

2013 DRAFTING REQUEST

Bill

Received: **8/26/2013** Received By: **mglass**
Wanted: **As time permits** Same as LRB:
For: **Warren Petryk (608) 266-0660** By/Representing: **Marci Malszycki**
May Contact: Drafter: **btradewe**
Subject: **Agriculture - animals** Addl. Drafters:
Nat. Res. - fish and game Extra Copies: **RNK**

Submit via email: **YES**
Requester's email: **Rep.Petryk@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Possession of dangerous wild 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>
/?	btradewe 10/14/2013			_____			
/P1	btradewe 1/7/2014	scalvin 10/16/2013	rschluet 10/16/2013	_____	srose 10/16/2013		
/P2	btradewe 1/15/2014	scalvin 1/10/2014	jfrantze 1/10/2014	_____	srose 1/10/2014		State S&L
/1	btradewe	scalvin	rschluet	_____	srose		State

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	1/21/2014	1/16/2014	1/16/2014	_____	1/16/2014		S&L
/2		scalvin 1/21/2014	rschluet 1/22/2014	_____	sbasford 1/22/2014	lparisi 1/23/2014	State S&L

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↳ At Intro.

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/? mglass

/PI SAC
10/15/2013

DK13

SM

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Gibson-Glass, Mary

From: Tradewell, Becky
Sent: Friday, August 23, 2013 11:41 AM
To: Gibson-Glass, Mary
Subject: FW: Dangerous Animal Ownership Legislation
Attachments: Dangerous Wild Animals_Factsheet_WI_lobby day.docx; dangerous animals (2).docx

From: Malszycki, Marcie
Sent: Friday, August 23, 2013 11:39 AM
To: Tradewell, Becky
Subject: Dangerous Animal Ownership Legislation

Becky,

Thank you for taking a look at this issue.

Please let me know if you have any questions and if a meeting next week or the week after would be possible.

Thank you,

Marcie Malszycki
Office of Representative Petryk
306 North, State Capitol
(608) 266-0660

Prohibit the Private Ownership of Dangerous Wild Animals Wisconsin is one of only six states that have little to no laws



Bears are a challenging species to properly maintain in captivity and suffer immensely when housed in grossly sub-standard conditions by private owners.



Tigers are 360-720 times more likely to be involved in a fatal attack than dogs.



Flimsy cages endanger the community. Escaped animals are often killed by authorities.

Free - cinnamon black bear male approximately 500 pounds, out pet, must go to a good home. Please call Brian at 715-571-
WI 7-1-11

Dangerous wild animals are readily available to unqualified people.

Laws prohibiting the private ownership of dangerous wild animals—such as big cats, bears, primates, wolves, alligators, and crocodiles—promote animal welfare and protect human safety. These animals can cause death, inflict serious injury, and spread deadly diseases. It is difficult, if not impossible, for individuals to meet the animals' specialized needs in captivity.

Wisconsin laws must be changed to prohibit future ownership of dangerous wild animals. Lax laws in Wisconsin make it one of the weakest in the country, threatening the safety of its residents, and would hardly keep tragic incidents—such as the one in Zanesville, Ohio, where a disturbed man released nearly 50 big cats, bears, primates, and wolves before committing suicide—from occurring here. Wisconsin currently has no ban on the private possession of most dangerous exotic animals, which results in situations such as the seizure of a 3-year-old baboon who was living in a Madison basement laundry room and the Baraboo girl who was bitten by a lion cub being exhibited at a pet store.

Threat to animal welfare. Most individuals cannot provide appropriate and humane care for captive wild animals. Experts including the Association of Zoos and Aquariums and the National Association of State Public Health Veterinarians oppose the private possession of exotic and dangerous wild animals as pets.

Threat to public health and safety. More than 40 people have been killed by captive big cats, bears, primates, and dangerous reptiles in the United States since 1990, and many more have been injured. These animals retain their basic instincts, even if they are captive born and hand raised. Emergency personnel should not have to confront a rampaging chimpanzee or a stalking tiger. Wild animals can carry diseases such as rabies, tuberculosis, Herpes B virus, and Salmonella.

Burden to taxpayers and law enforcement: Taxpayers routinely foot the bill for costs related to escapes, attacks, and confiscations caused by irresponsible pet owners. Police, animal control, and other emergency personnel funded by tax dollars must respond to incidents involving these very deadly predators.

No impact on zoos, sanctuaries, circuses, or most current owners. Legislation would exempt zoos accredited by the Association of Zoos and Aquariums, sanctuaries accredited by the Global Federation of Animal Sanctuaries, research and educational facilities, and circuses. Existing animals should be grandfathered so that people who currently have these animals can keep them, but breeding and new acquisitions of restricted species should be prohibited.

Many states prohibit private possession of wild animals as pets. Since 2004, states including Arkansas, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, New York, Ohio, Oregon, and Washington have enacted legislation prohibiting certain wild animals as pets, joining states that already had such rules. With exotic and native wildlife readily available from dealers and over the Internet, states that do not act will attract a growing problem.

Types of Animals:

- Big Cats: lions, tigers, cheetahs, jaguars, cougars, leopards, clouded leopards, snow leopards, and hybrids of such species.
- Apes (Greater and Lesser Apes)
- Alligators, Crocodiles, Caimans
- Bears

Grandfather Clause:

- Private owners may retain possession of their currently possessed animals for the life of the animals but may not breed them.
- Owners must license their dangerous animals just the same as dogs must be licensed under current state law (Wis. Stats. Ch. 174).

Exemptions:

- Institutions accredited by the Assoc. of Zoos and Aquariums
- Municipal Zoos
- Circus World Museum
- Wildlife Sanctuaries as defined by the bill
- Research facilities registered by the USDA
- Circuses
- Licensed veterinarian hospitals for the purpose of treatment
- Humane and Law enforcement officers as needed for enforcement
- Persons temporarily transporting an animal through the state for a specified period of time

Prohibited Activities: A person shall not:

- Possess, sell, transfer, import, or breed a dangerous wild animal unless they meet one of the listed exemptions.
- Allow any member of the public to come into direct contact with a dangerous wild animal.

Registration of Grandfathered Animals:

- Same requirements as specified dog license under Wis. Stats. Ch. 174

Wisconsin Should Prohibit the Private Ownership of Dangerous Wild Animals

Dangerous wild animals, including, but not limited to, lions, tigers, bears, monkeys, venomous snakes and alligators and crocodiles, are being privately possessed throughout the state. These animals can cause death, inflict serious injury, and spread deadly diseases. It is difficult, if not impossible, for individuals to meet the animals' specialized needs in captivity. Legislation prohibiting keeping these animals as pets is needed to protect public safety and animal welfare.

Key legislative provisions should include the following:

Prohibited Activities

It should be clearly set forth that it shall be unlawful for any person to:

- import, possess, sell, transfer, or breed a dangerous wild animal unless they meet one of the listed exemptions; existing owners can continue to possess their animals, but cannot obtain any new animals after the effective date of the law, and
- allow any member of the public to come into direct contact with a dangerous wild animal. There have been many incidents where people have allowed dangerous wild animals to come into direct public contact resulting in tragic outcomes. People offer photo opportunities with these animals as well as the opportunity to hold them.

Grandfather Clause:

It is important to ensure that existing owners are able to retain possession of their animals for the life of the animals. Include provision that requires current owners to retain proof, such as acquisition papers or veterinary records, that the existing owner possessed the animal prior to effective date of law.

In addition, require existing owners to register with and pay a fee to the animal control authority. This will allow the local animal control to know where these animals are located within their jurisdiction and by requiring a fee will help ensure that the cost of implementing the program is assumed by the owner. Note: can model this after Chapter 174.05 which requires an owner to license their dog and pay a fee to animal control.

Dangerous Wild animals Defined

Would include the following animals in the definition of dangerous wild animal as these animals have attacked and killed humans and other animals, and have escaped from their enclosures, freely roaming the community:

- Big cats: lions, tigers, cheetahs, jaguars, cougars, leopards, clouded leopards, snow leopards and hybrids of such species
- Bears
- Apes (Greater and Lesser)
- Alligators, crocodiles, caimans

Oversight Agency

The oversight agency should be local animal control and law enforcement of each municipality or county who have enforcement authority of local animal control laws. Under Chapter 173, humane officers have some limitations so would be best to give joint power to both.

Exemptions:

Many entities currently own animals defined as dangerous wild animals, but not in a private possession type situation. As such, a list of exempted entities must be included in bill language. The following should be exempted:

- Institutions accredited by the Association of Zoos and Aquariums and facilities that have an active contractual relationship with an Association of Zoos and Aquariums Species Survival Plan for breeding of species listed as threatened or endangered pursuant to 16 U.S.C. § 1533

- Municipal Zoos *that are not accredited*
Some exist in state - eg Oshkosh

- Museums established prior to 1990 that host circus type events
- Wildlife sanctuaries
- Research facilities registered by the USDA pursuant to the Animal Welfare Act
- Circuses
- Licensed veterinary hospitals for the purpose of providing treatment to a dangerous wild animal
- Humane and law enforcement officers as needed for enforcement
- Persons temporarily transporting an animal through the state for a short period of time (no more than 72 hours)

Enforcement Provisions

Legislation should set forth clear provisions which allow the animal control authority to properly enforce the law if passed. Key Provisions should include:

- A penalty section in the event a person violates the law.
- Would allow, but not mandate, confiscation of dangerous wild animals to ensure compliance with the act and to protect public safety and animal welfare. Could follow existing provisions set forth under Chapter 173.
- Would allow animal control authority to confiscate the animal onsite.
- Would create a process for the owner to receive notice of the confiscation and provide an administrative process to address concerns. Would allow the governing agency/authority to euthanize a confiscated animal if no proper home can be found. Could follow existing provisions set forth under Chapter 173.

Definitions:

Should include at very least definitions for the following:

- **"Animal Control Agency"** means a unit of a political subdivision consisting of humane officers as defined under s.173.03, law enforcement, or other local governmental units for enforcement of the animal control laws of the city, county, and state and the shelter and welfare of animals.
- **"Circus"** means Circuses, defined as exhibitors holding a Class C license under the Animal Welfare Act, 7 U.S.C. §§ 2131 *et seq.*, as amended, that:
 - Are temporarily in the state for less than 90 days per year;
 - Regularly conduct performances featuring live dangerous wild animals and multiple trained human entertainers, including clowns and acrobats; and
 - Do not allow members of the public to be in proximity to dangerous wild animals without sufficient distance and protective barriers, including, but not limited to, offering photographic opportunities next to dangerous wild animals of any age.
- **"Humane Officer"** means an officer appointed under s. 173.03.
- **"Law enforcement"** means any person employed by the state or any political subdivision of the state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances that the person is employed to enforce. (note taken from 165.85(2))
- **"Municipality"** means a city, village, or town.
- **"Wildlife Sanctuaries"** means a nonprofit entity that:
 - Operates a place of refuge where abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced animals are provided care for the lifetime of the animal;
 - Does not conduct any commercial activity with respect to dangerous wild animals, including, but not limited to, (i) sale, trade, auction, lease, or loan of dangerous wild animals or parts of such animals, or (ii) use of dangerous wild animals in any manner in a for-profit business or operation;
 - Does not use dangerous wild animals for entertainment purposes or in a traveling exhibit;
 - Does not breed any dangerous wild animals; and
 - Does not allow members of the public the opportunity to come into direct contact with dangerous wild animals.

Picture taken with the close as possible

wants this as close as possible

Notes From Mary Gibson-Glass

present aide Maici

Jason Bankrecht

A.J. Wilson*

255-0566*

Hubbard, Wilson + Zelenkova

call him w/ question

ban ~~possession~~, sale, breeding of all exotics

possession, exhibiting OK for grandfathered animals

but must be registered w/ locals (like dogs)

locals must keep records

3 mos for locals to set up registry

6 mos ~~for~~ to register animals that are eligible for grandfathered

local ordinances OK if at least as strict.

exemptions

OK to use Circus World language from ch. 169 for museum established before

1990. definition ~~checking~~ of circus

[checking to see if ch. 169 def. will do

def. of "wildlife sanctuary"

~~but~~ want this language as close as possible

told them some of the lang in this def. needed to be modified

what is a multiple trained human entertainer?



Captive Wild Animal Farm Regulations

PUB-CS-17 2007

This publication provides a summary of Wisconsin's laws, which pertain to individuals that are required to possess a captive wild animal farm license. It is not a complete set of the laws.

A CAPTIVE WILD ANIMAL FARM LICENSE ALLOWS THE HOLDER TO:

Possess in pens, raise, breed, kill, exhibit, purchase, and sell those species of live captive wild animals and birds which are regulated by the Department of Natural Resources (DNR) and that are listed by the DNR on your license. The license only allows the holder of the licensee to kill or allow an employee to kill captive wild animals. No one else may kill an animal on a captive wild animal farm. A licensed veterinarian may euthanize an animal for medical reasons.

Compliance with Local & Federal Regulations:

No initial captive wild animal farm application may be approved for the possession of harmful wild animals (all bears and cougars) unless the application is accompanied by written assurance that the application is in compliance with local ordinances and zoning regulations. In addition, the Federal Captive Wildlife Safety Act restricts the import, export, purchase, sale, transport, receipt or acquisition of certain live big cats, including cougars, across State lines or the U.S. border. You may contact the U. S. Fish & Wildlife Service (USFWS) at (703) 358-1949 for more information on this Federal Act.

CLASSES OF CAPTIVE WILD ANIMAL FARM LICENSES (CWAFL)

There are 2 types of captive wild animal farm licenses, a Class A and a Class B. In addition to rules and regulations that apply to both types of licenses there are rules and regulations that are specific to each license type. This section will explain the differences to help you determine which license to apply for.

Class A Captive Wild Animal Farm

\$200 Initial Application/\$100 Renewal

A class A captive wild animal farm licenses are required to operate a captive wild animal farm that earns \$10,000 or more in annual sales, or to sell the following native reptiles or amphibians:

1. Leopard Frogs
2. Tiger Salamanders
3. Mudpuppies
4. Any native reptile or amphibian collected outside of Wisconsin (which can only be sold to educational or research institutions in Wisconsin, or to someone located outside of Wisconsin).

Class B Captive Wild Animal Farm

\$50 Initial Application/\$25 Renewal

You will want to apply for a class B captive wild animal farm license if you operate a captive wild animal farm that earns less than \$10,000 in annual sales and do not plan to sell native reptiles or amphibians.

LICENSE REQUIREMENTS

Native vs. Non-native Captive Wild Animals

With the 2003 changes in the captive wildlife laws the DNR regulation of captive wildlife is now focused on animals native to Wisconsin. "Native" means indigenous and occurring or having occurred naturally within the boundaries of this state. "Nonnative wild animal" means a wild animal that is not native to Wisconsin.

You no longer need a captive wildlife license from the DNR to possess most non-native wild animals in pens. Common examples are pheasants (except those used on a bird hunting preserve or for training bird dogs). However, some non-native animals may still require a permit from USDA or Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP). You should contact these agencies for regulations and additional information before getting any wild animal.

*DATCP (608) 224-4872

*USDA (608) 270-4000

Non-Native animals that DO require a CWAFL:

1. Harmful wild animals (all subspecies of bear and cougar). Additional species may be added.
2. Endangered or threatened species (also require an endangered or threatened species permit).
3. Most migratory game birds (a list may be obtained by contacting Customer Service and Licensing).

Native animals that DO NOT require a CWAFL:

You may possess the following species without a Captive wildlife type license provided you obtain them from a legal source:

- ❖ Arthropods and mollusks (clams & mussels) that are not endangered or threatened species, chipmunks, pocket gophers, mice, moles, opossums, pigeons, porcupines, rats, shrews, English sparrows, starlings, thirteen-lined ground squirrels, red squirrels, voles, and weasels.

NOTE:

- ❖ Harvesting or collecting live clams from most Wisconsin waters is currently not allowed. The commercial harvesting seasons for all clams has been closed, and the collection or harvest of clams for personal use from most inland waters is also no longer allowed. A person may collect less than 50 pounds of clams per day if not a threatened or endangered species, only from the boundary waters. It is not legal to sell any such clams or their shells. Be sure to check the current status of the clamming season on boundary waters before harvesting there.
- ❖ A fishing or small game license is needed to take crayfish from the wild. Any person under age 16 does not need a license to take crayfish.

ANIMAL HEALTH AND HUSBANDRY STANDARDS

Feeding

Captive wild animals must be fed at least once each day, unless otherwise directed by a veterinarian or as required to provide adequate care.

- ❖ The food must be clean, nutritious, and given in a large enough amount to maintain the normal condition and weight of the animal.
- ❖ The diet must be appropriate for the individual animal's age and condition.

Watering

If clean drinking water is not continually available to the captive wild animals, it must be offered to the animals as often as necessary to ensure their health and well being, but not less than twice daily for at least one hour each time, unless restricted by a veterinarian.

Food and Water Containers

Containers must be easily accessible for all captive wild animals, must be located so as to reduce the chance of contamination by animal waste and pests, and be protected from rain and snow. Containers should be made of a durable material that may be easily cleaned and sanitized or be disposable.

Environmental Enrichment

You must supply all captive wild animals with environmental enrichment. Consider species differences when you decide upon the type or methods of enrichment. Examples of environmental enrichment include providing perches, objects to climb, food to search for and running water.

Additional Enrichment Requirements: Bears, Cougars, Bobcat and Lynx

License holders for these species must develop, document and follow a plan for environment enhancement that will promote the psychological well being of these captive wild animals.

- ❖ The plan must meet currently accepted professional standards found in appropriate professional journals or reference guides, and as directed by the attending veterinarian.
- ❖ You need to make this plan available to any authorized DNR agent upon request.

PEN SPECIFICATIONS

In Wisconsin all primary enclosures housing captive wild animals must comply with the following regulations. In addition bear, cougar, bobcat, lynx, timber wolf, coyote, fox, fisher, all raptors, raccoon, badger, beaver, otter and migratory waterfowl have specific minimum pen requirements. These special pen requirements along with transportation requirements can be found in the "Captive Wildlife Pen and Transportation Specifications" pamphlet. Contact DNR Customer Service and Licensing for your copy.

General Facility Requirements:

1. Pens must be structurally sound, kept in good repair, protect the captive animals from injury, hold the animals securely and protect them from other animals.
2. Bear, cougar, bobcat, lynx, timber wolf, coyote, fox, fisher, all raptors, raccoon, badger, beaver and otter **may not** be kept in any part of a building or home where people live unless receiving **temporary** health care, treatment or special handling.
3. Areas used for storing food or bedding must be free of trash, animal waste, weeds, insects, etc. to prevent rotting and spread of disease.
4. All surfaces in a pen, including houses, dens, shelters, fixtures and objects must be easily cleaned or removed or replaced when worn or dirty. Surfaces must be free of rust and jagged edges or sharp points.
5. If raised floors are used they must be constructed so the animals feet cannot pass through the openings in the floor. If the floor is constructed of wire a solid resting surface large enough to hold all the animals at the same time must be provided.
6. Enclosures and food and water containers must be cleaned and sanitized at least once every 2 weeks and more often if necessary to prevent a buildup of dirt, debris, animal and food waste and other disease risks.
7. Standing puddles of water must be drained or mopped up after cleaning or rain so the animals remain dry.
8. Trash containers in food storage and preparation areas must be leakproof with tightly fitting lids. The lids must remain on unless the caretaker is using them.
9. Supplies of food and bedding must be stored in a way that protects them from spoilage, contamination and pest infestation. You must be able to clean around and under the supplies. Foods requiring refrigeration must be stored in the refrigerator. All open food must be kept in a leakproof container with a tightly fitting lid.
10. To promote the health of the captive animal an effective program for the control of insects, external parasites and birds and mammals that are pests needs to be developed and followed.

General Pen and Shelter Requirements:

- ❖ Pens must be large enough to allow each captive wild animal to make normal position changes with plenty of freedom of movement.
- ❖ All captive wild animals housed in the same enclosure should be compatible. Vicious or aggressive animals must be housed separately.
- ❖ Outdoor facilities must provide shelter large enough to fit all animals inside comfortably.
- ❖ Shelters need 4 sides, a roof and a floor and must provide the animals with protection from the cold and heat, sun, snow, wind and rain.
- ❖ A wind and rain break must be provided at the shelter entrance.
- ❖ Shelters need clean dry bedding material if the temperature falls below 50°F and additional bedding is needed if temperatures fall below 35°F.
- ❖ Metal barrels, cars, refrigerators, freezers and similar objects **may not** be used for shelter.
- ❖ Shelters should be ventilated to provide for animal health and well being, and to minimize odors, drafts, ammonia levels and moisture. Ventilation can be provided by windows, doors, vents, fans or air conditioning.
- ❖ Shade large enough to contain all the captive wild animals at one time must be provided to protect them from the sun.
- ❖ *Outdoor shelter for captive wild birds:* May consist of natural vegetation that provides protection from the sun, wind, rain and snow.

ADDITIONAL REGULATIONS

Sales and Purchases: When you sell the carcass or parts of any captive wild animal you need to supply the purchaser with a receipt or written proof of origin. The purchaser must hold onto that receipt during the time the carcass or parts are possessed. The receipt must include:

1. The captive wild animal farm license or owners name;
2. The address and license number of the farm;
3. The number and species of animals, and
4. The date of the transaction.

Escapes: If any bear, cougar, bobcat, lynx, wolf, coyote or fox escapes from its enclosure or fenced area on a captive wild animal farm, you must notify the DNR within 24 hours after the escape.

❖ Call your local warden or the DNR Hotline at 1-800-847-9367 to report escapes.

Other Federal, State and Local License, Permit and Registration Requirements: In addition to the need for this license to possess, raise, breed, kill, exhibit, purchase or sell certain captive wild animals, you may also be required to apply for permits, registration or licenses from your local unit of government or the DATCP, USDA APHIS Animal Care Division, or the USFWS. Be sure to check with your local unit of government or these State and Federal Agencies to determine if you will also be regulated by them.

*DATCP (608) 224-4872

*USDA (608) 270-4000

* USFWS (703) 358-1949

EXHIBITION OF CAPTIVE WILD ANIMALS

You may exhibit captive wild animals you have licensed under your captive wild animal farm license provided you meet the following requirements:

1. Pens must meet the specifications outlined in the pen specification and transportation pamphlet.
2. Environmental enrichment as described earlier in this pamphlet must be implemented.
3. Animal Health and husbandry standards described in the pamphlet must be followed.
4. Animal and food waste must be removed from enclosures and under enclosures as necessary to prevent buildup.
5. Enclosures and food and water containers must be cleaned and sanitized at least once every 2 weeks and more often if necessary to prevent a buildup of dirt, debris, animal and food waste and other disease risks.
6. Gravel, sand, grass, etc. in pens runs and outdoor housing areas should be cleaned by removing the contaminated material as needed to prevent odors, diseases, insects and pest infestations.
7. You must display your CWWAF license at the place of exhibit.
8. Each pen needs to be labeled with the proper common name, in English, of the animal confined in the pen.
9. Bear, cougar, badger, bobcat, lynx, timber wolf, coyote, fox and fisher pens must be surrounded on all sides where the public can approach by a substantial guardrail. Guardrails need to be at least 3 feet high and well supported. Fencing must be at least 3 feet from the pens and the mesh must be less than 6 inches square.
10. Pens, guardrails and fencing must be kept in good repair at all times and all gates and doors must be kept securely locked.
11. Harmful wild animals (bear and cougar) can only be exhibited at the location authorized on the license. Special written approval is required to exhibit at any other location.
12. Bear, cougar, bobcat, lynx, timber wolf, coyote, fox and fisher over 3 months old and any venomous snakes cannot be used in interactive sessions.
13. If using animals for interactive sessions you must be licensed to exhibit by USDA under 9 CFR 2.1 and follow the guidelines found in 9 CFR 2.131.

Note: CFR is the Code of Federal Regulations.

RECORD-KEEPING AND REPORTING REQUIREMENTS

You must keep a record by date of all captive wild animals that are purchased, sold, acquired, or transferred. The record must include:

1. Complete name and address and the number of any captive wildlife license of the person from whom the wild animals were purchased or to whom the wild animals were sold.
2. The date of the transaction and the number and species of the wild animals.
3. All captive wild animals that have died, have been killed, or have escaped.

You have 7 days from the date of an activity to record a transaction in your records. All records and reports must be kept for 3 years.

These records must be kept at the facility and made available for inspection by DNR personnel upon request.

Additional Reporting Requirement for Amphibians:

If you take mudpuppies, leopard frogs and tiger salamanders from the wild you must include the county the animals were taken from in your records. You must complete harvest records on the day of harvest.

Note: These are the only amphibians that can be taken live from the wild in Wisconsin for commercial purposes.

Quarterly Reports

1. You must submit a quarterly report by April 30, July 31, October 31, and January 31 each year for the previous 3 months. You only need to report transactions involving bear, cougar, bobcat, lynx, coyote, fox, wolf, badger, mink, otter, weasel and skunk on your quarterly report.
2. A quarterly report does not need to be filed if you do not have any activity or transactions involving these species during a quarter.

Annual Reports

In addition to any required quarterly reports, all license holders must submit an annual report by January 30, each year. Annual reports must include all of the following information for each species of captive wild animal licensed by the person holding the license:

1. The total number of each species of captive wild animals possessed on the date of the report.
2. The total number of each species of captive wild animals that were purchased, produced or otherwise acquired during the reporting year.
3. The total number of each species of captive wild animals that were sold, released into the wild, or transferred during the reporting year.
4. The total number of each species of captive wild animals that were killed, escaped or died during the reporting year.

The DNR will send quarterly and annual report forms with your license or renewal application. An initial daily activity record form will be provided when the license is issued. You may copy this form as needed. If you have your own record-keeping system, forms or computer program you may use that system provided the records contain all the information required above.

APPLICATION PROCESS

For a captive wild animal farm license application contact your local DNR office, call the Bureau of Customer Service and Licensing at: (608) 266-0862, or write to:

Department of Natural Resources
Bureau of Customer Service and Licensing
P.O. Box 7924
Madison, WI 53707-7924

Applications must be filled out completely. If you lease the property where you have your captive wild animal farm a written lease is required. Requirements for a written lease appear on the application.

FEES

Class A captive wild animal farm initial fee is \$200.00; annual renewal \$100.00.
Class B captive wild animal farm initial fee is \$50.00; annual renewal \$25.00.
The initial license fee is waived for anyone who is under 14 years of age and is a member of a 4-H club or a sporting club.

Effective Period

A captive wild animal farm license is valid from the date of issuance until the following December 31.

Captive Wildlife Laws

You may purchase a copy of Statutes ch. 169 and Natural Resources Administrative Code NR 16 by contacting Document Sales 202 South Thornton Avenue, P.O. Box 7840, Madison, WI 53707-7840, 608-266-3358; or on the internet at the Revisor of Statutes Bureau, www.legis.state.wi.us/rsb/stats.html.

CAPTIVE WILDLIFE PAMPHLETS

The following information pamphlets may be obtained by contacting the DNR Bureau of Customer Service and Licensing:

- | | |
|---|------------|
| • <u>Captive Wild Animal Farm</u> | PUB-CS-17 |
| • <u>Wild Fur Farm</u> | PUB-CS-18 |
| • <u>Bird Hunting Preserve</u> | PUB-CS-19 |
| • <u>Pen Specification & Transportation Standards</u> | PUB-CS-20 |
| • <u>Deer Farm Fencing</u> | PUB-CS-21 |
| • <u>Dog Training & Trialing</u> | PUB-WM-444 |
| • <u>Hound Dog Training Enclosures</u> | PUB-WM-477 |

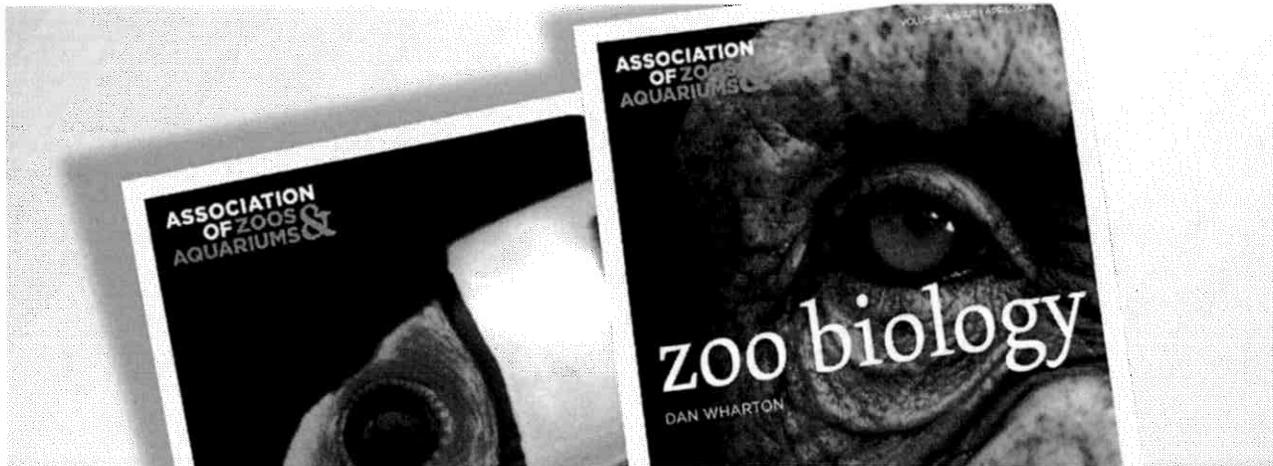
The Wisconsin Department of Natural Resources provides equal opportunity in its employment, programs, services and functions under an Affirmative Action Plan. If you have any questions, please write to Equal Opportunity Office, Department of the Interior, Washington, D.C. 20240.

This publication is available in Braille, audio cassette, large print or computer format upon request. To order, call 608-266-8204.



Association of Zoos & Aquariums

Answering the call of the wild



**ASSOCIATION
OF ZOOS &
AQUARIUMS**



01

02

Background

The American Zoo and Aquarium Association (AZA) is an international association with over 200 member organizations. The Association's goal is to build North America's largest wildlife conservation movement by inspiring and engaging over 143 million annual visitors and their communities to care about and take action to help protect wildlife. The AZA provides members with the tools to achieve best practices, as well as advocacy at local, national, and international levels.

Challenge

In 2005, the AZA asked Landor to help develop a new brand that would build recognition of the collection of AZA institutions as trusted experts on animal care, wildlife conservation, and public education about wildlife issues. The AZA felt there needed to be one unified voice for the industry and that this was an opportunity to force reconsideration of the value of zoos and aquariums in society. Landor's challenge was to help develop a decisive, disciplined association identity that could present them as the authoritative voice of zoos and aquariums all over the world.

Above

The fresh, approachable design style created for all communications features the refreshed AZA identity prominently.

01

Landor created an identity that captured the authoritative voice of the AZA while clearly celebrating its straight-forward new name.

02

The previous AZA identity was outdated and

Solution

Landor developed the Brand Driver™ platform: "Answering the Call of the Wild." This speaks to the fact only the AZA can create the world's largest wildlife conservation movement and ensure that members' zoo and aquarium animals and experts are engaging and inspiring their visitors in the need for active wildlife conservation behavior. Landor also recommended the AZA change its name to Association of Zoos & Aquariums, to better align with the AZA acronym. The redesigned AZA brand communicates authority yet approachability, while being strong and professional. A bold house style was introduced across all communications, including brochures and the AZA website.

Landor

© 2010 Landor Associates

The new name is
what's on their website.
(www.aza.org)
(Wendy says we use "and" rather than
"&" in the stats. But you ~~know~~ knew that...)



State of Wisconsin
2013 - 2014 LEGISLATURE

Friday, 10/18, if possible



LRB-2993/P1
RCT/...

sac

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

LPS: add your initials here

Note

1 **AN ACT** *gen cat*; relating to: the possession of certain dangerous wild animals and
2 providing a penalty.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

3 **SECTION 1.** 169.07 (1) (a) of the statutes is amended to read:
4 169.07 (1) (a) No person may exhibit any captive live native wild animal ~~or any~~
5 ~~captive live nonnative wild animal of the family ursidae~~ except as authorized under
6 a captive wild animal farm license, a rehabilitation license, a nonprofit educational
7 exhibiting license, or a nonresident temporary exhibiting license or under s. 29.319.

History: 2001 a. 56.

8 **SECTION 2.** 169.08 (1) of the statutes is amended to read:
9 169.08 (1) REQUIREMENT. No person may propagate any native wild animal ~~or~~
10 ~~any nonnative wild animal of the family ursidae~~ except as authorized under a captive

1 wild animal farm license, a bird hunting preserve license, a wild fur farm license, a
2 nonprofit educational exhibiting license, or a scientific research license.

History: 2001 a. 56.

3 **SECTION 3.** 169.11 (1) (a) (intro.) of the statutes is amended to read:

4 169.11 (1) (a) (intro.) The department shall designate by rule cougars, members
5 of the family ~~ursidae~~ species Ursus americanus, wild swine, and feral swine as
6 harmful wild animals. After consulting with the department of agriculture, trade
7 and consumer protection and the department of health services, the department of
8 natural resources may designate by rule other species of wild animals, except
9 dangerous wild animals, as defined in s. 173.50 (1) (b), as harmful wild animals if any
10 of the following applies:

History: 2001 a. 56; 2005 a. 253; 2007 a. 20 s. 9121 (a); 2007 a. 119.

11 **SECTION 4.** 169.15 (4) (b) of the statutes is amended to read:

12 169.15 (4) (b) If any member of the family ~~ursidae~~, ~~felidae~~, or ~~canidae~~, or of the
13 species Ursus americanus escapes from its enclosure or fenced area on a captive wild
14 animal farm, the person holding the captive wild animal farm license shall notify the
15 department within 24 hours after the escape.

History: 2001 a. 56.

16 **SECTION 5.** 173.13 (1) (a) 10. of the statutes is created to read:

17 173.13 (1) (a) 10. A dangerous wild animal possessed, imported into this state,
18 sold, transferred, or bred in violation of s. 173.50.

19 **SECTION 6.** 173.21 (1) (e) of the statutes is created to read:

20 173.21 (1) (e) There are reasonable grounds to believe that the animal is a
21 dangerous wild animal possessed, imported into this state, sold, transferred, or bred
22 in violation of s. 173.50.

23 **SECTION 7.** 173.22 (1) of the statutes is amended to read:

1 173.22 (1) PETITION. A person claiming that an animal that he or she owns was
2 improperly taken into custody under s. 173.13 (1) (a) 3., 4., 5., 6. ~~or~~ 8., or 10. or is
3 wrongfully withheld under s. 173.21 (1) may seek return of the animal by petitioning
4 for an order from the circuit court for the county in which the animal was taken into
5 custody or in which it is held.

6 History: 1997 a. 192.

6 **SECTION 8.** 173.22 (3) (a) (intro.) of the statutes is amended to read:

7 173.22 (3) (a) (intro.) If the animal was taken into custody under s. 173.13 (1)
8 (a) 8. or 10. or is withheld under s. 173.21 (1), the court shall order the animal
9 returned to the owner unless it determines that one of the following conditions is
10 satisfied:

11 History: 1997 a. 192.

11 **SECTION 9.** 173.22 (3) (a) 5. of the statutes is created to read:

12 173.22 (3) (a) 5. There are reasonable grounds to believe that the animal is a
13 dangerous wild animal possessed, imported into this state, sold, transferred, or bred
14 in violation of s. 173.50.

15 **SECTION 10.** 173.50 of the statutes is created to read:

16 **173.50 Dangerous wild animals. (1) DEFINITIONS.** In this section:

17 (a) "Circus" means an entity holding a class C license as an exhibitor under the
18 federal Animal Welfare Act, 7 USC 2131 to 2159, who conducts scheduled events
19 performed by a traveling company that uses mobile facilities in which entertainment
20 consisting of a variety of performances by acrobats, clowns, or trained animals is the
21 primary attraction or principal business.

****NOTE: This definition is a modified version of the definition in the captive
wildlife statutes, ch. 169. The proposed definition posed problems including being
imprecise. If this definition is not acceptable, we should discuss how to modify it.

****NOTE: "Law enforcement officer" is a defined term in ch. 173, so no definition
is needed in this draft. The term "humane officer" is used without being defined in ch.

173, which is titled "Animals; Humane Officers." I don't think it is necessary to define the term in this section.

1 (b) "Dangerous wild animal" means any of the following:

2 1. A lion, tiger, cheetah, jaguar, cougar, leopard, clouded leopard, or snow
3 leopard or a hybrid of any of these species.

4 2. A bear, other than a bear of the species *Ursus americanus*.

5 3. An ape.

6 4. An alligator, crocodile, or caiman.

7 (c) "Municipality" means a city, village, or town.

8 (d) "Wildlife sanctuary" means a nonprofit entity to which all of the following
9 apply:

10 1. The entity operates a place of refuge where abused, neglected, unwanted,
11 abandoned, orphaned, displaced, or impounded dangerous wild animals are
12 provided with lifelong care.

13 2. The entity does not conduct any commercial activity involving a dangerous
14 wild animal, including the sale, trading, or leasing of dangerous wild animals or the
15 dead bodies or parts of bodies of dangerous wild animals or the use of dangerous wild
16 animals in any operation in a for-profit operation.

17 3. The entity does not use dangerous wild animals for entertainment purposes
18 or in a traveling exhibit.

****NOTE: I think that this might be interpreted to mean that the entity may not allow the public to come onto the property to observe the animals. Is that intended?

19 4. The entity does not breed dangerous wild animals.

20 (2) PROHIBITIONS. (a) Except as provided in sub. (3), no person may possess,
21 import into this state, sell, transfer, or breed a dangerous wild animal.

1 (b) No person may allow a member of the public to come into direct contact with
2 a dangerous wild animal.

3 (3) EXEMPTIONS. (a) Subsection (2) (a) does not apply to any of the following:

4 1. An entity that is an accredited member of the ^{Association of} American Zoo and Aquarium^s
5 Association or that has a contract under a species survival plan of the ^{Association of} American Zoo^s
6 and Aquarium^s Association for the breeding of species listed as threatened or
7 endangered under 16 USC 1533 (c).

***NOTE: I did not see a reference to contracts on the AZA Internet site's content related to species survival plans. There are references to participants in the plans.

- 8 2. A zoo that is operated by a municipality.
- 9 3. A circus.
- 10 4. Circus World Museum.
- 11 5. A wildlife sanctuary.
- 12 6. A person operating a research facility that is registered under the federal
- 13 Animal Welfare Act, 7 USC 2131 to 2159.
- 14 7. A veterinarian licensed under ch. 453 who is providing treatment to a
- 15 dangerous wild animal.

***NOTE: It appears that this state does not license veterinary hospitals, but only veterinarians.

16 8. An individual performing his or her duties as a humane officer or law
17 enforcement officer, a political subdivision on whose behalf a humane officer or law
18 enforcement officer takes a dangerous wild animal into custody, or a person
19 providing services under a contract under s. 173.15 (1).

20 9. A person transporting a dangerous wild animal through this state if the
21 dangerous wild animal is in this state for no longer than 72 hours.

***NOTE: I am uncertain whether all of the listed entities should be exempt from all of the prohibitions in sub. (2) (a). Please let me know if they should not.

1 (b) A person who owns a dangerous wild animal on the effective date of this
2 paragraph ... [LRB inserts date] and who does not qualify for an exemption in par.

3 (a) may possess the dangerous wild animal, if all of the following apply:

4 1. The person maintains documentation showing that on the effective date of
5 this subdivision ... [LRB inserts date] the person owns the dangerous wild animal.

6 2. The person registers the dangerous wild animal under sub. (4) and pays the
7 registration fee no later than the first day of the 7th month beginning after the
8 effective date of this subdivision ... [LRB inserts date].

9 (4) REGISTRATION. A municipality shall accept registrations of dangerous
10 animals for the purposes of sub. (3) (b) 2. beginning no later than the first day of the
11 4th month beginning after the effective date of this subsection ... [LRB inserts date].

12 A municipality shall charge a fee for registering a dangerous wild animal.

****NOTE: The instructions indicate that registration can be modeled after the dog
licensing provision in ch. 174 and also indicate that animal control authorities would
register the animals. The dog licensing statutes are complex. Under those statutes, the
"collecting official" receives the fee for dog licensing and issues the license. Under s.
174.065, the collecting official is the municipal treasurer or other tax collecting officer,
unless the municipal governing body provides for the appointment of a different person.
Municipalities may also allow humane societies and veterinarians to be collecting
officials. This draft allows each municipality to decide how to conduct registration of
dangerous wild animals. If that is not acceptable, we should discuss alternatives.

13 (5) ORDINANCES. A municipality or county may enact an ordinance relating to
14 dangerous wild animals if the ordinance is at least as strict as subs. (2) to (4).

15 (6) PENALTIES. A person who violates this section may be required to forfeit not
16 more than \$1,000. Each animal with respect to which the person violates this section
17 constitutes a separate violation.

18 (END)

Note

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

LRB-2993/P1dn

RCT:/:.....

SM

- date -

This is preliminary draft of the proposal relating to dangerous wild animals. It should be reviewed carefully. There are some notes in the draft raising issues about specific provisions.

1. The instructions indicate that there should be a penalty for violating the dangerous animal law, but did not indicate what the penalty should be. I included a forfeiture of up to \$1,000 per animal as a placeholder. This is a civil, rather than criminal, penalty. You may want to review the penalties in related statutes, including the captive wildlife statutes. Please let me know what penalty or penalties the draft should provide.

2. Chapter 169 of the statutes relates to captive wild animals. Under ch. 169, the Department of Natural Resources (DNR) issues licenses for a number of facilities and activities. The chapter primarily relates to native wild animals, but some provisions relate to nonnative wild animals. Chapter 169 is very complex and it is difficult to determine how to change it so that it does not conflict with this proposal.

One set of complications relates to bears. Under current law, some provisions in ch. 169 apply to both black bears, which are native to Wisconsin, and all other bears, which are not native to Wisconsin, and some relate only to black bears. In this preliminary version of the draft, I have tried to reconcile ch. 169 and your proposal by having ch. 169 continue to apply to black bears, but not to nonnative bears, and having the new provisions about dangerous wild animals apply to nonnative bears.

Under this version of the draft, DNR may still authorize the possession of a black bear under a captive wild animal farm license, scientific research license, nonprofit educational exhibiting license, or nonresident temporary exhibiting license and a person with a hound dog training license or dog trial license may still possess a black bear. Under the draft, DNR may no longer designate any nonnative bear to be a harmful wild animal under s. 169.11, and by doing that, the draft eliminates the prohibition on possessing any nonnative bear without DNR's authorization. I am uncertain whether it is also necessary to specify that DNR may not authorize possession of a nonnative bear under a captive wild animal farm license, nonprofit educational exhibiting license, or nonresident temporary exhibiting license. If this approach to dealing with bears is not consistent with your intent, we should discuss how to change the draft.

This draft does not resolve the conflicts between the proposal and current law relating to cougars. Under s. 169.11, cougars are designated as harmful wild animals, which generally means that a person may not possess, or take other specified actions related to, a cougar without the permission of DNR. DNR may authorize possession of a cougar under a captive wild animal farm license, nonprofit educational exhibiting license, nonresident temporary exhibiting license, or, I believe, a scientific research license. Cougars are also regulated as a protected species under section NR 10.02 of the Wisconsin Administrative Code, which prohibits a person from taking, transporting, or possessing a cougar without authorization from DNR. If you want to eliminate DNR's authority to regulate the possession of cougars, please let me know. Otherwise, this draft should be changed so that the definition of dangerous wild animals does not include cougars.

* It may be difficult in practice for some kinds of native wild animals to be under DNR's control in relation to hunting and introduction, and other matters such as the sale of body parts, while DNR would not have control over the possession of captive animals of those kinds. If there is a concern about how captive black bears and cougars are regulated under current law, one approach would be to change how DNR regulates them by changing ch. 169. If you decide not to cover any native wild animals under this proposal, we could use the term "dangerous exotic animal," which might be more clear.

Section 169.11 also authorizes DNR to designate species of nonnative wild animals as harmful wild animals if other requirements are met. The law generally prohibits a person from possessing, importing, or taking other actions with respect to a harmful wild animal without permission from DNR. This draft prohibits DNR from designating as a harmful wild animal any animal that is a dangerous wild animal under the draft.

* Chapter 169 also requires a license from DNR for a person to possess an animal of a species that is indigenous to the United States or Canada and is identified on the federal list of endangered or threatened species. If this proposal designates as dangerous animals any animals that are indigenous to the United States or Canada and that are identified on the federal list of endangered or threatened species, there is a conflict between this proposal and ch. 169.

3. The instructions also indicated that the draft should allow the confiscation of dangerous wild animals to ensure compliance with the provisions concerning dangerous animals and to protect public safety and animal welfare. The provisions of ss. 173.13 to 173.23 for taking custody of animals, holding them for cause, review of seizure or withholding, and disposition of the animals, apply to all animals, including dangerous wild animals. A dangerous wild animal may be taken into custody under current law (s. 173.13 (1)) if it is abandoned, stray, unwanted, or mistreated in violation of the criminal laws related to animals or if it caused damage to persons or property. Note that current law requires a humane officer or law enforcement officer who takes custody of an animal to explain to the animal's owner the procedure by which the person may seek to recover the animal.

This draft adds language to ch. 173 that is specific to dangerous wild animals. The draft allows a dangerous wild animal to be seized, and to be withheld from the owner,

if there are reasonable grounds to believe that the animal was possessed, imported into this state, sold, transferred, or bred in violation of the prohibitions in the draft. The owner of the animal could challenge the seizure or withholding in court.

Without additional changes in current law, a municipality that seized a dangerous wild animal would generally have to get a court order to dispose of the animal, as provided in s. 173.23 (2) and (3). A dangerous wild animal that was unwanted could be released, sold at public auction, or euthanized (s. 173.23 (1m)). [Perhaps s. 173.23 (1m) should be modified to clarify that a dangerous wild animal may not be released or sold to a person unless the person may legally possess the animal under the provisions in this draft.] The municipality could have the animal euthanized if it posed an imminent threat to the public or its custodian or if it was severely injured. Please let me know if you want to provide other options. Also, let me know if you decide that you want a different approach than current ss. 173.13 to 173.23 for dealing with dangerous wild animals that are taken into custody. These statutes are complicated so don't hesitate to ask any questions that you have about them.

4. The instructions discuss who should have oversight of the new provision about dangerous wild animals. I think that it is not necessary to cover that in the draft. Section 173.07 (1) authorizes humane officers to enforce ch. 173. By creating the new provision in ch. 173, the draft automatically gives humane officers enforcement authority. Local law enforcement agencies have general authority to enforce state laws. Under current law and under this draft, municipalities and counties may assign some duties related to animal control to other agencies, health offices, for example.

5. Changes to some provisions in ch. 29 may need to be added to this draft. There are a number of statutes in that chapter with exemptions for wild animals that are subject to regulation as captive wild animals under ch. 169. See s. 29.011 (3), for example. If some animals that are currently subject to regulation under ch. 169 would no longer be subject to regulation under that chapter, we will need to consider whether to exempt them from any of the relevant statutes in ch. 29.

Please contact me with any questions. We can meet to discuss desired changes to the draft. If you would prefer to provide redraft instructions in writing, please provide me with an explanation of the desired changes.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2993/P1dn
RCT:sac:rs

October 16, 2013

This is preliminary draft of the proposal relating to dangerous wild animals. It should be reviewed carefully. There are some notes in the draft raising issues about specific provisions.

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2. Chapter 169 of the statutes relates to captive wild animals. Under ch. 169, the Department of Natural Resources (DNR) issues licenses for a number of facilities and activities. The chapter primarily relates to native wild animals, but some provisions relate to nonnative wild animals. Chapter 169 is very complex and it is difficult to determine how to change it so that it does not conflict with this proposal.

One set of complications relates to bears. Under current law, some provisions in ch. 169 apply to both black bears, which are native to Wisconsin, and all other bears, which are not native to Wisconsin, and some relate only to black bears. In this preliminary version of the draft, I have tried to reconcile ch. 169 and your proposal by having ch. 169 continue to apply to black bears, but not to nonnative bears, and having the new provisions about dangerous wild animals apply to nonnative bears.

Under this version of the draft, DNR may still authorize the possession of a black bear under a captive wild animal farm license, scientific research license, nonprofit educational exhibiting license, or nonresident temporary exhibiting license and a person with a hound dog training license or dog trial license may still possess a black bear. Under the draft, DNR may no longer designate any nonnative bear to be a harmful wild animal under s. 169.11, and by doing that, the draft eliminates the prohibition on possessing any nonnative bear without DNR's authorization. I am uncertain whether it is also necessary to specify that DNR may not authorize possession of a nonnative bear under a captive wild animal farm license, nonprofit educational exhibiting license, or nonresident temporary exhibiting license. If this approach to dealing with bears is not consistent with your intent, we should discuss how to change the draft.

This draft does not resolve the conflicts between the proposal and current law relating to cougars. Under s. 169.11, cougars are designated as harmful wild animals, which

generally means that a person may not possess, or take other specified actions related to, a cougar without the permission of DNR. DNR may authorize possession of a cougar under a captive wild animal farm license, nonprofit educational exhibiting license, nonresident temporary exhibiting license, or, I believe, a scientific research license. Cougars are also regulated as a protected species under section NR 10.02 of the Wisconsin Administrative Code, which prohibits a person from taking, transporting, or possessing a cougar without authorization from DNR. If you want to eliminate DNR's authority to regulate the possession of cougars, please let me know. Otherwise, this draft should be changed so that the definition of dangerous wild animals does not include cougars.

It may be difficult in practice for some kinds of native wild animals to be under DNR's control in relation to hunting and introduction, and other matters such as the sale of body parts, while DNR would not have control over the possession of captive animals of those kinds. If there is a concern about how captive black bears and cougars are regulated under current law, one approach would be to change how DNR regulates them by changing ch. 169. If you decide not to cover any native wild animals under this proposal, we could use the term "dangerous exotic animal," which might be more clear.

Section 169.11 also authorizes DNR to designate species of nonnative wild animals as harmful wild animals if other requirements are met. The law generally prohibits a person from possessing, importing, or taking other actions with respect to a harmful wild animal without permission from DNR. This draft prohibits DNR from designating as a harmful wild animal any animal that is a dangerous wild animal under the draft.

Chapter 169 also requires a license from DNR for a person to possess an animal of a species that is indigenous to the United States or Canada and is identified on the federal list of endangered or threatened species. If this proposal designates as dangerous animals any animals that are indigenous to the United States or Canada and that are identified on the federal list of endangered or threatened species, there is a conflict between this proposal and ch. 169.

3. The instructions also indicated that the draft should allow the confiscation of dangerous wild animals to ensure compliance with the provisions concerning dangerous animals and to protect public safety and animal welfare. The provisions of ss. 173.13 to 173.23 for taking custody of animals, holding them for cause, review of seizure or withholding, and disposition of the animals, apply to all animals, including dangerous wild animals. A dangerous wild animal may be taken into custody under current law (s. 173.13 (1)) if it is abandoned, stray, unwanted, or mistreated in violation of the criminal laws related to animals or if it caused damage to persons or property. Note that current law requires a humane officer or law enforcement officer who takes custody of an animal to explain to the animal's owner the procedure by which the person may seek to recover the animal.

This draft adds language to ch. 173 that is specific to dangerous wild animals. The draft allows a dangerous wild animal to be seized, and to be withheld from the owner, if there are reasonable grounds to believe that the animal was possessed, imported into

this state, sold, transferred, or bred in violation of the prohibitions in the draft. The owner of the animal could challenge the seizure or withholding in court.

Without additional changes in current law, a municipality that seized a dangerous wild animal would generally have to get a court order to dispose of the animal, as provided in s. 173.23 (2) and (3). A dangerous wild animal that was unwanted could be released, sold at public auction, or euthanized (s. 173.23 (1m)). [Perhaps s. 173.23 (1m) should be modified to clarify that a dangerous wild animal may not be released or sold to a person unless the person may legally possess the animal under the provisions in this draft.] The municipality could have the animal euthanized if it posed an imminent threat to the public or its custodian or if it was severely injured. Please let me know if you want to provide other options. Also, let me know if you decide that you want a different approach than current ss. 173.13 to 173.23 for dealing with dangerous wild animals that are taken into custody. These statutes are complicated so don't hesitate to ask any questions that you have about them.

4. The instructions discuss who should have oversight of the new provision about dangerous wild animals. I think that it is not necessary to cover that in the draft. Section 173.07 (1) authorizes humane officers to enforce ch. 173. By creating the new provision in ch. 173, the draft automatically gives humane officers enforcement authority. Local law enforcement agencies have general authority to enforce state laws. Under current law and under this draft, municipalities and counties may assign some duties related to animal control to other agencies, health offices, for example.

5. Changes to some provisions in ch. 29 may need to be added to this draft. There are a number of statutes in that chapter with exemptions for wild animals that are subject to regulation as captive wild animals under ch. 169. See s. 29.011 (3), for example. If some animals that are currently subject to regulation under ch. 169 would no longer be subject to regulation under that chapter, we will need to consider whether to exempt them from any of the relevant statutes in ch. 29.

Please contact me with any questions. We can meet to discuss desired changes to the draft. If you would prefer to provide redraft instructions in writing, please provide me with an explanation of the desired changes.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.wisconsin.gov

Rec'd From
AJ Wilson
11/7/2013

PRELIMINARY DRAFT – NOT READY FOR INTRODUCTION

AN ACT **to amend** 169.07 (1) (a), 169.08 (1), 169.11 (1) (a) (intro.), 169.15 (4) (b), 173.22 (1) and 173.22 (3) (a) (intro.); and **to create** 173.13 (1) (a) 10., 173.21 (1) (e), 173.22 (3) (a) 5. and 173.50 of the statutes; **relating to:** the possession of certain dangerous wild animals and providing a penalty.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

SECTION 1. 169.07 (1) (a) of the statutes is amended to read:

169.07 (1) (a) No person may exhibit any captive live native wild animal ~~or any captive live nonnative wild animal of the family ursidae~~ except as authorized under a captive wild animal farm license, a rehabilitation license, a nonprofit educational exhibiting license, or a nonresident temporary exhibiting license or under s. 29.319.

SECTION 2. 169.08 (1) of the statutes is amended to read:

169.08 (1) REQUIREMENT. No person may propagate any native wild animal ~~or any nonnative wild animal of the family ursidae~~ except as authorized under a captive wild animal farm license, a bird hunting preserve license, a wild fur farm license, a nonprofit educational exhibiting license, or a scientific research license.

SECTION 3. 169.11 (1) (a) (intro.) of the statutes is amended to read:

169.11 (1) (a) (intro.) The department shall designate by rule ~~cougars, members of the family ursidae~~ species *Ursus americanus*, wild swine, and feral swine as harmful wild animals. After consulting with the department of agriculture, trade and consumer protection and the department of health services, the department of natural resources may designate by rule other species of wild animals, **except dangerous wild animals, as defined in s. 173.50 (1) (b)**, as harmful wild animals if any of the following applies:

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Comment [NP1]: We want to regulate black bears – we can specify captive-bred bears and cougars

SECTION 4. 169.15 (4) (b) of the statutes is amended to read:

169.15 (4) (b) If any member of the family ursidae, felidae, or canidae ~~or of the species *Ursus americanus*~~ escapes from its enclosure or fenced area on a captive wild animal farm, the person holding the captive wild animal farm license shall notify the department within 24 hours after the escape.

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Comment [NP2]: I do not think we should amend this - seems like we should keep as is or stress that this applies to native species not captive bred.

SECTION 5. 173.13 (1) (a) 10. of the statutes is created to read:

173.13 (1) (a) 10. A dangerous wild animal possessed, imported into this state, sold, transferred, or bred in violation of s. 173.50.

SECTION 6. 173.21 (1) (e) of the statutes is created to read:

173.21 (1) (e) There are reasonable grounds to believe that the animal is a dangerous wild animal possessed, imported into this state, sold, transferred, or bred in violation of s. 173.50.

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SECTION 7. 173.22 (1) of the statutes is amended to read:

173.22 (1) PETITION. A person claiming that an animal that he or she owns was improperly taken into custody under s. 173.13 (1) (a) 3., 4., 5., 6. ~~or~~ 8., or 10. or is wrongfully withheld under s. 173.21 (1) may seek return of the animal by petitioning for an order from the circuit court for the county in which the animal was taken into custody or in which it is held.

SECTION 8. 173.22 (3) (a) (intro.) of the statutes is amended to read:

173.22 (3) (a) (intro.) If the animal was taken into custody under s. 173.13 (1) (a) 8. or 10. or is withheld under s. 173.21 (1), the court shall order the animal returned to the owner unless it determines that one of the following conditions is satisfied:

SECTION 9. 173.22 (3) (a) 5. of the statutes is created to read:

173.22 (3) (a) 5. There are reasonable grounds to believe that the animal is a dangerous wild animal possessed, imported into this state, sold, transferred, or bred in violation of s. 173.50.

SECTION 10. 173.50 of the statutes is created to read:

173.50 Dangerous wild animals. (1) DEFINITIONS. In this section:

(a) "Circus" means an entity holding a class C license as an exhibitor under the federal Animal Welfare Act, 7 USC 2131 to 2159 and

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(1), regularly who conducts scheduled events performed by a traveling company that uses mobile facilities in which entertainment consisting of a variety of performances by acrobats, clowns, ~~or~~ and trained animals is the primary attraction or principal business; and

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a. Does now allow members of the public to be in proximity to dangerous wild animals without sufficient distance and protective barriers, including, but not limited to, offering photographic opportunities next to dangerous wild animals of any age.

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****NOTE: This definition is a modified version of the definition in the captive wildlife statutes, ch. 169. The proposed definition posed problems including being imprecise. If this definition is not acceptable, we should discuss how to modify it.

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****NOTE: "Law enforcement officer" is a defined term in ch. 173, so no definition is needed in this draft. The term "humane officer" is used without being defined in ch.173, which is titled "Animals; Humane Officers." I don't think it is necessary to define the term in this section.

(b) "Dangerous wild animal" means any of the following:

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1. Family Felidae: lions (*Panthera leo*), tigers (*Panthera tigris*), leopards (*Panthera pardus*), clouded leopards (*Neofelis nebulosa*, *Neofelis diardi*), snow leopards (*Panthera uncia*), jaguars (*Panthera onca*), cheetahs (*Acinonyx jubatus*), captive-bred mountain lions (*Puma concolor*), including hybrids thereof. ~~A lion, tiger, cheetah, jaguar, cougar, leopard, clouded leopard, or~~

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~~snow leopard or a hybrid of any of these species.~~

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2. Family Ursidae: Asiatic Black Bears (*Ursus thibetanus*), captive-bred American black bears (*Ursus americanus*), Brown Bears (*Ursus arctos*), Polar Bear (*Ursus maritimus*), Sloth Bears (*Melursus ursinus*), Sun Bears (*Helarctos malayanus*), Giant Panda Bears (*Ailuropoda*

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melanoleuca), Spectacled Bears (*Tremarctos ornatus*), including hybrids thereof, A bear, other than a bear of the species *Ursus americanus*.

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3. An ape Family Hominidae: gorillas, chimpanzees and bonobos, excluding humans.

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4. Family Hylobatidae: siamangs and gibbons.

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45. Order Crocodylia: all species of alligators, crocodiles, caimans, gharials, An alligator, crocodile, or caiman.

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(c) "Municipality" means a city, village, or town.

(d) "Wildlife sanctuary" means a nonprofit entity to which all of the following apply:

1. The entity operates a place of refuge where abused, neglected, unwanted, abandoned, orphaned, displaced, or impounded dangerous wild animals are provided with lifelong care.
2. The entity does not conduct any commercial activity involving a dangerous wild animal, including the sale, trading, or leasing of dangerous wild animals or the dead bodies or parts of bodies of dangerous wild animals or the use of dangerous wild animals in a for-profit operation.
3. The entity does not use dangerous wild animals for entertainment purposes or in a traveling exhibit.

****NOTE: I think that this might be interpreted to mean that the entity may not allow the public to come onto the property to observe the animals. Is that intended?

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4. The entity does not breed dangerous wild animals.

Comment [NP3]: No that is not intended. They can come on to property they just can not do tricks with them, etc.

5. Does not allow members of the public the opportunity to come into direct contact with dangerous wild animals

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(2) PROHIBITIONS. (a) Except as provided in sub. (3), no person may possess, import into this state, sell, transfer, or breed a dangerous wild animal.

(b) No person may allow a member of the public to come into direct contact with a dangerous wild animal.

(3) EXEMPTIONS. (a) Subsection (2) (a) does not apply to any of the following:

1. An entity that is an accredited member of the Association of Zoos and Aquariums or that has a contract under a species survival plan of the Association of Zoos and Aquariums for the breeding of species listed as threatened or endangered under 16 USC 1533 (c).

****NOTE: I did not see a reference to contracts on the AZA Internet site's content related to species survival plans. There are references to participants in the plans.

2. A zoo that is operated by a municipality.

3. A circus.

4. Circus World Museum.

5. A wildlife sanctuary.

6. A person operating a research facility that is registered under the federal Animal Welfare Act, 7 USC 2131 to 2159.

7. A veterinarian licensed under ch. 453 who is providing treatment to a dangerous wild animal.

****NOTE: It appears that this state does not license veterinary hospitals, but only veterinarians.

Comment [NP4]: This is fine

8. An individual performing his or her duties as a humane officer or law enforcement officer, a political subdivision on whose behalf a humane officer or law enforcement officer takes a dangerous wild animal into custody, or a person

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providing services under a contract under s. 173.15 (1).

9. A person transporting a dangerous wild animal through this state if the dangerous wild animal is in this state for no longer than 72 hours.

***NOTE: I am uncertain whether all of the listed entities should be exempt from all of the prohibitions in sub. (2) (a). Please let me know if they should not.

(b) A person who owns a dangerous wild animal on the effective date of this paragraph [LRB inserts date] and who does not qualify for an exemption in par.

(a) may possess the dangerous wild animal, if all of the following apply:

1. The person maintains documentation showing that on the effective date of this subdivision [LRB inserts date], the person owns the dangerous wild animal.
2. The person registers the dangerous wild animal under sub. (4) and pays the registration fee no later than the first day of the 7th month beginning after the effective date of this subdivision [LRB inserts date].

(4) REGISTRATION. A municipality shall accept registrations of dangerous animals for the purposes of sub. (3) (b) 2. beginning no later than the first day of the 4th month beginning after the effective date of this subsection [LRB inserts date].

A municipality shall charge a fee for registering a dangerous wild animal.

***NOTE: The instructions indicate that registration can be modeled after the dog licensing provision in ch. 174 and also indicate that animal control authorities would register the animals. The dog licensing statutes are complex. Under those statutes, the "collecting official" receives the fee for dog licensing and issues the license. Under s. 174.065, the collecting official is the municipal treasurer or other tax collecting officer, unless the municipal governing body provides for the appointment of a different person. Municipalities may also allow humane societies and veterinarians to be collecting officials. This draft allows each municipality to decide how to conduct registration of dangerous wild animals. If that is not acceptable, we should discuss alternatives.

(5) ESCAPES. If any dangerous wild animal escapes or is released, either intentionally or unintentionally, the owner of the dangerous wild animal shall immediately contact law enforcement to report the escape or release. The owner is liable for all expenses associated with efforts to recapture the animal.

(5) ORDINANCES. A municipality or county may enact an ordinance relating to dangerous wild animals if the ordinance is at least as strict as subs. (2) to (4).

(6) PENALTIES. (a) A person who violates this section may be required to forfeit not more than \$1,000. Each animal with respect to which the person violates this section constitutes a separate violation. (b) Each violation of Section 10 (5) resulting in the animal running loose, causing property damage, or attacking a human being, may be required to forfeit not more than \$2,000.

Comment [NP5]: For political reasons they all need to.

11/7/2013 Conference call with ST Wilson & Joen Baubert and Nicole Paquette and Ina Sterling of the Humane Society of the US

We discussed Nicole's markup of the 1P1.

1. On the definition of "circus," they want to require acrobats and clowns because other wise people who travel with an animal or two and give performances can claim to be circuses and exempt from the prohibitions.

Also, we discussed how the language about not allowing the public to be in proximity to animals is a substantive provision and does not belong in a definition. I pointed out the prohibition in proposed s. 173.50 (2)(a) and offered to draft a more detailed prohibition, but Nicole said it is fine as drafted and it is not necessary to add the proximity language to the definition of circus or the direct contact language to the definition of "wildlife sanctuary."

2. They forgot to include orangutan in the list of great apes.

3. They will consider further how to treat native bears and cougars. They are concerned about roadside zoos and people who have exotic animals essentially as pets but who become nonprofit and get licenses that allow exhibiting. I suggested that ch. 169 could be amended to prohibit possession of black bears under the applicable licenses.

(or whatever animals they wish)

RUT

Tradewell, Becky

From: Rainbolt, Marcie
Sent: Monday, November 18, 2013 12:10 PM
To: Tradewell, Becky
Subject: WI Exotics Bill
Attachments: Wisconsin DWA bill (11 14 13).docx; ATT00001.htm

Becky,

Here is some language on changes that were discussed during the conference call.

Thanks,

Marcie Rainbolt

Office of Representative Petryk
103 West, State Capitol
(608) 266-0660

Begin forwarded message:

From: Nicole Paquette

Hi AJ,

We took a look again at the sections relating to existing law and feel that we need to make the attached edits to the bill. Essentially -

- (1) Regarding Section 3 of the bill, we think it would cause significant confusion if any bears or cougars could be regulated as harmful wild animals under Section 169.11. That Section specifically allows the DNR Director to authorize any person to possess/breed/sell bears and cougars - this could set up a conflict with the registration scheme in the new DWA Section 173.50, and since 173.50 would be implemented by local authorities any state regs/decisions allowing possession could potentially override local rules that are more restrictive. To leave black bears in place would also create a conflict within that section that could cause confusion as to whether black bears are to be regulated as dangerous wild animals.
- (2) Regarding Section 4 of the bill, we think that Section 169.15(4)(b) should be repealed entirely. While this escape-reporting Section on its face does not appear to undermine our efforts, we think that the downside of leaving it in is the potential for confusion as to whether felids, ursids, or canids can be kept on "captive wild animal farms". Repealing Section 169.15(4)(b) is consistent with Sections 1&2 of the bill, which eliminate nonnative bears from the list of animals that can be exhibited or bred pursuant to a captive wild animal farm license.
- (3) To make it crystal clear that going forward DWAs are to be regulated by local authorities pursuant to Section 173.50, we think the bill should have two additional sections (as noted in

Section 11 & 12 in the attached) to amend the definition of "wild animal" in Chapter 169 (Captive Wildlife) and Chapter 29 (Wild Animals, Plants) to exclude DWAs.

Comments are also attached within bill.

Let me know if we need to discuss further.

Thanks!

Nicole

PRELIMINARY DRAFT – NOT READY FOR INTRODUCTION

AN ACT *to amend* 169.07 (1) (a), 169.08 (1), 169.11 (1) (a) (intro.), 169.15 (4) (b), 173.22 (1) and 173.22 (3) (a) (intro.); and *to create* 173.13 (1) (a) 10., 173.21 (1) (e), 173.22 (3) (a) 5. and 173.50 of the statutes; relating to: the possession of certain dangerous wild animals and providing a penalty.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

SECTION 1. 169.07 (1) (a) of the statutes is amended to read:

169.07 (1) (a) No person may exhibit any captive live native wild animal ~~or any captive live nonnative wild animal of the family ursidae~~ except as authorized under a captive wild animal farm license, a rehabilitation license, a nonprofit educational exhibiting license, or a nonresident temporary exhibiting license or under s. 29.319.

SECTION 2. 169.08 (1) of the statutes is amended to read:

169.08 (1) REQUIREMENT. No person may propagate any native wild animal ~~or any nonnative wild animal of the family ursidae~~ except as authorized under a captive wild animal farm license, a bird hunting preserve license, a wild fur farm license, a nonprofit educational exhibiting license, or a scientific research license.

SECTION 3. 169.11 (1) (a) (intro.) of the statutes is amended to read:

169.11 (1) (a) (intro.) The department shall designate by rule ~~cougars, members of the family ursidae species Ursus americanus,~~ wild swine, and feral swine as harmful wild animals. After consulting with the department of agriculture, trade and consumer protection and the department of health services, the department of natural resources may designate by rule other species of wild animals, except dangerous wild animals, as defined in s. 173.50 (1) (b), as harmful wild animals if any of the following applies:

SECTION 4. 169.15 (4) (b) of the statutes is amended to read:

169.15 (4) (b) If any member of the family ursidae, felidae, or canidae ~~or of the species Ursus americanus~~ escapes from its enclosure or fenced area on a captive wild animal farm, the person holding the captive wild animal farm license shall notify the department within 24 hours after the escape.

SECTION 5. 173.13 (1) (a) 10. of the statutes is created to read:

173.13 (1) (a) 10. A dangerous wild animal possessed, imported into this state, sold, transferred, or bred in violation of s. 173.50.

SECTION 6. 173.21 (1) (e) of the statutes is created to read:

173.21 (1) (e) There are reasonable grounds to believe that the animal is a dangerous wild animal possessed, imported into this state, sold, transferred, or bred in violation of s. 173.50.

Comment [NP1]: Last year's version of this draft bill also deleted cougars and bears from this section, removing DNR's authority to designate bears and cougars as "harmful wild animals" (for which there is a permitting scheme for possession, etc). Leaving this authority in place, but limiting it to cougars and black bears would be internally inconsistent with the line below that makes clear that DWAs cannot be designated as harmful wild animals. For clarity, it would be preferable to deal with all licensing of bears and cougars under the new DWA section, and remove reference to all bears and cougars under this section.

Comment [NP2]: Last year's bill repealed the entire section 169.15(4)(b), and that would be ideal here too, to make clear that all regulation of ursids, felids, and canids is dealt with under the new DWA section 173.50.

Replace Section 4 of the bill with:
169.15 (4) (b) of the statutes is repealed.

SECTION 7. 173.22 (1) of the statutes is amended to read:

173.22 (1) PETITION. A person claiming that an animal that he or she owns was improperly taken into custody under s. 173.13 (1) (a) 3., 4., 5., 6. ~~or~~ 8., or 10. or is wrongfully withheld under s. 173.21 (1) may seek return of the animal by petitioning for an order from the circuit court for the county in which the animal was taken into custody or in which it is held.

SECTION 8. 173.22 (3) (a) (intro.) of the statutes is amended to read:

173.22 (3) (a) (intro.) If the animal was taken into custody under s. 173.13 (1) (a) 8. or 10. or is withheld under s. 173.21 (1), the court shall order the animal returned to the owner unless it determines that one of the following conditions is satisfied:

SECTION 9. 173.22 (3) (a) 5. of the statutes is created to read:

173.22 (3) (a) 5. There are reasonable grounds to believe that the animal is a dangerous wild animal possessed, imported into this state, sold, transferred, or bred in violation of s. 173.50.

SECTION 10. 173.50 of the statutes is created to read:

173.50 Dangerous wild animals. (1) DEFINITIONS. In this section:

(a) "Circus" means an entity holding a class C license as an exhibitor under the federal Animal Welfare Act, 7 USC 2131 to 2159 and

~~regularly who~~ conducts scheduled events performed by a traveling company that uses mobile facilities in which entertainment consisting of a variety of performances by acrobats, clowns, ~~or~~ and trained animals is the primary attraction or principal business; and

****NOTE: This definition is a modified version of the definition in the captive wildlife statutes, ch. 169. The proposed definition posed problems including being imprecise. If this definition is not acceptable, we should discuss how to modify it.

****NOTE: "Law enforcement officer" is a defined term in ch. 173, so no definition is needed in this draft. The term "humane officer" is used without being defined in ch.173, which is titled "Animals; Humane Officers." I don't think it is necessary to define the term in this section.

(b) "Dangerous wild animal" means any of the following:

1. Family Felidae: lions (*Panthera leo*), tigers (*Panthera tigris*), leopards (*Panthera pardus*), clouded leopards (*Neofelis nebulosa*, *Neofelis diardi*), snow leopards (*Panthera uncia*), jaguars (*Panthera onca*), cheetahs (*Acinonyx jubatus*), captive-bred cougar (*Puma concolor*), including hybrids thereof. A lion, tiger, cheetah, jaguar, cougar, leopard, clouded leopard, or snow leopard or a hybrid of any of these species.

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2. Family Ursidae: Asiatic Black Bears (*Ursus thibetanus*), captive-bred American black bears (*Ursus americanus*), Brown Bears (*Ursus arctos*), Polar Bear (*Ursus maritimus*), Sloth Bears (*Melursus ursinus*), Sun Bears (*Helarctos malayanus*), Giant Panda Bears (*Ailuropoda melanoleuca*), Spectacled Bears (*Tremarctos ornatus*), including hybrids thereof. A bear, other than a bear of the species *Ursus americanus*.

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3. An ape Family Homnidae: gorillas, orangutans, chimpanzees and bonobos, excluding humans.

4. Family Hylobatidae: siamangs and gibbons.

45. Order Crocodylia: all species of alligators, crocodiles, caimans, gharials. ~~An alligator, crocodile, or caiman.~~

(c) "Municipality" means a city, village, or town.

(d) "Wildlife sanctuary" means a nonprofit entity to which all of the following apply:

1. The entity operates a place of refuge where abused, neglected, unwanted, abandoned, orphaned, displaced, or impounded dangerous wild animals are provided with lifelong care.
2. The entity does not conduct any commercial activity involving a dangerous wild animal, including the sale, trading, or leasing of dangerous wild animals or the dead bodies or parts of bodies of dangerous wild animals or the use of dangerous wild animals in a for-profit operation.
3. The entity does not use dangerous wild animals for ~~entertainment~~ performance purposes or in a traveling exhibit.

****NOTE: I think that this might be interpreted to mean that the entity may not allow the public to come onto the property to observe the animals. Is that intended?

4. The entity does not breed dangerous wild animals.

(2) PROHIBITIONS. (a) Except as provided in sub. (3), no person may possess, import into this state, sell, transfer, or breed a dangerous wild animal.

(b) No person may allow a member of the public to come into direct contact with a dangerous wild animal.

(3) EXEMPTIONS. (a) Subsection (2) (a) does not apply to any of the following:

1. An entity that is an accredited member of the Association of Zoos and Aquariums or that has a contract under a species survival plan of the Association of Zoos and Aquariums for the breeding of species listed as threatened or endangered under 16 USC 1533 (c).

****NOTE: I did not see a reference to contracts on the AZA Internet site's content related to species survival plans. There are references to participants in the plans.

2. A zoo that is operated by a municipality.
3. A circus.
4. Circus World Museum.
5. A wildlife sanctuary.
6. A person operating a research facility that is registered under the federal Animal Welfare Act, 7 USC 2131 to 2159.
7. A veterinarian licensed under ch. 453 who is providing treatment to a dangerous wild animal.

****NOTE: It appears that this state does not license veterinary hospitals, but only veterinarians.

8. An individual performing his or her duties as a humane officer or law enforcement officer, a political subdivision on whose behalf a humane officer or law enforcement officer takes a dangerous wild animal into custody, or a person providing services under a contract under s. 173.15 (1).

9. A person transporting a dangerous wild animal through this state if the dangerous wild animal is in this state for no longer than 72 hours.

****NOTE: I am uncertain whether all of the listed entities should be exempt from all of the prohibitions in sub. (2) (a). Please let me know if they should not.

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Comment [NP3]: No that is not intended. They can come on to property they just can not do tricks with them, etc.

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Comment [NP4]: This is fine

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Comment [NP5]: For political reasons they all need to.

(b) A person who owns a dangerous wild animal on the effective date of this paragraph [LRB inserts date] and who does not qualify for an exemption in par.

(a) may possess the dangerous wild animal, if all of the following apply:

1. The person maintains documentation showing that on the effective date of this subdivision [LRB inserts date], the person owns the dangerous wild animal.
2. The person registers the dangerous wild animal under sub. (4) and pays the registration fee no later than the first day of the 7th month beginning after the effective date of this subdivision [LRB inserts date].

(4) REGISTRATION. A municipality shall accept registrations of dangerous animals for the purposes of sub. (3) (b) 2. beginning no later than the first day of the 4th month beginning after the effective date of this subsection [LRB inserts date]. A municipality shall charge a fee for registering a dangerous wild animal.

****NOTE: The instructions indicate that registration can be modeled after the dog licensing provision in ch. 174 and also indicate that animal control authorities would register the animals. The dog licensing statutes are complex. Under those statutes, the "collecting official" receives the fee for dog licensing and issues the license. Under-s. 174.065, the collecting official is the municipal treasurer or other tax collecting officer, unless the municipal governing body provides for the appointment of a different person. Municipalities may also allow humane societies and veterinarians to be collecting officials. This draft allows each municipality to decide how to conduct registration of dangerous wild animals. If that is not acceptable, we should discuss alternatives.

(5) ESCAPES. If any dangerous wild animal escapes or is released, either intentionally or unintentionally, the owner of the dangerous wild animal shall immediately contact law enforcement to report the escape or release. The owner is liable for all expenses associated with efforts to recapture the animal.

(5) ORDINANCES. A municipality or county may enact an ordinance relating to dangerous wild animals if the ordinance is at least as strict as subs. (2) to (4).

(6) PENALTIES. (a) A person who violates this section may be required to forfeit not more than \$1,000. Each animal with respect to which the person violates this section constitutes a separate violation. (b) Each violation of Section 10 (5) resulting in the animal running loose, causing property damage, or attacking a human being, may be required to forfeit not more than \$2,000.

SECTION 11. 29.001 (90) of the statutes is amended to read:
29.001 (90) "Wild animal" means any mammal, bird, fish, or other creature of a wild nature endowed with sensation and the power of voluntary motion, but does not include dangerous wild animals (as defined in s. 173.50)

SECTION 12. 169.01 (37) of the statutes is amended to read:
169.01 (37) "Wild animal" means any animal of a wild nature that is normally found in the wild and that is not a domestic animal or a dangerous wild animal (as defined in s. 173.50)

Comment [NP6]: Adding these sections will make it clear that there is only one source of authority for permitting possession/breeding/sale etc of DWAs.

Tradewell, Becky

From: Tradewell, Becky
Sent: Tuesday, December 03, 2013 2:27 PM
To: AJ Wilson (awilson@hwz-gov.com)
Subject: Dangerous wild animal draft

AJ:

Please let me know if you have any questions or comments about this information.

Becky Tradewell
266-7290

Here is my outline of ch. 169:



And here are some thoughts on the dangerous wild animal proposal, as we discussed (I suggest looking over the outline first):

The chapter on captive wildlife (ch. 169) is complex. I created an outline of the relevant provisions (attached) in order to help myself and others involved understand current Wisconsin law and the implications of changing it in the dangerous wild animal draft. One important point is that s. 169.43 currently authorizes cities, villages, towns, and counties to prohibit the possession or selling of wild animals, including bears and cougars. Section 169.11 prohibits a person from possessing a bear without DNR's approval. It does not allow DNR to authorize a person to possess a bear if the local government prohibits it. Another point is that under current Wisconsin law, no one may keep a bear or cougar as a pet in his or her house or in the backyard tied up or in something like a dog kennel.

As I understood it, when this draft was requested there was a discussion of allowing black bears to continue to be regulated under ch. 169. That may have been a misunderstanding on my part. In any event, the first version of this session's dangerous wildlife draft (LRB-2993/P1) took that approach and, as I mentioned in the drafter's note, did not resolve the issue of how cougars would be regulated.

If I understand the request correctly now, black bears and cougars are the only animals native to Wisconsin that are proposed to be covered under the new dangerous animal provision. Given the existence of ch. 169 and DNR's other responsibilities related to native wild animals (including regulating hunting, protecting the wild animal population, and preserving public health and safety), it seems as though the intent of this proposal could be accomplished by continuing to regulate black bears and cougars under ch. 169, but changing the way that those animals are regulated under the chapter. I think that I have not conveyed this idea clearly. It should be noted that currently DNR regulates the possession of black bears and cougars by most entities (including wildlife sanctuaries, which would be subject to regulation as captive wild animal farms) and, consistent with its other responsibilities related to native wild animals, the owner of a captive wild animal farm must inform DNR whenever one of these animals escapes. This would not be the case if some or all black bears or cougars are removed from ch. 169. (There was a reference in the comments on LRB-

2993/P1 to last session's draft. One thing to keep in mind is that under last session's draft, DNR regulated dangerous wild animals, meaning that it would still have authority over all native wild animals.)

Chapter 169 could be amended, for example, to allow the possession of a black bear or cougar only under a rehabilitation license, a scientific research license, or a captive wildlife license issued to a wildlife sanctuary (as defined in the draft), except for animals possessed when the draft takes effect and those possessed by a circus, zoo, or veterinarian. This would prohibit possession (of animals that are not grandfathered) under a nonprofit educational exhibiting license or a captive wild animal farm license issued to an entity other than a wildlife sanctuary. It would also ensure that the housing and humane treatment provisions in ch. 169 and DNR's rules continue to apply to bears and cougars that are grandfathered. The draft could require a person who possesses a cougar or black bear to register with the local government, in addition to having a license from DNR, and could make any other desired changes concerning how DNR regulates these animals. Regulating black bears and cougars under ch. 169, with changes, would seem to result in more protection for the animals and the public than regulating them only under the proposed dangerous wild animal provision (s. 173.50).

There may be a concern that confusion would result from regulating some captive bears and big cats under ch. 169 and some under proposed s. 173.50. It seems to me, though, that confusion could also result from regulating only some captive native wild animals under ch. 169 and the rest under proposed s. 173.50, especially since the term "native wild animal" is used repeatedly in ch. 169.

If the approach of continuing to regulate black bears and cougars under ch. 169, with changes, is not acceptable, I will proceed with a redraft that reflects that determination. First, though, I am uncertain from some of the comments on LRB-2993/P1 whether the intent of the latest marked-up version of the draft is to remove all black bears and cougars from regulation under ch. 169 or only those that are bred in captivity. If the latter, it seems that this might create practical problems. For example, if DNR authorized a person with a scientific research license to propagate cougars legally taken from the wild, proposed s. 173.50 (2) might prohibit the licensee from possessing the offspring, depending on whether the licensee is registered under the federal Animal Welfare Act. Another example is that the requirements in s. 169.14 related to the sale of dead captive wild animals or their parts would apply to black bears and cougars that were bred in the wild, but not to those bred in captivity. I am not aware of a way to determine whether an animal was bred in captivity or whether a part of a dead animal came from an animal that was bred in captivity, except through written proof of origin.

I will probably have more questions once I understand whether any bears or cougars are intended to be regulated under ch. 169. If a review of the attached outline reveals any other provisions in ch. 169 that should be changed, please let me know.

Background on Wisconsin wild animals and captive animal law

I. Wild animals native to Wisconsin

The following wild animals are native to Wisconsin:

Canidae: wolf, coyote, fox

Felidae: Cougar, lynx, bobcat

Ursidae: black bear

The state allows hunting for wolf, coyote, fox, bobcat, and black bear.

II. Local regulation

A city, village, town, or county may prohibit the possession or sale of wild animals (s. 169.43).

III. Captive wildlife law – administered by DNR

(Note: This does not describe provisions that relate to only to birds, reptiles, or amphibians.)

A. Possession, exhibiting, and other activities

1. Possession of native wild animals

Generally (under s. 169.04 (1) (b)), a person may not possess a native wild animal without a license from DNR, unless the animal is of a type listed in s. 169.04 (4). Listed animals include chipmunks, mice, pigeons, and voles. Certain entities are exempt from the requirement to have a license, including veterinarians, zoos, and circuses. DNR's rules include requirements concerning pens and shelters, environmental enrichment, and health and husbandry applicable to licensees under ch. 169 (s. NR 16.30, Wisconsin Administrative Code). The statutes also impose record-keeping and reporting requirements on licensees (s. 169.36) and authorize DNR to conduct inspections of places where wild animals are possessed (s. 169.37).

2. Possession of nonnative wild animals

Generally (under s. 169.04 ((4) (b)), a person is not required to have a license from DNR to possess a nonnative wild animal, unless the animal is endangered or threatened (i.e., indigenous to the U. S. or Canada and on the federal or state list of endangered and threatened species) or is a harmful wild animal (discussed below).

3. Exhibition of live wild animals

Generally (under s. 169.07 (1)), a person may not exhibit a native wild animal or a nonnative bear, except as authorized under a captive wild animal farm license, a rehabilitation license, a nonprofit educational exhibiting license, or a nonresident temporary exhibiting license. Certain entities are exempt from the requirement to have a license, including zoos and circuses. A person with a captive wild animal farm license or a rehabilitation license may only exhibit the kinds of wild animals that DNR

specifies on the license. DNR's rules include conditions for interactive sessions (public contact) with captive wild animals (s. NR 16.35 (7), Wis. Adm. Code) and specify that harmful wild animals may only be exhibited at locations authorized on the license, unless DNR provides special written approval (s. NR 16.35 (9), Wis. Adm. Code) .

4. Propagation of wild animals

Generally (under s. 169.08 (1)), a person may not propagate a native wild animal or a nonnative bear, except as authorized under a captive wild animal farm license, a wild fur farm license, a nonprofit educational exhibiting license, or a scientific research license. Zoos and circuses are exempt from this prohibition.

5. Sale and purchase of wild animals

a. Sale

Generally (under s. 169.10 (1)), a person may not sell a native wild animal or a nonnative wild animal that is endangered or threatened or is a harmful wild animal, except as authorized under a captive wild animal farm license, a wild fur farm license, or a nonprofit educational exhibiting license.

b. Purchase

Generally (under s. 169.10 (2)), a person may not purchase a native wild animal or a nonnative wild animal that is endangered or threatened or is a harmful wild animal, except as authorized under a captive wild animal farm license, a hound dog training license, a dog club training license, a hound dog trial license, a nonprofit educational exhibiting license, or a stocking license.

c. Exemptions

Certain entities are exempt from the requirement to have a license in order to sell or purchase a wild animal, including zoos and circuses.

6. Taking wild animals from the wild

Generally (under s. 169.05 (1)), a person may take a wild animal from the wild only as authorized under a wild fur farm license, a rehabilitation license, or a scientific research license.

7. Carcasses of captive wild animals

Under s. 169.14, a person who sells the carcass of a captive wild animal must provide written proof of origin. ("Carcass" includes any part of the dead body of an animal.) A person who purchases a carcass must retain the proof of origin. The law also prohibits the sale and purchase of the gallbladder of a bear that was a captive wild animal.

B. Harmful wild animals

Under s. 169.11 (1), cougars, bears, and wild and feral swine are harmful wild animals. That provision authorizes DNR to designate additional kinds of animals as harmful wild animals. DNR has designated mute swans and wolf-dog hybrids as harmful wild animals. Generally, a person may not possess, take (from the wild), propagate, sell, purchase, transfer, exhibit, rehabilitate, introduce, stock, or release any harmful wild animal unless specifically authorized to do so by DNR (no matter what kind of license the person has). Veterinarians may possess harmful wild animals without authorization from DNR for the

purpose of providing medical treatment. Zoos may possess, sell, purchase, exhibit, etc., harmful wild animals without authorization from DNR.

C. Licenses

1. Captive wild animal farm license (s. 169.15)

A captive wild animal farm license authorizes the holder to possess, propagate, kill, exhibit, purchase, and sell wild animals of the species specified on the license. The statute requires licensees to control the wild animals at all times and to report the escape of a felid, canid, or ursid to DNR. DNR requires an applicant for a captive wild animal farm license who wish to possess a harmful wild animal to provide written assurance that the applicant is in compliance with local ordinances for the possession of captive wild animals. A summary or requirements related to captive wild animal farms is available here: http://dnr.wi.gov/files/pdf/forms/9400/9400-577_instr.pdf

2. Hound dog training license (s. 169.20 (2))

A hound dog training license authorizes the holder to purchase, possess, and hunt certain wild animals for the purpose of teaching hound dogs to track game. The animals include live captive black bear, fox, coyote, and bobcat. Under DNR's rules (s. NR 17.02 (1), Wis. Adm. Code), in order to use a black bear in this manner, the person must have a captive wildlife farm license. The rules include requirements for the care and housing of the wild animals and generally prohibit the use of wild animals captured from the wild for hound dog training purposes. Wild coyotes may be used if trapped under specified legal authority (ss. NR 17.07 (3) and 17.047, Wis. Adm. Code).

3. Hound dog trial license (s. 169.21 (2))

This license authorizes the use of certain wild animals for competitive field events using dogs. The animals are the same kinds as, and the requirements are similar to, those for the hound dog training license.

4. Rehabilitation license (s. 169.24)

This license authorizes the rehabilitation of wild animals for the purpose of releasing them back into the wild. DNR's rules related to rehabilitation of wild animals are in subch. II of ch. NR 19, Wis. Adm. Code.

5. Scientific research license (s. 169.25)

A scientific research license authorizes a person engaged in research to take from the wild, possess, kill, or propagate the species of native wild animals that DNR authorizes under the license for the purpose of conducting research that DNR determines will lead to increased, useful scientific knowledge.

6. Nonprofit educational exhibiting license (s. 169.26)

A nonprofit educational exhibiting license authorizes the possession and exhibition of wild animals and the purchase and propagation of species that DNR specifically authorizes. DNR may issue a license to a nonprofit, tax-exempt nature center, aquarium, or educational institution.

7. Nonresident temporary exhibiting license (s. 169.27)

A nonresident temporary exhibiting license authorizes the possession and exhibition of wild animals for the production of movies or television programs or as parts of theatrical acts, carnivals, or other animal attractions or displays. DNR may issue a license to an individual who is not a state resident or to a business that is not organized under Wisconsin law if the individual or business holds any federally required license.

8. Wild fur farm license (169.18)

A wild fur farm license authorizes the taking of wild beaver, coyote, mink, muskrat, otter, opossum, raccoon, skunk, and weasel (see s. NR 16.18, Wis. Adm. Code).

9. Stocking license (s. 169.23)

A stocking license authorizes the holder to purchase, possess, introduce, or stock wild animals of the species authorized by the license.

Tradewell, Becky

From: AJ Wilson <awilson@hwz-gov.com>
Sent: Tuesday, December 10, 2013 11:49 AM
To: Tradewell, Becky
Subject: Re: Dangerous wild animal draft

Hi Becky,

My folks are of the belief that CH. 169 allows any so-called "zoo" to possess a bear. Is it possible to take your recommendation re: keeping them under Ch. 169 but also ensuring - like the covered dangerous animals - that the only "zoos" allowed to possess them are municipal and AZA accredited?

Thanks!
AJ

AJ Wilson
Hubbard Wilson & Zelenkova, LLC
44 E. Mifflin Street, Suite 605
Madison, WI 53703
Mobile: (608)772-5670

On Dec 4, 2013, at 1:18 PM, "Tradewell, Becky" <Becky.Tradewell@legis.wisconsin.gov> wrote:

AJ,

That would be fine.

Thanks,
Becky

From: AJ Wilson [mailto:awilson@hwz-gov.com]
Sent: Wednesday, December 04, 2013 1:15 PM
To: Tradewell, Becky
Subject: Re: Dangerous wild animal draft

Becky,

I think this is very helpful and I'd like to forward to Nicole as is if that's ok with you?

Thanks very much,
AJ

AJ Wilson
Hubbard Wilson & Zelenkova, LLC
44 E. Mifflin Street, Suite 605
Madison, WI 53703
Mobile: (608)772-5670

Tradewell, Becky

From: AJ Wilson <awilson@hwz-gov.com>
Sent: Wednesday, December 11, 2013 8:10 AM
To: Tradewell, Becky
Subject: Re: Dangerous wild animal draft

Great. I just noticed that I said only "bears" but I meant both bears and cougars.

AJ Wilson
Hubbard Wilson & Zelenkova
(608)772-5670

On Dec 11, 2013, at 7:56 AM, "Tradewell, Becky" <Becky.Tradewell@legis.wisconsin.gov> wrote:

AJ,

We can certainly do that.

I am back in the office today and will call you or you are welcome to call me.

Becky

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<Backgroundonwild animallaws.docx>