

2003 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB63)

Received: **05/16/2003**

Received By: **mglass**

Wanted: **Soon**

Identical to LRB:

For: **David Zien (608) 266-7511**

By/Representing: **Patrick**

This file may be shown to any legislator: **NO**

Drafter: **mglass**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - fish and game**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Zien@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Require fur dealer license for transactions involving nonedible parts of upland game birds

Instructions:

Expand Class A and B fur dealer licenses to include sale of nonedible parts of upland game birds/define nonedible part to mean that the particular part being bought, etc., will not be eaten,

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/1	mglass 05/18/2003	jdyer 05/19/2003	jfrantze 05/19/2003	_____	mbarman 05/19/2003	mbarman 05/19/2003	
		jdyer 05/19/2003		_____			

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	mglass 05/20/2003	jdye 05/20/2003	jfrantze 05/20/2003	_____	sbasford 05/20/2003	sbasford 05/20/2003	

FE Sent For:

<END>

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		jdyer 05/19/2003		_____			

Handwritten notes:
 12/5/20 jld To 5/20 To/RS
 5/20

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<END>

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Extra Copies:

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Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Require fur dealer license for ~~purchase of~~ ^{transactions involving nonedible} parts of upland game birds

Instructions:

Expand Class A and B fur dealer licenses to include sale of nonedible parts of upland game birds/define nonedible part to mean that the particular part being bought, etc., will not be eaten,

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1?	mglass	1 5/19 jld	26/19	26/19 5/19			

FE Sent For:

<END>



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBs00847
MGG:1:....
JLd

as soon as possible on 5/19 (Mon) D-Note

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~
SENATE SUBSTITUTE AMENDMENT,
TO 2003 SENATE BILL 63

NOW

Gen

1 AN ACT ...; **relating to:** the buying, selling, bartering, and trading of nonedible
2 parts from upland game birds.

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

3 SECTION 1. 29.501 (title) of the statutes is repealed and recreated to read:

4 **29.501 (title) Regulation of dealers in furs and nonedible bird parts.**

5 SECTION 2. 29.501 (1) (a) of the statutes is renumbered 29.501 (1) (am).

6 SECTION 3. 29.501 (1) (af) 2. of the statutes is created to read:

7 29.501 (1) (af) 2. Buying, selling, bartering, or trading nonedible parts of
8 upland game birds.

9 SECTION 4. 29.501 (1) (ag) 2. of the statutes is created to read:

10 29.501 (1) (ag) 2. Buying, selling, bartering, or trading nonedible parts of
11 upland game birds.

1 SECTION 5. 29.501 (1) (dm)^x of the statutes is created to read:

2 29.501 (1) (dm) "Nonedible part"[✓] means a part of an animal that is not bought,
3 sold, bartered, or traded for the purpose of being eaten.

4 SECTION 6. 29.501 (1) (f)^x of the statutes is renumbered 29.501 (1) (af)[✓] and
5 amended to read:

6 29.501 (1) (af)^(intro.) "~~Resident fur dealer, Class A~~" "Class A resident fur and bird part
7 dealer" means ~~persons~~ a person having an established post or place of business in the
8 state where ~~they carry~~ the person carries on the a business of buying, to the amount
9 of \$2,000 or more each year, doing any combination of the following:

10 1. Buying, bartering, trading [✓] and, or otherwise obtaining raw or dressed furs,
11 ~~to the amount of \$2,000 or more each year.~~

History: 1975 c. 365; 1983 a. 27; 1991 a. 316; 1997 a. 191, 237; 1997 a. 248 ss. 288 to 290; Stats. 1997 s. 29.501; 1999 a. 32; 2001 a. 56.

12 SECTION 7. 29.501 (1) (g) of the statutes is renumbered 29.501 (1) (ag)[✓] and
13 amended to read:

14 29.501 (1) (ag)^(intro.) "~~Resident fur dealer, Class B~~" "Class B resident fur and bird part
15 dealer" means ~~persons~~ a person having an established post or place of business in the
16 state where ~~they carry~~ the person carries on the a business of buying, to the amount
17 of less than \$2,000, doing any combination of the following:

18 1. Buying, bartering, bargaining ⁽³⁾ trading [✓] and, or otherwise obtaining raw or
19 dressed furs, ~~to the amount of less than \$2,000 each year.~~[✓]

History: 1975 c. 365; 1983 a. 27; 1991 a. 316; 1997 a. 191, 237; 1997 a. 248 ss. 288 to 290; Stats. 1997 s. 29.501; 1999 a. 32; 2001 a. 56.

20 SECTION 8. 29.501 (1) (h) of the statutes is created to read:

21 29.501 (1) (h) "Upland game bird"[✓] means a grouse, partridge, pheasant, quail,
22 or wild turkey that ^(S) present in the wild and that does not have a leg band or other
23 mark identifying it as being held in captivity.

24 SECTION 9. 29.501 (2) of the statutes is amended to read:

1 29.501 (2) No person may engage in the business of buying, bartering,
2 ~~bargaining,~~ trading, or otherwise obtaining raw furs ~~until~~ unless he or she has a
3 license issued under this section.

4 History: 1975 c. 365; 1983 a. 27; 1991 a. 316; 1997 a. 191, 237; 1997 a. 248 ss. 288 to 290; Stats. 1997 s. 29.501; 1999 a. 32; 2001 a. 56.

4 **SECTION 10.** 29.501 (2m) of the statutes is created to read:

5 29.501 (2m) No person may engage in the business of buying, selling,
6 bartering, or trading nonedible parts of upland game birds unless he or she has a
7 Class A or Class B resident fur and bird part dealer license issued under this section.

8 A resident fur dealer, Class A, as defined in s. 29.501 (1) (f), 2001 stats., or a resident
9 fur dealer, Class B, as defined in s. 29.501 (1) (g), 2001 stats., may engage in the
10 business of buying, selling, bartering, and trading nonedible parts of upland game
11 birds under the authority of a license issued before the effective date of the subsection

12 [revisor inserts date], and may continue to do so until the expiration date of the
13 license. The exemption under sub. (9g) applies to a transaction under which a
14 nonedible part of an upland game bird is bought or otherwise acquired by a holder
15 of such a fur dealer license or a taxidermist permit issued under s. 29.506. A holder
16 of such a fur dealer license shall be subject all of the other applicable provisions under
17 this section until the expiration date of the license.

18 **SECTION 11.** 29.501 (3) of the statutes is amended to read:

19 29.501 (3) Licenses shall be issued, subject to s. 29.024 (2g) and (2r), by the
20 ~~department upon application.~~ Upon application, the department shall issue, subject
21 to s. 29.024 (2g) and (2r) licenses to fur auctioneers, fur dressers or dyers, itinerant
22 fur buyers, and Class A and ~~B~~ ^{Class} resident fur and bird part dealers. The form of
23 application and license shall be prescribed by the department. ^{plain}

24 History: 1975 c. 365; 1983 a. 27; 1991 a. 316; 1997 a. 191, 237; 1997 a. 248 ss. 288 to 290; Stats. 1997 s. 29.501; 1999 a. 32; 2001 a. 56.

24 **SECTION 12.** 29.501 (5) of the statutes is amended to read:

check A

1 29.501 (5) Persons who apply for a license under this section in order to buy,
2 barter, trade, or otherwise obtain furs and who have not had a place of business in
3 the state for at least one year immediately preceding the date of application for such
4 the license, shall be issued itinerant fur buyers' licenses only.

History: 1975 c. 365; 1983 a. 27; 1991 a. 316; 1997 a. 191, 237; 1997 a. 248 ss. 288 to 290; Stats. 1997 s. 29.501; 1999 a. 32; 2001 a. 56.

5 **SECTION 13.** 29.501 (6) of the statutes is amended to read:

6 29.501 (6) Each ~~resident fur dealer, Class A; resident fur dealer, Class B; fur~~
7 ~~dresser or dyer; itinerant fur dealer or fur auctioneer~~ license issued under this
8 section shall bear upon its face the date of issuance. The license shall be shown to
9 the department upon request.

History: 1975 c. 365; 1983 a. 27; 1991 a. 316; 1997 a. 191, 237; 1997 a. 248 ss. 288 to 290; Stats. 1997 s. 29.501; 1999 a. 32; 2001 a. 56.

10 **SECTION 14.** 29.501 (6m) (a) of the statutes is amended to read:

11 29.501 (6m) (a) Every person licensed under this section shall keep records of
12 all transactions in the buying, selling, dressing, dyeing, or tanning of raw furs by the
13 person and of all transactions in the buying, selling, bartering, or trading of
14 nonedible parts of upland game birds by the person. These records shall
15 show the name and address of each person from whom the furs or nonedible parts
16 were purchased bought and to whom sold, together with the date of receipt and
17 shipment, and a detailed account as to the number and kinds of raw furs or nonedible
18 parts in each shipment received or sold. The records shall be open to the
19 inspection of the department at all reasonable hours. The records shall be kept intact
20 for a period of 2 years after the expiration of any license issued under this section,
21 as to all transactions carried on while the license was effective.

strike period

make

14

score

History: 1975 c. 365; 1983 a. 27; 1991 a. 316; 1997 a. 191, 237; 1997 a. 248 ss. 288 to 290; Stats. 1997 s. 29.501; 1999 a. 32; 2001 a. 56.

22 **SECTION 15.** 29.501 (9g) of the statutes is created to read:

23 29.501 (9g) This section does not apply to a transaction under which a person
24 sells, barter, or trades a nonedible part of upland game bird that he or she has

1 lawfully killed under this chapter if the person who is buying or otherwise acquiring
2 the nonedible part under the transaction holds a Class A or Class B resident fur and
3 bird part dealer license or a taxidermist permit.

4 **SECTION 16.** 29.506 (4) of the statutes is amended to read:

5 29.506 (4) AUTHORIZATION. Subject to this section, a taxidermist permit
6 authorizes the permit holder to possess and transport carcasses of wild animals in
7 connection with his or her business. This authority supersedes, to the extent
8 permitted under this section, restrictions on the possession and transportation of
9 carcasses of wild animals established under this chapter and ch. 169. A taxidermist
10 permit entitles the permit holder to the same privileges as a Class A or Class B
11 resident fur dealer's and bird part dealer license.

12 **History:** 1985 a. 29; 1991 a. 39; 1995 a. 27 s. 9154 (1); 1997 a. 27; 1997 a. 248 ss. 297 to 300; Stats. 1997 s. 29.506; 1999 a. 9; 2001 a. 56.

13 **SECTION 17.** 29.563 (6) (a) 2. of the statutes is amended to read:

14 29.563 (6) (a) 2. Class A resident fur and bird part dealer: \$25.

15 **History:** 1997 a. 248; 1999 a. 9, 32, 47, 63, 186; 2001 a. 16, 17, 56, 109.

16 **SECTION 18.** 29.563 (6) (a) 3. of the statutes is amended to read:

17 29.563 (6) (a) 3. Class B resident fur and bird part dealer: \$10.

18 **History:** 1997 a. 248; 1999 a. 9, 32, 47, 63, 186; 2001 a. 16, 17, 56, 109.

19 **SECTION 19.** 169.01 (8) of the statutes is amended to read:

20 169.01 (8) "Dressed fur" has the meaning given in s. 29.501 (1) ~~(a)~~ (am).

21 **History:** 2001 a. 56.

SECTION 20. Initial applicability.

(1) This act first applies to nonedible parts of upland game birds that are killed
on the effective date of this subsection.

(END)

d-note



DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0084/7dn

MGG:.....

jld

1. Section 29.501[✓] of the statutes under current law uses inconsistent terminology and is poorly organized. I, therefore, had to do quite a bit of clean-up work to get the new provisions in this substitute amendment to work even though I tried to affect current law as little as possible. Therefore, **please** review this substitute amendment carefully and call me with any questions.

You may well wish to share the amendment with DNR[✓] to make sure they agree that it achieves your intent.

2. As an example of the inconsistencies found in s. 29.501, note that s. 29.501 (6)^(m) (a) requires that records be kept for all "buying, selling, dressing, dyeing, ~~and~~ tanning" transactions; it does not require records to be kept for "bartering or trading" transactions. Then, the 2nd sentence goes on to only mention purchases and sales. I just added nonedible upland ^(bird) parts to this paragraph without making any minor substantive changes. Let me know if you want any changes in this regard. *

3. Under current law, a Class A license holder^{game} has no more privileges than a Class B license holder; he or she only pays a higher fee for a Class A license. Therefore, I added Class B to s. 29.506 (4) and 29.501 (9g)^{or}, as created in the bill. *

4. Do you want a delayed effective date to give DNR time to administratively implement these changes? ^{to s.}

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0084/1dn
MGG:jld:jf

May 19, 2003

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3. Under current law, a Class A license holder or has no more privileges than a Class B license holder; he or she only pays a higher fee for a Class A license. Therefore, I added Class B to s. 29.506 (4) and to s. 29.501 (9g), as created in the bill.

4. Do you want a delayed effective date to give DNR time to administratively implement these changes?

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



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBs0084M 2 RMR
MGG:jld:jf

today

**SENATE SUBSTITUTE AMENDMENT ,
TO 2003 SENATE BILL 63**

Regen

1 **AN ACT** *to renumber* 29.501 (1) (a); *to renumber and amend* 29.501 (1) (f) and
2 29.501 (1) (g); *to amend* 29.501 (2), 29.501 (3), 29.501 (5), 29.501 (6), 29.501
3 (6m) (a), 29.506 (4), 29.563 (6) (a) 2., 29.563 (6) (a) 3. and 169.01 (8); *to repeal*
4 *and recreate* 29.501 (title); and *to create* 29.501 (1) (af) 2., 29.501 (1) (ag) 2.,
5 29.501 (1) (dm), 29.501 (1) (h), 29.501 (2m) and 29.501 (9g) of the statutes;
6 **relating to:** the buying, selling, bartering, and trading of nonedible parts from
7 upland game birds.

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

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- 10 **SECTION 2.** 29.501 (1) (a) of the statutes is renumbered 29.501 (1) (am).
- 11 **SECTION 3.** 29.501 (1) (af) 2. of the statutes is created to read:

1 29.501 (1) (af) 2. Buying, selling, bartering, or trading nonedible parts of
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3 SECTION 4. 29.501 (1) (ag) 2. of the statutes is created to read:

4 29.501 (1) (ag) 2. Buying, selling, bartering, or trading[✓] nonedible parts of
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6 SECTION 5. 29.501 (1) (dm) of the statutes is created to read:

7 29.501 (1) (dm) “Nonedible part” means a part of an animal that is not bought,
8 sold, bartered, or traded for the purpose of being eaten.

9 SECTION 6. 29.501 (1) (f) of the statutes is renumbered 29.501 (1) (af) (intro.)
10 and amended to read:

11 29.501 (1) (af) (intro.) ~~“Resident fur dealer, Class A”~~ “Class A resident fur and
12 ~~bird part~~ ^{feather} dealer” means ~~persons~~ a person having an established post or place of
13 business in the state where ~~they carry~~ the person carries on the a business of buying,
14 to the amount of \$2,000 or more each year, doing any combination of the following:

15 1. Buying, bartering, trading and, or otherwise obtaining raw or dressed furs,
16 ~~to the amount of \$2,000 or more each year.~~

17 SECTION 7. 29.501 (1) (g) of the statutes is renumbered 29.501 (1) (ag) (intro.)
18 and amended to read: ^{feather ✓}

19 29.501 (1) (ag) (intro.) ~~“Resident fur dealer, Class B”~~ “Class B resident fur and
20 ~~bird part~~ dealer” means ~~persons~~ a person having an established post or place of
21 business in the state where ~~they carry~~ the person carries on the a business of buying,
22 to the amount of less than \$2,000, doing any combination of the following:

23 1. Buying, bartering, bargaining, trading and, or otherwise obtaining raw or
24 dressed furs, ~~to the amount of less than \$2,000 each year.~~

25 SECTION 8. 29.501 (1) (h) of the statutes is created to read:

resident fur and feather dealer

1 29.501 (1) (h) "Upland game bird" means a grouse, partridge, pheasant, quail,
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11 Class A ^a or Class B resident fur and ^{feather} ~~and part~~ dealer ^{and holds a} license issued under this section.

12 A resident fur dealer, Class A, as defined in s. 29.501 (1) (f), 2001 stats., or a resident
13 fur dealer, Class B, as defined in s. 29.501 (1) (g), 2001 stats., may engage in the
14 business of buying, selling, bartering, and trading nonedible parts of upland game
15 birds under the authority of a license issued before the effective date of the subsection
16 [revisor inserts date], and may continue to do so until the expiration date of the
17 license. The exemption under sub. (9g) applies to a transaction under which a
18 nonedible part of an upland game bird is bought or otherwise acquired by a holder
19 of such a fur dealer license or a taxidermist permit issued under s. 29.506. A holder
20 of such a fur dealer license shall be subject all of the other applicable provisions under
21 this section until the expiration date of the license.

22 **SECTION 11.** 29.501 (3) of the statutes is amended to read:

23 29.501 (3) Licenses shall be issued, subject to s. 29.024 (2g) and (2r), by the
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resident fur ~~and~~ and feather dealersfeather

1 fur buyers, and Class A and Class B resident fur and ~~bird~~ ^{feather} part dealers. The form of
 2 application and license shall be prescribed by the department.

3 **SECTION 12.** 29.501 (5) of the statutes is amended to read:

4 29.501 (5) Persons who apply for a license under this section in order to buy,
 5 barter, trade, or otherwise obtain furs and who have not had a place of business in
 6 the state for at least one year immediately preceding the date of application for ~~such~~
 7 the license, shall be issued itinerant fur buyers' licenses only.

8 **SECTION 13.** 29.501 (6) of the statutes is amended to read:

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14 29.501 (6m) (a) Every person licensed under this section shall keep records of
 15 all transactions in the buying, selling, dressing, dyeing, or tanning of raw furs by the
 16 person. ~~This record~~ and of all transactions in the buying, selling, bartering, or
 17 trading of nonedible parts of upland game birds by the person. These records shall
 18 show the name and address of each person from whom the furs or nonedible parts
 19 were ~~purchased~~ bought and to whom sold, together with the date of receipt and
 20 shipment, and a detailed account as to the number and kinds of raw furs or nonedible
 21 parts in each shipment received or sold. ~~This record~~ The records shall be open to the
 22 inspection of the department at all reasonable hours. The records shall be kept intact
 23 for a period of 2 years after the expiration of any license issued under this section,
 24 as to all transactions carried on while the license was effective.

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