

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2708/P4dn
MGG:cjs:jf

May 14, 2001

1. I have added a cross-reference to ch. 22 in s. 23.65 (1). It appears to have been inadvertently omitted in previous drafts. I also created a provisions parallel to s. 23.795 (3), which is created in the draft, for violations of s. 90.21. See s. 23.795 (4), as created in this draft.
2. I added a cross-reference to s. 90.21 in s. 25.29 (1) (a) and (4m) so that the fees collected for these certificates will go into the conservation fund. I also added cross-references to s. 90.21 in s. 20.370 (1) (mu) and (3) (mu).
3. Note the changes in the definition of "animal". The rule-making requirement is included to address the concern that an "animal" may be a pest in some instances (and therefore exempt from ch. 22) and not in others. Please call me to discuss any changes.
4. I have changed the term "wild animal" to "wild bird" in s. 22.04 (4) (b) 2. and have created a definition of "migratory bird" and "pet bird." See s. 22.01 (19m) and (25m).
5. In order to clarify the differences and interrelationship among fur-bearing wild animals on wild fur farms under ch. 22, domestic fur-bearing animals as specified in s. 22.015, and fur-bearing animals under ch. 29, I have rewritten s. 22.14 (3) (a). Please review. I also have decided not to move the language found in s. 22.015. As the drafter, I feel it is better to have it near the definition of "domestic animal" in ch. 22.
6. Please review my amendments to the definition of "game birds" in s. 29.001 (39) and 95.001 (1) (ac). I drafted them this way to avoid confusing cross-references within the definition that occur with the use of the phrase "does not include," i.e., a "game bird" under ch. 29 does not include a "farm-raised game bird" and "farm-raised game bird" does not include a ch. 22 game bird. Please call me to discuss any concerns you have with this.
7. DATCP's rules use "certified" for in-state veterinarians and "accredited" for out-of-state veterinarians. I have drafted the definition of veterinarian to mirror those rules. Please review.
8. Based on my conversation with Sarah Hurley, I have taken out the cross-reference to ch. 94 in s. 22.03.
9. Please review my redrafting of s. 22.29 (4) (e) to make sure it achieves your intent.
10. As drafted, the fees received for participation in the national poultry improvement plan will just go into the general fund. Do you want them to go into an existing or new

appropriation? Also, I did not draft language giving DATCP general authority to promulgate rules under s. 95.57. They have that authority pursuant to 9 CFR 145.2 (d) and ss. 227.01 (13) and 227.11 (2) (a), stats.

11. Regarding inspection authority and granting DNR access to certain records, I have created a separate section in ch. 95 that applies to farm-raised deer, farm-raised game birds, and wild animals held under licenses issued under s. 95.68 or 95.69. Regarding farm-raised deer, note that I did not limit DNR's authority to those required to be registered under s. 95.55. (Under the bill, DATCP can grant exemptions from those registration requirements.) I have also added provisions to the fence inspection authority under s. 90.21. Please review, especially the cross references in s. 95.59 (1) (b), (c), and (e).

12. Note that in the s. 95.59 inspection language, "farm-raised deer" is not limited to "white-tailed deer" in s. 95.59 (2) (a) and (b) and (3) (b).

13. The bill does not currently contain a provision that is similar to s. 29.961 (2). Do you want one?

14. I drafted the language in s. 22.36 (10m) in response to Mike Lutz's concerns regarding records. Please have him review it.

15. Do you want any time limit for a revocation under s. 90.21 (7) (a)? Note the time limit for a suspension under s. 90.21 (8) (b).

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