

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:~~

10 ~~95.45 (1d) In this section, "Veterinarian" has the meaning given in s. 22.01 (35).~~

11           **SECTION 140.** 95.45 (2) of the statutes is repealed.

12           **SECTION 141.** 95.45 (3) of the statutes is repealed.

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

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

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:

1           95.45 (5) Any certificate of veterinary inspection prepared under this chapter  
2 shall comply with any rules that are promulgated by the department.

3           **SECTION 144.** 95.49 (1) (e) of the statutes is amended to read:

4           95.49 (1) (e) Animals not known to be reactors moved to the premises of ~~a~~  
5 ~~livestock~~ an animal market operator licensed under s. 95.68 or ~~a livestock~~ an animal  
6 dealer licensed under s. 95.69, for sale and removal as provided in sub. (2).

7           **SECTION 145.** 95.49 (1m) (e) of the statutes is amended to read:

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

11           **SECTION 146.** 95.49 (2) of the statutes is amended to read:

12           95.49 (2) Animals moved to the premises of ~~a livestock~~ an animal market or  
13 animal dealer pursuant to the exemption from brucellosis test in sub. (1) (e) or (1m)  
14 (e) may be removed only in compliance with the brucellosis test requirements in sub.  
15 (1) or (1m).

16           **SECTION 147.** 95.55 (title) of the statutes is amended to read:

17           **95.55 Farm-raised deer; registration.**

18           **SECTION 148.** 95.55 (1) (b) of the statutes is renumbered 95.55 (1) (b) 1.

19           **SECTION 149.** 95.55 (1) (b) 2. of the statutes is created to read:

20           95.55 (1) (b) 2. The department may promulgate rules to exempt groups of  
21 persons or species of farm-raised deer from the registration requirement under this  
22 section.

23           **SECTION 150.** 95.55 (3m) of the statutes is created to read:

24           95.55 (3m) AUTHORIZATION. A person who is registered under this section may  
25 do any of the following:

1 (a) Possess, propagate, purchase, sell, hunt, kill, and exhibit farm-raised deer.

2 (b) Hunt or sell or offer to sell the opportunity to hunt farm-raised deer that  
3 the person owns.

4 **SECTION 151.** 95.55 (5) of the statutes is created to read:

5 95.55 (5) HUNTING. (a) A person hunting farm-raised deer is exempt from  
6 having any hunting approval issued under ch. 29 and is exempt from any closed  
7 season restrictions or bag limits established by the department of natural resources.  
8 In order to regulate the hunting of farm-raised deer, the department of agriculture,  
9 trade and consumer protection may promulgate rules to establish tagging  
10 requirements or other methods for identifying dead farm-raised deer that have been  
11 legally hunted or killed and to impose other conditions or requirements regulating  
12 the hunting of farm-raised deer.

13 (b) No owner of farm-raised deer may sell, or offer to sell, the opportunity to  
14 hunt farm-raised deer unless the farm-raised deer to be hunted are confined in an  
15 area of 80 contiguous acres or more.

16 (c) The department of natural resources and the department of agriculture,  
17 trade and consumer protection shall cooperate with each other with respect to the  
18 hunting of farm-raised deer.

19 **SECTION 152.** 95.55 (6) of the statutes is created to read:

20 95.55 (6) RULES. (a) The department shall promulgate rules to regulate  
21 persons who keep farm-raised deer. The rules shall establish disease testing  
22 requirements for bovine tuberculosis and chronic wasting disease and may establish  
23 testing requirements for other diseases.

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

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.

*of items subject to regulation by the department of agriculture, trade and consumer protection*

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.

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~~22.38 Inspections~~ *3.90.21 and rules promulgated under that section*

20 **(1) 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 ~~ch. 29~~ and 29 and rules  
23 promulgated under ~~ch. 29~~ *ch. 29* 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

*per 95.71  
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SECTION 154

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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 ~~farm-raised~~ <sup>white-tailed</sup> deer, farm-raised game birds, or wild animals are possessed or where  
5 carcasses of ~~farm-raised~~ <sup>white-tailed</sup> deer, farm-raised game birds, or wild animals are  
6 possessed.

7 (b) Inspect any equipment, materials, or other activities related to farm-raised  
8 deer <sup>that are white-tailed deer</sup> 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, ~~95.69~~ <sup>or 95.71</sup> or any rules promulgated  
17 under those sections.

18 <sup>(2)</sup> <sup>(3)</sup> <sup>(1)</sup> TIMES FOR INSPECTIONS. An inspection authorized under sub. ~~(1)~~ may be  
19 conducted during any of the following times:

20 (a) Normal business hours.

21 (b) During the time that the person who <sup>keeps white-tailed</sup> ~~possesses farm-raised~~ deer,  
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.

At (d) At any time, if the inspection is limited to determining whether a fence that is used to contain farm-raised deer that are white-tailed deer complies with the ~~requirements~~ requirements established by rule under s. 90.21(6) ✓

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1 ~~(3) (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.~~

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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).

1           **SECTION 162.** 95.68 (1) (g) of the statutes is created to read:

2           95.68 (1) (g) "Wild animal" means a wild animal that is subject to regulation  
3 under ch. 22.

4           **SECTION 163.** 95.68 (2) of the statutes is amended to read:

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

10          **SECTION 164.** 95.68 (2m) (title) of the statutes is repealed and recreated to read:

11          95.68 (2m) (title) EXEMPTIONS.

12          **SECTION 165.** 95.68 (2m) of the statutes is renumbered 95.68 (2m) (a) and  
13 amended to read:

14          95.68 (2m) (a) A person is not required to obtain a license under sub. (2) to  
15 operate an occasional auction sale sponsored by a livestock breeder association or a  
16 youth agricultural organization if records of the transactions at the sale are  
17 maintained by an auctioneer registered under ch. 480 or by a ~~livestock~~ an animal  
18 dealer licensed under s. 95.69.

19          **SECTION 166.** 95.68 (2m) (b) of the statutes is created to read:

20          95.68 (2m) (b) The department may promulgate rules to exempt groups of  
21 persons from the licensing requirement under sub. (2) or the registration  
22 requirement under sub. (7) or both.

23          **SECTION 167.** 95.68 (4) (intro.) of the statutes is amended to read:

1           95.68 (4) FEES. (intro.) Unless the department specifies a different fee by rule,  
2 the fee for a ~~livestock market~~ license issued under this section is the following  
3 amount:

4           **SECTION 168.** 95.68 (4) (a) of the statutes is amended to read:

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

8           **SECTION 169.** 95.68 (4) (b) of the statutes is amended to read:

9           95.68 (4) (b) For ~~a livestock~~ an animal market that is not an equine market  
10 and that conducted sales on fewer than 5 days during the year immediately  
11 preceding the year for which the license is issued, \$75.

12           **SECTION 170.** 95.68 (4) (c) of the statutes is amended to read:

13           95.68 (4) (c) For ~~a livestock~~ an animal market other than one described in par.  
14 (a) or (b), \$100.

15           **SECTION 171.** 95.68 (5) (a) 1. of the statutes is amended to read:

16           95.68 (5) (a) 1. Operated ~~a livestock~~ an animal market without a license in  
17 violation of sub. (2).

18           **SECTION 172.** 95.68 (5) (a) 1m. of the statutes is created to read:

19           95.68 (5) (a) 1m. Operated a livestock market, as defined in s. 95.68 (1) (e), 1999  
20 stats., without a license in violation of s. 95.68 (2), 1999 stats.

21           **SECTION 173.** 95.68 (5) (a) 2. of the statutes is amended to read:

22           95.68 (5) (a) 2. Operated an unregistered ~~livestock~~ animal transport vehicle in  
23 violation of sub. (7).

24           **SECTION 174.** 95.68 (5) (a) 2m. of the statutes is created to read:



1           95.68 (5) (a) 2m. Operated an unregistered livestock vehicle, as defined in s.  
2           95.71 (1) (g), 1999 stats., in violation of s. 95.68 (7), 1999 stats.

3           **SECTION 175.** 95.68 (5) (b) of the statutes is amended to read:

4           95.68 (5) (b) In addition to the surcharge under par. (a), an applicant for a  
5           license under sub. (2) shall pay the fees due for the year in which the applicant was  
6           in violation of ~~sub. (2) or (7)~~.

7           **SECTION 176.** 95.68 (5) (c) of the statutes is amended to read:

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

12          **SECTION 177.** 95.68 (7) of the statutes is amended to read:

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

19          **SECTION 178.** 95.68 (8) of the statutes is amended to read:

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

1 department and compliance with applicable financial security requirements under  
2 state or federal law.

3 **SECTION 179.** 95.69 (title) of the statutes is amended to read:

4 **95.69 (title) Livestock Animal dealers.**

5 **SECTION 180.** 95.69 (1) (b) of the statutes is renumbered 95.69 (1) (g).

6 **SECTION 181.** 95.69 (1) (c) (intro.) of the statutes is amended to read:

7 95.69 (1) (c) (intro.) “Livestock Animal dealer” means a person who, as  
8 principal or agent, engages in the business of buying for resale or for slaughter,  
9 selling or exchanging livestock or wild animals. “Livestock Animal dealer” does not  
10 include any of the following:

11 **SECTION 182.** 95.69 (1) (c) 1. of the statutes is amended to read:

12 95.69 (1) (c) 1. ~~A livestock~~ An animal dealer employee.

13 **SECTION 183.** 95.69 (1) (d) of the statutes is amended to read:

14 95.69 (1) (d) “Livestock Animal dealer employee” means an employee of a  
15 licensed ~~livestock animal~~ dealer, who does business in the name of the licensed  
16 ~~livestock animal~~ dealer.

17 **SECTION 184.** 95.69 (1) (e) of the statutes is amended to read:

18 95.69 (1) (e) “Livestock Animal market” has the meaning given in s. 95.68 (1)  
19 (e) (ag).

20 **SECTION 185.** 95.69 (1) (f) of the statutes is amended to read:

21 95.69 (1) (f) “Livestock Animal transport vehicle” has the meaning given in s.  
22 95.71 (1) (~~g~~) (dm).

23 **SECTION 186.** 95.69 (1) (h) of the statutes is created to read:

24 95.69 (1) (h) “Wild animal” has the meaning given in s. 95.68 (1) (g).

25 **SECTION 187.** 95.69 (2) of the statutes is amended to read:

1           95.69 (2) LICENSE. No person may operate as a ~~livestock~~ an animal dealer  
2 without an annual license from the department, except that no license is required  
3 of a person licensed as a ~~livestock~~ an animal market operator under s. 95.68. ~~A~~  
4 ~~livestock~~ An animal dealer license expires on June 30 annually. ~~A livestock~~ An  
5 animal dealer license is not transferable.

6           **SECTION 188.** 95.69 (2m) of the statutes is created to read:

7           95.69 (2m) EXEMPTION. The department may promulgate rules to exempt  
8 groups of persons from the licensing requirement under sub. (2) or the registration  
9 requirement under sub. (7) or both.

10          **SECTION 189.** 95.69 (4) of the statutes is amended to read:

11          95.69 (4) FEES. Unless the department specifies a different fee by rule, the fee  
12 for ~~a livestock~~ an animal dealer license is \$75.

13          **SECTION 190.** 95.69 (5) (a) 1. of the statutes is amended to read:

14          95.69 (5) (a) 1. Operated as ~~a livestock~~ an animal dealer without a license in  
15 violation of sub. (2).

16          **SECTION 191.** 95.69 (5) (a) 1m. of the statutes is created to read:

17          95.69 (5) (a) 1m. Operated as a livestock dealer, as defined in s. 95.69 (1) (c),  
18 1999 stats., without a license in violation of s. 95.69 (2), 1999 stats.

19          **SECTION 192.** 95.69 (5) (a) 2. of the statutes is amended to read:

20          95.69 (5) (a) 2. Operated an unregistered ~~livestock~~ animal transport vehicle in  
21 violation of sub. (7).

22          **SECTION 193.** 95.69 (5) (a) 2m. of the statutes is created to read:

23          95.69 (5) (a) 2m. Operated an unregistered livestock vehicle, as defined in s.  
24 95.71 (1) (g), 1999 stats., in violation of s. 95.69 (7), 1999 stats.

25          **SECTION 194.** 95.69 (5) (b) of the statutes is amended to read:

1           95.69 (5) (b) In addition to the surcharge under par. (a), an applicant for a  
2 license under sub. (2) shall pay the fees due for the year in which the applicant was  
3 in violation of ~~sub. (2) or (7)~~.

4           **SECTION 195.** 95.69 (5) (c) of the statutes is amended to read:

5           95.69 (5) (c) The payment of the surcharge and fees under this subsection does  
6 not relieve the applicant of other civil or criminal liability that may result from the  
7 failure to obtain a license or from the operation of an unregistered ~~livestock~~ vehicle  
8 but does not constitute evidence of a violation of a law.

9           **SECTION 196.** 95.69 (7) of the statutes is amended to read:

10           95.69 (7) ~~LIVESTOCK ANIMAL TRANSPORT~~ VEHICLE REGISTRATION. No ~~livestock~~  
11 animal dealer may operate ~~a livestock~~ an animal transport vehicle unless the  
12 ~~livestock animal transport~~ vehicle is registered with the department in the name of  
13 the ~~livestock animal~~ dealer. The ~~livestock animal transport~~ vehicle shall be  
14 registered in the name of the ~~livestock animal~~ dealer on a form provided by the  
15 department. The registration shall include a description and the serial number of  
16 the ~~livestock animal transport~~ vehicle.

17           **SECTION 197.** 95.69 (8) of the statutes is amended to read:

18           95.69 (8) RULES. The department may promulgate rules to specify license fees  
19 under sub. (4) or to regulate ~~livestock animal~~ dealers, including rules related to  
20 ~~livestock animal~~ dealer qualifications, construction and maintenance of ~~livestock~~  
21 animal transport vehicles, identification of ~~livestock animal transport~~ vehicles,  
22 disease sanitation, humane treatment of animals, identification of animals, record  
23 keeping, reports to the department and compliance with applicable financial  
24 security requirements under state or federal law.

25           **SECTION 198.** 95.69 (8m) of the statutes is amended to read:

1           95.69 (8m) TRANSACTION RECORDS. An auctioneer registered under ch. 480 who  
2 sells livestock or wild animals and who is not required to obtain a license under this  
3 section shall make records of the sales available to the department upon request for  
4 disease investigation purposes.

5           **SECTION 199.** 95.71 (title) of the statutes is amended to read:

6           **95.71 (title) Livestock Animal truckers.**

7           **SECTION 200.** 95.71 (1) (b) of the statutes is renumbered 95.71 (1) (h).

8           **SECTION 201.** 95.71 (1) (c) of the statutes is repealed.

9           **SECTION 202.** 95.71 (1) (d) of the statutes is repealed.

10          **SECTION 203.** 95.71 (1) (e) of the statutes is amended to read:

11           95.71 (1) (e) “Livestock Animal trucker” means a person engaged in the  
12 business of transporting for hire, by means of ~~a livestock~~ an animal transport vehicle,  
13 livestock and wild animals, except that it “animal trucker” does not include ~~a~~  
14 ~~livestock~~ an animal trucker employee.

15          **SECTION 204.** 95.71 (1) (f) of the statutes is amended to read:

16           95.71 (1) (f) “Livestock Animal trucker employee” means the employee of a  
17 person who holds ~~a livestock~~ an animal trucker license if the employee, in the name  
18 of the licensed livestock animal trucker, operates ~~a livestock~~ an animal transport  
19 vehicle which is registered by the livestock animal trucker and on which the name  
20 and the business address of the licensed animal livestock trucker are prominently  
21 displayed.

22          **SECTION 205.** 95.71 (1) (g) of the statutes is renumbered 95.71 (1) (dm) and  
23 amended to read:

24           95.71 (1) (dm) “Livestock Animal transport vehicle” means any vehicle used to  
25 transport livestock or wild animals.

1           **SECTION 206.** 95.71 (1) (i) of the statutes is created to read:

2           95.71 (1) (i) "Wild animal" has the meaning given in s. 95.68 (1) (g).

3           **SECTION 207.** 95.71 (2) of the statutes is amended to read:

4           95.71 (2) LICENSE. No person may operate as ~~a livestock~~ an animal trucker  
5 without an annual license issued by the department. ~~A livestock~~ An animal trucker  
6 license authorizes ~~a livestock~~ an animal trucker to operate only those livestock  
7 animal transport vehicles that are registered by the ~~livestock~~ animal trucker under  
8 sub. (4). A license expires on June 30 annually. ~~A livestock~~ An animal trucker license  
9 is not transferable.

10           **SECTION 208.** 95.71 (3) of the statutes is amended to read:

11           95.71 (3) APPLICATION. An application for ~~a livestock~~ an animal trucker license  
12 under sub. (2) shall be made on a form provided by the department. The application  
13 shall include information reasonably required by the department for licensing  
14 purposes. As part of the application, the applicant shall register every livestock  
15 animal transport vehicle operated by the applicant as provided under sub. (4). An  
16 application shall be accompanied by the applicable fees and surcharges required  
17 under subs. (5) and (6).

18           **SECTION 209.** 95.71 (4) of the statutes is amended to read:

19           95.71 (4) LIVESTOCK ANIMAL TRANSPORT VEHICLE REGISTRATION. No livestock  
20 animal trucker may operate ~~a livestock~~ an animal transport vehicle unless the  
21 ~~livestock~~ animal transport vehicle is registered with the department in the name of  
22 the ~~livestock~~ animal trucker. The ~~livestock~~ animal transport vehicle shall be  
23 registered on a form provided by the department. The registration shall include a  
24 description and the serial number of the ~~livestock~~ animal transport vehicle.

25           **SECTION 210.** 95.71 (5) (a) of the statutes is amended to read:

1           95.71 (5) (a) Unless the department specifies different fees by rule, an  
2 applicant for ~~a livestock~~ an animal trucker license shall pay a fee in an amount equal  
3 to \$20 plus \$5 for each ~~livestock~~ animal transport vehicle registered with the  
4 applicant's license application under sub. (3).

5           **SECTION 211.** 95.71 (5) (b) of the statutes is amended to read:

6           95.71 (5) (b) If during any license year ~~a livestock~~ an animal trucker registers  
7 ~~a livestock~~ an animal transport vehicle that was not registered with the ~~livestock~~  
8 animal trucker's annual license application under sub. (3), the ~~livestock~~ animal  
9 trucker shall, at the time of the additional registration, pay a registration fee of \$5  
10 for each ~~livestock~~ animal transport vehicle registered.

11           **SECTION 212.** 95.71 (6) (a) (intro.) of the statutes is amended to read:

12           95.71 (6) (a) (intro.) An applicant for ~~a livestock~~ an animal trucker license shall  
13 pay a license fee surcharge of \$100 if the department determines that within 365  
14 days prior to submitting the license application the applicant did any of the  
15 following:

16           **SECTION 213.** 95.71 (6) (a) 1. of the statutes is amended to read:

17           95.71 (6) (a) 1. Operated as ~~a livestock~~ an animal trucker without a license in  
18 violation of sub. (2).

19           **SECTION 214.** 95.71 (6) (a) 1m. of the statutes is created to read:

20           95.71 (6) (a) 1m. Operated as a livestock trucker, as defined in s. 95.71 (1) (e),  
21 1999 stats., without a license in violation of s. 95.71 (2), 1999 stats.

22           **SECTION 215.** 95.71 (6) (a) 2. of the statutes is amended to read:

23           95.71 (6) (a) 2. Operated an unregistered ~~livestock~~ animal transport vehicle in  
24 violation of sub. (4).

25           **SECTION 216.** 95.71 (6) (a) 2m. of the statutes is created to read:

1           95.71 (6) (a) 2m. Operated an unregistered livestock vehicle, as defined in s.  
2           95.71 (1) (g), 1999 stats., in violation of s. 95.71 (4), 1999 stats.

3           **SECTION 217.** 95.71 (6) (b) of the statutes is amended to read:

4           95.71 (6) (b) In addition to the surcharge under par. (a), an applicant for a  
5           license under sub. (2) shall pay the fees due for the year in which the applicant was  
6           in violation of ~~sub. (2) or (4).~~

7           **SECTION 218.** 95.71 (6) (c) of the statutes is amended to read:

8           95.71 (6) (c) The payment of the surcharge and fees under this subsection does  
9           not relieve the applicant of other civil or criminal liability that may result from the  
10          failure to obtain a license or to register a ~~livestock~~ vehicle but does not constitute  
11          evidence of a violation of a law.

12          **SECTION 219.** 95.71 (8) of the statutes is amended to read:

13          95.71 (8) RULES. The department may promulgate rules to specify license fees  
14          under sub. (5) or to regulate ~~livestock~~ animal truckers, including rules related to  
15          ~~livestock~~ animal trucker qualifications, construction and maintenance of ~~livestock~~  
16          animal transport vehicles, identification of ~~livestock~~ animal transport vehicles,  
17          disease sanitation, humane treatment of animals, identification of animals, record  
18          keeping, reports to the department and compliance with applicable financial  
19          security requirements under state or federal law.

20          **SECTION 220.** 95.72 (7) (a) of the statutes is amended to read:

21          95.72 (7) (a) *License requirement.* No person may transport dead animals on  
22          public highways in this state without a license issued under this section. A licensee  
23          may not transport dead animals under conditions not authorized by the license. This  
24          paragraph does not apply to persons exempt from obtaining a license under this  
25          section, a farmer transporting dead animals raised on his or her farm, the



1 transportation of hides or fully rendered or processed dead animal products, the  
2 transportation of dead animals by government agencies or private agencies engaged  
3 in scientific research, persons transporting dead animals for destruction or burial,  
4 or ~~livestock~~ animal truckers transporting animals which have died in transit if the  
5 dead animals are transported directly to a licensed renderer, animal food processor  
6 or collector.

7 **SECTION 221.** 97.42 (1) (dm) of the statutes is amended to read:

8 97.42 (1) (dm) “Farm–raised deer” has the meaning given in s. 95.001 (1) (a)  
9 (ag).

10 **SECTION 222.** 97.44 (3) of the statutes is amended to read:

11 97.44 (3) As used in this section, “animals” means cattle, sheep, goats, swine,  
12 equines, farm–raised deer, as defined in s. 95.001 (1) (~~a~~) (ag), and poultry, except in  
13 the phrase “animal feed manufacturers”.

14 **SECTION 223.** 100.04 (1) of the statutes is amended to read:

15 100.04 (1) DEFINITION. In this section, “livestock” means swine, cattle, poultry,  
16 sheep, goats or farm–raised deer, as defined in s. 95.001 (1) (a) (ag).

17 **SECTION 224.** 167.31 (4) (b) of the statutes is amended to read:

18 167.31 (4) (b) Subsections (2) (a), (b) and (c) and (3) (a) and (b) do not apply to  
19 the holder of a scientific research license under s. 22.25 or a scientific collector permit  
20 under s. 29.614 who is using a net gun or tranquilizer gun in an activity related to  
21 the purpose for which the license or permit was issued.

22 **SECTION 225.** 173.23 (1m) (b) of the statutes is amended to read:

23 173.23 (1m) (b) If the animal is not a dog or cat, sell the animal at public  
24 auction, including sale at a licensed ~~livestock~~ animal market.

25 **SECTION 226.** 174.001 (3) of the statutes is amended to read:

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

22.01 (12m)

5           SECTION 227. 350.01 (5) of the statutes is repealed.

6           SECTION 228. 814.60 (2) (e) of the statutes is amended to read:

7           814.60 (2) (e) Natural resources restitution payment imposed by s. 22.46 (2) or  
8 29.989.

9           SECTION 229. 895.57 (3) of the statutes is amended to read:

10           895.57 (3) Subsection (2) does not apply to any humane officer, local health  
11 officer, peace officer, employee of the department of natural resources while on any  
12 land licensed under s. ~~29.865, 29.867, 29.869 or 29.871~~ 22.15, 22.18, or 22.19, subject  
13 to certification under s. 90.21, or designated as a wildlife refuge under s. 29.621 (1)  
14 or employee of the department of agriculture, trade and consumer protection if the  
15 officer's or employee's acts are in good faith and in an apparently authorized and  
16 reasonable fulfillment of his or her duties.

17           SECTION 230. 943.75 (3) of the statutes is amended to read:

18           943.75 (3) Subsections (2) and (2m) do not apply to any humane officer, local  
19 health officer, peace officer, employee of the department of natural resources while  
20 on any land licensed under s. ~~29.865, 29.867, 29.869 or 29.871~~ 22.15, 22.18, or 22.19,  
21 subject to certification under s. 90.21, or designated as a wildlife refuge under s.  
22 29.621 (1) or employee of the department of agriculture, trade and consumer  
23 protection if the officer's or employee's acts are in good faith and in an apparently  
24 authorized and reasonable fulfillment of his or her duties. This subsection does not  
25 limit any other person from claiming the defense of privilege under s. 939.45 (3).

1           **SECTION 231.** 951.01 (1m) of the statutes is created to read:

2           951.01 (1m) “Conservation warden” means a warden appointed under s. 23.10.

3           **SECTION 232.** 951.015 of the statutes is renumbered 951.015 (1) and amended  
4 to read:

5           951.015 (1) This chapter may not be interpreted as controverting any law  
6 regulating wild animals that are subject to regulation under ch. 22, the taking of a  
7 ~~wild animal~~ wild animals, as defined in s. 29.001 (90), ~~the trapping of animals, the~~  
8 ~~use of live animals in dog trials or in the training of hunting dogs or the slaughter~~  
9 of animals by persons acting under state or federal law.

10           **SECTION 233.** 951.015 (2) of the statutes is created to read:

11           951.015 (2) For purposes of enforcing this chapter as to wild animals subject  
12 to regulation under ch. 22, a conservation warden has the same powers and duties  
13 that a law enforcement officer has under this chapter.

14           **SECTION 234.** 951.09 of the statutes is renumbered 951.09 (1) and amended to  
15 read:

16           951.09 (1) No person may ~~instigate, promote, aid or abet as a principal, agent,~~  
17 ~~employee, participant or spectator, or participate in the earnings from, or~~  
18 ~~intentionally maintain or allow any place to be used for the shooting, killing or~~  
19 ~~wounding~~ shoot, kill, or wound with a firearm, or with any deadly weapon, any  
20 animal that is tied, staked out, caged or otherwise intentionally confined in a  
21 ~~man-made~~ an artificial enclosure, regardless of size. ~~Nothing in this section~~  
22 ~~prohibits the shooting of any wild game in its wild state or the shooting of game birds~~  
23 ~~and waterfowl at licensed game farms or licensed shooting preserves.~~

24           **SECTION 235.** 951.09 (2) of the statutes is created to read:

1           951.09 (2) (a) Whoever is concerned in the commission of a violation of this  
2 section is a principal and may be charged with and convicted of the violation although  
3 he or she did not directly commit it and although the person who directly committed  
4 it has not been convicted of the violation.

5           (b) A person is concerned in the commission of a violation of this section under  
6 par. (a) if the person does any of the following:

7           1. Instigates, promotes, aids, or abets the violation as a principal, agent,  
8 employee, participant, or spectator.

9           2. Participates in any earnings from the commission of the violation.

10           3. Intentionally maintains or allows any place to be used for the commission  
11 of the violation.

12           **SECTION 236.** 951.09 (3) of the statutes is created to read:

13           951.09 (3) This section does not apply to any of the following animals:

14           (b) A captive wild bird that is shot, killed, or wounded on a bird hunting  
15 preserve licensed under s. 22.19.

16           (c) Farm-raised deer, as defined in s. 95.001 (1) (ag).

17           (d) Animals that are treated in accordance with normally acceptable  
18 husbandry practices.

19           **SECTION 237.** 951.18 (4) (a) 2. of the statutes is amended to read:

20           951.18 (4) (a) 2. A sentencing court shall require a criminal violator to pay  
21 restitution to a person, including any local humane officer or society or county or  
22 municipal pound or a law enforcement officer or conservation warden, for any  
23 pecuniary loss suffered by the person as a result of the crime, including expenses in  
24 keeping any animal that is involved in the crime. This requirement applies  
25 regardless of whether the criminal violator is placed on probation under s. 973.09.

1 If restitution is ordered, the court shall consider the financial resources and future  
2 ability of the criminal violator to pay and shall determine the method of payment.  
3 Upon the application of any interested party, the court shall schedule and hold an  
4 evidentiary hearing to determine the value of any pecuniary loss under this  
5 paragraph.

6 **SECTION 238.** 951.18 (4) (b) 1. of the statutes is amended to read:

7 951.18 (4) (b) 1. A sentencing court may order that an animal be delivered to  
8 the local humane officer or society or the county or municipal pound or to a law  
9 enforcement officer if a person commits a crime under this chapter, the person is the  
10 owner of the animal that is involved in the crime and the court considers the order  
11 to be reasonable and appropriate. A sentencing court may order that an animal be  
12 delivered to the department of natural resources, if the animal is a wild animal that  
13 is subject to regulation under ch. 22 and the court considers the order to be  
14 reasonable and appropriate. The society, pound or officer or department of natural  
15 resources shall release the animal to a person other than the owner or dispose of the  
16 animal in a proper and humane manner. If the animal is a dog, the release or disposal  
17 shall be in accordance with s. 173.23 (1m), except that the fees under s. 173.23 (1m)  
18 (a) 4. do not apply if the expenses are covered under s. 173.24. If the animal is not  
19 a dog, the society, pound or officer may charge a fee for the release of the animal.

20 **SECTION 239.** 973.05 (1) of the statutes is amended to read:

21 973.05 (1) When a defendant is sentenced to pay a fine, the court may grant  
22 permission for the payment of the fine, of the penalty assessment imposed by s.  
23 757.07, the jail assessment imposed by s. 302.46 (1), the crime victim and witness  
24 assistance surcharge under s. 973.045, the crime laboratories and drug law  
25 enforcement assessment imposed by s. 165.755, any applicable deoxyribonucleic acid

1 analysis surcharge under s. 973.046, any applicable drug abuse program  
2 improvement surcharge imposed by s. 961.41 (5), any applicable consumer  
3 information assessment imposed by s. 100.261, any applicable domestic abuse  
4 assessment imposed by s. 971.37 (1m) (c) 1. or 973.055, any applicable driver  
5 improvement surcharge imposed by s. 346.655, any applicable enforcement  
6 assessment imposed by s. 253.06 (4) (c), any applicable weapons assessment imposed  
7 by s. 167.31, any applicable uninsured employer assessment imposed by s. 102.85 (4),  
8 any applicable environmental assessment imposed by s. 299.93, any applicable wild  
9 animal protection assessment imposed by s. 29.983, any applicable natural resources  
10 assessment imposed by s. 22.46 (1) or 29.987 and any applicable natural resources  
11 restitution payment imposed by s. 22.46 (2) or 29.989 to be made within a period not  
12 to exceed 60 days. If no such permission is embodied in the sentence, the fine, the  
13 penalty assessment, the jail assessment, the crime victim and witness assistance  
14 surcharge, the crime laboratories and drug law enforcement assessment, any  
15 applicable deoxyribonucleic acid analysis surcharge, any applicable drug abuse  
16 program improvement surcharge, any applicable consumer information assessment,  
17 any applicable domestic abuse assessment, any applicable driver improvement  
18 surcharge, any applicable enforcement assessment, any applicable weapons  
19 assessment, any applicable uninsured employer assessment, any applicable  
20 environmental assessment, any applicable wild animal protection assessment, any  
21 applicable natural resources assessment and any applicable natural resources  
22 restitution payment shall be payable immediately.

23 **SECTION 240. Nonstatutory provisions.**

24 (1) In this SECTION:

1 (a) "Livestock" means bovine animals, sheep, goats, swine, farm-raised deer,  
2 and equine animals.

3 (b) "Wild animal" means a wild animal that is subject to regulation under  
4 chapter 22 of the statutes, as created by this act.

5 (2) Any livestock market license and any livestock vehicle registration issued  
6 under section 95.68, 1999 stats., shall remain valid until its expiration date and shall  
7 allow the trading and transport of wild animals as well as livestock in the manner  
8 authorized under the license until that date.

9 (3) Any livestock dealer license and any livestock vehicle registration issued  
10 under section 95.69, 1999 stats., shall remain valid until its expiration date and and  
11 shall allow the dealing in, and transport of, wild animals as well as livestock in the  
12 manner authorized under the license until that date.

13 (4) Any livestock trucker license and any livestock vehicle registration issued  
14 under section 95.71, 1999 stats., shall remain valid until its expiration date and shall  
15 allow the transporting for hire of wild animals as well as livestock in the manner  
16 authorized under the license until that date.

17 **SECTION 241. Effective dates.** This act takes effect on January 1, 2003, except  
18 as follows:

19  (1) The treatment of sections ~~22.29, 22.34, and 22.35~~ 22.29, 22.34, and 22.35 of the statutes  
20 takes effect on the day after publication.

21

(END)

STG

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-2708/P5ins  
MGG&RNK:cjs:rs&jf

no 9

**ANL insert**

The bill defines a "farm-raised game bird" to be a nonnative wild bird that is kept in captivity but not on a bird hunting preserve or a wild animal farm and not for the purpose of dog training or dog trials.

captivity

**Insert 9-1**

**SECTION 1.** 20.115 (2) (ha) of the statutes is amended to read:

20.115 (2) (ha) *Inspection, testing and enforcement.* All moneys received under ss. 93.06 (1f) and (1g), 95.55, 95.57, 95.60 (5), 95.68, 95.69, 95.71 and 95.715, to be used for animal health inspection and testing and for enforcement of animal health laws.

of a wild nature

**History:** 1971 c. 125, 215; 1973 c. 90, 299, 333; 1975 c. 39 ss. 78m, 79, 79m, 79n, 732 (1); 1975 c. 224; 1975 c. 394 ss. 1, 27; 1977 c. 29 ss. 112 to 115v, 1650m (1), (4), 1654 (1); 1977 c. 87, 106, 181, 418; 1979 c. 34, 129, 221, 289, 335; 1981 c. 20, 66, 93, 283, 346, 357; 1983 a. 27, 132, 368; 1983 a. 410 ss. 5, 2202 (2); 1985 a. 7, 8, 29, 138, 153, 313; 1987 a. 27, 281, 354; 1987 a. 399 ss. 34 to 38, 38u; 1987 a. 403 s. 256; 1989 a. 31, 219, 227, 282, 284, 335, 336; 1991 a. 39, 269, 309, 315; 1993 a. 16, 166, 243, 437, 456, 497; 1995 a. 27, 42, 79, 460; 1997 a. 27, 192, 252, 264; 1999 a. 5, 9, 55, 185.

**Insert 11-2**

(12m) "Farm-raised game bird" means a ~~captivity~~ wild bird that is not native and that is not possessed under the authority of a license issued under s. 22.15, 22.19, 22.20 or 22.21.

**Insert 46-19**

(4m) **INCORRECT RECORDS OR REPORTS.** No person may fail to keep records or submit reports as required under this chapter.

**History:** 1975 c. 365; 1979 c. 34, 175; 1981 c. 20; 1983 a. 27; 1987 a. 399; 1997 a. 248 ss. 685, 713; Stats. 1997 s. 29.961.

that is held captive, but



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

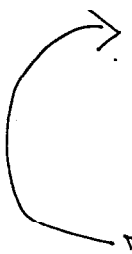
LRB-2708/P5dn  
MGG & BK acjs: [signature]

001

just one space

1. In drafting the definition of "farm-raised game bird" I needed to use the word "captive" (not "in captivity"), and "native" because they are defined terms in ch. 22. Please review the interrelationship of the definitions of game birds found in ss. 22.01 (12m), 29.01 (25m) and (39), and 95.001 (1) (ai). If you have any concerns or suggested changes to the definition of "farm-raised game bird" or "game birds" in chapter 29, please call me to discuss them.
2. I think "farm-raised game birds" was omitted by error from s. 29.354 (5) so I added the phrase. OK?
3. I have returned s. 95.45 (1) to current law. However, as I have stated before, I feel uncomfortable with their being two definitions or interpretations of "veterinarian" for purposes of ch. 22. there
4. I have made the change you requested in s. 22.14 (3). I also made a corresponding change in s. 22.18 (2). Please review ss. 29.351 (2m) and 29.501 (9m) to determine whether you want any changes in light of the changes already made in ss. 22.14 (3) and 22.18 (2).
5. I have merged the inspection authority under s. 90.21 with the inspection authority under s. 95.59 and have moved it all to s. 22.38. Please review ss. 22.37 and 22.38 very carefully to ensure it achieves your intent. Note that there is no authority to review records under s. 90.21 since there is nothing in s. 90.21 that authorizes DNR to require records. Note s. 22.37 (3) now covers inspections under both ss. 22.37 and 22.38 and has been expanded to cover anyone, as opposed to just a license holder, who is asked to submit to an inspection under either of those sections.
6. Regarding the exemptions for persons holding licenses under s. 95.68, 95.69, or 95.71, please review the changes in all of the three following provisions to make sure they achieve your intent: ss. 22.04 (5) (a), 22.07 (3), and 22.10 (4).

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



7. Regarding the definition of "animal" in s. 22.01 (1): Ruth Heike and Becky Tradewell are working on this and the placement of s. 22.015. This definition is not final.

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

LRB-2708/P5dn  
MGG:cjs:pg

June 4, 2001

1. In drafting the definition of "farm-raised game bird" I needed to use the word "captive" (not "in captivity"), and "native" because they are defined terms in ch. 22. Please review the interrelationship of the definitions of game birds found in ss. 22.01 (12m), 29.001 (25m) and (39), and 95.001 (1) (ai). If you have any concerns or suggested changes to the definition of "farm-raised game bird" or "game birds" in chapter 29, please call me to discuss them.
2. I think "farm-raised game birds" was omitted by error from s. 29.354 (5) so I added the phrase. OK?
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4. I have made the change you requested in s. 22.14 (3). I also made a corresponding change in s. 22.18 (2). Please review ss. 29.351 (2m) and 29.501 (9m) to determine whether you want any changes in light of the changes already made in ss. 22.14 (3) and 22.18 (2).
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7. Regarding the definition of "animal" in s. 22.01 (1): Ruth Heike and Becky Tradewell are working on this and the placement of s. 22.015. This definition is not final.

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

**Barman, Mike**

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**From:** Barman, Mike  
**Sent:** Monday, June 04, 2001 1:16 PM  
**To:** Elizabeth Kluesner; Susan Felker-Donsing  
**Subject:** LRB-2708/P5 (attached) (MGG/RNK draft)

**Mike Barman**

Mike Barman - Senior Program Asst. (PH. 608-266-3561)  
(E-Mail: [mike.barman@legis.state.wi.us](mailto: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

**Tradewell, Becky**

**From:** Heike, Ruth E DATCP  
**Sent:** Tuesday, June 12, 2001 2:39 PM  
**To:** Tradewell, Becky  
**Subject:** RE: Captive wildlife

I have had a discussion with Esther Chapman and her staff regarding your message from June 11 in which you identified four statutory sections that I think you want to incorporate into the exemption in the definition of "animal" in the captive wildlife bill. The staff believes we also need to reference ss. 93.07(13) and 94.02. They believe that will identify all the statutory authority that they rely on in their regulation of arthropods and mollusks.

Ruth

-----Original Message-----

**From:** Tradewell, Becky  
**Sent:** Wednesday, June 06, 2001 5:25 PM  
**To:** Heike, Ruth E DATCP  
**Cc:** Chapman, Esther J DATCP  
**Subject:** RE: Captive wildlife

Ruth,

Yes, I think that a discussion may be appropriate. And I did not assume that the testimony you sent over was all that was needed to resolve the concerns about these issues. This is our very busiest time, however, because of the budget, and all of us at the LRB are working overtime and basically always on call for any budget drafting or questions that come up. I may be interrupted at any time by budget work that requires immediate attention. For me, clarifying and narrowing the issues through written communications is an efficient way to proceed during this time.

My concern is that the definition of "animal" in the captive wildlife proposal is unclear because the exception for mollusks and arthropods regulated under ch. 93 or 94 is unclear. A major part of a drafter's job is to make the laws as clear as possible. For example, I try to put myself in the place of a person who wants to know whether a kind of clam is covered by the captive wildlife chapter. If I saw the cross-reference to ch. 93 or 94 and then started looking at ch. 93, I would have very little idea of what the answer to my question was.

There may be other ways to clarify the exception, but I thought that the most straightforward way was to narrow the cross-reference in the definition of "animal", as I mentioned in my message of May 31. I am open to other suggestions. Even with more specific cross-references, I am a little concerned about whether it will be clear that a particular rule or action of DATCP's that has some relationship to or effect on an arthropod or mollusk does (or does not) amount to "regulation".

The reference to regulation under ch. 93 or 94 is obviously broader than necessary because most of ch. 93 and much of ch. 94 have nothing to do with the regulation of honeybees, pests, or biological control agents or with regulating arthropods or mollusks more generally. In the case of honeybees, the best way to proceed would be to simply say that honeybees are exempted from the definition of animal. That would make the definition clear and accomplish your intent, as I understand it, with respect to that kind of arthropod. Assuming that the intent of DNR and DATCP is not to exclude all other arthropods and all mollusks from the definition of animal, a different approach is needed for the rest of the exception. I am confident that we can clarify this language without interfering with DATCP's ability to respond to newly identified pests. If the exception identifies the statutes under which DATCP regulates or may regulate these arthropods and mollusks, then the exception will not interfere with DATCP's authority, there will not be dual regulation, and the law will be more intelligible to readers outside of the two departments. Do you see a flaw in that reasoning?

If you do not wish to continue this discussion by email, please let me know and I will try to find a time at which I can participate in a conference call.

Becky

-----Original Message-----

**From:** Heike, Ruth E DATCP  
**Sent:** Wednesday, June 06, 2001 10:52 AM  
**To:** Tradewell, Becky  
**Cc:** Chapman, Esther J DATCP  
**Subject:** RE: Captive wildlife

Becky:

I guess I misunderstood your earlier message. I did not realize that you expected that the references I identified would serve as a list of exemptions for the definition of animals in ch. 22. I also did not realize that you would assume that the testimony I sent over in response to your first memo was all the explanation needed to resolve your concerns. I think there still needs to be a discussion between you, a representative of the ARM division and me. Esther Chapman, the bureau director responsible for working with pests has many concerns about any provision which might interfere with her staff's ability to respond to identification of pests immediately when they are identified. We currently have the authority to do so and any restriction on that authority will make it impossible to adequately protect the public. Perhaps Esther could provide information to help you understand the problems that would be created by the changes you are considering.

Esther does not understand your concern, and I cannot explain it to her. She knows that DNR agreed with DATCP that the captive wildlife bill is not intended to place any restrictions on DATCP's ability to respond to whatever pests it finds, whether they have previously been identified as pests or not. The primary purpose of the proposed exemption is to assure that DATCP's authority to regulate pests, biological control agents and honeybees etc. is not in any way restricted. The secondary goal is to avoid dual regulation. If DNR also regulates the same animals, the public is subject to dual regulation, and state resources are spent by two different agencies to control the same animals. We don't think that is a wise use of state resources.

I will try to arrange a time when Esther, you and I can talk by phone to see if we can reach agreement on this issue.

Ruth

-----Original Message-----

**From:** Tradewell, Becky  
**Sent:** Monday, June 04, 2001 4:12 PM  
**To:** Heike, Ruth E DATCP  
**Cc:** Matson, James K DATCP; Gibson-Glass, Mary  
**Subject:** RE: Captive wildlife

Ruth,

Section 93.07 (13) does provide for inspections and, although it does not seem exactly regulatory, it could be added to the list of statutes under which DATCP

regulates arthropods and mollusks. Section 93.07 (15) does not appear to give DATCP any regulatory authority. It seems appropriate to add s. 93.07 (19) to the list. I did not put s. 94.02 on the list in the first place because it deals with the treatment of pest-harboring material and that does not seem exactly the same as regulating the pests, but it could be added to the list.

I do not think that it is necessary or appropriate to include cross-references to the definitions of "pest" in the exception to the definition of "animal" in the captive wildlife chapter. When the statutes cross-reference a substantive provision, any defined term in that provision has the meaning given in the definition. Adding cross-references to definitions when we cross-reference substantive provisions would make the statutes unnecessarily bulky and confusing.

I am not seeing why there would be a concern, in the context of the captive wildlife proposal, about the regulation of pesticides. Partly for that reason, it is not clear why a reference to s. 94.69 (1) (a) needs to be included in the definition of "animal" in proposed chapter 22. I have seen Jim Matson's memo on the remedial legislation drafts, but because of the press of budget work have not been able to spend much time looking at it. I would have thought, though, that the kind of pest regulation that would be relevant to the captive wildlife proposal would be the narrower kind, related to the plant protection program, and not the kind related to the regulation of pesticides under ss. 94.67 to 94.71. ATCP 29.02 declares all animals other than humans to be pests when present under circumstances where they may be injurious to persons, property, or the environment. If DATCP is considered to regulate all kinds of creatures under s. 94.69 (1) (a), then DATCP regulates all arthropods and mollusks, unless there are some that could never be present under conditions where they may be injurious. It seems to me that adding a cross-reference to s. 94.69 (1) (a) does not help make the meaning of the exception to the definition of "animal" more clear. I would appreciate any help in understanding the department's concern. Is there a specific DATCP rule that you think may be left out if we do not add that reference?

Thank-you,

Becky

-----Original Message-----

**From:** Heike, Ruth E DATCP  
**Sent:** Monday, June 04, 2001 1:07 PM  
**To:** Tradewell, Becky  
**Subject:** RE: Captive wildlife

Becky:

Also ss. 93.01(10), 93.07(13), (15), (19), 94.02, 94.67(24) and 94.69(1)(a). One of the concerns relates specifically to the regulation of pesticides. The definition of pests is very broad, partly because of the need to regulate pesticides. Jim Matson says that there has been a request for remedial legislation to distinguish between pests for pesticide regulation purposes and pests for other purposes in chapter 94. He said you may be familiar with that request, and he believes that request is peripherally related to this bill.

Ruth

-----Original Message-----

**From:** Tradewell, Becky

**Sent:** Friday, June 01, 2001 11:01 AM  
**To:** Helke, Ruth E DATCP  
**Subject:** Captive wildlife

Ruth,

These are statutory provisions that authorize the DATCP regulation of arthropods and mollusks that seem to give rise to DATCP's concern about the definition of "animal" in the captive wildlife draft: ss. 93.07 (12), 94.01, 94.03, 94.76. Would you identify any others?

Thank-you,  
Becky

**Tradewell, Becky**

**From:** Tradewell, Becky  
**Sent:** Thursday, May 31, 2001 9:07 AM  
**To:** Heike, Ruth E DATCP  
**Subject:** RE: Captive wildlife

Ruth,

Thank-you for sending the information over. I will try to spend some time concentrating on it today, if budget work allows. My initial thought is that the exception can be clarified for readers other than the two departments by making the cross-references more specific.

As for the location of s. 22.015 (1), that is not my call. I think, though, that if I had had been drafting this proposal, I would have placed s. 22.015 (1) in chapter 22 because the definition of "domestic animal" is for the purpose of chapter 22. It also seems to be less likely to cause confusion where it is currently located precisely because the definition of "domestic animal" is different in the two chapters. I look at the statutory chapters as being primarily subject matter related rather than agency related, although I can understand why individuals in other state jobs might look at this differently. For an analogous situation, see s. 101.143 (1m), which requires the commissioner of insurance to promulgate rules defining terms in a chapter that is primarily administered by Commerce. Similarly, DATCP has responsibilities in ch. 281 and DNR has responsibilities in ch. 92 (for example, s. 92.10 (8)).

I will be in touch,  
Becky

-----Original Message-----

**From:** Heike, Ruth E DATCP  
**Sent:** Wednesday, May 30, 2001 4:33 PM  
**To:** Tradewell, Becky  
**Subject:** RE: Captive wildlife

Becky:

Perhaps the best place to start is with DATCP's testimony on the 1997 version of the "Captive Wildlife" bill. I will fax the testimony over to you as well as an agreement between DATCP and DNR about how to address the problem. It looks to me like your fax number is 264-8522, so that is where I will fax this information.

When looking at the testimony, it may help you to know that the provision Nick Neher referred to as section 22.03 in 1997 is the section numbered 22.04 in LRB 2708/P4. The section he referred to as 22.05 is 22.06 in LRB 2708?P4, and the section he referred to as 22.34 is 22.37 in LRB 2708/P4. After you have had a chance to read the testimony, we can communicate further.

Since you are working on this, can you tell me why the provision in 22.015(1) needs to be in ch. 22? I have asked this question and the only answer I have gotten is because the drafter thinks it goes there since domestic animal is defined in ch. 22. Domestic animal is also defined in ch. 95, and the definitions are not the same at DNR's request. It seems to me that since ch. 22 is a chapter that applies almost exclusively to DNR and ch. 95 is a chapter that applies almost exclusively to DATCP, and since the only provision in 22.015(1) applies only to DATCP, it would make a lot more sense to put this provision in ch. 95. DATCP is not going to be in the habit of looking to ch. 22 for authority or requirements for the agency. Neither will members of the public expect to look to ch. 22 for DATCP authority. If it is possible to locate this requirement for DATCP in a ch. traditionally applied to DATCP, we would appreciate it.



Ruth

-----Original Message-----

**From:** Tradewell, Becky  
**Sent:** Wednesday, May 30, 2001 2:39 PM  
**To:** Heike, Ruth E DATCP  
**Subject:** Captive wildlife

Ruth,

As you may know, I have been involved in reviewing the captive wildlife draft to some extent this session because the draft now affects my subject matter areas. I am the one who raised the question about what the exception to the definition of "animal" is intended to mean. The first version of that definition read:

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

It is unclear to me in what way and under what authority DATCP "regulates" mollusks and arthropods under those chapters. Another thing that seems unclear is whether this means that if a mollusk or arthropod of a specific type is sometimes "regulated" by DATCP then all mollusks of that type are always excluded from the definition of "animal."

I think that it would be possible to develop language that is clear and that satisfies the concern that is intended to be addressed by the exception to the definition of "animal" if we understood what that concern is and what problems would be caused by not having the exception. Does the concern originate with DATCP? If so, are you the appropriate person to ask for help with this? If not, do you know who is?

I would be glad to discuss this with you or anyone else. I wanted to start with written communication to provide an opportunity for review before any discussion takes place.

Thank-you,  
Becky Tradewell  
6-7290



State of V  
Tommy G. Thor  
Department of Agriculture, Tr  
Ben Brance.

Post-It® Fax Note	7571	Date	5/30/01	# of pages	5
To	Becky Tradewell		From	Ruth Heike	
Co./Dept.			Co.		
Phone #			Phone #	224-5025	
Fax #	264-8522		Fax #		

Testimony for Information  
On 1997 Assembly Bill 514

By  
Nicholas J. Neher, Administrator  
Agricultural Resource Management Division  
February 18, 1998

I am Nick Neher, Administrator for the Agricultural Resource Management Division at the Department of Agriculture, Trade and Consumer Protection. I appreciate the opportunity to appear before you today. I am speaking for informational purposes and to request technical clarifications related to AB 514.

Based on our reading of this legislation, we have some concerns about including any "arthropod" in the definition of "animal" in Chapter 22. Arthropods include insects, arachnids and crustaceans, which means that this law would be applicable to spiders, ants, moths, honeybees, mosquitoes, ladybugs, snails, corn root worms, corn borers, flies, cockroaches, Japanese beetles, gypsy moths, etc. While arthropods are exempt under the licensing provisions of this law, other provisions would be applicable and this can present some unusual dilemmas if there is no clear definition of which arthropods should be covered by this law and why.

In recent discussions with DNR staff, they have indicated that it was not their intent to include all of these organisms and they are willing to work with us to better define the arthropods that they are interested in protecting.

Without this clear definition, there is also the possibility of conflicting statutory authorities between DNR and DATCP. Under our statutory authority and regulations, Chapter 93 and 94 of the statutes and ATCP 21, we already regulate plant pests and honeybees which would fall under the definition of "animal" as proposed in Chapter 22. We would like to prevent any misunderstanding of the intent of this law and we also want to prevent any unnecessary duplication of regulations between DNR and DATCP.

For example:

We inspect bees that are used to pollinate crops and we issue health certificates to allow migratory beekeepers to move to other states (9000 colonies were inspected and certified last year). Does this legislation imply that beekeepers could not bring in bees and release

them without a DNR stocking permit under 22.05 or that our bee inspector could not collect bees for disease diagnosis? In 22.34 only persons approved by DNR can remove diagnostic samples.

We issue permits for snails, ladybugs, butterflies and other insects brought into the state. We only allow entry if they meet our environmental assessment criteria to prevent harm to the environment. These permits are issued in conjunction with USDA, so they are dual permits. We currently issue permits for about 200 arthropods a year. Does this legislation imply that DNR may want to or will also issue permits for these organisms? Does this mean that the individuals will need to go through one more "hoop" after complying with current state and federal law?

As a part of issuing these permits, we prescribe how the insects should be contained by a facility in order to prevent accidental escape. Examples of the facilities that we deal with include: university laboratories (ex. gypsy moth quarantine labs), industrial research facilities (ex. S.E. Johnson have cockroaches and termites in facilities for testing pesticides), snail ranches for escargot production and the butterfly house at the Milwaukee public museum. Does this legislation imply that DNR would have regulatory authority over these facilities as well as DATCP?

Along with the University and private parties, we also do extensive insect trapping in the state for agricultural pests, gypsy moths, etc. While we doubt that it is the DNR's intent to regulate this, trapping insects seems to be included in the captive wild animal legislation.

It appears that the thrust of this proposed legislation is for animals other than arthropods, yet the definition specifically includes them. If the intent is to exclude insects, either under the licensing exemption in 22.03 or by DNR rule, then we wonder why they were included in the law, especially if DATCP already has authority and an existing framework to deal with injurious pests.

22.04

## Gibson-Glass, Mary

**From:** Hurley, Sarah S  
**Sent:** Thursday, June 21, 2001 11:30 AM  
**To:** Gibson-Glass, Mary  
**Cc:** Solin, Thomas C; Lutz, Michael; Hurley, Sarah S  
**Subject:** Captive Wildlife - what else

Here are the changes/concerns from DNR and DATCP. I spoke with Ruth Heike yesterday, at length, and this covers her concerns, although she hasn't seen what Becky T. has done with the definition. I'm pretty sure that she is okay with whatever Becky does.

✓ Page 9 line 24 - delete the words "as a pest".

✓ Page 11 line 2 - change "..possessed under the authority.." to "..required to be licensed under.."  
line 21 - should say "..a bird of a species.."

✓ Page 17 line 17 - add "..when conducting business as authorized under these licenses." or some such wording to make it clear that the exemption from licensing under 22 only applies to the stuff they are doing under their DATCP license.

see 15x6 OK  
Page 40 lines 20-25 - Does there need to be a statement that records required to be kept under 22, still need to be kept under a validation license? It seems that the validation license really only allows prohibited activities to continue, not required ones to be ignored, but we want to be sure that if we have asked for certain records, no one argues successfully that since they didn't have to keep such records under 29, they want a validation license to continue to submit only what 29 required.

Page 81 line 10 - The definition of farm raised deer is deleted from the section and not replaced by anything. Both sections 90.20 and 90.21 need a definition, so either put it in both or create one for the chapter. The one in 90.21 is fine, but it only applies to that section.

✓ Page 82 lines 2 and 17 - the words "..that include white-tailed deer.." should be added after "farm-raised deer" in both lines.

✓ Page 88 line 2(?) - either in this section or in 22 include the requirement that DNR shall report to DATCP any reportable diseases as is required in 95.22 for veterinarians. The concern is that DNR may have non veterinarians getting results of testing from labs and that needs to be reported if its one of those diseases.

Not included in the draft, but needs to be - There should be a provision similar to 95.69 (c) 2 to allow individuals who are licensed under 22.15, 22.18, 22.19 and 22.26 (which allow the sale of their captive wild animals) to do that without needing an animal dealers license. ~~I think they needed both licenses~~

On page 26 line 1 - we may want to simplify that by prohibiting the sale of bear gall bladders only, but several people who need to have some say in what we do there are out this week, so I'll let you know soon.

That's it. Nothing too complicated and nothing that I know of lingering in anyone's craw, so maybe we can get a bill going.... Thanks for all your effort and help. I'm sorry that Captive Wildlife always seems to come at such a hectic time for you, but maybe there isn't a good time when the legislature is in session.

plus D-Note Shuning ✓  
Nov 22.015

to do  
analysis  
gall bladders