

2001 Senate Bill 307

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2001 WISCONSIN ACT 56

AN ACT *to repeal* 29.024 (2r) (a) 17., 29.024 (2r) (a) 18., 29.024 (2r) (a) 19., 29.024 (2r) (a) 20., 29.024 (2r) (a) 21., 29.321, 29.354 (4), 29.563 (9) (intro.) and (a) (title), 29.563 (9) (a) 2. to 10. and (b), 29.563 (9) (c), 29.741 (1), 29.745, 29.853 (title), 29.853 (1), 29.853 (2), 29.853 (3), 29.853 (4m), 29.853 (5) (title), 29.855 (title), 29.855 (1), 29.855 (2), 29.855 (3), 29.855 (4) (title), 29.855 (5), 29.855 (6), 29.855 (7), 29.857, 29.861, 29.863, 29.865, 29.867, 29.869, 29.871, 29.877, 29.879, 29.881, 93.07 (10) (a), 95.45 (2), 95.45 (3), 95.71 (1) (c), 95.71 (1) (d) and 350.01 (5); *to renumber* 23.51 (1), 29.563 (9) (a) 1., 29.873, 29.974 (2), 95.55 (1) (b), 95.60 (1) (a), 95.68 (1) (a), 95.69 (1) (b) and 95.71 (1) (b); *to renumber and amend* 29.334, 29.351, 29.354 (2), 29.741 (2), 29.853 (5), 29.855 (4), 93.07 (10) (b), 95.001 (1) (a), 95.68 (1) (e), 95.68 (1) (f), 95.68 (2m), 95.71 (1) (g), 951.015 and 951.09; *to consolidate, renumber and amend* 95.60 (1) (intro.) and (b); *to amend* 20.115 (2) (ha), 20.370 (1) (mu), 20.370 (3) (mu), 23.09 (2) (f), 23.50 (1), 23.50 (3), 23.51 (5), 23.65 (1), 25.29 (1) (a), 25.29 (4m), 29.001 (24), 29.001 (26), 29.001 (39), 29.001 (60), 29.024 (1), 29.024 (2g) (a) 2., 29.024 (2r) (am), 29.042 (1), 29.047 (2) (b), 29.055, 29.057, 29.071, 29.191 (2) (a) 3., 29.319 (1) (intro.), 29.334 (title), 29.337 (1) (intro.), 29.347 (2), 29.354 (1), 29.357 (5) (b), 29.506 (4), 29.539 (1m), 29.541 (3), 29.614 (3), 29.875 (1), 29.885 (1) (f), 29.889 (1) (intro.), 29.889 (1) (a), 29.924 (4), 29.927 (5), 29.931 (1), 29.931 (2) (a), 29.934 (1) (a), 29.957, 29.969, 29.971 (14), 29.977 (1) (g), 29.983 (1) (b) 7., 49.857 (1) (d) 2., 59.25 (3) (f) 2., 59.40 (2) (m), 73.0301 (1) (d) 1., 90.20 (title), 90.20 (1) (a), 90.20 (2) (intro.), 93.06 (1g), 95.10 (5), 95.12, 95.13, 95.17, 95.24 (3) (a) (intro.), 95.24 (3) (a) 1., 95.24 (3) (a) 2., 95.24 (3) (a) 3., 95.31 (1), 95.31 (2), 95.31 (3), 95.31 (4), 95.38 (1), 95.49 (1) (e), 95.49 (1m) (e), 95.49 (2), 95.55 (title), 95.68 (title), 95.68 (1) (b), 95.68 (2), 95.68 (4) (intro.), 95.68 (4) (a), 95.68 (4) (b), 95.68 (4) (c), 95.68 (5) (a) 1., 95.68 (5) (a) 2., 95.68 (5) (b), 95.68 (5) (c), 95.68 (7), 95.68 (8), 95.69 (title), 95.69 (1) (c) (intro.), 95.69 (1) (c) 1., 95.69 (1) (d), 95.69 (1) (e), 95.69 (1) (f), 95.69 (2), 95.69 (4), 95.69 (5) (a) 1., 95.69 (5) (a) 2., 95.69 (5) (b), 95.69 (5) (c), 95.69 (7), 95.69 (8), 95.69 (8m), 95.71 (title), 95.71 (1) (e), 95.71 (1) (f), 95.71 (2), 95.71 (3), 95.71 (4), 95.71 (5) (a), 95.71 (5) (b), 95.71 (6) (a) (intro.), 95.71 (6) (a) 1., 95.71 (6) (a) 2., 95.71 (6) (b), 95.71 (6) (c), 95.71 (8), 95.72 (7) (a), 97.42 (1) (dm), 97.44 (3), 100.04 (1), 167.31 (4) (b), 173.23 (1m) (b), 174.001 (3), 814.60 (2) (e), 895.57 (3), 943.75 (3), 951.18 (4) (a) 2., 951.18 (4) (b) 1. and 973.05 (1); *to repeal and recreate* 95.20, 95.22, 95.45 (title) and 95.68 (2m) (title); and *to create* 23.51 (1d), 23.51 (9m), 23.795 (3), 23.795 (4), 29.001 (25m), 29.011 (3), 29.334 (3), 29.351 (2m), 29.354 (2) (b), 29.354 (5), 29.501 (9m), 29.931 (4), 29.974 (2) (a), 90.21, 93.07 (10m), 95.001 (1) (ad), 95.001 (1) (ah), 95.001 (1) (ai), 95.45 (4), 95.45 (5), 95.55 (1) (b) 2., 95.55 (3m), 95.55 (5), 95.55 (6), 95.57, 95.68 (1) (g), 95.68 (2m) (b), 95.68 (5) (a) 1m., 95.68 (5) (a) 2m., 95.69 (1) (c) 2m., 95.69 (1) (h), 95.69 (2m), 95.69 (5) (a) 1m., 95.69 (5) (a) 2m., 95.71 (1) (i), 95.71 (6) (a) 1m., 95.71 (6) (a) 2m., chapter 169, 951.01 (1m), 951.015 (2), 951.09 (2) and 951.09 (3) of the statutes; **relating to:** the possession of wild animals and their carcass parts; farm-raised deer; farm-raised game birds; animal health and animal markets, dealers, and truckers; participation in the national poultry improve-

* Section 991.11, WISCONSIN STATUTES 1999-00 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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

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

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.

SECTION 2. 20.370 (1) (mu) of the statutes is amended to read:

20.370 (1) (mu) *General program operations — state funds.* The amounts in the schedule for general program operations that do not relate to the management and protection of the state's fishery resources under ss. 23.09 to 23.11, 27.01, 30.203 ~~and~~ 30.277, and 90.21, subch. VI of ch. 77 and chs. 26, 28 ~~and~~ 29, and 169 and for transfers to the appropriation account under s. 20.285 (1) (kf).

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

20.370 (3) (mu) *General program operations — state funds.* The amounts in the schedule for law enforcement operations under ss. 23.09 to 23.11, 90.21, and 166.04 and chs. 29 ~~and~~ 30, and 169 and for review of environmental impact requirements under ss. 1.11 and 23.40.

SECTION 4. 23.09 (2) (f) of the statutes is amended to read:

23.09 (2) (f) *Propagation, game and of fish.* Subject to s. 95.60, capture, propagate, transport, sell or exchange any species of ~~game or~~ fish needed for stocking or restocking any ~~lands or~~ waters of the state.

SECTION 5. 23.50 (1) of the statutes is amended to read:

23.50 (1) The procedure in ss. 23.50 to 23.85 applies to all actions in circuit court to recover forfeitures, penalty assessments, jail assessments, applicable weapons assessments, applicable environmental assessments, applicable wild animal protection assessments, applicable natural resources assessments, applicable fishing shelter removal assessments, applicable snowmobile registration restitution payments and applicable natural resources restitution payments for violations of ss. 77.09, 90.21, 134.60, 167.10 (3), 167.31 (2), 281.48 (2) to (5), 283.33, 285.57 (2), 285.59 (2), (3) (c) and (4), 287.07, 287.08, 287.81 and 299.64 (2), subch. VI of ch. 77, this chapter and chs. 26 to 31, ch. 169, and of ch. 350, and any administrative rules promulgated thereunder, violations specified under s. 285.86, violations of ch. 951 if the animal involved is a captive wild animal, violations of rules of the Kickapoo reserve management board under s. 41.41 (7) (k) or violations of local ordinances enacted by

any local authority in accordance with s. 23.33 (11) (am) or 30.77.

SECTION 6. 23.50 (3) of the statutes is amended to read:

23.50 (3) All actions in municipal court to recover forfeitures, penalty assessments and jail assessments for violations of local ordinances enacted by any local authority in accordance with s. 23.33 (11) (am) or 30.77 shall utilize the procedure in ch. 800. The actions shall be brought before the municipal court having jurisdiction. Provisions relating to citations, arrests, questioning, releases, searches, deposits and stipulations of no contest in ss. 23.51 (~~4~~) (1m), (3) and (8), 23.53, 23.54, 23.56 to 23.64, 23.66 and 23.67 shall apply to violations of such ordinances.

SECTION 7. 23.51 (1) of the statutes is renumbered 23.51 (1m).

SECTION 8. 23.51 (1d) of the statutes is created to read:

23.51 (1d) “Captive” has the meaning given in s. 169.01 (2).

SECTION 9. 23.51 (5) of the statutes is amended to read:

23.51 (5) “Natural resources restitution payment” means the payment imposed under s. 29.989 or 169.46 (2).

SECTION 10. 23.51 (9m) of the statutes is created to read:

23.51 (9m) “Wild animal” has the meaning given in s. 169.01 (37).

SECTION 11. 23.65 (1) of the statutes is amended to read:

23.65 (1) When it appears to the district attorney that a violation of s. 90.21, 134.60, 281.48 (2) to (5), 283.33, 285.57 (2), 285.59 (2), (3) (c) and (4), 287.07, 287.08, 287.81 or 299.64 (2), this chapter or ch. 26, 27, 28, 29, 30, 31, 169, or 350, or any administrative rule promulgated pursuant thereto, ~~or~~ a violation specified under s. 285.86, or a violation of ch. 951, if the animal involved is a captive wild animal, has been committed the district attorney may proceed by complaint and summons.

SECTION 12. 23.795 (3) of the statutes is created to read:

23.795 (3) In lieu of an order of imprisonment under sub. (1) (a) for a violation of ch. 169, the court may revoke or suspend any privilege or license granted under ch. 169 as provided in s. 169.45 (6).

SECTION 13. 23.795 (4) of the statutes is created to read:

23.795 (4) In lieu of an order of imprisonment under sub. (1) (a) for a violation of s. 90.21, the court may sus-

pend any fence inspection certificate issued under s. 90.21, as provided in s. 90.21 (8) (b).

SECTION 14. 25.29 (1) (a) of the statutes is amended to read:

25.29 (1) (a) Except as provided in ss. 25.293 and 25.295, all moneys accruing to the state for or in behalf of the department under chs. 26, 27, 28, 29, 169, and 350, subchs. I and VI of ch. 77 and ss. 23.09 to 23.31, 23.325 to 23.42, 23.50 to 23.99, 30.50 to 30.55, 70.58, 71.10 (5) ~~and~~ 71.30 (10), and 90.21, including grants received from the federal government or any of its agencies except as otherwise provided by law.

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

25.29 (4m) Notwithstanding sub. (3), no moneys that accrue to the state for or in behalf of the department under ch. 29 ~~or 169 or s. 90.21~~ may be expended or paid for the enforcement of the treaty-based, off-reservation rights to fish held by members of federally recognized American Indian tribes or bands domiciled in Wisconsin.

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

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

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

29.001 (25m) "Farm-raised game bird" has the meaning given in s. 169.01 (12m).

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

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

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

29.001 (39) "Game birds" means birds that are in the wild and includes wild geese, brant, wild ducks, wild swan, rails, coots, gallinules, snipe, woodcock, plovers, sandpipers, ruffed grouse, prairie chicken, sharp-tailed grouse, pheasants, Hungarian gray partridge, Chukar chukar partridge, bobwhite, quail, crows and wild turkey.

SECTION 20. 29.001 (60) of the statutes is amended to read:

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

SECTION 21. 29.011 (3) of the statutes is created to read:

29.011 (3) This section does not apply to farm-raised deer, farm-raised game birds, farm-raised fish, or wild animals that are subject to regulation under ch. 169.

SECTION 22. 29.024 (1) of the statutes is amended to read:

29.024 (1) APPROVALS REQUIRED. Except as specifically provided in this chapter, ch. 169, or s. 95.55 (5), no person may hunt or trap in this state, fish in the waters of this state or engage in any of the activities regulated under this chapter unless the appropriate approval is issued to the person. A person shall carry the required approval with him or her at all times while hunting, trapping or fishing or engaged in regulated activities unless otherwise required by this chapter or unless otherwise authorized or required by the department. A person shall exhibit the approval to the department or its wardens on demand.

SECTION 23. 29.024 (2g) (a) 2. of the statutes is amended to read:

29.024 (2g) (a) 2. Any permit issued under s. 29.537, 29.733, 29.735, or 29.736 ~~or 29.871~~.

SECTION 24. 29.024 (2r) (a) 17. of the statutes is repealed.

SECTION 25. 29.024 (2r) (a) 18. of the statutes is repealed.

SECTION 26. 29.024 (2r) (a) 19. of the statutes is repealed.

SECTION 27. 29.024 (2r) (a) 20. of the statutes is repealed.

SECTION 28. 29.024 (2r) (a) 21. of the statutes is repealed.

SECTION 29. 29.024 (2r) (am) of the statutes is amended to read:

29.024 (2r) (am) *Social security and identification numbers exceptions.* If an applicant who is an individual does not have a social security number, the applicant, as a condition of applying for, or applying to renew, any of the approvals specified in par. (a) 1. to ~~21.~~ 16., shall submit a statement made or subscribed under oath or affirmation to the department that the applicant does not have a social security number. The form of the statement shall be prescribed by the department of workforce development. An approval issued by the department of natural resources in reliance on a false statement submitted by an applicant under this paragraph is invalid.

SECTION 30. 29.042 (1) of the statutes is amended to read:

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

SECTION 31. 29.047 (2) (b) of the statutes is amended to read:

29.047 (2) (b) The possession, transportation, delivery or receipt of farm-raised deer ~~or, farm-raised game~~

birds, farm-raised fish, or wild animals that are subject to regulation under ch. 169.

SECTION 32. 29.055 of the statutes is amended to read:

29.055 Wild animals; possession in closed season or in excess of bag limit. Except as expressly provided in this chapter, no person may have in the person's possession or under the person's control, or have in storage, any wild animal or carcass that was taken during the closed season for that wild animal or that is in excess of the bag or possession limit or contrary to the size limits for that wild animal. The open and closed seasons and the bag, possession and size limits of the state, province or country in which a wild animal was taken shall apply to the wild animal or the carcass if it was lawfully killed outside of this state. This section does not apply to farm-raised deer, farm-raised fish, farm-raised game birds, or wild animals that are subject to regulation under ch. 169.

SECTION 33. 29.057 of the statutes is amended to read:

29.057 Wild animals; possession in open season. It is unlawful to possess or control at any time a protected wild animal or the carcass of any protected wild animal showing that it was taken during the closed season for the protected wild animal. This section does not apply to farm-raised deer, farm-raised fish, farm-raised game birds, or wild animals that are subject to regulation under ch. 169.

SECTION 34. 29.071 of the statutes is amended to read:

29.071 Wildlife on Indian reservations protected. No person may remove or take from any Indian reservation the carcass of any protected wild animal during the closed season for the wild animal ~~without a permit from~~ except as authorized by the department under this chapter or ch. 169.

SECTION 35. 29.191 (2) (a) 3. of the statutes is amended to read:

29.191 (2) (a) 3. Any person hunting pheasant under s. 29.195 ~~or on premises licensed under s. 29.865~~ is exempt from the requirements under subd. 1.

SECTION 36. 29.319 (1) (intro.) of the statutes is amended to read:

29.319 (1) (intro.) ~~In regulating~~ The department may regulate falconry and the taking of raptors for use in falconry; ~~In so doing,~~ the department may do any of the following:

SECTION 37. 29.321 of the statutes is repealed.

SECTION 38. 29.334 (title) of the statutes is amended to read:

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

SECTION 39. 29.334 of the statutes is renumbered 29.334 (1) and amended to read:

29.334 (1) A person who hunts or traps any game animal or fur-bearing animal shall kill the animal when it is

taken and make it part of the daily bag or shall release the game animal or fur-bearing animal unless authorized under s. 29.857, 29.863, 29.867, 29.869, 29.871 or 29.877.

SECTION 40. 29.334 (3) of the statutes is created to read:

29.334 (3) This section does not apply to farm-raised deer, farm-raised game birds, or wild animals that are subject to regulation under ch. 169.

SECTION 41. 29.337 (1) (intro.) of the statutes is amended to read:

29.337 (1) (intro.) The owner or occupant of any land, and any member of his or her family, may hunt or trap beaver, coyotes, foxes, raccoons, woodchucks, rabbits, and squirrels on the land without a license issued under this chapter or ch. 169 at any time, except as follows:

SECTION 42. 29.347 (2) of the statutes is amended to read:

29.347 (2) DEER TAGS. Except as provided under sub. (5) and s. 29.324 (3), any person who kills a deer shall immediately attach to the ear or antler of the deer a current validated deer carcass tag which is authorized for use on the type of deer killed. Except as provided under sub. (2m) ~~or s. 29.871 (7), (8) or (14) or s. 29.89 (6),~~ no person may possess, control, store or transport a deer carcass unless it is tagged as required under this subsection. The carcass tag may not be removed before registration. The removal of a carcass tag from a deer before registration renders the deer untagged.

SECTION 43. 29.351 of the statutes is renumbered 29.351 (1), and 29.351 (1) (c), as renumbered, is amended to read:

29.351 (1) (c) Possess the raw skin of any muskrat, mink, otter, fisher or pine marten at any time unless the person is the holder of a valid scientific collector permit, fur dealer license, trapping license or resident conservation patron license. No license is required for a person breeding, raising and producing domestic-fur-bearing animals in captivity, as defined in s. 29.873 ~~29.627,~~ or for a person authorized to take muskrats on a cranberry marsh under a permit issued to the person by the department.

SECTION 44. 29.351 (2m) of the statutes is created to read:

29.351 (2m) Subsection (1) does not apply to the skins of fur-bearing animals that are subject to regulation under ch. 169.

SECTION 45. 29.354 (1) of the statutes is amended to read:

29.354 (1) APPROVAL NECESSARY. No person, ~~except a person who has a valid hunting license, sports license, conservation patron license, taxidermist permit or scientific collector permit and who is carrying this approval on his or her person,~~ may possess or have under his or her control any game bird, or game animal or the carcass of

any game bird or game animal unless the person has a valid hunting license, sports license, conservation patron license, taxidermist permit, or scientific collector permit.

SECTION 46. 29.354 (2) of the statutes is renumbered 29.354 (2) (a) and amended to read:

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

SECTION 47. 29.354 (2) (b) of the statutes is created to read:

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

SECTION 48. 29.354 (4) of the statutes is repealed.

SECTION 49. 29.354 (5) of the statutes is created to read:

29.354 (5) CAPTIVE WILD ANIMALS. This section does not apply to farm-raised deer, farm-raised fish, farm-raised game birds, or wild animals that are subject to regulation under ch. 169.

SECTION 50. 29.357 (5) (b) of the statutes is amended to read:

29.357 (5) (b) Subsections (1) to (4) do not apply to the possession, transportation, delivery or receipt of farm-raised deer ~~or~~ farm-raised fish, farm-raised game birds, or wild animals that are subject to regulation under ch. 169.

SECTION 51. 29.501 (9m) of the statutes is created to read:

29.501 (9m) This section applies to the raw furs and dressed furs of fur-bearing animals that are subject to regulation under ch. 169.

SECTION 52. 29.506 (4) of the statutes is amended to read:

29.506 (4) AUTHORIZATION. Subject to this section, a taxidermist permit authorizes the permit holder to possess and transport ~~wild animals or carcasses of wild animals~~ wild animals in connection with his or her business. This authority supersedes, to the extent permitted under this section, restrictions on the possession and transportation of ~~wild animals and carcasses of wild animals~~ wild animals established under this chapter and ch. 169. A taxidermist permit entitles the permit holder to the same privileges as a Class A fur dealer's license.

SECTION 53. 29.539 (1m) of the statutes is amended to read:

29.539 (1m) Subsection (1) does not apply to farm-raised deer ~~or~~ farm-raised fish, farm-raised game birds, or wild animals that are subject to regulation under ch. 169 or the carcasses of these animals.

SECTION 54. 29.541 (3) of the statutes is amended to read:

29.541 (3) EXEMPTION. This section does not apply to the meat from farm-raised deer ~~or from~~ farm-raised fish, or farm-raised game birds or to meat that is subject to regulation under s. 169.14.

SECTION 55. 29.563 (9) (intro.) and (a) (title) of the statutes are repealed.

SECTION 56. 29.563 (9) (a) 1. of the statutes is renumbered 29.563 (7) (c) 5m.

SECTION 57. 29.563 (9) (a) 2. to 10. and (b) of the statutes are repealed.

SECTION 58. 29.563 (9) (c) of the statutes is repealed.

SECTION 59. 29.614 (3) of the statutes is amended to read:

29.614 (3) A scientific collector permit authorizes the permittee to collect or salvage from the wild, for scientific purposes only, ~~the eggs, nest and live fish and the nests and carcasses of any~~ wild animals specified in the permit subject to the conditions and limitations specified in the permit and the rules of the department. The permittee may use the specimens for the scientific purposes for which collected or salvaged and may transport them or cause them to be transported by common carrier. Possession of these specimens may not be transferred to any other person, except that these specimens may be exchanged for other specimens for scientific purposes. A scientific collector permit may authorize the use of net guns and tranquilizer guns for activities related to the purposes for which the permit is issued. Any person who is convicted of violating this chapter shall forfeit the person's permit and the permit is thereby revoked, in addition to all other penalties. Any person so convicted is not eligible for a permit under this section for one year following the conviction.

SECTION 60. 29.741 (1) of the statutes is repealed.

SECTION 61. 29.741 (2) of the statutes is renumbered 29.741 and amended to read:

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

SECTION 62. 29.745 of the statutes is repealed.

SECTION 63. 29.853 (title) of the statutes is repealed.

SECTION 64. 29.853 (1) of the statutes is repealed.

SECTION 65. 29.853 (2) of the statutes is repealed.

SECTION 66. 29.853 (3) of the statutes is repealed.

SECTION 67. 29.853 (4m) of the statutes is repealed.

SECTION 68. 29.853 (5) (title) of the statutes is repealed.

SECTION 69. 29.853 (5) of the statutes is renumbered 29.334 (2) and amended to read:

29.334 (2) A person who violates ~~this section sub. (1)~~ shall forfeit not less than \$100 nor more than \$1,000.

SECTION 70. 29.855 (title) of the statutes is repealed.

SECTION 71. 29.855 (1) of the statutes is repealed.

SECTION 72. 29.855 (2) of the statutes is repealed.

SECTION 73. 29.855 (3) of the statutes is repealed.

SECTION 74. 29.855 (4) (title) of the statutes is repealed.

SECTION 75. 29.855 (4) of the statutes is renumbered 169.04 (2) (e) and amended to read:

169.04 (2) (e) No person may operate on a live wild skunk to remove its scent glands unless the person who ~~possesses~~ holds a Class A or Class B captive wild animal farm license or unless the person is a veterinarian and the person bringing the skunk is authorized under s. 29.857 or 29.869 to the veterinarian holds such a license. A veterinarian to whom a person brings a live wild skunk for removal of its scent glands ~~or for other treatment~~ shall verify whether the person holds a Class A or Class B captive wild animal farm license. If the person does not hold such a license, the veterinarian shall notify that person that possession of a live skunk is illegal and shall notify the department.

SECTION 76. 29.855 (5) of the statutes is repealed.

SECTION 77. 29.855 (6) of the statutes is repealed.

SECTION 78. 29.855 (7) of the statutes is repealed.

SECTION 79. 29.857 of the statutes is repealed.

SECTION 80. 29.861 of the statutes is repealed.

SECTION 81. 29.863 of the statutes is repealed.

SECTION 82. 29.865 of the statutes is repealed.

SECTION 83. 29.867 of the statutes is repealed.

SECTION 84. 29.869 of the statutes is repealed.

SECTION 85. 29.871 of the statutes is repealed.

SECTION 86. 29.873 of the statutes is renumbered 29.627.

SECTION 87. 29.875 (1) of the statutes is amended to read:

29.875 (1) The department may seize and dispose of or may authorize the disposal of any deer that has escaped from land ~~licensed under s. 29.867 or 29.871~~ or owned by a person registered under s. 95.55 if the escaped deer has traveled more than 3 miles from the land or if the licensee or person has not had the deer returned to the land within ~~72~~ 24 hours of the discovery of the escape.

SECTION 88. 29.877 of the statutes is repealed.

SECTION 89. 29.879 of the statutes is repealed.

SECTION 90. 29.881 of the statutes is repealed.

SECTION 91. 29.885 (1) (f) of the statutes is amended to read:

29.885 (1) (f) Notwithstanding s. 29.001 (90), "wild animal" means any undomesticated mammal or bird, but does not include farm-raised deer ~~fish, farm-raised game birds, or wild animals that are subject to regulation under ch. 169.~~

SECTION 92. 29.889 (1) (intro.) of the statutes is amended to read:

29.889 (1) DEFINITION. (intro.) In this section, "wild-life damage" means damage caused by any of the following ~~noncaptive~~ wild animals that are not subject to regulation under ch. 169:

SECTION 93. 29.889 (1) (a) of the statutes is amended to read:

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

SECTION 94. 29.924 (4) of the statutes is amended to read:

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

SECTION 95. 29.927 (5) of the statutes is amended to read:

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

SECTION 96. 29.931 (1) of the statutes is amended to read:

29.931 (1) SEIZURE AND CONFISCATION OF WILD ANIMALS OR PLANTS. The department and its wardens shall seize and confiscate any wild animal, carcass or plant caught, killed, taken, had in possession or under control, sold or transported in violation of this chapter ~~and the or ch. 169.~~ The officer may, with or without warrant, open, enter and examine all buildings, camps, boats on inland or outlying waters, vehicles, valises, packages and other places where the officer has probable cause to believe that wild animals, carcasses or plants, taken or held in violation of this chapter or ch. 169, are to be found.

SECTION 97. 29.931 (2) (a) of the statutes is amended to read:

29.931 (2) (a) The department and its wardens shall seize and hold, subject to the order of the court for the county in which the alleged offense was committed, any vehicle, boat or object declared by this chapter to be a public nuisance, or which they have probable cause to believe is being used in violation of this chapter or ch. 169 or s. 167.31, 287.81, 940.24, 941.20, 948.60, 948.605 or 948.61, is being used in the commission of a crime involving an animal normally found in the wild in violation of s. 951.09, or is being used in the commission of a crime relating to a submerged cultural resource in violation of s. 44.47. If it is proven that the vehicle, boat or object is a public nuisance or that within 6 months previous to the seizure the vehicle, boat or object was used in violation of this chapter or ch. 169 or s. 167.31, 287.81, 940.24, 941.20, 948.60, 948.605 or 948.61, was used in the commission of a crime involving an animal normally

found in the wild in violation of s. 951.09, or was used in the commission of a crime relating to a submerged cultural resource in violation of s. 44.47, it shall be confiscated if the court directs in its order for judgment.

SECTION 98. 29.931 (4) of the statutes is created to read:

29.931 (4) **ORDINANCE VIOLATIONS.** For purposes of this section, a violation of ch. 169 includes a violation of an ordinance enacted under s. 169.43.

SECTION 99. 29.934 (1) (a) of the statutes is amended to read:

29.934 (1) (a) All wild animals, carcasses or plants that are confiscated by the department for a violation of this chapter or ch. 169 and all ~~confiscated~~ vehicles, boats or objects confiscated by the department for a violation of this chapter or ch. 169 shall, if not destroyed as authorized by law, be sold at the highest price obtainable, by the department, or by an agent on commission under supervision of the department. The net proceeds of sales under this subsection, after deducting the expense of seizure and sale and any commissions and any amounts owing to holders of security interests under par. (c) or (d), shall be remitted to the department. The remittance shall be accompanied by a report of the sales, supported by vouchers for expenses and commissions, and shall be filed with the department.

SECTION 100. 29.957 of the statutes is amended to read:

29.957 Breaking seals of department. Any person who breaks, removes or interferes with any seal or tag attached to any animal, carcass or object by the department, or who interferes with any animal, carcass or object with a seal or tag attached, or who counterfeits a seal or tag, attached or unattached, shall be fined not more than \$500 or imprisoned for not more than 90 days or both. This section applies to seals and tags required by the department under this chapter or ch. 169.

SECTION 101. 29.969 of the statutes is amended to read:

29.969 Larceny of game wild animals. A person who, without permission of the owner, disturbs or appropriates any wild animal or its carcass that has been lawfully reduced to possession by another shall forfeit not less than \$1,000 nor more than \$2,000. This section does not apply to farm-raised deer ~~or~~ farm-raised fish, farm-raised game birds, or wild animals that are subject to regulation under ch. 169.

SECTION 102. 29.971 (14) of the statutes amended is to read:

29.971 (14) In any prosecution under this section it is not necessary for the state to allege or prove that the animals were not farm-raised deer, farm-raised fish, farm-raised game birds, wild animals subject to regulation under ch. 169, or ~~domesticated domestic~~ animals, that they were not taken for scientific purposes, or that they were taken or in possession or under control without

a required approval. The person claiming that these animals were farm-raised deer, farm-raised fish, farm-raised game birds, wild animals subject to ch. 169, or ~~domesticated domestic~~ animals, that they were taken for scientific purposes or that they were taken or in possession or under control under the required approval, has the burden of proving these facts.

SECTION 103. 29.974 (2) of the statutes is renumbered 29.974 (2) (b).

SECTION 104. 29.974 (2) (a) of the statutes is created to read:

29.974 (2) (a) In this subsection, "wild animal" does not include a farm-raised deer, a farm-raised fish, a farm-raised game bird, or a wild animal subject to regulation under ch. 169.

SECTION 105. 29.977 (1) (g) of the statutes is amended to read:

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

SECTION 106. 29.983 (1) (b) 7. of the statutes is amended to read:

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

SECTION 107. 49.857 (1) (d) 2. of the statutes is amended to read:

49.857 (1) (d) 2. An approval specified in s.29.024 (2g) or a license issued under ch. 169.

SECTION 108. 59.25 (3) (f) 2. of the statutes is amended to read:

59.25 (3) (f) 2. For all court imposed fines and forfeitures required by law to be deposited in the state treasury, the amounts required by s. 757.05 for the penalty assessment surcharge, the amounts required by s. 165.755 for the crime laboratories and drug law enforcement assessment, the amounts required by s. 167.31 (5) for the weapons assessment, the amounts required by s. 973.045 for the crime victim and witness assistance surcharge, the amounts required by s. 938.34 (8d) for the delinquency victim and witness assistance surcharge, the amounts required by s. 973.046 for the deoxyribonucleic acid analysis surcharge, the amounts required by s. 961.41 (5) for the drug abuse program improvement surcharge, the amounts required by s. 100.261 for the consumer information assessment, the amounts authorized by s. 971.37 (1m) (c) 1. or required by s. 973.055 (1) for the domestic abuse assessment, the amounts required by s. 253.06 (4) (c) for the enforcement assessment under the supplemental food program for women, infants and children, the amounts required by ss. 346.177, 346.495 and 346.65 (4r) for the railroad crossing improvement assessment, the amounts required by s. 346.655 (2) (a) and (b) for the driver improvement surcharge, the amounts required by s. 102.85 (4) for the uninsured employer assessment, the amounts required by s. 299.93 for the environmental

assessment, the amounts required by s. 29.983 for the wild animal protection assessment, the amounts required by s. ss. 29.987 and 169.46 (1) for the natural resources assessment surcharge, the amounts required by s. 29.985 for the fishing shelter removal assessment, the amounts required by s. 350.115 for the snowmobile registration restitution payment and the amounts required by s. ss. 29.989 and 169.46 (2) for natural resources restitution payments, transmit to the state treasurer a statement of all moneys required by law to be paid on the actions entered during the preceding month on or before the first day of the next succeeding month, certified by the county treasurer's personal signature affixed or attached thereto, and at the same time pay to the state treasurer the amount thereof.

SECTION 109. 59.40 (2) (m) of the statutes is amended to read:

59.40 (2) (m) Pay monthly to the treasurer for the use of the state the state's percentage of the fees required to be paid on each civil action, criminal action and special proceeding filed during the preceding month and pay monthly to the treasurer for the use of the state the percentage of court imposed fines and forfeitures required by law to be deposited in the state treasury, the amounts required by s. 757.05 for the penalty assessment surcharge, the amounts required by s. 165.755 for the crime laboratories and drug law enforcement assessment, the amounts required by s. 167.31 (5) for the weapons assessment, the amounts required by s. 973.045 for the crime victim and witness assistance surcharge, the amounts required by s. 938.34 (8d) for the delinquency victim and witness assistance surcharge, the amounts required by s. 973.046 for the deoxyribonucleic acid analysis surcharge, the amounts required by s. 961.41 (5) for the drug abuse program improvement surcharge, the amounts required by s. 100.261 for the consumer information assessment, the amounts authorized by s. 971.37 (1m) (c) 1. or required by s. 973.055 for the domestic abuse assessment surcharge, the amounts required by s. 253.06 (4) (c) for the enforcement assessment under the supplemental food program for women, infants and children, the amounts required by ss. 346.177, 346.495 and 346.65 (4r) for the railroad crossing improvement assessment, the amounts required by s. 346.655 for the driver improvement surcharge, the amounts required by s. 102.85 (4) for the uninsured employer assessment, the amounts required by s. 299.93 for the environmental assessment, the amounts required under s. 29.983 for the wild animal protection assessment, the amounts required under s. ss. 29.987 (1) (d) and 169.46 (1) (d) for the natural resources assessment surcharge, the amounts required by s. 29.985 for the fishing shelter removal assessment, the amounts required by s. 350.115 for the snowmobile registration restitution payment and the amounts required under s. ss. 29.989 (1) (d) and 169.46 (2) (d) for the natural resources restitution payments. The pay-

ments shall be made by the 15th day of the month following receipt thereof.

SECTION 110. 73.0301 (1) (d) 1. of the statutes is amended to read:

73.0301 (1) (d) 1. An approval specified in s. 29.024 (2r) or a license specified in s. 169.35.

SECTION 111. 90.20 (title) of the statutes is amended to read:

90.20 (title) Fencing of farm-raised deer that are not white-tailed deer.

SECTION 112. 90.20 (1) (a) of the statutes is amended to read:

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

SECTION 113. 90.20 (2) (intro.) of the statutes is amended to read:

90.20 (2) SPECIFICATIONS. (intro.) ~~Any~~ Unless s. 90.21 applies, any person who keeps farm-raised deer shall keep the farm-raised deer enclosed by a fence that meets all of the following requirements:

SECTION 114. 90.21 of the statutes is created to read:

90.21 Fencing of farm-raised deer; white-tailed deer. (1) DEFINITIONS. In this section:

(a) "Department" means the department of natural resources.

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

(2) REQUIREMENTS. (a) No person may keep farm-raised deer if any of the farm-raised deer are white-tailed deer unless all of the farm-raised deer are contained in an fenced area for which the person holds a valid fence inspection certificate issued by the department under this section.

(b) The department may not issue a fence inspection certificate under this section for a fence that is used to contain farm-raised deer that are white-tailed deer unless the fence meets the requirements established by the department by rule under sub. (6).

(c) No person may apply for registration under s. 95.55 in order to keep farm-raised deer that are white-tailed deer without being first issued a fence inspection certificate under this section.

(3) FEES. (a) The fee for a fence inspection certificate issued under this section is \$50 for a fenced area that is less than 80 acres in size and \$100 for a fenced area that is 80 acres or more in size.

(b) If a person expands a 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 10th December 31 following the date of issuance.

(4) NEW OPERATIONS; DRIVING OUT OF WILD DEER. A person who is starting an operation to keep farm-raised deer that are white-tailed deer and who is applying for a fence inspection certificate under this section shall make a reasonable effort to drive any wild white-tailed deer from the area to be fenced before the area is completely closed. No person may place any baiting material in attempt to attract white-tailed deer to remain in the fenced area. If the department issues a certificate under this section, the department shall determine whether any white-tailed deer remaining in the area after the area is completely closed will be killed or will be sold to the holder of the certificate. If the white-tailed deer are to be killed, the department shall determine how the deer will be killed. If the white-tailed deer are to be sold, the holder of the certificate shall pay the department the fair market value for each deer.

(5) EXISTING OPERATIONS. A person who holds a license under s. 29.871, 1999 stats., on the effective date of this subsection ... [revisor inserts date], may continue to keep white-tailed deer, and the department shall automatically issue the person a fence inspection certificate under this section that will be valid during the period beginning on the effective date of this subsection ... [revisor inserts date], and ending on the 30th day after the effective date of the rules promulgated under sub. (6).

(6) RULES. The department shall promulgate rules to establish requirements for fences for which fence inspection certificates are issued under this section. If the rules include provisions authorizing the placement of fences in navigable bodies of water, s. 30.12 does not apply to fences placed in compliance with these rules.

(7) ENFORCEMENT AUTHORITY. If a fence fails to comply with the requirements established by rule under sub. (6), the department may issue an order directing the person who is required to maintain the fence to bring the fence into compliance within 10 days after the issuance of the order. If the person fails to comply with the order within 10 days of its issuance, the department may revoke the applicable fence inspection certificate.

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

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

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

1. The holder fails to comply with an order issued under sub. (7).
2. The department determines that the certificate was fraudulently procured, or erroneously issued.

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

93.06 (1g) ~~INTERSTATE HEALTH CERTIFICATES~~ CERTIFICATES OF VETERINARY INSPECTION. Furnish, to veterinarians in this state, forms to be used by them in issuing ~~interstate health certificates~~ or certificates of veterinary inspection. The department may charge a \$2 fee for each form unless the department specifies a different fee by rule.

SECTION 116. 93.07 (10) (a) of the statutes is repealed.

SECTION 117. 93.07 (10) (b) of the statutes is renumbered 93.07 (10) and amended to read:

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

SECTION 118. 93.07 (10m) of the statutes is created to read:

93.07 (10m) RULES FOR DOMESTIC ANIMALS. To promulgate rules specifying which animals are domestic animals for purposes of s. 169.01 (7). The rules shall specify that fur-bearing animals to which s. 29.627 applies are domestic animals.

SECTION 119. 95.001 (1) (a) of the statutes is renumbered 95.001 (1) (ag) and amended to read:

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

SECTION 120. 95.001 (1) (ad) of the statutes is created to read:

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

1. An animal that is a member of a species that has been domesticated by humans.
2. A farm-raised deer, farm-raised game bird, or farm-raised fish.
3. An animal that is listed as a domestic animal by rule by the department.

SECTION 121. 95.001 (1) (ah) of the statutes is created to read:

95.001 (1) (ah) “Farm–raised fish” means any fish egg that is present on a fish farm or any fish that is reared on a fish farm.

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

95.001 (1) (ai) “Farm–raised game bird” has the meaning given in s. 169.01 (12m).

SECTION 123. 95.10 (5) of the statutes is amended to read:

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

SECTION 124. 95.12 of the statutes is amended to read:

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

SECTION 125. 95.13 of the statutes is amended to read:

95.13 Misrepresenting breed of domestic animal. No person shall sell or barter or cause to be sold or bartered any domestic animal and represent, or cause to be represented that such domestic animal is a pure bred domestic animal, when in fact such domestic animal is not registered, or entitled to registry, in any pure breed registry maintained for such domestic animals; nor shall any person knowingly utter, pass or deliver to any person as true, any false, or altered pedigree; nor shall any person refuse to deliver proper certificate of registry for any domestic animal sold or transferred by the person, having represented at the time of sale or transfer, and as an inducement thereto, that such domestic animal was registered and that the person possessed and would deliver a certificate of registry as evidence thereof, or that such domestic animal was entitled to registry and that the person would secure such certificate and deliver the same.

SECTION 126. 95.17 of the statutes is amended to read:

95.17 Animal diseases; cooperation with United States. Whenever it is determined by the department and the state constitutional officers that it is necessary to combat dangerous diseases among ~~domestic~~ in animals in this state in cooperation with the U.S. department of agriculture and to destroy animals affected with or which have been exposed to any such disease or to destroy property

in the disinfection of the premises or to do any other act or incur any other expense reasonably necessary in suppressing or combating such disease, the department may accept, on behalf of the state, the rules and regulations prepared by the U.S. department of agriculture under authority of an act of congress relating to the suppression of any such disease and cooperate with the authorities of the U.S. in the enforcement of their provisions; or it may follow such procedure as to inspection, vaccination, condemnation, appraisal, disinfection and other acts reasonably necessary in the suppression of such diseases as may be agreed upon and adopted by the department and the state constitutional officers with the representatives of the U.S. department of agriculture. Within the amount which may, subsequent to March 23, 1915, be appropriated for this purpose, the state shall pay such proportion of the expense incurred in suppressing or combating any such disease and in compensating owners of animals slaughtered under this section as shall be determined by and mutually agreed upon with the U.S. department of agriculture.

SECTION 127. 95.20 of the statutes is repealed and recreated to read:

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

SECTION 128. 95.22 of the statutes is repealed and recreated to read:

95.22 Reporting animal diseases. (1) A veterinarian and the department of natural resources shall report to the department of agriculture, trade and consumer protection any disease specified in the rules promulgated under sub. (2) (a) each time a veterinarian or the department of natural resources discovers that such a disease is present in any animal in this state.

(2) The department shall promulgate rules that specify all of the following:

(a) The diseases that a veterinarian or the department of natural resources must report under this section.

(b) For each disease specified in par. (a), the deadline for reporting the disease after the date of its discovery.

(c) The information that a veterinarian or the department of natural resources must include in his or her report.

(d) Procedures to be used in preparing and submitting the report.

(3) The department of agriculture, trade and consumer protection shall notify the department of natural resources of the contents of any report submitted under sub. (1) by a veterinarian if the department of agriculture, trade and consumer protection determines that the dis-

ease that is the subject of the report may present a threat to any wild animals present in this state.

SECTION 129. 95.24 (3) (a) (intro.) of the statutes is amended to read:

95.24 (3) (a) (intro.) No type of living vaccine for immunizing against anthrax or swine erysipelas may be administered to any domestic animal, ~~including fowl,~~ or sold or dispensed in this state without first having obtained the written approval of the chief veterinarian of the department. Approval to administer such vaccine shall be granted to licensed veterinarians only, and then only to qualify the domestic animal ~~or fowl~~ for export or in the event that any of the following has been established:

SECTION 130. 95.24 (3) (a) 1. of the statutes is amended to read:

95.24 (3) (a) 1. The domestic animals to be so treated are infected.

SECTION 131. 95.24 (3) (a) 2. of the statutes is amended to read:

95.24 (3) (a) 2. The domestic animals to be so treated are on premises known to be contaminated.

SECTION 132. 95.24 (3) (a) 3. of the statutes is amended to read:

95.24 (3) (a) 3. The domestic animals to be so treated have been exposed within 40 days to infection with the disease for which the living vaccine is prescribed as a proper immunizing agent.

SECTION 133. 95.31 (1) of the statutes is amended to read:

95.31 (1) The department ~~shall have general power and authority to may condemn and order the slaughter or destruction of animals that are affected with or exposed to a contagious and or infectious diseases as disease if the department determines that it is necessary to do so to prevent or control the spread of dangerous diseases among domestic animals of this state. The department shall pay indemnities to the owners of animals condemned and destroyed as provided in this chapter the disease. Condemned animals shall be slaughtered or destroyed as directed by the department.~~

SECTION 134. 95.31 (2) of the statutes is amended to read:

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

SECTION 135. 95.31 (3) of the statutes is amended to read:

95.31 (3) In addition to the indemnities for specific animal diseases provided under ss. 95.25, 95.26 and

95.27 or under special emergency programs and subject to s. 95.36, the department shall pay indemnities on livestock condemned and slaughtered or destroyed because of other diseases if the department determines that the condemnation and slaughter or destruction is necessary to protect public health or the livestock industry. The indemnity under this subsection shall be two-thirds of the difference between net salvage value and appraised value, but may not exceed \$1,500 for an animal. As used in this subsection, "livestock" means animals of species raised primarily to produce food for human consumption, including farm-raised deer.

SECTION 136. 95.31 (4) of the statutes is amended to read:

95.31 (4) In the event of a major or serious outbreak of ~~dangerous diseases affecting a contagious or infectious disease that may affect public health or~~ the health of domestic animals requiring and that requires special control measures, the department may request the joint committee on finance to release funds appropriated under s. 20.115 (2) (b) as needed to conduct emergency control programs independently or in cooperation with federal or local units of government and, subject to s. 95.36, to pay indemnities on animals of species raised primarily to produce food for human consumption, including farm-raised deer, condemned and slaughtered or destroyed under the emergency control programs. For all indemnities paid under this subsection, the state shall pay two-thirds of the difference between the net salvage value and the appraised value of an animal, except that no payment may exceed \$1,500 for an animal.

SECTION 137. 95.38 (1) of the statutes is amended to read:

95.38 (1) It shall be unlawful for any person to in any manner change any test record, falsely record any test, misrepresent the identification of any animal or any other material fact on any test record, ~~interstate health certificate, certificate of veterinary inspection,~~ vaccination record, claim for indemnity, or any disease control report or application to the department. It shall be unlawful for any person to induce or to conspire with another, either directly or indirectly, to do any of the said prohibited acts.

SECTION 138. 95.45 (title) of the statutes is repealed and recreated to read:

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

SECTION 139. 95.45 (2) of the statutes is repealed.

SECTION 140. 95.45 (3) of the statutes is repealed.

SECTION 141. 95.45 (4) of the statutes is created to read:

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

(b) If a certificate of veterinary inspection is required for a wild animal under s. 169.04 (2) (d) and (3) (a) or 169.06 (1) (d) 1., the veterinarian who issues the certificate shall file a copy of the certificate with the department of agriculture, trade and consumer protection. The department of agriculture, trade and consumer protection shall provide a copy of the certificate to the department of natural resources.

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

SECTION 142. 95.45 (5) of the statutes is created to read:

95.45 (5) Any certificate of veterinary inspection prepared under this chapter or ch. 169 shall comply with any rules that are promulgated by the department.

SECTION 143. 95.49 (1) (e) of the statutes is amended to read:

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

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

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

SECTION 145. 95.49 (2) of the statutes is amended to read:

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

SECTION 146. 95.55 (title) of the statutes is amended to read:

95.55 Farm-raised deer; registration.

SECTION 147. 95.55 (1) (b) of the statutes is renumbered 95.55 (1) (b) 1.

SECTION 148. 95.55 (1) (b) 2. of the statutes is created to read:

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

SECTION 149. 95.55 (3m) of the statutes is created to read:

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

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

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

SECTION 150. 95.55 (5) of the statutes is created to read:

95.55 (5) **HUNTING.** (a) A person hunting farm-raised deer is exempt from having any hunting approval issued under ch. 29 and is exempt from any closed season restrictions or bag limits established by the department of natural resources. In order to regulate the hunting of farm-raised deer, the department of agriculture, trade and consumer protection may promulgate rules to establish tagging requirements or other methods for identifying dead farm-raised deer that have been legally hunted or killed and to impose other conditions or requirements regulating the hunting of farm-raised deer. Section 29.314 applies to the hunting of farm-raised deer.

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

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

SECTION 151. 95.55 (6) of the statutes is created to read:

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

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

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

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

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

SECTION 152. 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.** The department shall promulgate a rule to set any fee that it imposes on a person for participation in the national poultry improvement plan.

SECTION 153. 95.60 (1) (intro.) and (b) of the statutes are consolidated, renumbered 95.60 (1) and amended to read:

95.60 (1) In this section: ~~(b) “Waters, “waters~~ of the state” has the meaning given in s. 281.01 (18).

SECTION 154. 95.60 (1) (a) of the statutes is renumbered 95.001 (1) (aj).

SECTION 155. 95.68 (title) of the statutes is amended to read:

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

SECTION 156. 95.68 (1) (a) of the statutes is renumbered 95.68 (1) (am).

SECTION 157. 95.68 (1) (b) of the statutes is amended to read:

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

SECTION 158. 95.68 (1) (e) of the statutes is renumbered 95.68 (1) (ag) and amended to read:

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

SECTION 159. 95.68 (1) (f) of the statutes is renumbered 95.68 (1) (ai) and amended to read:

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

SECTION 160. 95.68 (1) (g) of the statutes is created to read:

95.68 (1) (g) "Wild animal" means a wild animal that is subject to regulation under ch. 169.

SECTION 161. 95.68 (2) of the statutes is amended to read:

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

SECTION 162. 95.68 (2m) (title) of the statutes is repealed and recreated to read:

95.68 (2m) (title) EXEMPTIONS.

SECTION 163. 95.68 (2m) of the statutes is renumbered 95.68 (2m) (a) and amended to read:

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

SECTION 164. 95.68 (2m) (b) of the statutes is created to read:

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

SECTION 165. 95.68 (4) (intro.) of the statutes is amended to read:

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

SECTION 166. 95.68 (4) (a) of the statutes is amended to read:

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

SECTION 167. 95.68 (4) (b) of the statutes is amended to read:

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

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

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

SECTION 169. 95.68 (5) (a) 1. of the statutes is amended to read:

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

SECTION 170. 95.68 (5) (a) 1m. of the statutes is created to read:

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

SECTION 171. 95.68 (5) (a) 2. of the statutes is amended to read:

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

SECTION 172. 95.68 (5) (a) 2m. of the statutes is created to read:

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

SECTION 173. 95.68 (5) (b) of the statutes is amended to read:

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

SECTION 174. 95.68 (5) (c) of the statutes is amended to read:

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

SECTION 175. 95.68 (7) of the statutes is amended to read:

95.68 (7) LIVESTOCK ANIMAL TRANSPORT VEHICLE REGISTRATION. No livestock animal market operator may operate ~~a livestock~~ an animal transport vehicle unless the

livestock animal transport vehicle is registered with the department in the name of the livestock animal market operator. The livestock animal transport vehicle shall be registered on a form provided by the department. The registration shall include a description and the serial number of the livestock animal transport vehicle.

SECTION 176. 95.68 (8) of the statutes is amended to read:

95.68 (8) RULES. The department may promulgate rules to specify license fees under sub. (4) or to regulate the operation of livestock animal markets, including rules related to market operator qualifications, market construction and maintenance, construction and maintenance of livestock animal transport vehicles, identification of livestock animal transport vehicles, disease sanitation, humane treatment of animals, identification of animals, record keeping, reports to the department and compliance with applicable financial security requirements under state or federal law.

SECTION 177. 95.69 (title) of the statutes is amended to read:

95.69 (title) Livestock Animal dealers.

SECTION 178. 95.69 (1) (b) of the statutes is renumbered 95.69 (1) (g).

SECTION 179. 95.69 (1) (c) (intro.) of the statutes is amended to read:

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

SECTION 180. 95.69 (1) (c) 1. of the statutes is amended to read:

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

SECTION 181. 95.69 (1) (c) 2m. of the statutes is created to read:

95.69 (1) (c) 2m. A person holding a license issued under s. 169.15, 169.18, 169.19, or 169.26 who sells wild animals if the person keeps them solely for breeding or feeding purposes and the person is not otherwise engaged in the business of buying them for resale, slaughter, sale or exchange.

SECTION 182. 95.69 (1) (d) of the statutes is amended to read:

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

SECTION 183. 95.69 (1) (e) of the statutes is amended to read:

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

SECTION 184. 95.69 (1) (f) of the statutes is amended to read:

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

SECTION 185. 95.69 (1) (h) of the statutes is created to read:

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

SECTION 186. 95.69 (2) of the statutes is amended to read:

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

SECTION 187. 95.69 (2m) of the statutes is created to read:

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

SECTION 188. 95.69 (4) of the statutes is amended to read:

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

SECTION 189. 95.69 (5) (a) 1. of the statutes is amended to read:

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

SECTION 190. 95.69 (5) (a) 1m. of the statutes is created to read:

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

SECTION 191. 95.69 (5) (a) 2. of the statutes is amended to read:

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

SECTION 192. 95.69 (5) (a) 2m. of the statutes is created to read:

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

SECTION 193. 95.69 (5) (b) of the statutes is amended to read:

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

SECTION 194. 95.69 (5) (c) of the statutes is amended to read:

95.69 (5) (c) The payment of the surcharge and fees under this subsection does not relieve the applicant of other civil or criminal liability that may result from the

failure to obtain a license or from the operation of an unregistered livestock vehicle but does not constitute evidence of a violation of a law.

SECTION 195. 95.69 (7) of the statutes is amended to read:

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

SECTION 196. 95.69 (8) of the statutes is amended to read:

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

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

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

SECTION 198. 95.71 (title) of the statutes is amended to read:

95.71 (title) Livestock Animal truckers.

SECTION 199. 95.71 (1) (b) of the statutes is renumbered 95.71 (1) (h).

SECTION 200. 95.71 (1) (c) of the statutes is repealed.

SECTION 201. 95.71 (1) (d) of the statutes is repealed.

SECTION 202. 95.71 (1) (e) of the statutes is amended to read:

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

SECTION 203. 95.71 (1) (f) of the statutes is amended to read:

95.71 (1) (f) “Livestock Animal trucker employee” means the employee of a person who holds a livestock an animal trucker license if the employee, in the name of the licensed livestock animal trucker, operates a livestock an animal transport vehicle which is registered by

the livestock animal trucker and on which the name and the business address of the licensed animal livestock trucker are prominently displayed.

SECTION 204. 95.71 (1) (g) of the statutes is renumbered 95.71 (1) (dm) and amended to read:

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

SECTION 205. 95.71 (1) (i) of the statutes is created to read:

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

SECTION 206. 95.71 (2) of the statutes is amended to read:

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

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

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

SECTION 208. 95.71 (4) of the statutes is amended to read:

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

SECTION 209. 95.71 (5) (a) of the statutes is amended to read:

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

SECTION 210. 95.71 (5) (b) of the statutes is amended to read:

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

SECTION 211. 95.71 (6) (a) (intro.) of the statutes is amended to read:

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

SECTION 212. 95.71 (6) (a) 1. of the statutes is amended to read:

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

SECTION 213. 95.71 (6) (a) 1m. of the statutes is created to read:

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

SECTION 214. 95.71 (6) (a) 2. of the statutes is amended to read:

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

SECTION 215. 95.71 (6) (a) 2m. of the statutes is created to read:

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

SECTION 216. 95.71 (6) (b) of the statutes is amended to read:

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

SECTION 217. 95.71 (6) (c) of the statutes is amended to read:

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

SECTION 218. 95.71 (8) of the statutes is amended to read:

95.71 (8) RULES. The department may promulgate rules to specify license fees under sub. (5) or to regulate ~~livestock~~ animal truckers, including rules related to ~~livestock~~ animal trucker qualifications, construction and maintenance of ~~livestock~~ animal transport vehicles, identification of ~~livestock~~ animal transport vehicles, disease sanitation, humane treatment of animals, identification of animals, record keeping, reports to the department and

compliance with applicable financial security requirements under state or federal law.

SECTION 219. 95.72 (7) (a) of the statutes is amended to read:

95.72 (7) (a) *License requirement.* No person may transport dead animals on public highways in this state without a license issued under this section. A licensee may not transport dead animals under conditions not authorized by the license. This paragraph does not apply to persons exempt from obtaining a license under this section, a farmer transporting dead animals raised on his or her farm, the transportation of hides or fully rendered or processed dead animal products, the transportation of dead animals by government agencies or private agencies engaged in scientific research, persons transporting dead animals for destruction or burial, or ~~livestock~~ animal truckers transporting animals which have died in transit if the dead animals are transported directly to a licensed renderer, animal food processor or collector.

SECTION 220. 97.42 (1) (dm) of the statutes is amended to read:

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

SECTION 221. 97.44 (3) of the statutes is amended to read:

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

SECTION 222. 100.04 (1) of the statutes is amended to read:

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

SECTION 223. 167.31 (4) (b) of the statutes is amended to read:

167.31 (4) (b) Subsections (2) (a), (b) and (c) and (3) (a) and (b) do not apply to the holder of a scientific research license under s. 169.25 or a scientific collector permit under s. 29.614 who is using a net gun or tranquilizer gun in an activity related to the purpose for which the license or permit was issued.

SECTION 224. Chapter 169 of the statutes is created to read:

CHAPTER 169 CAPTIVE WILDLIFE

169.01 Definitions. In this chapter:

(1) "Animal" means any mammal, bird, reptile, amphibian, mollusk, or arthropod or any egg of any bird, reptile, amphibian, mollusk, or arthropod except that "animal" does not include any mollusk or arthropod, or any egg of any mollusk or arthropod, if the mollusk or arthropod is regulated under s. 93.07 (12) or (13), 94.01, 94.02, 94.03, or 94.76.

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

- (a) Restrained by a cage, pen, fence, or other enclosure.
- (b) Restrained by physical alterations that limit movement or facilitate capture.
- (c) Restrained by a leash or a tether or otherwise tied.
- (d) Held in a controlled environment that is designed to prevent the departure from the controlled environment.
- (3) “Carcass” means the dead body of any wild animal including the head, hair, skin, plumage, skeleton, meat, or any other part thereof.
- (4) “Circus” means a scheduled event staged by a traveling company with mobile facilities in which entertainment consisting of a variety of performances by acrobats, clowns, or trained animals is the primary attraction or principal business.
- (5) “Conservation warden” means a warden appointed under s. 23.10.
- (6) “Department” means the department of natural resources.
- (7) “Domestic animal” means a farm–raised deer, a pet bird, a farm–raised game bird, or an animal that is listed as a domestic animal by rule by the department of agriculture, trade and consumer protection.
- (8) “Dressed fur” has the meaning given in s. 29.501 (1) (a).
- (9) “Endangered or threatened species” means those species of wild animals that are indigenous to the United States or Canada and are identified on the federal list of endangered and threatened species or on the Wisconsin list of endangered and threatened species.
- (11) “Exhibit” means to display for the purpose of public viewing, regardless of whether a fee is charged.
- (12) “Farm–raised deer” has the meaning given in 95.001 (1) (ag).
- (12m) “Farm–raised game bird” means a bird of a wild nature that is not native that is held captive, but that is not possessed under the authority of a license issued under s. 169.15, 169.19, 169.20, or 169.21.
- (13) “Free–roaming” means not captive.
- (14) “Fur–bearing wild animal” includes badger, beaver, bobcat, coyote, fisher, red fox, gray fox, lynx, marten, mink, muskrat, opossum, otter, raccoon, skunk, weasel, and wolf.
- (15) “Harm to the environment” includes adversely affecting the natural population dynamics of wild animals or wild plants, adversely affecting the habitat of wild animals or wild plants, or displacing wild animals or wild plants from any part of their habitat.
- (15m) “Harmful wild animal” means a wild animal designated under s. 169.11 (1) (a).
- (16) “Humane officer” means an officer appointed under s. 173.03.
- (18) “Introduce” means to release for the purpose of allowing the animal to establish a population in an area

in the wild where that species of animal is not naturally present at the time the wild animal is released.

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

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

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

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

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

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

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

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

(25m) “Pet bird” means a bird that is either a psittacine or a soft bill and that is not native, not identified on the federal list of endangered and threatened species, and not a migratory bird.

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

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

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

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

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

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

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

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

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

(34) “Take” means to capture, but does not include killing.

(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 9 CFR ch. I subch. J.

(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.

169.02 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.

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

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

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

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

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

(2) TEMPORARY POSSESSION. (a) A person possessing a live native wild animal for a period not to exceed 24 hours is exempt from having a license or other approval

as required under sub. (1) (b) if the person is possessing the wild animal for any of the following purposes:

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

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

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

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

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

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

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

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

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

1. Arthropods.
2. Chipmunks.
3. Pocket gophers.
4. Mice.
5. Moles.
6. Mollusks.
7. Opossums.
8. Pigeons.

9. Porcupines.
10. Rats.
11. Shrews.
12. English sparrows.
13. Starlings.
14. Ground squirrels.
15. Red squirrels.
16. Voles.
17. Weasels.

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

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

2. Nonnative wild birds of the family anatidae that are migratory birds.

3. Nonnative wild animals that are harmful wild animals.

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

1. A veterinarian, for the purpose of providing medical treatment to wild animals.

2. A public zoo or aquarium.

3. A circus or the Circus World Museum located in Baraboo, Wisconsin.

4. The department.

5. A person who is licensed under s. 95.68 or 95.71 and who is possessing the wild animal under the authority of the license.

6. A person who is licensed under s. 95.69 and who possesses wild animals for 10 days or less and solely for the purpose of resale or slaughter.

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

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

(b) The possession of native wild reptiles and native wild amphibians is subject to s. 169.12 and not to this section.

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

(2) EXEMPTION FOR CERTAIN WILD ANIMALS. A person is exempt from the requirement under sub. (1) if the wild animal that the person takes from the wild is a native wild animal that is exempt under s. 169.04 (4) (a).

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

1. A veterinarian, for the purpose of providing medical treatment to wild animals.

2. The department.

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

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

(b) The taking of native wild reptiles and native wild amphibians is subject to s. 169.12 and not to this section.

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

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

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

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

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

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

a. The wild birds originate from a flock of a person participating in the national poultry improvement plan under 9 CFR part 145 and any other captive wild birds

with which they have had contact originate from such a flock.

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

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

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

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

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

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

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

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

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

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

(2) **EXEMPTION FOR CERTAIN WILD ANIMALS.** A person is exempt from the requirements under sub. (1) if the wild animal that the person exhibits is a wild animal that is exempt under s. 169.04 (4) (a) or (b).

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

(a) A public zoo or aquarium.

(b) A circus or the Circus World Museum located in Baraboo, Wisconsin.

(c) The department.

(d) A person who is licensed under s. 95.68.

(e) A person who is licensed under s. 95.69 and who possesses wild animals for 10 days or less and solely for the purpose of resale or slaughter.

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

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

(2) **EXEMPTION FOR CERTAIN WILD ANIMALS.** A person is exempt from the requirement under sub. (1) if the wild animal that the person propagates is a wild animal that is exempt under s. 169.04 (4) (a) or (b).

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

(a) A public zoo or aquarium.

(b) A circus or the Circus World Museum located in Baraboo, Wisconsin.

(c) The department.

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

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

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

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

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

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

(a) Any live native wild animal that is not exempt under s. 169.04 (4) (a).

(b) Any live nonnative wild animal that is not exempt under s. 169.04 (4) (b).

(2) **PURCHASE.** (a) Except as provided under par. (b) and except as authorized under a captive wild animal

farm license, a bird hunting preserve license, a bird dog training license, a hound dog training license, a dog club training license, a bird dog trial license, a hound dog trial license, a nonprofit educational exhibiting license, or a stocking license or under s. 29.319, no person may purchase or offer to purchase any of the following:

1. Any live native wild animal that is not exempt under s. 169.04 (4) (a).

2. Any live nonnative wild animal that is not exempt under s. 169.04 (4) (b).

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

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

(a) A public zoo or aquarium.

(b) A circus or the Circus World Museum located in Baraboo, Wisconsin.

(c) The department.

(d) A person who is licensed under s. 95.68 or 95.69.

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

(b) The selling and purchasing of native wild reptiles and native wild amphibians is subject to s. 169.12 and not to this section.

169.11 Harmful wild animals. (1) DESIGNATION.

(a) The department shall designate by rule cougars and members of the family ursidae as harmful wild animals. After consulting with the department of agriculture, trade and consumer protection and the department of health and family services, the department of natural resources may designate by rule other species of wild animals as harmful wild animals if any of the following apply:

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

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

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

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

(c) No person may introduce, stock, or release, or import into this state to introduce, stock, or release, any harmful wild animal unless specifically authorized to do so by the department under s. 169.06 (1) (c).

(3) EXEMPTIONS. (a) Public zoos and aquariums are exempt from the prohibition under sub. (1) (b).

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

2. For purposes of subd. 1., "medical treatment" does not include rehabilitation.

169.12 Sale and purchase of native wild reptiles and wild amphibians. (1) POSSESSION; GENERAL. No person may take from the wild or possess live native wild reptiles or live native wild amphibians unless the person is authorized to do so under rules promulgated by the department or unless sub. (3) applies.

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

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

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

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

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

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

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

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

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

(c) No person may sell or purchase the gallbladder of a bear that was a captive wild animal.

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

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

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

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

(3) **INAPPLICABILITY TO CERTAIN CARCASSES.** (a) Subsections (1) and (2) do not apply to the raw fur or dressed fur of fur-bearing wild animals that are possessed as authorized by a license issued under s. 169.18.

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

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

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

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

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

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

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

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

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

1. The person operated a game bird and animal farm licensed under s. 29.867, 1999 stats., on the effective date of this subdivision [revisor inserts date], that grossed \$10,000 or more in annual sales.

2. The person elects to be issued a Class A captive wild animal farm license.

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

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

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

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

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

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

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

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

(b) Section 29.501 applies to the possession and selling of the raw furs and dressed furs of the fur-bearing wild animals that are possessed as authorized under a wild fur farm license.

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

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

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

(4) **EXEMPTION FROM TRAPPING RESTRICTIONS.** Except as provided in sub. (2) (c), a person trapping fur-bearing wild animals on a wild fur farm is exempt from having any trapping approval issued under ch. 29 and is exempt from any closed season restrictions, bag limits, or other conditions or restrictions established by the department under s. 29.014 (1) or 29.192.

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

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

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

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

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

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

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

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

1. Pheasants of the species *Phasianus colchicus* or the species *Syrnaticus reevesii*.
2. Quail that are of the subfamily *Odontophorinae*.
3. Gray partridge.
4. Chukar partridge.
5. Red-legged partridge.
6. Mallard ducks that are bred in captivity.
7. Wild turkeys, if the wild turkeys are located outside a wild turkey hunting zone established under s. 29.164.

(c) The department shall specify on the license the species of wild birds that the department authorizes under the license.

(3) REGULATION OF NUMBER OF BIRDS. (a) A person holding a bird hunting preserve license may not allow the number of wild birds of a given species in the preserve that are killed or taken in a given year to exceed the number of captive wild birds of that species that have been stocked in the preserve for that license year.

(b) A Class A bird hunting preserve license authorizes the person holding the license to possess any number of the species specified in sub. (2) (b) 2. to 7. and requires the person to stock at least 1,001 adult pheasants in the preserve during the license year.

(c) A Class B bird hunting preserve license authorizes the person holding the license to possess any number of the species specified in sub. (2) (b) 2. to 7. and prohibits the person from stocking more than 1,000 adult pheasants in the preserve. A holder of a Class B bird hunting preserve license possessing pheasants under the

license shall stock a minimum of one adult pheasant per 4 acres that are within the boundaries of the licensed preserve during the license year.

(4) REQUIREMENTS FOR MALLARD DUCKS. A person possessing mallard ducks under the authority of a bird hunting preserve license may possess only mallard ducks that are bred in captivity and shall identify them as required under 50 CFR 21.13 (b). The person shall house the mallard ducks in pens that are covered and maintained to prevent free-roaming wild waterfowl from being attracted to the pens with the mallard ducks that are being bred.

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

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

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

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

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

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

(b) Except as provided in par. (c), a bird dog training license authorizes the holder of the license to purchase, possess, release into the wild, and hunt any of the live captive wild birds specified in s. 169.19 (2) (b) 1. to 6. solely for the purposes of training a dog to retrieve, point, flush, and track game.

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

(d) A person training a bird dog in a bird hunting preserve for which the hunting of pheasant, quail, mallard ducks bred in captivity, or partridge has been authorized

under a bird hunting preserve license is exempt from holding a bird dog training license to possess, release into the wild, and hunt live captive wild birds for the purposes of training the dog to retrieve, point, flush, and track wild birds.

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

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

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

2. Live captive raccoon.

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

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

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

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

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

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

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

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

(2) **HOUND DOG TRIAL LICENSE.** (a) The department shall issue a hound dog trial license to any person who

files a proper application and who pays the applicable fee.

(b) A hound dog trial license authorizes the holder of the license to purchase, possess, release into the wild, and hunt live captive raccoon, live captive rabbit, and live captive bear of the species *Ursus americanus* for any organized competitive field event that involves sporting dog breeds and that is sanctioned, licensed, or recognized by a local, state, regional, or national dog organization.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

169.26 Nonprofit educational exhibiting license.

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

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

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

(3) **AUTHORIZATION; RESTRICTION; TRADING.** (a) A person holding a nonprofit educational exhibiting license

may purchase or propagate only those species of wild animals that the department specifically authorizes on the license.

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

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

169.27 Nonresident temporary exhibiting license.

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

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

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

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

(b) Move live wild animals in mobile facilities that do not meet the rules for housing under s. 169.39.

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

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

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

2. The licenses available under ss. 169.15 to 169.27 do not permit the continuation of an activity that was allowed under the license or permit under s. 29.863, 1999 stats., s. 29.865, 1999 stats., s. 29.867, 1999 stats., s. 29.869, 1999 stats., or s. 29.877, 1999 stats., on the effective date of this subdivision [revisor inserts date], at the location where the activity is being conducted on the effective date of this subdivision [revisor inserts date].

3. The person obtains a license under this chapter for any activity that was allowed under the license or permit under s. 29.863, 1999 stats., s. 29.865, 1999 stats., s. 29.867, 1999 stats., s. 29.869, 1999 stats., or s. 29.877,

1999 stats., on the effective date of this subdivision [revisor inserts date], and for which a license under ss. 169.15 to 169.27 is available.

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

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

2. The person obtained a license under ss. 169.15 to 169.27 for an activity that was allowed under the license or permit under s. 29.863, 1999 stats., s. 29.865, 1999 stats., s. 29.867, 1999 stats., s. 29.869, 1999 stats., or s. 29.877, 1999 stats., on the effective date of this subdivision [revisor inserts date].

3. Rules applicable to licenses available under ss. 169.15 to 169.27 are promulgated so as not to permit the continuation of an activity that was allowed under the license or permit under s. 29.863, 1999 stats., s. 29.865, 1999 stats., s. 29.867, 1999 stats., s. 29.869, 1999 stats., or s. 29.877, 1999 stats., on the effective date of this subdivision [revisor inserts date], at the location where the activity was conducted on the effective date of this subdivision [revisor inserts date].

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

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

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

(4) **AUTHORIZATION; LIMITATIONS.** (a) Except as provided in pars. (c) to (e) and sub. (5), a validation license authorizes the continuation of all activities that the holder of the validation license is authorized to conduct on the effective date of this paragraph [revisor inserts date], under a license or permit issued under s. 29.863, 1999 stats., s. 29.865, 1999 stats., s. 29.867, 1999 stats., s. 29.869, 1999 stats., or s. 29.877, 1999 stats., if the holder is actually engaged in those activities on the effective date of this paragraph [revisor inserts date].

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

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

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

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

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

(b) A validation license is subject to ss. 169.06 (3m), 169.09, 169.11, 169.30, 169.33, 169.34, 169.35, 169.36, 169.37, 169.39, 169.40, 169.42, 169.43, 169.45, and 169.46 and to any applicable provisions under chs. 93 and 95.

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

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

1. Acquires the land that is subject to the validation license.

2. Meets the requirements of this section.

3. Applies to the department for transfer of the validation license, or any portion of the validation license, within 3 months after acquiring the land.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The department shall continue to issue one license under this chapter to a business or other operation that was licensed for certain activities as one legal entity with one set of records under one license under s. 29.865, 1999 stats., s. 29.867, 1999 stats., or s. 29.869, 1999 stats., if the activities for which the license was issued were conducted on noncontiguous land and there is one

license that authorizes all of those activities. The department shall continue to issue the one license until the person holding that one license ceases to be issued a license for the activities or until the person holding the one license issued ceases to have a controlling interest in that business or operation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) A person may apply for a renewal of a license issued under this chapter not more than 45 days after the license's expiration date if the application is accompanied by the late fee specified under s. 169.31 (2), in addition to any regular renewal fee.

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

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

(5) **EXPIRATION OF LICENSE.** A person holding a license issued under this section that expires or is revoked or suspended shall remove or cause to be removed from

the land subject to the license any signs indicating that the land was so licensed within 45 days after the expiration, revocation, or suspension.

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

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

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

(3) **DENIAL OF APPROVALS.** (a) As provided in the memorandum of understanding required under s. 49.857 (2), the department of natural resources shall deny an application to issue or renew, to suspend if already issued, or to otherwise withhold or restrict a license issued under this chapter if the applicant for or the holder of the license is delinquent in making court-ordered payments of child or family support, maintenance, birth expenses, medical expenses, or other expenses related to the support of a child or former spouse or if the applicant or holder fails to comply with a subpoena or warrant issued by the department of workforce development or a county child support agency under s. 59.53 (5) and relating to paternity or child support proceedings.

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

169.35 Denial and revocation of licenses based on tax delinquency. (1) **SOCIAL SECURITY AND IDENTIFICATION NUMBERS REQUIRED.** The department shall require an applicant who is an individual to provide his or her social security number and an applicant who is not an individual to provide the applicant's federal employer identification number as a condition of applying for, or applying to renew, any of the following licenses:

(a) A captive wild animal farm license.

(b) A wild fur farm license.

(c) A bird hunting preserve license.

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

(3) **DENIAL AND REVOCATION.** The department of natural resources shall deny an application to issue or renew, or shall revoke if already issued, a license specified in

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

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

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

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

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

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

(b) *Records; additional requirements; exemptions.*

1. A person holding a bird hunting preserve license is exempt from keeping the records required under par. (a) 1. a. for those wild birds that are killed on the land subject to the license.

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

(2) WILD FUR FARM LICENSES. Each person holding a wild fur farm license shall keep a correct and complete record of the complete name and address and the number of any license issued under this chapter of each person to whom the license holder sells a live fur-bearing wild animal.

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

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

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

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

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

(e) Health records as required by the department.

(4) DOG TRAINING AND TRIAL LICENSES. Each person holding a bird dog training license, a hound dog training

license, a dog club training license, a bird dog trial license, or a hound dog trial license shall keep a receipt of the purchase of each wild animal purchased under the authority of the license and a correct and complete record of any testing for disease on these wild animals that is required under rules promulgated under s. 169.06 (3m).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(10m) PRIOR RECORDS. A person required to keep records or reports under s. 29.853 (3) (b), 1999 stats., 29.855 (3) (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].

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

169.37 Inspections. (1) DEPARTMENTAL AUTHORITY. For purposes of enforcing this chapter and the rules promulgated under this chapter with respect to a person who is required to have a license or maintain records under this chapter, a conservation warden or representative of the department, 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 live wild animals are possessed or where carcasses of wild animals are possessed.

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

(c) Gain access to and inspect any records required to be kept under s. 169.36.

(d) Investigate and inspect any wild animal or any other animal to be introduced, stocked, or released into the wild. Inspection under this paragraph may include the removal of reasonable diagnostic samples from wild animals for biological examination.

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

(a) Normal business hours.

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

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

(3) PROHIBITING INSPECTIONS. No person who has been requested to submit to an inspection under this section or s. 169.38 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 or s. 169.38 unless a court restrains or enjoins the entry or inspection.

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

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

169.38 Inspections of items subject to regulation by the department of agriculture, trade and consumer protection. (1) DEPARTMENTAL AUTHORITY. For purposes of enforcing s. 90.21 and rules promulgated under that section and ch. 29 and rules promulgated under that chapter, with respect to a person who keeps farm-raised deer that are white-tailed deer, and for purposes of enforcing this chapter and ch. 29 and rules promulgated under this chapter and ch. 29, with respect to a person who keeps farm-raised game birds or wild animals under a license issued under s. 95.68, 95.69, or 95.71, a conservation warden or representative of the department, 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 white-tailed deer, farm-raised game birds, or wild animals are possessed or where carcasses of white-tailed deer, farm-raised game birds, or wild animals are possessed.

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

(c) Gain access to and inspect any records that relate to farm-raised deer that are white-tailed deer and that are required to be kept under s. 93.07 (10), 95.55, or 169.36 (10m) or any rules promulgated under those sections.

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

(e) Gain access to and inspect any records relating to wild animals required to be kept under s. 93.07 (10), 95.68, 95.69, 95.71, or 169.36 (10m) or any rules promulgated under those sections.

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

(a) Normal business hours.

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

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

(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 established by rule under s. 90.21 (6).

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

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

(a) That the wild animals receive humane treatment and enrichment.

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

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

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

(3) RULES; HOUSING. The rules for housing under sub. (2) shall include requirements for the size and location of permanent enclosures and of temporary enclosures at locations other than those where the wild animals are permanently housed. The rules regulating the location of enclosures shall include the distance required between 2 enclosures. The rules for housing shall include specifications for enclosures for each species of harmful wild animal that the department designates under s. 169.11 (1).

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

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

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

(a) An abandoned or stray captive wild animal.

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

(c) A wild animal possessed, taken, introduced, stocked, released, exhibited, propagated, rehabilitated, hunted, sold, or purchased in violation of this chapter, any rule promulgated under this chapter, or any ordinance enacted under s. 169.43.

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

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

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

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

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

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

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

(k) A wild animal that is being housed or held in violation of s. 169.39.

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

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

169.43 Local ordinances. A municipality or county may enact and enforce an ordinance that prohibits the possession or selling of live wild animals.

169.45 Penalties; revocations. (1) DEFINITION. In this section, "violation of this chapter" means a violation of this chapter or any rule promulgated under this chapter.

(2) PENALTIES. For a violation of this chapter, a person shall be subject to a forfeiture of not more than \$200, except as follows:

(a) *Possession.* For possessing any live wild animal, or a carcass of a wild animal, in violation of this chapter, a person shall forfeit not less than \$100 nor more than \$500.

(b) *Sale or purchase.* For selling or purchasing any live wild animal in violation of this chapter, a person shall be fined not less than \$100 nor more than \$2,000 or imprisoned for not more than 6 months or both.

(c) *Possession, sale, release, and descending of live skunks.* For possessing, selling, purchasing, descending, introducing, stocking, or releasing into the wild a live skunk in violation of this chapter, a person shall forfeit not less than \$100 nor more than \$1,000. This penalty shall apply in lieu of the penalties under pars. (a) and (b).

(d) *Taking of bear and deer.* For taking bear or deer from the wild in violation of s. 169.05, or a rule promulgated thereunder, a person shall be fined not less than

\$1,000 nor more than \$2,000 or imprisoned for not more than 6 months or both.

(e) *Harmful wild animals.* For a violation of s. 169.11 (2) (b) or (c), a person shall be fined not less than \$500 nor more than \$5,000 or imprisoned for not more than 6 months or both.

(g) *Obtaining license during period of revocation.* For obtaining any license under this chapter during the period of time when that license is revoked or suspended by any court, a person shall be fined not more than \$200 or imprisoned for not more than 90 days or both.

(3) **PENALTY; VIOLATION OF ORDER.** Any person who fails to comply with an order issued under s. 169.39 (4) within 10 days after its issuance is subject to a forfeiture of not more than \$200.

(4) **DIMINISHED PENALTIES.** No penalty imposed under sub. (2) shall be held to be diminished because the violation for which it is imposed falls also within the scope of a more general prohibition.

(5) **PENALTIES; REPEATERS.** If a person is convicted of any violation of this chapter and it is alleged in the indictment, information, or complaint, and proved or admitted at trial or ascertained by the court after conviction that the person was previously convicted within a period of 5 years for a violation of this chapter, the person shall be subject to all of the following in addition to the penalty for the current violation:

(a) The person shall be fined not more than \$100 or imprisoned for not more than 6 months or both.

(b) For violations under sub. (2) (a), (b), (d), and (e), the court shall revoke all of the licenses issued to the person under this chapter, and the department may not issue any license under this chapter to the person for a period of one year after the current conviction.

(6) **COURT REVOCATIONS AND SUSPENSIONS.** In addition to or in lieu of any other penalty for violation of this chapter, the court may revoke or suspend any privilege or license under this chapter for a period of up to 3 years.

(7) **REVOCATIONS BY THE DEPARTMENT.** In addition to revocations under subs. (5) (b) and (6), the department may revoke any license to which any of the following applies:

(a) The department determines that the license was fraudulently procured, erroneously issued, or otherwise prohibited by law.

(b) The department determines that the person holding the license is not in compliance with this chapter or with a rule promulgated under this chapter.

(8) **PROHIBITIONS DURING PERIODS OF SUSPENSION OR REVOCATION.** (a) Any person who has had a license or privilege under this chapter revoked or suspended and who engages in the activity authorized by the license or in the privilege during the period of revocation or suspension is subject to the following penalties, in addition to any other penalty imposed for failure to have a license:

1. For the first conviction, the person shall forfeit not less than \$300 nor more than \$500.

2. If the number of convictions in a 5-year period equals 2 or more, the person shall be fined not less than \$500 nor more than \$1,000.

(b) The 5-year period under par. (a) 2. shall be measured from the dates of the violations which resulted in the convictions.

(9) **PARTIES TO A VIOLATION.** (a) Whoever is concerned in the commission of a violation of this chapter is a principal and may be charged with and convicted of the violation of this chapter although he or she did not directly commit it and although the person who directly committed it has not been convicted of the violation of this chapter.

(b) A person is concerned in the commission of the violation of this chapter if the person does any of the following:

1. Directly commits the violation of this chapter.

2. Aids and abets the commission of the violation of this chapter.

3. Is a party to a conspiracy with another to commit the violation of this chapter or advises, hires, or counsels or otherwise procures another to commit it.

169.46 Natural resources assessments and restitution payments. (1) **NATURAL RESOURCES ASSESSMENTS.** (a) If a court imposes a fine or forfeiture for a violation of this chapter or a rule promulgated under this chapter, the court shall impose a natural resources assessment equal to 75% of the amount of the fine or forfeiture.

(b) If a fine or forfeiture is suspended in whole or in part, the natural resources assessment shall be reduced in proportion to the suspension.

(c) If any deposit is made for an offense to which this subsection applies, the person making the deposit shall also deposit a sufficient amount to include the natural resources assessment prescribed in this subsection. If the deposit is forfeited, the amount of the natural resources assessment shall be transmitted to the state treasurer under par. (d). If the deposit is returned, the natural resources assessment shall also be returned.

(d) The clerk of the court shall collect and transmit to the county treasurer the natural resources assessment and other amounts required under s. 59.40 (2) (m). The county treasurer shall then make payment to the state treasurer as provided in s. 59.25 (3) (f) 2. The state treasurer shall deposit the amount of the natural resources assessment in the conservation fund.

(e) All moneys collected from natural resources assessments shall be deposited in the conservation fund and credited to the appropriation under s. 20.370 (3) (mu).

(2) **NATURAL RESOURCES RESTITUTION PAYMENTS.** (a) If a court imposes a fine or forfeiture for a violation of this chapter for failure to obtain a license required under this

chapter, the court shall impose a natural resources restitution payment equal to the amount of the fee for the license that was required and should have been obtained.

(b) If a fine or forfeiture is suspended in whole or in part, the natural resources restitution payment shall be reduced in proportion to the suspension unless the court directs otherwise.

(c) If any deposit is made for an offense to which this subsection applies, the person making the deposit shall also deposit a sufficient amount to include the natural resources restitution payment prescribed in this subsection. If the deposit is forfeited, the amount of the natural resources restitution payment shall be transmitted to the state treasurer under par. (d). If the deposit is returned, the natural resources restitution payment shall also be returned.

(d) The clerk of the court shall collect and transmit to the county treasurer the natural resources restitution payment and other amounts required under s. 59.40 (2) (m). The county treasurer shall then make payment to the state treasurer as provided in s. 59.25 (3) (f) 2. The state treasurer shall deposit the amount of the natural resources restitution payment in the conservation fund.

(e) All moneys collected from natural resources restitution payments shall be deposited in the conservation fund and credited to the appropriation account under s. 20.370 (3) (mu).

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

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

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

174.001 (3) “Livestock” means any horse, bovine, sheep, goat, pig, elk ~~or other deer raised in captivity~~, llama, alpaca, domestic rabbit, farm-raised deer, as defined in s. 95.001 (1) ~~(a) (ag)~~, or domestic fowl, including game fowl raised in captivity any farm-raised game bird, as defined in s. 169.01 (12m).

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

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

814.60 (2) (e) Natural resources restitution payment imposed by s. 169.46 (2) or 29.989.

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

895.57 (3) Subsection (2) does not apply to any humane officer, local health officer, peace officer, employee of the department of natural resources while on any land licensed under s. ~~29.865, 29.867, 29.869 or 29.871~~ 169.15, 169.18, or 169.19, subject to certification under s. 90.21, or designated as a wildlife refuge under s. 29.621 (1) or employee of the department of agriculture, trade and consumer protection if the officer’s or

employee’s acts are in good faith and in an apparently authorized and reasonable fulfillment of his or her duties.

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

943.75 (3) Subsections (2) and (2m) do not apply to any humane officer, local health officer, peace officer, employee of the department of natural resources while on any land licensed under s. ~~29.865, 29.867, 29.869 or 29.871~~ 169.15, 169.18, or 169.19, subject to certification under s. 90.21, or designated as a wildlife refuge under s. 29.621 (1) or employee of the department of agriculture, trade and consumer protection if the officer’s or employee’s acts are in good faith and in an apparently authorized and reasonable fulfillment of his or her duties. This subsection does not limit any other person from claiming the defense of privilege under s. 939.45 (3).

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

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

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

951.015 (1) This chapter may not be interpreted as controverting any law regulating wild animals that are subject to regulation under ch. 169, the taking of ~~a wild animal~~ wild animals, as defined in s. 29.001 (90), the ~~trapping of animals, the use of live animals in dog trials or in the training of hunting dogs~~ or the slaughter of animals by persons acting under state or federal law.

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

951.015 (2) For purposes of enforcing this chapter as to wild animals subject to regulation under ch. 169, a conservation warden has the same powers and duties that a law enforcement officer has under this chapter.

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

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

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

951.09 (2) (a) Whoever is concerned in the commission of a violation of this section is a principal and may be charged with and convicted of the violation although he or she did not directly commit it and although the per-

son who directly committed it has not been convicted of the violation.

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

1. Instigates, promotes, aids, or abets the violation as a principal, agent, employee, participant, or spectator.
2. Participates in any earnings from the commission of the violation.
3. Intentionally maintains or allows any place to be used for the commission of the violation.

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

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

(b) A captive wild bird that is shot, killed, or wounded on a bird hunting preserve licensed under s. 169.19.

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

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

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

951.18 (4) (a) 2. A sentencing court shall require a criminal violator to pay restitution to a person, including any local humane officer or society or county or municipal pound or a law enforcement officer or conservation warden, for any pecuniary loss suffered by the person as a result of the crime, including expenses in keeping any animal that is involved in the crime. This requirement applies regardless of whether the criminal violator is placed on probation under s. 973.09. If restitution is ordered, the court shall consider the financial resources and future ability of the criminal violator to pay and shall determine the method of payment. Upon the application of any interested party, the court shall schedule and hold an evidentiary hearing to determine the value of any pecuniary loss under this paragraph.

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

951.18 (4) (b) 1. A sentencing court may order that an animal be delivered to the local humane officer or society or the county or municipal pound or to a law enforcement officer if a person commits a crime under this chapter, the person is the owner of the animal that is involved in the crime and the court considers the order to be reasonable and appropriate. A sentencing court may order that an animal be delivered to the department of natural resources, if the animal is a wild animal that is subject to regulation under ch. 169 and the court considers the order to be reasonable and appropriate. The society, pound ~~or~~ officer or department of natural resources shall release the animal to a person other than the owner or dispose of the animal in a proper and humane manner. If the animal is a dog, the release or disposal shall be in accordance with s. 173.23 (1m), except that the fees under s.

173.23 (1m) (a) 4. do not apply if the expenses are covered under s. 173.24. If the animal is not a dog, the society, pound or officer may charge a fee for the release of the animal.

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

973.05 (1) When a defendant is sentenced to pay a fine, the court may grant permission for the payment of the fine, of the penalty assessment imposed by s. 757.07, the jail assessment imposed by s. 302.46 (1), the crime victim and witness assistance surcharge under s. 973.045, the crime laboratories and drug law enforcement assessment imposed by s. 165.755, any applicable deoxyribonucleic acid analysis surcharge under s. 973.046, any applicable drug abuse program improvement surcharge imposed by s. 961.41 (5), any applicable consumer information assessment imposed by s. 100.261, any applicable domestic abuse assessment imposed by s. 971.37 (1m) (c) 1. or 973.055, any applicable driver improvement surcharge imposed by s. 346.655, any applicable enforcement assessment imposed by s. 253.06 (4) (c), any applicable weapons assessment imposed by s. 167.31, any applicable uninsured employer assessment imposed by s. 102.85 (4), any applicable environmental assessment imposed by s. 299.93, any applicable wild animal protection assessment imposed by s. 29.983, any applicable natural resources assessment imposed by s. 29.987 or 169.46 (1) and any applicable natural resources restitution payment imposed by s. 29.989 or 169.46 (2) to be made within a period not to exceed 60 days. If no such permission is embodied in the sentence, the fine, the penalty assessment, the jail assessment, the crime victim and witness assistance surcharge, the crime laboratories and drug law enforcement assessment, any applicable deoxyribonucleic acid analysis surcharge, any applicable drug abuse program improvement surcharge, any applicable consumer information assessment, any applicable domestic abuse assessment, any applicable driver improvement surcharge, any applicable enforcement assessment, any applicable weapons assessment, any applicable uninsured employer assessment, any applicable environmental assessment, any applicable wild animal protection assessment, any applicable natural resources assessment and any applicable natural resources restitution payment shall be payable immediately.

SECTION 240. Nonstatutory provisions.

(1) In this SECTION:

(a) “Livestock” means bovine animals, sheep, goats, swine, farm-raised deer, and equine animals.

(b) “Wild animal” means a wild animal that is subject to regulation under chapter 169 of the statutes, as created by this act.

(2) Any livestock market license and any livestock vehicle registration issued under section 95.68, 1999 stats., shall remain valid until its expiration date and shall

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allow the trading and transport of wild animals as well as livestock in the manner authorized under the license until that date.

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

(4) Any livestock trucker license and any livestock

vehicle registration issued under section 95.71, 1999 stats., shall remain valid until its expiration date and shall allow the transporting for hire of wild animals as well as livestock in the manner authorized under the license until that date.

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

(1) The treatment of sections 169.015, 169.29, 169.34, and 169.35 of the statutes takes effect on the day after publication.
