



State of Wisconsin
2001 - 2002 LEGISLATURE

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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Reagan

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, 29.354 (4), 29.563 (9) (intro.) and (a)
3 (title), 29.563 (9) (a) 2. to 10. and (b), 29.563 (9) (c), 29.741 (1), 29.745, 29.853
4 (title), 29.853 (1), 29.853 (2), 29.853 (3), 29.853 (4m), 29.853 (5) (title), 29.855
5 (title), 29.855 (1), 29.855 (2), 29.855 (3), 29.855 (4) (title), 29.855 (5), 29.855 (6),
6 29.855 (7), 29.857, 29.861, 29.863, 29.865, 29.867, 29.869, 29.871, 29.877,
7 29.879, 29.881, 90.20 (1) (a), 95.45 (2), 95.45 (3), 95.71 (1) (c), 95.71 (1) (d) and
8 350.01 (5); *to renumber* 23.51 (1), 29.563 (9) (a) 1., 29.873, 29.974 (2), 95.68 (1)
9 (a), 95.69 (1) (b) and 95.71 (1) (b); *to renumber and amend* 29.334, 29.351,
10 29.354 (2), 29.741 (2), 29.853 (5), 29.855 (4), 93.07 (10) (b), 95.001 (1) (a), 95.45
11 (1), 95.68 (1) (e), 95.68 (1) (f), 95.68 (2m), 95.71 (1) (g), 951.015 and 951.09; *to*
12 *amend* 20.370 (1) (mu), 20.370 (3) (mu), 23.09 (2) (f), 23.50 (1), 23.50 (3), 23.51
13 (5), 23.65 (1), 25.29 (1) (a), 25.29 (4m), 29.001 (24), 29.001 (39), 29.001 (60),
14 29.024 (1), 29.024 (2g) (a) 2., 29.024 (2r) (am), 29.042 (1), 29.047 (2) (b), 29.055,
15 29.057, 29.071, 29.191 (2) (a) 3., 29.319 (1) (intro.), 29.334 (title), 29.337 (1)

1 (intro.), 29.347 (2), 29.354 (1), 29.357 (5) (b), 29.506 (4), 29.539 (1m), 29.541 (3),
2 29.614 (3), 29.875 (1), 29.885 (1) (f), 29.889 (1) (intro.), 29.889 (1) (a), 29.924 (4),
3 29.924 (4), 29.924 (5), 29.927 (5), 29.931 (1), 29.931 (2) (a), 29.934 (1) (a), 29.957,
4 29.969, 29.971 (14), 29.977 (1) (g), 29.983 (1) (b) 7., 49.857 (1) (d) 2., 59.25 (3)
5 (f) 2., 59.40 (2) (m), 73.0301 (1) (d) 1., 90.20 (title), 90.20 (2) (intro.), 93.06 (1g),
6 95.10 (5), 95.31 (1), 95.31 (2), 95.31 (3), 95.31 (4), 95.38 (1), 95.49 (1) (e), 95.49
7 (1m) (e), 95.49 (2), 95.55 (title), 95.68 (title), 95.68 (1) (b), 95.68 (2), 95.68 (4)
8 (intro.), 95.68 (4) (a), 95.68 (4) (b), 95.68 (4) (c), 95.68 (5) (a) 1., 95.68 (5) (a) 2.,
9 95.68 (5) (b), 95.68 (5) (c), 95.68 (7), 95.68 (8), 95.69 (title), 95.69 (1) (c) (intro.),
10 95.69 (1) (c) 1., 95.69 (1) (d), 95.69 (1) (e), 95.69 (1) (f), 95.69 (2), 95.69 (4), 95.69
11 (5) (a) 1., 95.69 (5) (a) 2., 95.69 (5) (b), 95.69 (5) (c), 95.69 (7), 95.69 (8), 95.69
12 (8m), 95.71 (title), 95.71 (1) (e), 95.71 (1) (f), 95.71 (2), 95.71 (3), 95.71 (4), 95.71
13 (5) (a), 95.71 (5) (b), 95.71 (6) (a) (intro.), 95.71 (6) (a) 1., 95.71 (6) (a) 2., 95.71
14 (6) (b), 95.71 (6) (c), 95.71 (8), 95.72 (7) (a), 97.42 (1) (dm), 97.44 (3), 100.04 (1),
15 167.31 (4) (b), 173.23 (1m) (b), 174.001 (3), 814.60 (2) (e), 895.57 (3), 943.75 (3),
16 951.18 (4) (a) 2., 951.18 (4) (b) 1. and 973.05 (1); *to repeal and recreate* 95.20,
17 95.22, 95.45 (title) and 95.68 (2m) (title); and *to create* chapter 22, 23.51 (1d),
18 23.51 (9m), 23.795 (3), 29.001 (25m), 29.011 (3), 29.334 (3), 29.351 (2m), 29.354
19 (2) (b), 29.354 (5), 29.501 (9m), 29.931 (4), 29.974 (2) (a), 90.21, 95.001 (1) (ac),
20 95.001 (1) (ad), 95.45 (1d), 95.45 (4), 95.45 (5), 95.55 (3m), 95.55 (5), 95.55 (6),
21 95.68 (1) (g), 95.68 (2m) (b), 95.68 (5) (a) 1m., 95.68 (5) (a) 2m., 95.69 (1) (h),
22 95.69 (2m), 95.69 (5) (a) 1m., 95.69 (5) (a) 2m., 95.71 (1) (i), 95.71 (6) (a) 1m.,
23 95.71 (6) (a) 2m., 951.01 (1m), 951.015 (2), 951.09 (2) and 951.09 (3) of the
24 statutes; **relating to:** the possession of wild animals; farm-raised deer;
25 farm-raised game birds; animal health, animal markets, dealers, and truckers;

1 taking, removing, selling, and transporting certain wild plants granting
2 rule-making authority; making appropriations; and providing penalties.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.
For further information see the ***state and local*** fiscal estimate, which will be
printed as an appendix to this bill.

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

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

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

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

10 20.370 (3) (mu) *General program operations — state funds.* The amounts in
11 the schedule for law enforcement operations under ss. 23.09 to 23.11 and 166.04 and
12 chs. 22, 29 and 30 and for review of environmental impact requirements under ss.
13 1.11 and 23.40.

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

15 **CHAPTER 22**

16 **CAPTIVE WILDLIFE**

17 **22.01 Definitions.** In this chapter:

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

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

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

6 (b) Restrained by physical alterations that limit movement or facilitate
7 capture.

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

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

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

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

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

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

18 (7) "Domestic animal" means farm-raised deer; a pet bird that is either a
19 psittacine or a softbill and is not native, is not endangered or threatened, and is not
20 a migratory bird on the list in 50 CFR 10.13 that is promulgated under 16 USC 701
21 to 715s; or an animal that is all of the following:

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

1 (b) Listed as a domestic animal by rule by the department of agriculture, trade
2 and consumer protection.

3 (8) “Dressed fur” has the meaning given in s. 29.501 (1) (a).

4 (9) “Endangered or threatened species” means those species of wild animals
5 that are indigenous to the United States or Canada and are identified on the federal
6 list of endangered and threatened species or on the Wisconsin list of endangered and
7 threatened species.

8 (11) “Exhibit” means to display for the purpose of public viewing, regardless
9 of whether a fee is charged.

10 (12) “Farm-raised deer” has the meaning given in 95.001 (1) (ag).

11 (13) “Free-roaming” means not captive.

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

15 (15) “Harm to the environment” includes adversely affecting the natural
16 population dynamics of wild animals or wild plants, adversely affecting the habitat
17 of wild animals or wild plants, or displacing wild animals or wild plants from any part
18 of their habitat.

19 (15m) “Harmful wild animal” means a wild animal designated under s. 22.11
20 (1) (a).

21 (16) “Humane officer” means an officer appointed under s. 173.03.

22 (18) “Introduce” means to release for the purpose of allowing the animal to
23 establish a population in an area in the wild where that species of animal is not
24 naturally present at the time the wild animal is released.

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

3 **(20)** “License year” means the year during which a license is valid.

4 **(21)** “Municipality” means a city, village, or town.

5 **(22)** “Native” means indigenous and occurring or having occurred naturally
6 within the boundaries of this state.

7 **(23)** “Nonnative wild animal” means a wild animal that is not native.

8 **(24)** “Nonresident” means a person who is not a resident of this state.

9 **(25)** “Person” means any individual, partnership, firm, joint stock company,
10 corporation, association, trust, estate, or other legal entity.

11 **(26)** “Possess” means to own, control, restrain, transport, or keep.

12 **(27)** “Propagate” means to breed, encourage, or facilitate for the purpose of
13 generating offspring.

14 **(28)** “Public zoo or aquarium” means a zoo or aquarium that is operated by the
15 state or by a city, village, or county or that is an accredited member of the American
16 Zoo and Aquarium Association.

17 **(29)** “Purchase” means to acquire through a sale or through an exchange for
18 consideration.

19 **(30)** “Raw fur” has the meaning given in s. 29.501 (1) (e).

20 **(30m)** “Rehabilitate” means to provide care or treatment to an orphaned, sick,
21 or injured wild animal for the purpose of releasing it back into the wild.

22 **(31)** “Sell” means to transfer or exchange for consideration.

23 **(32)** “State resident” has the meaning given “resident” in s. 27.01 (10) (a).

24 **(33)** “Stock” means to release for the purpose of increasing or maintaining a
25 population of the animal.

1 (34) "Take" means to capture, but does not include killing.

2 (35) "Veterinarian" means an individual who is licensed as a veterinarian
3 under ch. 453 or by another state and who is approved by the department of
4 agriculture, trade and consumer protection.

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

6 (37) "Wild animal" means any animal of a wild nature that is normally found
7 in the wild and that is not a domestic animal.

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

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

10 **22.015 Rules to define domestic animals.** The department of agriculture,
11 trade and consumer protection shall promulgate rules specifying which animals are
12 domestic animals for purposes of s. 22.01 (7) (b). The rules shall specify that
13 fur-bearing animals to which s. 29.627 applies are domestic animals.

****NOTE: The cross-reference to s. 29.627 is correct. Section 29.873 is renumbered
to s. 29.627 in this draft.

14 **22.02 Title to wild animals. (1) TITLE VESTED IN OWNER.** Except as provided
15 in sub. (3), legal title to a live captive wild animal or the carcass of a captive wild
16 animal is vested in the person who owns the wild animal if the person is in
17 compliance with this chapter and the rules promulgated under this chapter. A
18 person holding legal title may transfer without consideration the live captive wild
19 animal or the carcass of the captive wild animal to a person who is in compliance with
20 this chapter and the rules promulgated under this chapter. A person holding legal
21 title to a live captive wild animal may kill it, or have it killed, in a humane manner.

22 **(2) TITLE WITH STATE.** The department may assume on behalf of the state, or may
23 sell or otherwise transfer to another person, legal title to any live captive wild

1 animal, or the carcass of any captive wild animal, that is possessed by any person in
2 violation of this chapter or the rules promulgated under this chapter.

3 (3) EXCEPTIONS. Legal title to a live captive wild animal or the carcass of a
4 captive wild animal that is possessed as authorized under a rehabilitation license or
5 a scientific research license remains with the state. A person holding a rehabilitation
6 license or a scientific research license may transfer or dispose of a live captive wild
7 animal or the carcass of a captive wild animal only as specifically authorized by the
8 department.

9 **22.03 Interagency cooperation.** The department of natural resources and
10 the department of agriculture, trade and consumer protection shall cooperate with
11 each other with respect to any wild animal that is subject to regulation under this
12 chapter and ch. 93, 94, or 95.

13 **22.04 Possession of live wild animals. (1) RESTRICTIONS ON POSSESSION.** (a)
14 No person may possess any live wild animal unless the wild animal is legally
15 obtained.

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

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

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

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

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

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

11 (d) If a live wild animal has been exposed to or infected with any contagious or
12 infectious disease, as defined under rules promulgated by the department of
13 agriculture, trade and consumer protection under s. 95.001 (2), during the time the
14 wild animal is being temporarily possessed, the person possessing the wild animal
15 shall ensure that a veterinarian files with the department of agriculture, trade and
16 consumer protection a copy of a valid certificate of veterinary inspection that certifies
17 that the wild animal is free of any such diseases before releasing it into the wild.

18 (3) WILD ANIMALS UNDER ANOTHER JURISDICTION. A live wild animal possessed
19 by a nonresident under the legal authority of another state, province, or country may
20 be possessed in this state by the nonresident for not more than 60 days from the date
21 the wild animal enters the state if all of the following apply:

22 (a) The nonresident ensures that a veterinarian files a copy of a valid certificate
23 of veterinary inspection for the wild animal with the department of agriculture,
24 trade and consumer protection.

1 (b) The nonresident holds every license or other approval that is required by
2 the other state, province, or country.

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

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

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

4 1. Pheasants of the species Phasianus colchicus or Syrmaticus reevesii, chukar
5 partridge, gray partridge, or red-legged partridge that are possessed for use under
6 a bird hunting preserve license, a dog training license, a hound training license, a
7 dog club training license, a dog trial license, or a hound trial license.

8 2. Nonnative wild animals of the family anatidae.

9 3. Nonnative wild animals that are harmful wild animals.

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

12 1. Veterinarians, for the purpose of providing medical treatment to wild
13 animals.

14 2. Public zoos or aquariums.

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

16 4. The department.

17 5. Persons who are in compliance with ss. 95.68, 95.69, and 95.71.

****NOTE: I have added a cross-reference to ss. 95.69 and 95.71 in ss. 22.04 (5) (a)
5., 22.07 (3) (d), 22. 10 (4) (d), and 22.12 (5) (d).

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

20 (6) INAPPLICABILITY TO CERTAIN WILD ANIMALS. (a) This section does not authorize
21 the possession of harmful wild animals.

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

1 **22.05 Taking of wild animals. (1) REQUIREMENT.** No person may take any
2 wild animal from the wild except as authorized under a bird hunting preserve
3 license, a wild fur farm license, a rehabilitation license, or a scientific research
4 license or under s. 29.319.

5 **(2) EXEMPTION FOR CERTAIN WILD ANIMALS.** A person is exempt from the
6 requirement under sub. (1) if the wild animal that the person takes from the wild is
7 a native wild animal that is exempt under s. 22.04 (4) (a).

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

10 1. Veterinarians, for the purpose of providing medical treatment to wild
11 animals.

12 2. The department.

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

15 **(4) INAPPLICABILITY TO CERTAIN WILD ANIMALS. (a)** This section does not authorize
16 the taking of harmful wild animals.

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

19 **22.06 Introduction, stocking, and release of wild animals. (1)**
20 **REQUIREMENT; PERSONS OTHER THAN THE DEPARTMENT. (a)** No person may introduce,
21 stock, or release into the wild, or import into this state to introduce, stock, or release
22 into the wild, any wild animal except as authorized under a bird hunting preserve
23 license, a bird dog training license, a hound dog training license, a dog club training
24 license, a bird dog trial license, a hound dog trial license, a stocking license, a
25 rehabilitation license, or a scientific research license or under s. 29.319.

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

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

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

11 1. If a wild animal has been exposed to or infected with any contagious or
12 infectious disease, as defined under rules promulgated by the department of
13 agriculture, trade and consumer protection under s. 95.001 (2), the person
14 introducing, stocking, or releasing the wild animal shall ensure that a veterinarian
15 files a copy of a valid certificate of veterinary inspection with the department of
16 agriculture, trade and consumer protection certifying that the wild animal is free of
17 any such diseases before the introducing, stocking, or release.

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

22 a. The wild birds originate from a flock of a person participating in the national
23 poultry improvement plan under 9 CFR part 145 and any other captive wild birds
24 with which they have had contact originate from such a flock.

1 b. Within 30 days before the introducing, stocking, or release, the wild birds
2 meet the requirements of any rules promulgated by the department under sub. (3m).

3 **(2) REPORTS.** At the request of a municipality in an area in which wild animals
4 are introduced, stocked, or released under sub. (1), the department shall require a
5 person who introduced, stocked, or released those wild animals to report to the
6 municipality the number and species of wild animals introduced, stocked, or released
7 and the location at which the animals were introduced, stocked, or released.

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

12 **(3m) INTRODUCTION REQUIREMENTS.** (a) The department may promulgate rules
13 to establish the following:

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

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

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

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

22 **22.07 Exhibition of live wild animals. (1) REQUIREMENT.** (a) No person may
23 exhibit any captive live native wild animal or any captive live nonnative wild animal
24 of the family ursidae except as authorized under a captive wild animal farm license,

1 a rehabilitation license, a nonprofit educational exhibiting license, or a nonresident
2 temporary exhibiting license or under s. 29.319.

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

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

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

11 (a) Public zoos or aquariums.

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

13 (c) The department.

14 (d) A person who is in compliance with ss. 95.68, 95.69, and 95.71.

15 (4) INAPPLICABILITY TO CERTAIN WILD ANIMALS. This section does not authorize
16 the exhibiting of harmful wild animals.

17 **22.08 Propagation of wild animals. (1) REQUIREMENT.** No person may
18 propagate any native wild animal or any nonnative wild animal of the family ursidae
19 except as authorized under a captive wild animal farm license, a bird hunting
20 preserve license, a wild fur farm license, a nonprofit educational exhibiting license,
21 or a scientific research license.

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

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

3 (a) Public zoos or aquariums.

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

5 (c) The department.

6 (4) INAPPLICABILITY TO CERTAIN WILD ANIMALS. This section does not authorize
7 the propagating of harmful wild animals.

8 **22.085 Rehabilitation of wild animals. (1) REQUIREMENT.** No person may
9 rehabilitate any wild animal except as authorized under a rehabilitation license.

10 (2) INAPPLICABILITY TO CERTAIN WILD ANIMALS. This section does not authorize
11 the rehabilitation of harmful wild animals.

12 **22.09 Hunting of captive wild animals. (1) REQUIREMENT; GENERALLY.** No
13 person may hunt a captive wild animal except as authorized under a bird hunting
14 preserve license, a bird dog training license, a hound dog training license, a dog club
15 training license, a bird dog trial license, or a hound dog trial license.

16 (2) REQUIREMENT; COMMERCIAL HUNTING. No person may sell or offer to sell or
17 purchase or offer to purchase the opportunity to hunt any wild animal that is or has
18 been captive except as authorized under a bird hunting preserve license.

19 **22.10 Sale and purchase of live wild animals. (1) SALE.** Except as
20 authorized under a captive wild animal farm license, a bird hunting preserve license,
21 a wild fur farm license, or a nonprofit educational exhibiting license or under s.
22 29.319, no person may sell or offer to sell any of the following:

23 (a) Any live native wild animal that is not exempt under s. 22.04 (4) (a).

24 (b) Any live nonnative wild animal that is not exempt under s. 22.04 (4) (b).

1 **(2) PURCHASE.** (a) Except as provided under par. (b) and except as authorized
2 under a captive wild animal farm license, a bird hunting preserve license, a bird dog
3 training license, a hound dog training license, a dog club training license, a bird dog
4 trial license, a hound dog trial license, a nonprofit educational exhibiting license, or
5 a stocking license or under s. 29.319, no person may purchase or offer to purchase
6 any of the following:

7 1. Any live native wild animal that is not exempt under s. 22.04 (4) (a).

8 2. Any live nonnative wild animal that is not exempt under s. 22.04 (4) (b).

9 (b) A nonresident who purchases a live wild animal is exempt from holding a
10 license under this chapter to possess the wild animal if the nonresident possesses the
11 wild animal in this state for not more than 10 days after the date of purchase.

12 **(4) EXEMPTION FOR CERTAIN INSTITUTIONS.** Each of the following is exempt from
13 the requirements under subs. (1) and (2):

14 (a) Public zoos or aquariums.

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

16 (c) The department.

17 (d) A person who is in compliance with ss. 95.68, 95.69, and 95.71.

18 **(5) INAPPLICABILITY TO CERTAIN WILD ANIMALS.** (a) This section does not authorize
19 the selling or purchasing of harmful wild animals.

20 (b) The selling and purchasing of native wild reptiles and native wild
21 amphibians is subject to s. 22.12 and not to this section.

22 **22.11 Harmful wild animals. (1) DESIGNATION.** (a) The department shall
23 designate by rule cougars and members of the family ursidae as harmful wild
24 animals. After consulting with the department of agriculture, trade and consumer
25 protection and the department of health and family services, the department of

1 natural resources may designate by rule other species of wild animals as harmful
2 wild animals if any of the following apply:

3 1. The wild animal is not a native wild animal and is capable of inflicting harm
4 to the environment.

5 2. The wild animal is capable of creating a risk to public health or to the health
6 of domestic animals.

7 3. The wild animal is capable of inflicting severe physical harm to humans or
8 to domestic animals.

9 (b) No person may possess, take, propagate, sell, purchase, transfer, exhibit,
10 or rehabilitate a live harmful wild animal unless specifically authorized to do so by
11 the department.

12 (c) No person may introduce, stock, or release, or import into this state to
13 introduce, stock, or release, any harmful wild animal unless specifically authorized
14 to do so by the department under s. 22.06 (1) (c).

15 **(3) EXEMPTIONS.** (a) Public zoos and aquariums are exempt from the
16 prohibition under sub. (2) (b).

17 (b) 1. Veterinarians are exempt from the prohibition under sub. (2) (b) for the
18 purpose of providing medical treatment to harmful wild animals.

19 2. For purposes of subd. 1., “medical treatment” does not include rehabilitation.

20 **22.12 Sale and purchase of native wild reptiles and wild amphibians.**

21 **(1) POSSESSION; GENERAL.** No person may take from the wild or possess live native
22 wild reptiles or live native wild amphibians unless the person is authorized to do so
23 under rules promulgated by the department or unless sub. (3) applies.

1 **(3) POSSESSION OF NATIVE FROGS.** A person using native frogs for bait while
2 fishing may take from the wild, possess, and kill more than 5 native frogs, but may
3 not possess more than 5 of any subspecies of native frog for more than 24 hours.

4 **(4) RESTRICTIONS ON SALES AND PURCHASES.** Unless authorized to do so under
5 rules promulgated by the department, no person may sell or purchase live native
6 wild reptiles or live native wild amphibians except for the following:

7 (a) Color variants of these wild reptiles and wild amphibians that have been
8 bred in captivity and have coloration that is clearly distinct from the normal
9 morphological color patterns.

10 (b) Leopard frogs, mud puppies, and tiger salamanders that are sold or
11 purchased under the authorization of a Class A captive wild animal farm license.

12 (c) Native reptiles or amphibians that are legally taken or reared outside this
13 state and that are sold to educational institutions under the authorization of a Class
14 A captive wild animal farm license.

15 **(5) EXEMPTION FOR CERTAIN INSTITUTIONS.** Each of the following is exempt from
16 the requirements under subs. (1) and (4):

17 (a) Public zoos or aquariums.

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

19 (c) The department.

20 (d) A person who is in compliance with ss. 95.68, 95.69, and 95.71.

21 **(6) EXEMPTION FOR VETERINARIANS.** (a) Veterinarians are exempt from the
22 requirement under sub. (1) for the purpose of providing medical treatment to native
23 wild reptiles and native wild amphibians.

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

1 (7) INAPPLICABILITY TO CERTAIN WILD ANIMALS. This section does not authorize
2 the possessing, taking, selling, or purchasing of reptiles or amphibians that are any
3 of the following:

4 (a) A reptile or amphibian that is not native and is capable of inflicting harm
5 to the environment.

6 (b) A reptile or amphibian that is capable of creating a risk to public health or
7 health of domestic animals.

8 **22.14 Carcasses of captive wild animals. (1) RESTRICTIONS ON SALES AND**
9 **PURCHASES.** (a) No person may sell the carcass of any captive wild animal unless the
10 seller provides to the purchaser written proof of origin.

11 (b) No person may purchase or possess the carcass of any captive wild animal
12 unless the purchaser maintains written proof of origin during the time the purchaser
13 possesses the carcass.

14 (c) No person may sell or purchase the carcass, except for the hide, of a bear that
15 was a captive wild animal.

16 (d) No person may preserve and mount a carcass of a captive wild animal for
17 consideration unless that person holds a valid taxidermist permit issued under s.
18 29.506.

19 (2) TAGGING REQUIREMENTS FOR CAPTIVE WILD ANIMAL FARMS. (a) A person killing
20 a wild animal under the authority of a captive wild animal farm license shall tag the
21 carcass in the manner required by the department before removing the carcass from
22 the farm. No person may remove the tag from the carcass except as provided in par.
23 (b).

24 (b) A person acquiring a carcass tagged under par. (a) that is to be consumed
25 for food may remove the tag at the time the carcass is prepared for final consumption.

1 The person shall keep the tag in evidence until the carcass is consumed or otherwise
2 disposed of.

3 (c) For purposes of pars. (a) and (b), for the carcasses of wild reptiles and wild
4 amphibians, a person need not tag each carcass, but shall tag each shipment in the
5 manner required by the department.

6 **(3) INAPPLICABILITY TO CERTAIN CARCASSES.** (a) Subsections (1) and (2) do not
7 apply to the raw fur or dressed fur of fur-bearing wild animals.

8 (c) The selling, purchasing, or possessing of carcasses of endangered or
9 threatened species is subject to s. 29.604 and not to this section.

10 **22.15 Captive wild animal farm licenses. (1) ISSUANCE.** (a) The
11 department shall issue a Class A captive wild animal farm license to operate a
12 captive wild animal farm that grosses \$10,000 or more in annual sales to any person
13 who files a proper application for the license and who pays the applicable fee.

14 (b) The department shall issue a Class B captive wild animal farm license to
15 operate a captive wild animal farm that grosses less than \$10,000 in annual sales to
16 any person who files a proper application for the license and who pays the applicable
17 fee.

18 (d) The applicant shall specify the location of the enclosures for the wild
19 animals on the application.

20 **(2) AUTHORIZATION.** (a) A captive wild animal farm license authorizes the
21 holder of the license to possess, propagate, kill, exhibit, purchase, and sell live
22 captive wild animals of the species specified by the department on the license.

23 (b) A captive wild animal farm license authorizes the killing of captive wild
24 animals only by the holder of the license or an employee of the holder of the license.

1 **(3) CALCULATION OF ANNUAL SALES.** (a) The calculation of annual sales under
2 sub. (1) and par. (b) shall be based on sales from the prior year that involve live
3 captive wild animals that are any of the following:

- 4 1. Native wild animals.
- 5 3. Harmful wild animals.
- 6 4. Endangered or threatened species.

7 (b) For the first year that a person is issued a captive wild animal farm license,
8 the person shall be issued a Class B captive wild animal farm license, unless one of
9 the following applies:

- 10 1. The person operated a game bird and animal farm licensed under s. 29.867,
11 1999 stats., on the effective date of this subdivision [revisor inserts date], that
12 grossed \$10,000 or more in annual sales.
- 13 2. The person elects to be issued a Class A captive wild animal farm license.

14 **(4) CONTROL OF WILD ANIMALS.** (a) A person holding a captive wild animal farm
15 license shall control the wild animals at all times in the manner required by the
16 department and shall keep the wild animals at the locations specified on the
17 application for the license.

18 (b) If any member of the family ursidae, felidae, or canidae escapes from its
19 enclosure or fenced area on a captive wild animal farm, the person holding the
20 captive wild animal farm license shall notify the department within 24 hours after
21 the escape.

22 **(5) RULES.** The department may promulgate rules to establish additional
23 standards, limitations, and requirements for captive wild animal farm licenses and
24 for captive wild animal farms, including fencing of the farms.

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

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

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

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

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

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

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

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

19 (b) Upon the request of the applicant for a license under this section, the
20 department shall issue a single license for a wild fur farm that does not meet all of
21 the requirements of par. (a) if the wild fur farm is licensed as a fur animal farm under
22 s. 29.869, 1999 stats., on the effective date of this paragraph [revisor inserts date].

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

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

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

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

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

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

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

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

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

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

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

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

25 3. Gray partridge.

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

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

7 department authorizes under the license.

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

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

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

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

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

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

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

15 license year.

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

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

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

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

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

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

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

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

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

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

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

3 (4m) RESTRICTIONS ON HEN PHEASANTS. A person holding a Class B bird hunting
4 preserve license may not allow the hunting or taking of hen pheasants beginning on
5 December 15 of each year and ending on the following March 31 within the
6 boundaries of the licensed preserve if the preserve is located totally or partially
7 within a pheasant management zone, as established by the department, for purposes
8 of s. 29.191.

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

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

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

18 (6) RULES. The department may promulgate rules to establish additional
19 standards, limitations, and requirements for bird hunting preserve licenses and for
20 bird hunting preserves.

21 **22.20 Dog training licenses.** (1) BIRD DOG TRAINING LICENSE. (a) The
22 department shall issue a bird dog training license to any individual who is at least
23 12 years of age who files a proper application and who pays the applicable fee.

24 (b) Except as provided in par. (c), a bird dog training license authorizes the
25 holder of the license to purchase, possess, release into the wild, and hunt any of the

1 live captive wild birds specified in s. 22.19 (2) (b) 1. to 6. solely for the purposes of
2 training a dog to retrieve, point, flush, and track game.

3 (c) The department may restrict the possessing, releasing, and hunting of a
4 species of wild birds specified in par. (b) by persons holding dog training licenses in
5 zones or areas for which the department has by rule imposed special hunting
6 restrictions for that species.

7 (d) A person training a bird dog in a bird hunting preserve for which the
8 hunting of pheasant, quail, mallard ducks bred in captivity, or partridge has been
9 authorized under a bird hunting preserve license is exempt from holding a bird dog
10 training license to possess, release into the wild, and hunt live captive wild birds for
11 the purposes of training the dog to retrieve, point, flush, and track wild birds.

12 **(2) HOUND DOG TRAINING LICENSE.** (a) The department shall issue a hound dog
13 training license to any individual who is at least 12 years of age who files a proper
14 application and who pays the applicable fee.

15 (b) A hound dog training license authorizes the holder of the license to
16 purchase, possess, release into the wild, and hunt any of the following live captive
17 wild animals for the purpose of teaching hound dogs to track game:

18 1. Live captive rabbit purchased or otherwise acquired from a person holding
19 a captive wild animal farm license.

20 2. Live captive raccoon.

21 3. Live captive bear of the species *Ursus americanus*.

22 **(3) DOG CLUB TRAINING LICENSE.** (a) The department may issue a dog club
23 training license to an organization that meets the conditions established by the
24 department by rule for dog club training licenses, that files a proper application and
25 that pays the applicable fee.

1 (b) A dog club training license authorizes the club or its members to purchase,
2 possess, release into the wild, and hunt species of live captive wild animals that are
3 authorized by the department on property owned or leased by the club for the
4 purpose of teaching a bird dog or hound dog to retrieve, point, flush, or track game.

5 (4) RULES. The department may promulgate rules to establish additional
6 standards, limitations, and requirements for licenses issued under this section. The
7 rules may include standards that provide adequate protection for the wild animals
8 that are authorized under a dog training license.

9 (5) RESTRICTIONS. (a) No person may sell wild animals under a license issued
10 under this section, but a person holding a bird dog training license who has been
11 contracted to train a dog may charge for the wild birds used in the training.

12 (b) A license under this section does not authorize organized competitive field
13 events.

14 **22.21 Dog trial licenses. (1) BIRD DOG TRIAL LICENSE.** (a) The department
15 shall issue a bird dog trial license to any person who files a proper application and
16 who pays the applicable fee.

17 (b) A bird dog trial license authorizes the holder of the license to purchase,
18 possess, release into the wild, and hunt any live captive wild bird for any organized
19 competitive field event that involves sporting dog breeds and that is sanctioned,
20 licensed, or recognized by a local, state, regional, or national dog organization.

21 (2) HOUND DOG TRIAL LICENSE. (a) The department shall issue a hound dog trial
22 license to any person who files a proper application and who pays the applicable fee.

23 (b) A hound dog trial license authorizes the holder of the license to purchase,
24 possess, release into the wild, and hunt live captive raccoon, live captive rabbit, and
25 live captive bear of the species *Ursus americanus* for any organized competitive field

1 event that involves sporting dog breeds and that is sanctioned, licensed, or
2 recognized by a local, state, regional, or national dog organization.

3 (3) RULES. The department may promulgate rules to establish additional
4 standards, limitations, and requirements for licenses issued under this section. The
5 rules may include standards that provide adequate protection for the wild animals
6 that are authorized under a dog trial license.

7 **22.23 Stocking license. (1) ISSUANCE.** The department may issue stocking
8 licenses. If the department issues stocking licenses, it shall issue a stocking license
9 to any person who files a proper application and who pays the applicable fee.

10 (2) AUTHORIZATION. A stocking license authorizes the holder of the license to
11 purchase, possess, introduce, or stock wild animals.

12 (3) RULES. The department may promulgate rules to establish additional
13 standards, limitations, and requirements for stocking licenses. The rules may
14 include the species of wild animals that may be introduced or stocked and the
15 locations at which those species of wild animals may be introduced or stocked.

16 **22.24 Rehabilitation license. (1) ISSUANCE.** The department shall issue a
17 rehabilitation license to rehabilitate wild animals to any individual who is at least
18 18 years of age, who meets the qualifications under rules promulgated under sub. (2),
19 and who files a proper application.

20 (2) QUALIFICATIONS; RULES. The department shall promulgate rules to establish
21 the qualifications required to obtain a rehabilitation license, the types of activities
22 authorized by a rehabilitation license and the standards, limitations, and
23 requirements for rehabilitation licenses. The department may promulgate rules to
24 establish standards for exempting an individual from any of these rules or from any
25 provisions under this chapter.

1 **22.25 Scientific research license. (1) ISSUANCE.** (a) The department shall
2 issue a scientific research license to any person who is engaged in a study or in
3 research that the department determines will lead to increased, useful scientific
4 knowledge and who files a proper application and who pays the applicable fee.

5 (b) The department may also require the person to submit with the license
6 application a copy of any of the following:

- 7 1. The person's study plan or research proposal.
- 8 2. An approval received by the person under 9 CFR 2.31.

9 **(2) AUTHORIZATION.** A scientific research license authorizes the holder of the
10 license to take from the wild, possess, kill, or propagate the species of native wild
11 animals that the department authorizes under the license.

12 **(3) SCOPE OF LICENSE; CONTENTS.** A scientific research license shall contain the
13 holder's name and address, the date of issuance, and all of the following conditions
14 or limitations:

- 15 (a) The specific purposes for which it is issued.
- 16 (b) The species of wild animals and the number of each species to be studied.
- 17 (c) The locations from where the wild animals will be taken.
- 18 (d) The locations at which the wild animals will be kept and studied.
- 19 (e) The periods of time in which the wild animals may be studied.
- 20 (f) Any other conditions or limitations that the department considers

21 reasonable.

22 **(4) EQUIPMENT.** A scientific research license may authorize the use of net guns,
23 tranquilizer guns and other equipment or supplies for activities related to scientific
24 research or study.

1 (5) TITLE TO; TRANSFER AND DISPOSAL OF WILD ANIMALS. (a) A person holding a
2 scientific research license may not transfer any wild animal or its carcass held under
3 the authority of the license unless the purpose of the transfer is to trade the wild
4 animals for other animals for scientific research or classroom demonstrations and
5 the transfer is specifically authorized by the department at the time of the transfer.

6 (b) A person holding a scientific research license shall release or dispose of a
7 live wild animal possessed under the authority of the license, or its carcass, only in
8 the manner specifically authorized by the department.

9 (6) RULES. The department may promulgate rules to establish additional
10 standards, limitations, and requirements for scientific research licenses.

11 **22.26 Nonprofit educational exhibiting license.** (1) ISSUANCE. The
12 department shall issue a nonprofit educational exhibiting license to any nature
13 center, aquarium, or educational institution if the center, aquarium, or institution
14 is a nonstock, nonprofit corporation described under section 501 (c) (3) or (4) of the
15 Internal Revenue Code and exempt from taxation under section 501 (a) of the
16 Internal Revenue Code and if the center, aquarium, or institution files a proper
17 application and pays the applicable fee.

18 (2) AUTHORIZATION. A nonprofit educational exhibiting license authorizes the
19 person holding the license to do all of the following:

20 (a) Possess and exhibit live wild animals.

21 (b) Purchase and propagate live wild animals subject to sub. (3) (a) for the
22 purpose of exhibiting only.

23 (3) AUTHORIZATION: RESTRICTION; TRADING. (a) A person holding a nonprofit
24 educational exhibiting license may purchase or propagate only those species of wild
25 animals that the department specifically authorizes on the license.

1 (b) If a person holding a nonprofit educational exhibiting license determines
2 that the person possesses more live wild animals than are necessary for exhibiting
3 purposes, the person may sell the excess wild animals to another person who is not
4 prohibited under this chapter from possessing the wild animals.

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

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

12 (2) FEDERAL REQUIREMENT. An applicant for a nonresident temporary exhibiting
13 license shall hold any license or permit that may be required under 7 USC 2131 to
14 2159 at the time the department issues the applicant the license.

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

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

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

23 (4) RULES. The department may promulgate rules to establish additional
24 standards, limitations, and requirements for nonresident temporary exhibiting
25 licenses.

1 **22.29 Validation licenses. (1) ELIGIBILITY. (a) *Initial validation license.*** A
2 person to whom all of the following conditions apply is eligible for an initial
3 validation license:

4 1. The person has a license or permit under s. 29.863, 1999 stats., s. 29.865,
5 1999 stats., s. 29.867, 1999 stats., s. 29.869, 1999 stats., or s. 29.877, 1999 stats., on
6 the effective date of this subdivision [revisor inserts date].

7 2. The licenses available under ss. 22.15 to 22.27 do not permit the continuation
8 of an activity that was allowed under the license or permit under s. 29.863, 1999
9 stats., s. 29.865, 1999 stats., s. 29.867, 1999 stats., s. 29.869, 1999 stats., or s. 29.877,
10 1999 stats., on the effective date of this subdivision [revisor inserts date], at the
11 location where the activity is being conducted on the effective date of this subdivision
12 [revisor inserts date].

13 3. The person obtains a license under this chapter for any activity that was
14 allowed under the license or permit under s. 29.863, 1999 stats., s. 29.865, 1999
15 stats., s. 29.867, 1999 stats., s. 29.869, 1999 stats., or s. 29.877, 1999 stats., on the
16 effective date of this subdivision [revisor inserts date], and for which a license
17 under ss. 22.15 to 22.27 is available.

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

20 1. The person had a license or permit under s. 29.863, 1999 stats., s. 29.865,
21 1999 stats., s. 29.867, 1999 stats., s. 29.869, 1999 stats., or s. 29.877, 1999 stats., on
22 the effective date of this subdivision [revisor inserts date].

23 2. The person obtained a license under ss. 22.15 to 22.27 for an activity that was
24 allowed under the license or permit under s. 29.863, 1999 stats., s. 29.865, 1999

1 stats., s. 29.867, 1999 stats., s. 29.869, 1999 stats., or s. 29.877, 1999 stats., on the
2 effective date of this subdivision [revisor inserts date].

3 3. Rules applicable to licenses available under ss. 22.15 to 22.27 are
4 promulgated so as not to permit the continuation of an activity that was allowed
5 under the license or permit under s. 29.863, 1999 stats., s. 29.865, 1999 stats., s.
6 29.867, 1999 stats., s. 29.869, 1999 stats., or s. 29.877, 1999 stats., on on the effective
7 date of this subdivision [revisor inserts date], at the location where the activity
8 was conducted on the effective date of this subdivision [revisor inserts date].

9 (2) APPLICATION. (a) *Initial validation license.* An eligible person may apply
10 for an initial validation license no later than December 31, 2003.

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

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

20 (4) AUTHORIZATION; LIMITATIONS. (a) Except as provided in pars. (c) to (e) and
21 sub. (5), a validation license authorizes the continuation of all activities that the
22 holder of the validation license is authorized to conduct on the effective date of this
23 paragraph [revisor inserts date], under a license or permit issued under s. 29.863,
24 1999 stats., s. 29.865, 1999 stats., s. 29.867, 1999 stats., s. 29.869, 1999 stats., s. or

1 s. 29.877, 1999 stats., if the holder is actually engaged in those activities on the
2 effective date of this paragraph [revisor inserts date].

3 (b) The authorization under par. (a) applies even though the activity is
4 prohibited or limited under this chapter or under the rules promulgated under this
5 chapter.

6 (c) A validation license does not authorize the rehabilitation of wild animals.

7 (d) A validation license does not authorize the hunting of pheasants in excess
8 of the number of pheasants stocked.

9 (e) A validation license does not authorize the hunting or taking of hen
10 pheasants beginning on December 15 of each year and ending on the following March
11 31 within the boundaries of a pheasant and quail farm licensed under s. 29.865, 1999
12 stats., if the licensed farm is located totally or partially within a pheasant
13 management zone that is established by the department for purposes of s. 29.191.

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

20 (b) A validation license is subject to ss. 22.06 (3m), 22.09, 22.11, 22.30, 22.33,
21 22.34, 22.35, 22.36, 22.37, 22.39, 22.40, 22.42, 22.43, 22.45, and 22.46 and to any
22 applicable provisions under chs. 93 and 95.

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

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

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

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

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

12 **22.30 Endangered and threatened species.** No person may take from the
13 wild, introduce, stock, release into the wild, exhibit, propagate, rehabilitate, hunt,
14 sell, purchase, transfer, or engage in any other activity related to a live wild animal
15 that is an endangered or threatened species unless the person is in compliance with
16 this chapter, the rules promulgated under this chapter, and s. 29.604.

17 **22.31 License and tag fees. (1) FEES.** The following fees shall be paid to the
18 department for the issuance or renewal of licenses:

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

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

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

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

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

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

8 2. The fee for a hound dog training license is \$25.

9 3. The fee for a dog club training license is \$100.

10 (g) *Dog trial licenses*. 1. The fee for a bird dog trial license is \$25.

11 2. The fee for a hound dog trial license is \$25.

12 (i) *Stocking license*. The fee for a stocking license is \$25.

13 (j) *Rehabilitation license*. There is no fee for a rehabilitation license.

14 (k) *Scientific research license*. The fee for a scientific research license is \$25.

15 (L) *Nonprofit educational exhibiting license*. The fee for a nonprofit
16 educational exhibiting license is \$25.

17 (m) *Nonresident temporary exhibiting license*. The fee for a nonresident
18 temporary exhibiting license is \$50.

19 (o) *Validation license*. There is no fee for an initial or subsequent validation
20 license.

21 (2) **LATE FEE**. The late fee for the renewal of any license issued under this
22 chapter that is filed after the expiration date of the license is \$20.

23 (3) **APPLICABILITY OF LICENSE; CUMULATIVE FEES**. (a) Except as provided in par.
24 (b) or (bn), a license issued under this section authorizes the applicable activity on
25 only one block of contiguous land.

1 (b) The department shall continue to issue one license under this chapter to a
2 business or other operation that was licensed for certain activities as one legal entity
3 with one set of records under one license under s. 29.865, 1999 stats., s. 29.867, 1999
4 stats., or s. 29.869, 1999 stats., if the activities for which the license was issued were
5 conducted on noncontiguous land and there is one license that authorizes all of those
6 activities. The department shall continue to issue the one license until the person
7 holding that one license ceases to be issued a license for the activities or until the
8 person holding the one license issued ceases to have a controlling interest in that
9 business or operation.

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

16 (c) A person applying for 2 or more licenses under this section that are
17 necessary to engage in a single business or other operation shall pay a total fee that
18 equals the fee for the required license with the highest fee that is required, plus 50%
19 of the fee for each additional required license.

20 (4) TAGS. Any tags required by this chapter or rules promulgated under this
21 chapter shall be provided by the department for a fee that is equal to the cost to the
22 department.

23 **22.32 Licenses; effective periods. (1) CAPTIVE WILD ANIMAL FARM LICENSE.**
24 A captive wild animal farm license is valid from the date of issuance until the
25 following December 31.

1 (4) WILD FUR FARM LICENSE. A wild fur farm license is valid from the date of
2 issuance until the 3rd December 31 following the date of issuance.

3 (5) BIRD HUNTING PRESERVE LICENSE. A bird hunting preserve license is valid
4 from the date of issuance until the following May 30.

5 (6) DOG TRAINING LICENSES. (a) A bird dog training license is valid from the date
6 of issuance until the 3rd December 31 following the date of issuance.

7 (b) A hound dog training license is valid from the date of issuance until the 3rd
8 December 31 following the date of issuance.

9 (c) A dog club training license is valid from the date of issuance until the 3rd
10 December 31 following the date of issuance.

11 (7) DOG TRIAL LICENSES. (a) A bird dog trial license is valid from the date of
12 issuance until the following December 31.

13 (b) A hound dog trial license is valid from the date of issuance until the
14 following December 31.

15 (9) STOCKING LICENSE. A stocking license is valid for the period specified on the
16 license, which may not exceed 30 days.

17 (10) REHABILITATION LICENSE. A rehabilitation license is valid for 3 consecutive
18 years from the date of issuance.

19 (11) SCIENTIFIC RESEARCH LICENSE. A scientific research license is valid from the
20 date of issuance until the following December 31.

21 (12) NONPROFIT EDUCATIONAL EXHIBITING LICENSE. A nonprofit educational
22 exhibiting license is valid from the date of issuance until the following December 31.

23 (13) NONRESIDENT TEMPORARY EXHIBITING LICENSE. (a) Except as provided in par.
24 (b), a nonresident temporary exhibiting license is valid for the period specified on the
25 license, which may not exceed 30 days.

1 (b) Upon application, the department may grant extensions of the nonresident
2 temporary exhibiting license beyond 30 days.

3 (15) VALIDATION LICENSES. An initial or subsequent validation license is valid
4 from the date of issuance until the 5th December 31 after the date of issuance and
5 may be renewed for 5-year periods thereafter.

6 **22.33 Licenses; applications; renewals; terminations.** (1) APPLICATION.
7 The application for a license under this chapter shall be on a form provided by the
8 department or in a format approved by the department, and shall request the
9 information required by the department. The department may not issue a license
10 unless the applicant provides the information required.

11 (2) ELIGIBILITY REQUIREMENTS FOR MINORS. (a) Each applicant for a license under
12 this chapter who is less than 18 years of age shall have the application signed by a
13 parent or guardian.

14 (b) Except as provided in pars. (c) and (d), an individual who applies for a
15 license under this chapter shall be at least 14 years of age.

16 (c) An individual who applies for a captive wild animal farm license may be less
17 than 14 years of age if the individual is a member of a 4-H club or a sporting club.

18 (d) An individual who applies for a bird dog training license or a hound dog
19 training license shall be at least 12 years of age.

20 (3) RENEWALS. (a) Except as provided in par. (b), a person applying to renew
21 a license issued under this chapter shall file an application with the department on
22 or before the expiration date of the license.

23 (b) A person may apply for a renewal of a license issued under this chapter not
24 more than 45 days after the license's expiration date if the application is

1 accompanied by the late fee specified under s. 22.31 (2), in addition to any regular
2 renewal fee.

3 (4) INCORRECT INFORMATION. No person may provide information that the
4 person knows to be incorrect in order to obtain a license issued under this chapter
5 to which the person is not entitled.

6 (5) EXPIRATION OF LICENSE. A person holding a license issued under this section
7 that expires or is revoked or suspended shall remove or cause to be removed from the
8 land subject to the license any signs indicating that the land was so licensed within
9 45 days after the expiration, revocation, or suspension.

10 (6) COMPLIANCE. No person may violate any condition or limitation imposed by
11 the department on a license issued under this chapter.

12 **22.34 Denial and revocation of licenses based on child support**
13 **delinquency. (1) SOCIAL SECURITY NUMBERS REQUIRED.** The department shall
14 require an applicant who is an individual to provide his or her social security number
15 as a condition of applying for, or applying to renew, any license issued under this
16 chapter.

17 (2) DISCLOSURE OF SOCIAL SECURITY NUMBERS. The department of natural
18 resources may not disclose any social security numbers received under sub. (1) to any
19 person except to the department of workforce development for the sole purpose of
20 administering s. 49.22.

21 (3) DENIAL OF APPROVALS. (a) As provided in the memorandum of understanding
22 required under s. 49.857 (2), the department of natural resources shall deny an
23 application to issue or renew, to suspend if already issued, or to otherwise withhold
24 or restrict a license issued under this chapter if the applicant for or the holder of the
25 license is delinquent in making court-ordered payments of child or family support,

1 maintenance, birth expenses, medical expenses, or other expenses related to the
2 support of a child or former spouse or if the applicant or holder fails to comply with
3 a subpoena or warrant issued by the department of workforce development or a
4 county child support agency under s. 59.53 (5) and relating to paternity or child
5 support proceedings.

6 (b) As provided in the memorandum of understanding required under s. 49.857
7 (2), the department of natural resources shall deny an application to issue or renew
8 a license issued under this chapter if the applicant for or the holder of the license fails
9 to provide his or her social security number as required under sub. (1).

10 **22.35 Denial and revocation of licenses based on tax delinquency. (1)**

11 SOCIAL SECURITY AND IDENTIFICATION NUMBERS REQUIRED. The department shall
12 require an applicant who is an individual to provide his or her social security number
13 and an applicant who is not an individual to provide the applicant's federal employer
14 identification number as a condition of applying for, or applying to renew, any of the
15 following licenses:

16 (a) A captive wild animal farm license.

17 (b) A wild fur farm license.

18 (c) A bird hunting preserve license.

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

23 (3) DENIAL AND REVOCATION. The department of natural resources shall deny
24 an application to issue or renew, or shall revoke if already issued, a license specified
25 in sub. (1) if the applicant for or the holder of the license fails to provide the

1 information required under sub. (1) or if the department of revenue certifies that the
2 applicant or license holder is liable for delinquent taxes under s. 73.0301.

3 **22.36 Record-keeping and reporting requirements. (1) CAPTIVE WILD**
4 **ANIMAL FARM LICENSES, BIRD HUNTING PRESERVE LICENSES, AND NONPROFIT EDUCATIONAL**
5 **EXHIBITING LICENSES. (a) *Records; generally.*** Each person holding a captive wild
6 animal farm license, a bird hunting preserve license, or a nonprofit educational
7 exhibiting license shall keep a correct and complete record of all of the following
8 information:

9 1. For each transaction in which live wild animals are purchased, sold,
10 acquired, or transferred:

11 a. The complete name and address and the number of any license issued under
12 this chapter of the person from whom the wild animals were purchased or acquired
13 or of the person to whom the wild animals were sold or transferred.

14 b. The date of the transaction and the number and species of the wild animals.

15 2. All wild animals belonging to the holder of the license that have died, have
16 been killed, or have escaped.

17 (b) *Records; additional requirements; exemptions.* 1. A person holding a bird
18 hunting preserve license is exempt from keeping the records required under par. (a)
19 1. a. for those wild birds that are killed on the land subject to the license.

20 2. For the taking of wild reptiles or wild amphibians from the wild, a person
21 required to hold a license for such taking under this chapter shall include in the
22 person's records the date of the taking and the location of the taking.

23 (2) **WILD FUR FARM LICENSES.** Each person holding a wild fur farm license shall
24 keep a correct and complete record of the complete name and address and the number

1 of any license issued under this chapter of each person to whom the license holder
2 sells a live fur-bearing wild animal.

3 (3) REHABILITATION LICENSES. Each person holding a rehabilitation license shall
4 keep a correct and complete record of all of the following information for each wild
5 animal:

6 (a) The date that the wild animal in need of rehabilitation is received and the
7 species of the wild animal.

8 (b) The condition of the wild animal that requires rehabilitation.

9 (c) The disposition of the wild animal, including the date and location of its
10 release into the wild or its transfer to the department.

11 (d) The cause of death, if known, for a wild animal that dies.

12 (e) Health records as required by the department.

13 (4) DOG TRAINING AND TRIAL LICENSES. Each person holding a bird dog training
14 license, a hound dog training license, a dog club training license, a bird dog trial
15 license, or a hound dog trial license shall keep a receipt of the purchase of each wild
16 animal purchased under the authority of the license and a correct and complete
17 record of any testing for disease on these wild animals that is required under rules
18 promulgated under s. 22.06 (3m).

19 (5) SCIENTIFIC RESEARCH LICENSES. Each person holding a scientific research
20 license shall keep a correct and complete record of all of the following information for
21 each wild animal:

22 (a) The disposition of the wild animal, including the date and location of its
23 release into the wild or its transfer to the department.

24 (b) The cause of death, if known, for a wild animal that dies.

1 (7) **ADDITIONAL INFORMATION.** The department may impose additional
2 record-keeping requirements on any holders of licenses under this chapter.

3 (8) **ZOOS.** If a zoo or aquarium is not an accredited member of the American Zoo
4 and Aquarium Association, the governing body of the zoo or aquarium shall keep
5 correct and complete records of all transactions involving the movement of wild
6 animals that are native wild animals, nonnative wild animals of the family cervidae,
7 harmful wild animals, or endangered or threatened species. The department shall
8 determine the information to be kept in these records.

9 (9) **RECORDS; TIMING.** (a) A person holding a license subject to this section shall
10 record all of the information required under this section within 7 days after the
11 occurrence of the transaction or activity. A person holding a license subject to this
12 section shall keep these records for 3 years after the last day of the year in which the
13 record was entered.

14 (b) In addition to the requirements under par. (a), the person holding a license
15 subject to this section shall provide a copy of the record required under this section
16 to the department on a quarterly basis, as determined by the department, if the
17 transaction or activity involved any live wild animal of the family canidae, ursidae,
18 mustelidae, or felidae, or any harmful wild animal.

19 (d) The department may require, by rule, that submission of the records
20 required under this section to the department be a condition for renewal of any
21 license subject to this section.

22 (10) **REPORTS.** (a) Each person holding a license subject to this section shall
23 submit an annual summary report for each license year to the department that
24 contains all of the following information for each species of wild animal possessed by
25 the person holding the license:

1 1. The number of wild animals that the person holding the license possesses
2 on the date of the report.

3 2. The number of wild animals that the person holding the license has
4 purchased or otherwise acquired during the reporting year.

5 3. The number of wild animals that the person holding the license has sold,
6 released into the wild, or otherwise transferred during the reporting year.

7 4. The number of wild animals that have been killed or have escaped or died
8 during the reporting year.

9 (b) The person holding the license shall submit the annual report under par.
10 (a) within 30 days after the last day of the license year that the report covers.

11 **(11) REQUIREMENTS AS TO FORM.** The records and reports required under this
12 section shall be in the English language and shall be on forms provided by the
13 department or in a format approved by the department.

14 **22.37 Inspections. (1) DEPARTMENTAL AUTHORITY.** For purposes of enforcing
15 this chapter and the rules promulgated under this chapter with respect to a person
16 who is required to have a license or maintain records under this chapter, a
17 conservation warden or representative of the department, upon presenting his or her
18 credentials to that person, may do any of the following:

19 (a) Enter and inspect any land, vehicle, building, or other structure where live
20 wild animals are possessed or where carcasses of wild animals are possessed.

21 (b) Inspect any equipment, materials, or other activities related to the wild
22 animals.

23 (c) Gain access to and inspect any records required to be kept under s. 22.36.

24 (d) Investigate and inspect any wild animal or any other animal to be
25 introduced, stocked, or released into the wild. Inspection under this paragraph may

1 include the removal of reasonable diagnostic samples from wild animals for
2 biological examination.

3 (2) TIMES FOR INSPECTIONS. An inspection authorized under sub. (1) or (4) may
4 be conducted during any of the following times:

5 (a) Normal business hours.

6 (b) During the time that the person who possesses wild animals or carcasses
7 of wild animals is conducting business.

8 (c) At any time, if the inspection is necessary for public health, safety, or
9 welfare.

10 (3) PROHIBITING INSPECTIONS. No person required to have a license issued under
11 this chapter or an operator of a vehicle for such a person, or employee or person acting
12 on behalf of such a person, may prohibit entry as authorized under this section unless
13 a court restrains or enjoins the entry or inspection.

14 (4) INSPECTIONS OF INTRODUCED OR STOCKED ANIMALS. Only persons determined
15 by the department to be experienced in wildlife disease may remove diagnostic
16 samples under sub. (1) (d).

17 (5) TAXIDERMISTS. For an inspection of a taxidermist's place of business, this
18 section does not apply and the department shall conduct the inspection as authorized
19 under s. 29.506 (7).

20 **22.39 Humane care and housing.** (1) COMPLIANCE WITH RULES. No license
21 may be issued under this chapter unless the department determines that the
22 applicant will comply with all of the rules promulgated under subs. (2) and (3).

23 (2) RULES; GENERAL. The department shall promulgate and enforce rules for the
24 housing, care, treatment, feeding, and sanitation of wild animals subject to
25 regulation under this chapter to ensure all of the following:

1 (a) That the wild animals receive humane treatment.

2 (b) That the wild animals are held under sanitary conditions.

3 (c) That the wild animals receive adequate housing, care, and food.

4 (d) That the public is protected from injury by the wild animals.

5 (3) **RULES; HOUSING.** The rules for housing under sub. (2) shall include
6 requirements for the size and location of permanent enclosures and of temporary
7 enclosures at locations other than those where the wild animals are permanently
8 housed. The rules regulating the location of enclosures shall include the distance
9 required between 2 enclosures. The rules for housing shall include specifications for
10 enclosures for each species of harmful wild animal that the department designates
11 under s. 22.11 (1).

12 (4) **ORDERS.** The department may issue an order requiring any person holding
13 a license under this chapter to comply with the rules promulgated under sub. (2).

14 **22.40 Trespassing.** A person who hunts, traps, kills, or takes a wild animal
15 subject to regulation under this chapter on land subject to a license issued under this
16 chapter without the permission of the license holder or of the holder's employee or
17 agent is liable to the license holder for any damage that the person causes to any wild
18 animal that is subject to regulation under this chapter or to any property or land that
19 is subject to the license.

20 **22.42 Taking custody of captive wild animals. (1) INTAKE OF WILD ANIMALS.**
21 A conservation warden may take into custody a wild animal that is subject to
22 regulation under this chapter on behalf of the department if the conservation warden
23 has reasonable grounds to believe that the wild animal is one of the following:

24 (a) An abandoned or stray captive wild animal.

25 (b) An unwanted captive wild animal delivered to the conservation warden.

1 (c) A wild animal possessed, taken, introduced, stocked, released, exhibited,
2 propagated, rehabilitated, hunted, sold, or purchased in violation of this chapter, any
3 rule promulgated under this chapter, or any ordinance enacted under s. 22.43.

4 (d) A captive wild animal that is not confined as required by a quarantine under
5 s. 93.07 (10) or any rule or ordinance relating to the control of any animal disease.

6 (e) A captive wild animal that has caused damage to persons or property.

7 (f) A participant in an animal fight intentionally instigated by any person.

8 (g) A captive wild animal that has been mistreated in violation of this chapter,
9 any rule promulgated under this chapter, or ch. 951.

10 (h) A captive wild animal delivered by a veterinarian under s. 173.13 (2).

11 (i) A captive wild animal that is dead, dying, or sick and that has been exposed
12 to, or is known to be infected with, a contagious or infectious disease as defined in
13 the rules promulgated by the department of agriculture, trade and consumer
14 protection under s. 95.001 (2) or with a disease or parasite that has pathological
15 significance to humans or to any animals.

16 (j) A captive wild animal that has escaped and has not been returned to its
17 owner or another person who is authorized to possess the animal.

18 (k) A wild animal that is being housed or held in violation of s. 22.39.

19 **(2) TRANSFER OF WILD ANIMALS.** (a) A conservation warden shall accept into
20 custody any wild animal that is delivered by a law enforcement officer or humane
21 officer.

22 (b) A conservation warden and the department shall comply with the
23 applicable procedures under ss. 29.931, 29.934, and 968.20 as they relate to seized
24 and confiscated wild animals, carcasses, vehicles, boats, or other objects or property.