



1995 SENATE BILL 128

April 4, 1995 - Introduced by Senator COWLES, cosponsored by Representative JOHNSRUD. Referred to Committee on Environment and Energy.

1 **AN ACT to amend** 29.574 (6) (a), 29.575 (4) and 29.578 (4) of the statutes;
2 **relating to:** the shining of wild animals on certain types of wild animal farms.

Analysis by the Legislative Reference Bureau

Under current law, the shining of most wild animals is prohibited with certain exceptions. However, there is no specific provision addressing whether this prohibition applies to the shining and taking of wild animals on game, deer and fur farms. An attorney general's opinion issued on March 26, 1991, states that the shining prohibition applies to the taking of animals on these farms. This bill specifically states that the shining restrictions apply to these farms.

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

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

3 **SECTION 1.** 29.574 (6) (a) of the statutes is amended to read:
4 29.574 (6) (a) Such game birds and animals, except waterfowl, may be taken
5 at any time in any manner, subject to s. 29.245, by persons qualified under this
6 chapter to hunt thereon. Waterfowl may only be taken pursuant to the rules
7 promulgated by the department and in effect governing the hunting of waterfowl,
8 except that upon written application the department may authorize the taking of
9 hand-reared mallards at any time within the boundaries of a licensed game bird and

1 animal farm in numbers not to exceed those liberated or propagated when it appears
2 to the satisfaction of the department that only mallards liberated or propagated by
3 the licensee will be taken on such farm. The applicant shall certify to the department
4 that mallards liberated or propagated for shooting were produced and reared in
5 captivity and are more than 2 generations removed from the wild. Hand-reared
6 mallards shall not be released for shooting purposes unless such mallards have first
7 been identified as the department directs. Mallards confined to wholly enclosed pens
8 or buildings may be taken within such pens or buildings at any time and in any
9 numbers. No such game bird or animal or mallards killed on such farm and no live
10 game bird or animal or mallards to be consumed as food shall be removed therefrom
11 until there has been securely fastened to each bird or animal a band or tag furnished
12 by the department to the licensee at cost. Such band or tag shall remain attached
13 to the bird or animal until prepared for consumption. Live birds and animals may
14 be sold or transported. Each container carrying such live birds or animals shall have
15 attached thereto a band or tag as set forth above. Live birds or animals acquired from
16 the licensee to be consumed as food shall not be kept in a live condition by any person
17 beyond 48 hours from the time such birds or animals were acquired from such
18 licensee. Correct and complete book records of sales and purchases of live birds and
19 animals disclosing the time and date of such sales and whether or not such live birds
20 and animals were acquired to be consumed as food shall be kept by the licensee.
21 Certified copies of such records shall be furnished by the licensee to the department
22 on request, on forms furnished by the department.

23 **SECTION 2.** 29.575 (4) of the statutes is amended to read:

24 29.575 (4) Upon issuance of the license, the department shall appoint one
25 person, the applicant shall appoint one person, and these 2 shall select a 3rd person

1 to enter the lands and determine the number of fur animals thereon at the time of
2 the granting of the license. The necessary expenses of these persons shall be paid
3 by the licensee. Within 10 days after the date of such determination, the licensee
4 shall pay to the department \$2.50 for each beaver, 50 cents for each muskrat, \$2.50
5 for each mink, \$2.50 for each otter, \$1 for each raccoon, and 50 cents for each skunk
6 so found on such lands. Only those animals to be licensed under the fur animal farm
7 are to be paid for. When such payment has been made the licensee shall become
8 owner of such fur animals on said lands and of all of their offspring remaining
9 thereon. The licensee shall have the right to manage and control said lands and the
10 licensed fur animals thereon, to take the same at any time or in any manner, subject
11 to 29.245, which the licensee sees fit and deems to the best advantage of the licensee's
12 business, and to sell and transport at any time said fur animals or the pelts taken
13 from them.

14 **SECTION 3.** 29.578 (4) of the statutes is amended to read:

15 29.578 (4) The licensee shall pay to the department \$25 for each deer so found
16 on such lands. When such payment has been made and the license issued, the
17 licensee shall become the owner of all deer on said lands and of all their offspring.
18 The licensee shall have the right to manage and control said lands and the deer
19 thereon, to kill the deer, subject to s. 29.245, and to sell the same deer as provided
20 by this section. If upon examination it shall appear that the applicant is the owner
21 or lessee of said lands, and that the applicant intends in good faith to establish,
22 operate and maintain a deer farm, the department may inform the applicant that as
23 soon as the applicant has built a suitable deer fence around the area to be included
24 within the license, it will issue the same. Said deer-tight fence shall be built in
25 accordance with specifications prescribed by the department; provided, the

1 department may issue a license for such deer farms heretofore established if the
2 fence actually inclosing said farm is in fact sufficient to hold deer therein. After the
3 complete installation of such fence and after the department has satisfied itself that
4 it is satisfactory and complies with the law, it may issue a license to the applicant
5 describing such lands, and certifying that the licensee is lawfully entitled to use the
6 same for the breeding, propagating, killing and selling of deer thereon according to
7 this section.

8 (END)