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(FORM UPDATED: 08/11/2010)

## WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

### 2005-06

(session year)

### Senate

(Assembly, Senate or Joint)

### Committee on Natural Resources and Transportation...

#### COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

#### INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)  
(**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)  
(**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

\* Contents organized for archiving by: Stefanie Rose (LRB) (June 2012)



Moved by Senator Kapanke, seconded by Senator Breske that  
**Assembly Bill 842** be recommended for concurrence.

Ayes: (5) Senators Kedzie, Stepp, Kapanke, Wirch and  
Breske.

Noes: (0) None.

CONCURRENCE RECOMMENDED, Ayes 5, Noes 0

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Matt Phillips  
Committee Clerk

Vote Record

Committee on Natural Resources and Transportation

Date: 4-20-06  
Bill Number: AB 842  
Moved by: Kapanke Seconded by: Breske  
Motion: Concurrence

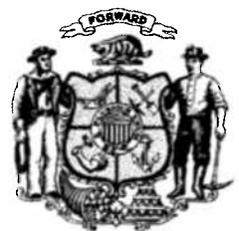
<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator Neal Kedzie, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Cathy Stepp	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Dan Kapanke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Roger Breske	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Wirch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>5</u>	<u>0</u>	<u>    </u>	<u>    </u>

Motion Carried

Motion Failed



# WISCONSIN STATE LEGISLATURE



# Chairman's Notes: Senate Committee on Natural Resources and Transportation Public Hearing – April 20, 2006

## Assembly Bill 1078 and Senate Bill 640 (Petrowski and Lazich)

**Relating to:** licensing and activities of driver schools and instructors, granting rule-making authority, and providing a penalty.

### Summary:

- Increases the annual driver school licensing fee from ~~\$7~~ to \$95. Creates a new \$10 fee that would apply to each mailing address where one or more driver school classrooms are located.
- Extends the license period for drivers schools from "the end of the calendar year" to a period determined by DOT but not more than 24 months.
- Extends the license period for instructors from 1 year to up to 24 months.
- Specifies that a driver instructor must be 19 and must have 2 years of license experience
- Allows drivers schools to provide knowledge tests
- Increases the penalties for driver school standards

### Question:

- ~~What is the rationale for the annual fee increase? Where does the money go and how will it be spent? What increase in services will be provided in exchange for the increased fee?~~
- What is the purpose of the \$10 fee for each classroom at a different mailing address?
- How many licensed driving school are there?

180  
for teachers

## Senate Bill 541 (Kanavas and Honadel)

**Relating to:** maintenance and removal of vegetation obstructing the view of outdoor advertising signs along highways under the jurisdiction of the Department of Transportation and an audit of a program of the Department of Transportation.

### Summary:

- This bill creates a DOT permit system for the maintenance and removal by sign owners of vegetation obstructing the view of signs along highways under the jurisdiction of DOT for maintenance purposes.

- DOT must grant or deny an application for a permit within 60 days of receiving the application.
- DOT has authority to supervise and determine how the work authorized under a permit is carried out, and may require as a condition or restriction under any permit that the work authorized under the permit meet standards established by DOT.
- Finally, the bill requests the Legislative Audit Bureau to conduct a performance audit of the permit program created under the bill during the 2007-08 fiscal year and to file a report by June 30, 2008.

### **Assembly Bill 842 (Moulton and Zien)**

**Relating to:** the use by the Department of Natural Resources of seized, confiscated, or unclaimed property for educational hunting, fishing, trapping, and other conservation activities; the sale by the Department of Natural Resources of seized, perishable property and confiscated wild animals and carcasses; and the receipt of proceeds by the Department of Natural Resources for skins of fur-bearing animals that are prepared as part of the course of instruction under the trapper education program.

#### **Summary:**

- This bill specifically authorizes DNR to sell the skins that are prepared as part of the course of instruction under the program. Under the bill, the proceeds of these sales are credited to an appropriation to provide funding for the trapper education program.
- The bill also authorizes DNR to receive and use unclaimed property that is in DNR's possession and property and weapons that have been seized or confiscated as a result of violations of certain laws, including fish and game laws and the trespass law. DNR may then use the property for DNR's educational programs relating to hunting, fishing, trapping, and other conservation activities.
- This bill repeals this provision and gives DNR general authority to allow the resale of confiscated fish and game.



# WISCONSIN STATE LEGISLATURE



## Executive Session

### Assembly Bill 1078 and Senate Bill 640 (Petrowski and Lazich)

**Relating to:** licensing and activities of driver schools and instructors, granting rule-making authority, and providing a penalty.

- ✓ MOTION FOR ADOPTION of SA 1 to SB640
- ✓ SECOND
- ✓ DISCUSSION
- ✓ ROLE CALL *Aye*

- ✓ MOTION FOR PASSAGE OF SB 640 AS AMENDED AND CONCURRENCE OF AB 1078
- ✓ SECOND
- ✓ DISCUSSION
- ✓ ROLE CALL *Aye*

### Senate Bill 541 (Kanavas and Honadel)

**Relating to:** maintenance and removal of vegetation obstructing the view of outdoor advertising signs along highways under the jurisdiction of the Department of Transportation and an audit of a program of the Department of Transportation.

- ✓ MOTION FOR PASSAGE OF SB 541
- ✓ SECOND
- ✓ DISCUSSION
- ✓ ROLE CALL *Aye*

**Assembly Bill 842 (Moulton and Zien)**

**Relating to:** the use by the Department of Natural Resources of seized, confiscated, or unclaimed property for educational hunting, fishing, trapping, and other conservation activities; the sale by the Department of Natural Resources of seized, perishable property and confiscated wild animals and carcasses; and the receipt of proceeds by the Department of Natural Resources for skins of fur-bearing animals that are prepared as part of the course of instruction under the trapper education program.

- **MOTION FOR CONCURRENCE OF AB 842**
- **SECOND**
- **DISCUSSION**
- **ROLE CALL** *Aye*

**Assembly Bill 715 (KRUSICK and DARLING)**

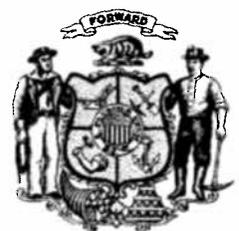
**Relating to:** special identification cards and special registration plates issued by the Department of Transportation providing parking privileges for persons with physical disabilities, requiring the exercise of rule-making authority, and providing a penalty. (FE)

- 2936
- **MOTION FOR INTRODUCTION AND ADOTION OF SA 1 (LRB ~~2936~~ TO AB 715**
  - **SECOND**
  - **DISCUSSION**
  - **ROLE CALL** *Aye*

- **MOTION FOR CONCURRENCE OF AB 715 AS AMENDED**
- **SECOND**
- **DISCUSSION**
- **ROLE CALL** *Aye*



# WISCONSIN STATE LEGISLATURE





## Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

February 14, 2006

TO: Members  
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Assembly Bill 842: Use of Confiscated Property for Conservation Purposes

Assembly Bill 842 would make several changes to how the Department of Natural Resources (DNR) disposes of seized and confiscated property and how revenues from the trapper education program are used. The bill was introduced on November 23, 2005, and referred to the Assembly Committee on Natural Resources. On January 17, 2006, Assembly Amendments 1 and 2 to the bill were offered. The Committee adopted AA1 and recommended passage of the bill as amended on January 18, 2006, on votes of Ayes, 15; Noes, 0. On January 26, 2006, the bill was referred to the Joint Committee on Finance.

### CURRENT LAW

First-time trappers are required to complete a trapper education course prior to purchasing a trapping approval. The Department administers this course, which includes instruction on humane trapping methods, the history of trapping in Wisconsin, communication with landowners, pelt preparation, and basic wildlife management principles (including biology and disease issues). Landowners actively engaged in farming are not required to complete a trapper education course. Currently, pelts prepared in conjunction with the trapper education course are sold, and net revenues are deposited to the common school fund. Proceeds from the sale of seized perishable property is disposed of as directed by the court. Further, the net proceeds from the sale of most other property confiscated by DNR is split, with 18% paid into the conservation fund (to reimburse expenses associated with the seizure and sale) and the remaining 82% deposited to the common school fund.

Under current law, the only person who may resell confiscated fish or game that was purchased from DNR is a restaurant owner who resells the meat to the restaurant's customers.

## **SUMMARY OF BILL**

The bill would specifically authorize DNR to sell animal pelts that are prepared as part of the trapper education program, and would specify that revenues from the sale of these skins would be deposited to the appropriation within the conservation fund that provides funding for the trapper education program.

Further, the bill would authorize DNR to retain and use unclaimed property that is in the Department's possession, as well as property and weapons that have been seized or confiscated as a result of violations of certain natural resource laws (including fish and game laws, captive wildlife regulations, trespass law, and violations relating to the safe use and transportation of firearms). The Department would be authorized to use this property for educational hunting, fishing, trapping, or conservation activities (such as hunter, bowhunter, trapper, ATV, snowmobile, and boat safety education courses).

Finally, the bill would repeal the current law provision limiting the resale of confiscated fish and game. Rather, DNR would have the general authority to allow the resale of fish and game to persons other than restaurant owners.

## **SUMMARY OF AMENDMENTS**

Assembly Amendment 1 would make modifications to achieve consistency in statutes that allow DNR to seize and confiscate any vehicle, boat, object, or wild animals or plants that relate to the violation of natural resource statutes. The amendment would also expand the scope of these statutes so that they apply broadly to most statutes for which DNR and conservation wardens have enforcement authority that would include citation or arrest powers. The expansion would include violations related to making a false report; the fencing of farm raised deer; cutting or transportation of evergreens; fireworks; safe transportation of a firearm or the discharge of a firearm from a vehicle or roadway; septage; storm water discharge permits; medical sterilizers; refrigerants; landfills and incineration; yard waste; littering; open burning on a commercial vessel; managed forest law; general conservation provisions (including recreational areas, stewardship, and protection of natural resources); forest land; public parks and places of recreation; public forests; wild animals and plants; navigable waters, harbors, and navigation; regulation of dams and bridges; captive wildlife; snowmobiles; asbestos; crimes against animals (including mistreatment, abduction, poisoning, instigating fights, and the shooting of caged or staked animals); Kickapoo Valley Reserve; environmental improvement program; all-terrain vehicles; boating; the safe use and transportation of firearms and bows; the approach emergency vehicles; injury by negligent handling of a dangerous weapon; endangering safety by use of a dangerous weapon; possession of a dangerous weapon by a person under the age of 18; gun free school zones; dangerous weapons other than firearms on school premises; field archeology; harassment; tribal code enforcement; and dogs injuring wildlife.

Assembly Amendment 2 would expand the provisions of the bill to include weapons seized as a result of violations related to the safe transportation and use of a firearm (including the firing of a weapon from inside a vehicle or from within 50 feet of the center of a roadway) and weapons confiscated by the Department because of their use in the commission of a crime involving the killing of a staked or caged animal that is normally found in the wild.

## **FISCAL EFFECT**

Under the bill, DNR would be allowed to retain revenues generated from the sale of animal pelts prepared as part of the trapper education program. These revenues would be deposited to the appropriation within the conservation fund that provides funding for the trapper education program, rather than primarily to the common school fund under current law. Average annual revenues are expected to total \$8,000, and would be used to defer a portion of the costs associated with providing the program (including student reading materials and classroom supplies). In fiscal year 2005, 1,046 students completed the course. Program costs totaled approximately \$36,600 in that year. Individuals enrolled in the course pay an \$8 fee to help defray the cost of instruction. At least 50% of the course fee is remitted to DNR for trapper education, as is \$2 from the sale of each trapping license. In fiscal year 2004-05, DNR sold over 3,800 trapping licenses (not including conservation patron license holders who trap). Revenues relating to the sale of trapping approvals and trapper education course fees totaled almost \$46,000 in 2004-05.

The bill would also authorize DNR to retain and use unclaimed property, or property and weapons that have been seized or confiscated as a result of violations of certain natural resource laws for use with recreational educational programs (such as hunter safety, trapper education, and ATV, snowmobile, or boat safety education courses). Currently, DNR already retains and uses firearms that have been seized or confiscated as a result of fish and game violations in conjunction with their hunter safety education courses. However, the Department currently lacks the statutory authority to retain these firearms indefinitely, and must either dispose of the firearms by auction or by destroying them.

The bill would provide the authority to retain firearms and include other seized equipment, including ATVs, snowmobiles, and boats that have been seized or confiscated as a result of violations of certain natural resource laws (including fish and game laws, captive wildlife regulations, trespass law, and violations relating to the safe use and transportation of firearms). Under AA1, this authority would be further expanded to include equipment seized in conjunction with most violations for which the DNR and conservation wardens have enforcement authority.

The Department indicates that allowing DNR to use seized or confiscated equipment in conjunction with recreational safety classes would lower program costs by reducing the need for DNR to purchase these items. As DNR already retains firearms for this purpose, and as DNR currently does not purchase ATVs, snowmobiles, or boats specifically for use with recreational safety classes, it does not appear that the provisions of the bill would significantly reduce any

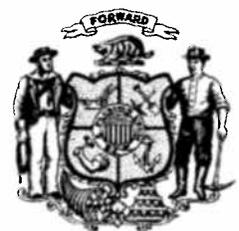
current Department expenditures. However, it may be argued that the additional equipment could be used to enhance the educational experience of students attending these recreational safety classes, and would allow DNR to continue its current practice of retaining firearms that would otherwise need to be destroyed or sold under current law.

To the extent that AA 1 may allow for the confiscation and sale of additional equipment, the State may see an indeterminate increase in revenues. Net proceeds of the sale of confiscated property and equipment (after any outstanding liens and the cost of seizure and sale are deducted) would generally be remitted to DNR with 18% placed in the conservation fund and the remaining 82% deposited to the common school fund.

Prepared by: Rebecca Hotynski



# WISCONSIN STATE LEGISLATURE



**CHAIRPERSON**

COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY

**VICE CHAIRPERSON**

COMMITTEE ON VETERANS, HOMELAND SECURITY, MILITARY AFFAIRS, SMALL BUSINESS AND GOVERNMENT REFORM

**MEMBER**

COMMITTEE ON JOB CREATION, ECONOMIC DEVELOPMENT AND CONSUMER AFFAIRS

SENTENCING COMMISSION

COUNCIL ON TOURISM

JUDICIAL COUNCIL

JOINT LEGISLATIVE COUNCIL

BUILDING COMMISSION

STATE-TRIBAL RELATIONS COMMITTEE

**PRESIDENT PRO TEMPORE**

April 20, 2006

TESTIMONY BY SENATOR DAVE ZIEN  
ON ASSEMBLY BILL 842  
BEFORE THE  
SENATE COMMITTEE ON NATURAL RESOURCES AND TRANSPORTATION

Thank you Chairman Kedzie and committee members for holding a public hearing on Assembly Bill 842.

This bill passed the Assembly Committee Natural Resources on January 24, 2006 by a vote of 15-0. AB 842 then passed the Joint Committee on Finance by a vote of 14-2, and the Assembly passed the bill as amended on a voice vote on Marcy 7, 2006.

This bill authorizes the DNR to sell animal pelts that are prepared as part of the trapper education program and use the proceeds from the sale of the skins for the trapper education program.

The bill also authorizes the DNR to use seized property for hunter, trapper, ATV, snowmobile and boat safety educational courses. Currently the DNR must either dispose of or auction off most seized property.

Assembly Amendment 1 was adopted which makes statutes consistent regarding DNR seizures and confiscations. Both committees unanimously adopted this AA1.

Currently pelts prepared as part of the trapper education course are sold with net proceeds going to the common school fund. The DNR indicates that this bill would increase revenues for the trapper education course by \$8,000, and will decrease costs to the course by \$4,000 by allowing for the use of confiscated items to be used by the courses rather than having to purchase them.

We've distributed a Fiscal Bureau memo describing the bill in full detail.

Again, thank you for holding a hearing on AB 842 today.

