



## 2013 ASSEMBLY BILL 927

April 3, 2014 – Introduced by Representative VRUWINK. Referred to Committee on Natural Resources and Sporting Heritage.

1     **AN ACT** *to renumber* 169.38 (1); *to amend* 169.04 (4) (b) 2., 169.06 (1) (d) 2. b.,  
2           169.06 (3m) (a) 2., 169.06 (3m) (b), 169.20 (1) (d), 169.37 (1) (d), 169.38 (title),  
3           169.38 (2) (intro.), 169.38 (2) (b), 169.39 (1), 169.39 (2) (intro.), 169.39 (3) and  
4           169.39 (4); *to repeal and recreate* 169.19 (2) (b) 2. and 169.38 (1) (title); and  
5           **to create** 169.01 (22m), 169.04 (4) (b) 1m., 169.06 (3m) (ag), 169.06 (3m) (ar),  
6           169.36 (10) (c), 169.38 (1b), 169.38 (1m), 169.39 (2m) and 169.42 (3) of the  
7           statutes; **relating to:** regulation of captive new world quail by the Department  
8           of Agriculture, Trade and Consumer Protection and granting rule-making  
9           authority.

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

Under current law, the Department of Natural Resources (DNR) issues bird hunting preserve licenses that authorize the possession of captive game birds. These include pheasants of certain species, quail that are native to the western hemisphere (new world quail), and certain species of partridge. Each bird hunting preserve license specifies the species of game birds that are covered by the license.

A bird hunting preserve license also authorizes the holder of the license to introduce and release game birds for the purpose of establishing a population in an

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area of the state where the game bird is not naturally present. In addition, the license authorizes the propagation, sale, and purchase of the game birds and the hunting of the birds on the preserve by the licensee and other activities authorized by the licensee (licensed activities).

Current law authorizes DNR to promulgate rules to establish additional requirements that must be met before game birds are brought into the state for introduction or before they are released. Current law also authorizes DNR to promulgate and enforce rules relating to the care, treatment, and feeding of these birds, and to conduct inspections in order to enforce the laws related to bird hunting preserves. This bill transfers from DNR to the Department of Agriculture, Trade and Consumer Protection the authority to promulgate these rules and conduct these inspections as they relate to possession and introduction of new world quail and other licensed activities related to new world quail.

For further information see the *state and local* 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.** 169.01 (22m) of the statutes is created to read:

2           169.01 (**22m**) “New world quail” means quail of the subfamily Odontophorinae.

3           **SECTION 2.** 169.04 (4) (b) 1m. of the statutes is created to read:

4           169.04 (**4**) (b) 1m. New world quail that are not native.

5           **SECTION 3.** 169.04 (4) (b) 2. of the statutes is amended to read:

6           169.04 (**4**) (b) 2. ~~Nonnative wild~~ Wild birds of the family anatidae that are not  
7 native and that are migratory birds.

8           **SECTION 4.** 169.06 (1) (d) 2. b. of the statutes is amended to read:

9           169.06 (**1**) (d) 2. b. Within 30 days before the introducing, stocking, or release,  
10 the wild birds meet the requirements of any rules promulgated by the department  
11 under sub. (3m).

12           **SECTION 5.** 169.06 (3m) (a) 2. of the statutes is amended to read:

13           169.06 (**3m**) (a) 2. Additional requirements that any wild animals shall meet  
14 before they may be introduced, stocked, or released into the wild.

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1           **SECTION 6.** 169.06 (3m) (ag) of the statutes is created to read:

2           169.06 **(3m)** (ag) The rules promulgated under par. (a) may not include rules  
3 that apply to the housing, care, treatment, feeding, sanitation, or health of new world  
4 quail that will enter the state or that will be introduced, stocked, or released into the  
5 wild.

6           **SECTION 7.** 169.06 (3m) (ar) of the statutes is created to read:

7           169.06 **(3m)** (ar) The department of agriculture, trade and consumer protection  
8 may promulgate rules that establish additional requirements that new world quail  
9 must meet before they enter this state or before they are introduced, stocked, or  
10 released into the wild. Rules promulgated under this paragraph may only relate to  
11 the housing, care, treatment, feeding, sanitation, and health of new world quail.

12           **SECTION 8.** 169.06 (3m) (b) of the statutes is amended to read:

13           169.06 **(3m)** (b) The requirements under ~~par.~~ pars. (a) and (ar) may include  
14 mandatory testing of the wild animals for disease.

15           **SECTION 9.** 169.19 (2) (b) 2. of the statutes is repealed and recreated to read:

16           169.19 **(2)** (b) 2. New world quail.

17           **SECTION 10.** 169.20 (1) (d) of the statutes is amended to read:

18           169.20 **(1)** (d) A person training a bird dog in a bird hunting preserve for which  
19 the hunting of pheasant, new world quail, mallard ducks bred in captivity, or  
20 partridge has been authorized under a bird hunting preserve license is exempt from  
21 holding a bird dog training license to possess, release into the wild, and hunt live  
22 captive wild birds for the purposes of training the dog to retrieve, point, flush, and  
23 track wild birds.

24           **SECTION 11.** 169.36 (10) (c) of the statutes is created to read:

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1           169.36 (10) (c) If the annual report submitted to the department under sub. (a)  
2 contains information relating to new world quail, the person holding the license shall  
3 submit a copy of the report to the department of agriculture, trade and consumer  
4 protection within 30 days after the last day of the license year that the report covers.

5           **SECTION 12.** 169.37 (1) (d) of the statutes is amended to read:

6           169.37 (1) (d) Investigate and inspect any wild animal ~~or any other animal,~~  
7 other than new world quail, that is to be introduced, stocked, or released into the  
8 wild. Inspection under this paragraph may include the removal of reasonable  
9 diagnostic samples from wild animals for biological examination.

10          **SECTION 13.** 169.38 (title) of the statutes is amended to read:

11          **169.38 (title) Inspections of items subject to regulation by involving the**  
12 **department of agriculture, trade and consumer protection.**

13          **SECTION 14.** 169.38 (1) (title) of the statutes is repealed and recreated to read:

14          169.38 (1) (title) AUTHORITY.

15          **SECTION 15.** 169.38 (1) of the statutes is renumbered 169.38 (1g).

16          **SECTION 16.** 169.38 (1b) of the statutes is created to read:

17          169.38 (1b) DEFINITION. In this section, “wild animal” does not include new  
18 world quail.

19          **SECTION 17.** 169.38 (1m) of the statutes is created to read:

20          169.38 (1m) AUTHORITY; NEW WORLD QUAIL. (a) For purposes of enforcing s.  
21 169.39 and rules promulgated under s. 169.39, with respect to a person who  
22 possesses new world quail, an inspector or other representative authorized by the  
23 department of agriculture, trade and consumer protection, upon presenting his or  
24 her credentials to that person, may do any of the following:

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1           1. Enter and inspect any land, vehicle, building, or other structure where new  
2 world quail are possessed or where carcasses of new world quail are possessed.

3           2. Inspect any equipment, materials, or other activities related to new world  
4 quail.

5           3. Gain access to and inspect any records that relate to new world quail that  
6 are required to be kept under s. 169.36 (9) or any rules promulgated under s. 169.36  
7 (9).

8           4. Investigate and inspect new world quail that are to be introduced, stocked,  
9 or released into the wild. Inspection under this subdivision may include the removal  
10 of reasonable diagnostic samples from wild animals for biological examination.

11           (b) Only persons determined by the department of agriculture, trade and  
12 consumer protection to be experienced in wildlife disease may remove diagnostic  
13 samples under par. (a) 4.

14           **SECTION 18.** 169.38 (2) (intro.) of the statutes is amended to read:

15           169.38 (2) TIMES FOR INSPECTIONS. (intro.) An inspection authorized under sub.  
16 ~~(1)~~ (1g) or (1m) may be conducted during any of the following times:

17           **SECTION 19.** 169.38 (2) (b) of the statutes is amended to read:

18           169.38 (2) (b) During the time that the person who keeps new world quail,  
19 white-tailed deer, farm-raised game birds, or wild animals is conducting business.

20           **SECTION 20.** 169.39 (1) of the statutes is amended to read:

21           169.39 (1) COMPLIANCE WITH RULES. No license may be issued under this chapter  
22 unless the department determines that the applicant will comply with all of the rules  
23 promulgated under subs. (2), ~~(2m)~~, and (3).

24           **SECTION 21.** 169.39 (2) (intro.) of the statutes is amended to read:

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1           169.39 (2) RULES; GENERAL. (intro.) The department shall promulgate and  
2 enforce rules for the housing, care, treatment, enrichment, feeding, and sanitation  
3 of wild animals, other than new world quail, that are subject to regulation under this  
4 chapter to ensure all of the following:

5           **SECTION 22.** 169.39 (2m) of the statutes is created to read:

6           169.39 (2m) RULES; NEW WORLD QUAIL. The department of agriculture, trade and  
7 consumer protection shall promulgate and enforce rules for the housing, care,  
8 treatment, feeding, sanitation, and health of new world quail to ensure all of the  
9 following:

10           (a) That the new world quail receive humane treatment.

11           (b) That the new world quail are held under sanitary conditions.

12           (c) That the new world quail receive adequate housing, care, and food.

13           **SECTION 23.** 169.39 (3) of the statutes is amended to read:

14           169.39 (3) RULES; HOUSING. The rules for housing under ~~sub.~~ subs. (2) and (2m)  
15 shall include requirements for the size and location of permanent enclosures and of  
16 temporary enclosures at locations other than those where the wild animals are  
17 permanently housed. The rules regulating the location of enclosures shall include  
18 the distance required between 2 enclosures. The rules for housing under sub. (2)  
19 shall include specifications for enclosures for each species of harmful wild animal  
20 that the department designates under s. 169.11 (1).

21           **SECTION 24.** 169.39 (4) of the statutes is amended to read:

22           169.39 (4) ORDERS. The department may issue an order requiring any person  
23 holding a license under this chapter to comply with the rules promulgated under sub.  
24 (2). The department of agriculture, trade and consumer protection may issue an

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1 order requiring any person possessing new world quail to comply with the rules  
2 promulgated under sub. (2m).

3 **SECTION 25.** 169.42 (3) of the statutes is created to read:

4 169.42 (3) NEW WORLD QUAIL. (a) A conservation warden who takes a new world  
5 quail into custody under sub. (1) or (2) shall notify the department of agriculture,  
6 trade and consumer protection within 24 hours of its acceptance into custody. The  
7 department of natural resources shall transfer the new world quail to the  
8 department of agriculture, trade and consumer protection within 24 hours after  
9 receiving a request to do so by the department of agriculture, trade and consumer  
10 protection.

11 (b) An inspector or other representative of the department of agriculture, trade  
12 and consumer protection has the same authority with respect to taking new world  
13 quail into custody as does a conservation warden under sub. (1).

14 **SECTION 26. Nonstatutory provisions.**

15 (1) RULES AND ORDERS. All rules promulgated by the department of natural  
16 resources that relate to the housing, care, treatment, feeding, sanitation, or health  
17 of new world quail and that are in effect on the effective date of this subsection  
18 remain in effect until their specified expiration date or until amended or repealed by  
19 the department of agriculture, trade and consumer protection. All orders issued by  
20 the department of natural resources that relate to the housing, care, treatment,  
21 feeding, sanitation, or health of new world quail and that are in effect on the effective  
22 date of this subsection remain in effect until their specified expiration date or until  
23 modified or rescinded by the department of agriculture, trade and consumer  
24 protection.

