

2001 DRAFTING REQUEST

Bill

Received: 03/03/2001

Received By: gibsom

Wanted: Soon

Identical to LRB:

For: DuWayne Johnsrud (608) 266-3534

By/Representing:

This file may be shown to any legislator: NO

Drafter: gibsom

May Contact:

Addl. Drafters:

Subject: **Agriculture - animals
Nat. Res. - fish and game**

Extra Copies: **DNR Sarah Hurley**

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Captive wildlife, partial transfer to DATCP

Instructions:

See Attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
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→ At Intro.

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By/Representing: Sara Hurley

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May Contact:

Addl. Drafters:

Subject: Agriculture - animals
Nat. Res. - fish and game

Extra Copies:

Submit via email: ~~NO~~ Yes to Sarah Hurley at DNR

Requester's email:

Pre Topic:

No specific pre topic given

Topic:

Captive wildlife, partial transfer to DATCP

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Bill

Received: **03/03/2001**

Received By: **gibsom**

Wanted: **Soon**

Identical to LRB:

For: **Natural Resources**

By/Representing: **Sara Hurley**

This file may be shown to any legislator: **NO**

Drafter: **gibsom**

May Contact:

Addl. Drafters:

Subject: **Agriculture - animals**
Nat. Res. - fish and game

Extra Copies:

Submit via email: **NO**

Requester's email:

Pre Topic:

No specific pre topic given

Topic:

Captive wildlife, partial transfer to DATCP

Instructions:

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02

2001 DRAFTING REQUEST

Bill

Received: 03/03/2001

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Identical to LRB:

For: Natural Resources

By/Representing: Sara Hurley

This file may be shown to any legislator: NO

Drafter: gibsom

May Contact:

Addl. Drafters:

Subject: Agriculture - animals
Nat. Res. - fish and game

Extra Copies: 1-RCT

Submit via email: NO

Requester's email:

Pre Topic:

No specific pre topic given

Topic:

Captive wildlife, partial transfer to DATCP

Instructions:

See Attached

Drafting History:

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/PS cjs $\frac{6/3}{0}$

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Add. Drafters:

Subject: Agriculture - animals
Nat. Res. - fish and game

Extra Copies:

Submit via email: NO

Requester's email:

Sarah Hurley

*E-mail
To*

Pre Topic:

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Captive wildlife, partial transfer to DATCP

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Drafter: **gibson**

May Contact:

Addl. Drafters:

Subject: **Agriculture - animals
Nat. Res. - fish and game**

Extra Copies: **RCT**

Submit via email: ~~NO~~ **Yes to Sarah Hurley**

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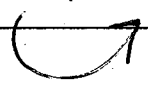
Drafter: gibsom

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Addl. Drafters:

Subject: Agriculture - animals
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Extra Copies: Becky Tradewell
e-mail Sara Shapiro Hurley



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MGG

Preliminary Draft
2/15/2001

Captive Wildlife Legislation

GENERAL PRINCIPLES

- **The Department of Agriculture, Trade and Consumer Protection (DATCP) will register herds of farm-raised deer (which will now include white-tails) and flocks of captive game birds. (See draft changes to ch. 95, attached.)**
 - DNR will *not* register herds of farm-raised deer or flocks of captive game birds.
 - Keepers of farm-raised deer must have the deer tested for TB and chronic wasting disease. DATCP will spell out testing requirements by rule.
- **The Department of Natural Resources (DNR) may regulate captive wild animals, to the extent provided in this legislation. But this legislation will *not* authorize DNR to regulate *domestic animals*. Nor will it prohibit the killing or selling of *domestic animals*.¹ *Domestic animals* include all the following:**
 - Farm animals, including cattle, swine, poultry, sheep and goats.
 - Horses, mules, donkeys and asses.
 - Work animals, racing animals, companion animals, and traditional household pet species.
 - Farm-raised deer registered with DATCP.
 - Captive game birds registered with DATCP.
 - Animals raised and held in captivity for the production of food, clothing or other commodities, or for the breeding of other animals for that purpose. This includes farm-raised fish, bison, mink and ratites.

¹ To implement this principle, it will be necessary to modify proposed ss. 22.09 and 22.10, Stats., and current s. 951.09(1), Stats. For example, current s. 951.09(1), Stats., could conceivably be misinterpreted to prohibit the legal slaughter of livestock or poultry.

- **DATCP will continue to do all the following:**
 - **Regulate animal imports and movement.** Under current law, DATCP may regulate animal imports or movement (any animals) in order to protect the "livestock interests" of the state. DATCP currently restricts animal imports and movement by rule (general restrictions) and by order (quarantines and other orders directed to the owners of specific animals). This legislation will clarify that DATCP may regulate animal imports and movement to prevent the introduction or spread of disease that threatens animal or human health (not just "livestock interests").
 - **Perform animal health inspections and tests.** DATCP currently has authority, under s. 95.23, Stats., and other statutes, to perform animal health investigations, including inspections and tests on any animals (domestic or wild).
 - **Examine animal health documentation.** DATCP is the clearinghouse for all interstate health certificates. Under current rules (and this legislation), whenever an interstate health certificate is required to accompany an imported animal, a copy must be filed with DATCP. Under this legislation, if DNR requires an interstate health certificate for an imported *wild animal*, the accredited veterinarian issuing the certificate must file a copy with DATCP (not DNR). DATCP will provide a copy to DNR. An interstate health certificate includes a certificate of veterinary inspection.
 - **Receive disease reports.** Under current law, veterinarians finding certain animal diseases must report those disease findings to DATCP. DATCP rules specify the diseases that are reportable. DATCP will continue to receive these disease reports, both for domestic animals and wildlife. DNR may ask DATCP to add wildlife diseases to the list. Under this legislation, DATCP must notify DNR of any disease reports if the DATCP determines the disease presents a threat to wildlife. Veterinarians need not file duplicate reports with DNR.
 - **Condemn diseased animals.** Under current law, DATCP may condemn diseased animals (any animals) as necessary to control the spread of disease among domestic animals. This legislation provides that DATCP may condemn animals to control the spread of disease (including disease affecting wild animals and humans, not just domestic animals).
 - **Pay indemnities for condemned livestock.** DATCP is currently authorized to pay indemnities for condemned *livestock*. This legislation does not change the current indemnity provisions (which are generally limited to livestock or food animals, including farm-raised deer). But by expanding the current definition of "farm-raised deer" to include farm-raised white-tails, it permits indemnity payments for condemned farm-raised white-tails.

- *License livestock markets, dealers and truckers.* DATCP currently licenses livestock markets, dealers and truckers. For purposes of this licensing, livestock is defined as bovine animals, sheep, goats, swine, farm-raised deer and equine animals. Under this legislation, DATCP will also license markets, dealers and truckers of white-tail deer and captive game birds.

Proposed Changes to Chapter's 93 and 95, Stats.

NOTE: The following draft changes to ch. 95, Stats., would implement some of the general principles above. The DNR draft bill must also be modified to implement the general principles.

SECTION ____. 93.07(10)(b) of the statutes is amended to read:

93.07(10)(b) To protect the health of domestic animals and humans of the state; to determine and employ the most efficient and practical means for the prevention, suppression, control and eradication of communicable diseases among domestic animals, and for these purposes it may establish, maintain, enforce and regulate such quarantine and such other measures relating to the importation, movement and care of animals and their products, the disinfection of suspected localities and articles, and the disposition of animals, as the department may deem necessary. The definition of "communicable disease" in s. 990.01(5g) does not apply to this paragraph.

SECTION ____. 95.001(1)(a) of the statutes is renumbered (c) and amended to read:

95.001(1)(c) "Farm-raised deer" means ~~an animal that is a member of the family cervidae and of the genus dama, the genus rangifer or the genus cervus, except a cervid that is held in captivity.~~ "Farm-raised deer" does not include a deer or elk that is present in the wild and that does not have an ear tag or other mark identifying it as being raised on a farm a farm-raised deer.

SECTION ____. 95.001(1)(am), (b) and (c) are renumbered (d) to (f).

SECTION ____. 95.001(1)(a) and (b) of the statutes are created to read:

95.001(1)(a) "Captive game birds" means birds of a normally wild type that are held in captivity. "Captive game birds" does not include poultry or ratites.

(b) "Domestic animal" means an animal of a type domesticated by humans, and includes all the following:

1. Farm animals, including cattle, swine, poultry, sheep and goats.
2. Horses, mules, donkeys and asses.
3. Work animals, racing animals, companion animals, and traditional household pet species.
4. Farm-raised deer.

5. Captive game birds.

6. Animals raised and held in captivity to produce food, clothing or other commodities, or to breed other animals for that purpose. This includes farm-raised fish, bison, mink and ratites.

NOTE: The term "domestic animal" is not currently defined, but is currently used in ss. 95.12 (false pedigree), 95.13 (misrepresenting breed), 95.20 (animal imports and movement), 95.31 (condemnation to prevent spread of disease among "domestic animals"). The proposed legislation would not authorize DNR licensing or regulation of "domestic animals."

SECTION ____. 95.20 of the statutes is repealed and recreated to read:

95.20 Animal imports and movement. The department may do any of the following if the department has reasonable grounds to believe that the action is necessary to prevent the introduction or spread of disease that threatens the health of animals or human beings in this state:

- (1) Prohibit or regulate imports of animals to this state.
- (2) Prohibit or regulate the movement of animals within this state.

SECTION ____. 95.22 of the statutes is repealed and recreated to read:

95.22 Reports of animal diseases. (1) A veterinarian shall report to the department whenever the veterinarian becomes aware of a reportable disease among animals in this state. The department shall promulgate rules specifying all the following:

- (a) The diseases that a veterinarian must report.
 - (b) The deadline by which a veterinarian must report each disease.
 - (c) The information that the veterinarian must include in a report.
 - (d) The procedure that the veterinarian must use to report.
- (2) The department shall notify the department of natural resources of disease reports under sub. (1), if the department determines the disease may present a threat to wild animals in this state.

SECTION ____. 95.31(1) of the statutes is amended to read:

95.31(1) The department shall ~~have general power and authority to~~ may condemn ~~and order the slaughter or destruction of~~ animals affected with or exposed to contagious and ~~and~~ or infectious diseases, as necessary to prevent or control the spread of ~~dangerous~~

those diseases among domestic animals of this state. Condemned animals shall be slaughtered or destroyed as directed by the department. The department shall pay indemnities to the animal owners of animals condemned and destroyed as provided in if the department is authorized to pay indemnities under this chapter.

} strike

SECTION ___. 95.45(4) to (6) of the statutes are created to read:

95.45(4) Whenever an interstate health certificate is required to accompany an animal imported into this state, the accredited veterinarian who issues the interstate health certificate shall file a copy of the certificate with the department of agriculture, trade and consumer protection.

ATCP
11

(5) If the department of natural resources requires an interstate health certificate for the import of a captive wild animal, the accredited veterinarian who issues the certificate shall file a copy of the certificate with the department of agriculture, trade and consumer protection. The department of agriculture, trade and consumer protection shall provide a copy of the certificate to the department of natural resources. The accredited veterinarian who issues the certificate is not required to file a separate copy with the department of natural resources.

(6) In this section, the term "interstate health certificate" includes a certificate of veterinary inspection.

Deferred term.

SECTION ___. 95.55(1)(a) of the statutes is amended to read:

95.55(1)(a) Except as provided in par. (b) or by department rule, no person may keep farm-raised deer unless the person is registered with the department under this section.

SECTION ___. 95.55(5) of the statutes is created to read:

95.55(5) RULES. The department shall promulgate rules to regulate persons keeping farm-raised deer. The rules may include:

(a) Disease testing requirements and standards to prevent the spread of disease. The department shall establish testing requirements for bovine tuberculosis and chronic wasting disease.

(b) Annual registration requirements and fees.

(c) Exemptions from annual registration requirements.

(d) Methods of identifying legally ^{hunting} harvested farm-raised deer.

(e) SECTION ___. 95.61 of the statutes is created to read:

Minimum of 80 acres if ^{commercial} hunting is allowed.
has to be

95.61 Captive game birds; registration. (1) REGISTRATION. (a) Except as provided in par. (b) or by department rule, no person may keep captive game birds unless that person holds an annual registration certificate from the department under this section.

(b) Establishments licensed under s. 97.42 may keep live captive game birds for slaughtering purposes for up to 72 hours without being registered under this section.

(2) APPLICATION AND FEE. A person shall apply for a registration certificate under sub. (1) on a form provided by the department. The application shall include the registration fee provided under sub. (3)(b).

(3) RULES. The department shall promulgate rules to regulate persons keeping captive game birds. The rules may include:

- (a) Disease testing requirements and standards to prevent the spread of disease.
- (b) Annual registration requirements and fees.
- (c) Exemptions from annual registration requirements.

do not draft

SECTION ____. 95.68(1)(d) is amended to read:

95.68(1)(d) "Livestock" means bovine animals, sheep, goats, swine, farm-raised deer, captive game birds and equine animals.

except those under the p. 14

jurisdiction of DNR

22.01 Definitions

"Farm Raised White-tailed Deer" means a white-tailed deer that is legally held in captivity on a deer farm registered under s. 95.55.

"Wild White-tailed deer" means a white-tailed deer that is present in the wild and that does not have a ear tag or other mark identifying it as being raised on a farm.

22.16 Farm Raised White-tailed Deer (1). FENCE INSPECTION CERTIFICATE.

The department shall issue a fence inspection certificate to any person who files a proper application, constructs a fence to the required standards and pays the applicable inspection fee.

(2) AUTHORIZATION. A fence inspection certificate authorizes all of the following:

- (a) To receive a farm raised deer farm registration from DATCP under s.95.55 for white-tailed deer.
- (b) Exemption from hunting restrictions. A person hunting Farm Raised White-tailed Deer on a farm raised deer farm registered under s. 95.55 is exempt from having any hunting approval issued under ch. 29 and is exempt from any closed season restrictions, bag limits, or other conditions or restrictions established by the department under 29.014(1)
- (c) Exception from the restrictions of hunting inside of fenced enclosures from 951.09.

(3) CONTROL OF DEER. If any farm raised white-tailed deer escapes from its enclosure or fenced area, the person holding the license shall notify the department within 24 hours after the escape. ~~The department shall be notified before any attempt is made to recapture an escaped farm raised white-tailed deer.~~

*within
29.8.75*

(5) WILD WHITE-TAILED DEER. A person applying for a farm raised white-tailed deer farm fence inspection certificate shall make a reasonable effort to drive all wild white-tailed deer from the land subject to the license prior to the land being completely enclosed by a fence. No deer baiting material shall be placed in the area to be enclosed by the deer fence immediately prior to fencing or during the fencing operation. White-tailed deer remaining with in the boundaries after the fence enclosure is complete shall be killed or sold to the applicant at the discretion of the department. The applicant shall pay the department market value for each live wild white-tailed deer remaining with in the boundaries of the enclosure.

*DNR choses
to whether
they will
or sold to
applicant.
DNR decides
who will
do the killing*

(6) RULES The department ^{shall} ~~may~~ promulgate rules to establish additional standards and requirements for farm raised white-tailed deer farm fences, including but not limited to predator proofing requirements and stream crossing requirements.

*Sold to the
applicant.*

(7) INSPECTION AUTHORITY. The department may at anytime inspect any farm raised white-tailed deer farm fence to determine if the fence is in good repair and capable of preventing, wild white-tailed deer from entering the enclosure or farm raised white-tailed deer from escaping from the enclosure. The department may issue orders requiring

2001 BILL

1 **AN ACT** *to repeal* 29.024 (2r) (a) 17., 29.024 (2r) (a) 18., 29.024 (2r) (a) 19., 29.024
2 (2r) (a) 20., 29.024 (2r) (a) 21., 29.321, 29.563 (9) (intro.) and (a) (title), 29.563
3 (9) (a) 2. to 10. and (b), 29.563 (9) (c), 29.741 (1), 29.745, 29.853 (title), 29.853
4 (1), 29.853 (2), 29.853 (3), 29.853 (4m), 29.853 (5) (title), 29.855 (title), 29.855
5 (1), 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, 29.877, 29.879 and
7 29.881; *to renumber* 23.51 (1), 29.563 (9) (a) 1., 29.741 (2) and 29.873; *to*
8 *renumber and amend* 29.334, 29.351, 29.354 (2), 29.853 (5), 29.855 (4),
9 951.015 and 951.09; *to amend* 20.370 (1) (mu), 20.370 (3) (mu), 23.09 (2) (f),
10 23.50 (1), 23.50 (3), 23.51 (5), 23.65 (1), 25.29 (1) (a), 25.29 (4m), 29.024 (1),
11 29.024 (2g) (a) 2., 29.024 (2r) (am), 29.042 (1), 29.047 (2) (b), 29.191 (2) (a) 3.,
12 29.314 (5) (b) 3., 29.319 (1) (intro.), 29.347 (2), 29.347 (6), 29.354 (1), 29.357 (5)
13 (b), 29.361 (6), 29.364 (5), 29.506 (4), 29.541 (3), 29.614 (3), 29.875 (1), 29.885
14 (1) (f), 29.889 (1) (intro.), 29.921 (7), 29.927 (8), 29.931 (1), 29.931 (2) (a), 29.934

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1 (2), 29.969, 49.857 (1) (d) 2., 59.25 (3) (f) 2., 59.40 (2) (m), 73.0301 (1) (d) 1., 93.07
2 (10) (b), 167.31 (4) (b), 814.60 (2) (e), 895.57 (3), 943.75 (3), 951.18 (4) (a) 2.,
3 951.18 (4) (b) 1. and 973.05 (1); **to repeal and recreate** 29.741 (title); and **to**
4 **create** chapter 22, 23.51 (1d), 23.51 (9m), 23.795 (3), 29.011 (3), 29.038 (5),
5 29.192 (6), 29.351 (2), 29.354 (2) (b), 29.354 (5), 29.501 (9m), 29.539 (7), 29.931
6 (4), 95.23 (5), 951.01 (1m), 951.015 (2), 951.09 (2) and 951.09 (3) of the statutes;
7 **relating to:** the possession of wild animals, enforcement of certain laws
8 relating to mistreatment of wild animals, hunting of farm-raised deer, granting
9 rule-making authority, making appropriations, and providing penalties.

Analysis by the Legislative Reference Bureau**LICENSING**

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). Under current law, 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 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, coyote, mink, otter, muskrat, and raccoon.

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

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

9. An exhibiting license which authorizes nonresidents and certain nonprofit organizations to possess and exhibit live wild animals.

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

11. 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.

12. 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 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 animal 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. DNR must include fur-bearing animals bred and raised in captivity on this list.

Under this bill, most native wild animals are subject to 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

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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 additional 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 accepted 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.

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 must 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

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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 the licenses created under the bill except that 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 for free or 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 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 person is exempt from these requirements if the

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wild animal 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.

The bill gives DATCP general authority to protect the health of captive wild animals.

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 procedures under current fish and game law for the seizure and disposal of wild animals found in the wild apply to the taking into custody of captive wild animals.

LOCAL REGULATION

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 stocked 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 also gives DATCP general authority to conduct inspections to enforce laws related to the health of captive wild animals. No limit is imposed on the hours when DATCP may conduct these inspections.

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 the revocation of licenses by DNR and by the courts.

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

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

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

2 20.370 (1) (mu) *General program operations — state funds.* The amounts in
3 the schedule for general program operations that do not relate to the management
4 and protection of the state's fishery resources under ss. 23.09 to 23.11, 27.01, 30.203
5 and 30.277, subch. VI of ch. 77 and chs. 22, 26, 28 and 29 and for transfers to the
6 appropriation account under s. 20.285 (1) (kf).

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

8 20.370 (3) (mu) *General program operations — state funds.* The amounts in
9 the schedule for law enforcement operations under ss. 23.09 to 23.11 and 166.04 and
10 chs. 22, 29 and 30 and for review of environmental impact requirements under ss.
11 1.11 and 23.40.

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

13 **CHAPTER 22**

14 **CAPTIVE WILDLIFE**

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

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

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

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

BILL**SECTION 3**

1 (b) Restrained by physical alterations that limit movement or facilitate
2 capture.

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

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

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

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

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

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

13 (7) "Domesticated animal" means farm-raised deer; ^{including whitetailed deer} a pet bird that is either a
14 psittacine or a softbill and is not native, is not endangered or threatened, and is not
15 a migratory bird on the list in 50 CFR 10.13 that is promulgated under 16 USC 701
16 to 715s; or an animal that is all of the following:

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

21 (b) Listed as a domesticated animal by rule by the department ~~by rule by the department~~

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

23 (9) "Endangered or threatened species" means those species of wild animals
24 that are indigenous to the United States or Canada and are identified on the federal

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1 list of endangered and threatened species or on the Wisconsin list of endangered and
2 threatened species.

3 **(10)** ^{Prohibited} "Environmentally injurious wild animal" means a species of wild animal
4 that ~~is not a native wild animal and that~~ is capable of inflicting harm to the
5 environment, ^{public or domestic animal health or is otherwise deleterious}
^{to the extent that possession is prohibited.}

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

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

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

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

13 **(15)** "Harm to the environment" includes adversely affecting the natural
14 population dynamics of wild animals or wild plants, adversely affecting the habitat
15 of wild animals or wild plants, or displacing wild animals or wild plants from any part
16 of their habitat.

17 **(16)** "Humane officer" means an officer appointed under s. 173.03.

18 **(17)** "Inherently dangerous wild animal" means a species of wild animal that
19 is capable of inflicting severe ~~bodily~~ harm to a human ^{or domestic animal}.

20 **(18)** "Introduce" means to release for the purpose of allowing the animal to
21 establish a population in an area in the wild where that type of animal is not
22 naturally present at the time the wild animal is released.

23 **(19)** "Law enforcement officer" has the meaning given in s. 165.85 (2) (c) and
24 does not include a conservation warden.

25 **(20)** "License year" means the year during which a license is valid.

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- 1 (21) “Municipality” means a city, village, or town.
- 2 (22) “Native” means indigenous and occurring or having occurred naturally
3 within the boundaries of this state.
- 4 (23) “Nonnative wild animal” means a wild animal that is not native.
- 5 (24) “Nonresident” means a person who is not a resident of this state.
- 6 (25) “Person” means any individual, partnership, firm, joint stock company,
7 corporation, association, trust, estate, or other legal entity.
- 8 (26) “Possess” means to own, control, restrain, transport, or keep.
- 9 (27) “Propagate” means to breed, encourage, or facilitate for the purpose of
10 generating offspring.
- 11 (28) “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 (29) “Purchase” means to acquire through a sale or through an exchange for
15 consideration.
- 16 (30) “Raw fur” has the meaning given in s. 29.501 (1) (e).
- 17 (30m) “Rehabilitate” means to provide care or treatment to an orphaned, sick,
18 or injured wild animal for the purpose of releasing it back into the wild.
- 19 (31) “Sell” means to transfer or exchange for consideration.
- 20 (32) “State resident” has the meaning given “resident” in s. 27.01 (10) (a).
- 21 (33) “Stock” means to release for the purpose of increasing or maintaining a
22 population of the animal.
- 23 (34) “Take” means to capture, but does not include killing.
- 24 (35) “Veterinarian” means an individual who is licensed as a veterinarian
25 under ch. 453 or by another state and who is accredited under 9 CFR subch. J.

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

2 (37) "Wild animal" means any animal of a wild nature that is normally found
3 in the wild and that is not a domesticated animal.

4 (38) "Wild bird" means a wild animal that is a bird.

5 (39) "Wild reptile" means a wild animal that is a reptile.

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

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

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

24 **22.03 Interagency cooperation.** The department of natural resources ^{and} ~~shall~~ ^{DATCP}
25 cooperate ~~with the department of agriculture, trade and consumer protection~~ with

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1 respect to any wild animal that is subject to regulation under this chapter and ch.
2 93, 94, or 95.

3 **22.04 Possession of live wild animals. (1) RESTRICTIONS ON POSSESSION. (a)**

4 No person may possess any live wild animal unless the wild animal is legally
5 obtained.

6 (b) No person may possess any live wild animal unless the person holds a
7 license or other approval to possess the wild animal as required under this chapter
8 or under s. 29.319 and the person is otherwise in compliance with this chapter and
9 the rules promulgated under this chapter.

10 **(2) TEMPORARY POSSESSION. (a)** A person possessing a live native wild animal
11 for a period not to exceed 24 hours is exempt from having a license or other approval
12 as required under sub. (1) (b) if the person is possessing the wild animal for any of
13 the following purposes:

14 1. To restrain or transport the wild animal for medical treatment by a
15 veterinarian or by a person holding a rehabilitation license.

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

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

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

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

4 (d) If a live wild animal has been exposed to or infected with any contagious or
5 infectious disease, as defined under rules promulgated by the department of
6 agriculture, trade and consumer protection under s. 95.001 (2), ~~or a reportable~~
7 ~~disease, as designated by the department of natural resources under s. 22.44 (2),~~
8 during the time the wild animal is being temporarily possessed, the person
9 possessing the wild animal shall have a valid interstate health certificate or a valid
10 certificate of veterinary inspection issued by a veterinarian certifying that the wild
11 animal is free of any such diseases before releasing it into the wild.

12 (3) WILD ANIMALS UNDER ANOTHER JURISDICTION. A live wild animal possessed
13 by a nonresident under the legal authority of another state, province, or country may
14 be possessed in this state by the nonresident for not more than 60 days from the date
15 the wild animal enters the state if the wild animal is accompanied by all of the
16 following:

17 (a) A valid interstate health certificate or a valid certificate of veterinary
18 inspection issued by a veterinarian.

19 (b) Every license or other approval that is required by the other state, province,
20 or country.

21 (4) EXEMPTION FOR CERTAIN WILD ANIMALS. (a) A person is exempt from holding
22 a license or other approval as required under this chapter to possess live native wild
23 animals if the wild animals are not endangered or threatened species and are any
24 of the following:

25 1. Arthropods.

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- 1 2. Chipmunks.
- 2 3. Pocket gophers.
- 3 4. Mice.
- 4 5. Moles.
- 5 6. Mollusks.
- 6 7. Opossums.
- 7 8. Pigeons.
- 8 9. Porcupines.
- 9 10. Rats.
- 10 11. Shrews.
- 11 12. English sparrows.
- 12 13. Starlings.
- 13 14. Ground squirrels.
- 14 15. Red squirrels.
- 15 16. Voles.
- 16 17. Weasels.

17 (b) A person is exempt from holding a license or other approval as required
 18 under this chapter to possess live nonnative wild animals that are not endangered
 19 or threatened species, except for any of the following:

20 1. Pheasants of the species *Phasianus colchicus* or *Syrmaticus reevesii*, chukar
 21 partridge, or gray partridge that are possessed for use under a bird hunting preserve
 22 license, a dog training license, a hound training license, a dog club training license,
 23 a dog trial license, or a hound trial license.

24 2. Nonnative wild animals of the family anatidae ~~or of the family cervidae.~~ → ATCP

25 3. Nonnative wild animals that are inherently dangerous wild animals.

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1 (5) EXEMPTION FOR CERTAIN PERSONS AND INSTITUTIONS. (a) Each of the following
2 from holding a license or other approval as required under this chapter:

3 1. Veterinarians, for the purpose of providing medical treatment to wild
4 animals.

5 2. Public zoos or aquariums.

6 3. Circuses and the Circus World Museum located in Baraboo, Wisconsin.

7 4. The department.

8 (b) For purposes of par. (a) 1., "medical treatment" does not include
9 rehabilitation.

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

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

14 **22.05 Taking of wild animals. (1) REQUIREMENT.** No person may take any
15 wild animal from the wild except as authorized under a bird hunting preserve
16 license, a wild fur farm license, a rehabilitation license, or a scientific research
17 license or under s. 29.319. *or in accordance with Chapter 29*

18 (2) EXEMPTION FOR CERTAIN WILD ANIMALS. (A person is exempt from the
19 requirement under sub. (1) if the wild animal that the person takes from the wild is
20 a native wild animal that is exempt under s. 22.04 (4) (a). *No duty of means live animals*
if take

(3) Legally harvested under Chapter 29

21 (3) EXEMPTION FOR CERTAIN PERSONS AND INSTITUTIONS. (a) Each of the following
22 is exempt from the requirement under sub. (1):

23 1. Veterinarians, for the purpose of providing medical treatment to wild
24 animals.

25 2. The department.

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

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

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

7 **22.06 Introduction, stocking, and release of wild animals. (1)**

8 REQUIREMENT: PERSONS OTHER THAN THE DEPARTMENT. (a) No person may introduce,
9 stock, or release into the wild, or import into this state to introduce, stock, or release
10 into the wild, any wild animal except as authorized under a bird hunting preserve
11 license, a bird dog training license, a hound dog training license, a dog club training
12 license, a bird dog trial license, a hound dog trial license, a stocking license, a
13 rehabilitation license, or a scientific research license or under s. 29.319.

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

18 (c) The department may authorize the introducing, stocking, releasing into the
19 wild, or importing of a species of wild animal only if the department has determined
20 that the wild animal will not be detrimental in any manner to the conservation of the
21 natural resources of this state.

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

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

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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. 22.44 (2), the~~
3 person introducing, stocking, or releasing the wild animal shall hold a valid
4 interstate health certificate or a valid certificate of veterinary inspection issued by
5 a veterinarian certifying that the wild animal is free of any such diseases before the
6 introducing, stocking, or release.

7 2. A person introducing, stocking, or releasing wild birds under the authority
8 of a stocking license, a bird hunting preserve license, a bird dog training license, or
9 a bird dog trial license may only introduce, stock, or release wild birds that meet all
10 of the following requirements:

11 a. The wild birds originate from a flock of a person participating in the national
12 poultry improvement plan under 9 CFR part 145 and any other ^{capture} wild birds with which
13 they have had contact originate from such a flock.

14 b. Within 30 days before the introducing, stocking, or release, the wild birds
15 meet the requirements of any rules promulgated by the department under s. 22.44
16 (3).

17 **(2) REPORTS.** At the request of a municipality in an area in which wild animals
18 are introduced, stocked, or released under sub. (1), the department shall require a
19 person who introduced, stocked, or released those wild animals to report to the
20 municipality the number and type of wild animals introduced, stocked, or released
21 and the location at which the animals were introduced, stocked, or released.

22 **(3) BY THE DEPARTMENT.** The department may import into this state to
23 introduce, stock, or release into the wild, may introduce, stock, or release into the
24 wild, or may authorize introducing, stocking, or releasing into the wild, a wild animal
25 without holding a license as required under sub. (1) (a).

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1 (4) EXEMPTION. Subsections (1) to (3) do not apply to wild animals that are
2 released into the wild after being accidentally trapped or confined.

3 **22.07 Exhibition of live wild animals. (1) REQUIREMENT.** (a) No person
4 may exhibit any captive live native wild animal or any captive live nonnative wild
5 animal of the family ursidae ~~or cervidae~~ except as authorized under a captive wild
6 animal farm license, ~~a deer farm license~~, ^{→ DATCP} a rehabilitation license, a nonprofit
7 educational exhibiting license, a nonresident temporary exhibiting license, or a
8 captive wild animal auction and market license or under s. 29.319.

9 (b) If a person exhibits a wild animal subject to par. (a) under the authority of
10 a captive wild animal farm license, ~~a deer farm license~~, ^{→ DATCP} or a rehabilitation license,
11 the person may exhibit only those types of wild animals that are specified by the
12 department on the license.

13 (2) EXEMPTION FOR CERTAIN WILD ANIMALS. A person is exempt from the
14 requirements under sub. (1) if the wild animal that the person exhibits is a wild
15 animal that is exempt under s. 22.04 (4) (a) or (b).

16 (3) EXEMPTION FOR CERTAIN INSTITUTIONS. Each of the following is exempt from
17 the requirements under sub. (1):

18 (a) Public zoos or aquariums.

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

20 (c) The department.

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

23 **22.08 Propagation of wild animals. (1) REQUIREMENT.** No person may
24 propagate any native wild animal or any nonnative wild animal of the family ursidae
25 ~~or cervidae~~ except as authorized under a captive wild animal farm license, ~~a deer~~

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

3 (2) EXEMPTION FOR CERTAIN WILD ANIMALS. A person is exempt from the
4 requirement under sub. (1) if the wild animal that the person propagates is a wild
5 animal that is exempt under s. 22.04 (4) (a) or (b).

6 (3) EXEMPTION FOR CERTAIN INSTITUTIONS. Each of the following is exempt from
7 the requirement under sub. (1):

8 (a) Public zoos or aquariums.

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

10 (c) The department.

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

13 **22.085 Rehabilitation of wild animals. (1) REQUIREMENT.** No person may
14 rehabilitate any wild animal except as authorized under a rehabilitation license.

15 (2) INAPPLICABILITY TO CERTAIN WILD ANIMALS. This section does not authorize
16 the rehabilitation of environmentally injurious wild animals.

17 **22.09 Hunting of captive wild animals. (1) REQUIREMENT; GENERALLY.** No
18 person may hunt a captive wild animal except as authorized under a ~~deer farm~~
19 ~~license~~, a bird hunting preserve license, a bird dog training license, a hound dog
20 training license, a dog club training license, a bird dog trial license, or a hound dog
21 trial license.

22 (2) REQUIREMENT; COMMERCIAL HUNTING. No person may sell or offer to sell or
23 purchase or offer to purchase the opportunity to hunt any wild animal that is or has
24 been captive except as authorized under a ~~deer farm license~~, or a bird hunting
25 preserve license.