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1 **(39)** “Wild reptile” means a wild animal that is a reptile.

2 **169.02 Title to wild animals.** **(1) TITLE VESTED IN OWNER.** Except as provided
3 in sub. (3), legal title to a live captive wild animal or the carcass of a captive wild
4 animal is vested in the person who owns the wild animal if the person is in
5 compliance with this chapter and the rules promulgated under this chapter. A
6 person holding legal title may transfer without consideration the live captive wild
7 animal or the carcass of the captive wild animal to a person who is in compliance with
8 this chapter and the rules promulgated under this chapter. A person holding legal
9 title to a live captive wild animal may kill it, or have it killed, in a humane manner.

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

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

20 **169.03 Interagency cooperation.** The department of natural resources and
21 the department of agriculture, trade and consumer protection shall cooperate with
22 each other with respect to any wild animal that is subject to regulation under this
23 chapter and under ch. 93 or 95.

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1 **169.04 Possession of live wild animals. (1) RESTRICTIONS ON POSSESSION.**

2 (a) No person may possess any live wild animal unless the wild animal is legally
3 obtained.

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

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

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

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

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

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

24 (d) If a live wild animal has been exposed to or infected with any contagious or
25 infectious disease, as defined under rules promulgated by the department of

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1 agriculture, trade and consumer protection under s. 95.001 (2), during the time the
2 wild animal is being temporarily possessed, the person possessing the wild animal
3 shall ensure that a veterinarian files with the department of agriculture, trade and
4 consumer protection a copy of a valid certificate of veterinary inspection that certifies
5 that the wild animal is free of any such diseases before releasing it into the wild.

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

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

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

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

- 19 1. Arthropods.
- 20 2. Chipmunks.
- 21 3. Pocket gophers.
- 22 4. Mice.
- 23 5. Moles.
- 24 6. Mollusks.
- 25 7. Opossums.

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- 1 8. Pigeons.
- 2 9. Porcupines.
- 3 10. Rats.
- 4 11. Shrews.
- 5 12. English sparrows.
- 6 13. Starlings.
- 7 14. Ground squirrels.
- 8 15. Red squirrels.
- 9 16. Voles.
- 10 17. Weasels.

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

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

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

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

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

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

25 2. A public zoo or aquarium.

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

2 4. The department.

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

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

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

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

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

13 **169.05 Taking of wild animals. (1) REQUIREMENT.** No person may take any
14 wild animal from the wild except as authorized under a bird hunting preserve
15 license, a wild fur farm license, a rehabilitation license, or a scientific research
16 license or under s. 29.319.

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

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

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

24 2. The department.

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

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

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

7 **169.06 Introduction, stocking, and release of wild animals. (1)**
8 **REQUIREMENT; PERSONS OTHER THAN THE DEPARTMENT.** (a) No person may introduce,
9 stock, or release into the wild, or import into this state to introduce, stock, or release
10 into the wild, any wild animal except as authorized under a bird hunting preserve
11 license, a bird dog training license, a hound dog training license, a dog club training
12 license, a bird dog trial license, a hound dog trial license, a stocking license, a
13 rhabilitation license, or a scientific research license or under s. 29.319.

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

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

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

24 1. If a wild animal has been exposed to or infected with any contagious or
25 infectious disease, as defined under rules promulgated by the department of

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1 agriculture, trade and consumer protection under s. 95.001 (2), the person
2 introducing, stocking, or releasing the wild animal shall ensure that a veterinarian
3 files a copy of a valid certificate of veterinary inspection with the department of
4 agriculture, trade and consumer protection certifying that the wild animal is free of
5 any such diseases before the introducing, stocking, or release.

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

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

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

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

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

24 (3m) INTRODUCTION REQUIREMENTS. (a) The department may promulgate rules
25 to establish the following:

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

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

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

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

9 **169.07 Exhibition of live wild animals.** (1) REQUIREMENT. (a) No person
10 may exhibit any captive live native wild animal or any captive live nonnative wild
11 animal of the family ursidae except as authorized under a captive wild animal farm
12 license, a rehabilitation license, a nonprofit educational exhibiting license, or a
13 nonresident temporary exhibiting license or under s. 29.319.

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

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

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

22 (a) A public zoo or aquarium.

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

24 (c) The department.

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

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1 (e) A person who is licensed under s. 95.69 and who possesses wild animals for
2 10 days or less and solely for the purpose of resale or slaughter.

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

5 **169.08 Propagation of wild animals. (1) REQUIREMENT.** No person may
6 propagate any native wild animal or any nonnative wild animal of the family ursidae
7 except as authorized under a captive wild animal farm license, a bird hunting
8 preserve license, a wild fur farm license, a nonprofit educational exhibiting license,
9 or a scientific research license.

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

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

15 (a) A public zoo or aquarium.

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

17 (c) The department.

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

20 **169.085 Rehabilitation of wild animals. (1) REQUIREMENT.** No person may
21 rehabilitate any wild animal except as authorized under a rehabilitation license.

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

24 **169.09 Hunting of captive wild animals. (1) REQUIREMENT; GENERALLY.** No
25 person may hunt a captive wild animal except as authorized under a bird hunting

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1 preserve license, a bird dog training license, a hound dog training license, a dog club
2 training license, a bird dog trial license, or a hound dog trial license.

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

6 **169.10 Sale and purchase of live wild animals.** (1) SALE. Except as
7 authorized under a captive wild animal farm license, a bird hunting preserve license,
8 a wild fur farm license, or a nonprofit educational exhibiting license or under s.
9 29.319, no person may sell or offer to sell any of the following:

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

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

12 (2) PURCHASE. (a) Except as provided under par. (b) and except as authorized
13 under a captive wild animal farm license, a bird hunting preserve license, a bird dog
14 training license, a hound dog training license, a dog club training license, a bird dog
15 trial license, a hound dog trial license, a nonprofit educational exhibiting license, or
16 a stocking license or under s. 29.319, no person may purchase or offer to purchase
17 any of the following:

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

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

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

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

25 (a) A public zoo or aquarium.

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

2 (c) The department.

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

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

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

8 **169.11 Harmful wild animals.** (1) DESIGNATION. (a) The department shall
9 designate by rule cougars and members of the family ursidae as harmful wild
10 animals. After consulting with the department of agriculture, trade and consumer
11 protection and the department of health and family services, the department of
12 natural resources may designate by rule other species of wild animals as harmful
13 wild animals if any of the following apply:

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

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

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

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

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

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

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

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

6 **169.12 Sale and purchase of native wild reptiles and wild amphibians.**

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

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

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

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

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

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

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

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

5 **169.14 Carcasses of captive wild animals. (1) RESTRICTIONS ON SALES AND**
6 **PURCHASES.** (a) No person may sell the carcass of any captive wild animal unless the
7 seller provides to the purchaser written proof of origin.

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

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

13 (d) No person may preserve and mount a carcass of a captive wild animal for
14 consideration unless that person holds a valid taxidermist permit issued under s.
15 29.506.

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

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

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

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

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

9 **169.15 Captive wild animal farm licenses.** (1) **ISSUANCE.** (a) The
10 department shall issue a Class A captive wild animal farm license to operate a
11 captive wild animal farm that grosses \$10,000 or more in annual sales to any person
12 who files a proper application for the license and who pays the applicable fee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (4) **EXEMPTION FROM TRAPPING RESTRICTIONS.** Except as provided in sub. (2) (c),
25 a person trapping fur-bearing wild animals on a wild fur farm is exempt from having

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1 any trapping approval issued under ch. 29 and is exempt from any closed season
2 restrictions, bag limits, or other conditions or restrictions established by the
3 department under s. 29.014 (1) or 29.192.

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

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

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

10 **169.19 Bird hunting preserve licenses. (1) ISSUANCE.** The department
11 shall issue a Class A or a Class B bird hunting preserve license to any person who
12 files a proper application and who pays the applicable fee.

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

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

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

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

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

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

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1 3. Gray partridge.

2 4. Chukar partridge.

3 5. Red-legged partridge.

4 6. Mallard ducks that are bred in captivity.

5 7. Wild turkeys, if the wild turkeys are located outside a wild turkey hunting
6 zone established under s. 29.164.

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

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

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

17 (c) A Class B bird hunting preserve license authorizes the person holding the
18 license to possess any number of the species specified in sub. (2) (b) 2. to 7. and
19 prohibits the person from stocking more than 1,000 adult pheasants in the preserve.
20 A holder of a Class B bird hunting preserve license possessing pheasants under the
21 license shall stock a minimum of one adult pheasant per 4 acres that are within the
22 boundaries of the licensed preserve during the license year.

23 **(4) REQUIREMENTS FOR MALLARD DUCKS.** A person possessing mallard ducks
24 under the authority of a bird hunting preserve license may possess only mallard
25 ducks that are bred in captivity and shall identify them as required under 50 CFR

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1 21.13 (b). The person shall house the mallard ducks in pens that are covered and
2 maintained to prevent free-roaming wild waterfowl from being attracted to the pens
3 with the mallard ducks that are being bred.

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

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

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

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

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

22 **169.20 Dog training licenses.** (1) BIRD DOG TRAINING LICENSE. (a) The
23 department shall issue a bird dog training license to any individual who is at least
24 12 years of age who files a proper application and who pays the applicable fee.

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

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

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

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

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

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

22 2. Live captive raccoon.

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

24 (3) DOG CLUB TRAINING LICENSE. (a) The department may issue a dog club
25 training license to an organization that meets the conditions established by the

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1 department by rule for dog club training licenses, that files a proper application and
2 that pays the applicable fee.

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

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

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

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

16 **169.21 Dog trial licenses. (1) BIRD DOG TRIAL LICENSE.** (a) The department
17 shall issue a bird dog trial license to any person who files a proper application and
18 who pays the applicable fee.

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

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

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

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

10 **169.23 Stocking license. (1) ISSUANCE.** The department may issue stocking
11 licenses. If the department issues stocking licenses, it shall issue a stocking license
12 to any person who files a proper application and who pays the applicable fee.

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

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

19 **169.24 Rehabilitation license. (1) ISSUANCE.** The department shall issue
20 a rehabilitation license to rehabilitate wild animals to any individual who is at least
21 18 years of age, who meets the qualifications under rules promulgated under sub. (2),
22 and who files a proper application.

23 (2) QUALIFICATIONS; RULES. The department shall promulgate rules to establish
24 the qualifications required to obtain a rehabilitation license, the types of activities
25 authorized by a rehabilitation license and the standards, limitations, and

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1 requirements for rehabilitation licenses. The department may promulgate rules to
2 establish standards for exempting an individual from any of these rules or from any
3 provisions under this chapter.

4 **169.25 Scientific research license. (1) ISSUANCE.** (a) The department shall
5 issue a scientific research license to any person who is engaged in a study or in
6 research that the department determines will lead to increased, useful scientific
7 knowledge and who files a proper application and who pays the applicable fee.

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

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

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

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

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

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

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

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

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

14 **169.26 Nonprofit educational exhibiting license.** (1) **ISSUANCE.** The
15 department shall issue a nonprofit educational exhibiting license to any nature
16 center, aquarium, or educational institution if the center, aquarium, or institution
17 is a nonstock, nonprofit corporation described under section 501 (c) (3) or (4) of the
18 Internal Revenue Code and exempt from taxation under section 501 (a) of the
19 Internal Revenue Code and if the center, aquarium, or institution files a proper
20 application and pays the applicable fee.

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

23 (a) Possess and exhibit live wild animals.

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

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

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

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

10 **169.27 Nonresident temporary exhibiting license.** **(1) ISSUANCE.** The
11 department shall issue a nonresident temporary exhibiting license to any individual
12 who is a nonresident or to any business organization that is not organized under the
13 laws of this state, if the individual or organization meets the requirement under sub.
14 **(2),** files a proper application, and pays the applicable fee.

15 **(2) FEDERAL REQUIREMENT.** An applicant for a nonresident temporary exhibiting
16 license shall hold any license or permit that may be required under 7 USC 2131 to
17 2159 at the time the department issues the applicant the license.

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

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

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

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

4 **169.29 Validation licenses. (1) ELIGIBILITY. (a) Initial validation license.**
5 A person to whom all of the following conditions apply is eligible for an initial
6 validation license:

7 1. The person has a license or permit under s. 29.863, 1999 stats., s. 29.865,
8 1999 stats., s. 29.867, 1999 stats., s. 29.869, 1999 stats., or s. 29.877, 1999 stats., on
9 the effective date of this subdivision [revisor inserts date].

10 2. The licenses available under ss. 169.15 to 169.27 do not permit the
11 continuation of an activity that was allowed under the license or permit under s.
12 29.863, 1999 stats., s. 29.865, 1999 stats., s. 29.867, 1999 stats., s. 29.869, 1999 stats.,
13 or s. 29.877, 1999 stats., on the effective date of this subdivision [revisor inserts
14 date], at the location where the activity is being conducted on the effective date of this
15 subdivision [revisor inserts date].

16 3. The person obtains a license under this chapter for any activity that was
17 allowed under the license or permit under s. 29.863, 1999 stats., s. 29.865, 1999
18 stats., s. 29.867, 1999 stats., s. 29.869, 1999 stats., or s. 29.877, 1999 stats., on the
19 effective date of this subdivision [revisor inserts date], and for which a license
20 under ss. 169.15 to 169.27 is available.

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

23 1. The person had a license or permit under s. 29.863, 1999 stats., s. 29.865,
24 1999 stats., s. 29.867, 1999 stats., s. 29.869, 1999 stats., or s. 29.877, 1999 stats., on
25 the effective date of this subdivision [revisor inserts date].

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

5 3. Rules applicable to licenses available under ss. 169.15 to 169.27 are
6 promulgated so as not to permit the continuation of an activity that was allowed
7 under the license or permit under s. 29.863, 1999 stats., s. 29.865, 1999 stats., s.
8 29.867, 1999 stats., s. 29.869, 1999 stats., or s. 29.877, 1999 stats., on on the effective
9 date of this subdivision [revisor inserts date], at the location where the activity
10 was conducted on the effective date of this subdivision [revisor inserts date].

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

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

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

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

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1 1999 stats., s. 29.865, 1999 stats., s. 29.867, 1999 stats., s. 29.869, 1999 stats., or s.
2 29.877, 1999 stats., if the holder is actually engaged in those activities on the
3 effective date of this paragraph [revisor inserts date].

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

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

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

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

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

22 (b) A validation license is subject to ss. 169.06 (3m), 169.09, 169.11, 169.30,
23 169.33, 169.34, 169.35, 169.36, 169.37, 169.39, 169.40, 169.42, 169.43, 169.45, and
24 169.46 and to any applicable provisions under chs. 93 and 95.

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

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

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

6 2. Meets the requirements of this section.

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

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

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

14 **169.30 Endangered or threatened species.** No person may take from the
15 wild, introduce, stock, release into the wild, exhibit, propagate, rehabilitate, hunt,
16 sell, purchase, transfer, or engage in any other activity related to a live wild animal
17 that is an endangered or threatened species unless the person is in compliance with
18 this chapter, the rules promulgated under this chapter, and s. 29.604.

19 **169.31 License and tag fees. (1) FEES.** The following fees shall be paid to
20 the department for the issuance or renewal of licenses:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 **169.32 Licenses; effective periods. (1) CAPTIVE WILD ANIMAL FARM LICENSE.**

2 A captive wild animal farm license is valid from the date of issuance until the
3 following December 31.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 **169.33 Licenses; applications; renewals; terminations. (1) APPLICATION.**
10 The application for a license under this chapter shall be on a form provided by the
11 department or in a format approved by the department, and shall request the
12 information required by the department. The department may not issue a license
13 unless the applicant provides the information required.

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

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

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

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

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

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

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

8 (4m) INCORRECT RECORDS OR REPORTS. No person may fail to keep records or
9 submit reports as required under this chapter.

10 (5) EXPIRATION OF LICENSE. A person holding a license issued under this section
11 that expires or is revoked or suspended shall remove or cause to be removed from the
12 land subject to the license any signs indicating that the land was so licensed within
13 45 days after the expiration, revocation, or suspension.

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

16 **169.34 Denial and revocation of licenses based on child support**
17 **delinquency.** (1) SOCIAL SECURITY NUMBERS REQUIRED. The department shall
18 require an applicant who is an individual to provide his or her social security number
19 as a condition of applying for, or applying to renew, any license issued under this
20 chapter.

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

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

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

15 **169.35 Denial and revocation of licenses based on tax delinquency. (1)**
16 **SOCIAL SECURITY AND IDENTIFICATION NUMBERS REQUIRED.** The department shall
17 require an applicant who is an individual to provide his or her social security number
18 and an applicant who is not an individual to provide the applicant's federal employer
19 identification number as a condition of applying for, or applying to renew, any of the
20 following licenses:

21 (a) A captive wild animal farm license.

22 (b) A wild fur farm license.

23 (c) A bird hunting preserve license.

24 **(2) DISCLOSURE OF NUMBERS.** The department of natural resources may not
25 disclose any information received under sub. (1) to any person except to the

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1 department of revenue for the sole purpose of making certifications required under
2 s. 73.0301.

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

8 **169.36 Record-keeping and reporting requirements.** (1) CAPTIVE WILD
9 ANIMAL FARM LICENSES, BIRD HUNTING PRESERVE LICENSES, AND NONPROFIT EDUCATIONAL
10 EXHIBITING LICENSES. (a) *Records; generally.* Each person holding a captive wild
11 animal farm license, a bird hunting preserve license, or a nonprofit educational
12 exhibiting license shall keep a correct and complete record of all of the following
13 information:

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

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

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

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

22 (b) *Records; additional requirements; exemptions.* 1. A person holding a bird
23 hunting preserve license is exempt from keeping the records required under par. (a)

24 1. a. for those wild birds that are killed on the land subject to the license.

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

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

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

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

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

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

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

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

18 **(4) DOG TRAINING AND TRIAL LICENSES.** Each person holding a bird dog training
19 license, a hound dog training license, a dog club training license, a bird dog trial
20 license, or a hound dog trial license shall keep a receipt of the purchase of each wild
21 animal purchased under the authority of the license and a correct and complete
22 record of any testing for disease on these wild animals that is required under rules
23 promulgated under s. 169.06 (3m).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (10m) PRIOR RECORDS. A person required to keep records or reports under s.
19 29.853 (3) (b), 1999 stats., 29.855 (3) (c), 1999 stats., s. 29.865 (4) (b), 1999 stats.,
20 29.867 (8), 1999 stats., s. 29.869 (9), 1999 stats., s. 29.871, 1999 stats., or s. 29.877
21 (6), 1999 stats., shall maintain copies of the records and reports that are in existence
22 on the effective date of this subsection [revisor inserts date] for a period of 3 years
23 beginning on the effective date of this subsection [revisor inserts date].

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

4 **169.37 Inspections. (1) DEPARTMENTAL AUTHORITY.** For purposes of enforcing
5 this chapter and the rules promulgated under this chapter with respect to a person
6 who is required to have a license or maintain records under this chapter, a
7 conservation warden or representative of the department, upon presenting his or her
8 credentials to that person, may do any of the following:

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

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

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

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

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

20 (a) Normal business hours.

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

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

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1 (3) PROHIBITING INSPECTIONS. No person who has been requested to submit to
2 an inspection under this section or s. 169.38 or an operator of a vehicle for such a
3 person, or employee or person acting on behalf of such a person, may prohibit entry
4 as authorized under this section or s. 169.38 unless a court restrains or enjoins the
5 entry or inspection.

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

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

12 **169.38 Inspections of items subject to regulation by the department of**
13 **agriculture, trade and consumer protection.** (1) DEPARTMENTAL AUTHORITY. For
14 purposes of enforcing s. 90.21 and rules promulgated under that section and ch. 29
15 and rules promulgated under that chapter, with respect to a person who keeps
16 farm-raised deer that are white-tailed deer, and for purposes of enforcing this
17 chapter and ch. 29 and rules promulgated under this chapter and ch. 29, with respect
18 to a person who keeps farm-raised game birds or wild animals under a license issued
19 under s. 95.68, 95.69, or 95.71, a conservation warden or representative of the
20 department, upon presenting his or her credentials to that person, may do any of the
21 following:

22 (a) Enter and inspect any land, vehicle, building, or other structure where
23 white-tailed deer, farm-raised game birds, or wild animals are possessed or where
24 carcasses of white-tailed deer, farm-raised game birds, or wild animals are
25 possessed.

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

3 (c) Gain access to and inspect any records that relate to farm–raised deer that
4 are white–tailed deer and that are required to be kept under s. 93.07 (10), 95.55, or
5 169.36 (10m) or any rules promulgated under those sections.

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

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

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

14 (a) Normal business hours.

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

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

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

22 **169.39 Humane care and housing.** (1) **COMPLIANCE WITH RULES.** No license
23 may be issued under this chapter unless the department determines that the
24 applicant will comply with all of the rules promulgated under subs. (2) and (3).

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

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

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

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

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

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

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

17 **169.40 Trespassing.** A person who hunts, traps, kills, or takes a wild animal
18 subject to regulation under this chapter on land subject to a license issued under this
19 chapter without the permission of the license holder or of the holder's employee or
20 agent is liable to the license holder for any damage that the person causes to any wild
21 animal that is subject to regulation under this chapter or to any property or land that
22 is subject to the license.

23 **169.42 Taking custody of captive wild animals.** (1) **INTAKE OF WILD**
24 **ANIMALS.** A conservation warden may take into custody a wild animal that is subject
25 to regulation under this chapter on behalf of the department if the conservation

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1 warden has reasonable grounds to believe that the wild animal is one of the
2 following:

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

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

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

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

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

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

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

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

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

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

22 (k) A wild animal that is being housed or held in violation of s. 169.39.

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

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

4 **169.43 Local ordinances.** A municipality or county may enact and enforce
5 an ordinance that prohibits the possession or selling of live wild animals.

6 **169.45 Penalties; revocations. (1) DEFINITION.** In this section, “violation of
7 this chapter” means a violation of this chapter or any rule promulgated under this
8 chapter.

9 **(2) PENALTIES.** For a violation of this chapter, a person shall be subject to a
10 forfeiture of not more than \$200, except as follows:

11 (a) *Possession.* For possessing any live wild animal, or a carcass of a wild
12 animal, in violation of this chapter, a person shall forfeit not less than \$100 nor more
13 than \$500.

14 (b) *Sale or purchase.* For selling or purchasing any live wild animal in violation
15 of this chapter, a person shall be fined not less than \$100 nor more than \$2,000 or
16 imprisoned for not more than 6 months or both.

17 (c) *Possession, sale, release, and descenting of live skunks.* For possessing,
18 selling, purchasing, descenting, introducing, stocking, or releasing into the wild a
19 live skunk in violation of this chapter, a person shall forfeit not less than \$100 nor
20 more than \$1,000. This penalty shall apply in lieu of the penalties under pars. (a)
21 and (b).

22 (d) *Taking of bear and deer.* For taking bear or deer from the wild in violation
23 of s. 169.05, or a rule promulgated thereunder, a person shall be fined not less than
24 \$1,000 nor more than \$2,000 or imprisoned for not more than 6 months or both.

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1 (e) *Harmful wild animals.* For a violation of s. 169.11 (2) (b) or (c), a person shall
2 be fined not less than \$500 nor more than \$5,000 or imprisoned for not more than
3 6 months or both.

4 (g) *Obtaining license during period of revocation.* For obtaining any license
5 under this chapter during the period of time when that license is revoked or
6 suspended by any court, a person shall be fined not more than \$200 or imprisoned
7 for not more than 90 days or both.

8 (3) **PENALTY; VIOLATION OF ORDER.** Any person who fails to comply with an order
9 issued under s. 169.39 (4) within 10 days after its issuance is subject to a forfeiture
10 of not more than \$200.

11 (4) **DIMINISHED PENALTIES.** No penalty imposed under sub. (2) shall be held to
12 be diminished because the violation for which it is imposed falls also within the scope
13 of a more general prohibition.

14 (5) **PENALTIES; REPEATERS.** If a person is convicted of any violation of this chapter
15 and it is alleged in the indictment, information, or complaint, and proved or admitted
16 at trial or ascertained by the court after conviction that the person was previously
17 convicted within a period of 5 years for a violation of this chapter, the person shall
18 be subject to all of the following in addition to the penalty for the current violation:

19 (a) The person shall be fined not more than \$100 or imprisoned for not more
20 than 6 months or both.

21 (b) For violations under sub. (2) (a), (b), (d), and (e), the court shall revoke all
22 of the licenses issued to the person under this chapter, and the department may not
23 issue any license under this chapter to the person for a period of one year after the
24 current conviction.

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1 **(6) COURT REVOCATIONS AND SUSPENSIONS.** In addition to or in lieu of any other
2 penalty for violation of this chapter, the court may revoke or suspend any privilege
3 or license under this chapter for a period of up to 3 years.

4 **(7) REVOCATIONS BY THE DEPARTMENT.** In addition to revocations under subs. (5)
5 (b) and (6), the department may revoke any license to which any of the following
6 applies:

7 (a) The department determines that the license was fraudulently procured,
8 erroneously issued, or otherwise prohibited by law.

9 (b) The department determines that the person holding the license is not in
10 compliance with this chapter or with a rule promulgated under this chapter.

11 **(8) PROHIBITIONS DURING PERIODS OF SUSPENSION OR REVOCATION.** (a) Any person
12 who has had a license or privilege under this chapter revoked or suspended and who
13 engages in the activity authorized by the license or in the privilege during the period
14 of revocation or suspension is subject to the following penalties, in addition to any
15 other penalty imposed for failure to have a license:

16 1. For the first conviction, the person shall forfeit not less than \$300 nor more
17 than \$500.

18 2. If the number of convictions in a 5-year period equals 2 or more, the person
19 shall be fined not less than \$500 nor more than \$1,000.

20 (b) The 5-year period under par. (a) 2. shall be measured from the dates of the
21 violations which resulted in the convictions.

22 **(9) PARTIES TO A VIOLATION.** (a) Whoever is concerned in the commission of a
23 violation of this chapter is a principal and may be charged with and convicted of the
24 violation of this chapter although he or she did not directly commit it and although

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1 the person who directly committed it has not been convicted of the violation of this
2 chapter.

3 (b) A person is concerned in the commission of the violation of this chapter if
4 the person does any of the following:

5 1. Directly commits the violation of this chapter.

6 2. Aids and abets the commission of the violation of this chapter.

7 3. Is a party to a conspiracy with another to commit the violation of this chapter
8 or advises, hires, or counsels or otherwise procures another to commit it.

9 **169.46 Natural resources assessments and restitution payments. (1)**
10 NATURAL RESOURCES ASSESSMENTS. (a) If a court imposes a fine or forfeiture for a
11 violation of this chapter or a rule promulgated under this chapter, the court shall
12 impose a natural resources assessment equal to 75% of the amount of the fine or
13 forfeiture.

14 (b) If a fine or forfeiture is suspended in whole or in part, the natural resources
15 assessment shall be reduced in proportion to the suspension.

16 (c) If any deposit is made for an offense to which this subsection applies, the
17 person making the deposit shall also deposit a sufficient amount to include the
18 natural resources assessment prescribed in this subsection. If the deposit is
19 forfeited, the amount of the natural resources assessment shall be transmitted to the
20 state treasurer under par. (d). If the deposit is returned, the natural resources
21 assessment shall also be returned.

22 (d) The clerk of the court shall collect and transmit to the county treasurer the
23 natural resources assessment and other amounts required under s. 59.40 (2) (m).
24 The county treasurer shall then make payment to the state treasurer as provided in

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1 s. 59.25 (3) (f) 2. The state treasurer shall deposit the amount of the natural
2 resources assessment in the conservation fund.

3 (e) All moneys collected from natural resources assessments shall be deposited
4 in the conservation fund and credited to the appropriation under s. 20.370 (3) (mu).

5 **(2) NATURAL RESOURCES RESTITUTION PAYMENTS.** (a) If a court imposes a fine or
6 forfeiture for a violation of this chapter for failure to obtain a license required under
7 this chapter, the court shall impose a natural resources restitution payment equal
8 to the amount of the fee for the license that was required and should have been
9 obtained.

10 (b) If a fine or forfeiture is suspended in whole or in part, the natural resources
11 restitution payment shall be reduced in proportion to the suspension unless the court
12 directs otherwise.

13 (c) If any deposit is made for an offense to which this subsection applies, the
14 person making the deposit shall also deposit a sufficient amount to include the
15 natural resources restitution payment prescribed in this subsection. If the deposit
16 is forfeited, the amount of the natural resources restitution payment shall be
17 transmitted to the state treasurer under par. (d). If the deposit is returned, the
18 natural resources restitution payment shall also be returned.

19 (d) The clerk of the court shall collect and transmit to the county treasurer the
20 natural resources restitution payment and other amounts required under s. 59.40
21 (2) (m). The county treasurer shall then make payment to the state treasurer as
22 provided in s. 59.25 (3) (f) 2. The state treasurer shall deposit the amount of the
23 natural resources restitution payment in the conservation fund.

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1 (e) All moneys collected from natural resources restitution payments shall be
2 deposited in the conservation fund and credited to the appropriation account under
3 s. 20.370 (3) (mu).

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

5 173.23 (1m) (b) If the animal is not a dog or cat, sell the animal at public
6 auction, including sale at a licensed ~~livestock~~ animal market.

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

8 174.001 (3) “Livestock” means any horse, bovine, shecp, goat, pig, ~~elk or other~~
9 ~~deer raised in captivity~~, llama, alpaca, domestic rabbit, farm-raised deer, as defined
10 in s. 95.001 (1) ~~(a) (ag)~~, or domestic fowl, including ~~game fowl raised in captivity~~ any
11 farm raised game bird, as defined in s. 169.01 (12m).

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

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

14 814.60 (2) (e) Natural resources restitution payment imposed by s. 169.46 (2)
15 or 29.989.

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

17 895.57 (3) Subsection (2) does not apply to any humane officer, local health
18 officer, peace officer, employee of the department of natural resources while on any
19 land licensed under s. ~~29.865, 29.867, 29.869 or 29.871~~ 169.15, 169.18, or 169.19,
20 subject to certification under s. 90.21, or designated as a wildlife refuge under s.
21 29.621 (1) or employee of the department of agriculture, trade and consumer
22 protection if the officer’s or employee’s acts are in good faith and in an apparently
23 authorized and reasonable fulfillment of his or her duties.

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

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1 943.75 (3) Subsections (2) and (2m) do not apply to any humane officer, local
2 health officer, peace officer, employee of the department of natural resources while
3 on any land licensed under s. ~~29.865, 29.867, 29.869 or 29.871~~ 169.15, 169.18, or
4 169.19, subject to certification under s. 90.21, or designated as a wildlife refuge under
5 s. 29.621 (1) or employee of the department of agriculture, trade and consumer
6 protection if the officer's or employee's acts are in good faith and in an apparently
7 authorized and reasonable fulfillment of his or her duties. This subsection does not
8 limit any other person from claiming the defense of privilege under s. 939.45 (3).

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

10 951.01 (1m) "Conservation warden" means a warden appointed under s. 23.10.

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

13 951.015 (1) This chapter may not be interpreted as controverting any law
14 regulating wild animals that are subject to regulation under ch. 169, the taking of
15 ~~a wild animal~~ wild animals, as defined in s. 29.001 (90), ~~the trapping of animals, the~~
16 ~~use of live animals in dog trials or in the training of hunting dogs or the slaughter~~
17 of animals by persons acting under state or federal law.

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

19 951.015 (2) For purposes of enforcing this chapter as to wild animals subject
20 to regulation under ch. 169, a conservation warden has the same powers and duties
21 that a law enforcement officer has under this chapter.

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

24 951.09 (1) No person may instigate, promote, aid or abet as a principal, agent,
25 employee, participant or spectator, or participate in the earnings from, or

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1 ~~intentionally maintain or allow any place to be used for the shooting, killing or~~
2 ~~wounding~~ shoot, kill, or wound with a firearm, or with any deadly weapon, any
3 animal that is tied, staked out, caged or otherwise intentionally confined in a
4 ~~man-made~~ an artificial enclosure, regardless of size. ~~Nothing in this section~~
5 ~~prohibits the shooting of any wild game in its wild state or the shooting of game birds~~
6 ~~and waterfowl at licensed game farms or licensed shooting preserves.~~

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

8 951.09 (2) (a) Whoever is concerned in the commission of a violation of this
9 section is a principal and may be charged with and convicted of the violation although
10 he or she did not directly commit it and although the person who directly committed
11 it has not been convicted of the violation.

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

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

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

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

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

20 951.09 (3) This section does not apply to any of the following animals:

21 (b) A captive wild bird that is shot, killed, or wounded on a bird hunting
22 preserve licensed under s. 169.19.

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

24 (d) Animals that are treated in accordance with normally acceptable
25 husbandry practices.

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

2 951.18 (4) (a) 2. A sentencing court shall require a criminal violator to pay
3 restitution to a person, including any local humane officer or society or county or
4 municipal pound or a law enforcement officer or conservation warden, for any
5 pecuniary loss suffered by the person as a result of the crime, including expenses in
6 keeping any animal that is involved in the crime. This requirement applies
7 regardless of whether the criminal violator is placed on probation under s. 973.09.
8 If restitution is ordered, the court shall consider the financial resources and future
9 ability of the criminal violator to pay and shall determine the method of payment.
10 Upon the application of any interested party, the court shall schedule and hold an
11 evidentiary hearing to determine the value of any pecuniary loss under this
12 paragraph.

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

14 951.18 (4) (b) 1. A sentencing court may order that an animal be delivered to
15 the local humane officer or society or the county or municipal pound or to a law
16 enforcement officer if a person commits a crime under this chapter, the person is the
17 owner of the animal that is involved in the crime and the court considers the order
18 to be reasonable and appropriate. A sentencing court may order that an animal be
19 delivered to the department of natural resources, if the animal is a wild animal that
20 is subject to regulation under ch. 169 and the court considers the order to be
21 reasonable and appropriate. The society, pound or officer or department of natural
22 resources shall release the animal to a person other than the owner or dispose of the
23 animal in a proper and humane manner. If the animal is a dog, the release or disposal
24 shall be in accordance with s. 173.23 (1m), except that the fees under s. 173.23 (1m)

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1 (a) 4. do not apply if the expenses are covered under s. 173.24. If the animal is not
2 a dog, the society, pound or officer may charge a fee for the release of the animal.

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

4 973.05 (1) When a defendant is sentenced to pay a fine, the court may grant
5 permission for the payment of the fine, of the penalty assessment imposed by s.
6 757.07, the jail assessment imposed by s. 302.46 (1), the crime victim and witness
7 assistance surcharge under s. 973.045, the crime laboratories and drug law
8 enforcement assessment imposed by s. 165.755, any applicable deoxyribonucleic acid
9 analysis surcharge under s. 973.046, any applicable drug abuse program
10 improvement surcharge imposed by s. 961.41 (5), any applicable consumer
11 information assessment imposed by s. 100.261, any applicable domestic abuse
12 assessment imposed by s. 971.37 (1m) (c) 1. or 973.055, any applicable driver
13 improvement surcharge imposed by s. 346.655, any applicable enforcement
14 assessment imposed by s. 253.06 (4) (c), any applicable weapons assessment imposed
15 by s. 167.31, any applicable uninsured employer assessment imposed by s. 102.85 (4),
16 any applicable environmental assessment imposed by s. 299.93, any applicable wild
17 animal protection assessment imposed by s. 29.983, any applicable natural resources
18 assessment imposed by s. 29.987 or 169.46 (1) and any applicable natural resources
19 restitution payment imposed by s. 29.989 or 169.46 (2) to be made within a period
20 not to exceed 60 days. If no such permission is embodied in the sentence, the fine,
21 the penalty assessment, the jail assessment, the crime victim and witness assistance
22 surcharge, the crime laboratories and drug law enforcement assessment, any
23 applicable deoxyribonucleic acid analysis surcharge, any applicable drug abuse
24 program improvement surcharge, any applicable consumer information assessment,
25 any applicable domestic abuse assessment, any applicable driver improvement

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1 surcharge, any applicable enforcement assessment, any applicable weapons
2 assessment, any applicable uninsured employer assessment, any applicable
3 environmental assessment, any applicable wild animal protection assessment, any
4 applicable natural resources assessment and any applicable natural resources
5 restitution payment shall be payable immediately.

SECTION 240. Nonstatutory provisions.

7 (1) In this SECTION:

8 (a) “Livestock” means bovine animals, sheep, goats, swine, farm-raised deer,
9 and equine animals.

10 (b) “Wild animal” means a wild animal that is subject to regulation under
11 chapter 169 of the statutes, as created by this act.

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

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

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

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



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

September 13, 2001

MEMORANDUM

To: Senator Moen

From: Mary Gibson-Glass, Senior Legislative Attorney

Re: LRB-3747/1 Captive wildlife

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

___ JACKET FOR ASSEMBLY ~~___ JACKET FOR SENATE~~

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 267-3215 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.