

1999 DRAFTING REQUEST

Bill

Received: **01/5/99**

Received By: **gibsom**

Wanted: Soon

Identical to LRB:

For: **DuWayne Johnsrud (608) 266-3534**

By/Representing: **Scott Loomans**

This file may be shown to any legislator: NO

Drafter: **gibsom**

May Contact:

Alt. Drafters:

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

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Regulation of baiting of deer

Instructions:

See Attached

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>
/P1	gibsom 02/15/99	wjackson 02/17/99	hhagen 02/17/99	_____	lrb-docadmin 02/17/99		State
/1	gibsom 02123199	gilfokm 02/23/99	jfrantze 02/23/99	_____	lrb-docadmin 02/23/99		State
/2	gibsom 02/23/99	gilfokm 02123199	martykr 02/24/99	_____	lrb-docadmin 02124199	lrb_docadminState 02/26/99	

FE Sent For:

03-22-99

<END>

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<END>

Page 100 of 100

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12-2-23-99
kmj

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km 2/24

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<END>



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FE Sent For:		1-2-23-99 kmg	J 2/23	J/hh 2/23 <END>			

1999 DRAFTING REQUEST

Bill

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Wanted: **Soon**

Identical to LRB:

For: **DuWayne Johnsrud (608) 266-3534**

By/Representing: **Scott Loomans**

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

Drafter: **gibson**

May Contact:

Alt. Drafters:

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

Extra Copies:

Topic:

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Instructions:

See Attached

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I?	gibson		4/12/17	4/18/17	Please submit 1P1		

FE Sent For:

<END>

BILL

REQUEST FORM

LEGISLATIVE REFERENCE BUREAU

Legal Section

Telephone: 266-3561

5th Floor, 100 N. Hamilton Street

Use of this **form** is optional. It is often better to talk directly with the LRB attorney **who** will draft the bill.

Use this form only for **BILL** drafts. Attach more pages if necessary.

Legislator, agency or other body requesting this draft:

Rep DuWayne Johnson

Date: Jan 4 '99 Person submitting request (name, phone number):

Scott Loomans 6-534

Persons to contact for questions about this **draft** (names, phone numbers):

& Scott Loomans 6-5534

Mark Patrosky 6-9280

Describe the problem, including any helpful examples.

How do you want to solve the problem?

See Enclosure

Please attach a copy of any correspondence 'or other material that may help us.

If you know of any statute sections that might be affected, list them or provide a marked-up (not re-typed) **copy**.

You may attach a **marked-up** (not retyped) copy of any LRB draft, or provide its number (e.g., 1997 LRB-2345/1 or 1995 AB-67):

Requests **are confidential unless stated otherwise.**

• May we tell others that we are working on this for you? Yes No

• If yes: Anyone who asks? Yes No Any legislator? Yes No Only the following persons: _____

Do you consider this request urgent? Yes No

If yes, please indicate why: There has already been significant media attention from outlets/writers

Should we give this request priority over any other pending request of this legislator, agency or body? Yes No If yes, sign your name here:

Yes No

Scott Loomans

1



DuWayneJohnsrud

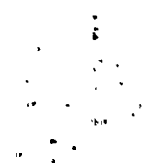
State Representative

Particulars of Banning Hunting of white-tailed deer with bait

Some of these points should help in drafting the bill. We would like to make illegal the practice of habituating deer to use piles of vegetables, grain, and salt blocks for feeding and then hunting over the feeding station. There is not currently any mention of deer baiting in statute. Baiting for migratory birds and wild turkeys is prohibited by rule in NR 10.

This bill should:

- *Prohibit the use of bait for the purposes of hunting deer.
- *Should not prohibit feeding of deer for non-hunting, recreational purposes.
- *Give DNR the ability to promulgate rules that restrict or prohibit recreational feeding of wild animals if necessary (does not require a rule, just gives them the option). DNR may want to promulgate a rule if:
 - There is a TB, Chronic Wasting Disease or other disease outbreak
 - Baiting laws become too difficult to enforce
 - Animal rights activists use bait to sabotage lawful hunts
- *Prohibit hunting deer that are in the area of influence of a recreational feeding station. It will be difficult to distinguish between recreational feeding and baiting. The law might say something like, "it is also illegal to hunt deer that are obviously traveling to or from a recreational feeding station in the immediate area."
 - This is a touchy area that will require reasonable and level headed enforcement but, baiting is illegal for migratory birds and turkeys, and **we hear very few to no complaints about enforcement of those laws.**
- *Hunting over grain or vegetable matter deposited solely as a result of normal agricultural practices should remain legal.
- *Hunting with the aid of commercially manufactured scent or comparable lure is allowed. In order to avoid confusion between bait and scent that is used as a lure, we may want to put a two-ounce limit on the amount of scent placed. Yes, people should still be able to use their doe in heat scent!





State of Wisconsin
1999 - 2000 LEGISLATURE

RMR
LRB-1571/SP4
MGG.../.....
Wlj

D-Note

Fri

~~PRELIMINARY DRAFT NOT READY FOR INTRODUCTION~~

Gen Cat

① AN ACT ^{Gen Cat} relating to: attracting wild animals with bait and granting rule [✓] making authority. [⊖]

Analysis by the Legislative Reference Bureau

Current rules promulgated by the department of natural resources (DNR) restrict the types and locations of bait that may be placed for the hunting of wild animals. This bill prohibits the use of bait for the purpose of hunting deer unless the bait is plant matter that is left or deposited as part of farming practices or unless the bait is commercially manufactured and weighs not more than ^{2 1/2} ounces. The bill also prohibits the hunting of deer in an area that has been posted as a recreational feeding station for deer. The bill requires that DNR promulgate rules regulating how these areas must be posted.

The bill authorizes DNR to promulgate rules regulating or prohibiting the use of bait to attract wild animals for purposes other than hunting if DNR determines that such rules are necessary. The bill specifically lists some of the reasons that may support the promulgation of these rules. The listed reasons include the situation ^{of} ~~that where~~ providing the bait may cause the spread of disease and ~~the situation where~~ when persons providing the bait makes it difficult to enforce the prohibition against hunting deer with bait.

For further information see the *state* 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:

The listed reasons include the risk of bait ~~causing~~ causing the spread of disease and the difficulty in enforcing the prohibition against hunting deer with bait.

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1 **SECTION 1.** 29.335[✓] of the statutes is created to read:

2 **29.335 Attracting wild animals with bait. (1) USE OF BAIT FOR HUNTING.**

3 No person may place or use bait for the purpose of hunting deer unless one of the
4 following applies:

5 (a) The bait is plant matter that is left or deposited solely as ^aa result of normal
6 agricultural practices.

7 (b) The bait is commercially manufactured and does not weigh more than 2
8 ounces.

9 (2) **USE OF BAIT FOR ATTRACTING WILD ANIMALS.** ^aA person may place or use
10 bait to attract deer for purposes other than hunting subject to any applicable rule
11 promulgated under sub. (3).^J

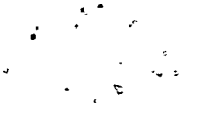
12 (3) **RULES.** The department may promulgate rules to restrict or prohibit the
13 placement or use of bait for attracting wild animals for purposes other than hunting
14 if the department determines that such rules are necessary. The reasons for which
15 the department may determine these rules to be necessary include any of the
16 following:

17 (a) Providing the bait may cause the spread of disease.

18 (b) Providing the bait makes it difficult to enforce the prohibition against
19 hunting with bait under sub. (1)[✓] or any rule relating to ~~baiting~~ ^{hunting with bait} promulgated by the
20 department.

21 (c) Persons are providing the bait in an attempt to prevent the lawful hunting
22 of wild animals.

23 (4) **AREAS WHERE HUNTING ^a(OF DEER) IS RESTRICTED.** No person may hunt deer in
24 an area that is otherwise legally open to hunting if the area has been posted as a
25 recreational feeding area for deer and the use of bait at the ^{feeding area} ~~feed station~~ complies with



1 any applicable rule promulgated under sub. (3)[✓]. The department shall promulgate
2 rules regulating how these areas are to be posted.

(End)

Handwritten marks or symbols in the top right corner.

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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1571/8 in
MGG.../.....

P1
WJ

1. I created the posting requirement in s. 29.335 (4) because otherwise a defense to this prohibition ~~would always~~ ^{could} be that the hunter did not know ~~that~~ someone was feeding deer nearby. If there is no type of notification requirement and anyone can establish a recreational feeding area, I think this prohibition would be extremely difficult to enforce.

2. Do you want a specific penalty for a violation of s. 29.335? As drafted, the default penalty under s. 29.971 (3) ^{is}

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

CO.
1/15
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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

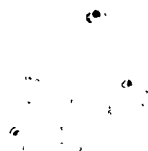
LRB-1571/P1dn
MGG: wlj :hnh

Wednesday, February 17, 1999

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2. Do you want a specific penalty for a violation of s. 29.335? As drafted, the default penalty is under s. 29.971 (3).

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



Redraft instructions from 2-17-99
Mark Patonky - LRB 1571/P1

~~line~~

page 2, line 6 management
after "practices" or "normal wildlife
practices"
like OK to plant a bunch of corn in
clearing to attract deer

page 2, line 10
should (2) come out ?
also note title

page 2, line 14
delete lines 14-16 and 18-20
but incorporate line 17, i.e. (a)

pg. 2, line 8 - add (c)

If the dept determines that bait ^{was} placed
to prevent lawless hunting then the prohibition
does not apply (ie can use bait then

delete all of (4)

RMR

Tues noon or as soon as possible hereafter

Kmg

~~PRELIMINARY DRAFT NOT READY FOR INTRODUCTION~~

1 AN ACT to create 29.335 of the statutes; relating to: attracting wild animals
2 with bait and granting rule-making authority.

used used

certain

Analysis by the Legislative Reference Bureau

Current rules promulgated by the department of natural resources (DNR) restrict the types and locations of bait that may be placed for the hunting of wild animals. This bill prohibits the use of bait for the purpose of hunting deer unless the bait is plant matter that is left or deposited as part of farming practices or unless the bait is commercially manufactured and weighs not more than two ounces. The bill also prohibits the hunting of deer in an area that has been posted as a recreational feeding station for deer. The bill requires that DNR promulgate rules regulating how these areas must be posted.

restrict

The bill authorizes DNR to promulgate rules regulating (or prohibiting) the use of bait to attract wild animals for purposes other than hunting, if DNR determines that such rules are necessary. The bill specifically lists some of the reasons that may support the promulgation of these rules. The listed reasons include the risk of bait causing the spread of disease and the difficulty in enforcing the prohibition against hunting deer with bait.

INS ANL

For further information see the state 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:

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SECTION 1. 29.335 of the statutes is created to read:

29.335 Attracting wild animals with bait. (1) USE OF BAIT FOR HUNTING

Except as provided in par. (b),

DEER

No person may place or use bait for the purpose of hunting deer unless one of the following applies:

1. ~~The bait is plant matter that is left or deposited solely as a result of normal agricultural practices~~ *or normal wildlife management practices*

2. ~~The bait is commercially manufactured and does not weigh more than 2 ounces.~~

~~(2) USE OF BAIT FOR ATTRACTING WILD ANIMALS. A person may place or use bait to attract deer for purposes other than hunting subject to any applicable rule promulgated under sub. (3).~~

~~(3) RULES. The department may promulgate rules to restrict or prohibit the placement or use of bait for attracting wild animals for purposes other than hunting, if the department determines that such rules are necessary. The reasons for which the department may determine these rules to be necessary include any of the following:~~ *The rules may include a prohibition on the placement and use of bait*

~~(a) Providing the bait may cause the spread of disease.~~

~~(b) Providing the bait makes it difficult to enforce the prohibition against hunting with bait under sub. (1) or any rule relating to hunting with bait promulgated by the department.~~

~~(c) Persons are providing the bait in an attempt to prevent the lawful hunting of wild animals.~~

~~(4) AREAS WHERE DEER HUNTING IS RESTRICTED. No person may hunt deer in an area that is otherwise legally open to hunting if the area has been posted as a recreational feeding area for deer and the use of bait at the feeding area complies~~

0 2.0 4.0 6.0 8.0

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~~with any applicable rule promulgated under sub. (3). The department shall~~
~~promulgate rules regulating how these areas are to be posted.~~

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(END)

← INS 3-2

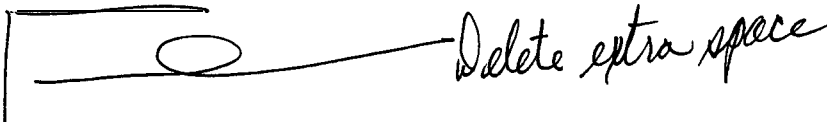
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NO
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(INS ANL)

A person hunting deer may also use bait that has been previously set out if the bait was set out by another person in an attempt to prevent the lawful hunting of wild animals.

INS 3-2

(b) A person hunting deer may use bait that has been previously placed if the bait was placed by another person in an attempt to prevent the lawful hunting of wild animals.

Delete extra space

(2) RULES. The department may promulgate rules to restrict or prohibit the placement or use of bait for attracting wild animals for purposes other than hunting. The rules may include a prohibition on the placement and use of bait in order to prevent the spread of disease.

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SUBMITTAL FORM

LEGISLATIVE REFERENCE BUREAU Legal Section Telephone: 266-3561 5th Floor, 100 N. Hamilton Street

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 2/23/99

To: Representative Johnsrud

Relating to LRB drafting number: LRB- 157 1

Topic

Regulation of baiting of deer

Subject(s)

Nat. Res. - fish and game

1. **JACKET** the draft for introduction _____

in the **Senate** o r t h e **A s s e m b l y** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached *strike lines 8-10 on page 2*
also "shall" on line 11
A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-356 1. If you have any questions relating to the attached draft, please feel free to call me.

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

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State of Wisconsin
1999 - 2000 LEGISLATURE

RMR
LRB-1571/2
MGG:kmg:jf

~~Wash.
Tues a.m.~~

1999 BILL

*drafting
instructions*

1 **AN ACT to create 29.335** of the statutes; **relating to:** attracting wild animals
2 with bait and granting rule-making authority.

requires that

Analysis by the Legislative Reference Bureau

Current rules promulgated by the department of natural resources (DNR) restrict the types and locations of bait that may be used for the hunting of certain wild animals. This bill prohibits the use of bait for the purpose of hunting deer unless the bait is plant matter that is left or deposited as part of farming practices or unless the bait is commercially manufactured and weighs not more than two ounces. ~~A person hunting deer may also use bait that has been previously set out if the bait was set out by another person in an attempt to prevent the lawful hunting of wild animals.~~

The bill authorizes DNR to promulgate rules restricting or prohibiting the use of bait to attract wild animals for purposes other than hunting.

For further information see the **state** 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:

SECTION 1. 29.335 of the statutes is created to read:

BILL**29.335 Attracting wild animals with bait. (1)** USE OF BAIT FOR HUNTING

1
2 DEER. (a) Except as provided in par. (b), no person may place or use bait for the
3 purpose of hunting deer unless one of the following applies:

4 1. The bait is plant matter that is left or deposited solely as a result of normal
5 agricultural practices or normal wildlife management practices.

6 2. The bait is commercially manufactured and does not weigh more than 2
7 ounces.

8 ~~(b) A person hunting deer may use bait that has been previously placed if the~~
9 ~~bait was placed by another person in an attempt to prevent the lawful hunting of wild~~
10 ~~animals.~~

11 (2) RULES. The department ^{shall} ~~may~~ promulgate rules to restrict or prohibit the
12 placement or use of bait for attracting wild animals for purposes other than hunting.
13 The rules may include a prohibition on the placement and use of bait in order to
14 prevent the spread of disease.

15 (END)



Wed
a.m.

1999 BILL

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29.335 Attracting wild animals with bait. (1) USE OF BAIT FOR HUNTING

1
2 DEER: ~~(a) Except as provided in par. (b),~~ no person may place or use bait for the
3 purpose of hunting deer unless one of the following applies:

4 ^a
5 ~~(d)~~ ^a The bait is plant matter that is left or deposited solely as a result of normal
6 agricultural practices or normal wildlife management practices.

7 ~~(b)~~ ^a The bait is commercially manufactured and does not weigh more than 2
8 ounces.

9 ~~(b) A person hunting deer may use bait that has been previously placed if the~~
10 ~~bait was placed by another person in an attempt to prevent the lawful hunting of wild~~
11 ~~animals.~~

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13 placement or use of bait for attracting wild animals for purposes other than hunting.
14 The rules may include a prohibition on the placement and use of bait in order to
15 prevent the spread of disease.

(END)

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5th Floor, 100 N. Hamilton Street**

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To: Representative Johnsrud

Relating to LRB drafting number: LRB- 157 1

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Subject(s)

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Scott Pomarus

in the **Senate** or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

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Mary Gibson-Glass, Senior Legislative Attorney
Telephone: (608) 267-32 15



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