



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0538/PA<sup>a</sup>  
MGG:kg:lp

*I* - NOTE

PRELIMINARY **DRAFT** - NOT READY **FOR** INTRODUCTION

*Due Friday*

*WFO: This is in MGG's inbox. 2-25-99 4p.m.*

*Ken Cost.*

1 **AN ACT** ~~repeal 29.024r~~ (a), 17., ~~29.0242r~~ (a) ~~218~~ (a) 19., 29.024

2 (2r) (a) 20., 29.021., ~~29.021~~, ~~29.563~~ (a) (title), 29.563

3 (9) (a) ~~and (b)~~ 29.741(1), 29.741(2), 29.853 (1), 29.853 (2),

4 29.853 (3), 29.853 (4m), 29.853 (5) (title), 29.855 (title), 29.855 (1), 29.855 (2),

5 29.855 (3), 29.855 (4) (title), 29.855 (5), 29.855 (6), 29.855 (7), 29.857, 29.861,

6 29.863, 29.865, 29.867, 29.869, 29.871, 29.873, 29.877, 29.879 and 29.881; **to**

7 **renumber** 23.51 (1), 29.563 (9) (a) 1. and 29.741 (2); **to renumber and amend**

8 29.334, 29.351, 29.354(2), 29.853(5), 29.855 (4) and 951.015; **to amend 20.370**

9 (1) (mu), 20.370 (3) (mu), 23.09 (2) (f), 23.50 (1), 23.50 (3), 23.51 (5), 23.65 (l),

10 25.29 (1) (a), 25.29 (4m), 29.024 (1), 29.024 (2g) (a) 2., 29.042 (1), 29.047 (2) (b),

11 29.191 (2) (a) 3., 29.314 (5) (b) 3., 29.347 (2), 29.347 (6), 29.357 (5) (b), 29.361

12 (6), 29.364 (5), 29.506 (4), 29.541 (3), 29.614 (3), 29.875 (1), 29.885 (1) (f), 29.889

13 (1) (intro.), 29.921 (7), 29.927 (8), 29.931 (2) (a), 29.969, 49.857 (1) (d) 2., 59.25

14 (3) (f) 2., 59.40 (2) (m), 73.0301 (1) (d) l., 167.31 (4) (b), 814.60 (2) (e), 895.57 (3),

15 943.75 (3), 951.09, 951.18 (4) (a) 2., 951.18 (4) (b) l., 29.354 (1) and 973.05 (1);

1           **to repeal and recreate** 29.741 (title); and **to create** chapter 22, 23.51 (Id),  
2           **23.51** (9m), 23.795 (3), 29.011 (3), 29.192 (6), 29.351 (2), 29.354 (2) (b), 29.354  
3           (5), 29.501 (9m), 29.539 (7), 173.29, 951.01 (lm) and 951.015 (2) of the statutes;  
4           **relating to:** the possession of wild animals, granting rule-making authority,  
5           making appropriations and providing penalties.

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***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a later version.

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

6           **SECTION 1.** 20.370 (1) (mu) of the statutes is amended to read:

7           **20.370 (1)** (mu) *General program operations - state funds.* The amounts in  
8           the schedule for general program operations that do not relate to the management  
9           and protection of the state's fishery resources under ss. 23.09 to 23.11, 27.01, 30.203  
10          and 30.277, subch. VI of ch. 77 and chs. 22, 26, 28 and 29.

11          **SECTION 2.** 20.370 (3) (mu) of the statutes is amended to read:

12          **20.370 (3)** (mu) *General program operations - state funds.* The amounts in  
13          the schedule for law enforcement operations under ss. 23.09 to 23.11 and 166.04 and  
14          chs. 22, 29 and 30 and for review of environmental impact requirements under ss.  
15          1.11 and 23.40.

16          **SECTION 3.** Chapter 22 of the statutes is created to read:

**CHAPTER 22**

**CAPTIVE WILDLIFE**

17  
18  
19          **22.01 Definitions.** In this chapter:

1 (1) "Animal" means any mammal or any bird, reptile, amphibian, mollusk,  
2 arthropod or egg thereof, except that "animal" does not include any mollusk,  
3 arthropod or egg thereof regulated under ch. 93 or 94.

4 (2) "Captive" means any of the following:

5 (a) Restrained by a cage, pen, fence or other enclosure.

6 (b) Restrained by physical alterations that limit movement or facilitate  
7 capture.

8 (c) Restrained by a leash or a tether or otherwise tied.

9 (d) Held in a controlled environment that is designed to prevent the departure  
10 from the controlled environment.

11 (3) "Carcass" means the dead body of any wild animal including the head, hair,  
12 skin, plumage, skeleton, meat or any other part thereof.

13 (4) "Circus" means a scheduled event staged by a traveling company with  
14 mobile facilities in which entertainment consisting of a variety of performances by  
15 acrobats, clowns or trained animals is the primary attraction or principal business.

16 (5) "Conservation warden" means a warden appointed under s. 23.10.

17 (6) "Department" means the department of natural resources.

18 (7) "Domesticated animal" means farm-raised deer, a pet bird that is either a  
19 psittacine or a softbill and is not native, is not endangered or threatened and is not  
20 a migratory bird on the list in 50 CFR 10.13 that is promulgated under 16 USC 701  
21 to 715s or an animal that is all of the following:

22 (a) An animal that, due to a long association with humans, has been bred to a  
23 degree that results in changes affecting the animal's temperament, color,  
24 conformation or other attribute of the species to an extent that it makes the animal  
25 unique and distinguishable from a wild animal of its species.

1 (b) Listed as a domesticated animal by rule by the department.

2 (8) "Dressed fur" has the meaning given in s. 29.501 (1) (a).

3 (9) "Endangered or threatened species" means those species of wild animals  
4 that are indigenous to the United States or Canada and are identified on the federal  
5 list of endangered and threatened species or on the Wisconsin list of endangered and  
6 threatened species.

7 (10) "Environmentally injurious wild animal" means a species of wild animal  
8 that is not a native wild animal and that is capable of inflicting harm to the  
9 environment.

10 (11) "Exhibit" means to display for the purpose of public viewing, regardless  
11 of whether a fee is charged.

12 (12) "Farm-raised deer" has the meaning given in 95.001 (1) (a).

13 (13) "Free-roaming" means not captive.

14 (14) "Fur-bearing wild animal" includes badger, beaver, bobcat, coyote, fisher,  
15 red fox, gray fox, lynx, marten, mink, muskrat, opossum, otter, raccoon, skunk,  
16 weasel and wolf.

17 (15) "Harm to the environment" includes adversely affecting the natural  
18 population dynamics of wild animals or wild plants, adversely affecting the habitat  
19 of wild animals or wild plants or displacing wild animals or wild plants from any part  
20 of their habitat.

21 (16) "Inherently dangerous wild animal" means a species of wild animal that  
22 is capable of inflicting severe bodily harm to a human.

23 (17) "Introduce" means to release for the purpose of allowing the animal to  
24 establish a population in an area in the wild where that type of animal is not  
25 naturally present at the time the wild animal is released.

1 (18) "License year" means the year during which a license is valid.

2 (19) "Native" means indigenous and occurring or having occurred naturally  
3 within the boundaries of this state.

4 (20) "Nonnative wild animal" means a wild animal that is not native.

5 (21) "Nonresident" means a person who is not a resident of this state.

6 (22) "Person" means any individual, partnership, firm, joint stock company,  
7 corporation, association, trust, estate or other legal entity.

8 (23) "Possess" means to own, control, restrain, transport or keep.

9 (24) "Propagate" means to breed, encourage or facilitate for the purpose of  
10 generating offspring.

11 (25) "Public zoo or aquarium" means a zoo or aquarium that is operated by the  
12 state or by a city, village or county or that is an accredited member of the American  
13 Zoo and Aquarium Association.

14 (26) "Purchase" means to acquire through a sale or through an exchange for  
15 consideration.

16 (27) "Raw fur" has the meaning given in s. 29.501 (1)(e).

17 (28) "Sell" means to transfer or exchange for consideration.

18 (29) "State resident" has the meaning given "resident" in s. 27.01 (10) (a).

19 (30) "Stock" means to release for the purpose of increasing or maintaining a  
20 population of the animal.

21 (31) "Take" means to capture, but does not include killing.

22 (32) "Veterinarian" means an individual who is licensed as a veterinarian  
23 under ch. 453 or by another state and who is accredited under 9 CFR subch. J.

24 (33) "Wild animal" means any animal of a wild nature that is normally found  
25 in the wild and that is not a domesticated animal.

1 (34) "Wild amphibian" means a wild animal that is an amphibian.

2 (35) "Wild bird" means a wild animal that is a bird.

3 (36) "Wild reptile" means a wild animal that is a reptile.

4 **22.02 Title to wild animals, (1) TITLE VESTED IN OWNER.** Except as provided  
5 in sub. (3), legal title to a live captive wild animal or the carcass of a captive wild  
6 animal is vested in the person who owns the wild animal if the person is in  
7 compliance with this chapter and the rules promulgated under this chapter. A  
8 person holding legal title may transfer without consideration the live captive wild  
9 animal or the carcass of the captive wild animal to a person who is in compliance with  
10 this chapter and the rules promulgated under this chapter. A person holding legal  
11 title to a live captive wild animal may kill it, or have it killed, in a humane manner.

12 (2) **TITLE WITH STATE.** The department may assume on behalf of the state, or may  
13 sell or otherwise transfer to another person, legal title to any live captive wild  
14 animal, or the carcass of any captive wild animal, that is possessed by any person in  
15 violation of this chapter or the rules promulgated under this chapter.

16 (3) **EXCEPTIONS.** Legal title to a live captive wild animal or the carcass of a  
17 captive wild animal that is possessed as authorized under a rehabilitation license or  
18 a scientific research license remains with the state. A person holding a rehabilitation  
19 license or a scientific research license may transfer or dispose of a live captive wild  
20 animal or the carcass of a captive wild animal only as specifically authorized by the  
21 department.

22 **22.025 Interagency cooperation.** The department of natural resources  
23 shall cooperate with the department of agriculture, trade and consumer protection  
24 with respect to any wild animal that is subject to regulation under this chapter and  
25 ch. 93, 94 or 95.

1           **22.03 Possession of live wild animals. (1) RESTRICTIONS ON POSSESSION;**  
2           **GENERALLY.** (a) No person may possess any live wild animal unless the wild animal  
3           is legally obtained.

4           (b) No person may possess any live wild animal unless the person possesses it  
5           in compliance with this chapter.

6           (2) **TEMPORARY POSSESSION.** (a) A person possessing a live native wild animal  
7           for a period not to exceed 24 hours is exempt from having a license as required under  
8           sub. (1) (b) if the person is possessing the wild animal for any of the following  
9           purposes:

10           1. To restrain or transport the wild animal, for medical treatment by a  
11           veterinarian or by a person holding a rehabilitation license.

12           2. To remove or transport the wild animal from one location to a more  
13           appropriate location.

14           3. To restrain or transport the wild animal for game censuses or surveys, or  
15           other purposes authorized by the department.

16           (b) If a person possessing a live native wild animal under par. (a) determines  
17           that it is necessary to possess the wild animal for a period exceeding 24 hours after  
18           the time the wild animal was first possessed, the person shall request that the  
19           department approve an extension for the temporary possession. The department  
20           may either deny the requested extension or approve it for a specific period of time.

21           (c) An establishment licensed under s. 97.42, or for which inspection is granted  
22           under 9 CFR part 304, may keep live white-tailed deer for slaughtering purposes for  
23           up to 72 hours without holding a deer farm license.

24           (d) If a live wild animal has been exposed to or infected with any contagious or  
25           infectious disease, as defined under rules promulgated by the department of

1 agriculture, trade and consumer protection under s. 95.001 (2), or a reportable  
2 disease, as designated by the department of natural resources under s. 22.41 (2),  
3 during the time the wild animal is being temporarily possessed, the person  
4 possessing the wild animal shall have a valid interstate health certificate or a valid  
5 certificate of veterinary inspection issued by a veterinarian certifying that the wild  
6 animal is free of any such diseases before releasing it into the wild.

7 **(3) WILD ANIMALS UNDER ANOTHER JURISDICTION.** Alive wild animal possessed  
8 by a nonresident under the legal authority of another state, province or country may  
9 be possessed by the nonresident in this state for not more than 60 days from the date  
10 the wild animal enters the state if the wild animal is accompanied by a valid  
11 interstate health certificate or a valid certificate of veterinary inspection issued by  
12 a veterinarian and by all of the licenses or other approvals that are required by the  
13 other state, province or country.

14 **(4) EXEMPTION FOR CERTAIN WILD ANIMALS.** (a) A person is exempt from any  
15 licensing requirement under sub. (1) (b) for live native wild animals if the wild  
16 animals are not endangered or threatened species and are any of the following:

- 17 1. Arthropods.
- 18 2. Chipmunks.
- 19 3. Pocket gophers.
- 20 4. Mice.
- 21 5. Moles.
- 22 6. Mollusks.
- 23 7. Opossums.
- 24 8. Pigeons.
- 25 9. Porcupines.



- 1           10. Rats.
- 2           11. Shrews.
- 3           12. English sparrows.
- 4           13. Starlings.
- 5           14. Ground squirrels.
- 6           15. Red squirrels.
- 7           16. Voles.
- 8           17. Weasels.

9           (b) A person is exempt from any licensing requirement under sub. (1) (b) for live  
10 nonnative wild animals that are not endangered or threatened species, except for  
11 any of the following:

- 12           1. Pheasants of the species *Phasianus colchicus* or *Syrmaticus reevesii*, chukar  
13 partridge or gray partridge that are possessed for use under a bird hunting preserve  
14 license, a dog training license, a hound training license, a dog club training license,  
15 a dog trial license or a hound trial license.
- 16           2. Nonnative wild animals of the family anatidae or of the family cervidae.
- 17           3. Nonnative wild animals that are inherently dangerous wild animals.

18           (5) **EXEMPTION FOR CERTAIN PERSONS AND INSTITUTIONS.** (a) Any of the following  
19 is exempt from any licensing requirement under sub. (1) (b):

- 20           1. Veterinarians, for the purpose of providing medical treatment to wild  
21 animals.
- 22           2. Public zoos or aquariums.
- 23           3. Circuses and the Circus World Museum located in Baraboo, Wisconsin.
- 24           4. The department.

1 (b) For purposes of par. (a) 1., “medical treatment” does not include  
2 rehabilitation.

3 ( 6 ) **INAPPLICABILITY TO CERTAIN WILD ANIMALS.** (a) This section does not authorize  
4 the possession of environmentally injurious wild animals.

5 (b) The possession of native wild reptiles and native wild amphibians is subject  
6 to s. 22.12 and not to this section.

7 22.04 **Taking of wild animals.** ( 1 ) **PROHIBITION.** No person may take any wild  
8 animal from the wild except as authorized under a bird hunting preserve license, a  
9 wild fur farm license, a falconry license, a rehabilitation license or a scientific  
10 research license.

11 **ii** ( 2 ) **EXEMPTION FOR CERTAIN WILD ANIMALS.** A person is exempt from the  
12 requirement under sub. (1) if the wild animal that the person takes from the wild is  
13 a native wild animal that is exempt under s. 22.03 ( 4 ) (a).

14 ( 3 ) **EXEMPTION FOR CERTAIN PERSONS AND INSTITUTIONS.** (a) Any of the following  
15 is exempt from the licensing requirement under sub. (1):

16 1. Veterinarians, for the purpose of providing medical treatment to wild  
17 animals.

18 2. The department.

19 (b) For purposes of par. (a) 1., “medical treatment” does not include  
20 rehabilitation.

21 ( 4 ) **INAPPLICABILITY TO CERTAIN WILD ANIMALS.** (a) This section does not authorize  
22 the taking of environmentally injurious wild animals.

23 (b) The taking of native wild reptiles and native wild amphibians is subject to  
24 s. 22.12 and not to this section.

1           **22.05 Introduction, stocking and release of wild animals. (1)**

2           ~~PROHIBITION; PERSONS OTHER THAN THE DEPARTMENT.~~ (a) No person may introduce,  
3 stock or release into the wild, or import into this state to introduce, stock or release  
4 into the wild, any wild animal except as authorized under a bird hunting preserve  
5 license, a bird dog training license, a hound dog training license, a dog club training  
6 license, a bird dog trial license, a hound dog trial license, a falconry license, a stocking  
7 license, a rehabilitation license or a scientific research license.

8           (b) No person may introduce, stock or release into the wild, or import into this  
9 state for introducing, stocking or releasing into the wild, any wild animal unless the  
10 department has given its authorization under par. (c) and the person has complied  
11 with the requirements under par. (d).

12           (c) The department may authorize the introducing, stocking, releasing into the  
13 wild or importing of a species of wild animal only if the department has determined  
14 that it is not an environmentally injurious wild animal and that it will not be  
15 detrimental in any manner to the conservation of the natural resources of this state.

16           (d) Introducing, stocking or releasing a wild animal under this section is subject  
17 to all of the following requirements:

18           1. If a wild animal has been exposed to or infected with any contagious or  
19 infectious disease, as defined under rules promulgated by the department of  
20 agriculture, trade and consumer protection under s. 95.001 (2), or a reportable  
21 disease, as designated by the department of natural resources under s. 22.41 (2), the  
22 person introducing, stocking or releasing the wild animal shall hold a valid  
23 interstate health certificate or a valid certificate of veterinary inspection issued by  
24 a veterinarian certifying that the wild animal is free of any such diseases before the  
25 introducing, stocking or release.

1           2. A person introducing, stocking or releasing wild birds under the authority  
2 of a stocking license, a bird hunting preserve license, a bird dog training license or  
3 a bird dog trial license may only introduce, stock or release wild birds that:

4           a. Have originated, within 365 days before the introducing, stocking or release,  
5 from a flock that meets the requirements under subd. 3. and that have had contact  
6 with only captive birds that meet these requirements.

7           b. That, within 30 days before the introducing, stocking or release, comply with  
8 any rules promulgated by the department under s. 22.41 (3).

9           3. Wild birds that are introduced, stocked or released under subd. 2. shall  
10 originate from a flock of a person participating in the national poultry improvement  
11 plan under 9 CFR part 145.

12           **(Im) REPORTS.** At the request of a local official in an area in which wild animals  
13 are introduced, stocked or released under sub. (1), the department shall require a  
14 person who introduced, stocked or released those wild animals to report to the local  
15 official the number and type of wild animals introduced, stocked or released and the  
16 location at which the animals were introduced, stocked or released.

17           **(2) BY THE DEPARTMENT** The department may import into this state to  
18 introduce, stock or release into the wild, may introduce, stock or release into the wild,  
19 or may authorize introducing, stocking or releasing into the wild, a wild animal  
20 without holding a license as required under sub. (1) (a).

21           **(3) EXEMPTION.** This section does not apply to wild animals that are released  
22 into the wild after being accidentally trapped or confined.

23           **22.06 Exhibition of live wild animals. (1) PROHIBITION.** (a) No person may  
24 exhibit any captive live native wild animal or any captive live nonnative wild animal  
25 of the family ursidae or cervidae except as authorized under a captive wild animal

1 farm license, a deer farm license, a falconry license, a rehabilitation license, a  
2 nonprofit educational exhibiting license, a nonresident temporary exhibiting license  
3 or a captive wild animal auction and market license.

4 (b) If a person exhibits a wild animal subject to par. (a) under the authority of  
5 a captive wild animal farm license, a deer farm license, a falconry license or a  
6 rehabilitation license, the person may exhibit only those types of wild animals that  
7 are specified by the department on the license.

8 **(2) EXEMPTION FOR CERTAIN WILD ANIMALS.** A person is exempt from the  
9 requirements under sub. (1) if the wild animal that the person exhibits is a wild  
10 animal that is exempt under s. 22.03 (4) (a) or (b).

11 **(3) EXEMPTION FOR CERTAIN INSTITUTIONS.** Any of the following is exempt from  
12 the licensing requirement under sub. (1):

13 (a) Public zoos or aquariums.

14 (b) Circuses and the Circus World Museum located in Baraboo, Wisconsin.

15 (c) The department.

16 **(4) INAPPLICABILITY TO CERTAIN WILD ANIMALS.** This section does not authorize  
17 the exhibiting of environmentally injurious wild animals.

18 **22.07 Propagation of wild animals. (1) PROHIBITION.** No person may  
19 propagate any native wild animal or any nonnative wild animal of the family ursidae  
20 or cervidae except as authorized under a captive wild animal farm license, a deer  
21 farm license, a bird hunting preserve license, a wild fur farm license, a nonprofit  
22 educational exhibiting license, a scientific research license or a falconry license.

23 **(2) EXEMPTION FOR CERTAIN WILD ANIMALS.** A person is exempt from the  
24 requirements under sub. (1) if the wild animal that the person propagates is a wild  
25 animal that is exempt under s. 22.03 (4) (a) or (b).

1           **(3) EXEMPTION FOR CERTAIN INSTITUTIONS.** Any of the following is exempt from  
2 the licensing requirement under sub. (1):

3           (a) Public zoos or aquariums.

4           (b) Circuses and the Circus World Museum located in Baraboo, Wisconsin.

5           (c) The department.

6           **(4) INAPPLICABILITY TO CERTAIN WILD ANIMALS.** This section does not authorize  
7 the propagating of environmentally injurious wild animals.

8           **22.09 Hunting of captive wild animals. (1) PROHIBITION; GENERALLY.** No  
9 person may hunt a captive wild animal except as authorized under s. 22.36 (5) and  
10 under a deer farm license, a bird hunting preserve license, a bird dog training license,  
11 a hound dog training license, a dog club training license, a bird dog trial license or  
12 a hound dog trial license.

13           **(2) PROHIBITION; COMMERCIAL HUNTING.** No person may sell or offer to sell or  
14 purchase or offer to purchase the opportunity to hunt any wild animal that is or has  
15 been captive except as authorized under a deer farm license or a bird hunting  
16 preserve license.

17           **22.10 Selling and purchasing of live wild animals. (1) SELLING.** Except  
18 as authorized under a captive wild animal farm license, a bird hunting preserve  
19 license, a deer farm license, a captive wild animal auction and market license, a  
20 falconry license, a wild fur farm license or a nonprofit educational exhibiting license,  
21 no person may sell or offer to sell any of the following:

22           (a) Any live native wild animal that is not exempt from the licensing  
23 requirement under s. 22.03 (4) (a).

24           (b) Any live nonnative wild animal that is not exempt from the licensing  
25 requirement under s. 22.03 (4) (b).

1           (2) **PURCHASING.** (a) Except as provided under par. (b) and except as authorized  
2 under a captive wild animal farm license, a bird hunting preserve license, a deer farm  
3 license, a bird dog training license, a hound dog training license, a dog club training  
4 license, a bird dog trial license, a hound dog trial license, a falconry license, a  
5 nonprofit educational exhibiting license or a stocking license, no person may  
6 purchase or offer to purchase any of the following:

7           1. Any live native wild animal that is not exempt from the licensing  
8 requirement under s. 22.03 (4) (a).

9           2. Any live nonnative wild animal that is not exempt from the licensing  
10 requirement under s. 22.03 (4) (b).

11           (b) A nonresident who purchases a live wild animal is exempt from holding a  
12 license under this chapter to possess the wild animal if the nonresident possesses the  
13 wild animal in this state for not more than 10 days after the date of purchase.

14           (3) **AUCTIONS AND MARKETS.** No person may conduct an auction or market to sell  
15 live wild animals except as authorized under a captive wild animal auction and  
16 market license.

17           (4) **EXEMPTION FOR CERTAIN INSTITUTIONS.** Any of the following is exempt from  
18 the requirements under subs. (1) and (2):

19           (a) Public zoos or aquariums.

20           (b) Circuses and the Circus World Museum located in Baraboo, Wisconsin.

21           (c) The department.

22           (5) **INAPPLICABILITY TO CERTAIN WILD ANIMALS.** (a) This section does not authorize  
23 the selling or purchasing of environmentally injurious wild animals.

24           (b) The selling and purchasing of native wild reptiles and native wild  
25 amphibians is subject to s. 22.12 and not to this section.

1 (c) The sale of white-tailed deer is subject to s. 22.13 and not to this section.

2 **22.11 Inherently dangerous and environmentally injurious wild**

3 **animals. (1) INHERENTLY DANGEROUS WILD ANIMALS.** (a) The department shall  
4 designate by rule cougars and members of the family ursidae as inherently  
5 dangerous wild animals and may designate by rule other types of wild animals to be  
6 inherently dangerous wild animals.

7 (2) **ENVIRONMENTALLY INJURIOUS WILD ANIMALS.** (a) The department may  
8 designate by rule the species of wild animals that are environmentally injurious wild  
9 animals.

10 (b) No person may possess, take, propagate, sell, purchase, transfer, exhibit or  
11 rehabilitate a live environmentally injurious wild animal unless specifically  
12 authorized to do so by the department.

13 (c) No person may introduce, stock or release, or import into this state to  
14 introduce, stock or release, any environmentally injurious wild animal, unless  
15 specifically authorized to do so by the department.

16 (3) **EXEMPTIONS.** (a) Public zoos and aquariums are exempt from the  
17 prohibition under sub. (2) (b).

18 (b) 1. Veterinarians are exempt from the prohibition under sub. (2) (b) for the  
19 purpose of providing medical treatment to environmentally injurious wild animals.

20 2. For purposes of subd. 1., "medical treatment" does not include rehabilitation.

21 **22.12 Possession and sale of native wild reptiles and wild amphibians.**

22 **(1) POSSESSION OF MORE THAN 5 PROHIBITED.** No person may take from the wild or  
23 possess live native wild reptiles or live native wild amphibians unless the person  
24 takes or possesses 5 or fewer of any subspecies or unless sub. (2) or (3) applies.



1           (2) POSSESSION OF MORE THAN 5 ALLOWED. (a) A person may take from the wild  
2 or possess more than 5 leopard frogs, 5 mud puppies, 5 tiger salamanders, 5 snapping  
3 turtles or 5 painted turtles if so authorized by the department under a Class A  
4 captive wild animal farm license.

5           (b) An authorization under par. (a) for a type of wild reptile or wild amphibian  
6 may be subject to a quota established by rule by the department that protects from  
7 excessive taking of the population of that wild reptile or wild amphibian from the  
8 wild.

9           (c) 1. For any type of native wild reptile or native wild amphibian, other than  
10 a wild reptile or wild amphibian subject to par. (a), a person may take from the wild  
11 or possess more than 5 of that type of wild reptile or wild amphibian if permission  
12 has been granted to the person by the department.

13           2. A request for permission under subd. 1. shall be in writing and shall include  
14 the name of the species, the number of wild reptiles or wild amphibians, the location  
15 of the proposed taking and the reason for the proposed possession.

16           3. The natural resources board shall create a council under s. 15.04 (1) (c) to  
17 review requests for permission under subd. 1. The council shall make  
18 recommendations to the department to assist the department in deciding whether  
19 it will grant the permission.

20           (3) POSSESSION OF FROGS. A person using frogs for bait while fishing may take  
21 from the wild, possess and kill more than 5 frogs, but may not possess more than 5  
22 of any subspecies of frog for more than 24 hours.

23           (4) RESTRICTIONS OF SALES. No person may sell live native wild reptiles or live  
24 native wild amphibians except for the following:

1 (a) Color variants of these wild reptiles and wild amphibians that have been  
2 bred in captivity and have coloration that is clearly distinct from the normal  
3 morphological color patterns.

4 (b) Snapping turtles, painted turtles, leopard frogs, mud puppies and tiger  
5 salamanders that are sold under the authorization of a Class A captive wild animal  
6 farm license.

7 (5) EXEMPTION FOR CERTAIN INSTITUTIONS. Any of the following is exempt from  
8 the requirements under this section:

9 (a) Public zoos or aquariums.

10 (b) Circuses and the Circus World Museum located in Baraboo, Wisconsin.

11 (c) The department.

12 (6) EXEMPTION FOR VETERINARIANS. (a) Veterinarians are exempt from subs. (1)  
13 and (2) for the purpose of providing medical treatment to native wild reptiles and  
14 native wild amphibians.

15 (b) For purposes of par. (a), "medical treatment" does not include rehabilitation.

16 (7) INAPPLICABILITY TO CERTAIN WILD ANIMALS. This section does not authorize  
17 the possessing, taking or selling of reptiles or amphibians that are environmentally  
18 injurious wild animals.

19 **22.13 Sale and purchase of white-tailed deer for venison. (1)**

20 REQUIREMENTS FOR LIVE DEER. (a) No person may sell a live white-tailed deer to be  
21 processed for venison meat or products except as authorized under a deer farm  
22 license. No person may sell a live white-tailed deer to be processed for venison meat  
23 or products without first attaching a deer farm shipping tag to the body.

24 (b) No person may purchase a live white-tailed deer to be processed for venison  
25 meat or products unless all of the following apply:

1           1. The person operates an establishment licensed under s. 97.42 or for which  
2 inspection is granted under 9 CFR part 304.

3           2. The person holds a white-tailed deer venison sales license.

4           3. The deer originated from a deer farm and has a deer farm shipping tag  
5 attached to its body.

6           (2) **REQUIREMENTS FOR CARCASSES.** No person may sell venison meat or process  
7 venison products from captive white-tailed deer unless all of the following apply:

8           (a) The person operates an establishment licensed under s. 97.42 or for which  
9 inspection is granted under 9 CFR part 304.

10          (b) The person holds a white-tailed deer venison sales license.

11          (c) The white-tailed deer originated from a deer farm.

12          (d) Each individual package of white-tailed deer venison that the person  
13 processes and sells contains the license number of the deer farm from which the  
14 white-tailed deer originated and the label clearly states that the venison is from a  
15 licensed deer farm.

16          (3) **CONSUMER SALES.** No person may sell venison from white-tailed deer to a  
17 consumer, or purchase such venison for resale to a consumer, unless the venison is  
18 labeled as required under sub. (2) (d) and the venison came from one of the following:

19          (a) An establishment licensed under s. 97.42 or for which inspection is granted  
20 under 9 CFR part 304.

21          (b) A meat broker or meat distributor registered under s. 97.42.

22           **22.14 Carcasses of captive wild animals. (1) RESTRICTIONS ON SALES AND**  
23 **PURCHASES.** (a) No person may sell the carcass of any captive wild animal unless the  
24 seller provides to the purchaser written proof of origin.

1 (b) No person may purchase or possess the carcass of any captive wild animal  
2 unless the purchaser maintains written proof of origin during the time the purchaser  
3 possesses the carcass.

4 (c) No person may sell or purchase the carcass, except for the hide, of a bear that  
5 was a captive wild animal.

6 (d) No person may preserve and mount a carcass of a captive wild animal for  
7 consideration unless that person holds a valid taxidermist permit issued under s.  
8 29.506.

9 (2) TAGGING REQUIREMENTS FOR CAPTIVE WILD ANIMAL FARMS. (a) A person killing  
10 a wild animal under the authority of a captive wild animal farm license shall tag the  
11 carcass in the manner required by the department before removing the carcass from  
12 the farm. No person may remove the tag from the carcass except as provided in par.  
13 (b).

14 (b) A person acquiring a carcass tagged under par. (a) that is to be consumed  
15 for food may remove the tag at the time the carcass is prepared for final consumption.  
16 The person shall keep the tag in evidence until the carcass is consumed or otherwise  
17 disposed of.

18 (c) For purposes of pars. (a) and (b), for the carcasses of wild reptiles and wild  
19 amphibians, a person need not tag each carcass, but shall tag each shipment in the  
20 manner required by the department.

21 (3) INAPPLICABILITY TO CERTAIN CARCASSES. (a) Subsections (1) and (2) do not  
22 apply to the raw fur or dressed fur of fur-bearing wild animals.

23 (b) Subsection (1) (a) and (b) does not apply to white-tailed deer that is to be  
24 processed into venison.

1 (c) The selling, purchasing or possessing of carcasses of endangered or  
2 threatened species is subject to s. 29.604 and not to this section.

3 **22.15 Captive wild animal farm licenses. (1) ISSUANCE.** (a) The  
4 department shall issue a Class A captive wild animal farm license to operate a  
5 captive wild animal farm that grosses \$10,000 or more in annual sales to any  
6 qualified person who files a proper application for the license and who pays the  
7 applicable fee.

8 (b) The department shall issue a Class B captive wild animal farm license to  
9 operate a captive wild animal farm that grosses less than \$10,000 in annual sales to  
10 any qualified person who files a proper application for the license and who pays the  
11 applicable fee.

12 (c) The department shall issue a Class A captive wild animal farm license to  
13 any qualified person who files a proper application for the license and who pays the  
14 applicable fee to operate a captive wild animal farm that contains more than 5 of any  
15 of the following:

- 16 1. Leopard frogs.
- 17 2. Mud puppies.
- 18 3. Tiger salamanders.
- 19 4. Snapping turtles.
- 20 5. Painted turtles.

21 (d) The applicant shall specify the location of the enclosures for the wild  
22 animals on the application.

23 (2) **AUTHORIZATION.** (a) A captive wild animal farm license authorizes the  
24 holder of the license to possess, propagate, kill, exhibit, purchase and sell live captive  
25 wild animals of the types specified by the department on the license.

1 (b) A captive wild animal farm license authorizes the killing of captive wild  
2 animals only by the holder of the license or an employe of the holder of the license.

3 (3) **CALCULATION OF ANNUAL SALES.** (a) The calculation of annual sales under  
4 sub. (1) and par. (b) shall be based on sales from the prior year that involve live  
5 captive wild animals that are any of the following:

6 1. Native wild animals.

7 2. Nonnative wild animals of the family cervidae.

8 3. Inherently dangerous wild animals.

9 4. Endangered or threatened species.

10 (b) For the first year that a person is issued a captive wild animal farm license,  
11 the person shall be issued a Class B captive wild animal farm license, unless the  
12 person operated a game bird and animal farm licensed under s. 29.867, 1997 stats.,  
13 or a deer farm licensed under s. 29.871, 1997 stats., on the effective date of this  
14 paragraph . . . . [revisor inserts date], that grossed \$10,000 or more in annual sales.

15 (4) **CONTROL OF WILD ANIMALS.** (a) A person holding a captive wild animal farm  
16 license shall control the wild animals at all times in the manner required by the  
17 department and shall keep the wild animals at the locations specified on the  
18 application for the license.

19 (b) If any member of the family ursidae, felidae, cervidae or canidae escapes  
20 from its enclosure or fenced area on a captive wild animal farm, the person holding  
21 the captive wild animal farm license shall notify the department within 24 hours  
22 after the escape.

23 (5) **RULES.** The department may promulgate rules to establish additional  
24 standards, limitations and requirements for captive wild animal farm licenses and  
25 for captive wild animal farms, including fencing of the farms.

1           **22.16 Deer farm license. (1) ISSUANCE.** The department shall issue a deer  
2 farm license to any qualified person who files a proper application for the license and  
3 who pays the applicable fee. The applicant shall specify the locations of the  
4 enclosures for the deer on the application.

5 (2) **AUTHORIZATION.** (b) A deer farm license authorizes the holder of the license  
6 to do any of the following:

- 7           1. Possess, propagate, purchase, sell and exhibit live captive white-tailed deer.
- 8           2. Sell or offer to sell the opportunity to hunt live white-tailed deer within the  
9 boundaries of the deer farm.

10           (c) A person holding a deer farm license shall attach a deer shipping tag to any  
11 live white-tailed deer before selling the deer to be processed for venison.

12           (3) **EXEMPTION FROM HUNTING RESTRICTIONS.** A person hunting white-tailed deer  
13 on a deer farm is exempt from having any hunting approval issued under ch. 29 and  
14 is exempt from any closed season restrictions, bag limits or other conditions or  
15 restrictions established by the department under s. 29.053.

16           (4) **CONTROL OF DEER.** (a) A person holding a deer farm license shall control the  
17 deer at all times in the manner required by the department and shall keep the deer  
18 at the locations specified on the application for the license.

19           (b) If any deer escapes from its enclosure or fenced area on a deer farm, the  
20 person holding the deer farm license shall notify the department within 24 hours  
21 after the escape.

22           (5) **RULES.** The department may promulgate rules to establish additional  
23 standards, limitations and requirements for deer farm licenses and for deer farms,  
24 including fencing of the farms.

1           **22.17 White-tailed deer venison sales license. (1) APPLICATION.** The  
2 department shall issue a white-tailed deer venison sales license to any qualified  
3 person who files a proper application for the license and who pays the applicable fee.

4           (2) **AUTHORIZATION.** (a) A white-tailed deer venison sales license authorizes the  
5 holder of the license to sell, purchase and process venison from white-tailed deer that  
6 originates from a deer farm.

7           (3) **RULES.** The department may promulgate rules to establish additional  
8 standards, limitations and requirements for white-tailed venison sales licenses and  
9 for the premises at which venison from white-tailed deer is processed.

10           **22.18 Wild fur farm license. (1) ISSUANCE.** The department shall issue a wild  
11 fur farm license to any qualified person who files a proper application and who pays  
12 the applicable fee.

13           (2) **AUTHORIZATION; LIMITATIONS.** (a) A wild fur farm license authorizes all of the  
14 following:

15           1. The holder of the license to possess and propagate live muskrat, beaver,  
16 raccoon, otter and mink on the land subject to the license.

17           2. The holder of the license and other persons authorized by the holder to take  
18 the live fur-bearing wild animals specified in subd. 1. or kill by trapping the  
19 fur-bearing wild animals specified in subd. 1.

20           3. The holder of the license to sell the live fur-bearing wild animals specified  
21 in subd. 1. to persons authorized to possess the fur-bearing wild animals.

22           (b) Section 29.501 shall apply to the possession and selling of the raw furs and  
23 dressed furs of the fur-bearing wild animals specified in par. (a) 1.

24           (c) The number of otter that are taken or killed may not exceed the quota  
25 established by rule by the department under sub. (5) (a).



1           (3) **ELIGIBLE LAND.** (a) Except as provided in par. (b), a wild fur farm licensed  
2 under this section shall be in a single parcel and may not exceed 640 acres.

3           (b) Upon the request of the applicant for a license under this section, the  
4 department shall issue a single license for a wild fur farm that does not meet all of  
5 the requirements of par. (a) if the wild fur farm is licensed as a fur animal farm under  
6 s. 29.869, 1997 stats., on the effective date of this paragraph . . . [revisor inserts date].

7           (4) **EXEMPTION FROM TRAPPING RESTRICTIONS.** Except as provided in sub. (2) (c),  
8 a person trapping fur-bearing wild animals on a wild fur farm is exempt from having  
9 any trapping approval issued under ch. 29 and is exempt from any closed season  
10 restrictions, bag limits or other conditions or restrictions established by the  
11 department under s. 29.053.

12           (5) **RULES.** (a) The department shall promulgate by rule a quota for taking, or  
13 killing by trapping, otter for purposes of this section.

14           (b) The department shall promulgate rules for the purpose, of determining  
15 whether a piece of land qualifies as a single parcel under sub. (3).

16           (c) The department may promulgate rules to establish additional standards,  
17 limitations and requirements for wild fur farm licenses and for wild fur farms.

18           **22.19 Bird hunting preserve licenses. (1) ISSUANCE.** The department shall  
19 issue a Class A or a Class B bird hunting preserve license to any qualified person who  
20 files a proper application and who pays the applicable fee.

21           (2) **AUTHORIZATION.** (a) A Class A or a Class B bird hunting preserve license  
22 authorizes all of the following:

23           1. Possessing, stocking, propagating, releasing into the wild, selling and  
24 purchasing of live wild birds of the species authorized under par. (b) by the holder  
25 of the license.

1           2. Hunting or taking of released wild birds of those species that have been  
2 stocked in the preserve by the holder of the license and other persons authorized by  
3 the holder.

4           (b) The department may authorize only one or more of the following species of  
5 live wild birds under a Class A or a Class B bird hunting preserve license:

6           1. Pheasants of the species *Phasianus colchicus* or the species *Syrmaticus*  
7 *reevesii* .

8           2. Quail that are of the subfamily *Odontophorinae*.

9           3. Gray partridge.

10          4. Chukar partridge.

11          5. Red-legged partridge.

12          6. Mallard ducks that are bred in captivity.

13          7. Wild turkeys, if the wild turkeys are located outside a wild turkey hunting  
14 zone established under s. 29.164.

15          (c) The department shall specify on the license the types of wild birds that the  
16 department authorizes under the license.

17          (3) **REGULATION OF NUMBER OF BIRDS.** (a) A person holding a bird hunting  
18 preserve license may not allow the number of wild birds of a given species in the  
19 preserve that are killed or taken in a given year to exceed the number of captive wild  
20 birds of that species that have been stocked in the preserve for that license year.

21          (b) A Class A bird hunting preserve license authorizes the person holding the  
22 license to possess any number of the species specified in sub. (2) (b) 2. to 7. and  
23 requires the person to stock at least 1,001 adult pheasants in the preserve during the  
24 license year.

1 (c) A Class B bird hunting preserve license authorizes the person holding the  
2 license to possess any number of the species specified in sub. (2) (b) 2. to 7. and  
3 prohibits the person from stocking more than 1,000 adult pheasants in the preserve.  
4 A holder of a Class B bird hunting preserve license possessing pheasants under the  
5 license shall stock a minimum of one adult pheasant per 4 huntable acres that are  
6 within the boundaries of the licensed preserve during the license year.

7 (4) **REQUIREMENTS FOR MALLARD DUCKS** A person possessing mallard ducks  
8 under the authority of a bird hunting preserve license may possess only mallard  
9 ducks that are bred in captivity and shall identify them as required under 50 CFR  
10 21.13 (b). The person shall house the mallard ducks in pens that are covered and  
11 maintained to prevent free-roaming wild waterfowl from being attracted to the pens  
12 with the mallard ducks that are being bred.

13 (5) **EXEMPTION FROM HUNTING RESTRICTIONS.** (a) A person hunting or taking wild  
14 birds on a bird hunting preserve that have been stocked on the preserve is exempt  
15 from having any approval issued under ch. 29.

16 (b) Except as provided in par. (c), a person hunting or taking wild birds on a bird  
17 hunting preserve that have been stocked on the preserve is exempt from any closed  
18 season restrictions, bag limits or other conditions or restrictions established by the  
19 department under s. 29.053.

20 (c) A person hunting mallard ducks shall comply with rules promulgated by the  
21 department under s. 29.053 governing the hunting of waterfowl.

22 (6) **RULES.** The department may promulgate rules to establish additional  
23 standards, limitations and requirements for bird hunting preserve licenses and for  
24 bird hunting preserves.

1           **22.20 Dog training licenses. (1) BIRD DOG TRAINING LICENSE.** (a) The  
2 department shall issue a bird dog training license to any qualified individual who is  
3 at least 12 years of age who files a proper application and who pays the applicable  
4 fee.

5           (b) Except as provided in par. (c), a bird dog training license authorizes the  
6 holder of the license to purchase, possess, release into the wild and hunt any of the  
7 live captive wild birds specified in s. 22.19 (2) (b) 1. to 6. solely for the purposes of  
8 training a dog to retrieve, point, flush and track game.

9           (c) The department may restrict the possessing, releasing and hunting of a  
10 species of wild birds specified in par. (b) by persons holding dog training licenses in  
11 zones or areas for which the department has by rule imposed special hunting  
12 restrictions for that species.

13           (d) A person training a bird dog in a bird hunting preserve for which the  
14 hunting of pheasant, quail, mallard ducks bred in captivity or partridge has been  
15 authorized under a bird hunting preserve license is exempt from holding a bird dog  
16 training license to possess, release into the wild and hunt live captive wild birds for  
17 the purposes of training the dog to retrieve, point, flush and track wild birds.

18           **(2) HOUND DOG TRAINING LICENSE.** (a) The department shall issue a hound dog  
19 training license to any qualified individual who is at least 12 years of age who files  
20 a proper application and who pays the applicable fee.

21           (b) A hound dog training license authorizes the holder of the license to  
22 purchase, possess, release into the wild and hunt any of the following live captive  
23 wild animals for the purpose of teaching hound dogs to track game:

24           1. Live captive rabbit purchased or otherwise acquired from a person holding  
25 a captive wild animal farm license.

1           2. Live captive raccoon.

2           3. Live captive bear of the species *Ursus americanus*.

3           **(3) DOG CLUB TRAINING LICENSE.** (a) The department may issue a dog club  
4 training license to an organization that meets the conditions established by the  
5 department by rule for dog club training licenses that files a proper application and  
6 that pays the applicable fee.

7           (b) A dog club training license authorizes the club or its members to purchase,  
8 possess, release into the wild and hunt species of live captive wild animals that are  
9 authorized by the department on property owned or leased by the club for the  
10 purpose of teaching a bird dog or hound dog to retrieve, point, flush or track game.

11           **(4) RULES.** The department may promulgate rules to establish additional  
12 standards, limitations and requirements for licenses issued under this section. The  
13 rules may include standards that provide adequate protection for the wild animals  
14 that are authorized under a dog training license.

15           **(5) RESTRICTIONS.** (a) No person may sell wild animals under a license issued  
16 under this section, but a person holding a bird dog training license who has been  
17 contracted to train a dog may charge for the wild birds used in the training.

18           (b) A license under this section does not authorize organized competitive field  
19 events.

20           **22.21 Dog trial licenses. (1) BIRD DOG TRIAL LICENSE.** (a) The department  
21 shall issue a bird dog trial license to any qualified person who files a proper  
22 application and who pays the applicable fee.

23           (b) A bird dog trial license authorizes the holder of the license to purchase,  
24 possess, release into the wild and hunt any live captive wild bird for any organized

1 competitive field event that involves sporting dog breeds and that is sanctioned,  
2 licensed or recognized by a local, state, regional or national dog organization.

3 (2) **HOUND DOG TRIAL LICENSE.** (a) The department shall issue a hound dog trial  
4 license to any person who files a proper application and who pays the applicable fee.

5 (b) A hound dog trial license authorizes the holder of the license to purchase,  
6 possess, release into the wild and hunt live captive raccoon, live captive rabbit and  
7 live captive bear of the species *Ursus americanus* for any organized competitive field  
8 event that involves sporting dog breeds and that is sanctioned, licensed or recognized  
9 by a local, state, regional or national dog organization.

10 (3) **RULES.** The department may promulgate rules to establish additional  
11 standards, limitations and requirements for licenses issued under this section. The  
12 rules may include standards that provide adequate protection for the wild animals  
13 that are authorized under a dog trial license.

14 **22.22 Falconry license. (1) ISSUANCE.** (a) The department shall issue a  
15 falconry license to any qualified individual who is at least 18 years of age, who has  
16 a federal falconry license, who files a proper application and who pays the applicable  
17 fee.

18 (b) The department shall issue a youth falconry license to any individual who  
19 is a resident of this state, who is at least 14 years of age but less than 18 years of age  
20 and who qualifies as a falconry apprentice under 50 CFR 21.29 (e) (1).

21 (2) **AUTHORIZATION; POSSESSION.** A falconry license authorizes the holder of the  
22 license to possess and release raptors for falconry purposes.

23 (3) **AUTHORIZATION; EXHIBITING; HUNTING.** A falconry license authorizes the  
24 holder of the license to do all of the following:

1 (a) Exhibit live captive raptors if specifically authorized to do so by the  
2 department.

3 (b) Hunt small game of the type authorized for hunters holding small game  
4 hunting licenses under s. 29.161 by engaging in falconry.

5 (4) **AUTHORIZATION; TAKINGS.** A falconry license authorizes the holder of the  
6 license to take raptors from the wild.

7 (5) **AUTHORIZATION; OTHER.** A falconry license authorizes the person holding the  
8 license to do any of the following if the person also has a federal propagation permit  
9 issued under 50 CFR 21.30.

10 (a) Propagate and purchase raptors.

11 (b) Sell raptors that are bred in captivity.

12 (6) **RULES.** The department may promulgate rules to establish all of the  
13 following:

14 (a) Additional standards, limitations and requirements for falconry licenses.

15 (b) Bag limits, closed areas and other conditions or restrictions on hunting by  
16 engaging in falconry subject to sub. (3) (b).

17 **22.23 Stocking license. (1) ISSUANCE.** The department may issue stocking  
18 licenses. If the department issues stocking licenses, it shall issue a stocking license  
19 to any qualified person who files a proper application and who pays the applicable  
20 fee.

21 (2) **AUTHORIZATION.** A stocking license authorizes the holder of the license to  
22 purchase, possess, introduce or stock wild animals.

23 (3) **RULES.** The department may promulgate rules to establish additional  
24 standards, limitations and requirements for stocking licenses. The rules may

1 include the species of wild animals that may be introduced or stocked and the  
2 locations at which those species of wild animals may be introduced or stocked.

3 **22.24 Rehabilitation license. (1) ISSUANCE.** The department shall issue a  
4 rehabilitation license to any qualified individual who is at least 18 years of age, who  
5 meets the qualifications under rules promulgated under sub. (2) and who files a  
6 proper application.

7 (2) **QUALIFICATIONS; RULES.** The department shall promulgate rules to establish  
8 the qualifications required to obtain a rehabilitation license, the types of activities  
9 authorized by a rehabilitation license and the standards, limitations and  
10 requirements for rehabilitation licenses.

11 **22.25 Scientific research license. (1) ISSUANCE.** (a) The department shall  
12 issue a scientific research license to any qualified person who is engaged in a study  
13 or in research that the department determines will lead to increased, useful scientific  
14 knowledge, who files a proper application and who pays the applicable fee.

15 (b) The department may also require the person to submit with the license  
16 application a copy of any of the following:

- 17 1. The person's study plan or research proposal.
- 18 2. An approval received by the person under 9 CFR 2.31.

19 (2) **AUTHORIZATION.** A scientific research license authorizes the holder of the  
20 license to take from the wild, possess, kill or propagate the types of native wild  
21 animals that the department authorizes under the license.

22 (3) **SCOPE OF LICENSE; CONTENTS.** A scientific research license shall contain the  
23 holder's name and address, the date of issuance and all of the following conditions  
24 or limitations:

- 25 (a) The specific purposes for which it is issued.



1 (b) The types of wild animals and the number of each type to be studied.

2 (c) The locations from where the wild animals will be taken.

3 (d) The locations at which the wild animals will be kept and studied.

4 (e) The periods of time in which the wild animals may be studied.

5 (f) Any other conditions or limitations that the department considers  
6 reasonable.

7 (4) **EQUIPMENT.** A scientific research license may authorize the use of net guns,  
8 tranquilizer guns and other equipment or supplies for activities related to scientific  
9 research or study.

10 (5) **TITLE TO; TRANSFER AND DISPOSAL OF WILD ANIMALS.** (a) A person holding a  
11 scientific research license may not transfer any wild animal or its carcass held under  
12 the authority of the license unless the purpose of the transfer is to trade the wild  
13 animals for other animals for scientific research or classroom demonstrations and  
14 the transfer is specifically authorized by the department at the time of the transfer.

15 (b) A person holding a scientific research license shall release or dispose of a  
16 live wild animal possessed under the authority of the license, or its carcass, only in  
17 the manner specifically authorized by the department.

18 (6) **RULES.** The department may promulgate rules to establish additional  
19 standards, limitations and requirements for scientific research licenses.

20 **22.26 Nonprofit educational exhibiting license. (1) ISSUANCE.** (a) The  
21 department shall issue a nonprofit educational exhibiting license to any nature  
22 center, aquarium or educational institution if the center, aquarium or institution is  
23 a nonstock, nonprofit corporation described under section 501 (c) (3) or (4) of the  
24 Internal Revenue Code and exempt from taxation under section 501 (a) of the

1 Internal Revenue Code and if the center, aquarium or institution files a proper  
2 application and pays the applicable fee.

3 (2) **AUTHORIZATION.** A nonprofit educational exhibiting license authorizes the  
4 person holding the license to do all of the following:

5 (a) Possess and exhibit live wild animals.

6 (b) Purchase and propagate live wild animals subject to sub. (3) (a) for the  
7 purpose of exhibiting only.

8 (3) **AUTHORIZATION: RESTRICTION; TRADING.** (a) A person holding a nonprofit  
9 educational exhibiting license may purchase or propagate only those types of wild  
10 animals that the department specifically authorizes on the license.

11 (b) If a person holding a nonprofit educational exhibiting license determines  
12 that the person possesses more live wild animals than are necessary for exhibiting  
13 purposes, the person may sell the excess wild animals to another person who is not  
14 prohibited under this chapter from possessing the wild animals.

15 (4) **RULES.** The department may promulgate rules establishing standards,  
16 limitations and requirements for nonprofit educational exhibiting licenses.

17 **22.27 Nonresident temporary exhibiting license. (1) ISSUANCE.** The  
18 department shall issue a nonresident temporary exhibiting license to any qualified  
19 individual who is a nonresident or to any business organization that is not organized  
20 under the laws of this state, who meets the requirement under sub. (2), who files a  
21 proper application and who pays the applicable fee.

22 (2) **FEDERAL REQUIREMENT.** An applicant for a nonresident temporary exhibiting  
23 license shall hold any license or permit that may be required under 7 USC 2131 to  
24 2159 at the time the department issues the applicant the license.

1           (3) **AUTHORIZATION.** A person holding a nonresident temporary exhibiting  
2 license may do all of the following:

3           (a) Possess and exhibit live wild animals at locations designated by the  
4 department under the license for the production of motion pictures or television  
5 programs or as parts of theatrical acts, carnivals or other animal attractions or  
6 displays.

7           (b) Move live wild animals in mobile facilities that do not meet the rules for  
8 housing under s. 22.36.

9           (4) **RULES.** The department may promulgate rules to establish additional  
10 standards, limitations and requirements for nonresident temporary exhibiting  
11 licenses.

12           **22.28 Captive wild animal auction and market license. (1) ISSUANCE.**  
13 The department shall issue a captive wild animal auction and market license to any  
14 qualified person who files a proper application and who pays the applicable fee.

15           (2) **AUTHORIZATION; LIMITATION.** (a) A captive wild animal auction and market  
16 license authorizes the person holding the license to do all of the following:

- 17           1. Possess live wild animals for an auction or market.  
18           2. Exhibit live wild animals for an auction or market.  
19           3. Conduct auctions and markets to sell live wild animals to persons authorized  
20 to possess the wild animals within and outside this state.

21           (b) No person may conduct a private sale of a live wild animal at the same site  
22 and on the same date as the site and date of an auction or market conducted under  
23 the authority of a captive wild animal auction and market license.

1           (3) **CONSIGNMENT SALES.** A person may ship or transport a live wild animal into  
2 this state for consignment sale at an auction or market by a person holding a captive  
3 wild animal auction and market license if all of the following apply:

4           (a) The person shipping or transporting the wild animal is in compliance with  
5 any licensing or other approval requirements of the state, province or country of  
6 origin.

7           (b) A copy of any license or other approval required by the state, country or  
8 province of origin and a valid interstate health certificate or valid certificate of  
9 veterinary inspection issued by a veterinarian accompany the wild animal.

10          (4) **RULES.** The department may promulgate rules that establish additional  
11 standards, limitations and requirements for captive wild animal auction and market  
12 licenses and for captive wild animal auctions and markets.

13           **22.285 Validation license. (1) ELIGIBILITY. (a) Initial validation license.** A  
14 person who meets all of the following conditions is eligible for an initial validation  
15 license:

16           1. The person has a license or permit under s. 29.863, 29.865, 29.867, 29.869,  
17 29.871 or 29.877, 1997 stats., on March 1, 2000.

18           2. The licenses available under ss. 22.15 to 22.28 do not permit the continuation  
19 of an activity that was allowed under the license or permit under s. 29.863, 29.865,  
20 29.867, 29.869, 29.871 or 29.877, 1997 stats., on March 1, 2000, at the location where  
21 the activity is being conducted on March 1, 2000.

22           3. The person obtains licenses under this chapter for any activity that was  
23 allowed under the license or permit under s. 29.863, 29.865, 29.867, 29.869, 29.871  
24 or 29.877, 1997 stats., on March 1, 2000, and for which a license under ss. 22.15 to  
25 22.28 is available.

1           (b) *Subsequent validation license.* A person who meets all of the following  
2 conditions is eligible for a subsequent validation license:

3           1. The person had a license or permit under s. 29.863, 29.865, 29.867, 29.869,  
4 29.871 or 29.877, 1997 stats., on March 1, 2000.

5           2. The person obtained a license under ss. 22.15 to 22.28 for an activity that was  
6 allowed under the license or permit under s. 29.863, 29.865, 29.867, 29.869, 29.871  
7 or 29.877, 1997 stats., on March 1, 2000.

8           3. The rules applicable to licenses available under ss. 22.15 to 22.28 are  
9 modified so as not to permit the continuation of an activity that was allowed under  
10 the license or permit under s. 29.863, 29.865, 29.867, 29.869, 29.871 or 29.877, 1997  
11 stats., on March 1, 2000, at the location where the activity was conducted on March  
12 1, 2000.

13           (2) **APPLICATION.** (a) *Initial validation license.* An eligible person may apply  
14 for an initial validation license no later than December 31, 2001.

15           (b) *Subsequent validation license.* An eligible person may apply for a  
16 subsequent license no later than 6 months after the promulgation of rules described  
17 under sub. (1) (b) 3.

18           (3) **ISSUANCE.** The department shall issue a single validation license to any  
19 eligible person who files a proper application for the license. The validation license  
20 shall apply to all activities described under sub. (4) (a). The department shall specify  
21 on the validation license the activities that are permitted under the license. The  
22 department shall combine a subsequent validation license with an initial validation  
23 license that has been previously issued to the same person.

24           (4) **AUTHORIZATION; LIMITATIONS.** (a) Except as provided in pars. (c) and (d) and  
25 sub. (5), a validation license authorizes the continuation of all activities that the

1 holder of the validation license was authorized to conduct on March 1, 2000, under  
2 a license or permit issued under s. 29.863, 29.865, 29.867, 29.869, 29.877, 1997 stats.,  
3 if the holder was actually engaged in those activities on March 1, 2000.

4 (b) The authorization under par. (a) applies even though the activity is  
5 prohibited or limited under this chapter.

6 (c) This section does not apply to falconry or to the rehabilitation of wild  
7 animals.

8 (d) A validation license may not permit the hunting of pheasants in excess of  
9 the number of pheasants stocked.

10 (5) **CONDITIONS.** (a) The department shall impose all of the conditions,  
11 restrictions and regulations on the validation license that were applicable to the  
12 same activity under s. 29.863, 29.865, 29.867, 29.869, 29.877, 1997 stats., and under  
13 any rules promulgated under those sections that were in effect on March 1, 2000.

14 (b) A validation license is subject to ss. 22.09, 22.11, 22.29, 22.32, 22.325,  
15 22.327, 22.33, 22.34, 22.35, 22.36, 22.37, 22.38, 22.39, 22.40, 22.41, 22.42 and 22.43.

16 (6) **RENEWAL; TRANSFERABILITY.** (a) The department shall renew or transfer a  
17 validation license upon the same conditions as the original validation license.

18 (b) The department shall transfer a validation license, or any portion of a  
19 validation license, to any person who does all of the following:

20 1. Acquires the land that is subject to the validation license.

21 2. Meets the requirements of this section.

22 3. Applies to the department for transfer of the validation license, or any  
23 portion of the validation license, within 3 months after acquiring the land.

24 (c) If the holder of a validation license fails to renew the license within 45 days  
25 after the license's expiration date, the license expires and may not be renewed.

1 (d) If the land subject to a validation license is transferred and the validation  
2 license is not transferred as provided in par. (b), the license expires and may not be  
3 renewed.

4 (7) **FEE.** The department may not charge a fee for a validation license.

5 **22.29 Endangered and threatened species.** No person may take from the  
6 wild, introduce, stock, release into the wild, exhibit, propagate, rehabilitate, hunt,  
7 sell, purchase, transfer or engage in any other activity related to a live wild animal  
8 that is a threatened or endangered species unless the person is in compliance with  
9 this chapter and s. 29.604.

10 **22.30 License and tag fees. (1) FEES.** The following fees shall be paid to the  
11 department for the issuance or renewal of licenses:

12 (a) *Captive wild animal farm licenses.* **1.** The fee for an initial Class A captive  
13 wild animal farm license is \$200 and the fee for an initial Class B captive wild  
14 animal farm license is \$50. The department shall waive the fee for an initial license  
15 under this subdivision for an individual who is under 14 years of age if the individual  
16 is a member of a 4-H club or a sporting club.

17 **2.** The fee for a renewal of a Class A captive wild animal farm license is \$100,  
18 and the fee for a renewal of a Class B captive wild animal farm license is \$25.

19 (b) *Deer farm license.* **1.** The fee for an initial deer farm license is \$200.

20 **2.** The fee for a renewal of a deer farm license is \$100.

21 (c) *White-tailed deer venison sales license.* The fee for the white-tailed deer  
22 venison sales license is \$100.

23 (d) *Wild fur farm license.* The fee for a wild fur farm license is \$50.

1           (e) **Bird huntingpreserve licenses.** 1. The fee for an initial Class A bird hunting  
2 preserve license is \$300, and the fee for an initial Class B bird hunting preserve  
3 license is \$200.

4           2. The fee for a renewal of a Class A bird hunting preserve license is \$200, and  
5 the fee for a renewal of a Class B bird hunting preserve license is \$100.

6           (f) **Dog training licenses.** 1. The fee for a bird dog training license is \$25.

7           2. The fee for a hound dog training license is \$25.

8           3. The fee for a dog club training license is \$100.

9           (g) **Dog trial Licenses.** 1. The fee for a bird dog trial license is \$25.

10          2. The fee for a hound dog trial license is \$25.

11          (h) **Falconry licenses.** 1. The fee for a falconry license issued to a resident of  
12 this state under s. 22.22 (1) (a) is \$75.

13          2. The fee for a falconry license issued to a nonresident under s. 22.22 (1) (a)  
14 is \$100.

15          3. The fee for a falconry license issued under s. 22.22 (1) (b) is \$25.

16          (i) **Stocking License.** The fee for a stocking license is \$25.

17          (j) **Rehabilitation license.** There is no fee for a rehabilitation license.

18          (k) **Scientific research License.** The fee for a scientific research license is \$25.

19          (L) **Nonprofit educational exhibiting license:** The fee for a nonprofit  
20 educational exhibiting license is \$25.

21          (m) **Nonresident temporary exhibiting license.** The fee for .a nonresident  
22 temporary exhibiting license is \$50.

23          (n) **Captive wild animal auction and market license.** The fee for a captive wild  
24 animal auction and market license is \$300.



1           (2) **LATE FEES.** The late fee for the renewal of any license issued under this  
2 chapter that is filed after the expiration date of the license is \$20.

3           (3) **APPLICABILITY OF LICENSE; CUMULATIVE FEES.** (a) Except as provided in par.  
4 (b), a license issued under this section authorizes the applicable activity on only one  
5 block of contiguous land.

6           (b) To a business or other operation that was licensed for certain activities as  
7 one legal entity with one set of records under one license under s. 29.865, 29.867,  
8 29.869, 29.871 or 29.873, 1997 stats., and that were on noncontiguous land, the  
9 department shall continue to issue one license under this chapter for that activity  
10 to the business or operation if there is one license that authorizes all of those  
11 activities. The department shall continue to issue the one license until the person  
12 holding that one license ceases to be issued a license for the activity or until the  
13 person holding the one license issued ceases to have a controlling interest in that  
14 business or operation.

15           (c) A person applying for 2 or more licenses under this section that are  
16 necessary to engage in a single business or other operation shall pay a total fee that  
17 equals the fee for the required license with the highest fee that is required, plus 50%  
18 of the fee for each additional required license.

19           (4) **TAGS.** Any tags required by this chapter or rules promulgated thereunder  
20 shall be provided by the department at cost.

21           **22.31 Licenses; effective periods. (1) CAPTIVE WILD ANIMAL FARM LICENSE.**  
22 A captive wild animal farm license is valid from the date of issuance until the  
23 following December 31.

24           (2) **DEER FARM LICENSE.** A deer farm license is valid from the date of issuance  
25 until the following December 31.

1           (3) **WHITE-TAILED DEER VENISON SALES LICENSE.** A white-tailed deer venison  
2 sales license is valid from the date of issuance until the following December 31.

3           (4) **WILD FUR FARM LICENSE.** A wild fur farm license is valid from the date of  
4 issuance until the 3rd December 31 following the date of issuance.

5           (5) **BIRD HUNTING PRESERVE LICENSE.** A bird hunting preserve license is valid  
6 from the date of issuance until the following May 30.

7           (6) **DOG TRAINING LICENSES.** (a) A bird dog training license is valid from the date  
8 of issuance until the 3rd December 31 following the date of issuance.

9           (b) A hound dog training license is valid from the date of issuance until the 3rd  
10 December 31 following the date of issuance.

11           (c) A dog club training license is valid from the date of issuance until the 3rd  
12 December 31 following the date of issuance.

13           (7) **DOG TRIAL LICENSES.** (a) A bird dog trial license is valid from the date of  
14 issuance until the following December 31.

15           (b) A hound dog trial license is valid from the date of issuance until the  
16 following December 31.

17           (8) **FALCONRY LICENSE.** 1. A falconry license issued to a resident of this state  
18 is valid from the date of issuance until the 3rd December 31 following the date of  
19 issuance or until the license holder reaches 18 years of age, whichever is earlier.

20           2. A falconry license issued to a nonresident is valid from the date of issuance  
21 until the following December 31.

22           (9) **STOCKING LICENSE.** A stocking license is valid for the period specified on the  
23 license, which may not exceed 30 days.

24           (10) **REHABILITATION LICENSE.** A rehabilitation license is valid for 3 consecutive  
25 years from the date of issuance.

1           **(11) SCIENTIFIC RESEARCH LICENSE.** A scientific research license is valid from the  
2 date of issuance until the following December 31.

3           **(12) NONPROFIT EDUCATIONAL EXHIBITING LICENSE.** A nonprofit educational  
4 exhibiting license is valid from the date of issuance until the following December 31..

5           **(13) NONRESIDENT TEMPORARY EXHIBITING LICENSE.** (a) Except as provided in par.  
6 (b), a nonresident temporary exhibiting license is valid for the period specified on the  
7 license, which may not exceed 30 days.

8           (b) Upon application, the department may grant extensions of the nonresident  
9 temporary exhibiting license beyond 30 days.

10          **(14) CAPTIVE WILD ANIMAL AUCTION AND MARKET LICENSE.** The captive wild animal  
11 auction and market license is valid from the date of issuance until the following  
12 December 31.

13          **(15) VALIDATION LICENSE.** (a) An initial validation license is valid from the date  
14 of issuance until the 5th December 31 after the date of issuance, and for 5-year  
15 periods thereafter.

16          (b) A subsequent validation license is valid from the date of issuance until the  
17 5th December 31 after the date of issuance, and for 5-year periods thereafter, unless  
18 par. (c) applies.

19          (c) If a subsequent validation license is combined with an initial validation  
20 license under s. 22.285 (3), the effective period under par. (a) shall apply.

21          **22.32 Licenses; applications; renewals; terminations. (1) APPLICATION.**  
22 The application for a license under this chapter shall be on a form provided by the  
23 department or in a format approved by the department, and shall request the  
24 information required by the department. The department may not issue a license  
25 unless the applicant provides the information required.

1           **(2) ELIGIBILITY REQUIREMENTS FOR MINORS.** (a) Each applicant for a license under  
2 this chapter who is less than 18 years of age shall have the application signed by a  
3 parent or guardian.

4           (b) Except for a captive wild animal farm license, an individual who applies for  
5 a license under this chapter shall be at least 14 years of age.

6           **(3) RENEWALS.** (a) Except as provided in par. (b), a person applying to renew  
7 a license issued under this chapter shall file an application with the department on  
8 or before the expiration date of the license.

9           (b) A person may apply for a renewal of a license issued under this chapter not  
10 more than 45 days after the license's expiration date if the application is  
11 accompanied by the late fee specified under s. 22.30 (2), in addition to the regular  
12 license fee.

13           (c) This subsection does not apply to validation licenses issued under s. 22.285.

14           **(4) INCORRECT INFORMATION.** No person may provide information that the  
15 person knows to be incorrect in order to obtain a license issued under this chapter  
16 to which the person is not entitled.

17           **(5) EXPIRATION OF LICENSE.** A person holding a license issued under this section  
18 that expires or is revoked or suspended shall remove or cause to be removed from the  
19 land subject to the license any signs indicating that the land was so licensed within  
20 45 days after the expiration, revocation or suspension.

21           **(6) COMPLIANCE.** No person may violate any condition or limitation imposed by  
22 the department on a license issued under this chapter.

23           **22.325 Denial and revocation of approvals based on child support**  
24 **delinquency.** **(1) SOCIAL SECURITY NUMBERS REQUIRED.** The department shall  
25 require an applicant who is an individual to provide his or her social security number

1 as a condition of applying for, or applying to renew, any license issued under this  
2 chapter.

3 **(2) DISCLOSURE OF SOCIAL SECURITY NUMBERS.** The department of natural  
4 resources may not disclose any social security numbers received under sub. (1) to any  
5 person except to the department of workforce development for the sole purpose of  
6 administering s. 49.22.

7 **(3) DENIAL OF APPROVALS.** (a) As provided in the memorandum of understanding  
8 required under s. 49.857 (2), the department shall deny an application to issue or  
9 renew, suspend if already issued or otherwise withhold or restrict an approval  
10 specified in sub. (1) if the applicant for or the holder of the approval is delinquent in  
11 making court-ordered payments of child or family support, maintenance, birth  
12 expenses, medical expenses or other expenses related to the support of a child or  
13 former spouse or if the applicant or holder fails to comply with a subpoena or warrant  
14 issued by the department of workforce development or a county child support agency  
15 under s. 59.53 (5) and relating to paternity or child support proceedings.

16 (b) As provided in the memorandum of understanding required under s. 49.857  
17 (2), the department shall deny an application to issue or renew an approval specified  
18 in sub. (1) if the applicant for or the holder of the approval fails to provide his or her  
19 social security number as required under sub. (1).

20 **22.327 Denial and revocation of approvals based on tax delinquency.**

21 (1) **SOCIAL SECURITY AND IDENTIFICATION NUMBERS REQUIRED.** The department shall  
22 require an applicant who is an individual to provide his or her social security number  
23 and an applicant who is not an individual to provide the applicant's federal employer  
24 identification number as a condition of applying for, or applying to renew, any of the  
25 following approvals:

1 (a) A captive wild animal farm license issued under s. 22.15.

2 (b) A deer farm license issued under s. 22.16.

3 (c) A white-tailed deer venison sales license issued under s. 22.17.

4 (d) A wild fur farm license issued under s. 22.18.

5 (e) A bird hunting preserve license issued under s. 22.19.

6 (f) A dog training license issued under s. 22.20 (1) or (2).

7 (g) A dog trial license issued under s. 22.21.

8 (h) A falconry license issued under s. 22.22.

9 (i) A stocking license issued under s. 22.23.

10 (j) A rehabilitation license issued under s. 22.24.

11 (k) A scientific research license issued under s. 22.25.

12 (L) A captive wild animal auction and market license issued under s. 22.28.

13 (m) A validation license issued under s. 22.285.

14 **(2) DISCLOSURE OF NUMBERS.** The department of natural resources may not  
15 disclose any information received under sub. (1) to any person except to the  
16 department of revenue for the sole purpose of making certifications required under  
17 s. 73.0301.

18 **(3) DENIAL AND REVOCATION.** The department shall deny an application to issue  
19 or renew, or shall revoke if already issued, an approval specified in sub. (1) if the  
20 applicant for or the holder of the approval fails to provide the information required  
21 under sub. (1) or if the department of revenue certifies that the applicant or approval  
22 holder is liable for delinquent taxes under s. 73.0301.

23 **22.33 Record-keeping and reporting requirements. (1) CAPTIVE WILD**  
24 **ANIMAL FARM LICENSES, DEER FARM LICENSES, BIRD HUNTING PRESERVE LICENSES, FALCONRY**  
25 **LICENSES, NONPROFIT EDUCATIONAL EXHIBITING LICENSES AND CAPTIVE WILD ANIMAL**

1 AUCTIONAND MARKET LICENSES. (a) **Records; generally.** Each person holding a captive  
2 wild animal farm license, a deer farm license, a bird hunting preserve license, a  
3 falconry license, a nonprofit educational exhibiting license or a captive wild animal  
4 auction and market license shall keep a correct and complete record of all of the  
5 following information:

6 1. For each transaction in which live wild animals are purchased, sold,  
7 acquired, transferred or consigned:

8 a. The complete name and address and the number of any license issued under  
9 this chapter of the person from whom the wild animals were purchased, acquired or  
10 consigned or of the person to whom the wild animals were sold, transferred or  
11 consigned.

12 b. The date of the transaction and the number and species of the wild animals.

13 2. All wild animals belonging to the holder of the license that have died, have  
14 been killed or have escaped.

15 (b) **Records; additional requirements; exemptions.** 1. A person holding a bird  
16 hunting preserve license is exempt from keeping the records required under par. (a)

17 1. a. for those wild birds that are killed on the land subject to the license.

18 2. For the taking of wild reptiles or wild amphibians from the wild, a person  
19 required to hold a license for such taking under this chapter shall include in the  
20 person's records the date of the taking and the location of the taking.

21 3. A person holding a falconry license who takes a raptor from the wild in this  
22 state shall keep a record of its species, age and sex, if discernible, and information  
23 on the taking. The information shall include the date of the taking, the method of  
24 the taking and the location of the taking by township and range.

1           (2) **WILD FUR FARM LICENSES.** Each person holding a wild fur farm license shall  
2 keep a correct and complete record of the complete name and address and the number  
3 of any license issued under this chapter of each person to whom the license holder  
4 sells a live fur-bearing wild animal.

5           (3) **REHABILITATION LICENSES.** Each person holding a rehabilitation license shall  
6 keep a correct and complete record of all of the following information for each wild  
7 animal:

8           (a) The date that the wild animal in need of rehabilitation is received and the  
9 species of the wild animal.

10           (b) The condition of the wild animal that requires rehabilitation.

11           (c) The disposition of the wild animal, including the date and location of its  
12 release into the wild or its transfer to the department.

13           (d) The cause of death, if known, for a wild animal that dies.

14           (e) Health records as required by the department.

15           (4) **DOG TRAINING AND TRIAL LICENSES.** Each person holding a bird dog training  
16 license, a hound dog training license, a dog club training license, a bird dog trial  
17 license or a hound dog trial license shall keep a receipt of the purchase of each wild  
18 animal purchased under the authority of the license and a correct and complete  
19 record of any testing for disease on these wild animals that is required under rules  
20 promulgated under s. 22.41 (3).

21           (5) **SCIENTIFIC RESEARCH LICENSES.** Each person holding a scientific research  
22 license shall keep a correct and complete record of all of the following information for  
23 each wild animal:

24           (a) The disposition of the wild animal, including the date and location of its  
25 release into the wild or its transfer to the department.



1 (b) The cause of death, if known, for a wild animal that dies.

2 (6) **WHITE-TAILED DEER VENISON SALES LICENSES.** Each person holding a  
3 white-tailed deer venison sales license shall keep a correct and complete record of  
4 all of the following information for each transaction:

5 (a) The complete name, address and number of any license issued under this  
6 chapter of the person from whom the venison was acquired.

7 (b) The date of acquisition.

8 (c) The number of pounds of venison acquired.

9 (7) **ADDITIONAL INFORMATION.** The department may impose additional  
10 record-keeping requirements on any holders of licenses under this chapter.

11 (8) **Zoos.** If a zoo or aquarium is not an accredited member of the American Zoo  
12 and Aquarium Association, the governing body of the zoo or aquarium shall keep  
13 correct and complete records of all transactions involving the movement of wild  
14 animals that are native wild animals, nonnative wild animals of the family cervidae,  
15 inherently dangerous wild animals, environmentally injurious wild animals or  
16 endangered or threatened species. The department shall determine the information  
17 to be kept in these records.

18 (9) **RECORDS; TIMING.** (a) A person holding a license subject to this section shall  
19 record all of the information required under this section within 7 days after the  
20 occurrence of the transaction or activity. A person holding a license subject to this  
21 section shall keep these records for 3 years after the last day of the year in which the  
22 record was entered.

23 (b) In addition to the requirements under par. (a), the person holding a license  
24 subject to this section shall provide a copy of the record required under this section  
25 to the department within 7 days after the transaction or activity if the transaction

1 or activity involved any live wild animal of the family cervidae, canidae, ursidae,  
2 mustelidae or felidae, any inherently dangerous wild animal or any environmentally  
3 injurious wild animal.

4 (c) In addition to the requirements under par. (a), a nonresident who takes a  
5 raptor from the wild in this state shall provide a copy of the record required under  
6 sub. (1) (b) 3. to the department within 2 days after the taking.

7 (d) The department may require, by rule, that submission of the records  
8 required under this section to the department be a condition for renewal of any  
9 license subject to this section.

10 (10) **REPORTS.** (a) Each person holding a license subject to this section shall  
11 submit an annual summary report for each license year to the department that  
12 contains all of the following information for each species of wild animal possessed by  
13 the person holding the license:

14 1. The number of wild animals that the person holding the license possesses  
15 on the date of the report.

16 2. The number of wild animals the person holding the license has purchased  
17 or otherwise acquired during the reporting year.

18 3. The number of wild animals that the person holding the license has sold,  
19 released into the wild or otherwise transferred during the reporting year.

20 4. The number of wild animals that have been killed or have escaped or died  
21 during the reporting year.

22 (b) The person holding the license shall submit the annual report under par.  
23 (a) within 30 days after the last day of the license year that the report covers.

1           **(11) REQUIREMENTS AS TO FORM.** The records and reports required under this  
2 section shall be in the English language and shall be on forms provided by the  
3 department or in a format 'approved by the department.

4           **22.34 Inspections. (1) DEPARTMENTAL AUTHORITY.** For purposes of enforcing  
5 this chapter and the rules promulgated under this chapter with respect to a person  
6 who is required to have a license or maintain records under this chapter, a  
7 conservation warden or representative of the department, upon presenting his or her  
8 credentials to that person, may do any of the following:

9           (a) Enter and inspect any land, vehicle, building or other structure where live  
10 wild animals are possessed or where carcasses of wild animals are possessed.

11           (b) Inspect any equipment, materials or other activities related to the wild  
12 animals.

13           (c) Gain access to and inspect any records required to be kept under s. 22.33.

14           (d) Investigate and inspect any wild animal or any other animal to be  
15 introduced, stocked or released into the wild. Inspection under this paragraph may  
16 include the removal of reasonable diagnostic samples from wild animals for  
17 biological examination.

18           **(2) TIMES FOR INSPECTIONS.** An inspection authorized under sub. (1) or **(4)** may  
19 be conducted during any of the following times:

20           (a) Normal business hours.

21           (b) During the time that the person who possesses wild animals or carcasses  
22 of wild animals is conducting business.

23           (c) At any time, if the inspection is necessary for public health, safety or welfare.

24           **(3) PROHIBITING INSPECTIONS.** No person required to have a license issued under  
25 this chapter or an operator of a vehicle for such a person, or employe or person acting

1 on behalf of such a person, may prohibit entry as authorized under this section unless  
2 a court restrains or enjoins the entry or inspection.

3 **(4) INSPECTIONS OF INTRODUCED OR STOCKED ANIMALS.** Only persons determined  
4 by the department to be experienced in wildlife disease may remove diagnostic  
5 samples and diagnose diseases under sub. (1) (d).

6 **(5) TAXIDERMISTS.** For an inspection of a taxidermist's place of business, this  
7 section does not apply and the department shall conduct the inspection as authorized  
8 under s. 29.506 (7).

9 **22.35 Entry requirements; interstate health certificates. (1)**  
10 **CONDITIONS.** Except as provided in sub. (4), a person may ship or transport a live wild  
11 animal into this state if the person complies with all of the following requirements:

12 (a) The wild animal is accompanied by sufficient documentation to prove that  
13 the wild animal was legally obtained and possessed in the state, province or country  
14 of its origin.

15 (b) For wild animals to be exhibited as authorized under a nonresident  
16 temporary exhibiting license, the person holding the license complies with any  
17 applicable rules promulgated by the department of agriculture, trade and consumer  
18 protection.

19 **(2) OTHER REQUIREMENTS.** (a) In addition to the requirements under sub. (1)  
20 (a) and (b), the department may require that the wild animal be accompanied by a  
21 valid interstate health certificate or a valid certificate of veterinary inspection issued  
22 by a veterinarian, which is filed with the chief livestock health official in the state,  
23 province or country of origin in accordance with the laws of that jurisdiction.

1 (b) If the department requires a certificate under par. (a) and if the wild animal  
2 is a wild bird, the department shall accept a certification under the national poultry  
3 improvement plan under 9 CFR part 145 in lieu of the certificate.

4 (3) **CERTIFICATES.** Interstate health certificates or certificates of veterinary  
5 inspection are valid only if they are issued within 30 days before entry into this state  
6 and only if they certify that all of the rules promulgated under s. 22.41 (3) have been  
7 met.

8 (4) **EXEMPTIONS FROM STATE ENTRY REQUIREMENTS.** (a) Subsections (1) and (2) do  
9 not apply to a person shipping or transporting a live wild animal into this state if the  
10 wild animal will be sent directly to slaughter at an establishment licensed under s.  
11 97.42 or for which inspection is granted under 9 CFR part 304 and if the wild animal  
12 is accompanied by a bill of lading that contains all of the following information:

13 1. A description of the wild animal.

14 2. A description of any official identification on the wild animal, including any  
15 ear or back tag, leg band or tattoo.

16 3. The number of the license or other approval of the person shipping or  
17 transporting the wild animal, as required by the state, province or country of origin.

18 4. The destination for slaughter.

19 (b) Subsections (1) and (2) do not apply to a person shipping or transporting a  
20 live wild animal into this state to be sent directly to a veterinarian or a person holding  
21 a rehabilitation license for medical treatment.

22 (c) The department may grant an exception from the requirement of having the  
23 wild animal accompanied by a valid interstate health certificate or valid certificate  
24 of veterinary inspection issued by a veterinarian if any of the following applies:

1           1. Any required testing for disease has been conducted and the results are  
2 pending.

3           2. The department authorizes that the required testing for disease be  
4 conducted at the point of destination within this state.

5           (d) For an exception under par. (c) that involves testing for a disease that is  
6 transmissible to domesticated animals, the department of agriculture, trade and  
7 consumer protection shall also authorize the exception.

8           **22.36 Humane care and housing. (1) COMPLIANCE WITH RULES.** No license  
9 may be issued under this chapter unless the department determines that the  
10 applicant will comply with all of the rules promulgated under subs. (2) and (3).

11           (2) **RULES; GENERAL.** The department shall promulgate and enforce rules for the  
12 housing, care, treatment, feeding and sanitation of wild animals subject to this  
13 chapter to ensure all of the following:

14           (a) That the wild animals receive humane treatment.

15           (b) That the wild animals are held under sanitary conditions.

16           (c) That the wild animals receive adequate housing, care and food.

17           (d) The public is protected from injury by the wild animals.

18           (3) **RULES; HOUSING.** The rules for housing under sub. (2) shall include  
19 requirements for the size and location of permanent enclosures and of temporary  
20 enclosures at locations other than those where the wild animals are permanently  
21 housed. The rules regulating the location of enclosures shall include the distance  
22 required between 2 enclosures. The rules for housing shall include specifications for  
23 enclosures for each type of inherently dangerous wild animal that the department  
24 designates under s. 22.11 (1).

1           **(4) ORDERS.** (a) The department may issue an order requiring any person  
2 holding a license under this chapter to comply with the rules promulgated under sub.  
3 (2).

4           (b) Any person who fails to comply with an order issued under par. (a) within  
5 10 days after its issuance will be subject to penalties provided in s. 22.42.

6           **(5) FREE-ROAMING WILD ANIMALS.** A person holding a captive wild animal farm  
7 license or a deer farm license shall make a reasonable effort to drive free-roaming  
8 wild animals from land subject to the license that will be enclosed before the land is  
9 enclosed. If any white-tailed deer remain in the boundaries of a deer farm fence, the  
10 department may authorize the hunting of those deer. A person holding a deer farm  
11 license shall pay the department \$250 for each white-tailed deer remaining within  
12 the boundaries.

13           **22.37 Prohibited activities; trespassing. (1) DISEASED WILD ANIMALS.** (a)  
14 No person may sell, lease, transfer, move from one location to another, release or  
15 dispose of any wild animal if any of the following applies:

16           1. The wild animal is under a quarantine order and the department issuing the  
17 order does not authorize the sale, lease, transfer, move or disposal.

18           2. Testing for disease has been conducted and the results are pending.

19           3. The person knows that the wild animal has been exposed to or has been  
20 infected with a contagious or infectious disease as defined under rules promulgated  
21 by the department of agriculture, trade and consumer protection under s. 95.001 (2),  
22 or a reportable disease as designated by the department of natural resources under  
23 s. 22.41 (2).

24           (b) No person may misrepresent the disease status of any wild animal.

1 (c) No person may fail to present any wild animal for any required testing for  
2 disease as required by the department or by the department of agriculture, trade and  
3 consumer protection.

4 (d) The prohibition under sub. (1) (a) 3. does not apply if results from testing  
5 for the disease show that the wild animal is not likely to transmit the disease.

6 (e) No veterinarian may fail to report a contagious or infectious disease, as  
7 defined under rules promulgated by the department of agriculture, trade and  
8 consumer protection under s. 95.001 (2), or a reportable disease, as designated by the  
9 department of natural resources under s. 22.41 (2), in a wild animal.

10 (2) TAMPERING; COMMINGLING. (a) No person may remove, alter or tamper in any  
11 way with any form of official identification on a wild animal, including any ear or  
12 back tag, leg band or tattoo.

13 (b) No person may cause or permit the commingling of wild animals with  
14 domesticated animals, except as authorized by the department.

15 (3) TAKING OF WILD ANIMALS. A person who hunts, traps, kills or takes a wild  
16 animal subject to this chapter on land subject to a license issued under this chapter  
17 without the permission of the license holder or of the holder's employe or agent is  
18 liable to the license holder for any damage that the person causes to any wild animal  
19 that is subject to this chapter or to any property or land that is subject to the license.

20 **22.38 Quarantines. (1) SUMMARY ACTION.** (a) The department of natural  
21 resources or the department of agriculture, trade and consumer protection may  
22 summarily issue a quarantine order to control contagious, infectious or  
23 communicable diseases, to protect the health of wild animals and domesticated  
24 animals-in this state and to control the possessing of wild animals in this state.



1 (b) No person may move any wild animal in violation of a quarantine order or  
2 fail to comply with the terms and conditions of a quarantine order.

3 **(2) SERVICE OF NOTICE.** No quarantine is effective until written notice of the  
4 quarantine is served upon any person possessing the wild animals and on any person  
5 controlling the premises affected by the quarantine order. The department issuing  
6 the order may serve a quarantine order in any of the following ways:

7 (a) By personal service.

8 (b) By registered mail.

9 (c) By posting a copy of the order at 2 conspicuous places on the premises  
10 affected by the quarantine.

11 **(3) PROOF OF SERVICE.** Service of the quarantine order shall be proved by  
12 affidavit, except for service by registered mail. Proof of service shall be filed with the  
13 department.

14 **(4) CONTENTS OF ORDER.** The quarantine order shall contain all of the following  
15 information:

16 (a) The name and address of the person affected by the quarantine.

17 (b) The identification of all wild animals affected by the quarantine.

18 (c) A description of the premises affected by the quarantine.

19 (d) The reason or justification for the quarantine.

20 (e) All terms and conditions applicable to the quarantine.

21 (f) Notice of the right to request a hearing to review the quarantine.

22 **(5) DURATION OF QUARANTINE.** Quarantines shall remain in effect until a written  
23 notice of release is issued by the department issuing the order or until a decision  
24 releasing the quarantine is rendered under sub. (6).

1           (6) **REVIEW OF QUARANTINE.** Any person affected by a quarantine shall be  
2 granted a hearing by the department issuing the order if the person requests the  
3 hearing within 30 days after the date of the service of the quarantine order. The  
4 hearing shall be treated as a contested case if the requirements of s. 227.42 (1) are  
5 met.

6           **22.39 Disposal and removal of wild animals. (1) DISPOSITION.** The  
7 department may seize, dispose of or order the disposal of any of the following:

8           (a) Any animal that is possessed, taken, introduced, stocked, released,  
9 exhibited, propagated, rehabilitated, hunted, sold or purchased in violation of this  
10 chapter.

11           (b) Any dead, dying or sick wild animal that has been exposed to or is known  
12 to be infected with a contagious or infectious disease as defined in the rules  
13 promulgated by the department of agriculture, trade and consumer protection under  
14 s. 95.001 (2), with a reportable disease as designated by the department of natural  
15 resources under s. 22.41 (2) or with a disease or parasite that has pathological  
16 significance to humans or to any animals.

17           (c) Any wild animal that has escaped and that has not been returned to its  
18 owner or other person authorized to possess the wild animal. The department may  
19 not dispose of the wild animal until 72 hours have elapsed after the escape unless  
20 the department determines that the wild animal poses a risk to public safety or to  
21 the health of other animals.

22           (d) Any wild animal housed or held in an inhumane manner,

23           (2) **ENTRY VIOLATIONS.** The department shall notify the owner of a wild animal  
24 that has entered this state in violation of s. 22.35 or that is in violation of a  
25 quarantine order issued under s. 22.38 that the owner has an opportunity to comply

1 with s. 22.35 or the quarantine order issued under s. 22.38 within a given number  
2 of days as specified by the department in the notice. If the owner fails to comply  
3 within the specified number of days, the department may seize and dispose of the  
4 wild animal or order the disposal of the wild animal or its removal from this state.

5 (3) **EXPENSE OF DISPOSAL.** The owner of a wild animal that is disposed of or  
6 removed by the department under this section shall reimburse the department for  
7 its expenses incurred in the disposal or removal.

8 **22.40 Local ordinances.** A city, village, town or county may enact and enforce  
9 an ordinance that prohibits the possession or selling of live wild animals and that is  
10 at least as strict as this chapter and any rules promulgated under this chapter.

11 **22.41 Rules by the department. (1) DOMESTICATED ANIMALS.** The  
12 department shall promulgate rules specifying which animals are domesticated  
13 animals for purposes of s. 22.01 (7) (b).

14 (2) **REPORTABLE DISEASES.** The department may promulgate rules listing  
15 reportable diseases for purposes of this chapter.

16 (3) **INTRODUCTION REQUIREMENTS.** (a) The department may promulgate rules to  
17 establish the following:

18 1. Additional requirements that wild animals shall meet before they enter this  
19 state.

20 2. Additional requirements that any animals shall meet before they may  
21 introduced, stocked or released into the wild.

22 (b) The requirements under par. (a) may include mandatory testing of the  
2 3 animals for disease.

1           (4) **CERTIFICATES.** The department may promulgate rules that establish the  
2 information that is required for issuing, and that shall be provided on, interstate  
3 health certificates and certificates of veterinary inspection.

4           **22.42 Penalties; revocations. (1) DEFINITION.** In this section, “violation of  
5 this chapter” means a violation of this chapter or any rule promulgated under this  
6 chapter.

7           (2) **PENALTIES.** For a violation of this chapter, a person shall be subject to a  
8 forfeiture of not more than \$200, except as follows:

9           (a) *Possession.* For possessing any live wild animal, or a carcass of a wild  
10 animal, in violation of this chapter, a person shall forfeit not less than \$100 nor more  
11 than \$500.

12           (b) *Sale or purchase.* For selling or purchasing any live wild animal in violation  
13 of this chapter, a person shall be fined not less than \$100 nor more than \$2,000 or  
14 imprisoned for not more than 6 months or both.

15           (c) *Possession, sale, release and descenting of live skunks.* For possessing,  
16 selling, purchasing, descenting, introducing, stocking or releasing into the wild a live  
17 skunk in violation of this chapter, a person shall forfeit not less than \$100 nor more  
18 than \$1,000. This penalty shall apply in lieu of the penalties under pars. (a) and (b).

19           (d) *Taking of bear and deer.* For taking bear or deer from the wild in violation  
20 of s. 22.04, or a rule promulgate thereunder, a person shall be fined not less than  
21 \$1,000 nor more than \$2,000 or imprisoned for not more than 6 months or both.

22           (e) *Diseased and environmentally injurious wild animals.* For a violation of s.  
23 22.11 (2) (b) or (c) or 22.37 (1) or a quarantine order issued under s. 22.38, a person  
24 shall be fined not less than \$500 nor more than \$5,000 or imprisoned for not more  
25 than 6 months or both.

1           (f) *Selling or purchasing venison from white-tailed deer.* For violation of s.  
2           22.13 (1) or (2) or rules promulgated thereunder, a person shall be fined not less than  
3           \$1,000 nor more than \$2,000 or imprisoned for not more than 6 months or both.

4           (g) *Obtaining license during period of revocation.* For obtaining any license  
5           under this chapter during the period of time when that license is revoked or  
6           suspended by any court, a person shall be fined not more than \$200 or imprisoned  
7           for not more than 90 days or both..

8           (3) **DIMINISHED PENALTIES.** No penalty imposed under sub. (2) shall be held to  
9           be diminished because the violation for which it is imposed falls also within the scope  
10          of a more general prohibition.

11          (4) **PENALTIES; REPEATERS.** If a person is convicted of any violation of this chapter  
12          and it is alleged in the indictment, information or complaint, and proved or admitted  
13          on trial or ascertained by the court after conviction that the person was previously  
14          convicted within a period of 5 years for a violation of this chapter, the person shall  
15          be subject to all of the following in addition to the penalty for the current violation:

16          (a) The person shall be fined not more than \$100 or imprisoned for not more  
17          than 6 months or both.

18          (b) For violations under sub. (2) (a), (b), (d) and (e), the court shall revoke all  
19          of the licenses issued to the person under this chapter, and the department may not  
20          issue any license under this chapter to the person for a period of one year after the  
21          current conviction.

22          (5) **COURT REVOCATIONS AND SUSPENSIONS.** In addition to or in lieu of any other  
23          penalty for violation of this chapter, the court may revoke or suspend any privilege  
24          or license under this chapter for a period of up to 3 years.

1           (6) **REVOCATIONS BY THE DEPARTMENT.** In addition to the revocation proceeding  
2 under sub. (4), the department may revoke any license to which any of the following  
3 applies:

4           (a) The department determines that the license was fraudulently procured,  
5 erroneously issued or otherwise prohibited by law.

6           (b) The department determines that the person holding the license is not in  
7 compliance with this chapter or with a rule promulgated under this chapter.

8           (7) **PROHIBITIONS DURING PERIODS OF SUSPENSION OR REVOCATION.** (a) Any person  
9 who has had an approval or privilege under this chapter revoked or suspended and  
10 who engages in the activity authorized by the approval or in the privilege during the  
11 period of revocation or suspension is subject to the following penalties, in addition  
12 to any other penalty imposed for failure to have an approval:

13           1. For the first conviction, the person shall forfeit not less than \$300 nor more  
14 than \$500.

15           2. If the number of convictions in a 5-year period equals 2 or more, the person  
16 shall be fined not less than \$500 nor more than \$1,000.

17           (b) The 5-year period under par. (a) 2. shall be measured from the dates of the  
18 violations which resulted in the convictions.

19           (8) **PARTIES TO A VIOLATION.** (a) Whoever is concerned in the commission of a  
20 violation of this chapter is a principal and may be charged with and convicted of the  
21 violation of this chapter although he or she did not directly commit it and although  
22 the person who directly committed it has not been convicted of the violation of this  
23 chapter.

24           (b) A person is concerned in the commission of the violation of this chapter if  
25 the person does any of the following:

- 1           1. Directly commits the violation of this chapter.
- 2           2. Aids and abets the commission of the violation of this chapter.
- 3           3. Is a party to a conspiracy with another to commit the violation of this chapter
- 4           or advises, hires or counsels or otherwise procures another to commit it.

5           **22.43 Natural resources assessments and restitution payments. (1)**

6           **NATURAL RESOURCES ASSESSMENTS.** (a) If a court imposes a fine or forfeiture for a  
7           violation of this chapter or a rule promulgated under this chapter, the court shall  
8           impose a natural resources assessment equal to 75% of the amount of the fine or  
9           forfeiture.

10           (b) If a fine or forfeiture is suspended in whole or in part, the natural resources  
11           assessment shall be reduced in proportion to the suspension.

12           (c) If any deposit is made for an offense to which this subsection applies, the  
13           person making the deposit shall also deposit a sufficient amount to include the  
14           natural resources assessment prescribed in this subsection. If the deposit is  
15           forfeited, the amount of the natural resources assessment shall be transmitted to the  
16           state treasurer under par. (d). If the deposit is returned, the natural resources  
17           assessment shall also be returned.

18           (d) The clerk of the court shall collect and transmit to the county treasurer the  
19           natural resources assessment and other amounts required under s. 59.40 (2) (m).  
20           The county treasurer shall then make payment to the state treasurer as provided in  
21           s. 59.25 (3) (f) 2. The state treasurer shall deposit the amount of the natural  
22           resources assessment in the conservation fund.

23           (e) All moneys collected from natural resources, assessments shall be deposited  
24           in the conservation fund and credited to the appropriation under s. 20.370 (3) (mu).

1           (2) **NATURAL RESOURCES RESTITUTION PAYMENTS.** (a) If a court imposes a fine or  
2 forfeiture for a violation of this chapter for failure to obtain a license required under  
3 this chapter, the court shall impose a natural resources restitution payment equal  
4 to the amount of the fee for the license that was required and should have been  
5 obtained.

6           (b) If a fine or forfeiture is suspended in whole or in part, the natural resources  
7 restitution payment shall be reduced in proportion to the suspension unless the court  
8 directs otherwise.

9           (c) If any deposit is made for an offense to which this subsection applies, the  
10 person making the deposit shall also deposit a sufficient amount to include the  
11 natural resources restitution payment prescribed in this subsection. If the deposit  
12 is forfeited, the amount of the natural resources restitution payment shall be  
13 transmitted to the state treasurer under par. (d). If the deposit is returned, the  
14 natural resources restitution payment shall also be returned.

15           (d) The clerk of the court shall collect and transmit to the county treasurer the  
16 natural resources restitution payment and other amounts required under s. 59.40  
17 (2) (m). The county treasurer shall then make payment to the state treasurer as  
18 provided in s. 59.25 (3) (f) 2. The state treasurer shall deposit the amount of the  
19 natural resources restitution payment in the conservation fund.

20           (e) All moneys collected from natural resources restitution payments shall be  
21 deposited in the conservation fund and credited to the appropriation account under  
22 s. 20.370 (3) (mu).

23           **SECTION 4. 23.09 (2) (f) of the statutes is amended to read:**



1           23.09 (2) (f) *Propagation, - of fish.* Subject to s. 95.60, capture,  
2 propagate, transport, sell or exchange any species of ~~game or~~ fish needed for stocking  
3 or restocking any ~~lands or~~ waters of the state.

4           **SECTION 5.** 23.50 (1) of the statutes is amended to read:

5           23.50 (1) The procedure in ss. 23.50 to 23.85 applies to all actions in circuit  
6 court to recover forfeitures, penalty assessments, jail assessments, applicable  
7 weapons assessments, applicable environmental assessments, applicable wild  
8 animal protection assessments, applicable natural resources assessments,  
9 applicable fishing shelter removal assessments, applicable snowmobile registration  
10 restitution payments and applicable natural resources restitution payments for  
11 violations of ss. 77.09, 134.60, 167.10 (3), 167.31 (2), 281.48 (2) to (5), 283.33, 285.57  
12 (2), 285.59 (2), (3) (c) and (4), 287.07, 287.08, 287.81 and 299.64 (2), subch. VI of ch.  
13 77, this chapter and chs. 22 and 26 to 31 and of ch. 350, and any administrative rules  
14 promulgated thereunder, violations of ch. 951 if the animal involved is a captive wild  
15 animal, violations of rules of the Kickapoo reserve management board under s. 41.41  
16 (7) (k) or violations of local ordinances enacted by any local authority in accordance  
17 with s. 23.33 (11) (am) or 30.77.

18           **SECTION 6.** 23.50 (3) of the statutes is amended to read:

19           23.50 (3) All actions in municipal court to recover forfeitures, penalty  
20 assessments and jail assessments for violations of local ordinances enacted by any  
21 local authority in accordance with s. 23.33 (11) (am) or 30.77 shall utilize the  
22 procedure in ch. 800. The actions shall be brought before the municipal court having  
23 jurisdiction. Provisions relating to citations, arrests, questioning, releases,  
24 searches, deposits and stipulations of no contest in ss. 23.51 ~~(1)~~ (1m), (3) and (8),

1 23.53, 23.54, 23.56 to 23.64, 23.66 and 23.67 shall apply to violations of such  
2 ordinances.

3 **SECTION 7.** 23.51 (1) of the statutes is renumbered 23.51 (lm).

4 **SECTION 8.** 23.51 (Id) of the statutes is created to read:

5 23.51 (1d) "Captive" has the meaning given in s. 22.01 (2).

6 **SECTION 9.** 23.51 (5) of the statutes is amended to read:

7 23.51 (5) "Natural resources restitution payment" means the payment imposed  
8 under s. 22.43 (2) or 29.989.

9 **SECTION 10.** 23.51 (9m) of the statutes is created to read:

10 23.51 (9m) "Wild animal" has the meaning given in s. 22.01 (33).

11 **SECTION 11.** 23.65 (1) of the statutes is amended to read:

12 23.65 (1) When it appears to the district attorney that a violation of s. 134.60,  
13 281.48 (2) to (5), ~~283.33~~, ~~285.57 (2)~~, ~~285.59 (2)~~, (3) (c) and (4), ~~287.07~~, ~~287.08~~, ~~287.81~~  
14 or 299.64 (2), this chapter or ch. 22, 26, 27, 28, 29, 30, 31 or 350, or any administrative  
15 rule promulgated pursuant thereto, or a violation of ch. 951, if the animal involved  
16 is a captive wild animal, has been committed the district attorney may proceed by  
17 complaint and summons.

18 **SECTION 12.** 23.795 (3) of the statutes is created to read:

19 23.795 (3) In lieu of an order of imprisonment under sub. (1) (a) for a violation  
20 of ch. 22, the court may revoke or suspend any privilege or license granted under ch.  
21 22 as provided in s. 22.42 (5).

22 **SECTION 13.** 25.29 (1) (a) of the statutes is amended to read:

23 25.29 (1) (a) Except as provided in s. 25.295, all moneys accruing to the state  
24 for or in behalf of the department under chs. 22, 26, 27, 28, 29 and 350, subchs. I and  
25 VI of ch. 77 and ss. 23.09 to 23.31, 23.325 to 23.42, 23.50 to 23.99, 30.50 to 30.55, 70.58

1 and 71.10 (5), including grants received from the federal government or any of its  
2 agencies except as otherwise provided by law.

3 SECTION 14. 25.29 (4m) of the statutes is amended to read:

4 25.29 (4m) Notwithstanding sub. (3), no moneys that accrue to the state for or  
5 in behalf of the department under ch. 22 or 29 may be expended or paid for the  
6 enforcement of the treaty-based, off-reservation rights to fish held by members of  
7 federally recognized American Indian tribes or bands domiciled in Wisconsin.

8 SECTION 15. 29.011 (3) of the statutes is created to read:

9 29.011 (3) This section does not apply to wild animals that are subject to  
10 regulation under ch. 22.

11 SECTION 16. 29.024 (1) of the statutes is amended to read:

12 29.024 (1) APPROVALS REQUIRED. Except as specifically provided in ch. 22 or this  
13 chapter, no person may hunt or trap in this state, fish in the waters of this state or  
14 engage in any of the activities regulated under this chapter unless the appropriate  
15 approval is issued to the person. A person shall carry the required approval with him  
16 or her at all times while hunting, trapping or fishing or engaged in regulated  
17 activities unless otherwise required by this chapter or unless otherwise authorized  
18 or required by the department. A person shall exhibit the approval to the  
19 department or its wardens on demand.

20 SECTION 17. 29.024 (2g) (a) 2. of the statutes is amended to read:

21 29.024 (2g) (a) 2. Any permit issued under s. ~~29.38, 29.521, 29.525, 29.53 or~~  
22 ~~29.578~~ 29.537, 29.733, 29.735, or 29.736.

23 SECTION 18. 29.024 (2r) (a) 17. of the statutes is repealed.

24 SECTION 19. 29.024 (2r) (a) 18. of the statutes is repealed.

25 SECTION 20. 29.024 (2r) (a) 19. of the statutes is repealed.

1           **SECTION 21.** 29.024 (2r) (a) 20. of the statutes is repealed.

2           **SECTION 22.** 29.024 (2r) (a) 21. of the statutes is repealed.

3           **SECTION 23.** 29.042 (1) of the statutes is amended to read:

4           29.042 (1) Beginning on January 1, 1998, the department may not enter into  
5 any agreement to make payments to persons holding approvals issued under s.  
6 29.501, 29.503, 29.506, 29.509, 29.512, 29.514, 29.519, 29.523, 29.526, 29.529,  
7 29.531, 29.533, 29.537, 29.607, 29.611, ~~or 29.614, 29.865, 29.867, 29.869, 29.871 or~~  
8 ~~29.877~~ in exchange for the retirement of the approval or for the temporary or  
9 permanent cessation of any activity authorized under the approval.

10          **SECTION 24.** 29.047 (2) (b) of the statutes is amended to read:

11          29.047 (2) (b) The possession, transportation, delivery or receipt of farm-raised  
12 deer ~~or~~, farm-raised fish or wild animals that are subject to regulation under ch. 22.

13          **SECTION 25.** 29.191 (2) (a) 3. of the statutes is amended to read:

14          29.191 (2) (a) 3. Any person hunting pheasant under s. 29.195 ~~or on premises~~  
15 ~~licensed under s. 29.865~~ is exempt from the requirements under subd. 1.

16          **SECTION 26.** 29.192 (6) of the statutes is created to read:

17          29.192 (6) The department shall permit the hunting of farm-raised deer on the  
18 premises on which farm-raised deer are kept by persons registered under s. 95.55.  
19 The department shall determine the requirements and conditions for hunting  
20 farm-raised deer under this subsection, and shall determine the provisions of this  
21 chapter that are applicable to hunting farm-raised deer under this subsection. The  
22 department shall cooperate with the department of agriculture, trade and consumer  
23 protection with respect to the hunting of farm-raised deer.

24          **SECTION 27.** 29.314 (5) (b) 3. of the statutes is amended to read:

1           29.314 (5) (b) 3. To a person who possesses a flashlight or who uses a flashlight  
2 ~~while if the person is~~ on foot and training a dog to track or hunt raccoons, foxes or  
3 other unprotected wild animals ~~and if the raccoons, foxes or other unprotected wild~~  
4 animals are not subject to regulation under ch. 22.

5           **SECTION 28.** 29.321 of the statutes is repealed.

6           **SECTION 29.** 29.334 of the statutes is renumbered 29.334 (1) and amended to  
7 read:

8           29.334 (1) A person who hunts or traps any game animal, game bird or  
9 fur-bearing animal shall kill ~~the animal~~ & when it is taken and make it part of the  
10 daily bag or shall release ~~the animal~~ it unless authorized ~~by s. 29.857, 29.863,~~  
11 ~~28.867, 29.869, 29.871 or 29.877~~ the person has the authority to possess it under ch.  
12 22.

13           **SECTION 30.** 29.347 (2) of the statutes is amended to read:

14           29.347 (2) **DEER TAGS.** Except as provided under sub. (5) and s. 29.324 (3), any  
15 person who kills a deer shall immediately attach to the ear or antler of the deer a  
16 current validated deer carcass tag which is authorized for use on the type of deer  
17 killed. Except as provided under sub. (2m) ~~or s. 29.871 (7), (8) or (14)~~, no person may  
18 possess, control, store or transport a deer carcass unless it is tagged as required  
19 under this subsection. The carcass tag may not be removed before registration. The  
20 removal of a carcass tag from a deer before registration renders the deer untagged.

21           **SECTION 31.** 29.347 (6) of the statutes is amended to read:

22           29.347 (6) ~~FARM-RAISED DEER~~ **DEER.** This section does not apply to farm-raised  
23 deer or deer that are subject to regulation under ch. 22.

24           **SECTION 32.** 29.351 of the statutes is renumbered 29.351 (1), and 29.351 (1) (c),  
25 as renumbered, is amended to read:

1           29.351 (1) (c) Possess the raw skin of any muskrat, mink, otter, fisher or pine  
2 marten at any time unless the person is the holder of a valid scientific collector  
3 permit, fur dealer license, trapping license or resident conservation patron license.  
4 No license is required ~~for a person breeding, raising and producing domestic~~  
5 ~~fur-bearing animals in captivity, as defined in s. 29.873,~~ or for a person authorized  
6 to take muskrats on a cranberry marsh under a permit issued to the person by the  
7 department.

8           **SECTION 33.** 29.351 (2) of the statutes is created to read:

9           29.351 (2) Subsection (1) does not apply to the skins of fur-bearing animals  
10 that are subject to regulation under ch. 22.

11           **SECTION 34.** 29.354 (1) of the statutes is amended to read:

12           **29.354 (1) APPROVAL NECESSARY.** ~~No person, except a person who has a valid~~  
13 ~~hunting license, sports license, conservation patron license, taxidermist permit or~~  
14 ~~scientific collector permit and who is carrying this approval on his or her person, may~~  
15 possess or have under his or her control any game bird, or game animal or the carcass  
16 of any game bird or game animal unless the person is rehabilitating the game bird  
17 or game animal or unless the person has a valid hunting license, sports license,  
18 conservation patron license, taxidermist permit or scientific collector permit.

19           **SECTION 35.** 29.354 (2) of the statutes is renumbered 29.354 (2) (a) and  
20 amended to read:

21           **29.354 (2) (a)** ~~No person, except a~~ Except as provided in nar. (b), no person who  
22 ~~has a valid scientific collector permit,~~ may take, needlessly destroy or possess or have  
23 under his or her control the nest or eggs of any wild bird for which a closed season  
24 is prescribed under this chapter.

25           **SECTION 36.** 29.354 (2) (b) of the statutes is created to read:

1           29.354 (2) (b) A person who has a valid scientific collector permit may take or  
2 possess or have under his or her control the nest of a wild bird and may destroy the  
3 nest if necessary for a scientific purpose.

4           **SECTION 37.** 29.354 (5) of the statutes is created to read:

5           29.354 (5) **CAPTIVE WILD ANIMALS.** This section does not apply to wild animals  
6 that are subject to regulation under ch. 22.

7           **SECTION 38.** 29.357 (5) (b) of the statutes is amended to read:

8           29,357 (5) (b) Subsections (1) to (4) do not apply to the possession,  
9 transportation, delivery or receipt of farm-raised deer ~~or~~, farm-raised fish or wild  
10 animals that are subject to regulation under ch. 22.

11          **SECTION 39.** 29.361 (6) of the statutes is amended to read:

12          29.361 **(6)** This section does not apply to the transportation of farm-raised deer  
13 or deer that are subject to regulation under ch. 22.

14          **SECTION 40.** 29.364 (5) of the statutes is amended to read:

15          29.364 (5) **EXEMPTION; TAXIDERMISTS.** Subsections (1) to (3) do not apply to a  
16 person who has a valid taxidermist permit and who is transporting, in connection  
17 with his or her business, the carcass of a game bird ~~in connection with his or her~~  
18 business or the carcass of a wild bird that is subject to regulation under ch. 22.

19          **SECTION 41.** 29.501 (9m) of the statutes is created to read:

20          29.501 **(9m)** This section applies to raw furs and dressed furs from fur-bearing  
21 animals that are subject to regulation under ch. 22.

22          **SECTION 42.** 29.506 (4) of the statutes is amended to read:

23          29.506 (4) **AUTHORIZATION.** Subject to this section, a taxidermist permit  
24 authorizes the permit holder to possess and transport ~~wild animals or~~ carcasses of  
25 wild animals in connection with his or her business. This authority supersedes, to

1 the extent permitted under this section, restrictions on the possession and  
2 transportation of ~~wild animals and~~ carcasses of wild animals established under ch.  
3 22 and this chapter. A taxidermist permit entitles the permit holder to the same  
4 privileges as a Class A fur dealer's license.

5 **SECTION 43.** 29.539 (7) of the statutes is created to read:

6 29.539 (7) This section does not apply to the carcass of a wild animal that is  
7 subject to regulation under ch. 22.

8 **SECTION 44.** 29.541 (3) of the statutes is amended to read:

9 29.541 (3) **EXEMPTION.** This section does not apply to the meat from  
10 farm-raised deer or ~~from~~ farm-raised fish or to meat that is subject to regulation  
11 under s. 22.13 or 22.14.

12 **SECTION 45.** 29.563 (9) (intro.) and (a) (title) of the statutes are repealed.

13 **SECTION 46.** 29.563 (9) (a) 1. of the statutes is renumbered 29.563 (7) (c) 5m.

14 **SECTION 47.** 29.563 (9) (a) 2. to 10. and (b) of the statutes are repealed.

15 **SECTION 48.** 29.614 (3) of the statutes is amended to read:

16 29.614 (3) A scientific collector permit authorizes the permittee to collect or  
17 salvage, for scientific purposes only, ~~the eggs, nest and~~ live fish and the nests and  
18 carcasses of any wild animals specified in the permit subject to the conditions and  
19 limitations specified in the permit and the rules of the department. The permittee  
20 may use the specimens for the scientific purposes for which collected or salvaged and  
21 may transport them or cause them to be transported by common carrier. Possession  
22 of these specimens may not be transferred to any other person, except that these  
23 specimens may be exchanged for other specimens for scientific purposes. A scientific  
24 collector permit may authorize the use of net guns and tranquilizer guns for activities  
25 related to the purposes for which the permit is issued. Any person who is convicted



1 of violating this chapter shall forfeit the person's permit and the permit is thereby  
2 revoked, in addition to all other penalties. Any person so convicted is not eligible for  
3 a permit under this section for one year following the conviction.

4 **SECTION 49.** 29.741 (title) of the statutes is repealed and recreated to read:  
5 29.741 (title) **Food in the wild for game birds.**

6 **SECTION 50.** 29.741 (1) of the statutes is repealed.

7 **SECTION 51.** 29.741 (2) of the statutes is renumbered 29.741.

8 **SECTION 52.** 29.745 of the statutes is repealed.

9 **SECTION 53.** 29.853 (title) of the statutes is repealed.

10 **SECTION 54.** 29.853 (1) of the statutes is repealed.

11 **SECTION 55.** 29.853 (2) of the statutes is repealed.

12 **SECTION 56.** 29.853 (3) of the statutes is repealed.

13 **SECTION 57.** 29.853 (4m) of the statutes is repealed.

14 **SECTION 58.** 29.853 (5) (title) of the statutes is repealed.

15 **SECTION 59.** 29.853 (5) of the statutes is renumbered 29.334 (2) and amended  
16 to read:

17 • 29.334 (2) A person who violates ~~this section~~ sub. (1) shall forfeit not less than  
18 \$100 nor more than \$1,000.

19 **SECTION 60.** 29.855 (title) of the statutes is repealed.

20 **SECTION 61.** 29.855 (1) of the statutes is repealed.

21 **SECTION 62.** 29.855 (2) of the statutes is repealed.

22 **SECTION 63.** 29.855 (3) of the statutes is repealed.

23 **SECTION 64.** 29.855 (4) (title) of the statutes is repealed.

24 **SECTION 65.** 29.855 (4) of the statutes is renumbered 22.03 (2) (e) and amended  
25 to read:

1           22.03 (2) (e) No person may operate on a live ~~wild~~ skunk to remove its scent  
2 glands unless the person holds a Class A or Class B captive wild animal farm license  
3 or the person is a veterinarian and the person who ~~possesses~~ brings the skunk is  
4 authorized under s. ~~29.857~~, or 29.869 to the veterinarian holds such a license. A  
5 veterinarian to whom a person brings a live ~~wild~~ skunk for removal of its scent glands  
6 ~~or for other treatment~~ shall verify whether the person holds a Class A or Class B  
7 captive wild animal farm license. If the person does not hold such a license, the  
8 veterinarian shall notify that person that possession of a live skunk is illegal and  
9 shall notify the department.

10           SECTION 66. 29.855 (5) of the statutes is repealed.

11           SECTION 67. 29.855 (6) of the statutes is repealed.

12           SECTION 68. 29.855 (7) of the statutes is repealed.

13           SECTION 69. 29.857 of the statutes is repealed.

14           SECTION 70. 29.861 of the statutes is repealed.

15           SECTION 71. 29.863 of the statutes is repealed.

16           SECTION 72. 29.865 of the statutes is repealed.

17           **SECTION 73.** 29.867 of the statutes is repealed.

18           SECTION 74. 29.869 of the statutes is repealed.

19           SECTION 75. 29.871 of the statutes is repealed.

20           SECTION 76. 29.873 of the statutes is repealed.

21           SECTION 77. 29.875 (1) of the statutes is amended to read:

22           29.875 (1) The department may seize and dispose of or may authorize the  
23 disposal of any deer that has escaped from land licensed under s. ~~29.867 or 29.871~~  
24 22.15 or 22.16 or owned by a person registered under s. 95.55 if the escaped deer has

1 traveled more than 3 miles from the land or if the licensee or person has not had the  
2 deer returned to the land within 72 hours of the discovery of the escape.

3 **SECTION 78.** 29.877 of the statutes is repealed.

4 **SECTION 79.** 29.879 of the statutes is repealed.

5 **SECTION 80.** 29.881 of the statutes is repealed.

6 **SECTION 81.** 29.885 (1) (f) of the statutes is amended to read:

7 29.885 (1) (f) Notwithstanding s. ~~29.01(14)~~ 29.001(90), "wild animal" means  
8 any undomesticated mammal or bird, but does not include farm-raised deer ~~or,~~  
9 farm-raised fish or wild animals that are subject to regulation under ch. 22.

10 **SECTION 82.** 29.889 (1) (intro.) of the statutes is amended to read:

11 29.889 (1) **DEFINITION.** (intro.) In this section, "wildlife damage" means damage  
12 caused by any of the following ~~noncaptive~~ wild animals that are not subject to  
13 regulation under ch. 22:

14 **SECTION 83.** 29.921 (7) of the statutes is amended to read:

15 29.921 (7) **DOGS INJURING WILDLIFE.** A warden may kill a dog found running,  
16 injuring, causing injury to, or killing, any deer, other than farm-raised deer or deer  
17 subject to regulation under ch. 22, or destroying game birds, their eggs or nests, if  
18 immediate action is necessary to protect the deer or game birds, their nests or eggs,  
19 from injury or death.

20 **SECTION 84.** 29.927 (8) of the statutes is amended to read:

21 29.927 (8) Any dog found running deer, except farm-raised deer or deer subject  
22 to regulation under ch. 22, at any time, or used in violation of this chapter.

23 **SECTION 85.** 29.931 (2) (a) of the statutes is amended to read:

24 29.931 (2) (a) The department and its wardens shall seize and hold, subject to  
25 the order of the court for the county in which the alleged offense was committed, any

1 vehicle, boat or object declared by this chapter to be a public nuisance, or which they  
2 have probable cause to believe is being used in violation of this chapter or s. 167.31,  
3 287.81, 940.24, 941.20, 948.60, 948.605 or 948.61, is being used in the commission  
4 of a crime involving an animal normally found in the wild in violation of s. 951.09 or  
5 is being used in the commission of a crime relating to a submerged cultural resource  
6 in violation of s. 44.47. If it is proven that the vehicle, boat or object is a public  
7 nuisance or that within 6 months previous to the seizure the vehicle, boat or object  
8 was used in violation of this chapter or s. 167.31, 287.81, 940.24, 941.20, 948.60,  
9 948.605 or 948.61, was used in the commission of a crime involving an animal  
10 normally found in the wild in violation of s. 951.09 or was used in the commission of  
11 a crime relating to a submerged cultural resource in violation of s. 44.47, it shall be  
12 confiscated if the court directs in its order for judgment.

13 SECTION 86. 29.969 of the statutes is amended to read:

14 **29.969 Larceny of game.** A person who, without permission of the owner,  
15 disturbs or appropriates any wild animal or its carcass that has been lawfully  
16 reduced to possession by another shall forfeit not less than \$1,000 nor more than  
17 \$2,000. This section does not apply to farm-raised deer ~~or~~, farm-raised fish or wild  
18 animals that are subject regulation under ch. 22.

19 SECTION 87. 49.857 (1) (d) 2. of the statutes is amended to read:

20 49.857 (1) (d) 2. An approval specified in s. ~~29.09 (11m)~~ 22.325 or 29.024 (2g).

21 SECTION 88. 59.25 (3) (f) 2. of the statutes is amended to read:

22 59.25 (3) (f) 2. For all court imposed fines and forfeitures required by law to be  
23 deposited in the state treasury, the amounts required by s. 165.87 for the penalty  
24 assessment surcharge, the amounts required by s. 167.31 (5) for the weapons  
25 assessment, the amounts required by s. 973.045 for the crime victim and witness

1 assistance surcharge, the amounts required by s. 973.046 for the deoxyribonucleic  
2 acid analysis surcharge, the amounts required by s. 961.41 (5) for the drug abuse  
3 program improvement surcharge, the amounts authorized by s. 971.37 (lm) (c) 1. or  
4 required by s. 973.055 (1) for the domestic abuse assessment, the amounts required  
5 by s. 346.655 (2) (a) and (b) for the driver improvement surcharge, the amounts  
6 required by s. 102.85 (4) for the uninsured employer assessment, the amounts  
7 required by s. 299.93 for the environmental assessment, the amounts required by s.  
8 29.983 for the wild animal protection assessment, the amounts required by ~~s. ss.~~  
9 22.43 (1) and 29.987 for the natural resources assessment surcharge, the amounts  
10 required by s. 29.985 for the fishing shelter removal assessment, the amounts  
11 required by s. 350.115 for the snowmobile registration restitution payment and the  
12 amounts required by ~~s. ss. 22.43 (2) and 29.989~~ for ~~natural~~ natural resources restitution  
13 payments, transmit to the state treasurer a statement of all moneys required by law  
14 to be paid on the actions entered during the preceding month on or before the first  
15 day of the next succeeding month, certified by the county treasurer+ personal  
16 signature affixed or attached thereto, and at the same time pay to the state treasurer,  
17 the amount thereof.

18 **SECTION 89.** 59.40 (2) (m) of the statutes is amended to read:

19 ~~59.40 (2) (m)~~ Pay monthly to the treasurer for the use of the state the state's  
20 percentage of the fees required to be paid on each civil action, criminal action and  
21 special proceeding filed during the preceding month and pay monthly to the  
22 treasurer for the use of the state the percentage of court imposed fines and forfeitures  
23 required by law to be deposited in the state treasury, the amounts required by s.  
24 165.87 (2) (b) for the penalty assessment surcharge, the amounts required by s.  
25 167.31 (5) for the weapons assessment, the amounts required by s. 973.045 for the

1 crime victim and witness assistance surcharge, the amounts required by s. 973.046  
 2 for the deoxyribonucleic acid analysis surcharge, the amounts required by s. 961.41  
 3 (5) for the drug abuse program improvement surcharge, the amounts authorized by  
 4 s. 971.37 (1m) (c) 1, or required by s. 973.055 for the domestic abuse assessment  
 5 surcharge, the amounts required by s. 346.655 for the driver improvement  
 6 surcharge, the amounts required by s. 102.85 (4) for the uninsured employer  
 7 assessment, the amounts required by s. 299.93 for the environmental assessment,  
 8 the amounts required under s. 29.983 for the wild animal protection assessment, the  
 9 amounts required under ~~s. ss. 22.43 (1) (d) and~~ 29.987 (1) (d) for the natural resources  
 10 assessment surcharge, the amounts required by s. 29.935 for the fishing shelter  
 11 removal assessment, the amounts required by s. 350.115 for the snowmobile  
 12 registration restitution payment and the amounts required under ~~s. ss. 22.43 (2) (d)~~  
 13 and 29.989 (1) (d) for the natural resources restitution payments. The payments  
 14 shall be made by the 15th day of the month following receipt thereof.

15 SECTION 90. 73.0301 (1) (d) 1. of the statutes is amended to read: -

16 73.0301 (1) (d) 1. An approval specified in s. ~~29.09 (11r)~~ 22.327 or 29.024 (2r).

17 SECTION 91. 167.31 (4) (b) of the statutes is amended to read:

18 167.31 (4) (b) Subsections (2) (a), (b) and (c) and (3) (a) and (b) do not apply to  
 19 the holder of a scientific research license under s. 22.25 or a scientific collector permit  
 20 under s. 29.614 who is using a net gun or tranquilizer gun in an activity related to  
 21 the purpose for which the license or permit was issued.

22 SECTION 92. 173.29 of the statutes is created to read:

23 **173.29 Captive wild animals exempted.** This chapter does not apply to  
 24 captive wild animals that are subject to regulation under ch. 22.

25 SECTION 93. 814.60 (2) (e) of the statutes is amended to read:

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814.60 (2) (e) Natural resources restitution payment imposed by s. ~~22.43 (2) (d)~~  
~~29.989~~  
or ~~29.998~~.

SECTION 94. 895.57 (3) of the statutes is amended to read:

895.57 (3) Subsection (2) does not apply to any humane officer, local health officer, peace officer, employe of the department of natural resources while on any land licensed under s. ~~29.865, 29.867, 29.869 or 29.871~~ 22.15, 22.16, 22.17, 22.18 or 22.19 or designated as a wildlife refuge under s. 29.621 (1) or employe of the department of agriculture, trade and consumer protection if the officer's or employe's acts are in good faith and in an apparently authorized and reasonable fulfillment of his or her duties.

SECTION 95. 943.75 (3) of the statutes is amended to read:

943.75 (3) Subsection (2) does not apply to any humane officer, local health officer, peace officer, employe of the department of natural resources while on any land licensed under s. ~~29.865, 29.867, 29.869 or 29.871~~ 22.15, 22.16, 22.17, 22.18 or 22.19 or designated as a wildlife refuge under s. 29.621 (1) or employe of the department of agriculture, trade and consumer protection if the officer's or employe's acts are in good faith and in an apparently authorized and reasonable fulfillment of his or her duties. This subsection does not limit any other person from claiming the defense of privilege under s. 939.45 (3).

SECTION 96. 951.01 (1m) of the statutes is created to read:

951.01 (1m) "Conservation warden" means a warden appointed under s. 23.10.

SECTION 97. 951.015 of the statutes is renumbered 951.015 (1) and amended to read:

951.015 (1) This chapter may not be interpreted as controverting any law regulating wild animals that are subject to regulation under ch. 22, the taking of a

1 ~~wild animal~~ wild animals, as defined in s. 29.001 (90), ~~the trapping of animals, the~~  
 2 ~~use of live animals in dog trials or in the training of hunting dogs~~ or the slaughter  
 3 of animals by persons acting under state or federal law.

4 **SECTION 98.** 951.015 (2) of the statutes is created to read:

5 951.015 (2) For purposes of enforcing this chapter as to wild animals subject  
 6 to regulation under ch. 22, a conservation warden has the same powers and duties  
 7 that a law enforcement officer has under this chapter.

8 **SECTION 99.** 951.09 of the statutes is amended to read:

9 951.09 **Shooting at caged or staked animals.** No person may instigate,  
 10 promote, aid or abet as a principal, agent, employe, participant or spectator, or  
 11 participate in the earnings from, or intentionally maintain or allow any place to be  
 12 used for the shooting, killing or wounding with a firearm or any deadly weapon, any  
 13 animal, except for farm-raised deer. as defined in s. 95.001 (1) (a), that is tied, staked  
 14 out, caged or otherwise intentionally confined in a man-made enclosure, regardless  
 15 of size. Nothing in this section prohibits the shooting of any wild game in its wild  
 16 state or the shooting of ~~game birds and waterfowl at~~ ~~game farms or licensed~~  
 17 ~~shooting preserves~~ captive wild birds or captive white-tailed deer that is authorized  
 18 under s. 22.09 (2).

19 **SECTION 100.** 951.18 (4) (a) 2. of the statutes <sup>as affected by 1997 Wisconsin</sup> is amended to read: <sup>Act 192,</sup>

20 951.18 (4) (a) 2. A sentencing court shall require a criminal violator to pay  
 21 restitution to a person, including any local humane officer or society or county or  
 22 municipal pound or a law enforcement officer or conservation warden, for any  
 23 pecuniary loss suffered by the person as a result of the crime, including expenses in  
 24 keeping any animal that is involved in the crime. This requirement applies  
 25 regardless of whether the criminal violator is placed on probation under s. 973.09.



1 If restitution is ordered, the court shall consider the financial resources and future  
2 ability of the criminal violator to pay and shall determine the method of payment.  
3 Upon the application of any interested party, the court shall schedule and hold an  
4 evidentiary hearing to determine the value of any pecuniary loss under this  
5 paragraph.

6 SECTION 101. 951.18 (4) (b) 1. of the statutes, as affected by 1997 Wisconsin Act  
7 192, is amended to read:

8 951.18 (4) (b) 1. A sentencing court may order that an animal be delivered to  
9 the local humane officer or society or the county or municipal pound or to a law  
10 enforcement officer if a person commits a crime under this chapter, the person is the  
11 owner of the animal that is involved in the crime and the court considers the order  
12 to be reasonable and appropriate. A sentencing court may order that an animal be  
13 delivered to the department of natural resources, if the animal is a wild animal that  
14 is subject to regulation under ch. 22 and the court considers the order to be  
15 reasonable and appropriate. The society, pound ~~or~~, officer or department of natural  
16 resources shall release the animal to a person other than the owner or dispose of the  
17 animal in a proper and humane manner. If the animal is a dog, the release or disposal  
18 shall be in accordance with s. 173.23 (1m), except that the fees under s. 173.23 (1m)  
19 (a) 4. do not apply if the expenses are covered under s. 173.24. If the animal is not  
20 a dog, the society, pound or officer may charge a fee for the release of the animal.

21 SECTION 102. 973.05 (1) of the statutes is amended to read:

2 2 973.05 (1) When a defendant is sentenced to pay a fine, the court may grant  
23 permission for the payment of the fine, of the penalty assessment imposed by s.  
24 165.87, the jail assessment imposed by s. 302.46 (1), the crime victim and witness  
25 assistance surcharge under s. 973.045, the crime laboratories and drug law

1 enforcement assessment imposed by s. 165.755, any applicable deoxyribonucleic acid  
2 analysis surcharge under s. 973.046, any applicable drug abuse program  
3 improvement surcharge imposed by s. 961.41 (5), any applicable domestic abuse  
4 assessment imposed by s. 971.37 (1m)(c) 1. or 973.055, any applicable driver  
5 improvement surcharge imposed by s. 346.655, any applicable enforcement  
6 assessment imposed by s. 253.06 (4) (c), any applicable weapons assessment imposed  
7 by s. 167.31, any applicable uninsured employer assessment imposed by s. 102.85 (4),  
8 any applicable environmental assessment imposed by s. 299.93, any applicable wild  
9 animal protection assessment imposed by s. 29.983, any applicable natural resources  
10 assessment imposed by s. 22.43 (1) or 29.987 and any applicable natural resources  
11 restitution payment imposed by s. 22.43 (2) or 29.989 to be made within a period not  
12 to exceed 60 days. If no such permission is embodied in the sentence, the fine, the  
13 penalty assessment, the jail assessment, the crime victim and witness assistance  
14 surcharge, the crime laboratories and drug law enforcement assessment, any  
15 applicable deoxyribonucleic acid analysis surcharge, any applicable drug abuse  
16 program improvement surcharge, any applicable domestic abuse assessment, any  
17 applicable driver improvement surcharge, any applicable enforcement assessment,  
18 any applicable weapons assessment, any applicable uninsured employer  
19 assessment, any applicable environmental assessment, any applicable wild animal  
20 protection assessment, any applicable natural resources assessment and any  
21 applicable natural resources restitution payment shall be payable immediately.

22 **SECTION 103. Effective dates.** This act takes effect on January 1, 2001, except  
23 as follows:



INS  
78-14A

Section #. 59.25 (3) (f) 2. of the statutes is amended to read:

59.25 (3) (f) 2. For all court imposed fines and forfeitures required by law to be deposited in the state treasury, the amounts required by s. 165.87 for the penalty assessment surcharge, the amounts required by s. 165.755 for the crime laboratories and drug law enforcement assessment, the amounts required by s. 167.31 (5) for the weapons assessment, the amounts required by s. 973.045 for the crime victim and witness assistance surcharge, the amounts required by s. 938.34 (8d) for the delinquency victim and witness assistance surcharge, the amounts required by s. 973.046 for the deoxyribonucleic acid analysis surcharge, the amounts required by s. 96 1.4 l(5) for the drug abuse program improvement surcharge, the amounts authorized by s. 971.37 (lm) (c) 1. or required by s. 973.055 (1) for the domestic abuse assessment, the amounts required by s. 253.06 (4) (c) for the enforcement assessment under the supplemental food program for women, infants and children, the amounts required by ss. 346.177, 346.495 and 346.65 (4r) for the railroad crossing improvement assessment, the amounts required by s. 346.655 (2) (a) and (b) for the driver improvement surcharge, the amounts required by s. 102.85 (4) for the uninsured employer assessment, the amounts required by s. 299.93 for the environmental assessment, the amounts required by s. 29.983 for the wild animal protection assessment, the amounts required by s. ~~29.987~~ <sup>ss. 22,43(1) and</sup> for the natural resources assessment surcharge, the amounts required by s. 29.985 for the fishing shelter removal assessment, the amounts required by s. 350.115 for the snowmobile registration restitution payment and the amounts required by s. ~~29.989~~ <sup>ss. 22,43(2) and</sup> for natural resources restitution payments, transmit to the state treasurer a statement of all moneys required by law to be paid on the actions entered during the preceding month on or before the first day of the next succeeding month, certified by the county treasurer's personal signature affixed or attached thereto, and at the same time pay to the state treasurer the amount thereof.

**NOTE: Subd. 2. is shown as affected by four acts of the 1997 ~~legislature~~ and as merged by the revisor under s. 13.93 (2) (c).**

**History: 1995 a. 201 ss. 266, 267, 269, 270, 284; 1995 a. 225 ss. 151 to 153; 1995 a. 227 s. 202; 1995 a. 269 s. 2; 1995 a. 408 s. 1; 1995 a. 448 s. 60; 1997 a. 27, 35, 135, 211, 237, 248; s. 13.93 (2) (c).**

INS  
78-1413

Section #. 59.40 (2) (m) of the statutes is amended to read:

59.40 (2) (m) Pay monthly to the treasurer for the use of the state the state's percentage of the fees required to be paid on each civil action, criminal action and special proceeding filed during the preceding month and pay monthly to the treasurer for the use of the state the percentage of court imposed fines and forfeitures required by law to be deposited in the state treasury, the amounts required by s. 165.87 (2) (b) for the penalty assessment surcharge, the amounts required by s. 165.755 for the crime laboratories and drug law enforcement assessment, the amounts required by s. 167.3 1 (5) for the weapons assessment, the amounts required by s. 973.045 for the crime victim and witness assistance surcharge, the amounts required by s. 938.34 (8d) for the delinquency victim and witness assistance surcharge, the amounts required by s. 973.046 for the deoxyribonucleic acid analysis surcharge, the amounts required by s. 96 1.4 1 (5) for the drug abuse program improvement surcharge, the amounts authorized by s. 97 1.37 (1m) (c) 1. or required by s. 973.055 for the domestic abuse assessment surcharge, the amounts required by s. 253.06 (4) (c) for the enforcement assessment under the supplemental food program for women, infants and children, the amounts required by ss. 346.177, 346.495 and 346.65 (4r) for the railroad crossing improvement assessment, the amounts required by s. 346.655 for the driver improvement surcharge, the amounts required by s. 102.85 (4) for the uninsured employer assessment, the amounts required by s. 299.93 for the environmental assessment, the amounts required under s. 29. 83 for the wild animal protection assessment, the amounts required under ~~s. 29.987 (1) (d)~~ <sup>ss. 22.43 (1) (d) 3 and</sup> for the natural resources assessment surcharge, the amounts required by s. 29.985 for the fishing shelter removal assessment, the amounts required by s. 350.115 for the snowmobile registration restitution payment and the amounts required under ~~s. 29.989 (1) (d)~~ <sup>ss. 22.43 (2) (d) and</sup> for the natural resources restitution payments. The payments shall be made by the 15th day of the month following receipt thereof.

**NOTE: Par. (m) is shown as affected by four acts of the 1997 legislature and as merged by the revisor under s. 13.93 (2) (c).**

**History:** 1995 a. 27 ss. 3290, 3291; 1995 a. 201 ss. 311 to 318, 320 to 322, 325; 1995 a. 224 ss. 11 to 13; 1995 a. 227 s. 203; 1995 a. 279 s. 8; 1995 a. 404 s. 185; 1995 a. 438; 1995 a. 448 s. 61; Sup. Ct. Order No. 96-08, 207 W (2d) xv (1997); 1997 a. 3, 27; 1997 a. 35 ss. 185, 186; 1997 a. 39, 135, 148, 191, 237, 248, 252; s. 13.93 (2) (c).

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

LRB-0538/F<sup>2</sup>dn  
MGG:kg:lp

February 24, 1999

Due: Friday  
*[Handwritten signature]*

1. The use of "local official" in s. 22.05 (lm) is quite vague. Do you want to define this term or use more specific language?

2. Assembly Amendment 8 to last session's bill deleted s. 22.08 which required that a person have a rehabilitation license to rehabilitate wild animals. However, the amendment did not delete s. 22.24 which establishes the rehabilitation license. Because of this, we have the anomaly that DNR issues licenses for which there is no need. I have left the draft this way but have made it preliminary until this issue is addressed.

3. Per DNR Attorney Mike Lutz's instructions, I have taken the last sentence in s. 22.24 (2) out of the engrossed bill because that reference is out of date. Do you want to put back in any of the language in s. 22.24 (2) that is found in the original bill but that was deleted in the engrossed bill?

4. I added the requirement that a person applying for a dog club training license must file a proper application and pay the applicable fee. I did this for consistency with other provisions in the draft. Also note that there is a dog club application fee under **s. 22.30** (1)(f) 3.

5. I rewrote s. 22.35 (1) (b). Please review s. 22.35 (1) (b) and (2) in this draft.

6. I know that the language contained in s. 22.40 in the engrossed bill was probably necessary to gain support for the bill, but it causes problems. Under the language, a local unit of government may enact an ordinance that is directly in conflict with state law. Then the question arises as to which law prevails. Under the home rule doctrine, the state law would prevail only if the subject of the ordinance is of statewide importance. If it is considered a "local issue", the ordinance would prevail. To avoid such disputes and possible litigation, I have changed the language to only allow the local units of government to enact ordinances that are stricter than the state law. I know this may not comply with your intent, but this issue needs to be resolved in a manner that is different from the language found in the engrossed bill. Please call me to discuss this if you are not satisfied with what I have drafted.

7. Please review s. 29.506 (4) to ensure that it complies with your intent, i.e., the permit supersedes any restrictions under the rest of ch. 29 and under ch. 22. OK?

8. Since there is no longer a Class A deer farm license, I assume that nonnative deer that are not farm-raised deer come under the captive wild animal farm license. I, therefore, have put a cross-reference to s. 22.15 in s. 29.875 (1). OK?

9. There were some changes in ch. 951, which is entitled Crimes Against Animals, last session which require some thought and review by DNR. Section 951.15 was repealed except for the first subsection. Provisions similar to the repealed provisions were created in ss. 173.13, 173.22 and 173.23 (1m) and (4). I reviewed these and feel that what remains of s. 951.15 and these new provisions are basically covered in ss. 22.36 and 22.39 of the bill, which deal with humane treatment and care and disposal of wild animals. However, I do not think that the engrossed bill adequately deals with some of the due process safeguards that are contained in these provisions in ch. 173.

I also exempted wild animals that are subject to regulation under ch. 22 from ch. 173. Does this comply with your intent? I would like to discuss all of this with Mike Lutz. Please provide him with a copy of this draft and ask that he call me.

Mary Gibson-Glass  
Senior Legislative Attorney  
267-3215



Mary: you  
will need this  
NOTE for the  
next draft.

Please send  
it back w/the  
redraft. Thanks  
(I added "red comments".) Karen

Return to MGG for  
boxed items.

TO: MGG

DUE THE WEEK OF FEB. 15, 1999

FROM: KMG

RE: LRB-0538/P1

the version  
effective 12/1/99  
is in the  
insert

\*\*\*\*\* PLEASE USE ANOTHER COLOR FOR ANY CHANGES \*\*\*\*\*

✓ 1. **D-Note, Item 6:** it does not appear that 22.40 contains the language that this item says 22.40 contains. [It says nothing about the law being *stricter than state law.*] See all of my other changes in the D-Note.

✓ 2. **951.18 (4) (b) 1.:** I'm guessing that you deleted the *NOTE* information that the editing staff *must have* in order to properly edit a statute like this. For example, there is *no way of knowing which version of that statute is in the insert.* [How do you want to remedy this?] The note info does not

Also, based on the general effec. date for this draft, you must use the NOTE version, and must mention the 1997 Act that affected that statute. Below is the text displayed by FOLIO for that statute:

**951.18(4)(b) 1.** A sentencing court may order that an animal be delivered to the local humane society or the county or municipal pound or to a law enforcement officer if a person commits a crime under this chapter, the person is the owner of the animal that is involved in the crime and the court considers the order to be reasonable and appropriate. The society, pound or officer shall release the animal to a person other than the owner or dispose of the animal in a proper and humane manner. If the animal is a dog, the release or disposal shall be in accordance with s. 174.046 (8) or (9), excepts. 174.046 (8) (a) does not apply and the fees under s. 174.046 (8) (d) do not apply if the expenses are covered under s. 951.17. If the animal is not a dog, the society, pound or officer may charge a fee for the release of the animal.

(b) 2. If the court is sentencing a person covered under s. 951.165 (3) (a) and an animal has been seized under s. 951.165, the court shall act in accordance with s. 951.165 (3).

✓ **951.18 - ANNOT.**

**NOTE: Par. (b) is amended eff. 12-1-99 by 1997 Wis. Act 192 to read:**

**951.18 - ANNOT.**

(b) 1. A sentencing court may order that an animal be delivered to the local humane officer or society or the county or

you wanted  
did  
come  
with  
the  
draft  
on add  
statute  
part  
is not  
printed  
on  
print  
stat  
part.  
I deleted  
nothing



**municipal pound or to a law enforcement officer if a person commits a crime under this chapter, the person is the owner of the animal that is involved in the crime and the court considers the order to be reasonable and appropriate. The society, pound or officer shall release the animal to a person other than the owner or dispose of the animal in a proper and humane manner. If the animal is a dog, the release or disposal shall be in accordance with s. 173.23 (1m), except that the fees under s. 173.23 (1m) (a) 4. do not apply if the expenses are covered under s. 173.24. If the animal is not a dog, the society, pound or officer may charge a fee for the release of the animal.**

**951.18 - ANNOT.**

**2. If the court is sentencing a person covered under s. 173.12 (3) (a) and an animal has been seized under s. 173.12, the court shall act in accordance with s. 173.12 (3).**

OK ✓ 3. 23.50 (1): check my changes.

✓ 4. In the draft, some of the new refs. to "29.053" may not be broad enough to cover the content of the par. where they appear. Search, when the draft is typed, to determine if these refs. are correct.

will do next draft

✓ 5. page 37: is my addition of "29.871," correct? Also, "1997 stats." needs to appear after **all** of those stat. refs., if they are this type of ref. See D-Man. below:

will do in next draft

**D-MANUAL 2.01 (24)(b)** Unless the material to which a reference is needed is voluminous and of limited effect, do not refer to former editions of the statutes (for example, "as defined in s. 51.01, 1969 stats." or "**as defined in s. 51.01, 1969 stats., and s. 59.06, 1969 stats.**") That practice requires the user to have the volume referred to in order to know the law and thwarts the purpose of codification. It is better to put the necessary text in the current statutes. If you must refer to a former edition of the statutes in a series of cross-references, make it clear whether the reference to the former edition applies to all of the series or only to some items of the series (for example, "as defined in s. 59.13, 1969 stats., and s. 51.01"). In a series of cross-references, place the former statutes ahead of current statutes,

cannot do this because the statutes are just different.

✓ 6. page 37: should the refs. to "March 1, 1998" be changed? The "1997 stats." did not exist until January 1, 1999.

yo



add "29.871," also?

✓ 7. COMMENT: You may wish to check any other dates in this draft; i.e., see "1999" on the bottom of page 37. If this bill does not become law before that date, the provision is useless.

✓ 8. page 38: items 5. to 7. may apply to this page also. 6

9. RE: cleaning up "subsection numbering that contains letters" — I wouldn't be concerned with that; that is fairly common practice. My concern is the potential for creating incorrect references by making that change.

on next draft

✓ 10. page 41: see items 5. to 7. above.

✓ 11. page 51, line 10: see the change.

✓ 12. insert 63-21, 23.09 (2) (f): see the change.

✓ 13. insert 63-21, 23.50 (1): is there any reason not to insert the ref. to "ch. 22" in the manner that I have inserted it? No see item 3.

✓ 14. 23.65 (1): shouldn't "violations" be singular, given the singular construction of the rest of the sentence? Also, I wonder if the new material is placed in the correct position in the sentence - see the next Adm. Rule phrase which says "... pursuant thereto". One wonders "pursuant to what".

✓ 15. 29.024 (2g) (a) 2.: this needs to be fixed, based on the Revisor's Note that follows that stat.

✓ 16. page 72, line 1: I think "if" should be either "whether" or "that"; check.

This seems OK in IP2  
If not please fix

✓ 17. 29.334 (1): see my change.

✓ 18. 29.351 (intro.): **only** the (intro.) of this statute has been renumbered; do you want to renumber the subsections also? [SECTION 23 of the inserts cannot be constructed as is since "(c)" is not part of the intro.]

OK ✓ 19. 29.563 (7) (intro.): this change appears to be redundant of the current text; if not, change the title also.

✓ 20. 29.853 (5): see my changes.

✓ 21. 29.855 (4): this text needs to be updated to reflect current law text.

✓ 22. 29.351 (3): I didn't find this in the bill; but, I think it needs to be amended. This is renumbered to (1)(c)

OK ✓ 23. 49.857 (1) (d) 2.: fix the x-ref., per the Revisor's NOTE. See my changes

✓ 24. See unlisted changes, including changed cross-references.

→ 25. On p. 160 of inserts, I don't find an "Ins A". As case?

2-23-99: I deleted this statute from the bill. KG

I thought they automatically renumbered. Is my change OK?

12

13

TO: MARY

FROM: KMG

RE: LRB-0538

Wed. 4 p.m.  
3/3

\*\*\*\*\* PLEASE USE ANOTHER COLOR FOR ANY CHANGES \*\*\*\*\*

- 1. Effective Date (2): we cannot use **"(us it applies ..."** in **any effective date provision.** You may need to double-draft to achieve your purpose.
- ✓ 2. Pages 36, 37 and 38: see all of my changes.
- ✓ 3. D-Note: do you need to change any of the chapter 22 section refs.? (I will edit the D-Note when it is returned.)

This draft is due this week.

- ✓ 1. ~~I know~~ See my changes in D-Note, (p. 36, line 14, and p. 38). I know the ~~deletions~~ addition of § 22.085? p. 14, (13) the numbering off but I don't want to change it again on this draft. [no need to change previous or current numbering system in the draft.]
- ✓ 2. I changed the effective date back. I just thought it was clearer that way.