



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

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

1 **AN ACT** *to amend* 29.047 (1m), 29.047 (2) (a), 29.347 (2), 29.347 (2m) (b), 29.347
2 (3), 29.347 (5) (a), 29.347 (5) (b) (intro.) and 29.357 (5) (b); and **to create** 20.370
3 (1) (fq), 23.09 (2) (p), 29.047 (1) (c) 3., 29.063 (3), 29.063 (4), 29.063 (5), 29.347
4 (6), 29.357 (4m), 29.361 (3m) and 29.506 (5m) of the statutes; **relating to:**
5 agreements to indemnify persons who process or dispose of carcasses with
6 chronic wasting disease, access to tissue or disease data from wild animals,
7 granting rule-making authority regarding the transportation, possession,
8 control, storage, or disposal of the carcass of a deer or an elk from a chronic
9 wasting disease eradication zone or a state with confirmed chronic wasting
10 disease, and making an appropriation.

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 to control chronic wasting disease. The bill also allows DNR to promulgate rules prohibiting the transportation of the carcass of a deer or an elk from another state or country in which chronic wasting disease has been confirmed in a deer or an elk, except that certain types of meat and antlers, including boned meat, wrapped meat, and finished taxidermy heads, may not be prohibited.

The rules, under the bill, would apply to everyone that may be involved with the deer or elk carcass, including motor vehicle operators who accidentally kill a deer or an elk on a highway, and hunters, taxidermists, and transporters.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 29.063 **(3)** To control chronic wasting disease, the department may promulgate
13 rules regulating the transportation, possession, control, storage, or disposal of the
14 carcass of a deer or an elk in this state, except that the rules may not apply to any
15 of the following:

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

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

19 (c) Meat that has been boned.

20 (d) Hides with no heads attached.

21 (e) Finished taxidermy heads.

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

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

24 (h) Upper canine teeth.

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

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

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

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

8 (c) Meat that has been boned.

9 (d) Hides with no heads attached.

10 (e) Finished taxidermy heads.

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

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

13 (h) Upper canine teeth.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 **SECTION 9.** 29.347 (2) of the statutes is amended to read:

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

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

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

25 **SECTION 11.** 29.347 (3) of the statutes is amended to read:

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

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

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

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

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

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

22 29.347 (6) CONTROL OF CARCASSES. No person may transport, possess, store,
23 butcher, or control the carcass of a deer or an elk in violation of rules promulgated
24 by the department under s. 29.063 (3) or (4).

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

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

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

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

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

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

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

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

(END)