

## 2003 SENATE BILL 325

November 19, 2003 – Introduced by Senator DECKER, cosponsored by Representatives SHERMAN, HINES, HAHN, ALBERS and TAYLOR. Referred to Committee on Agriculture, Financial Institutions and Insurance.

1     **AN ACT** *to renumber and amend* 95.55 (5) (b); *to amend* 90.21 (6) and 95.55  
2           (2); and *to create* 95.55 (3c), 95.55 (5) (b) 2. and 95.55 (5) (b) 3. of the statutes;  
3           **relating to:** acreage requirements for areas in which farm-raised deer that  
4           may be hunted are kept and fencing of farm-raised deer that are white-tailed  
5           deer.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, the Department of Agriculture, Trade and Consumer Protection (DATCP) administers the laws that regulate farm-raised deer of any species and that require the registration of owners of farmed-raised deer. Under current rules promulgated by DATCP, a registration certificate authorizing a person to keep farm-raised deer is not transferable to another party. This bill specifically authorizes an individual to transfer his or her registration certificate or his or her ownership interest in a deer farm to a member of his or her immediate family.

Under current law, an owner of a deer farm may not charge a fee for hunting deer on the farm unless the deer to be hunted are confined in a contiguous area of 80 acres or more. This bill creates an exemption to this minimum acreage requirement. Under the bill, if the deer farm was licensed by the Department of Natural Resources (DNR) under previous law, the contiguous area may be less than 80 acres but may not be less than the area authorized under the DNR license. Also, if an individual who owns a deer farm previously licensed by DNR transfers his or her registration certificate or his or her ownership interest to a member of his or her immediate family, the reduced acreage exemption continues to apply.

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Under current law, no person may keep farm-raised white-tailed deer unless all of the deer are confined in a fenced area for which DNR has issued a fence inspection certificate. Current law requires DNR to promulgate as rules requirements for these fences. The bill prohibits DNR from requiring that the fences be more than eight feet high or that more than one fence surround the confined area.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 90.21 (6) of the statutes is amended to read:

2           90.21 **(6)** ~~RULES.~~ FENCING REQUIREMENTS. For fences requiring fence inspection  
3 certificates under this section, the department may not require that the fences  
4 exceed 8 feet in height and may not require that more than one fence surround the  
5 fenced area. The department shall may promulgate rules to establish other  
6 requirements for fences for which fence inspection certificates are issued under this  
7 section. If the rules include provisions authorizing the placement of fences in  
8 navigable bodies of water, s. 30.12 does not apply to fences placed in compliance with  
9 these rules.

10           **SECTION 2.** 95.55 (2) of the statutes is amended to read:

11           95.55 **(2)** APPLICATION. A person shall register under this section using a form  
12 provided by the department. The form shall be accompanied by the fee specified  
13 under sub. (3). Upon registration, the department shall issue the person a  
14 registration certificate.

15           **SECTION 3.** 95.55 (3c) of the statutes is created to read:

16           95.55 **(3c)** TRANSFERS. (a) No person may transfer a registration certificate  
17 issued under this section or an ownership interest in a farm registered under this  
18 section except as provided in par. (b).

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1 (b) An individual may transfer his or her registration certificate or his or her  
2 ownership interest in a farm registered under this section to a member of his or her  
3 immediate family.

4 **SECTION 4.** 95.55 (5) (b) of the statutes is renumbered 95.55 (5) (b) 1. and  
5 amended to read:

6 95.55 (5) (b) 1. No owner of farm-raised deer may sell, or offer to sell, the  
7 opportunity to hunt farm-raised deer unless the farm-raised deer to be hunted are  
8 confined in an area of 80 contiguous acres or more, except as provided in subds. 2.  
9 and 3.

10 **SECTION 5.** 95.55 (5) (b) 2. of the statutes is created to read:

11 95.55 (5) (b) 2. If a person registered under this section had a license issued  
12 under s. 29.871, 1999 stats., that allowed the hunting of deer, and if the license was  
13 in effect on January 1, 2003, the area required under subd. 1. may be less than 80  
14 contiguous acres but may not be less than the minimum acreage required under the  
15 license issued under s. 29.871, 1999 stats.

16 **SECTION 6.** 95.55 (5) (b) 3. of the statutes is created to read:

17 95.55 (5) (b) 3. If an individual under this section to whom subd. 2. applies  
18 transfers his or her registration certificate or his or her ownership interest to a  
19 member of his or her immediate family under sub. (3c) (b), the area required under  
20 subd. 1. may be less than 80 contiguous acres but may not be less than the minimum  
21 acreage required under subd. 2.

22 (END)