes is amended to read:
2 29.184 (8) CARCASS TAG. The department shall issue a bear carcass tag to each
3 person who is issued a Class A bear license. ~~A~~ Except as provided under s. 29.349
4 (2), person who kills a bear shall immediately validate and attach the carcass tag to
5 the bear. The carcass tag shall be attached and validated according to rules
6 promulgated by the department.

History: 1985 a. 270; 1997 a. 1 ss. 57 to 74, 77; 1997 a. 27, 191; 1997 a. 248 ss. 255 to 269; Stats. 1997 s. 29.184; 1997 a. 249 ss. 28 to 32; 1999 a. 9, 32, 186; 2001 a. 55; 2003 a. 59; 2005 a. 25, 387; 2007 a. 65, 66; 2009 a. 39.

INSERT 4-10

7 SECTION 2. 29.347 (5) (a) (intro.) of the statutes is renumbered 29.349 (2) (b)
8 (intro.) and amended to read: (a)
9 29.349 (2) (b) (intro.) Subject to sub. (6), any person who while operating a
10 motor vehicle on a highway accidentally collides with and kills a bear, deer, elk, or
11 wild turkey may take possession of the carcass. Subject to sub. (6), if the motor
12 vehicle operator does not want to take the carcass, the carcass may be taken by any
13 other person who is present at the scene of the accident at the time the collision
14 occurs or at any time after the collision occurs.

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; 2005 a. 286.

15 SECTION 3. 29.347 (5) (b) (intro.) of the statutes is renumbered 29.349 (2) (b)
16 (intro.) and amended to read:

17 29.349 (2) (b) (intro.) No person may take possession of the carcass of a bear
18 deer, elk, or wild turkey killed in the manner specified in par. (a) and remove the
19 carcass from the scene of the accident unless the person has complied with rules
20 promulgated by the department under s. 29.063 (3) and one of the following apply:

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; 2005 a. 286.

1 SECTION 4. 29.347 (5) (b) 1. and 2. of the statutes are renumbered 29.349 (2)
2 (b) 1. and 2.

INSERT 5-2

3

(3) (a) Except as provided under par. (b) or as authorized under s. 29.615, no
4 person may take possession of the carcass of a small game animal killed by a person
5 who accidentally collides with the small game animal while operating a motor
6 vehicle on a highway unless all of the following apply:

- 7 1. The small game animal is killed during the open season for that animal.
- 8 2. The small game animal is not a bobcat, fisher, or otter.
- 9 3. The person possesses an approval issued under this chapter that authorizes
10 the hunting or trapping of the kind of small game animal killed.
- 11 4. The person is the operator of the motor vehicle.

12

(b) (1) If an operator of a motor vehicle who is authorized under par. (a) to take
13 possession of the carcass of a small game animal does not want to take possession of
14 the carcass, any other person may take possession of the carcass and remove it from
15 the scene of the accident if the person possesses an approval issued under this
16 chapter that authorizes the hunting or trapping of the kind of small game animal
17 killed by the operator of the motor vehicle and the person takes the carcass during
18 the open season for that animal.

19

(c) The department may not charge a person a fee to take possession of the
20 carcass of a small game animal if ~~possession of~~ the carcass ~~is authorized~~ under this

21

section
subsec from

The person is authorized to possess
~~possession of~~ the carcass ~~is authorized~~

9/25 -

2967/2 Stephanie - redraft

for Gray Chuck

can't include elk -

Section 10+11 - take out elk so that
person can't take car killed elk



State of Wisconsin
2009 - 2010 LEGISLATURE

Rm run
3
LRB-2967/2
RNK:bjk:jf
Lstays

2009 BILL

SA

In
9/25

regen.

1 AN ACT *to repeal* 29.347 (1) (intro.) (except 29.347 (1) (title)) and 29.347 (5) (title);
2 *to renumber* 29.347 (5) (b) 1. and 2., 29.347 (5) (c) and 29.347 (5) (d); *to*
3 *renumber and amend* 29.347 (1) (a), 29.347 (1) (b), 29.347 (5) (a) and 29.347
4 (5) (b) (intro.); *to amend* 29.184 (8), 29.347 (1) (title), 29.347 (2), 29.347 (2m)
5 (a) and 29.347 (3) (b); and *to create* 29.349 (title) and (3) of the statutes;
6 **relating to:** possession of certain animals killed by vehicles.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources (DNR) is authorized to issue hunting, fishing, and trapping licenses, permits, tags, and other approvals (approvals) and to otherwise establish and maintain conditions regulating hunting, fishing, and trapping. Generally, current law requires a person to have a valid approval to hunt a deer and to take possession of the deer carcass.

Current law authorizes a person who accidentally kills a deer while operating a motor vehicle on a highway to take possession of the deer carcass and to remove it from the scene of the accident if the person has the carcass tagged by a law enforcement officer or gives the law enforcement officer certain identifying information and has the carcass tagged at a later time as instructed by the law enforcement officer. Current law prohibits DNR from charging a fee to issue a tag for this purpose. Under this bill, the law regulating the possession of the carcass of a deer killed by a vehicle also applies to elk, bear, and wild turkey.

>

elk, bear, and wild turkey

BILL

This bill allows a person who accidentally kills certain other small game animals while operating a motor vehicle on a highway to also take possession of the carcass of that small game animal. Under the bill, the operator of the motor vehicle may take possession of the carcass of the small game animal, if the animal is not a fisher, otter, or bobcat, if the motor vehicle operator possesses an approval that authorizes the hunting or trapping of the kind of animal killed, and if the animal is killed during the open season for that animal. If the operator of the motor vehicle does not want to take possession of the carcass, any other person may take possession of the carcass if that person possesses an approval that authorizes the hunting or trapping of the kind of animal killed by the motor vehicle, and if the animal was killed during the open season for that animal. Unlike current law authorizing the possession of the carcass of a deer killed by a vehicle, a person who is authorized under this bill to take possession of a small game animal killed by a vehicle need not have the animal tagged by a law enforcement officer.

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

1 **SECTION 1.** 29.184 (8) of the statutes is amended to read:

2 29.184 (8) CARCASS TAG. The department shall issue a bear carcass tag to each
3 person who is issued a Class A bear license. ~~A~~ Except as provided under s. 29.349
4 (2), person who kills a bear shall immediately validate and attach the carcass tag to
5 the bear. The carcass tag shall be attached and validated according to rules
6 promulgated by the department.

7 **SECTION 2.** 29.347 (1) (title) of the statutes is amended to read:

8 29.347 (1) (title) ~~DEFINITIONS~~ DEFINITION.

9 **SECTION 3.** 29.347 (1) (intro.) (except 29.347 (1) (title)) of the statutes is
10 repealed.

11 **SECTION 4.** 29.347 (1) (a) of the statutes is renumbered 29.349 (1) and amended
12 to read:

BILL

1 29.349 (1) Law In this section, "law enforcement officer" means a warden or
2 any other law enforcement officer authorized by the department to issue tags for ear
3 kill deer an animal killed by a vehicle.

4 **SECTION 5.** 29.347 (1) (b) of the statutes is renumbered 29.347 (1) and amended
5 to read:

6 29.347 (1) Validated In this section, "validated" means marked with specified
7 information in the manner required by the department.

8 **SECTION 6.** 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. 29.324 (3) and 29.349 (2), 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. ^{stet} Any Except as provided under s. 29.349

13 (2), ^{plain} any person who kills an elk shall immediately attach to the ear or antler of the
14 elk a current validated elk carcass tag. Except as provided under sub. (2m) or s. 29.89
15 (6), no person may possess, control, store, or transport a deer carcass unless it is
16 tagged as required under this subsection. Except as provided under sub. (2m), no
17 person may possess, control, store, or transport an elk carcass unless it is tagged as
18 required under this subsection. A person who kills a deer or an elk shall register the
19 deer or elk in the manner required by the department. A person who kills a deer or
20 an elk shall possess, control, store, or transport the deer or elk carcass in compliance
21 with rules promulgated by the department under s. 29.063 (3). The carcass tag may
22 not be removed before registration. The removal of a carcass tag from a deer or an
23 elk before registration renders the deer or elk untagged.

24 **SECTION 7.** 29.347 (2m) (a) of the statutes is amended to read:

BILL

1 29.347 (2m) (a) A carcass tag attached under sub. (2) and a registration tag
2 attached by the department or a car kill tag attached under ~~sub. (5)~~ s. 29.349 (2), may
3 be removed from a gutted carcass at the time of butchering, but the person who killed
4 or obtained the deer or elk shall retain all tags until the meat is consumed.

5 **SECTION 8.** 29.347 (3) (b) of the statutes is amended to read:

6 29.347 (3) (b) No person may possess or control deer or elk antlers in the velvet
7 or a deer or an elk skin in the spotted coat of a lawfully killed deer or elk unless the
8 person to whom the carcass tag for the deer or elk was issued, or the person who had
9 the deer tagged under ~~sub. (5)~~ s. 29.349 (2), has requested and received authorization
10 from the department to control or possess the antlers or skin. A request for written
11 authorization from the department shall be made within 7 days after the carcass tag
12 has been attached to the deer or elk.

13 **SECTION 9.** 29.347 (5) (title) of the statutes is repealed.

14 **SECTION 10.** 29.347 (5) (a) of the statutes is renumbered 29.349 (2) (a) and
15 amended to read:

16 29.349 (2) (a) Subject to ~~sub. s. 29.347 (6)~~, any person who while operating a
17 motor vehicle on a highway accidentally collides with and kills a bear, deer, elk, or
18 wild turkey may take possession of the carcass. Subject to ~~sub. s. 29.347 (6)~~, if the
19 motor vehicle operator does not want to take the carcass, the carcass may be taken
20 by any other person who is present at the scene of the accident at the time the
21 collision occurs or at any time after the collision occurs.

22 **SECTION 11.** 29.347 (5) (b) (intro.) of the statutes is renumbered 29.349 (2) (b)
23 (intro.) and amended to read:

24 29.349 (2) (b) (intro.) No person may take possession of the carcass of a bear,
25 deer, elk, or wild turkey killed in the manner specified in par. (a) and remove the

BILL

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

3 **SECTION 12.** 29.347 (5) (b) 1. and 2. of the statutes are renumbered 29.349 (2)
4 (b) 1. and 2.

5 **SECTION 13.** 29.347 (5) (c) of the statutes is renumbered 29.349 (2) (c).

6 **SECTION 14.** 29.347 (5) (d) of the statutes is renumbered 29.349 (2) (d).

7 **SECTION 15.** 29.349 (title) and (3) of the statutes are created to read:

8 **29.349 (title) Animals killed by vehicles.**

9 **(3) (a)** Except as provided under par. (b) or as authorized under s. 29.614, no
10 person may take possession of the carcass of a small game animal killed by a person
11 who accidentally collides with the small game animal while operating a motor
12 vehicle on a highway unless all of the following apply:

13 1. The small game animal is killed during the open season for that animal.

14 2. The small game animal is not a bobcat, fisher, or otter.

15 3. The person possesses an approval issued under this chapter that authorizes
16 the hunting or trapping of the kind of small game animal killed.

17 4. The person is the operator of the motor vehicle.

18 (b) If an operator of a motor vehicle who is authorized under par. (a) to take
19 possession of the carcass of a small game animal does not want to take possession of
20 the carcass, any other person may take possession of the carcass and remove it from
21 the scene of the accident if the person possesses an approval issued under this
22 chapter that authorizes the hunting or trapping of the kind of small game animal
23 killed by the operator of the motor vehicle and the person takes the carcass during
24 the open season for that animal.

Barman, Mike

From: Rep.Hraychuck
Sent: Tuesday, October 20, 2009 11:57 AM
To: LRB.Legal
Subject: Draft Review: LRB 09-2967/3 Topic: Car killed animals

Please Jacket LRB 09-2967/3 for the ASSEMBLY.
Rep. Ann Hraychuck
6 North