

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2708/P1dn

MGG:cjs:pg

March 8, 2001

1. The drafting instructions for this draft required many changes, and they are too numerous to list here. Please review the entire draft carefully to make sure that the interrelationship among the provisions under chs. 22, 29, and 95 achieve your intent.
2. I have taken this draft back to a preliminary draft under a new LRB number due to the complicated nature of the draft. This draft does not include the fencing certification provisions, provisions regarding the hunting of captive deer, or the language requested concerning DATCP 90-day orders. They will be included in a later version. Also, everywhere there is a reference to "animal" in ch. 95, I assume that it includes captive wild animals whether or not they are subject to regulation under ch. 22 I, therefore, took out s. 95.23 (5). You need to look carefully at ch. 95 to ascertain which sections, if any, should not apply to captive wild animals. Please call me to discuss this further. Also, Becky Tradewell needs to review the language found in chs. 93 and 95.
3. To achieve your intent that caged game birds (other than those used in hunting preserves) not be subject to ch. 22 or ch. 29, DATCP will need to include them as "domestic animals" in their rules for purposes of chs. 22, 29, and 95. Nothing in this draft specifically exempts them from regulation by DNR until that occurs. OK?
4. The provisions regarding interstate health certificates and certificates of veterinary inspection in this draft under chs. 22 and 95 do not mesh well. In ch. 22, the owner of the animal must have the certificate accompany the animal; in ch. 95 the veterinarian must file the certificate with DATCP. Also, the certificates seem to be mandatory under ch. 22, at least for wild animals not exempted under that chapter, and discretionary under s. 95.45. I will redraft these provisions in a subsequent draft after we discuss what you want to achieve.
5. Since s. 22.28 is eliminated from the draft, persons with validation licenses no longer can have wild animal markets or auctions. OK?
6. Section 22.36 (1) no longer deals with consignment sales. OK?
7. I did not draft the exemption for "legally harvested" wild animals under s. 22.05 because "take", by definition, is limited to taking animals alive.
8. Regarding ss. 29.088 and 29.601: Note the exemptions for farm-raised fish under ss. 29.088 (2g) and 29.601 (5) (b). Please carefully review s. 29.088 (1), (2), and (2m)

and 29.601 (4) to determine how these should apply to farm-raised deer, domestic game birds, or wild animals subject to regulation under ch. 22. In reviewing these provisions, remember that the definitions of “wild animal” and “game” in ch. 29 are very broad.

9. Should the last sentence in s. 22.37 (1) (d) apply to all animals? Note the language in the first sentence of that paragraph.

10. Regarding s. 29.301 (2): These clothing requirements apply to hunting on bird hunting preserves and deer farms. OK?

11. Regarding s. 29.314: As drafted, hunting of any kind of deer is not exempt from the shining restrictions. See s. 29.314 (3) (a). Also, hunting of raccoons, foxes, and other “unprotected wild animals” is not subject to the shining restrictions unless these animals are regulated under ch. 22. See s. 29.314 (5) (b) 3. OK?

12. Regarding s. 29.331: Under current law, s. 29.331 (2), (3), and (5) apply to trapping on wild fur farms. OK?

13. Regarding s. 29.354 (1): I took out the language regarding rehabilitation because rehabilitation of wild animals is covered exclusively in ch. 22. OK?

14. Regarding s. 29.364 (4): Is the amendment of the definition under s. 29.364 (4) (a) and the amendment of the definition of “game birds” under s. 29.001 (39) OK?

15. Regarding s. 29.974 (2): Note that this applies to any statute related to the taking of any wild animal, regardless of whether the statute is in ch. 22 or 29. OK?

16. Regarding s. 29.741 (2): I attempted to clarify this language. Please make sure that I made no substantive changes.

17. Note that I have amended s. 29.924 (4) and (5) so that these provisions only apply to wild animals subject to regulation under ch. 29. OK?

18. The language regarding altering and tampering with tags or tattoos has been deleted from the draft under ch. 22. I added language into s. 29.957 to cover tags or seals required under ch. 22. OK?

19. I deleted the amendment to s. 29.361 (6) that was in the earlier version because I assume that there are no deer that are subject to ch. 22 in this version.

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