



2005 ASSEMBLY BILL 1209

April 27, 2006 - Introduced by Representatives MEYER, FRISKE, GARD and MURSAU, cosponsored by Senator BRESKE. Referred to Committee on Agriculture.

- 1 **AN ACT** *to amend* 90.20 (2) (intro.); and *to create* 90.21 (2) (d) and 95.55 (1) (c)
2 of the statutes; **relating to:** fenced areas of farm-raised deer that are located
3 both in this state and in an adjoining state.

Analysis by the Legislative Reference Bureau

Under current law, no person may keep any type of deer on a deer farm without being registered with the Department of Agriculture, Trade and Consumer Protection (DATCP). To register with DATCP a deer farm owner who is keeping farm-raised deer other than white-tailed deer must comply with statutory requirements for the fencing of these deer (DATCP requirements). A deer farm owner who keeps farm-raised white-tailed deer must receive a fence inspection certificate from the Department of Natural Resources (DNR) before being registered with DATCP. To receive a fence certificate, the fence must be in compliance with DNR rules that establish fencing requirements for white-tailed deer.

Current law requires DATCP to promulgate rules establishing testing requirements for chronic wasting disease (CWD) in deer and authorizes, but does not require, DATCP to establish rules to be followed by persons keeping farm-raised deer to prevent the spread of disease.

This bill exempts the owner of a deer farm that exists on the date this bill becomes law and that is located in two states from having to have the entire area in this state fenced, if certain requirements are met. These include meeting the applicable fencing requirements of this state or the adjoining state, whichever are more stringent, as determined by DNR and complying with the disease prevention

ASSEMBLY BILL 1209

laws of this state or the adjoining state, whichever are more stringent, as determined by DATCP. Also, the deer farm owner must have any deer that dies from natural causes or harvesting on the deer farm tested for CWD and must have the results submitted to DATCP and to DNR. Moreover, a deer farm owner must report any incidents of deer escaping from the farm to DATCP and to DNR and may not release any deer from the farm into the wild in this state.

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.** 90.20 (2) (intro.) of the statutes is amended to read:

2 90.20 (2) SPECIFICATIONS. (intro.) Unless s. 90.21 or 95.55 (1) (c) applies, any
3 person who keeps farm-raised deer shall keep the farm-raised deer enclosed by a
4 fence that meets all of the following requirements:

5 **SECTION 2.** 90.21 (2) (d) of the statutes is created to read:

6 90.21 (2) (d) Paragraphs (a) to (c) do not apply to farm-raised deer that are kept
7 pursuant to s. 95.55 (1) (c).

8 **SECTION 3.** 95.55 (1) (c) of the statutes is created to read:

9 95.55 (1) (c) The department shall register a person to keep farm-raised deer
10 in a fenced area that is located in this state and another state without having the
11 entire area in this state enclosed with a fence if all of the following apply:

12 1. The person is keeping farm-raised deer in the fenced area on the effective
13 date of this subdivision [revisor inserts date].

14 2. The fenced area located in this state complies with the applicable fencing
15 requirements under ss. 90.20 and 90.21, or the fencing requirements of the adjoining
16 state, whichever are more stringent, as determined by the department of natural
17 resources.

ASSEMBLY BILL 1209

1 3. The person complies with all of the rules promulgated under this section for
2 the prevention of disease in farm-raised deer or all such laws of the adjoining state,
3 whichever are more stringent, as determined by the department of agriculture, trade
4 and consumer protection.

5 4. The person has the carcass of each farm-raised deer that dies, in either state,
6 inside the fenced area, from being harvested or from natural causes tested for chronic
7 wasting disease and has the test results submitted to the department of agriculture,
8 trade and consumer protection and to the department of natural resources.

9 5. The person notifies the department of agriculture, trade and consumer
10 protection and the department of natural resources of the escape of any deer from the
11 portion of the fenced area that is located in this state immediately upon discovering
12 the escape.

13 6. The person does not release into this state any deer from the fenced area.

14

(END)