



State of Wisconsin
1999 - 2000 LEGISLATURE

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1999 BILL

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pp. 34, 44 and 45*

*to repe
20., 21
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1 **AN ACT** to ~~repeal~~ **2.** to **1** (~~repeal~~ **29.024** (2r) (a) **17.**, 29.024 (2r) (a) **18.**, 29.024 (2r) (a) **19.**, 29.024

2 (2r) (a) **2.**, 29.024 (2r) (a) **21.**, **29.321**, **29.563** (9) (intro.) and (a) (title), 29.563

3 (9) (a) . to 10. and (b), 29.563 (9) (c), 29.741 (1), **29.745**, **29.853** (title), 29.853

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

5 (l), 29.855 (2), 29.855 (3), 29.855 (4) (title), 29.855 (5), 29.855 (6), 29.855 (7),

6 29.857, 29.861, 29.863, **29.865**, **29.867**, 29.869, 29.871, **29.873**, **29.877**, **29.879**

7 and 29.881; **to renumber** 23.51 (1), 29.563 (9) (a) l., **29.741** (2) and 173.01 (1);

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

9 173.12 (l), 951.015 and 951.09; **to amend** **20.370** (1) (mu), 20.370 (3) (mu),

10 23.09 (2) (f), 23.50 (1), 23.50 (3), 23.51 (5), 23.65 (1), 25.29 (1) (a), 25.29 (4m),

11 29.024 (l), 29.024 (2g) (a) **2.**, 29.042 (1), 29.047 (2) (b), **29.191** (2) (a) **3.**, 29.314

12 (5) (b) **3.**, 29.347 (2), 29.347 (6), 29.354 (1), 29.357 (5) (b), **29.361** (6), 29.364 (5),

13 29.506 (4), 29.541 (3), 29.614 (3), 29.875 (l), 29.885 (1) (f), 29.889 (1) (intro.),

14 29.921 (7), 29.927 (8), 29.931 (2) (a), 29.969, 49.857 (1) (d) **2.**, 59.25 (3) (f) **2.**,

BILL

1 59.40 (2) (m), 73.0301 (1) (d) l., 167.31 (4) (b), 173.01 (2), 173.07 (4m), 173.10,
 2 173.12 (lm), 173.12 (3) (a), 173.13 (2) (a) (intro.), 173.13 (2) (a) l., 173.13 (2) (a)
 3 **3.**, 173.13 (2) (b), 173.13 (3) (a), 173.13 (3) (b), 173.13 (3) (c), 173.15 (l), 173.15
 4 (2) (intro.), 173.17 (intro.), **173.19, 173.21 (1) (intro.), 173.21 (1) (a), 173.21 (4),**
 5 **173.22 (1), 173.22 (2), 173.22 (3) (a) (intro.), 173.22 (3) (a) l., 173.22 (3) (d),**
 6 **173.22 (3) (e), 173.23 (1) (intro.), 173.23 (1) (b), 173.23 (lm) (intro.), 173.23 (lm)**
 7 **(a) 2., 173.23 (lm) (a) 4., 173.23 (2), 173.23 (3) (a) (intro.), 173.23 (3) (c), 173.23**
 8 **(3) (e), 173.23 (4), 173.23 (5) (a), 173.23 (5) (b), 173.25, 814.60 (2) (e), 895.57(3),**
 9 **943.75 (3), 951.18 (4) (a) 2., 951.18 (4) (b) 1. and 973.05 (1); to repeal and**
 10 **recreate** 29.741 (title); and **to create** chapter 22, 23.51 (Id), 23.51 (9m), 23.795
 11 (3), 29.011 (3), 29.192 (6), 29.351 (2), 29.354 (2) (b), 29.354 (5), 29.501 (9m),
 12 29.539 (7), 173.01 (lb), 173.01 (Id), 173.01 (lr), **173.11 (5), 173.12 (1) (b), 173.12**
 13 **(3) (ag), 173.13 (1) (d), 173.13 (2) (a) 4., 173.22 (3) (cm), 173.22 (3) (f), 173.22 (3)**
 14 **(g), 173.22 (3) (h), 173.23 (1) (bn), 173.23 (lm) (a) 2m., 951.01 (lm), 951.015 (2),**
 15 **951.09 (2) and 951.09 (3) of the statutes; relating to: the possession of wild**
 16 **animals, enforcement of certain laws relating to mistreatment of wild animals,**
 17 **hunting of farm-raised deer, granting rule-making authority, making**
 18 **appropriations and providing penalties.**

Analysis by the Legislative Reference Bureau**LICENSING REQUIREMENTS**

This bill creates a new regulatory structure under the department of natural resources (DNR) for captive wildlife. Current law authorizes DNR to issue licenses to persons possessing captive wildlife. These licenses include deer farm licenses for white-tailed deer and certain types of nonnative deer, game bird and animal farm licenses, pheasant and quail farm licenses and fur animal farm licenses (game farm licenses). Wild animals that are not game animals or birds or wild fur-bearing animals are exempt from any licensing requirements for simple possession. Current law requires a license issued by DNR for exhibiting any wild animal unless the wild

BILL

animal is being exhibited by a zoo, a circus, the state or an educational institution. Current law requires a game farm license or other permit issued by DNR to propagate wild animals. Finally, current law requires a game farm license to sell wild animals.

This bill eliminates all of the current licenses and creates numerous types of licenses which include the following:

1. Class A and Class B captive wild animal farm licenses which authorize the possessing, propagating, killing, exhibiting, purchasing and selling of live captive wild animals, including nonnative deer other than deer of the genus *dama*, rangifer or *cervus* (farm-raised deer) which are regulated by the department of agriculture, trade and consumer protection (DATCP).

2. A deer farm license which authorizes the possession, propagation, purchase, sale and exhibition of live white-tailed deer and the selling of the opportunity to hunt these deer.

3. A wild fur farm license which authorizes the possession, propagation, trapping and sale of certain fur-bearing animals, including beaver, mink, otter, muskrat and raccoon.

4. Class A and Class B bird hunting preserve licenses which authorize the possessing, stocking, propagating, releasing, selling, purchasing, capturing and hunting of live pheasants, quail, partridge, mallard ducks and wild turkeys.

5. Dog training licenses which authorize the purchase, possession, release and hunting of captive wild animals for training hunting dogs.

6. Dog trial licenses which authorize the purchase, possession, release and hunting use of captive wild animals for competitive field events.

7. Falconry licenses which authorize the use of raptors for falconry.

8. A rehabilitation license which authorizes the possession and rehabilitation and of live wild animals.

9. A scientific research license which authorizes the taking from the wild, possessing, killing and propagating of wild animals for research purposes.

10. Exhibiting licenses which authorize nonresidents and certain nonprofit organizations to possess and exhibit live wild animals.

11. A captive wild animal auction and market license which authorizes the possessing, exhibiting and conducting of auctions and markets to sell live wild animals.

12. An initial validation license for which a person is eligible if the person holds a wildlife exhibit or game farm license at the time that this bill becomes law. This validation license authorizes the person to continue an activity that was authorized under the original wildlife exhibit or game farm license but that is no longer allowed under the provisions created in this bill.

13. A subsequent validation license for which a person is eligible if the person held a wildlife exhibit or game farm license at the time that this bill became law and if the person holds any necessary license under the provisions created in this bill. This validation license authorizes the person to continue an activity that was authorized under the original wildlife exhibit or game farm license and under the license needed under this bill's provisions but that is subsequently no longer allowed

BILL

due to the promulgation of rules by DNR under DNR's authority to impose additional requirements on holders of these licenses.

Public zoos and aquariums and circuses are exempt from most of these licensing requirements.

TYPES OF WILD ANIMALS SUBJECT TO LICENSING REQUIREMENTS

Under current law, all wild animals, including fish and insects, are subject to regulation as wildlife. This bill excludes fish entirely from the regulatory structure created in this bill, and the importing of fish for stocking and the stocking of fish are not affected by this bill. The bill also excludes domesticated animals. The bill defines "domesticated animals" to include certain types of pet birds, farm-raised deer, animals that are members of a species of wild animals but that are distinguishable from the wild members of the species due to long association with humans. The bill also requires DNR to promulgate a list of all other domesticated wild animals.

Most native wild animals are subject to the licensing requirements except for common species such as ground squirrels, mice, opossum, porcupines, pigeons and sparrows. Most types of wild animals that are not native to this state are exempt from the licensing requirements except for the following: certain nonnative deer, certain nonnative wild birds, endangered or threatened species that are native to other parts of the United States or Canada, nonnative inherently dangerous wild animals such as nonnative bear, and nonnative wild animals that pose a threat to the environment (environmentally injurious wild animals). Endangered or threatened species that are native to this state, the rest of the United States or Canada are subject to regulation both under this bill and under the other state laws covering endangered or threatened species.

The bill imposes specific regulatory schemes on native reptiles and amphibians and white-tailed deer raised for venison. The bill also imposes some tagging, record-keeping and labeling requirements for the sale and purchase of venison from white-tailed deer and of other wild animal parts except for dressed and raw furs.

The bill authorizes DNR to promulgate rules to designate species of wild animals as environmentally injurious or inherently dangerous wild animals and imposes additional restrictions on the possession of these animals. DNR must designate cougars and all species of bear as inherently dangerous under these rules.

HUNTING AND KILLING CAPTIVE WILD ANIMALS

Current law prohibits any person from killing or wounding with a deadly weapon any animal, wild or domesticated, that is intentionally confined. Confinement under current law includes being tied, staked out or held captive in an enclosure, regardless of size. Current law provides an exception to this prohibition for game farms licensed by DNR. The bill provides an exception for deer farms and bird hunting preserves licensed under provisions created in this bill. The bill also specifically exempts animals that are killed or wounded in accordance with normally acceptable animal husbandry practices.

Under current law, a conservation warden may not enforce the prohibition forbidding the killing or wounding of a confined animal with a deadly weapon and other provisions dealing with the treatment of captive animals. This bill specifically authorizes conservation wardens to enforce these provisions.

BILL

This bill also specifically prohibits hunting captive wild animals except under the authority of a deer farm license, a bird hunting preserve license or a dog training or trial license. The bill prohibits selling or purchasing the opportunity to hunt any captive wild animal except as authorized under a deer farm or a bird hunting preserve license.

The bill also requires DNR to allow hunting of farm-raised deer on farms that are registered with DNR. DNR may impose conditions on the hunting, and shall determine which hunting laws apply to the hunting, of farm-raised deer on these farms.

INTRODUCTION AND STOCKING OF WILD ANIMALS

Under current law, no person may import into this state a wild animal for stocking or releasing into the wild, or stock or release a wild animal, unless the person has a permit issued by DNR. Under the bill, a person may import and stock or release a wild animal if the person has a stocking permit issued by DNR or another type of license which authorizes the stocking or release. These licenses include bird hunting preserve licenses and dog training and trial licenses. In addition, DNR must determine that the wild animal is not environmentally injurious and is not detrimental to the state's natural resources. There are also special requirements if the wild animal has been exposed to, or infected with, any contagious disease. At the request of any city, village or town (municipality) in an area in which wild animals are stocked or released, the person stocking or releasing the animals must report to the municipality the type, number and location of the wild animals involved.

LICENSE FEES AND REQUIREMENTS, EFFECTIVE PERIODS**AND RECORD-KEEPING REQUIREMENTS**

The bill sets specific fees for these licenses. Under the bill, there is no fee for a rehabilitation license or either type of validation license.

Under the bill, periods of validity for the different types of licenses range from 30 days to five years, with the most common period of validity being from the date of issuance until the following December 31. Under current law, the most common period of validity for game farm licenses is from the date of issuance until the following December 31.

The bill requires DNR to provide any necessary tags at cost.

Under current law, DNR must require a person who is applying for any type of fish or game approval to provide DNR with his or her social security number. These approvals include recreational hunting and fishing licenses as well as all other fish and game licenses such as game farm licenses and fish dealer and taxidermist permits. DNR must deny the application if the person refuses to provide his or her social security number. DNR then discloses the number to the department of workforce development (DWD) and to the department of revenue (DOR) so that DWD and DOR may determine whether the person is delinquent in child support or in payment of certain state taxes. These provisions apply to the licenses created in this bill.

Under current law, there are various record-keeping requirements for operators of game farms and wildlife exhibits. This bill authorizes DNR to establish record-keeping requirements by rule. This bill also imposes specific record-keeping

BILL

requirements for most types of licenses. These specific provisions generally require such information as the date of the acquisition or transfer of a captive wild animal, the name and address of the person from whom or to whom the animal was transferred and information concerning the death or escape of captive wild animals. The bill requires that the records for inherently dangerous wild animals, environmentally injurious wild animals and certain families of wild animals, such as deer, bear and wild cats, be provided to DNR within seven days after the transaction. The bill also requires license holders to file annual reports with DNR summarizing the number of wild animals acquired, the number transferred or released, the number currently kept and the number that died, were killed or escaped.

ANIMAL HEALTH AND TREATMENT

The bill imposes requirements on transporting wild animals into this state. With limited exceptions, a person bringing a wild animal into this state must have documentation to show that he or she is in legal possession of the wild animal and must have a valid interstate health certificate or a valid certificate of veterinary inspection for the wild animal. A wild animal is exempt from these requirements if it is being brought directly into this state for rehabilitation or for slaughter at an establishment licensed by DATCP.

The bill requires DNR to promulgate rules to ensure that wild animals receive humane treatment and adequate housing, care and food and that the wild animals are held under sanitary conditions. No person may receive a license unless DNR determines that the person will comply with all of these rules.

The bill gives DNR specific authority to issue quarantine orders. The bill establishes a procedure for issuing these orders.

TAKING WILD ANIMALS INTO CUSTODY

This bill authorizes a conservation warden to take custody of a captive wild animal, on behalf of DNR, for various reasons. These reasons include the following:

1. The wild animal is a stray *or* is abandoned or unwanted.
2. The wild animal is possessed, stocked, exhibited propagated, rehabilitated, hunted, sold or purchased in violation of state laws or local ordinances regulating captive wildlife.
3. The wild animal is not confined as required by quarantine order or has been exposed to certain diseases.
4. The wild animal has caused damage to persons or property.
5. The wild animal is being housed or held in an inhumane manner.

The conservation warden must attempt to notify the owner of a wild animal taken into custody of the procedure by which the owner may recover the animal and the procedure to be followed if the animal is not returned to the owner.

DNR may contract with any other person to provide for the care and disposal of captive wild animals that it takes into custody.

Under this bill, generally, a wild animal taken into custody must be returned to its owner if the owner provides reasonable evidence of ownership, complies with the licensing requirements for captive wildlife and pays any charges incurred as a result of taking custody of the animal.

BILL

DNR may withhold a wild animal from its owner for various reasons. These reasons include the following:

1. There exists reasonable grounds to believe that the owner has mistreated the animal in violation of the laws regulating captive wild animals or that the animal poses a significant threat to public health, safety or welfare.
2. The animal may be used in a pending prosecution.
3. The court has ordered the animal to be withheld.

Under this bill, if the owner of an abandoned, escaped or stray wild animal does not claim the animal within seven days after custody is taken, the animal is considered unclaimed. DNR, or the party with whom DNR contracts, may then release the wild animal to a person other than the owner if the person complies with state and local laws regulating captive wildlife and pays any charges incurred as a result of taking custody of the animal. DNR or the contracting party may also dispose of an unclaimed or unwanted wild animal by selling it at public auction or by euthanizing it.

DNR or the contracting party may also euthanize any animal in its custody if the wild animal is hopelessly injured beyond any reasonable chance of recovery, the animal poses an imminent threat to public health or safety or the animal poses an imminent threat to the health or safety of itself or its custodian.

LOCALREGULATION

Under the bill, a municipality or county may enact and enforce ordinances prohibiting the possession or sale of live wild animals.

ENFORCEMENT AND PENALTIES

The bill gives DNR the specific authority to enter and inspect land, vehicles and buildings for the purpose of enforcement, to inspect wild animals that are to be stock or released into the wild and to have access to the records that must be kept by license holders. The bill limits this authority to normal business hours and other hours when the license holder is conducting business, unless the inspection is necessary for public health, safety or welfare. Current law authorizes DNR inspections of the area subject to the license at any time.

The bill imposes a general forfeiture for unlawfully possessing a wild animal and imposes increased penalties for specific activities such as illegally selling or purchasing wild animals, illegally taking live bear or deer from the wild and violating the provisions relating to diseased or environmentally injurious wild animals. The bill imposes increased penalties for repeat violations and contains provisions for licenses being revoked by DNR and by the courts.

The bill also requires DNR to cooperate with DATCP with respect to the laws governing captive wild animals and other animals regulated by DATCP.

For further information see the state **and local** fiscal estimate, which will be printed as an appendix to this bill.

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

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1 **SECTION 1.** 20.370 (1) (mu) of the statutes, as affected by 1999 Wisconsin Act
2 9, is amended to read:

3 **20.370 (1) (mu) *General program operations - state funds.*** The amounts in
4 the schedule for general program operations that do not relate to the management
5 and protection of the state's fishery resources under ss. 23.09 to 23.11, 27.01, 30.203
6 and 30.277, subch. VI of ch. 77 and chs. 22, 26, 28 and 29 and for transfers to the
7 appropriation account under s. 20.285 (1) (kf).

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

9 **20.370 (3) (mu) *General program operations - state funds.*** The amounts in
10 the schedule for law enforcement operations under ss. 23.09 to 23.11 and 166.04 and
11 chs. 22.29 and 30 and for review of environmental impact requirements under ss.
12 1.11 and 23.40.

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

CHAPTER 22**CAPTIVE WILDLIFE**

14
15
16 **22.01 Definitions.** In this chapter:

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

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

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

22 (b) Restrained by physical alterations that limit movement or facilitate
23 capture.

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

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

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

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

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

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

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

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

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

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

23 **(4) EXEMPTION FROM TRAPPING RESTRICTIONS.** Except as provided in sub. (2) (c),
24 a person trapping fur-bearing wild animals on a wild fur farm is exempt from having
25 any trapping approval issued under ch. 29 and is exempt from any closed season

BILL

1 restrictions, bag limits or other conditions or restrictions established by the
2 department under s. 29.014 (1) or 29.192.

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

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

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

9 **22.19 Bird hunting preserve licenses. (1) ISSUANCE.** The department shall
10 issue a Class A or a Class B bird hunting preserve license to any qualified person who
11 files a proper application and who pays the applicable fee,

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

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

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

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

22 1. Pheasants of the species *Phasianus colchicus* or the species *Syrmaticus*
23 *reevesii*.

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

25 3. Gray partridge.

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- 1 4. Chukar partridge.
- 2 5. Red-legged partridge.
- 3 6. Mallard ducks that are bred in captivity.
- 4 7. Wild turkeys, if the wild turkeys are located outside a wild turkey hunting
- 5 zone established under s. 29.164.

6 (c) The department shall specify on the license the types of wild birds that the

7 department authorizes under the license.

8 (3) **REGULATION OF NUMBER OF BIRDS.** (a) A person holding a bird hunting

9 preserve license may not allow the number of wild birds of a given species in the

10 preserve that are killed or taken in a given year to exceed the number of captive wild

11 birds of that species that have been stocked in the preserve for that license year.

12 (b) A Class A bird hunting preserve license authorizes the person holding the

13 license to possess any number of the species specified in sub. (2) (b) 2. to 7. and

14 requires the person to stock at least 1,001 adult pheasants in the preserve during the

15 license year.

16 (c) A Class B bird hunting preserve license authorizes the person holding the

17 license to possess any number of the species specified in sub. (2) (b) 2. to 7. and

18 prohibits the person from stocking more than 1,000 adult pheasants in the preserve

19 A holder of a Class B bird hunting preserve license possessing pheasants under th

20 license shall stock a minimum of one adult pheasant per 4 huntable acres that a

21 within the boundaries of the licensed preserve during the license year.

22 (4) **REQUIREMENTS FOR MALLARD DUCKS.** A person possessing mallard duck

23 under the authority of a bird hunting preserve license may possess only mall:

24 ducks that are bred in captivity and shall identify them as required under 50 C

25 21.13 (b). The person shall house the mallard ducks in pens that are covered

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1 maintained to prevent free-roaming wild waterfowl from being attracted to the pens
with the mallard ducks that are being bred.

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

6 (b) Except as provided in par. (c), a person hunting or taking wild birds on a bird
7 hunting preserve that have been stocked on the preserve is exempt from any closed
8 season restrictions, bag limits or other conditions or restrictions established by the
9 department under s. 29.014 (1) or 29.192.

10 (c) A person hunting mallard ducks shall comply with rules promulgated by the
11 department under ss. 29.014 and 29.192 governing the hunting of waterfowl.

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

15 **22.20 Dog training licenses. (1) BIRD DOG TRAINING LICENSE.** (a) The
16 department shall issue a bird dog training license to any qualified individual who is
17 at least 12 years of age who files a proper application and who pays the applicable
18 fee.

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

23 (c) The department may restrict the possessing, releasing and hunting of a
24 species of wild birds specified in par. (b) by persons holding dog training licenses in

BILL

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

3 **22.27 Nonresident temporary exhibiting license. (1) ISSUANCE.** The
4 department shall issue a nonresident temporary exhibiting license to any qualified
5 individual who is a nonresident or to any business organization that is not organized
6 under the laws of this state, who meets the requirement under sub. (2), who files a
7 proper application and who pays the applicable fee.

8 (2) **FEDERAL REQUIREMENT.** An applicant for a nonresident temporary exhibiting
9 license shall hold any license or permit that may be required under 7 USC 2131 to
10 2159 at the time the department issues the applicant the license.

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

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

17 (b) Move live wild animals in mobile facilities that do not meet the rules for
18 housing under s. 22.39.

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

22 **22.28 Captive wild animal auction and market license. (1) ISSUANCE.**
23 The department shall issue a captive wild animal auction and market license to any
24 qualified person who files a proper application and who pays the applicable fee.

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

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

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

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

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

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

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

22 **22.29 Validation licenses. (1) ELIGIBILITY.** (a) *Initial validation license.* A
23 person who meets all of the following conditions is eligible for an initial validation
24 license:

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1 1. The person has a license or permit under s. 29.863, 1997 stats., s. 29.865,
2 1997 stats., s. 29.867, 1997 stats., s. 29.869, 1997 stats., s. 29.871, 1997 stats., or s.
3 29.877, 1997 stats., on the effective date of this subdivision [revisor inserts date].

4 2. The licenses available under ss. 22.15 to 22.28 do not permit the continuation
5 of an activity that was allowed under the license or permit under s. 29.863, 1997
6 stats., s. 29.865, 1997 stats., s. 29.867, 1997 stats., s. 29.869, 1997 stats., s. 29.871,
7 1997 stats., or s. 29.877, 1997 stats., on the effective date of this subdivision
8 [revisor inserts date], at the location where the activity is being conducted on the
9 effective date of this subdivision [revisor inserts date].

10 3. The person obtains licenses under this chapter for any activity that was
11 allowed under the license or permit under s. 29.863, 1997 stats., s. 29.865, 1997
12 stats., s. 29.867, 1997 stats., s. 29.869, 1997 stats., s. 29.871 or 29.877, 1997 stats.,
13 on the effective date of this subdivision [revisor inserts date], and for which a
14 license under ss. 22.15 to 22.28 is available.

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

17 1. The person had a license or permit under s. 29.863, 1997 stats., s. 29.865,
18 1997 stats., s. 29.867, 1997 stats., s. 29.869, 1997 stats., s. 29.871, 1997 stats., or s.
19 29.877, 1997 stats., on the effective date of this subdivision [revisor inserts date].

20 2. The person obtained a license under ss. 22.15 to 22.28 for an activity that was
21 allowed under the license or permit under s. 29.863, 1997 stats., s. 29.865, 1997
22 stats., s. 29.867, 1997 stats., s. 29.869, 1997 stats., 29.871, 1997 stats., or s. 29.877,
23 1997 stats., on the effective date of this subdivision [revisor inserts date].

24 3. Rules applicable to licenses available under ss. 22.15 to 22.28 are
25 promulgated so as not to permit the continuation of an activity that was allowed

BILL

1 under the license or permit under s. 29.863, 1997 stats., s. 29.865, 1997 stats., s.
 2 29.867, 1997 stats., s. 29.869, 1997 stats., s. 29.871, 1997 stats., or s. 29.877, 1997
 3 stats., on on the effective date of this subdivision [revisor inserts date], at the
 4 location where the activity was conducted on the effective date of this subdivision
 5 [revisor inserts date].

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

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

11 (3) **ISSUANCE.** The department shall issue a single validation license to any
 12 eligible person who files a proper application for the license. The validation license
 13 shall apply to all activities described under sub. (4) (a). The department shall **specify**
 14 on the validation license the activities that are permitted under the license. The
 15 department shall combine a subsequent validation license with an initial validation
 16 license that has been previously issued to the same person.

17 **(4) AUTHORIZATION; LIMITATIONS.** (a) Except as provided in pars. (c) ^{to (e)} ~~and (d)~~ and
 18 sub. (5), a validation license authorizes the continuation of all activities that the
 19 holder of the validation license is authorized to conduct on the effective date of this
 20 paragraph [revisor inserts date], under a license or permit issued under s. 29.863,
 21 1997 stats., s. 29.865, 1997 stats., s. 29.867, 1997 stats., s. 29.869, 1997 stats., s.
 22 **29.871, 1997 stats., or s. 29.877, 1997 stats.,** if the holder is actually engaged in those
 23 activities on the effective date of this paragraph [revisor inserts date].

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

BILL

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

3 (d) A validation license ^{does not authorize} ~~may not permit~~ the hunting of pheasants in excess of
4 the number of pheasants stocked. ← [✓] INSERT 45 4

5 **(5) CONDITIONS.** (a) The department shall impose all of the conditions,
6 restrictions and regulations on the validation license that were applicable to the
7 same activity under s. 29.863, 1997 stats., s. 29.865, 1997 stats., s. 29.867, 1997
8 stats., s. 29.869, 1997 stats., s. 29.871, 1997 stats., or s. 29.877, 1997 stats., and under
9 any rules promulgated under those sections that were in effect on the effective date
10 of this paragraph [revisor inserts date].

11 (b) A validation license is subject to ss. 22.09, 22.11, 22.30, 22.33, 22.34, 22.35,
12 22.36, 22.37, 22.38, 22.39, 22.40, 22.41, 22.42, 22.43, 22.44, 22.45 and 22.46.

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

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

- 17 1. Acquires the land that is subject to the validation license.
18 2. Meets **the** requirements of this section.
19 3. Applies to the department for transfer of the validation license, or any
20 portion of the validation license, within 3 months after acquiring the land.

21 (c) If the holder of a validation license fails to renew the license within 45 days
22 after the license's expiration date, the license expires and may never be renewed.

23 (d) If the land subject to a validation license is transferred and the validation
24 license is not transferred as provided in par. (b), the license expires and may never
25 be renewed.

BILL**SECTION 3**

1 **22.30 Endangered and threatened species.** No person may take from the
2 wild, introduce, stock, release into the wild, exhibit, propagate, rehabilitate, hunt,
3 sell, purchase, transfer or engage in any other activity related to a live wild animal
4 that is a threatened or endangered species unless the person is in compliance with
5 this chapter and s. 29.604.

6 **22.31 License and tag fees. (1) FEES.** The following fees shall be paid to the
7 department for the issuance or renewal of licenses:

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

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

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

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

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

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

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

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

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



Insert 34-2 ✓

(4m) RESTRICTIONS ON HEN PHEASANTS. A person holding a Class B bird hunting preserve license may not allow the hunting or taking of hen pheasants beginning on December 15 of each year and ending on the following March 31 within the boundaries of the licensed preserve if the preserve is located totally or partially within a pheasant management zone, as established by the department, for purposes of s. 29.191. ✓

t/Insert 45-4

(e) A validation license does not allow the ~~huning~~ ^{under} or taking of hen pheasants beginning on December 15 of each year and ending on the following March 3 1 within the boundaries of a pheasant and quail farm licensed ~~un~~ ^{under} s. 29.864, 1997 stats., if the licensed farm is located totally or partially within a pheasant management zone ~~as~~ ^{that is} established by the department ~~y~~ for purposes of s. 29.191. ✓

