

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

2708/Plins
LRB-01/2ms
MGG:.....

1 **Insert 9-16**

2 **(15m)** "Harmful wild animal" means a wild animal designated under s. 22.11
3 (2) (a) by the department of natural resources, by the department of agriculture,
4 trade and consumer protection, or by the department of health and family services.

5 **Insert 21-13**

6 **(no 9)** (a) The department of natural resources, the department of agriculture, trade
7 and consumer protection, or the department of health and family services may
8 designate a wild animal as a harmful wild animal if any of the following apply:

- 9 1. The wild animal is not a native wild animal and is capable of inflicting harm
10 to the environment.
- 11 2. The wild animal is capable of creating a risk to public health or to the health
12 of domestic animals.

13 **Insert 45-14**

14 (bn) Upon request of an applicant for a Class A bird hunting preserve license,
15 the department shall issue a single license for a Class A bird hunting preserve that
16 is not in one block of contiguous land if each parcel of the land is at least 80 acres in
17 size and if all of the parcels are located in the same county **or** if each of the outlying
18 parcels is either in the same county as the county as the parcel on which the hunting
19 preserve bases its operations or in a county that **is** adjacent to that county.

20 **Insert 70-17**

21 SECTION 1. 29.001 **(2)** of the statutes is created to read:

22

22 B

S

1 29.001 (21) "Domestic game bird" are birds that are domestic animals, as
2 defined in s. 95.001 (1) (ad), or birds that are used under a license issued under s.
3 22.19, 22.20, or 22.21.

4 SECTION 2. 29.001 (24) of the statutes is amended to read:

5 29.001 (24) "Farm-raised deer" has the meaning given in s. 95.001 (1) (a) (Ag).

lower case

History: 1997 a. 248 ss. 39 to 47, 49 to 75, 84; 1999 a. 9.

6 SECTION 3. 29.001 (39) of the statutes is amended to read:

7 29.001 (39) "Game birds" includes include wild geese, brant, wild ducks, wild
8 swan, rails, coots, gallinules, snipe, woodcock, plovers, sandpipers, ruffed grouse,
9 prairie chicken, sharp-tailed grouse, pheasants, Hungarian gray partridge, Chukar
10 chukar partridge, bobwhite, quail, crows and wild turkey. "Game birds" do not
11 include birds that are domestic animals, as defined in s. 95.001 (1) (ad), or that are
12 used under a license issued under s. 22.19, 22.20, or 22.21.

History: 1997 a. 248 ss. 39 to 47, 49 to 75, 84; 1999 a. 9.

13 SECTION 4. 29.001 (60) of the statutes is amended to read:

14 29.001 (60) "Nongame species" means any species of wild animal that is living
15 in the wild and that is not classified as a game fish, game animal, game bird or
16 fur-bearing animal.

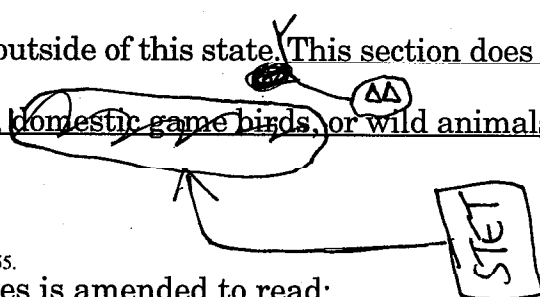
History: 1997 a. 248 ss. 39 to 47, 49 to 75, 84; 1999 a. 9.

17 **Insert 72-10**

18 SECTION 5. 29.055 of the statutes is amended to read:

19 **29.055 Wild animals; possession in closed season or in excess of bag**
20 **limit.** Except as expressly provided in this chapter, no person may have in the
21 person's possession or under the person's control, or have in storage, any wild animal
22 or carcass that was taken during the closed season for that wild animal or that is in
23 excess of the bag or possession limit or contrary to the size limits for that wild animal.
24 The open and closed seasons and the bag, possession and size limits of the state,

1 province or country in which a wild animal was taken shall apply to the wild animal
 2 or the carcass if it was lawfully killed outside of this state. ~~This section does not apply~~
 3 ~~to farm-raised deer, farm-raised fish, domestic game birds, or wild animals that are~~ ^{ΔΔ}
 4 ~~subject to regulation under ch. 22.~~



History: 1975 c. 360, 421; 1993 a. 410; 1997 a. 248 s. 502; Stats. 1997 s. 29.055.

5 **SECTION 6.** 29.057 of the statutes is amended to read:

6 **29.057 Wild animals; possession in open season.** It is unlawful to possess
 7 or control at any time a protected wild animal or the carcass of any protected wild
 8 animal showing that it was taken during the closed season for the protected wild
 9 animal. This section does not apply to farm-raised deer, farm-raised fish, domestic
 10 game birds, or wild animals that are subject to regulation under ch. 22.

History: 1997 a. 248 s. 503; Stats. 1997 s. 29.057.

11 **SECTION 7.** 29.071 of the statutes is amended to read:

12 **29.071 Wildlife on Indian reservations protected.** No person may remove
 13 or take from any Indian reservation the carcass of any protected wild animal during
 14 the closed season for the wild animal ~~without a permit from~~ except as authorized by
 15 the department under ch. 22 or this chapter.

History: 1997 a. 248 s. 538; Stats. 1997 s. 29.071.

16 **SECTION 8.** 29.083 (3) of the statutes is renumbered 29.083 (3) (a).

17 **SECTION 9.** 29.083 (3) (b) of the statutes is created to read:

18 29.083 (3) (b) This section does not apply to farm-raised deer, farm-raised fish,
 19 or wild animals subject to regulation under ch. 22.

20 **Insert 73-14**

21 **SECTION 10.** 29.334 (title) of the statutes is amended to read:

22 **29.334 (title) Hunting and trapping; treatment of wild animals.**

History: 1997 a. 248 s. 513; 1999 a. 32.

1 **SECTION 11.** 29.334 of the statutes is renumbered 29.334 (1) and amended to
2 read:

3 29.334 (1) A person who hunts or traps any game animal or fur-bearing animal
4 shall kill the animal when it is taken and make it part of the daily bag or shall release
5 the game animal or fur-bearing animal unless authorized under s. 29.857, 29.863,
6 ~~29.867, 29.869, 29.871 or 29.877.~~

7 History: 1997 a. 248 s. 313; 1999 a. 52.

7 **SECTION 12.** 29.334 (3) of the statutes is created to read:

8 29.334 (3) This section does not apply to farm-raised deer, domestic game birds,
9 or wild animals that are subject to regulation under ch. 22.

10 **SECTION 13.** 29.337 (1) (intro.) of the statutes is amended to read:

11 29.337 (1) (intro.) The owner or occupant of any land, and any member of his
12 or her family, may hunt or trap beaver, coyotes, foxes, raccoons, woodchucks, rabbits,
13 and squirrels on the land without a license issued under ch. 22 or 29 at any time,
14 except as follows:

15 History: 1979 c. 142; 1987 a. 27; 1993 s. 246; 1997 a. 27; 1997 a. 248 ss. 433 to 436; Stats. 1997 s. 29.337.

15 **Insert 75-23**

16 **SECTION 14.** 29.364 (4) (a) of the statutes is amended to read:

17 29.364 (4) (a) In this subsection, "migratory game bird" means any bird defined
18 as such by the secretary of the interior in the code of federal regulations, but does not
19 include birds that are domestic animals, as defined in s. 95.001 (1) (ad), or birds that
20 are used under a license issued under s. 22.19, 22.20 or 22.21.

21 History: 1975 c. 360; 1985 a. 29; 1991 a. 316; 1997 a. 248 s. 523; Stats. 1997 s. 29.364.

21 **Insert 76-13**

22 **SECTION 15.** 29.539 (1m) of the statutes is amended to read:

remove extra space

1 29.539 (1m) Subsection (1) does not apply to farm-raised deer or, farm-raised
2 fish, domestic game birds, or wild animals that are subject to regulation under ch.
3 22 or the carcasses of these animals.

History: 1973 c. 315, 333; 1975 c. 360; 1977 c. 418; 1985 a. 29, 272; 1987 a. 27, 42, 114; 1991 a. 39, 269; 1995 a. 79; 1997 a. 27; 1997 a. 248 ss. 539 to 545; Stats. 1997 s. 29.539.

4 **Insert 77-14**

5 **SECTION 16.** 29.741 (2) of the statutes is renumbered 29.741 and amended to
6 read:

State propagation of wild animals (B)

7 **29.741** Food in the wild for game birds. No person shall take, remove,
8 sell, or transport from the public waters of this state to any place beyond the borders
9 of the state, any duck potato, wild celery, or any other plant or plant product, except
10 wild rice, that is native in said to these waters and that is commonly known to furnish
11 food for game birds.

History: 1989 a. 359; 1997 a. 248 s. 593; Stats. 1997 s. 29.741.

12 **Insert 79-19**

13 **SECTION 17.** 29.889 (1) (a) of the statutes is amended to read:

14 29.889 (1) (a) Deer that are not farm-raised deer.

History: 1983 a. 27; 1985 a. 29 ss. 662 to 668m, 3202 (39) (g); 1985 a. 332 ss. 41, 251 (1); 1987 a. 280; 1989 a. 31, 336; 1995 a. 27, 79; 1997 a. 27, 237; 1997 a. 248 ss. 396, 645 to 668, 706; Stats. 1997 s. 29.889.

15 **Insert 79-25**

16 **SECTION 18.** 29.924 (4) of the statutes is amended to read:

17 29.924 (4) **ACCESS TO STORAGE PLACES.** The owner or occupant of any
18 cold-storage warehouse or building used for the storage or retention of wild animals,
19 or their carcasses, that are subject to regulation under this chapter shall permit the
20 department and its wardens to enter and examine the premises subject to s. 66.0119.
21 The owner or occupant, or the agent or employee of the owner or occupant, shall
22 deliver to the officer any such wild animal or carcass, in his or her possession during
23 the closed season, whether taken within or without the state.

1 ~~NOTE: NOTE: NOTE: Sub. (4) is shown as affected by two acts of the 1999 legislature and as merged by the revisor under s. 13.93 (2) (c).NOTE:~~

2 History: 1997 a. 248 ss. 103 to 107, 711; 1999 a. 83; 1999 a. 150 s. 2; 13.93 (2) (c).

3 **SECTION 19.** 29.924 (5) of the statutes is amended to read:

4 29.924 (5) ACCESS TO PRIVATE LAND. The department may, after making
5 reasonable efforts to notify the owner or occupant, enter private lands to retrieve or
6 diagnose dead or diseased wild animals subject to regulation under this chapter and
7 take actions reasonably necessary to prevent the spread of contagious disease in the
8 wild animals. ✓

9 History: 1997 a. 248 ss. 103 to 107, 711; 1999 a. 83; 1999 a. 150 s. 2; 13.93 (2) (c).

10 **SECTION 20.** 29.927 (5) of the statutes is amended to read:

11 29.927 (5) Any unlicensed trap, snare, spring gun, set gun, net or other device
12 used in violation of this chapter which might entrap, ensnare, or kill game. ✓

13 History: 1977 c. 443; 1983 a. 192 s. 306(6); 1985 a. 36; 1993 a. 169; 1995 a. 79; 1997 a. 248 s. 93; Stats. 1997 s. 29.927.

14 **Insert 81-13**

15 **SECTION 21.** 29.934 (1) (a) of the statutes is amended to read:

16 29.934 (1) (a) All wild animals, carcasses or plants that are confiscated by the
17 department, for a violation of ch. 22 or this chapter and all ~~confiscated~~ vehicles, boats
18 or objects ^{plain space} confiscated by the department for a violation ^{of} ch. 22 or this chapter shall,
19 if not destroyed as authorized by law, be sold at the highest price obtainable, by the
20 department, or by an agent on commission under supervision of the department. The
21 net proceeds of sales under this subsection, after deducting the expense of seizure
22 and sale and any commissions and any amounts owing to holders of security interests
23 under par. (c) or (d), shall be remitted to the department. The remittance shall be
24 accompanied by a report of the sales, supported by vouchers for expenses and
25 commissions, and shall be filed with the department. ✓

26 History: 1975 c. 97, 199; 1981 c. 98 s. 3; 1993 a. 169; 1995 a. 79, 126, 225; 1997 a. 35; 1997 a. 248 ss. 113 to 115; Stats. 1997 s. 29.934; 1997 a. 285 s. 1; 1999 a. 32.

27 **SECTION 22.** 29.957 of the statutes is amended to read:

1 **29.957 Breaking seals of department.** Any person who breaks, removes or
 2 interferes with any seal or tag attached to any animal, carcass or object by the
 3 department, or who interferes with any animal, carcass or object with a seal or tag
 4 attached, or who counterfeits a seal or tag, attached or unattached, shall be fined not
 5 more than \$500 or imprisoned for not more than 90 days or both. This section applies
 6 to seals and tags required by the department under ch. 22 or this chapter.

History: 1975 c. 365; 1979 c. 34; 1981 c. 20; 1997 a. 248 s. 689; Stats. 1997 s. 29.957.

7 **Insert 81-19** ✓

8 **SECTION 23.** 29.971 (14) of the statutes is ~~repealed~~ amended
 9 to read:

10 29.971 (14) ^e(b) In any prosecution under this section it is not necessary for the
 11 state to allege or prove that the animals were not farm-raised deer, farm-raised fish,
 12 domestic game birds, wild animals subject to regulation under ch. 22, or
 13 ~~domesticated~~ domestic animals, that they were not taken for scientific purposes, or
 14 that they were taken or in possession or under control without a required approval.
 15 The person claiming that these animals were farm-raised deer, farm-raised fish,
 16 domestic game birds, wild animals subject to ch. 22, or domesticated domestic
 17 animals, that they were taken for scientific purposes or that they were taken or in
 18 possession or under control under the required approval, has the burden of proving
 19 these facts.

History: 1975 c. 365 ss. 45, 50; 1979 c. 34, 150, 175, 190, 355; 1981 c. 20, 236, 243, 391; 1983 a. 27; 1983 a. 80 s. 9; 1983 a. 114 s. 9; 1983 a. 192, 209, 419, 520, 538; 1985 a. 29, 36, 270, 271, 272, 289, 332; 1987 a. 379; 1989 a. 190, 336; 1991 a. 39, 269; 1993 a. 137; 1995 a. 59, 79; 1997 a. 1, 27; 1997 a. 248 ss. 714 to 722; Stats. 1997 s. 29.971; 1997 a. 283 ss. 20 to 23; 1999 a. 9, 32.

20 **SECTION 24.** 29.971 ~~(14)(a)~~ of the statutes is created to read:

21 29.971 ~~(14)(a)~~ For purposes of this section:

22 (a) ² "Deer" does not include farm-raised deer.

1 (b) 2 "Game" does not include farm-raised deer, domestic game birds, or wild
2 animals subject to regulation under ch. 22.

3 (c) 3 "Wild animal" does not include farm-raised deer, farm-raised fish, a
4 domestic game bird, or a wild animal subject to regulation under ch. 22.

5 SECTION 25. 29.974 (2) of the statutes is renumbered 29.974 (2) (b).

6 History: 1975 c. 365 s. 46; Stats. 1975 s. 29.995; 1981 c. 243 s. 7; 1983 a. 27; 1985 a. 29, 272; 1993 a. 137; 1997 a. 248 s. 723; Stats. 1997 s. 29.974.

6 SECTION 26. 29.974 (2) (a) of the statutes is created to read:

7 29.974 (2) (a) In this subsection, "wild animal" does not include farm-raised
8 deer, farm-raised fish, a domestic game bird, or a wild animal subject to regulation
9 under ch. 22.

10 SECTION 27. 29.977 (1) (g) of the statutes is amended to read:

11 29.977 (1) (g) Any pheasant, Hungarian gray partridge, quail, rail, Wilson's
12 snipe, woodcock or shore bird, or protected song bird or harmless bird, \$17.50.

13 History: 1975 c. 365; 1977 c. 386; 1979 c. 34; 1985 a. 332 s. 251 (1); 1995 a. 376; 1997 a. 27; 1997 a. 248 ss. 691 to 698; Stats. 1997 s. 29.977.

13 SECTION 28. 29.983 (1) (b) 7 of the statutes is amended to read:

14 29.983 (1) (b) 7. For any pheasant, Hungarian gray partridge, quail, rail,
15 Wilson's snipe, woodcock or shore bird, or protected song bird or harmless bird,
16 \$17.50.

17 History: 1991 a. 39; 1995 a. 201, 376; 1997 a. 248 s. 725; Stats. 1997 s. 29.983.

17 Insert 84-7

18 SECTION 29. 90.20 (1) (a) of the statutes is amended to read:

19 90.20 (1) (a) "Farm-raised deer" has the meaning given in s. 95.001 (1) (a) (ag).

20 History: 1995 a. 79.

20 SECTION 30. 93.07 (10) (a) of the statutes is amended to read:

21 93.07 (10) (a) In this subsection, "domestic animals" includes farm-raised deer,
22 as defined in s. 95.001 (1) (a) (ag).

INSERT 84-18

1 SECTION 31. 95.001 (1) (a) of the statutes is renumbered 95.001 (1) (ag) and
2 amended to read:

3 ~~Insert 84-18~~

4 95.001 (1) (ag) "Farm-raised deer" means an animal that is a member of the
5 family cervidae and of the genus dama, the genus rangifer or the genus cervus, ^{stricken comma} a
6 cervid that is kept in captivity ~~except for an elk or~~ that is present in the wild and that
7 does not have has an ear tag or other mark identifying it as being raised on a farm. ^{remove this comma} ^{a cervid}

History: 1979 c. 129 s. 11; 1981 c. 20; 1983 a. 189; 1989 a. 277; 1995 a. 79, 450.
****NOTE: Do we need a definition of "captivity"?

8 SECTION 32. 95.001 (1) (ad) of the statutes is created to read:

9 95.001 (1) (ad) "Domestic animal" means any ~~other~~ following: ^{of the}

- 10 1. An animal that is a member of a species that has been domesticated by
- 11 humans.
- 12 2. A farm-raised deer or farm-raised fish or other animal that is ^e of a member
- 13 of a species that is raised and held in captivity to produce food, fiber, or other
- 14 commodities or to breed other animals for food, fiber, or other commodities.
- 15 3. An animal that is listed as a domestic animal by rule by the department.

****NOTE: Is it clear that game birds that are used under licenses issued under s. 22.19, 22.20 or 22.21 are outside this definition? If not, they need to be for the interrelationship ^{among} of the definitions and exemptions to work. ✓

16 SECTION 33. 95.20 of the statutes is repealed and recreated to read:

17 **95.20 Import and movement of animals.** The department may prohibit or
18 regulate the importing of animals into this state or the movement of animals within
19 this state if the department has reasonable grounds to believe that regulation or
20 prohibition is necessary to prevent the introduction or spread of a disease in this
21 state that threatens the health of animals or of humans. ✓

22 SECTION 34. 95.22 of the statutes is repealed and recreated to read:

the disease
delete stricken period

1 ~~chapter~~ Condemned animals shall be slaughtered or destroyed as directed by the
2 department plain period .

History: 1977 c. 146; 1977 c. 449 s. 497; 1981 c. 20; 1989 a. 31; 1991 a. 269; 1995 a. 79, 450.

3 SECTION 36. 95.31 (2) of the statutes is amended to read:

4 95.31 (2) ~~Whenever~~ If the department determines that it is necessary to
5 condemn ~~diseased animals~~ an animal under sub. (1), the department shall, in all
6 cases where the payment of indemnities is authorized under this chapter, appraise
7 the ~~condemned animals~~ animal as provided in s. 95.32 and shall notify the owner in
8 writing of the appraised value. The notice shall include the number and description
9 of the animals and the name of the owner.

History: 1977 c. 146; 1977 c. 449 s. 497; 1981 c. 20; 1989 a. 31; 1991 a. 269; 1995 a. 79, 450.

10 SECTION 37. 95.31 (3) of the statutes is amended to read:

11 95.31 (3) In addition to the indemnities for specific animal diseases provided
12 under ss. 95.25, 95.26 and 95.27 or under special emergency programs and subject
13 to s. 95.36, the department shall pay indemnities on livestock condemned and
14 slaughtered or destroyed because of other diseases if the department determines
15 that the condemnation and slaughter or destruction is necessary to protect public
16 health or the livestock industry. The indemnity under this subsection shall be
17 two-thirds of the difference between net salvage value and appraised value, but may
18 not exceed \$1,500 for an animal. As used in this subsection, "livestock" means
19 animals of species raised primarily to produce food for human consumption,
20 including farm-raised deer.

History: 1977 c. 146; 1977 c. 449 s. 497; 1981 c. 20; 1989 a. 31; 1991 a. 269; 1995 a. 79, 450.

21 SECTION 38. 95.31 (4) of the statutes is amended to read:

22 95.31 (4) In the event of a major or serious outbreak of ~~dangerous diseases~~
23 affecting a contagious or infectious disease that may affect the health of domestic
24 animals requiring and that special control measures; the department may request

infectious

requires

1 the joint committee on finance to release funds appropriated under s. 20.115 (2) (b)
 2 as needed to conduct emergency control programs independently or in cooperation
 3 with federal or local units of government and, subject to s. 95.36, to pay indemnities
 4 on animals of species raised primarily to produce food for human consumption,
 5 including farm-raised deer, condemned and slaughtered or destroyed under the
 6 emergency control programs. For all indemnities paid under this subsection, the
 7 state shall pay two-thirds of the difference between the net salvage value and the
 8 appraised value of an animal, except that no payment may exceed \$1,500 for an
 9 animal.

History: 1977 c. 146; 1977 c. 449 s. 497; 1981 c. 20; 1985 a. 31; 1991 a. 269; 1995 a. 79, 450.

10 **SECTION 39.** 95.45 (1) of the statutes is created to read:

11 95.45 (1) In this section:

12 (a) "Accredited veterinarian" has the meaning given in s. 22.01 (35).

13 (b) "Veterinary inspection certificate" means an interstate health certificate
 14 or a certificate of veterinary inspection.

15 **SECTION 40.** 95.45 (1) of the statutes is renumbered 95.45 (1g) and amended
 16 to read:

17 95.45 (1g) Tests to determine the health status of animals for the purpose of
 18 interstate shipment shall be made only by licensed graduate accredited
 19 veterinarians ~~approved by the department.~~ ^{scored period} Such Accredited veterinarians shall
 20 report the results of every such test to the department in triplicate.

21 **SECTION 41.** 95.45 (1r) of the statutes is created to read:

22 95.45 (1r) (a) If the department requires that a veterinary inspection
 23 certificate accompany an animal imported into this state, the accredited

for "veterinarian"

(d) (e)

(c)

strike

1 veterinarian who issues the certificate shall file a copy of the certificate with the
2 department.

3 (b) If the department of natural resources requires that a veterinary inspection
4 certificate accompany a wild animal imported into this state, the accredited
5 veterinarian who issues the certificate shall file a copy of the certificate ~~and copy of~~
6 ~~the certificate of veterinary inspection~~ with the department of agriculture, trade, and
7 consumer protection. The department of agriculture, trade, and consumer
8 protection shall provide a copy of the certificate to the department of natural
9 resources.

10 SECTION 42. 95.45 (2) of the statutes is repealed.

11 SECTION 43. 95.45 (3) of the statutes is repealed.

****NOTE: I repealed s. 95.45 (2) (and (3) because it appears that DATCP does not accept applications for or approve certificates.

12 SECTION 44. 95.49 (1) (e) of the statutes is amended to read:

13 95.49 (1) (e) Animals not known to be reactors moved to the premises of a
14 livestock an animal market operator licensed under s. 95.68 or a livestock dealer
15 licensed under s. 95.69, for sale and removal as provided in sub. (2).
score space!

History: 1973 c. 123; 1981 c. 390 s. 252; 1983 a. 127; 1993 a. 16; 1995 a. 155.

16 SECTION 45. 95.49 (1m) (e) of the statutes is amended to read:

17 95.49 (1m) (e) Animals not known to be reactors moved to the premises of a
18 livestock an animal market operator licensed under s. 95.68 or a livestock dealer
19 licensed under s. 95.69, for sale and removal as provided in sub. (2).

History: 1973 c. 123; 1981 c. 390 s. 252; 1983 a. 127; 1993 a. 16; 1995 a. 155.

20 SECTION 46. 95.55 (title) of the statutes is amended to read:

21 95.55 Farm-raised deer; registration.

22 SECTION 47. 95.55 (3m) of the statutes is created to read:

1 95.55 (3m) AUTHORIZATION. A person who is registered under this section may
2 do any of the following:

- 3 1. Possess, propagate, purchase, sell, hunt, and exhibit farm-raised deer.
- 4 2. Hunt, or sell or offer to sell the opportunity to hunt farm-raised deer that
- 5 the person owns.

6 **SECTION 48.** 95.55 (5) of the statutes is created to read:

7 95.55 (5) HUNTING. A person hunting ~~white-tailed~~ deer on a deer farm is
8 exempt from having any hunting approval issued under ch. 29 and is exempt from
9 any closed season restrictions, bag limits, or other conditions or restrictions
10 established by the department of natural resources under s. 29.014 (1). The
11 department of natural resources and the department of agriculture trade, and
12 consumer protection shall cooperate with each other with respect to the hunting of
13 farm-raised deer.

14 **SECTION 49.** 95.55 (6) of the statutes is created to read:

15 95.55 (6) RULES. (a) The department shall promulgate rules to regulate
16 persons who keep farm-raised deer. The rules shall establish disease testing
17 requirements for bovine tuberculosis and chronic wasting disease and may establish
18 testing requirements for other diseases. The rules shall require that a minimum of
19 80 contiguous acres be provided for farm-raised deer that are hunted by persons who
20 purchase from the owner of the farm-raised deer the opportunity to hunt the
21 farm-raised deer.

22 (b) The rules promulgated under this subsection may include any of the
23 following:

- 24 1. Standards to be followed by persons keeping farm-raised deer to prevent the
- 25 spread of disease.

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19 80 contiguous acres be provided for farm-raised deer that are hunted by persons who
20 purchase from the owner of the farm-raised deer the opportunity to hunt the
21 farm-raised deer.

22 (b) The rules promulgated under this subsection may include any of the
23 following:

- 24 1. Standards to be followed by persons keeping farm-raised deer to prevent the
- 25 spread of disease.

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SECTION 49. RN ; 95.68(1)(a) ; 95.68(1)(am)

- 1 2. Provisions requiring annual registration.
- 2 3. Exemptions from any annual registration requirements established under
- 3 subd. 2.
- 4 4. Methods for identifying dead farm-raised deer as having been legally
- 5 hunted.

SECTION 50. 95.68 (title) of the statutes is amended to read:

95.68 (title) Livestock Animal markets.

do not score space

History: 1993 a. 16; 1995 a. 79, 95.

SECTION 51. 95.68 (1) (b) of the statutes is amended to read:

95.68 (1) (b) "Equine market" means a livestock animal market that is open to the public solely for the purpose of trading in equine animals.

History: 1993 a. 16; 1995 a. 79, 95.

SECTION 52. 95.68 (1) (e) of the statutes is renumbered 95.68 (1) (ag) and amended to read:

95.68 (1) (ag) "Livestock Animal market" means any premises which are open to the public for the purpose of trading in livestock or wild animals and on which facilities are maintained for their yarding, feeding and watering prior to sale.

History: 1993 a. 16; 1995 a. 79, 95.

SECTION 53. 95.68 (1) (f) of the statutes is renumbered 95.68 (1) (ai) and amended to read:

plains space

95.68 (1) (ai) "Livestock Animal transport vehicle" has the meaning given in s. 95.71 (1) (g) means any vehicle used to transport livestock or wild animals.

History: 1993 a. 16; 1995 a. 79, 95.

SECTION 54. 95.68 (1) (g) of the statutes is created to read:

95.68 (1) (g) "Wild animal" means a wild animal that is subject to regulation under ch. 22.

SECTION 55. 95.68 (2) of the statutes is amended to read:

1 95.68 (2) LICENSE. Except as provided in sub. (2m), no person may operate a
 2 ~~livestock~~ an animal market without an annual license from the department. ~~A~~
 3 ~~livestock~~ An animal market license expires on June 30 annually. A separate license
 4 is required for every ~~livestock~~ animal market. A license is not transferable between
 5 persons or locations.

History: 1993 a. 16; 1995 a. 79, 95.

6 **SECTION 56.** 95.68 (4) (intro.) of the statutes is amended to read:

7 95.68 (4) FEES. (intro.) Unless the department specifies a different fee by rule,
 8 the fee for ~~a~~ livestock market license issued under this section is the following
 9 amount: plain

History: 1993 a. 16; 1995 a. 79, 95.

10 **SECTION 57.** 95.68 (4) (a) of the statutes is amended to read:

11 95.68 (4) (a) For ~~a~~ livestock an animal market that is not an equine market and
 12 that conducted sales at the market on at least 5 days during the year immediately
 13 preceding the year for which the license is issued, \$150.

History: 1993 a. 16; 1995 a. 79, 95.

14 **SECTION 58.** 95.68 (4) (b) of the statutes is amended to read:

15 95.68 (4) (b) For ~~a~~ livestock an animal market that is not an equine market and
 16 that conducted sales on fewer than 5 days during the year immediately preceding the
 17 year for which the license is issued, \$75.

History: 1993 a. 16; 1995 a. 79, 95.

18 **SECTION 59.** 95.68 (4) (c) of the statutes is amended to read:

19 95.68 (4) (c) For ~~a~~ livestock an animal market other than one described in par.
 20 (a) or (b), \$100.

History: 1993 a. 16; 1995 a. 79, 95.

21 **SECTION 60.** 95.68 (5) (a) 1. of the statutes is amended to read:

1 95.68 (5) (a) 1. Operated a ~~livestock~~ an animal market without a license in
2 violation of sub. (2).

History: 1993 a. 16; 1995 a. 79, 95.

3 **SECTION 61.** 95.68 (5) (a) 2. of the statutes is amended to read:

4 95.68 (5) (a) 2. Operated an unregistered ~~livestock~~ animal transport vehicle in
5 violation of sub. (7).

History: 1993 a. 16; 1995 a. 79, 95.

6 **SECTION 62.** 95.68 (5) (c) of the statutes is amended to read:

7 95.68 (5) (c) The payment of the surcharge and fees under this subsection does
8 not relieve the applicant of other civil or criminal liability that may result from the
9 failure to obtain a license or from the operation of an unregistered ~~livestock~~ animal
10 transport vehicle, but does not constitute evidence of a violation of a law. ✓

plain space

History: 1993 a. 16; 1995 a. 79, 95.

11 **SECTION 63.** 95.68 (7) of the statutes is amended to read:

12 95.68 (7) ~~LIVESTOCK~~ ANIMAL VEHICLE REGISTRATION. No ~~livestock~~ animal market
13 operator may operate a ~~livestock~~ an animal transport vehicle unless the ~~livestock~~
14 animal transport vehicle is registered with the department in the name of the
15 ~~livestock~~ animal market operator. The ~~livestock~~ animal transport vehicle shall be
16 registered on a form provided by the department. The registration shall include a
17 description and the serial number of the ~~livestock~~ animal transport vehicle.

History: 1993 a. 16; 1995 a. 79, 95.

18 **SECTION 64.** 95.68 (8) of the statutes is amended to read:

19 95.68 (8) RULES. The department may promulgate rules to specify license fees
20 under sub. (4) or to regulate the operation of ~~livestock~~ animal markets, including
21 rules related to market operator qualifications, market construction and
22 maintenance, construction and maintenance of ~~livestock~~ animal transport vehicles,
23 identification of ~~livestock~~ animal transport vehicles, disease sanitation, humanc

1 treatment of animals, identification of animals, record keeping, reports to the
2 department and compliance with applicable financial security requirements under
3 state or federal law.

History: 1993 a. 16; 1995 a. 79, 95.

4 **SECTION 65.** 95.69 (1) (e) of the statutes is amended to read:

5 95.69 (1) (e) "Livestock market" ~~has the meaning given in s. 95.68 (1) (e)~~ means
6 any premises which are open to the public for the purpose of ~~training~~ in livestock and
7 on which facilities are maintained for their yarding, feeding, and watering prior to
8 sale.

trading

History: 1993 a. 16; 1995 a. 95.

9 **SECTION 66.** 95.69 (2) of the statutes is amended to read:

10 95.69 (2) LICENSE. No person may operate as a livestock dealer without an
11 annual license from the department, except that no license is required of a person
12 licensed as a livestock an animal market operator under s. 95.68. A livestock dealer
13 license expires on June 30 annually. A livestock dealer license is not transferable.

plainspace

INSERT TO
INSERT 18-13

History: 1993 a. 16; 1995 a. 95.

14 **SECTION 67.** 97.42 (1) (dm) of the statutes is amended to read:

15 97.42 (1) (dm) "Farm-raised deer" has the meaning given in s. 95.001 (1) (~~a~~)
16 (ag).

History: 1971 c. 270 s. 104; 1973 c. 206; 1975 c. 308, 421; 1977 c. 196 s. 131; 1977 c. 216, 365; 1979 c. 110, 154; 1981 c. 314; 1983 a. 189, 261; 1983 a. 500 s. 44; 1985 a. 29; 1987 a. 399; 1989 a. 174; 1991 a. 39, 175, 269; 1993 a. 16, 27, 144, 492; 1995 a. 79, 225; 1999 a. 9, 185.

17 **SECTION 68.** 97.44 (3) of the statutes is amended to read:

18 97.44 (3) As used in this section, "animals" means cattle, sheep, goats, swine,
19 equines, farm-raised deer, as defined in s. 95.001 (1) (~~a~~) (ag), and poultry, except in
20 the phrase "animal feed manufacturers".

History: 1975 c. 308; 1995 a. 79.

21 **SECTION 69.** 100.04 (1) of the statutes is amended to read:

22 100.04 (1) DEFINITION. In this section, "livestock" means swine, cattle, poultry,
23 sheep, goats or farm-raised deer, as defined in s. 95.001 (1) (~~a~~) (ag).

plain
↑
score!

1 **Insert 85-2**

2 **SECTION 70.** 174.001 (3) of the statutes is amended to read:

3 174.001 (3) "Livestock" means any horse, bovine, sheep, goat, pig, ~~elk or other~~
4 ~~deer raised in captivity,~~ llama, alpaca, domestic rabbit, farm-raised deer, as defined
5 in s. 95.001 (1) (a) (ag), or domestic fowl, including game fowl raised in captivity.

History: 1979 c. 289 ss. 8m, 17; 1983 a. 451; 1995 a. 79, 316; 1997 a. 35.

4 star
note

→ **** NOTE: Under current law, this definition refers to deer that are captured & tamed. Therefore, the first reference is struck. OK?

INSERT
NOTE A

*** NOTE: The cross-reference to a certification under s. 90.21 is to the fencing certification provisions that will be included in a later version.

~~NOTE~~

LPS: use this insert
in two places as
indicated on p. 85

4 star note

INSERT TO INSERT; 18-13

LRB - 2708/P1
MGG

SEC. AM; 95.71(1)(d)

Score

95.69

95.71(1) (d) "Livestock market" has the meaning given in s. 95.68(1)(e).

↑
Stida

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

2709/ Pldn
LRB-0116/2dn
MGG: /:....

js

provisions regarding
the hunting of captive deer,

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, 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. We discuss what you want to achieve. (after)
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. ~~Chapter 22~~ ^{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 for farm-raised deer, domestic game birds, or

should apply to

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~~ ^{STET} 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 bird" under s. 29.001 (39) ^S 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? ✓

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

19. Regarding 29.301 I deleted the amendment to s. 29.301(6) that was in the earlier version because ~~there~~ I assume that there are no deer that are subject to ch. 22 in this version.

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.
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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.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267 3215

Barman, Mike

From: Barman, Mike
Sent: Thursday, March 08, 2001 3:06 PM
To: Hurley, Sarah S; Elizabeth Kluesner; Susan Felker-Donsing
Subject: Irb 01-2708/P1



01-2708/P1



01-2708/P1dn

Mike Barman

Mike Barman - Senior Program Asst. (PH. 608-266-3561)
(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin
Legislative Reference Bureau - Legal Section - Front Office
100 N. Hamilton Street - 5th Floor
Madison, WI 53703

MEMORANDUM

DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER
PROTECTION
OFFICE OF LEGAL COUNSEL

DATE: March 21, 2001

TO: Mary Gibson-Glass and Sarah Shapiro-Hurley

FROM: Ruth Heike

SUBJECT: Preliminary Draft LRB-2708/P1

We have reviewed the Preliminary Draft of the "Captive Wildlife Bill" and have the following requests for changes:

1. Page 4 lines 8 to 11 and Page 76 lines 7 to 13 both define "domestic animal", but they use two different definitions. It seems that it would be better to use the same definition in both Chapter 22 and Chapter 95. DATCP believes the definition on page 76 is the better definition. We recommend that the Chapter 22 definition simply refer to the Chapter 95 definition. However, having said that, we also believe there should be one addition to the definition on page 76. This definition should specifically include captive game birds during the time they are being raised in captivity. When the birds are released into the environment, as they will be when used on a hunting preserve or in dog training, the birds would cease to be "domestic animals", but before the intended release, they should be under DATCP's jurisdiction.
2. Page 7 lines 1 to 4 authorizes DATCP to promulgate rules. This would be more logically located in Chapter 95 since no one is used to looking in Chapter 22 or 29 to find DATCP authorities. *NO* An additional problem with this provision is that it requires DATCP to specify that "fur-bearing animals to which s. 29.627 applies" are domestic animals. We are unable to determine what animals are being referred to because I cannot find a s. 29.627 in either the bill draft or the existing statutes. I am guessing that something which was previously in the draft has now been removed and this cite is now incorrect.
3. Page 9 line 6, page 9 lines 13-14 and page 13 line 3 all require that a veterinarian file a "valid interstate health certificate or a valid certificate of veterinary inspection" with DATCP. *done* DATCP has recently eliminated the term "interstate health certificate" from its regulations. DATCP will not consider a document valid unless it complies with ATCP 11.02, Wis. Admin. Code. That is, it will have to be completed by a veterinarian. If the form is completed outside the state of Wisconsin, it will have to be completed by an accredited veterinarian. If the form is completed inside Wisconsin it must be completed by a Wisconsin certified veterinarian (DATCP approval required). We recommend that each reference to a "valid interstate health

certificate” be eliminated from this draft, but that you keep the reference to “certificate of veterinary inspection.” We also recommend that the provision clarify that the “certificate of veterinary inspection” must comply with rules promulgated by DATCP (they already exist in Ch. ATCP 11, Wis. Adm. Code, although there may need to be some additions to those rules because of the new animal species being covered by the certificates).

4. Page 6 line 19 defines veterinarian as a person licensed under ch. 453 and accredited under 9 CFR subch. J. If you want to use this definition for DNR purposes, that’s up to you, but please do not use it in any way in which it impacts on DATCP. We are very concerned about this, because in the past we have had experience with a veterinarian accredited under 9 CFR subch. J who took blood from one cow, put it in 84 vials and stated that it was from 84 different cows. It took years to get the USDA to take action to remove his accreditation. We have now addressed this problem by utilizing DATCP’s current authority to have veterinarians “approved by the Department” be authorized to do this work. We do not want to have the ability to address these kinds of problems taken away from DATCP. So please be careful not to put something in this bill that will remove DATCP’s ability to stop USDA accredited veterinarians from performing regulatory work in Wisconsin when we know the veterinarian has done things improperly. See also page 79 lines 6 to 9 and lines 12 to 13. Do not change the language that says veterinarians approved by the department.

in DNR
in DATCP
private
vets

D Note
to
OK

5. Page 14 lines 7 to 8. DATCP would like it made clear that this authority to DNR does not limit DATCP’s authority to require disease testing of any animals.

doesn't
limit

6. Page 17 lines 9 to 14 appears to give rule making authority to three agencies, DNR, DATCP and DHFS. DATCP believes the public should be able to look to one agency’s rules to determine what wild animals are “inherently dangerous”, and it makes most sense for that agency to be DNR. However, since we may have instances where a specific type of animal might be considered dangerous to livestock or humans, but not necessarily dangerous to the environment, we suggest that the language require DNR to promulgate rules in consultation with DATCP and DHFS.

7. Page 17 lines 15 to 18 should also be changed to grant rulemaking authority to DNR but to require “in consultation with DATCP and DHFS.”

8. Page 46 lines 21 to 23 authorizes non-veterinarians to take diagnostic samples from wild animals for biological examination. DATCP requests a provision requiring that, if DNR, through this means becomes aware of a disease that has been identified as a reportable disease under s. 95.22, DNR must report the existence of that disease to DATCP.

9. Page 49 lines 1 to 2 refers to a “quarantine under ch. 95.” It should refer to a quarantine under ch. 93. DATCP’s quarantine authority is located in s. 93.07(10).

10. Page 57 lines 4 to 6 and lines 13 to 15 refer to "domestic game birds". If ch. 95 defines "captive game birds" as requested in the last memo submitted by DATCP, is it the intent of all parties that "domestic game birds" and "captive game birds" refer to the same birds? Should the term be consistent? If it should be consistent, DATCP prefers "captive game birds."

✓ 11. Page 75 lines 9 to 11. Section 93.07(10)(a) should actually be repealed. It only refers to use of the term "domestic animals" in 93.07 (10)(b), and under the revision of 93.07(10)(b) in this draft, the term "domestic animals" will no longer be used.

✓ 12. Page 78 line 18 at the end of the underlined portion please add: public health or.

13. Page 79 lines 14 to 15 and any other place where the term "veterinary inspection certificate" is used. DATCP does not want that term used. DATCP prefers the term ✓ "certificate of veterinary inspection," which is already defined by rule [ss. ATCP 10.01(14) and ATCP 11.01(17)]. Introduction of another term will be very confusing to practicing veterinarians.

✓ 14. Page 80 line 18 needs to include the authority to legally harvest farm-raised deer. We need to remember that legally harvesting farm-raised deer might include hunting them, but hunting them might not include all forms of legally harvesting these deer. The draft must not restrict the authority of farm-raised deer keeper to legally harvest these animals.

15. Page 81 lines 2 to 5 has a provision requiring DATCP to adopt rules requiring a minimum of 80 contiguous acres to be provided for hunting of farm-raised deer. ✓ Since there is nothing further to be established by rule, why not make this a statutory requirement under sub. (3m). [It looks like the numbering of the pars. in sub (3m) is incorrect and they should be (a) and (b) rather than 1. and 2.] It would seem appropriate to include this in the provision currently numbered 2.

✓ 16. Page 81 line 14. The word "hunted" should be changed to "harvested." It seems DNR should have the ability to determine whether any dead deer is actually a farm-raised deer that was legally harvested rather than only those that were hunted.

RCT.



17. Pages 81 through 84 contain multiple provisions relating to s. 95.68. Because of the changes in this draft and other bills which are being drafted for other legislators, ✓ DATCP needs to have the authority to draft rules exempting people or entities from the need to be licensed as an animal market. [Representative Duff is having a bill drafted which would require licensure of pet stores. If both bills are passed, and DATCP does not have authority to exempt people, some pet stores could end up needing two licenses from DATCP. That does not serve a useful purpose.]

✓ 18. Page 84 lines 7 to 10 and line 17 deal with the use of the term "livestock market" in ss. 95.69 and 95.71 ineffectively. Given the change in s. 95.68, any reference to

"livestock market" in either s. 95.69 or s. 95.71 should be changed to "animal market" as developed in s. 95.68.

19. In response to drafter's note number 2. It is not clear to DATCP what language was requested relating to "DATCP 90-day orders." However, DATCP does not expect any language in this bill relating to 90-day orders.

OK Tell RCT

20. Also in response to drafter's note number 2. What is the reference to s. 95.23(5)? We are not aware of any request relating to a section 95.23(5) or what that section might be intended to say. We hope that before any changes are made to DATCP's statutes they will be discussed with DATCP.

} said ch 22 animals are subject to 95.23

21. In response to drafter's note number 3. What is referred to as "caged game birds" are what DATCP sought to have defined as "captive game birds". It was DATCP's understanding that this bill would require registration with DATCP by keepers of "captive game birds", but there are no provisions in this bill to require that registration. Will this be added?

22. Drafter's note 2 indicates Becky Tradewell needs to review the language found in chs. 93 and 95. Does this indicate that the provisions previously requested for chapter 95, such as s. 95.61 the requested amendment of s. 95.55(1)(a) and the definition of "captive game birds" must be done by Becky Tradewell, and we should expect to see provisions addressing these issues in a later draft?

not doing

ignore this one down want

→ Robin Kite LRB

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2708/P1dn
MGG:cjs:pg

March 8, 2001.

This is important:
** Replace "domestic ~~animals~~ game birds" w/ "farm-raised game birds"*

*It's covered on
what else is there - p 80-81
to add in?*

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. Amend Ag 11.02

5. Since s. 22.28 is eliminated from the draft, persons with validation licenses no longer can have wild animal markets or auctions. OK? Okay

6. Section 22.36 (1) no longer deals with consignment sales. OK? Okay

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. Okay

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)

"No Poultry" is defined

Both are taken one copy goes w/ shipment - one to state vet. Don't worry about this - go w/ Ag Most of Ag stuff is in rule. Okay # 11

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.

leave as is - no exemptions for persons other animals

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. *Okay as is.*

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

11. Regarding s. 29.314: As *Okay* 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? *no - same as free ranging raccoons, foxes etc.*



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

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? *okay*



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? *See p. 57*

Call them farm-raised not domestic

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? *Okay*



16. Regarding s. 29.741 (2): I attempted to clarify this language. Please make sure that I made no substantive changes. *Okay and add "survive or sell"*

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? *okay*

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? *okay*

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. *okay*

~~Should~~

Mary Gibson-Glass
Senior Legislative Attorney
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1 (13) "Free-roaming" means not captive.

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

5 (15) "Harm to the environment" includes adversely affecting the natural
6 population dynamics of wild animals or wild plants, adversely affecting the habitat
7 of wild animals or wild plants, or displacing wild animals or wild plants from any part
8 of their habitat.

9 (15m) "Harmful wild animal" means a wild animal designated under s. 22.11
10 (2) (a) by the department of natural resources, by the department of agriculture,
11 trade and consumer protection, or by the department of health and family services.

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

13 (17) "Inherently dangerous wild animal" means a species of wild animal that
14 is capable of inflicting severe physical harm to a human ~~or to a domestic animal.~~

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

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

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

21 (21) "Municipality" means a city, village, or town.

22 (22) "Native" means indigenous and occurring or having occurred naturally
23 within the boundaries of this state.

24 (23) "Nonnative wild animal" means a wild animal that is not native.

25 (24) "Nonresident" means a person who is not a resident of this state.

defines?
Why not make definition similar?
okay?

1 **22.015 Rules to define domestic animals.** The department of agriculture,
2 trade and consumer protection shall promulgate rules specifying which animals are
3 domestic animals for purposes of s. 22.01 (7) (b). The rules shall specify that
4 fur-bearing animals to which s. 29.627 applies are domestic animals. *This was deleted in rewrite of 29. - need to go back in.*

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

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

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

23 **22.03 Interagency cooperation.** The department of natural resources and
24 the department of agriculture, trade and consumer protection shall cooperate with

?

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

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

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

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

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

22.07 Exhibition of live wild animals. (1) REQUIREMENT. (a) No person may exhibit any captive live native wild animal or any captive live nonnative wild animal of the family ursidae except as authorized under a captive wild animal farm license, a rehabilitation license, a nonprofit educational exhibiting license, or a nonresident temporary exhibiting license or under s. 29.319. ? Falconry

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

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

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

(a) Public zoos or aquariums.

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

1 stats., if the licensed farm is located totally or partially within a pheasant
2 management zone that is established by the department for purposes of s. 29.191.

3 (5) CONDITIONS. (a) The department shall impose all of the conditions,
4 restrictions and regulations on the validation license that were applicable to the
5 same activity under s. 29.863, 1999 stats., s. 29.865, 1999 stats., s. 29.867, 1999
6 stats., s. 29.869, 1999 stats., or s. 29.877, 1999 stats., and under any rules
7 promulgated under those sections that were in effect on the effective date of this
8 paragraph [revisor inserts date].

9 (b) A validation license is subject to ss. 22.06 (3m), 22.09, 22.11, 22.30, 22.33,
10 22.34, 22.35, 22.36, 22.37, 22.39, 22.40, 22.42, 22.43, 22.45, and 22.46. *22.06?*

****NOTE: Does the reference in s. 22.29 (5) (b) to 22.06 (3m) make sense? Does this
need any references to ch. 95? *Yes*

*all req. of Chap 95
that apply to CW Ann
Yes*

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

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

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

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

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

1 require an applicant who is an individual to provide his or her social security number
2 and an applicant who is not an individual to provide the applicant's federal employer
3 identification number as a condition of applying for, or applying to renew, any of the
4 following licenses:

- 5 (a) A captive wild animal farm license.
- 6 (d) A wild fur farm license.
- 7 (e) A bird hunting preserve license.
- 8 (f) A dog training license.
- 9 (g) A dog trial license.
- 10 (i) A stocking license.
- 11 (j) A rehabilitation license.
- 12 (k) A scientific research license.
- 13 (m) A validation license.

Don't add F - K - they are businesses
and because they are issued by field staff, it
would be nightrish to check...
issued in the field - don't currently need to do them
they aren't businesses

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

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

23 **22.36 Record-keeping and reporting requirements. (1) CAPTIVE WILD**
24 **ANIMAL FARM LICENSES, BIRD HUNTING PRESERVE LICENSES, AND NONPROFIT EDUCATIONAL**
25 **EXHIBITING LICENSES. (a) Records; generally.** Each person holding a captive wild

1 enforcement of the treaty-based, off-reservation rights to fish held by members of
2 federally recognized American Indian tribes or bands domiciled in Wisconsin.

3 SECTION 15. 29.001 (22) of the statutes is created to read:

4 29.001 (22) ^{Farm raised} "Domestic game birds" are birds that are domestic animals, as
5 defined in s. 95.001 (1) (ad), ~~or birds that are used under a license issued under s.~~
6 ~~22.19, 22.20, or 22.21.~~ *WDX P* *16*

7 SECTION 16. 29.001 (24) of the statutes is amended to read:

8 29.001 (24) "Farm-raised deer" has the meaning given in s. 95.001 (1) (a) (ag).

9 SECTION 17. 29.001 (39) of the statutes is amended to read:

10 29.001 (39) "Game birds" ~~includes~~ include wild geese, brant, wild ducks, wild
11 swan, rails, coots, gallinules, snipe, woodcock, plovers, sandpipers, ruffed grouse,
12 prairie chicken, sharp-tailed grouse, pheasants, Hungarian gray partridge, Chukar
13 chukar partridge, bobwhite, quail, crows and wild turkey. "Game birds" do not
14 include birds that are domestic animals, as defined in s. 95.001 (1) (ad), or that are
15 used under a license issued under s. 22.19, 22.20, or 22.21. *WDX P* *No*

16 SECTION 18. 29.001 (60) of the statutes is amended to read:

17 29.001 (60) "Nongame species" means any species of wild animal that is living
18 in the wild and that is not classified as a game fish, game animal, game bird or
19 fur-bearing animal.

20 SECTION 19. 29.011 (3) of the statutes is created to read:

21 29.011 (3) This section does not apply to farm-raised deer, farm raised domestic game
22 birds, or wild animals that are subject to regulation under ch. 22. *?*

23 SECTION 20. 29.024 (1) of the statutes is amended to read:

24 29.024 (1) APPROVALS REQUIRED. Except as specifically provided in ch. 22 or this
25 chapter, no person may hunt or trap in this state, fish in the waters of this state or

1 ~~29.038 (5) This section does not apply to farm-raised deer, domestic game~~
2 ~~birds, or wild animals that are subject to regulation under ch. 22.~~

3 SECTION 29. 29.042 (1) of the statutes is amended to read:

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

10 SECTION 30. 29.047 (2) (b) of the statutes is amended to read:

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

14 SECTION 31. 29.055 of the statutes is amended to read:

15 29.055 **Wild animals; possession in closed season or in excess of bag**
16 **limit.** Except as expressly provided in this chapter, no person may have in the
17 person's possession or under the person's control, or have in storage, any wild animal
18 or carcass that was taken during the closed season for that wild animal or that is in
19 excess of the bag or possession limit or contrary to the size limits for that wild animal.
20 The open and closed seasons and the bag, possession and size limits of the state,
21 province or country in which a wild animal was taken shall apply to the wild animal
22 or the carcass if it was lawfully killed outside of this state. This section does not apply
23 to farm-raised deer, farm-raised fish, ^{Farm raised} domestic game birds, or wild animals that are
24 subject to regulation under ch. 22.

25 SECTION 32. 29.057 of the statutes is amended to read:

1 **29.057 Wild animals; possession in open season.** It is unlawful to possess
2 or control at any time a protected wild animal or the carcass of any protected wild
3 animal showing that it was taken during the closed season for the protected wild
4 animal. This section does not apply to farm-raised deer, farm-raised fish, domestic
5 game birds, or wild animals that are subject to regulation under ch. 22.

6 **SECTION 33.** 29.071 of the statutes is amended to read:

7 **29.071 Wildlife on Indian reservations protected.** No person may remove
8 or take from any Indian reservation the carcass of any protected wild animal during
9 the closed season for the wild animal ~~without a permit from~~ except as authorized by
10 the department under ch. 22 or this chapter.

11 **SECTION 34.** 29.083 (3) of the statutes is renumbered 29.083 (3) (a).

12 **SECTION 35.** 29.083 (3) (b) of the statutes is created to read:

13 29.083 (3) (b) This section ~~does not apply to farm-raised deer, farm-raised fish,~~
14 ~~or wild animals subject to regulation under ch. 22.~~ *NO*

15 **SECTION 36.** 29.191 (2) (a) 3. of the statutes is amended to read:

16 29.191 (2) (a) 3. Any person hunting pheasant under s. 29.195 ~~or on premises~~
17 ~~licensed under s. 29.865~~ *else where in bill see 29.19(5)* *on* is exempt from the requirements under subd. 1. *premises licensed under 22.19*

18 **SECTION 37.** 29.314 (5) (b) 3. of the statutes is amended to read:

19 29.314 (5) (b) 3. To a person who possesses a flashlight or who uses a flashlight
20 ~~while if the person is on foot and training a dog to track or hunt raccoons, foxes, or~~
21 ~~other unprotected wild animals and if the raccoons, foxes, or other unprotected wild~~
22 ~~animals are not subject to regulation under ch. 22.~~ *no extra restriction on gun farmers*

23 **SECTION 38.** 29.319 (1) (intro.) of the statutes is amended to read:

1 SECTION 48. 29.354 (2) of the statutes is renumbered 29.354 (2) (a) and
2 amended to read:

3 29.354 (2) (a) ~~No person, except a~~ Except as provided in par. (b), no person who
4 ~~has a valid scientific collector permit,~~ may take, needlessly destroy or possess or have
5 under his or her control the nest or eggs of any wild bird for which a closed season
6 is prescribed under this chapter.

7 SECTION 49. 29.354 (2) (b) of the statutes is created to read:

8 29.354 (2) (b) A person who has a valid scientific collector permit may take or
9 possess or have under his or her control the nest of a wild bird and may destroy the
10 nest if necessary for a scientific purpose.

11 SECTION 50. 29.354 (4) of the statutes is repealed.

12 SECTION 51. 29.354 (5) of the statutes is created to read:

13 29.354 (5) CAPTIVE WILD ANIMALS. This section does not apply to farm-raised
14 deer, farm-raised fish, or wild animals that are subject to regulation under ch. 22.

15 SECTION 52. 29.357 (5) (b) of the statutes is amended to read:

16
17
18

29.357 (5) (b) Subsections (1) to (4) do not apply to the possession,
transportation, delivery or receipt of farm-raised deer ~~or~~ farm-raised fish, ^{farm raised} ~~domestic~~
game birds, or wild animals that are subject to regulation under ch. 22.

19 SECTION 53. 29.364 (4) (a) of the statutes is amended to read:

20
21
22

29.364 (4) (a) In this subsection, "migratory game bird" means any bird defined
as such by the secretary of the interior in the code of federal regulations, but does not
~~include birds that are domestic animals, as defined in s. 95.001 (1) (ad), or birds that~~
23 are used under a license issued under s. 22.19, 22.20, or 22.21.

24 SECTION 54. 29.501 (9m) of the statutes is created to read:

*Continue to let
Sec. of Interior define.
Not okay
Migratory Bird Treaty Act
does cover game farm
waterfowl for some
things.*

1 nests and carcasses of any wild animals specified in the permit subject to the
2 conditions and limitations specified in the permit and the rules of the department.
3 The permittee may use the specimens for the scientific purposes for which collected
4 or salvaged and may transport them or cause them to be transported by common
5 carrier. Possession of these specimens may not be transferred to any other person,
6 except that these specimens may be exchanged for other specimens for scientific
7 purposes. A scientific collector permit may authorize the use of net guns and
8 tranquilizer guns for activities related to the purposes for which the permit is issued.
9 Any person who is convicted of violating this chapter shall forfeit the person's permit
10 and the permit is thereby revoked, in addition to all other penalties. Any person so
11 convicted is not eligible for a permit under this section for one year following the
12 conviction.

13 SECTION 63. 29.741 (1) of the statutes is repealed.

14 SECTION 64. 29.741 (2) of the statutes is renumbered 29.741 and amended to
15 read:

16 **29.741 ~~State propagation of wild animals~~ Food in the wild for game**
17 **birds**. No person shall take, remove, ^{or} sell, or transport from the public waters of this
18 state to any place beyond the borders of the state, any duck potato, wild celery, or any
19 other plant or plant product, except wild rice, that is native in said to these waters
20 and that is commonly known to furnish food for game birds.

21 SECTION 65. 29.745 of the statutes is repealed.

22 SECTION 66. 29.853 (title) of the statutes is repealed.

23 SECTION 67. 29.853 (1) of the statutes is repealed.

24 SECTION 68. 29.853 (2) of the statutes is repealed.

25 SECTION 69. 29.853 (3) of the statutes is repealed.

(1#) puts burden on person having to prove them of these.

1
2
3
4
5

(a) "Deer" does not include farm-raised deer.

(b) "Game" does not include farm-raised deer, domestic game birds, or wild animals subject to regulation under ch. 22.

(c) "Wild animal" does not include a farm-raised deer, a farm-raised fish, a domestic game bird, or a wild animal subject to regulation under ch. 22.

SECTION 110. 29.974 (2) of the statutes is renumbered 29.974 (2) (b).

SECTION 111. 29.974 (2) (a) of the statutes is created to read:

29.974 (2) (a) In this subsection, "wild animal" does not include a farm-raised deer, a farm-raised fish, a domestic game bird, or a wild animal subject to regulation under ch. 22.

SECTION 112. 29.977 (1) (g) of the statutes is amended to read:

29.977 (1) (g) Any pheasant, ~~Hungarian~~ gray partridge, quail, rail, Wilson's snipe, woodcock or shore bird, or protected song bird or harmless bird, \$17.50.

SECTION 113. 29.983 (1) (b) 7. of the statutes is amended to read:

29.983 (1) (b) 7. For any pheasant, ~~Hungarian~~ gray partridge, quail, rail, Wilson's snipe, woodcock or shore bird, or protected song bird or harmless bird, \$17.50.

SECTION 114. 49.857 (1) (d) 2. of the statutes is amended to read:

49.857 (1) (d) 2. An approval specified in s.29.024 (2g) or a license issued under ch. 22.

SECTION 115. 59.25 (3) (f) 2. of the statutes is amended to read:

59.25 (3) (f) 2. For all court imposed fines and forfeitures required by law to be deposited in the state treasury, the amounts required by s. 757.05 for the penalty assessment surcharge, the amounts required by s. 165.755 for the crime laboratories and drug law enforcement assessment, the amounts required by s. 167.31 (5) for the

1 required under s. ss. 22.46 (2) (d) and 29.989 (1) (d) for the natural resources
2 restitution payments. The payments shall be made by the 15th day of the month
3 following receipt thereof.

4 SECTION 117. 73.0301 (1) (d) 1. of the statutes is amended to read:

5 73.0301 (1) (d) 1. An approval specified in s. 29.024 (2r) or a license specified
6 in s. 22.35.

7 SECTION 118. 90.20 (1) (a) of the statutes is amended to read:

8 90.20 (1) (a) "Farm-raised deer" has the meaning given in s. 95.001 (1) ~~(a)~~ (ag).

9 SECTION 119. 93.07 (10) (a) of the statutes is amended to read:

10 93.07 (10) (a) In this subsection, "domestic animals" includes farm-raised deer,
11 as defined in s. 95.001 (1) ~~(a)~~ (ag).

12 *This is HFS not DATCP* SECTION 120. 93.07 (10) (b) of the statutes is amended to read:

13 93.07 (10) (b) To protect the health of domestic animals ~~of the~~ located in this
14 state, and of humans residing in this state and to determine and employ the most
15 efficient and practical means for the prevention, suppression, control, and
16 eradication of communicable diseases among domestic animals, ~~and for~~. For these
17 purposes ~~it~~ the department may establish, maintain, enforce, and regulate such
18 quarantine and such other measures relating to the importation, movement, and
19 care of animals and their products, the disinfection of suspected localities and
20 articles, and the disposition of animals, as the department may deem necessary. The
21 definition of "communicable disease" in s. 990.01 (5g) does not apply to this
22 paragraph.

23 SECTION 121. 95.001 (1) (a) of the statutes is renumbered 95.001 (1) (ag) and
24 amended to read:

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

****NOTE: Do we need a definition of "captivity"? *No*

6 SECTION 122. 95.001 (1) (ad) of the statutes is created to read:

7 95.001 (1) (ad) "Domestic animal" means any of the following:

- 8 1. An animal that is a member of a species that has been domesticated by
 9 humans.
- 10 2. A farm-raised deer or farm-raised fish or other animal that is a member of
 11 a species that is raised and held in captivity to produce food, fiber, or other
 12 commodities or to breed other animals for food, fiber, or other commodities.
- 13 3. An animal that is listed as a domestic animal by rule by the department.

****NOTE: Is it clear that game birds that are used under licenses issued under s.
 22.19, 22.20 or 22.21 are outside this definition? If not, they need to be for the
 interrelationship among the definitions and exemptions to work.

14 SECTION 123. 95.20 of the statutes is repealed and recreated to read:

15 **95.20 Import and movement of animals.** The department may prohibit or
 16 regulate the importing of animals into this state or the movement of animals within
 17 this state if the department has reasonable grounds to believe that regulation or
 18 prohibition is necessary to prevent the introduction or spread of a disease in this
 19 state that threatens the health of animals or of humans.

20 SECTION 124. 95.22 of the statutes is repealed and recreated to read:

21 **95.22 Reporting animal diseases.** (1) A veterinarian shall report to the
 22 department any disease specified in the rules promulgated under sub. (2) (a) each

It won't be clear in 95 - But "poultry" is defined in NRP Ag 10

1 agriculture, trade and consumer protection shall provide a copy of the certificate to
2 the department of natural resources.

3 SECTION 132. 95.45 (2) of the statutes is repealed.

4 SECTION 133. 95.45 (3) of the statutes is repealed.

****NOTE: I repealed s. 95.45 (2) (and (3) because it appears that DATCP does not
accept applications for or approve certificates.

5 SECTION 134. 95.49 (1) (e) of the statutes is amended to read:

6 95.49 (1) (e) Animals not known to be reactors moved to the premises of a
7 livestock an animal market operator licensed under s. 95.68 or a livestock dealer
8 licensed under s. 95.69, for sale and removal as provided in sub. (2).

9 SECTION 135. 95.49 (1m) (e) of the statutes is amended to read:

10 95.49 (1m) (e) Animals not known to be reactors moved to the premises of a
11 livestock an animal market operator licensed under s. 95.68 or a livestock dealer ^{? animal?}
12 licensed under s. 95.69, for sale and removal as provided in sub. (2).

13 SECTION 136. 95.55 (title) of the statutes is amended to read:

14 95.55 ~~Farm-raised deer; registration.~~

15 SECTION 137. 95.55 (3m) of the statutes is created to read:

16 95.55 (3m) AUTHORIZATION. A person who is registered under this section may
17 do any of the following:

- 18 1. Possess, propagate, purchase, sell, hunt, and exhibit farm-raised deer.
- 19 2. Hunt or sell or offer to sell the opportunity to hunt farm-raised deer that the
20 person owns.

21 SECTION 138. 95.55 (6) of the statutes is created to read:

22 95.55 (6) RULES. (a) The department shall promulgate rules to regulate
23 persons who keep farm-raised deer. The rules shall establish disease testing

1 requirements for bovine tuberculosis and chronic wasting disease and may establish
2 testing requirements for other diseases. The rules shall require that a minimum of
3 80 contiguous acres be provided for farm-raised deer that are hunted by persons who
4 purchase from the owner of the farm-raised deer the opportunity to hunt the
5 farm-raised deer.

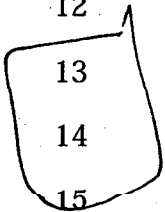
6 (b) The rules promulgated under this subsection may include any of the
7 following:

8 1. Standards to be followed by persons keeping farm-raised deer to prevent the
9 spread of disease.

10 2. Provisions requiring annual registration.

11 3. Exemptions from any annual registration requirements established under
12 subd. 2.

13 4. Methods for identifying dead farm-raised deer as having been legally
14 hunted.



*Fence inspection certificate § - this should cross reference
cert required in 22*

15 SECTION 139. 95.68 (title) of the statutes is amended to read:

16 95.68 (title) Livestock Animal markets.

17 SECTION 140. 95.68 (1) (a) of the statutes is renumbered 95.68 (1) (am).

18 SECTION 141. 95.68 (1) (b) of the statutes is amended to read:

19 95.68 (1) (b) "Equine market" means a livestock an animal market that is open
20 to the public solely for the purpose of trading in equine animals.

21 SECTION 142. 95.68 (1) (e) of the statutes is renumbered 95.68 (1) (ag) and
22 amended to read:

23 95.68 (1) (ag) "Livestock Animal market" means any premises which are open
24 to the public for the purpose of trading in livestock ^{*captive*} or wild animals and on which
25 facilities are maintained for their yarding, feeding and watering prior to sale.

1 SECTION 143. 95.68 (1) (f) of the statutes is renumbered 95.68 (1) (ai) and
2 amended to read:

3 95.68 (1) (ai) "~~Livestock~~ Animal transport vehicle" ~~has the meaning given in~~
4 ~~s. 95.71 (1) (g)~~ means any vehicle used to transport livestock or ^{captives} wild animals.

5 SECTION 144. 95.68 (1) (g) of the statutes is created to read:

6 95.68 (1) (g) "^{Captives}Wild animal" means a wild animal that is subject to regulation
7 under ch. 22.

8 SECTION 145. 95.68 (2) of the statutes is amended to read:

9 95.68 (2) LICENSE. Except as provided in sub. (2m), no person may operate a
10 ~~livestock~~ an animal market without an annual license from the department. A
11 ~~livestock~~ An animal market license expires on June 30 annually. A separate license
12 is required for every ~~livestock~~ animal market. A license is not transferable between
13 persons or locations.

14 SECTION 146. 95.68 (4) (intro.) of the statutes is amended to read:

15 95.68 (4) FEES. (intro.) Unless the department specifies a different fee by rule,
16 the fee for a ~~livestock~~ market license issued under this section is the following
17 amount:

18 SECTION 147. 95.68 (4) (a) of the statutes is amended to read:

19 95.68 (4) (a) For a ~~livestock~~ an animal market that is not an equine market and
20 that conducted sales at the market on at least 5 days during the year immediately
21 preceding the year for which the license is issued, \$150.

22 SECTION 148. 95.68 (4) (b) of the statutes is amended to read:

23 95.68 (4) (b) For a ~~livestock~~ an animal market that is not an equine market and
24 that conducted sales on fewer than 5 days during the year immediately preceding the
25 year for which the license is issued, \$75.

1 100.04 (1) DEFINITION. In this section, "livestock" means swine, cattle, poultry,
2 sheep, goats or farm-raised deer, as defined in s. 95.001 (1) (a) (ag).


3 **SECTION 161.** 167.31 (4) (b) of the statutes is amended to read:

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

8 **SECTION 162.** 174.001 (3) of the statutes is amended to read:

9 174.001 (3) "Livestock" means any horse, bovine, sheep, goat, pig, elk or other
10 deer raised in captivity, llama, alpaca, domestic rabbit, farm-raised deer, as defined
11 in s. 95.001 (1) (a) (ag). or ^{poultry} domestic fowl, including game ^{birds} fowl raised in captivity.

 ***NOTE: Under current law, this definition refers to deer that are captive 2 times.
Therefore, the first reference is stricken. OK? *okay*


*Folk to Sara
(July Change?)*

12 **SECTION 163.** 350.01 (5) of the statutes is repealed.

13 **SECTION 164.** 814.60 (2) (e) of the statutes is amended to read:

14 814.60 (2) (e) Natural resources restitution payment imposed by s. 22.46 (2) or
15 29.989.

16 **SECTION 165.** 895.57 (3) of the statutes is amended to read:

17 895.57 (3) Subsection (2) does not apply to any humane officer, local health
18 officer, peace officer, employee of the department of agriculture, trade or consumer
19 protection, or employee of the department of natural resources while on any land
20 licensed under s. 29.865, 29.867, 29.869 or 29.871 22.15, 22.18, or 22.19, subject to
21 certification under s. 90.21, or designated as a wildlife refuge under s. 29.621 (1) or
22 employee of the department of agriculture, trade and consumer protection if the

okay

1 officer's or employee's acts are in good faith and in an apparently authorized and
2 reasonable fulfillment of his or her duties.

****NOTE: The cross-reference to a certification under s. 90.21 is to the fencing
certification provisions that will be included in a later version. *okay*

3 SECTION 166. 943.75 (3) of the statutes is amended to read:

4 943.75 (3) Subsections (2) and (2m) do not apply to any humane officer, local
5 health officer, peace officer, employee of the department of agriculture, trade and
6 consumer protection, or employee of the department of natural resources while on
7 any land licensed under s. ~~29.865, 29.867, 29.869 or 29.871~~ 22.15, 22.18, or 22.19,
8 subject to certification under s. 90.21, or designated as a wildlife refuge under s.
9 29.621 (1) ~~or employee of the department of agriculture, trade and consumer~~
10 ~~protection~~ if the officer's or employee's acts are in good faith and in an apparently
11 authorized and reasonable fulfillment of his or her duties. This subsection does not
12 limit any other person from claiming the defense of privilege under s. 939.45 (3).

****NOTE: The cross-reference to a certification under s. 90.21 is to the fencing
certification provisions that will be included in a later version. *okay*

13 SECTION 167. 951.01 (1m) of the statutes is created to read:

14 951.01 (1m) "Conservation warden" means a warden appointed under s. 23.10.

15 SECTION 168. 951.015 of the statutes is renumbered 951.015 (1) and amended
16 to read:

17 951.015 (1) This chapter may not be interpreted as controverting any law
18 regulating wild animals that are subject to regulation under ch. 22, the taking of a
19 ~~wild animal~~ wild animals, as defined in s. 29.001 (90), ~~the trapping of animals, the~~
20 ~~use of live animals in dog trials or in the training of hunting dogs or the slaughter~~
21 of animals by persons acting under state or federal law.

22 SECTION 169. 951.015 (2) of the statutes is created to read:

ATCP 11.01(2)



(2) "Accredited veterinarian" means a veterinarian who is both of the following:

ATCP 11.01(2)(a)



(a) Licensed to practice veterinary medicine.

ATCP 11.01(2)(b)



(b) Specifically authorized by the federal bureau and responsible state agency, pursuant to 9 CFR 160 to 162, to perform animal disease eradication and control functions under state and federal animal health laws.

ATCP 11.01(74)



(74) "State veterinarian" means the administrator of the animal health division of the department, or a veterinarian who is authorized by the administrator to act on his or her behalf.

ATCP 11.01(84m)



(84m) "Wisconsin certified veterinarian" means a veterinarian certified under s. ATCP 10.05.