



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 286
[2005 Assembly Bill 609]

**Management of Chronic Wasting
Disease**

Under the current statutes, the Department of Natural Resources (DNR) and the Department of Agriculture, Trade and Consumer Protection (DATCP) have various responsibilities related to the management of chronic wasting disease. This is a disease that affects “cervids,” which are defined for purposes of DNR regulations as a species of deer or elk that is present in the wild and that is not a farm-raised deer.

Act 286 authorizes DNR, for purposes of controlling chronic wasting disease, to promulgate rules that impose regulations on the transportation, possession, control, storage, or disposal of the carcass of a cervid. DNR may also promulgate rules that prohibit the transportation of the carcass of a cervid that comes from another state or country in which chronic wasting disease has been confirmed in a cervid. These rules, under the Act, may not apply to various portions of a cervid, such as deboned meat, quarters that do not contain any part of the spinal column or head, meat that is cut and wrapped, hides with no heads attached, or finished taxidermy heads.

The Act grants authority to DNR to require any person to provide DNR with tissue samples from a wild animal if the tissue is necessary to determine the existence or extent of a disease in wild animals in this state.

Current statutes prohibit the unsafe transport and shooting of a firearm, bow, or crossbow in or from a motorboat or vehicle, or across or near a highway. Previous statutes included temporary exemptions from these general prohibitions, but the exemptions expired prior to the enactment of Act 286. Except for shooting across a highway, the prior exemptions did not apply to a state employee or agent or to a federal employee or agent authorized by the DNR to take animals from the wild for the purpose of controlling the spread of disease in animals if that person is hunting within a DNR-designated chronic wasting disease eradication zone. Also, the general prohibitions did not apply to a landowner, or a family member or employee of the landowner, who is using a firearm, bow, or crossbow to shoot wild animals from a farm tractor or an implement of husbandry on the landowner’s land that is

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.state.wi.us/>.

located within a DNR-designated chronic wasting disease eradication zone. These provisions contained a sunset of June 30, 2004, which is replaced by a sunset of June 30, 2010 by the Act.

DNR and DATCP are each authorized by the Act to enter into agreements with persons who own or operate landfills, meat processing facilities, or wastewater treatment facilities. These agreements provide indemnity for damages to a person, property, or the environment resulting from the processing or disposal of carcasses of cervids and farm-raised deer that have chronic wasting disease. The Act sets forth specific requirements for these agreements, including the following:

- Approval by the Governor.
- Specified methods for determining that the landfill, meat processing facility, or wastewater treatment facility is liable for that damage.
- Notice to the DNR and the Attorney General by the person who may be liable when a claim or lawsuit is filed.
- A requirement to minimize risks related to processing or disposal of the carcasses.
- Authorization for the Attorney General to intervene on behalf of the landfill, meat processing facility, or wastewater treatment facility in any lawsuit to which the agreement may apply.

The Act provides a sum sufficient appropriation in the state budget (i.e., the full amount necessary) to pay claims under an indemnity agreement.

Act 286 authorizes DNR to exempt deer hunters in chronic wasting disease control zones from the requirement to have a deer hunting license. DNR is required by rule to establish eligibility criteria and application procedures for receipt of an exemption, including a method for obtaining a permit to hunt deer without a license.

Effective Date: 2005 Wisconsin Act 286 takes effect on April 21, 2006.

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