

Insert 65-20

No #

No person shall may, from the public waters of this state, take, remove, sell, or transport from the ~~public waters of this state to any place beyond the borders of the state~~, any duck potato, wild celery, or any other plant or plant product except wild rice, that is native in said to these waters and that is commonly known to furnish food for game birds.

History: 1989 a. 359; 1997 a. 248 s. 593; Stats. 1997 s. 29.741.

Insert 75-6

SECTION 1. 90.20 (title) of the statutes is amended to read:

90.20 (title) **Fencing of farm-raised deer that are not white-tailed deer.**

History: 1995 a. 79.

Insert 75-8

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

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

History: 1995 a. 79.

SECTION 3. 90.21 of the statutes is created to read:

90.21 Fencing of farm-raised deer; white-tailed deer.

(1) DEFINITIONS. In this section:

- (a) "Department" means the department of natural resources.
- (b) "Farm-raised deer" has the meaning given in s. 95.005 (1) (ag).

(2) REQUIREMENTS. (a) No person may keep farm-raised deer if any of the farm-raised deer are white-tailed deer unless all of the farm-raised deer are

contained in an fenced area for which the person holds a valid fence inspection certificate issued by the department under this section.

(b) The department may not issue a fence inspection certificate under this section for a fence that is used to contain farm-raised deer unless the fence meets the standards established by the department by rule under sub. (6).

(c) No person may apply for registration under s. 95.55 in order to keep farm-raised deer that are white-tailed deer without being first issued a fence inspection certificate under this section.

(3) FEES. (a) The annual fee for an fence inspection certificate is \$25 for a fenced area that is less than 40 acres in size, \$50 for an fenced area that is 40 acres or greater in size but less than 200 acres in size and \$100 for a fenced area that is 200 or more acres in size.

(b) A person shall apply for a new fence inspection certificate and pay the applicable fee if the person is expanding the area to be fenced.

(4) NEW OPERATIONS; DRIVING OUT OF WILD DEER. A person who is starting an operation to keep farm-raised deer and who is applying for a fence inspection certificate under this section shall make a reasonable effort to drive any wild white-tailed deer from the area to be fenced before the area is completely closed. No person may place any baiting material in attempt to attract white-tailed deer to remain in the fenced area. If the department issues a certificate under this section, the department shall determine whether any white-tailed deer remaining in the area after the area is completely closed will be killed or will be sold to the holder of the certificate. If the white-tailed deer are to be killed, the department will determine how the deer will be killed. If the white-tailed deer are to be sold, the holder of the certificate shall pay the department the fair market value for each deer.

.... [revisor inserts date],

(5) EXISTING OPERATIONS. (a) A person who holds a license under s. 29.871, 1999 stats., on the effective date of this subsection, may continue to keep white-tailed deer without holding a fence inspection certificate issued under this section during the period beginning on the effective date of this subsection [revisor inserts date], and ending on the 30th day after the effective date of the rules (under sub. (6).

(6) RULES. The department shall promulgate rules to establish standards and requirements for fences for which fence inspection certificates are issued under this section. If the rules include provisions authorizing the placement of fences in navigable bodies of water, s. 30.12 (will) ^{does} not apply to fences placed in compliance with these rules.

(7) INSPECTION AUTHORITY. The department may inspect at any time any fence that is used to contain farm-raised deer that are white-tailed deer to determine whether the fence complies with the standards established by rule under sub. (6). If the fence fails to comply with these standards, the department may issue an order directing the person who is required to maintain the fence to bring the fence into ^{compliance} comply within 10 days after the issuance of the order. If the person fails to comply with the order within 10 days of its issuance, the department may revoke the applicable fence ^{inspection} certification certificate.

(8) PENALTIES. (a) Any person who violates this section, or a rule promulgated under this section, shall be subject to a forfeiture of not more than \$200.

(b) In addition to or in lieu of the forfeiture specified in par. (a), a court may revoke or suspend a ^{fence inspection} fencing certificate issued under this section, a registration issued under s. 95.55 that authorizes the defendant to keep farm raised deer, or both, for a period of up to 3 years.

(c) The department may revoke any fence ^{inspection} certificate issued under this section to which any of the following applies:

1. The holder fails to comply with an order issued under sub. (7). ✓
2. The department determines that the certificate was fraudulently procured, or erroneously issued. ✓
3. The department determines that the person holding the certificate is not in compliance with any rule promulgated under s. 95.55 (5) or (6). ✓

Insert 75-11

SECTION 4. 93.06 (1g) of the statutes is amended to read:

93.06 (1g) ~~INTERSTATE HEALTH CERTIFICATES~~ CERTIFICATES OF VETERINARY INSPECTION. Furnish, to veterinarians in this state, forms to be used by them in issuing ~~interstate health certificates or~~ certificates of veterinary inspection. The department may charge a \$2 fee for each form unless the department specifies a different fee by rule.

History: 1973 c. 206; 1975 c. 39; 1975 c. 94 s. 3; 1975 c. 414 s. 28; 1977 c. 181; 1979 c. 32 s. 92 (6), (12); 1979 c. 209; 1983 a. 203; 1985 a. 30 s. 47; 1989 s. 1, 174, 282; 1991 a. 39; 1993 a. 16; 1995 a. 400; 1997 a. 27, 191, 253; 1999 a. 9, 186.

Insert 76-4

SECTION 5. 95.001 (1) (ac) of the statutes is created to read:

95.001 (1) (ac) "Captive game bird" means a bird of a type that is hunted and that is held in captivity. "Captive game bird" does not include poultry or a ~~ratite~~. ✓

LPS: the word is "ratite"
(t)

Insert 76-14

SECTION 6. 95.10 (5) of the statutes is amended to read:

95.10 (5) No person shall remove or permit the removal of any swine from any premises where public or commercial garbage is received, except to federally inspected slaughtering establishments and other slaughtering establishments approved by the state to receive diseased animals, and only if such swine are accompanied by a ~~health certificate issued by a veterinarian~~ of veterinary inspection. ✓

History: 1981 c. 66, 291; 1981 c. 391 s. 210.

Insert 79-3

SECTION 7. 95.38 (1) of the statutes is amended to read:

95.38 (1) It shall be unlawful for any person to in any manner change any test record, falsely record any test, misrepresent the identification of any animal or any other material fact on any test record, ~~interstate health certificate~~, certificate of veterinary inspection, vaccination record, claim for indemnity, or any disease control report or application to the department. It shall be unlawful for any person to induce or to conspire with another, either directly or indirectly, to do any of the said prohibited acts.

History: 1983 a. 132.

SECTION 8. 95.45 (title) of the statutes is repealed and recreated to read:

95.45 (title) Certificates of veterinary inspection; tests for interstate shipment.

Insert 80-4

SECTION 9. 95.45 (5) of the statutes is created to read:

95.45 (5) Any certificate of veterinary inspection prepared under this chapter shall comply with any rules that are promulgated by the department.

Insert 80-20

SECTION 10. 95.55 (5) of the statutes is created to read:

95.55 (5) HUNTING. (a) A person hunting farm-raised deer is exempt from having any hunting approval issued under ch. 29 and is exempt from any closed season restrictions or bag limits established by the department of natural resources. In order to regulate the hunting of farm-raised deer, the department of agriculture, trade and consumer protection may promulgate rules to establish tagging requirements or other methods for identifying dead farm-raised deer that have been

legally hunted or killed and to impose other conditions or requirements regulating the hunting of farm-raised deer.

(b) No owner of farm-raised deer may sell, or offer to sell, the opportunity to hunt farm-raised deer unless the farm-raised deer to be hunted are confined in an area of 80 contiguous acres or more.

(c) The department may promulgate rules to impose requirements on the form issuance, and filing of certificates of veterinary inspection.

(c)(d) The department of natural resources and the department of agriculture, trade and consumer protection shall cooperate with each other with respect to the hunting of farm-raised deer.

Insert 82-4

95.68 (1) (ai) "Livestock Animal transport vehicle" has the meaning given in s. 95.71 (1) (g) (dm).

History: 1993 a. 16; 1995 a. 79, 95.

Insert 82-13

SECTION 11. 95.68 (2m) (title) of the statutes is repealed and recreated to read:

95.68 (2m) (title) EXEMPTIONS.

SECTION 12. 95.68 (2m) of the statutes is renumbered 95.68 (2m) (a) and amended to read:

95.68 (2m) (a) A person is not required to obtain a license under sub. (2) to operate an occasional auction sale sponsored by a livestock breeder association or a youth agricultural organization if records of the transactions at the sale are maintained by an auctioneer registered under ch. 480 or by a livestock an animal dealer licensed under s. 95.69.

History: 1993 a. 16; 1995 a. 79, 95.

SECTION 13. 95.68 (2m) (b) of the statutes is created to read:

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80-2

95.68 (2m) (b) The department may promulgate rules to exempt groups of persons from the licensing requirement under sub. (2) or the registration requirement under sub. (7) or both.

Insert 83-6

SECTION 14. 95.68 (5) (a) 1m. of the statutes is created to read:

95.68 (5) (a) 1m. Operated a livestock market, as defined in s. 95.68 (1) (e), 1999 stats., without a license in violation of s. 95.68 (2), 1999 stats.

Insert 83-9

SECTION 15. 95.68 (5) (a) 2m. of the statutes is created to read:

95.68 (5) (a) 2m. Operated an unregistered livestock vehicle, as defined in s. 95.71 (1) (g), 1999 stats., ~~without a license~~ in violation of s. 95.68 (7), 1999 stats.

SECTION 16. 95.68 (5) (b) of the statutes is amended to read:

95.68 (5) (b) In addition to the surcharge under par. (a), an applicant for a license under sub. (2) shall pay the fees due for the year in which the applicant was in violation of sub. (2) or (7).

History: 1993 a. 16; 1995 a. 79, 95.

Insert 84-17

SECTION 17. 95.69 (title) of the statutes is amended to read:

95.69 (title) Livestock Animal dealers.

History: 1993 a. 16; 1995 a. 95.

SECTION 18. 95.69 (1) (b) of the statutes is renumbered 95.69 (1) (g).

SECTION 19. 95.69 (1) (c) (intro.) of the statutes is amended to read:

95.69 (1) (c) (intro.) "Livestock Animal dealer" means a person who, as principal or agent, engages in the business of buying for resale or for slaughter,

selling or exchanging livestock or wild animals. "Livestock Animal dealer" does not include any of the following:

History: 1993 a. 16; 1995 a. 95.

SECTION 20. 95.69 (1) (c) 1. of the statutes is amended to read:

95.69 (1) (c) 1. ~~A~~ livestock An animal dealer employee.

History: 1993 a. 16; 1995 a. 95.

SECTION 21. 95.69 (1) (d) of the statutes is amended to read:

95.69 (1) (d) "Livestock Animal dealer employee" means an employee of a licensed livestock animal dealer, who does business in the name of the licensed livestock animal dealer.

History: 1993 a. 16; 1995 a. 95.

SECTION 22. 95.69 (1) (e) of the statutes is amended to read:

95.69 (1) (e) "Livestock Animal market" has the meaning given in s. 95.68 (1) (e) (ag).

History: 1993 a. 16; 1995 a. 95.

SECTION 23. 95.69 (1) (f) of the statutes is amended to read:

95.69 (1) (f) "Livestock Animal transport vehicle" has the meaning given in s. 95.71 (1) (g) (dm).

History: 1993 a. 16; 1995 a. 95.

SECTION 24. 95.69 (1) (h) of the statutes is created to read:

95.69 (1) (h) "Wild animal" has the meaning given in s. 95.68 (1) (g)

SECTION 25. 95.69 (2) of the statutes is amended to read:

95.69 (2) LICENSE. No person may operate as a livestock an animal dealer without an annual license from the department, except that no license is required of a person licensed as a livestock an animal market operator under s. 95.68. A livestock An animal dealer license expires on June 30 annually. A livestock An animal dealer license is not transferable.

LPS add a period

LPS: extra striking

History: 1993 a. 16; 1995 a. 95.

SECTION 26. 95.69 (2m) of the statutes is created to read:

✓
95.69 (2m) EXEMPTION. The department may promulgate rules to exempt groups of persons from the licensing requirement under sub. (2) or the registration requirement under sub. (7) or both.

SECTION 27. 95.69 (4) of the statutes is amended to read:

95.69 (4) FEES. Unless the department specifies a different fee by rule, the fee for a livestock an animal dealer license is \$75. ✓

History: 1993 a. 16; 1995 a. 95.

SECTION 28. 95.69 (5) (a) 1. of the statutes is amended to read:

95.69 (5) (a) 1. Operated as a livestock an animal dealer without a license in violation of sub. (2).

History: 1993 a. 16; 1995 a. 95.

SECTION 29. 95.69 (5) (a) 1m. of the statutes is created to read:

95.69 (5) (a) 1m. Operated as a livestock dealer, as defined in s. 95.69 (1) (c), 1999 stats., without a license in violation of s. 95.69 (2), 1999 stats.

SECTION 30. 95.69 (5) (a) 2. of the statutes is amended to read:

95.69 (5) (a) 2. Operated an unregistered livestock animal transport vehicle in violation of sub. (7).

History: 1993 a. 16; 1995 a. 95.

SECTION 31. 95.69 (5) (a) 2m. of the statutes is created to read:

95.69 (5) (a) 2m. Operated an unregistered livestock vehicle, as defined in s. 95.71 (1) (g), 1999 stats., without a license in violation of s. 95.69 (7), 1999 stats.

SECTION 32. 95.69 (5) (b) of the statutes is amended to read:

95.69 (5) (b) In addition to the surcharge under par. (a), an applicant for a license under sub. (2) shall pay the fees due for the year in which the applicant was in violation of ~~sub. (2) or (7)~~.

History: 1993 a. 16; 1995 a. 95.

SECTION 33. 95.69 (5) (c) of the statutes is amended to read:

95.69 (5) (c) The payment of the surcharge and fees under this subsection does not relieve the applicant of other civil or criminal liability that may result from the failure to obtain a license or from the operation of an unregistered livestock vehicle but does not constitute evidence of a violation of a law.

History: 1993 a. 16; 1995 a. 95.

SECTION 34. 95.69 (7) of the statutes is amended to read:

*Animal
transport*

95.69 (7) LIVESTOCK ANIMAL TRANSPORT VEHICLE REGISTRATION. No livestock animal dealer may operate a livestock an animal transport vehicle unless the livestock animal transport vehicle is registered with the department in the name of the livestock animal dealer. The livestock animal transport vehicle shall be registered in the name of the livestock animal dealer on a form provided by the department. The registration shall include a description and the serial number of the livestock animal transport vehicle.

History: 1993 a. 16; 1995 a. 95.

SECTION 35. 95.69 (8) of the statutes is amended to read:

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95.69 (8) RULES. The department may promulgate rules to specify license fees under sub. (4) or to regulate livestock animal dealers, including rules related to livestock animal dealer qualifications, construction and maintenance of livestock animal transport vehicles, identification of livestock animal transport vehicles, disease sanitation, humane treatment of animals, identification of animals, record keeping, reports to the department and compliance with applicable financial security requirements under state or federal law.

History: 1993 a. 16; 1995 a. 95.

SECTION 36. 95.69 (8m) of the statutes is amended to read:

95.69 (8m) TRANSACTION RECORDS. An auctioneer registered under ch. 480 who sells livestock or wild animals and who is not required to obtain a license under this

section shall make records of the sales available to the department upon request for disease investigation purposes.

History: 1993 a. 16; 1995 a. 95.

SECTION 37. 95.71 (title) of the statutes is amended to read:

95.71 (title) **Livestock Animal truckers.**

History: 1993 a. 16.

SECTION 38. 95.71 (1) (b) of the statutes is renumbered 95.71 (1) (h).

SECTION 39. 95.71 (1) (c) of the statutes is repealed.

SECTION 40. 95.71 (1) (d) of the statutes is repealed.

SECTION 41. 95.71 (1) (e) of the statutes is amended to read:

95.71 (1) (e) "Livestock Animal trucker" means a person engaged in the business of transporting for hire, by means of a livestock an animal transport vehicle, livestock and wild animals, except that it "animal trucker" does not include a livestock an animal trucker employee.

History: 1993 a. 16.

SECTION 42. 95.71 (1) (f) of the statutes is amended to read:

95.71 (1) (f) "Livestock Animal trucker employee" means the employee of a person who holds ^{strike} ~~a~~ livestock animal trucker license if the employee, in the name of the licensed livestock animal trucker, operates ~~a~~ livestock an animal transport vehicle which is registered by the livestock animal trucker and on which the name and the business address of the licensed animal livestock trucker are prominently displayed.

History: 1993 a. 16.

SECTION 43. 95.71 (1) (g) of the statutes is renumbered 95.71 (dm) ⁽¹⁾ amended to read:

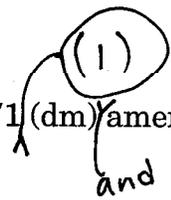
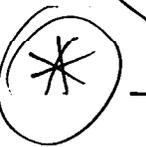
95.71 (1) (dm) "Livestock Animal transport vehicle" means any vehicle used to transport livestock.

History: 1993 a. 16.

or wild animals

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SECTION 44. 95.71 (1) (i) of the statutes is created to read:

95.71 (1) (i) "Wild animal" has the meaning given in s. 95.68 (1) (g).

SECTION 45. 95.71 (2) of the statutes is amended to read:

95.71 (2) LICENSE. No person may operate as ~~a livestock~~ an animal trucker without an annual license issued by the department. ~~A livestock~~ An animal trucker license authorizes ~~a livestock~~ an animal trucker to operate only those livestock animal transport vehicles that are registered by the ~~livestock~~ animal trucker under sub. (4). A license expires on June 30 annually. ~~A livestock~~ An animal trucker license is not transferable.

History: 1993 a. 16.

SECTION 46. 95.71 (3) of the statutes is amended to read:

95.71 (3) APPLICATION. An application for ~~a livestock~~ an animal trucker license under sub. (2) shall be made on a form provided by the department. The application shall include information reasonably required by the department for licensing purposes. As part of the application, the applicant shall register every livestock animal transport vehicle operated by the applicant as provided under sub. (4). An application shall be accompanied by the applicable fees and surcharges required under subs. (5) and (6).

History: 1993 a. 16.

SECTION 47. 95.71 (4) of the statutes is amended to read:

95.71 (4) LIVESTOCK ANIMAL TRANSPORT VEHICLE REGISTRATION. No livestock animal trucker may operate ~~a livestock~~ an animal transport vehicle unless the livestock animal transport vehicle is registered with the department in the name of the livestock animal trucker. The livestock animal transport vehicle shall be

plain space

registered on a form provided by the department. The registration shall include a description and the serial number of the livestock animal vehicle.

transport

History: 1993 a. 16.

SECTION 48. 95.71 (5) (a) of the statutes is amended to read:

95.71 (5) (a) Unless the department specifies different fees by rule, an applicant for ~~a~~ ^{strike} livestock ^{an} animal trucker license shall pay a fee in an amount equal to \$20 plus \$5 for each livestock animal transport vehicle registered with the applicant's license application under sub. (3).

History: 1993 a. 16.

SECTION 49. 95.71 (5) (b) of the statutes is amended to read:

95.71 (5) (b) If during any license year ~~a~~ ^{strike} livestock ^{an} animal trucker registers a livestock an animal transport vehicle that was not registered with the livestock animal trucker's annual license application under sub. (3), the livestock animal trucker shall, at the time of the additional registration, pay a registration fee of \$5 for each livestock animal transport vehicle registered.

History: 1993 a. 16.

SECTION 50. 95.71 (6) (a) (intro.) of the statutes is amended to read:

95.71 (6) (a) (intro.) An applicant for ~~a~~ an livestock animal trucker license shall pay a license fee surcharge of \$100 if the department determines that within 365 days prior to submitting the license application the applicant did any of the following:

History: 1993 a. 16.

SECTION 51. 95.71 (6) (a) 1. of the statutes is amended to read:

95.71 (6) (a) 1. Operated ~~as a~~ an livestock animal trucker without a license in violation of sub. (2).

History: 1993 a. 16.

SECTION 52. 95.71 (6) (a) 1m. of the statutes is created to read:

95.71 (6) (a) 1m. Operated as a livestock trucker, as defined in s. 95.71 (1) (e), 1999 stats., without a license in violation of s. 95.71 (2), 1999 stats.

SECTION 53. 95.71 (6) (a) 2. of the statutes is amended to read:

95.71 (6) (a) 2. Operated an unregistered livestock animal transport vehicle in violation of sub. (4).

History: 1993 a. 16.

LPS:
Fix
Component

SECTION 54. 95.71 (6) (a) 2m. of the statutes is amended to read:

95.71 (6) (a) ~~(1m)~~ ^{2m} Operated an unregistered livestock vehicle, as defined in s. 95.71 (1) (g), 1999 stats., without a license in violation of s. 95.71 (4), 1999 stats.

SECTION 55. 95.71 (6) (b) of the statutes is amended to read:

95.71 (6) (b) In addition to the surcharge under par. (a), an applicant for a license under sub. (2) shall pay the fees due for the year in which the applicant was in violation of sub. (2) or (4).

History: 1993 a. 16.

SECTION 56. 95.71 (6) (c) of the statutes is amended to read:

95.71 (6) (c) The payment of the surcharge and fees under this subsection does not relieve the applicant of other civil or criminal liability that may result from the failure to obtain a license or to register a livestock vehicle but does not constitute evidence of a violation of a law.

STET:
leave as
typed

~~animal transport~~

History: 1993 a. 16.

SECTION 57. 95.71 (6) (c) of the statutes is amended to read:

~~95.71 (6) (c) The payment of the surcharge and fees under this subsection does not relieve the applicant of other civil or criminal liability that may result from the failure to obtain a an animal trucker license or to register a livestock an animal transport vehicle but does not constitute evidence of a violation of a law.~~

History: 1993 a. 16.

SECTION 58. 95.71 (8) of the statutes is amended to read:

95.71 (8) RULES. The department may promulgate rules to specify license fees under sub. (5) or to regulate livestock animal truckers, including rules related to livestock animal trucker qualifications, construction and maintenance of livestock animal transport vehicles, identification of livestock animal transport vehicles, disease sanitation, humane treatment of animals, identification of animals, record keeping, reports to the department and compliance with applicable financial security requirements under state or federal law. ✓

History: 1993 a. 16. ✓

SECTION 59. 95.72 (7) (a) of the statutes is amended to read:

95.72 (7) (a) *License requirement.* No person may transport dead animals on public highways in this state without a license issued under this section. A licensee may not transport dead animals under conditions not authorized by the license. This paragraph does not apply to persons exempt from obtaining a license under this section, a farmer transporting dead animals raised on his or her farm, the transportation of hides or fully rendered or processed dead animal products, the transportation of dead animals by government agencies or private agencies engaged in scientific research, persons transporting dead animals for destruction or burial, or livestock animal truckers transporting animals which have died in transit if the dead animals are transported directly to a licensed renderer, animal food processor or collector. ✓

History: 1981 c. 66, 314; 1983 a. 111, 115; 1983 a. 189 s. 329 (20); 1989 a. 56; 1991 a. 39; 1995 a. 102; 1997 a. 191.

Insert 85-7

SECTION 60. 173.23 (1m) (b) of the statutes is amended to read: ✓

173.23 (1m) (b) If the animal is not a dog or cat, sell the animal at public auction, including sale at a licensed livestock animal market.

History: 1997 a. 192.

~~Insert 85-7~~

90-11

means bovine animals, sheep, goats, swine, farm-raised deer, and equine animals.

SECTION 61. Nonstatutory provisions.

(1) In this section:

(a) "Livestock" has the meaning given in section 95.68 (1) (d) of the statutes.

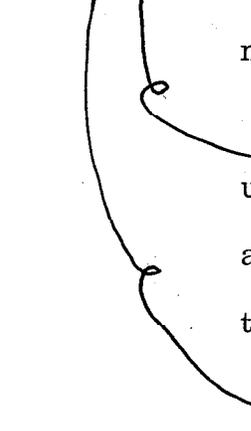
(b) "Wild animal" means a wild animal that is subject to regulation under chapter 22 of the statutes, as created by this act.

(2) Any livestock market license and any livestock vehicle registration issued under section 95.68 of the statutes shall remain valid until its expiration date and shall allow the trading and transport of wild animals as well as livestock in the manner authorized under the license until that date.

(3) Any livestock dealer license and any livestock vehicle registration issued under section 95.69 of the statutes shall remain valid until its expiration date and shall allow the dealing in, and transport of, wild animals as well as livestock in the manner authorized under the license until that date.

(4) Any livestock trucker license and any livestock vehicle registration issued under section 95.71 of the statutes shall remain valid until its expiration date and shall allow the transporting for hire of wild animals as well as livestock in the manner authorized under the license until that date.

1999 stats.



Section #. 95.49 (2) of the statutes is amended to read:

95.49 (2) Animals moved to the premises of ^{an animal} ~~a livestock~~ market or ^{animal} ~~dealer~~ pursuant to the exemption from brucellosis test in sub. (1) (e) or (1m) (e) may be removed only in compliance with the brucellosis test requirements in sub. (1) or (1m).

History: 1973 c. 123; 1981 c. 390 s. 252; 1983 a. 127; 1993 a. 16; 1995 a. 155.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2708/P2dn
MGG:.....

1. LRB 01-2708/P1 sometimes referred to "species" of wild animals and sometimes to "types" of wild animals throughout ch. 22. This inconsistency sometimes occurred in references to the same activity, such as introducing wild animals. I have used the term "species" uniformly throughout the draft. This required redrafting the following provisions: ss. 22.01 (18), 22.06 (2), 22.07 (1) (b), 22.11 (1) (a), 22.15 (2), 22.19 (2) (c), 22.25 (2) and (3) (b), 22.26 (3) (a), and 22.39 (3). If some should be changed back to species, please call me so that we can discuss this.

2. Because ss. 22.04 (2) (d) and (3) (a), 22.06 (1) (d) 1, and 95.45 (1r) are so intermeshed, I think the definition for "veterinarian" under both sections needs to be the same. Based on instructions from Sarah Shapiro-Hurley, I have added the requirement that the veterinarian be approved by DATCP. I also took out the federal requirement since it did not mesh with DATCP's definitions of "accredited veterinarian" and "certified veterinarian". Please review the definition in s. 22.01 (35) and let me know if you want any changes.

3. Please have Mike Lutz review the treatment of s. 29.741 in this draft. ✓

4. Note the changes I have made in ss. 93.06 (1g), 95.10 (5), 95.38 (1), and 95.45. As I read the rules under ch. ATCP 11, Wis. adm. code, it appears that the requirements for certificates of veterinary inspection only apply to imports. Section 22.04 (2) (d) applies to the temporary possession of wild animals, whether or not they are imported. If my reading of the rules is correct, they will need to be amended if they are to apply to certificates that are issued for purposes of s. 22.04 (2) (d). ✓

5. The amendment to s. 93.07 (10) (b) was requested by DATCP. ✓

6. Please review the definition and use of "captive game bird" in ss. 95.001 (1) (ac) and (ad) and 174.001 (3). ✓

7. Note how I have redrafted s. 95.22 (2) (b) in an attempt to make it clearer. ✓

8. Please have Ruth Heike review the language in s. 95.45 (5) to make certain that the scope of the authority for rule-making achieves DATCP's intent. ✓

9. In drafting provisions grandfathering in the livestock market, dealer, and trucker licenses, I assumed that the accompanying vehicle registrations expire with the licenses. If that is not the case, these provisions will need to be redrafted. ✓

10. I redrafted ss. 895.57 (3) and 943.75 (3) to use the sequencing found in current law. As drafted in LRB-2708/P1, the language could be interpreted to limit DATCP employees' authority to the "licensed" land.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2708/P2dn
MGG:cjs:pg

April 18, 2001

1. LRB 01-2708/P1 sometimes referred to "species" of wild animals and sometimes to "types" of wild animals throughout ch. 22. This inconsistency sometimes occurred in references to the same activity, such as introducing wild animals. I have used the term "species" uniformly throughout the draft. This required redrafting the following provisions: ss. 22.01 (18), 22.06 (2), 22.07 (1) (b), 22.11 (1) (a), 22.15 (2), 22.19 (2) (c), 22.25 (2) and (3) (b), 22.26 (3) (a), and 22.39 (3). If some should be changed back to "type", please call me so that we can discuss this.
2. Because ss. 22.04 (2) (d) and (3) (a), 22.06 (1) (d) 1., and 95.45 (1r) are so intermeshed, I think the definition for "veterinarian" needs to be the same. Based on instructions from Sarah Shapiro-Hurley, I have added the requirement that the veterinarian be approved by DATCP. I also took out the federal requirement since it did not mesh with DATCP's definitions of "accredited veterinarian" and "certified veterinarian". Please review the definition in s. 22.01 (35) and let me know if you want any changes.
3. Please have Mike Lutz review the treatment of s. 29.741 in this draft.
4. Note the changes I have made in ss. 93.06 (1g), 95.10 (5), 95.38 (1), and 95.45. As I read the rules under ch. ATCP 11, Wis. Adm. Code, it appears that the requirements for certificates of veterinary inspection only apply to imports. Section 22.04 (2) (d) applies to the temporary possession of wild animals, whether or not they are imported. If my reading of the rules is correct, they will need to be amended if they are to apply to certificates that are issued for purposes of s. 22.04 (2) (d).
5. The amendment to s. 93.07 (10) (b) was requested by DATCP.
6. Please review the definition and use of "captive game bird" in ss. 95.001 (1) (ac) and (ad) and 174.001 (3).
7. Note how I have redrafted s. 95.22 (2) (b) in an attempt to make it clearer.
8. Please have Ruth Heike review the language in s. 95.45 (5) to make certain that the scope of the authority for rule-making achieves DATCP's intent.
9. In drafting provisions grandfathering in the livestock market, dealer, and trucker licenses, I assumed that the accompanying vehicle registrations expire with the licenses. If that is not the case, these provisions will need to be redrafted.

10. I redrafted ss. 895.57 (3) and 943.75 (3) to use the sequencing found in current law. As drafted in LRB-2708/P1, the language could be interpreted to limit DATCP employees' authority to the "licensed" land.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

Barman, Mike

From: Barman, Mike
Sent: Wednesday, April 18, 2001 3:03 PM
To: Hurley, Sarah S; Elizabeth Kluesner; Susan Felker-Donsing
Subject: LRB-2708/P2 (attached)

Mike Barman

Mike Barman - Senior Program Asst. (PH. 608-266-3561)
(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin
Legislative Reference Bureau - Legal Section - Front Office
100 N. Hamilton Street - 5th Floor
Madison, WI 53703

Gibson-Glass, Mary

From: Gibson-Glass, Mary
Sent: Wednesday, April 18, 2001 10:10 AM
To: Hurley, Sarah S
Subject: Use of the term "animal" in ch. 95

In my review of the captive wildlife bill, I have found some provisions in ch. 95 which need to be dealt with:

1. Sections 95.12 and 95.13 need to be amended to use "domestic animal" since it is now a defined term.
2. Section 95.17 uses the term "domestic animal" and "animal" without any modifier. Please review to determine if any changes are needed.
3. Section 95.24 (3) (a) 1., 2., and 3. need to be changed to "domestic animal" since it is now a defined term. Also, "domestic animal" now includes "fowl" so s. 95.24 (3) (a) (intro.) needs to be amended to just use the term "domestic animal".
4. I think the use of "domestic animal" and "animal" in s. 95.31 (4) is OK because the reference to animal is modified by the phrase "of species raised primarily..... farm-raised deer", and these animals are a subset of domestic animals.

I realize you may need talk to Ruth Heike about this, but I would appreciate this feedback as soon as possible.

Thanks,

Mary Gibson-Glass
Senior Legislative Attorney
Legislative Reference Bureau
608 267 3215

Gibson-Glass, Mary

From: Heike, Ruth E DATCP
Sent: Wednesday, April 18, 2001 3:59 PM
To: Gibson-Glass, Mary
Cc: Hurley, Sarah S
Subject: Use of the term "animal" in ch. 95

Sarah Shapiro-Hurley sent me a copy of your e-mail regarding use of the term "animal" in ch. 95. At her request I am replying directly to you.

1. DATCP has no objection to inserting the word "domestic" in front of the word "animal" in any instance in ss. 95.12 and 95.13.
2. To make s. 95.17 consistent with the changes made in s. 95.31, the word domestic should be removed from s. 95.17. This will remove any question that DATCP has the authority to order destruction of any animal if it is necessary to control disease. It would also make clear that DATCP can cooperate with the federal government to control disease among either domestic or wild animals.
3. DATCP does not object to inserting the word "domestic" in front of the word "animal" in ss. 95.24(3)(a)1., 2., and 3. DATCP also does not object to changing s. 95.24(3)(a)(intro) to read:
No type of living vaccine for immunizing against anthrax or swine erysipelas may be administered to any domestic animal, ~~including fowl,~~ or sold or dispensed in tis state without first having obtained the written approval of the chief veterinarian of the dpeartment. Approval to administer such vaccine shall be granted to licensed veterinarians only, and then only to qualify the animal ~~or fowl~~ for export or in the event that any of the following has been established:
4. DATCP agrees that s. 95.31(4) is OK as it is drafted in LRB-2708/P1.

p. 58 - 29.38

deleted

entry requirements, interstate health certificates under
S. 22.38

~~S.~~ 22.40 movement or sale of certain sick animals
misrepresentation of disease status
failing to present animal for disease testing
by DNR or DATCP
failing to report diseases by vets

22.41 quarantine provisions

22.44 DNR rules
of reportable diseases

move

DNR rule authority for importing and
stocking

Specifically exempts "farm-raised game birds" from
ch 29 - "f-r game birds" are "domestic animals
under ch. 95, and captive wild
birds under ch. 22)

delete

DNR authority over hunting of deer on s 95.55 farms

add

fencing provisions

adds

quarantine enforcement expanded 93.07(10)

expands who may be protected from disease
to include all animals + humans

specifically defines "domestic animal" for purposes
of animal health

changes

or prohibited

95.20 movement + imports, to be regulated to protect
animal health

expands it from livestock health to be
protected to human and all animal health

95.31 condemnation of animals expanded from
threat to domestic animals to any disease
to prevent its spread

95.45 interstate certificates

95.49 - brucellosis testing applies to wild animals

95.55 - exemption for groups of persons + species of
deer

allows hunting + propagating
hunting exempt from hunting
sell change to hunt on > 80 acres

95.68 } → exempt groups of person

95.69 }

95.71 }