

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2708/P4dn  
MGG:.....

1. I have added a cross-reference to ch. 22 in s. 23.65 (1). It appears to have inadvertently omitted in previous drafts. I also created a provisions parallel to s. 23.795 (3), which is created in the draft, for violations of s. 90.21. See s. 23.795 (4), as created in this draft. been

2. I added a cross-reference to s. 90.21 in s. 25.29 (1) (a) and (4m) so that the fees collected for these certificates will go into the conservation fund. I also added cross-references to s. 90.21 in s. 20.370 (1) (mu) and (3) (mu).

3. Note the changes in the definition of "animal". The rule-making requirement is included to address the concern that an "animal" may be a pest in some instances (and therefore exempt from ch. 22) and not in others. Please call me to discuss any changes.

→ 4. I have changed the term "wild animal" to "wild bird" in s. 22.04 (4) (b) 2. and have created a definition of "migratory bird" and "pet bird". See s. 22.01 (19m) and (25m).

5. In order to clarify the differences and interrelationship among fur-bearing wild animals on wild fur farms under ch. 22, domestic fur-bearing animals as specified in s. 22.015, and fur-bearing animals under ch. 29, I have rewritten s. 22.14 (3) (a). Please review. I also have decided not to move the language found in s. 22.015. As the drafter, I feel it is better to have it near the definition of "domestic animal" in ch. 22.

6. Please review my amendments to the definition of "game birds" in s. 29.001 (39) and 95.001 (1) (ac). I drafted them this way to avoid confusing cross-references within the definition that occur with the phrase "does not include", <sup>use of the</sup> is a "game bird" under ch. 29 <sup>LPS: it should be "i.e."</sup> does not include a "farm-raised game bird" and "farm-raised game bird" does not include a ch. 22 game bird. Please call me to discuss any concerns you have with this. ★

include 7. DATCP's rules use "certified" for in-state veterinarians and "accredited" for out-of-state veterinarians. I have drafted the definition of veterinarian to mirror those rules. Please review.

8. Based on my conversation with Sarah Hurley, I have taken out the cross-reference to ch. 94 in s. 22.03.

9. Please review my redrafting of s. 22.29 (4) (e) to make sure it achieves your intent.

10. As drafted, the fee<sup>s</sup> received for participation in the national poultry improvement plan will just go into the general fund. Do you want them to go into an existing or new appropriation? Also, I did not draft language giving DATCP general authority to promulgate rules under s. 95.57. They have that authority pursuant to 9 CFR 145.2 (d) and ss. 227.01 (13) and 227.11 (2) (a), stats.

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

95.59 (2) (a) and (b) and (3)(b)

12. Note that in the s. 95.59 inspection language, "farm-raised deer" is not limited to "white-tailed deer" in s. ~~95.55 (7) (a) and (b)~~.



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

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

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

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

INS -ANL

### LICENSING

This bill creates a new regulatory structure under the department of natural resources (DNR) for captive wildlife and expands the scope of certain licensing and registration requirements administered by the department of agriculture, trade and consumer protection (DATCP). Current law authorizes DNR to issue licenses to persons possessing captive wildlife. These licenses include deer farm licenses for white-tailed deer and certain types of nonnative deer, game bird and animal farm licenses, pheasant and quail farm licenses, and fur animal farm licenses (game farm licenses). Under current law, wild animals that are not game animals or game birds or wild fur-bearing animals are exempt from any licensing requirements for simple possession. Current law requires a license issued by DNR for exhibiting any wild animal unless the wild animal is being exhibited by a zoo, a circus, the state, or an educational institution. Current law requires a game farm license or other permit issued by DNR to propagate wild animals. Finally, current law requires a game farm license to sell wild animals.

This bill eliminates all of the current licenses and creates numerous types of licenses which include the following:

1. Class A and Class B captive wild animal farm licenses which authorize the possessing, propagating, killing, exhibiting, purchasing, and selling of live captive wild animals, except all species of captive deer, the keeping of which are regulated under the bill by DATCP.

2. A wild fur farm license which authorizes the possession, propagation, trapping, and sale of certain fur-bearing animals, including beaver, coyote, mink, otter, muskrat, and raccoon.

3. Class A and Class B bird hunting preserve licenses which authorize the possessing, stocking, propagating, releasing, selling, purchasing, capturing, and hunting of live pheasants, quail, partridge, mallard ducks, and wild turkeys. These species of wild birds ~~that~~ are on hunting preserves are exempt from current law that regulates the hunting and possession of these species when they are found in the wild.

4. Dog training licenses which authorize the purchase, possession, release, and hunting of captive wild animals for training hunting dogs.

5. Dog trial licenses which authorize the purchase, possession, release, and hunting ~~of~~ of captive wild animals for competitive field events.

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

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

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

*regulatory*

9. An initial validation license for which a person is eligible if the person holds a wildlife exhibit or game farm license at the time that this bill becomes law. This validation license authorizes the person to continue an activity that was authorized under the original wildlife exhibit or game farm license but that is no longer allowed under the provisions created in this bill.

10. A subsequent validation license for which a person is eligible if the person held a wildlife exhibit or game farm license at the time that this bill becomes law and if the person holds any necessary license under the provisions created in this bill. This validation license authorizes the person to continue an activity that was authorized under the original wildlife exhibit or game farm license and under the license needed under this bill's provisions but that is subsequently no longer allowed due to the promulgation of rules by DNR under DNR's authority to impose additional requirements on holders of these licenses.

*requirements*

The bill transfers the ~~licensing~~ authority of deer farms from DNR to DATCP by ~~expanding the requirement~~ that farms with any species of deer be registered with DATCP. Under current law, only certain species of nonnative deer and farm-raised elk are subject to regulation as farm-raised deer by DATCP. The bill authorizes DATCP to exempt groups of persons or species of deer from this registration requirement

*over*

The bill also expands the scope of current licensing requirements administered by DATCP for persons conducting livestock markets, selling livestock for resale or slaughter, or transporting livestock to include the marketing, selling, and transporting of captive wild animals. The bill authorizes DATCP to exempt groups of persons from these licensing requirements

*and*

Public zoos and aquariums and circuses are exempt from most of these licensing requirements.

**TYPES OF WILD ANIMALS SUBJECT TO DNR LICENSING REQUIREMENTS**

Under current law, all wild animals, including fish and insects, are subject to regulation as wildlife. This bill excludes fish entirely from the regulatory structure created in this bill, and the importing of fish for stocking and the stocking of fish are not affected by this bill. The bill also excludes domestic animals from this regulatory structure. The bill defines "domestic animals" to include animals that are members of a species of wild animal but that are distinguishable from the wild members of the species due to long association with humans and that are on a list of domestic animals promulgated by DATCP for purposes of this new regulatory structure. DATCP must include fur-bearing animals bred and raised in captivity on this list. The bill also defines "domestic animals" for purposes of captive wildlife regulation to include certain types of pet birds and any species of captive deer, the keeping of which is exclusively regulated by DATCP under the bill.

Under this bill, most wild animals native to this state are subject to licensing requirements except for common species such as ground squirrels, mice, opossum, porcupines, pigeons, and sparrows. Most types of wild animals that are not native to this state are exempt from the licensing requirements except for certain nonnative wild birds and nonnative harmful wild animals.

The bill authorizes DNR to promulgate rules to designate species of wild animals as harmful wild animals and imposes additional restrictions on the possession of these animals. Nonnative animals that may inflict harm on the environment, wild animals that are capable of creating a risk to public health or the health of domestic animals, and wild animals that are capable of inflicting severe physical harm to humans or domestic animals may be designated by DNR to be harmful. DNR must designate cougars and all species of bear as harmful under these rules.

Endangered and threatened species that are native to the United States or to Canada are subject to regulation both under this bill and the other state laws covering endangered and threatened species. Endangered and threatened species in this state that are not native to the United States or to Canada are not subject to regulation under the provisions created in this bill but are subject to other state laws covering endangered and threatened species.

The bill imposes specific regulatory schemes on native reptiles and amphibians. The bill also imposes some tagging, record-keeping, and labeling requirements for the sale and purchase of wild animal parts except for dressed and raw furs.

#### HUNTING AND KILLING CAPTIVE WILD ANIMALS

Under current law, hunting of wild animals that are enclosed in game farms is permitted on deer farms, pheasant and quail farms, and game animal and bird farms and trapping permitted on fur animal farms. For wild animals other than captive deer, the bill prohibits hunting except under the authority of a bird hunting preserve license, a dog training or trial license, or a validation license if hunting was authorized under the holder's original license. For captive deer, the bill authorizes the hunting of all species of captive deer on deer farms registered with DATCP. The bill prohibits selling or purchasing the opportunity to hunt any captive wild animal except the hunting of certain wild birds as authorized under a bird hunting preserve license and the hunting of all species of deer on the deer farms registered by DATCP if the area in which the deer are confined exceeds 80 acres.

Current law prohibits any person from killing or wounding with a deadly weapon any animal, wild or domesticated, that is intentionally confined. Confinement under current law includes being tied, staked out, or held captive in an enclosure, regardless of size. Current law provides an exception to this prohibition for game farms licensed by DNR. The bill provides an exception for deer farms registered with DATCP and bird hunting preserves licensed under provisions created in this bill. The bill also specifically exempts animals that are killed or wounded in accordance with normally accepted animal husbandry practices.

Under current law, a conservation warden may not enforce the prohibition forbidding the killing or wounding of a confined animal with a deadly weapon and other provisions dealing with the treatment of captive animals. This bill specifically authorizes conservation wardens to enforce these provisions.

#### FENCING REQUIREMENTS FOR FARM-RAISED DEER

Under current law, persons who are required to be registered with DATCP to keep farm-raised deer must enclose the area where the deer are kept with fencing

that meets certain statutory specifications, including specifications on strength and height. This bill requires persons who are keeping any type of captive deer to receive a fence inspection certificate from DNR if any or all of the deer are white-tailed deer. To receive this certificate, the deer must be contained ~~deer~~ with fencing that complies with standards and requirements promulgated by DNR. The bill provides a temporary exemption from this certification requirement for persons who held a deer farm license by DNR at the time this bill becomes law.

#### INTRODUCTION AND STOCKING OF WILD ANIMALS

Under current law, no person may import into this state a wild animal for stocking or releasing into the wild, or stock or release a wild animal, unless the person has a permit issued by DNR. Under the bill, a person may import and stock or release a wild animal if the person has a stocking permit issued by DNR or another type of license which authorizes the stocking or release. These licenses include bird hunting preserve licenses and dog training and trial licenses. In addition, DNR must determine that the wild animal is not detrimental to the state's natural resources. There are also special requirements if the wild animal has been exposed to, or infected with, any contagious disease. At the request of any city, village, or town (municipality) in an area in which wild animals are stocked or released, the person stocking or releasing the animals must report to the municipality the type, number, and location of the wild animals involved.

#### LICENSE FEES AND REQUIREMENTS, EFFECTIVE PERIODS, AND RECORD-KEEPING REQUIREMENTS

The bill sets specific fees for the licenses created under the bill except that there is no fee for a rehabilitation license or a validation license.

Under the bill, periods of validity for the different types of licenses range from 30 days to five years, with the most common period of validity being from the date of issuance until the following December 31. Under current law, the most common period of validity for game farm licenses is from the date of issuance until the following December 31.

The bill requires DNR to provide any necessary tags at cost.

Under current law, DNR must require a person who is applying for any type of fish or game approval to provide DNR with his or her social security number. These approvals include recreational hunting and fishing licenses as well as all other fish and game licenses such as game farm licenses and fish dealer and taxidermist permits. DNR must deny the application if the person refuses to provide his or her social security number. DNR then discloses the number to the department of workforce development (DWD) and to the department of revenue (DOR) so that DWD and DOR may determine whether the person is delinquent in child support or in payment of certain state taxes. The disclosure requirement for purposes of determining child support delinquency applies to all of the licenses created in this bill. The disclosure requirement for purposes of tax delinquency applies to captive wild animal farm licenses, wild fur farm licenses, and bird hunting preserve licenses.

Under current law, there are various record-keeping requirements for operators of game farms and wildlife exhibits. This bill authorizes DNR to establish record-keeping requirements by rule. This bill also imposes specific record-keeping

requirements for most types of licenses. These specific provisions generally require such information as the date of the acquisition or transfer of a captive wild animal, the name and address of the person from whom or to whom the animal was transferred and information concerning the death or escape of captive wild animals. The bill requires that the records for harmful wild animals, and certain families of wild animals, such as bear and wild cats, be provided to DNR within seven days after the transaction. The bill also requires license holders to file annual reports with DNR summarizing the number of wild animals acquired, the number transferred or released, the number currently kept, and the number that died, were killed, or escaped.

**ANIMAL HEALTH AND TREATMENT**

The bill requires DNR to promulgate rules to ensure that wild animals receive humane treatment and adequate housing, care, and food and that the wild animals are held under sanitary conditions. No person may receive a license from DNR unless DNR determines that the person will comply with all of these rules.

The bill expands the provisions authorizing DATCP to control diseases in domestic animals or livestock to cover all animals, including captive wildlife. These provisions include issuing quarantines, prohibiting and regulating the importation and movement of diseased animals, and condemning diseased animals for slaughter or destruction. The bill also expands DATCP's quarantine authority and regulation of movement and importation of animals so that DATCP may exercise this authority to protect the health of humans and all animals as well as the health of domestic animals.

The bill also defines "domestic animal" for purposes of the <sup>statutory provisions</sup> ~~chapter~~ administered by DATCP that regulates animal health. The definition includes animals that are defined by rule by DATCP to be domestic animals. The definition also specifically includes farm-raised deer, farm-raised game birds, which are game birds that are kept in captivity but not on bird hunting preserves, and fish reared on fish farms. The bill authorizes DATCP to require by rule that poultry and farm-raised game birds that are used for breeding purposes originate from a flock of a person participating in the national poultry improvement plan under federal law and requires that any fee DATCP requires for participation be set by rule. The national poultry improvement plan ~~is a federal plan~~ is a plan administered by the U.S. department of agriculture under which a state has the option of requiring participation by poultry producers in the plan in order to improve poultry health and to control diseases in poultry.

**TAKING WILD ANIMALS INTO CUSTODY**

This bill authorizes a conservation warden to take custody of a captive wild animal, on behalf of DNR, for various reasons. These reasons include the following:

1. The wild animal is a stray or is abandoned or unwanted.
2. The wild animal is possessed, stocked, exhibited, propagated, rehabilitated, hunted, sold, or purchased in violation of state laws or local ordinances regulating captive wildlife.
3. The wild animal is not confined as required by quarantine order or has been exposed to certain diseases.

- 4. The wild animal has caused damage to persons or property.
- 5. The wild animal is being housed or held in an inhumane manner.

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

**LOCAL REGULATION**

Under the bill, a municipality or county may enact and enforce ordinances prohibiting the possession or sale of live wild animals.

**ENFORCEMENT AND PENALTIES**

The bill gives DNR the specific authority to enter and inspect land, vehicles, and buildings for the purpose of enforcement of the fish and game laws and the captive wildlife laws, to inspect captive wild animals, farm-raised deer operations, and farm-raised game birds and to have access to the records that must be kept by persons keeping these animals. With the exception of inspections of deer farm fences, the bill limits this authority to normal business hours and other hours when the person keeping these animals is conducting business, unless the inspection is necessary for public health, safety, or welfare. Current law authorizes DNR inspections of the area subject to the license at any time.

The bill imposes a general forfeiture for unlawfully possessing a wild animal and imposes increased penalties for specific activities such as illegally selling or purchasing wild animals, illegally taking live bear or deer from the wild, and violating the provisions relating to harmful wild animals. The bill imposes increased penalties for repeat violations and contains provisions for the revocation of licenses by DNR and by the courts.

**MISCELLANEOUS PROVISIONS**

Current law prohibits the taking, removal, sale or transporting from the the public waters of this state to any place outside this state any plant that is commonly known to furnish food for game birds. This bill deletes the provision stating that the plant must leave this state for the prohibition to apply.

**Insert 4-4**

(1) "Animal" means any mammal, bird, reptile, amphibian, mollusk, <sup>or</sup> arthropod or any egg of <sup>n</sup> any bird, reptile, amphibian, mollusk, or arthropod except that "animal" does not include any mollusk or arthropod, or <sup>any</sup> egg of any mollusk or arthropod, if the mollusk or arthropod is subject to regulation as a pest under ch. 93 or 94 and is classified as a pest under s. 22.015 (2).

**Insert 6-6**



(20m) "Migratory bird" means a bird on a species on the list in 50 CFR 10.13 that is promulgated under 16 USC 701 to 715s.

**Insert 7-7**

(35) "Veterinarian" means either of the following:

(a) A veterinarian who is licensed in this state to practice veterinary medicine under ch. 453 and who is certified under rules promulgated by the department of agriculture, trade and consumer protection.

(b) A veterinarian who is licensed by another state to practice veterinary medicine and who is accredited under rules promulgated by the department of agriculture, trade and consumer protection.

**Insert 7-16**

(2) PESTS. The department of agriculture, trade and consumer protection shall promulgate rules specifying which mollusks and arthropods and which eggs of mollusks and arthropod are pests for purposes of s. 22.01 (1).

**Insert 46-10**

1999 stats., 29.855(3)

(10m) PRIOR RECORDS. A person required to keep records or reports under s.

29.853 (3) (b) or (c), 1999 stats., s. 29.865 (4) (b), 1999 stats., 29.867 (8), 1999 stats.,

s. 29.869 (9), 1999 stats., s. 29.871, 1999 stats., or s. 29.877 (6), 1999 stats., shall

maintain copies of the records and reports that are in existence on the effective date

of this subsection .... [revisor inserts date] for a period of 3 years beginning on the

effective date of this subsection .... [revisor inserts date].

**Insert 56-17**

SECTION 1. 23.795 of the statutes is created to read:

STET

INS 57-13

SECTION CR; 29.001(25m)

(B)

29.001(25m) "Farm-raised game birds" means a bird that is held in captivity and that is of a species that is hunted or a bird that is subject to a license under s. 22.19, 22.20, or 22.21.

STET

23.795-4 In lieu of an order of imprisonment under sub. (1) (a) for a violation of s. 90.21, the court may ~~revoke or~~ suspend any fence inspection certificate issued under s. 90.21, as provided in s. 90.21 (8) (b).

**Insert 57-24**

no fl

"Game birds" <sup>does</sup> do not include birds that are subject to a license issued under s. 22.19, 22.20, or 22.21.

**Insert 75-9**

(b) If a person expands <sup>a</sup> fenced area that is less than 80 acres in size during the period that the fence inspection certificate issued under this section is valid so that the fenced area is 80 acres or more in size, the person shall apply for a new fence inspection certificate and pay an additional fee of \$50.

(c) A fence inspection certificate issued under par. (a) or (b) shall be valid from the date of issuance until the 5th December 31 following the date of issuance.

**Insert 76-15**

(b) A conservation warden or representative of the department, upon presenting his or her credentials, may gain access to and inspect at any time any records required to be kept under s. 95.55 or any rules under that section by a holder of a fence inspection certificate issued under this section.

(c) No person who has been requested to submit to an inspection under this section or an operator of a vehicle for such a person, or employee or person acting on behalf of such a person, may prohibit entry as authorized under this section unless a court restrains or enjoins the entry or inspection.

INS 78-17

**Insert 78-8**

95.001 (1) <sup>(ai)</sup> ~~(a)~~ "Farm-raised game bird" means a bird that is held in captivity and that is of a species that is hunted. "Farm-raised game bird" does not include

SECTION .CR; 95.001(ai)  
(1)

<sup>CS</sup>  
 (1) DEFINITION. In this section, "wild animal" has the meaning given in 5.95.68(1)(g). 9(2)  
 poultry, a ratite, or a bird that is subject to a license issued under s. 22.19, 22.20, or 22.21.

**Insert 87-10**

~~SECTION 95.57~~ 95.57 of the statutes is created to read:

**95.57 Poultry and farm-raised game birds; national poultry improvement program.** (1) PARTICIPATION IN PROGRAM. The department may promulgate rules to require that any of the following originate from a flock of a person participating in the national poultry improvement plan under 9 CFR part 145:

- (a) Poultry, including their eggs, that are used for breeding purposes.
- (b) Farm-raised game birds, including their eggs, that are used for breeding purposes.

(2) FEES. (a) The department shall promulgate a rule to set any fee that it imposes on a person for participation in the national poultry improvement plan.

~~Any fee imposed on a person for participation... shall be set by rule.~~

~~SECTION 95.59~~ 95.59 of the statutes is created to read:

**95.59 Inspections by department of natural resources.**

DEPARTMENTAL AUTHORITY. For purposes of enforcing ch. 29 and rules promulgated under <sup>that chapter</sup> ~~those provisions~~ with respect to a person who keeps farm-raised deer that are white tailed deer and for purposes of enforcing chs. 22 and 29 and rules promulgated under those chapters with respect to a person who keeps farm-raised game birds, a conservation warden or representative of the department of natural resources, upon presenting his or her credentials to that person, may do any of the following:

- (a) Enter and inspect any land, vehicle, building, or other structure where farm-raised deer, <sup>or</sup> farm-raised game birds <sup>or wild animals</sup> are possessed or where carcasses of farm-raised deer, <sup>or</sup> farm-raised game birds <sup>or wild animals</sup> are possessed.

*or wild animals under a license issued under 5.95.68 or 95.69*

*or wild animals*

*or wild animals*

*or wild animals*

*or wild animals*

stet  
Captives

(b) Inspect any equipment, materials, or other activities related to ~~the~~ farm-raised deer ~~or~~ farm-raised game birds. <sup>or wild animals</sup>

(c) Gain access to and inspect any records ~~relating~~ <sup>that relate</sup> to farm-raised deer that are white-tailed <sup>and that are</sup> deer required to be kept under s. 22.36 (10m) or ~~95.55~~ <sup>93.07 (10)</sup> or ~~ch. 93~~ <sup>93.07 (10)</sup> or any rules promulgated under ~~those provisions~~ <sup>those sections</sup>

(d) Gain access to and inspect any records relating to farm-raised game birds required to be kept under s. <sup>93.07 (10) or</sup> ~~95.57~~ <sup>or</sup> or any rules promulgated under ~~those~~ <sup>these</sup> ~~provisions~~ <sup>sections</sup>.

(3) <sup>(2)</sup> TIMES FOR INSPECTIONS. An inspection authorized under sub. <sup>(2)</sup> ~~(3)~~ may be conducted during any of the following times:

(a) Normal business hours.

(b) During the time that the person who possesses farm-raised deer <sup>or</sup> farm-raised game birds <sup>or wild animals</sup> is conducting business.

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

(4) <sup>(3)</sup> PROHIBITING INSPECTIONS. No person who has been requested to submit to an inspection under this section or an operator of a vehicle for such a person, or <sup>an</sup> employee or person acting on behalf of such a person, may prohibit entry as authorized under this section unless a court restrains or enjoins the entry or inspection.

91 (e) Gain access to and inspect any records relating to ~~captives~~ <sup>or wild animals</sup> required to be kept under s. 22.36 (10m), ~~or~~ <sup>93.07 (10),</sup> ~~95.68~~ <sup>or</sup> 95.69 ~~or ch. 93~~ or any rules promulgated under ~~those provisions~~ <sup>these sections</sup>.

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2708/P4dn  
MGG:cjs:jf

May 14, 2001

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6. Please review my amendments to the definition of "game birds" in s. 29.001 (39) and 95.001 (1) (ac). I drafted them this way to avoid confusing cross-references within the definition that occur with the use of the phrase "does not include," i.e., a "game bird" under ch. 29 does not include a "farm-raised game bird" and "farm-raised game bird" does not include a ch. 22 game bird. Please call me to discuss any concerns you have with this.
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12. Note that in the s. 95.59 inspection language, "farm-raised deer" is not limited to "white-tailed deer" in s. 95.59 (2) (a) and (b) and (3) (b).

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

**Barman, Mike**

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**From:** Barman, Mike  
**Sent:** Monday, May 14, 2001 4:12 PM  
**To:** Hurley, Sarah S; Elizabeth Kluesner; Susan Felker-Donsing  
**Subject:** LRB-2708/P4 (attached for your review) (from MGG)

DNR  
/N

**Mike Barman**

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(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



DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-2708/P4dn  
MGG:cjs:jf

May 14, 2001

Mary -  
Call me if you can't  
decipher my notes. (7-7472)  
Sarah

1. I have added a cross-reference to ch. 22 in s. 23.65 (1). It appears to have been inadvertently omitted in previous drafts. I also created a provisions parallel to s. 23.795 (3), which is created in the draft, for violations of s. 90.21. See s. 23.795 (4), as created in this draft.

okay

2. I added a cross-reference to s. 90.21 in s. 25.29 (1) (a) and (4m) so that the fees collected for these certificates will go into the conservation fund. I also added cross-references to s. 90.21 in s. 20.370 (1) (mu) and (3) (mu).

okay

3. Note the changes in the definition of "animal". The rule-making requirement is included to address the concern that an "animal" may be a pest in some instances (and therefore exempt from ch. 22) and not in others. Please call me to discuss any changes.

okay

4. I have changed the term "wild animal" to "wild bird" in s. 22.04 (4) (b) 2. and have created a definition of "migratory bird" and "pet bird." See s. 22.01 (19m) and (25m).

okay

5. In order to clarify the differences and interrelationship among fur-bearing wild animals on wild fur farms under ch. 22, domestic fur-bearing animals as specified in s. 22.015, and fur-bearing animals under ch. 29, I have rewritten s. 22.14 (3) (a). Please review. I also have decided not to move the language found in s. 22.015. As the drafter, I feel it is better to have it near the definition of "domestic animal" in ch. 22.

no 22.18 only

6. Please review my amendments to the definition of "game birds" in s. 29.001 (39) and 95.001 (1) (ac). I drafted them this way to avoid confusing cross-references within the definition that occur with the use of the phrase "does not include," i.e., a "game bird" under ch. 29 does not include a "farm-raised game bird" and "farm-raised game bird" does not include a ch. 22 game bird. Please call me to discuss any concerns you have with this.

okay w/ modification  
p 84 change definition

7. DATCP's rules use "certified" for in-state veterinarians and "accredited" for out-of-state veterinarians. I have drafted the definition of veterinarian to mirror those rules. Please review.

vets accredited under 9 CFR, subpart 160-162  
Do the plant pest stuff in 94.

8. Based on my conversation with Sarah Hurley, I have taken out the cross-reference to ch. 94 in s. 22.03.

9. Please review my redrafting of s. 22.29 (4) (e) to make sure it achieves your intent.

okay

10. As drafted, the fees received for participation in the national poultry improvement plan will just go into the general fund. Do you want them to go into an existing or new

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

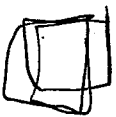
DATCP  
question

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

okay

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

move to 22  
change to wtd



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

yes, in 22  
stamps

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

okay

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

no, stay as is.

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

created in this bill. The bill also specifically exempts animals that are killed or wounded in accordance with normally accepted animal husbandry practices.

Under current law, a conservation warden may not enforce the prohibition forbidding the killing or wounding of a confined animal with a deadly weapon and other provisions dealing with the treatment of captive animals. This bill specifically authorizes conservation wardens to enforce these provisions.

#### FENCING REQUIREMENTS FOR FARM-RAISED DEER

Under current law, persons who are required to be registered with DATCP to keep farm-raised deer must enclose the area where the deer are kept with fencing that meets certain statutory specifications, including specifications on strength and height. This bill requires persons who are keeping ~~any type of~~ captive deer to receive a fence inspection certificate from DNR if any or all of the deer are white-tailed deer. To receive this certificate, the deer must be contained with fencing that complies with requirements promulgated by DNR. The bill provides a temporary exemption from this certification requirement for persons who held a deer farm license by DNR at the time this bill becomes law.

*white tailed deer  
only*

#### INTRODUCTION AND STOCKING OF WILD ANIMALS

Under current law, no person may import into this state a wild animal for stocking or releasing into the wild, or stock or release a wild animal, unless the person has a permit issued by DNR. Under the bill, a person may import and stock or release a wild animal if the person has a stocking permit issued by DNR or another type of license which authorizes the stocking or release. These licenses include bird hunting preserve licenses and dog training and trial licenses. In addition, DNR must determine that the wild animal is not detrimental to the state's natural resources. There are also special requirements if the wild animal has been exposed to, or infected with, any contagious disease. At the request of any city, village, or town (municipality) in an area in which wild animals are stocked or released, the person stocking or releasing the animals must report to the municipality the type, number, and location of the wild animals involved.

#### LICENSE FEES AND REQUIREMENTS, EFFECTIVE PERIODS, AND RECORD-KEEPING REQUIREMENTS

The bill sets specific fees for the licenses created under the bill except that there is no fee for a rehabilitation license or a validation license.

Under the bill, periods of validity for the different types of licenses range from 30 days to five years, with the most common period of validity being from the date of issuance until the following December 31. Under current law, the most common period of validity for game farm licenses is from the date of issuance until the following December 31.

The bill requires DNR to provide any necessary tags at cost.

Under current law, DNR must require a person who is applying for any type of fish or game approval to provide DNR with his or her social security number. These approvals include recreational hunting and fishing licenses as well as all other fish and game licenses such as game farm licenses and fish dealer and taxidermist permits. DNR must deny the application if the person refuses to provide his or her social security number. DNR then discloses the number to the department of

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

2 20.370 (1) (mu) *General program operations — state funds.* The amounts in  
3 the schedule for general program operations that do not relate to the management  
4 and protection of the state’s fishery resources under ss. 23.09 to 23.11, 27.01, 30.203  
5 ~~and, 30.277, and 90.21,~~ subch. VI of ch. 77 and chs. 22, 26, 28, and 29 and for transfers  
6 to the appropriation account under s. 20.285 (1) (kf).

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

8 20.370 (3) (mu) *General program operations — state funds.* The amounts in  
9 the schedule for law enforcement operations under ss. 23.09 to 23.11, 90.21, and  
10 166.04 and chs. 22, 29 and 30 and for review of environmental impact requirements  
11 under ss. 1.11 and 23.40.

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

13 CHAPTER 22

14 CAPTIVE WILDLIFE

15 22.01 Definitions. In this chapter:

16 (1) “Animal” means any mammal, bird, reptile, amphibian, mollusk, or  
17 arthropod or any egg of any bird, reptile, amphibian, mollusk, or arthropod except  
18 that “animal” does not include any mollusk or arthropod, or any egg of any mollusk  
19 or arthropod, if the mollusk or arthropod is subject to regulation ~~as a pest~~ under ch.  
20 93 or 94 ~~and is classified as a pest under s. 22.015 (2).~~

21 (2) “Captive” means any of the following:

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

23 (b) Restrained by physical alterations that limit movement or facilitate  
24 capture.

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

*Return to original language*

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

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

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

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

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

10 (7) "Domestic animal" means A farm-raised deer, a pet bird, a farm-raised

11 game bird, or an animal that is ~~all~~ of the following:

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

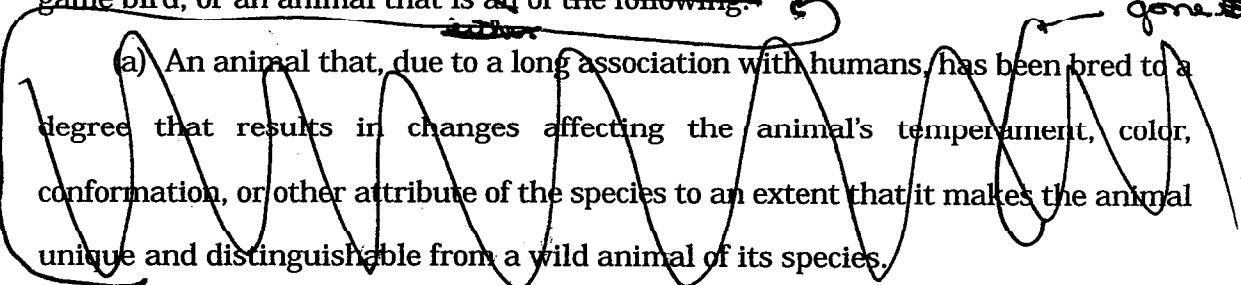
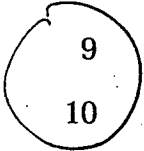
16 ~~is~~ Listed as a domestic animal by rule by the department of agriculture, trade  
17 and consumer protection.

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

19 (9) "Endangered or threatened species" means those species of wild animals  
20 that are indigenous to the United States or Canada and are identified on the federal  
21 list of endangered and threatened species or on the Wisconsin list of endangered and  
22 threatened species.

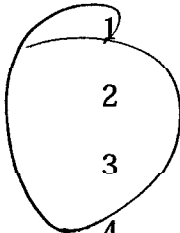
23 (11) "Exhibit" means to display for the purpose of public viewing, regardless  
24 of whether a fee is charged.

25 (12) "Farm-raised deer" has the meaning given in 95.001 (1) (ag).



*initial*  
*okay*

*gone?*



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(b) A veterinarian who is licensed by another state to practice veterinary medicine and who is accredited under <sup>9 CFR 160-162</sup> ~~rules promulgated by the department of agriculture, trade and consumer protection~~ ~~(?)~~ ~~of the state~~ ~~9 CFR~~

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

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

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

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

**22.015 Rules for domestic animals and pests. (1) DOMESTIC ANIMALS.** The department of agriculture, trade and consumer protection shall promulgate rules specifying which animals are domestic animals for purposes of s. 22.01 (7) (b). The rules shall specify that fur-bearing animals to which s. 29.627 applies are domestic animals.

~~(2) PESTS. The department of agriculture, trade and consumer protection shall promulgate rules specifying which mollusks and arthropods and which eggs of mollusks and arthropod are pests for purposes of s. 22.01 (1)~~

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

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. <sup>1</sup>(~~2~~) (b).

17 (b) 1. Veterinarians are exempt from the prohibition under sub. <sup>1</sup>(~~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.

**SECTION 3**

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

3 (d) No person may preserve and mount a carcass of a captive wild animal for  
4 consideration unless that person holds a valid taxidermist permit issued under s.  
5 29.506.

6 **(2) TAGGING REQUIREMENTS FOR CAPTIVE WILD ANIMAL FARMS.** (a) A person killing  
7 a wild animal under the authority of a captive wild animal farm license shall tag the  
8 carcass in the manner required by the department before removing the carcass from  
9 the farm. No person may remove the tag from the carcass except as provided in par.

10 (b).

11 (b) A person acquiring a carcass tagged under par. (a) that is to be consumed  
12 for food may remove the tag at the time the carcass is prepared for final consumption.  
13 The person shall keep the tag in evidence until the carcass is consumed or otherwise  
14 disposed of.

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

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

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~~under this chapter.~~ <sup>22.18</sup> *We intend that subsections (1) & (2) would apply to a fur-bearing animal held under 22.15 (like a badge, for instance).*

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

23 **22.15 Captive wild animal farm licenses. (1) ISSUANCE.** (a) The  
24 department shall issue a Class A captive wild animal farm license to operate a



1 (a) Normal business hours.

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

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

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

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

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

16 **22.39 Humane care and housing.** (1) COMPLIANCE WITH RULES. No license  
17 may be issued under this chapter unless the department determines that the  
18 applicant will comply with all of the rules promulgated under subs. (2) and (3).

19 (2) RULES; GENERAL. The department shall promulgate and enforce rules for the  
20 housing, care, treatment, ~~enhancement~~<sup>enrichment</sup>, feeding, and sanitation of wild animals  
21 subject to regulation under this chapter to ensure all of the following:

22 (a) That the wild animals receive humane treatment and ~~enhancement~~<sup>enrichment</sup>.

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

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

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

1 to 30.55, 70.58, 71.10 (5) and, 71.30 (10), and 90.21, including grants received from  
2 the federal government or any of its agencies except as otherwise provided by law.

3 SECTION 15. 25.29 (4m) of the statutes is amended to read:

4 25.29 (4m) Notwithstanding sub. (3), no moneys that accrue to the state for or  
5 in behalf of the department under ch. 22 or 29 or s. 90.21 may be expended or paid  
6 for the enforcement of the treaty-based, off-reservation rights to fish held by  
7 members of federally recognized American Indian tribes or bands domiciled in  
8 Wisconsin.

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

10 29.001 (24) "Farm-raised deer" has the meaning given in s. 95.001 (1) (a) (ag).

11 SECTION 17. 29.001 (25m) of the statutes is created to read:

12 29.001 (25m) "Farm-raised game bird" means a bird that is held in captivity

13 and that is of a species that is hunted ~~or a bird that is subject to a license under s.~~

14 ~~22.19, 22.20, or 22.21.~~

No

These are "wild animals subject to reg. under chapter 22"

15 SECTION 18. 29.001 (26) of the statutes is amended to read:

16 29.001 (26) "Fish farm" has the meaning given in s. 95.60(1)(a) 95.001 (1) (aj),  
17 except that "fish farm" does not include a state or municipal fish hatchery or a private  
18 fishing preserve.

19 SECTION 19. 29.001 (39) of the statutes is amended to read:

20 29.001 (39) "Game birds" means birds that are in the wild in this state and

21 includes wild geese, brant, wild ducks, wild swan, rails, coots, gallinules, snipe,  
22 woodcock, plovers, sandpipers, ruffed grouse, prairie chicken, sharp-tailed grouse,  
23 pheasants, Hungarian gray partridge, Chukar chukar partridge, bobwhite, quail,  
24 crows and wild turkey. "Game birds" does not include birds that are subject to a  
25 license issued under s. 22.19, 22.20, or 22.21.

SECTION 114

1 fails to comply with the order within 10 days of its issuance, the department may  
2 revoke the applicable fence inspection certificate.

*anytime? where to*

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(b) A conservation warden or representative of the department, upon  
presenting his or her credentials, may gain access to and inspect at any time any  
records required to be kept under s. 95.55 or any rules under that section by a holder  
of a fence inspection certificate issued under this section.

*For violations of 22, 29 or 90.21.*

*del 4*

7 (c) No person who has been requested to submit to an inspection under this  
8 section or an operator of a vehicle for such a person, or employee or person acting on  
9 behalf of such a person, may prohibit entry as authorized under this section unless  
10 a court restrains or enjoins the entry or inspection.

11 **(8) PENALTIES.** (a) Any person who violates this section, or a rule promulgated  
12 under this section, shall be subject to a forfeiture of not more than \$200.

13 (b) In addition to or in lieu of the forfeiture specified in par. (a), a court may  
14 suspend a fence inspection certificate issued under this section, a registration issued  
15 under s. 95.55 that authorizes the defendant to keep farm-raised deer, or both, for  
16 a period of up to 3 years.

17 (c) The department may revoke any fence inspection certificate issued under  
18 this section to which any of the following applies:

19 1. The holder fails to comply with an order issued under sub. (7).

20 2. The department determines that the certificate was fraudulently procured,  
21 or erroneously issued.

22 3. The department determines that the person holding the certificate is not in  
23 compliance with any rule promulgated under s. 95.55 (5) or (6).

24 **SECTION 115.** 93.06 (1g) of the statutes is amended to read: *OUT*

**SECTION 119**

1           **SECTION 119.** 95.001 (1) (ad) of the statutes is created to read:

2           95.001 (1) (ad) "Domestic animal" means any of the following:

3           1. An animal that is a member of a species that has been domesticated by  
4 humans.

5           2. A farm-raised deer, farm-raised game bird, or farm-raised fish.

6           3. An animal that is listed as a domestic animal by rule by the department.

7           **SECTION 120.** 95.001 (1) (ah) of the statutes is created to read:

8           95.001 (1) (ah) "Farm-raised fish" means any fish egg that is present on a fish  
9 farm or any fish that is reared on a fish farm.

10          **SECTION 121.** 95.001 (1) (ai) of the statutes is created to read:

11          95.001 (1) (ai) "Farm-raised game bird" means a bird that is held in captivity  
12 and that is ~~of a species that is hunted.~~ <sup>Wissed 1/13/05</sup> "Farm-raised game bird" does not include  
13 ~~a non native wild bird not regulated under~~ <sup>22.15</sup> ~~poultry, a ratite, or a bird that is subject to a license issued under s. 22.19, 22.20, or~~  
14 22.21.

15          **SECTION 122.** 95.10 (5) of the statutes is amended to read:

16          95.10 (5) No person shall remove or permit the removal of any swine from any  
17 premises where public or commercial garbage is received, except to federally  
18 inspected slaughtering establishments and other slaughtering establishments  
19 approved by the state to receive diseased animals, and only if such swine are  
20 accompanied by a health certificate ~~issued by a veterinarian~~ of veterinary inspection.

21          **SECTION 123.** 95.12 of the statutes is amended to read:

22          **95.12 False pedigree.** No person with intent to defraud shall obtain from any  
23 corporation, association, society or company organized for the purpose of improving  
24 breeds of domestic animals, a false certificate of registration of any such domestic  
25 animal in the herd or other register of any such corporation, association, society or

1           **95.45 (title) Certificates of veterinary inspection; tests for interstate**  
2 **shipment.**

3           **SECTION 138.** 95.45 (1) of the statutes is renumbered 95.45 (1g) and amended  
4 to read:

5           **95.45 (1g)** Tests to determine the health status of animals for the purpose of  
6 interstate shipment shall be made only by licensed graduate veterinarians approved  
7 by the department. ~~Such veterinarians.~~ Veterinarians shall report the results of  
8 every such test to the department in triplicate.

9           **SECTION 139.** 95.45 (1d) of the statutes is created to read: *WSP*

~~95.45 (1d) In this section, "veterinarian" has the meaning given in s. 22.01 (35).~~

10           **SECTION 140.** 95.45 (2) of the statutes is repealed.

11           **SECTION 141.** 95.45 (3) of the statutes is repealed.

12           **SECTION 142.** 95.45 (4) of the statutes is created to read:

13           **95.45 (4) (a)** If the department requires that a certificate of veterinary  
14 inspection accompany an animal imported into this state, the veterinarian who  
15 issues the certificate shall file a copy of the certificate with the department.  
16

17           (b) If a certificate of veterinary inspection is required for a wild animal under  
18 s. 22.04 (2) (d) and (3) (a) or 22.06 (1) (d) 1., the veterinarian who issues the certificate  
19 shall file a copy of the certificate with the department of agriculture, trade and  
20 consumer protection. The department of agriculture, trade and consumer protection  
21 shall provide a copy of the certificate to the department of natural resources.

22           (c) The department may promulgate rules to impose requirements on the form,  
23 issuance, and filing of certificates of veterinary inspection.

24           **SECTION 143.** 95.45 (5) of the statutes is created to read:

*No - just leave  
DATCP Treatment of  
veterinarians alone. It  
is compatible w/ 22.01 (35).*

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

3 2. Provisions requiring that registration under this section be on an annual  
4 basis.

5 3. Exemptions from any annual registration requirements established under  
6 subd. 2.

7 SECTION 153. 95.57 of the statutes is created to read:

8 95.57 Poultry and farm-raised game birds; national poultry  
9 improvement program. (1) PARTICIPATION IN PROGRAM. The department may  
10 promulgate rules to require that any of the following originate from a flock of a person  
11 participating in the national poultry improvement plan under 9 CFR part 145:

12 (a) Poultry, including their eggs, that are used for breeding purposes.

13 (b) Farm-raised game birds, including their eggs, that are used for breeding  
14 purposes.

15 (2) FEES. The department shall promulgate a rule to set any fee that it imposes  
16 on a person for participation in the national poultry improvement plan.

17 SECTION 154. 95.59 of the statutes is created to read:

18 95.59 Inspections by department of natural resources. (1) DEFINITION.  
19 In this section, "wild animal" has the meaning given in s. 95.68 (1) (g).

20 (2) DEPARTMENTAL AUTHORITY. For purposes of enforcing ch. 29 and rules  
21 promulgated under that chapter with respect to a person who keeps farm-raised  
22 deer that are white-tailed deer and for purposes of enforcing chs. 22 and 29 and rules  
23 promulgated under those chapters with respect to a person who keeps farm-raised  
24 game birds or wild animals under a license issued under s. 95.68 or 95.69, a

*Move to 22  
Use suggested language.*

*What about deer  
90.2 only  
trucks - anything  
records, quality of*

*Move to 22 - use original suggested language.*

*Proposed  
Amendment  
to  
Section 154*

1 conservation warden or representative of the department of natural resources, upon  
2 presenting his or her credentials to that person, may do any of the following:

3 (a) Enter and inspect any land, vehicle, building, or other structure where  
4 *white tailed deer* farm-raised deer, farm-raised game birds, or wild animals are possessed or where  
5 carcasses of farm-raised deer, farm-raised game birds, or wild animals are  
6 possessed.

7 (b) Inspect any equipment, materials, or other activities related to farm-raised *white tailed*  
8 deer, farm-raised game birds, or wild animals.

9 (c) Gain access to and inspect any records that relate to farm-raised deer that  
10 are white-tailed deer and that are required to be kept under s. 22.36 (10m), 93.07  
11 (10), or 95.55 or any rules promulgated under those sections.

12 (d) Gain access to and inspect any records relating to farm-raised game birds  
13 required to be kept under s. 93.07 (10) or 95.57 or any rules promulgated under those  
14 sections.

15 (e) Gain access to and inspect any records relating to wild animals required to  
16 be kept under s. 22.36 (10m), 93.07 (10), 95.68, or 95.69 *or 95.71 (truckers)* or any rules promulgated  
17 under those sections.

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

20 (a) Normal business hours.

21 (b) During the time that the person who possesses farm-raised *white tailed*  
22 farm-raised game birds, or wild animals is conducting business.

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

22.

1           **(4) PROHIBITING INSPECTIONS.** No person who has been requested to submit to  
2           an inspection under this section or an operator of a vehicle for such a person, or an  
3           employee or person acting on behalf of such a person, may prohibit entry as  
4           authorized under this section unless a court restrains or enjoins the entry or  
5           inspection.

6           **SECTION 155.** 95.60 (1) (intro.) and (b) of the statutes are consolidated,  
7           renumbered 95.60 (1) and amended to read:

8           **95.60 (1)** In this section: ~~(b) "Waters.~~ "waters of the state" has the meaning  
9           given in s. 281.01 (18).

10          **SECTION 156.** 95.60 (1) (a) of the statutes is renumbered 95.001 (1) (aj).

11          **SECTION 157.** 95.68 (title) of the statutes is amended to read:

12          **95.68 (title) Livestock Animal markets.**

13          **SECTION 158.** 95.68 (1) (a) of the statutes is renumbered 95.68 (1) (am).

14          **SECTION 159.** 95.68 (1) (b) of the statutes is amended to read:

15          **95.68 (1) (b)** "Equine market" means a ~~livestock~~ an animal market that is open  
16          to the public solely for the purpose of trading in equine animals.

17          **SECTION 160.** 95.68 (1) (e) of the statutes is renumbered 95.68 (1) (ag) and  
18          amended to read:

19          **95.68 (1) (ag)** "Livestock Animal market" means any premises which are open  
20          to the public for the purpose of trading in livestock or wild animals and on which  
21          facilities are maintained for their yarding, feeding and watering prior to sale.

22          **SECTION 161.** 95.68 (1) (f) of the statutes is renumbered 95.68 (1) (ai) and  
23          amended to read:

24          **95.68 (1) (ai)** "Livestock Animal transport vehicle" has the meaning given in  
25          s. 95.71 (1) ~~(g)~~ (dm).



## **Gibson-Glass, Mary**

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**From:** Heike, Ruth E DATCP  
**Sent:** Friday, May 18, 2001 1:55 PM  
**To:** Gibson-Glass, Mary  
**Cc:** Hurley, Sarah S  
**Subject:** LRB-2708/P4 Drafters note 10

In drafters note 10 you ask if we want the fees for participation in the national poultry improvement plan to go into the general fund or a specific fund. Please direct those fees to the fund established by 20.115(2)(ha). Thanks.