

**2001 DRAFTING REQUEST**

**Bill**

Received: **01/30/2001**

Received By: **gibsom**

Wanted: **As time permits**

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:

Addl. Drafters:

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

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Youth participation in hunting, recognition of hunter safety certificates, crossbow arrow tips, use of trapper education funds

**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>
/?	gibsom 02/02/2001	jdyer 02/21/2001		_____			S&L
/1			martykr 02/26/2001	_____	lrb_docadmin 02/26/2001	lrb_docadmin 03/13/2001	

FE Sent For:

<END>

↳ At Intro.

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1/?	gibsom	1/21 jld	1/26 km	PE 2 Km 26			

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<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: Johnson

Date: 1-29 Person submitting request (name, phone number): Scott Loomans

Persons to contact for questions about this draft (names, phone numbers): S. Loomans

**Describe the problem, including any helpful examples.**

**How do you want to solve the problem?**

Would like to redraft 1999 AB 851 but remove two provisions:

Page 3 of analysis by LRB, highlighted provision

Page 4 of analysis by LRB, highlighted provision #2

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 retyped) 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: \_\_\_\_\_

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

**BILL**

1 other conservation activities; the sale, disposal and use of wild animals and  
2 other items seized or confiscated or otherwise retained by the department of  
3 natural resources; hunting of antlerless deer by holders of certificates of  
4 accomplishment issued under the hunter education program and the bow  
5 hunter education program; certificates of hunter safety issued by provinces and  
6 other countries; possession of firearms and hunting with firearms by persons  
7 under 16 years of age; issuance of resident small game hunting licenses to  
8 certain nonresidents under 16 years of age; use of firearms in schools under the  
9 hunter education program; use of certain types of arrow tips on crossbows;  
10 proceeds received by the department of natural resources for skins of  
11 fur-bearing animals that are prepared as part of the course of instruction under  
12 the trapper education program; granting rule-making authority; and making  
13 an appropriation.

---

***Analysis by the Legislative Reference Bureau*****POSSESSION OF FIREARMS AND HUNTING BY MINORS*****Possession by minors less than 12 years old***

Under current law, a minor who is under 12 years old may not possess a firearm unless he or she is carrying the firearm to or from a class under the hunter education program while accompanied by his or her parent or guardian or unless the minor is using the firearm during the class. Under current law, a minor who is 12 or 13 years old may not possess a firearm unless he or she is accompanied by his or her parent or guardian or is enrolled in a hunter education program and is either carrying the firearm to or from the class or is using it during the class. The bill eliminates the specific restrictions concerning firearm possession for minors under 12 years old so that the current restrictions that apply only to minors who are 12 or 13 years old will apply to any minor 13 years old or younger. The bill makes no changes in current law concerning hunting by minors under 12 years old.

***Persons accompanying minors***

Current law requires minors who are 12, 13, 14 or 15 years old to be accompanied by a parent or guardian under certain circumstances when hunting or possessing a firearm. This bill allows the parent or guardian to designate another

**BILL**

person who is at least 18 years old to accompany the minor under these circumstances.

***Small game hunting licenses for minors less than 16 years old***

Under current law, a nonresident seeking to hunt small game in this state must be issued a nonresident small game hunting license and must pay a fee that is higher than the fee that a resident pays for a comparable license. Under current law, certain nonresidents who are either in the armed forces and stationed in this state or who are students attending school in this state may be issued a resident small game hunting license. Under this bill, a nonresident who is less than 16 years old may be issued a resident small game hunting license if he or she resides in a state that grants this benefit to Wisconsin residents.

***Possession of firearms in schools***

Under current law, a pupil in a public school must be suspended if the school district administrator, principal or teacher finds that the pupil possessed a firearm while at school or at a school function; and the school board must commence a proceeding to expel the pupil for not less than one year. This bill provides an exemption for pupils who possess firearms in order to participate in the hunter education program.

**HUNTER EDUCATION PROGRAM AND CERTIFICATES*****Hunter education program and certificates***

Under current law, any person born on or after January 1, 1993, may not be issued a hunting license unless the person is issued a certificate stating that he or she has completed a hunter education program. Under current law, the department of natural resources (DNR) may recognize hunter education certificates from other states for the purpose of issuing hunting licenses. DNR also recognizes hunter education certificates from other states and provinces for purposes of allowing 14-year-olds and 15-year-olds to hunt and possess firearms. This bill allows DNR to recognize certificates from other states, provinces and countries for both of these purposes.

*Date to* Under current law, a holder of a hunter education certificate may use the certificate in place of special permit, such as a hunter's choice permit, to take one antlerless deer. The bill also allows the certificate to be used in place of a bonus deer hunting permit to take such a deer.

Under current law, the hunter education certificate may be used in lieu of a special permit only during the deer hunting season immediately following the date or which the certificate was issued. A certificate holder who is under 12 years old during that season is not able to use the certificate as a permit during that season because he or she must be 12 years old to hunt. Under the bill, the certificate may be used during the deer hunting season immediately following the date on which the certificate holder is first eligible to apply for a deer hunting license.

**SEIZED AND CONFISCATED WILD ANIMALS AND OTHER ITEMS**

This bill makes various changes to current law that applies to wild animals, their carcasses and other personal property that come into the possession of DNR, that are seized by DNR or that are confiscated by the courts. These changes include:

**BILL**

1. Allowing DNR to retain and use unclaimed, seized or confiscated property, for DNR's educational hunting, fishing, trapping and other conservation programs.

2. Allowing DNR to sell seized or confiscated fish and game to certain businesses licensed by DNR, such as bait dealers, wholesale fish dealers, fur dealers and taxidermists. Under current law, DNR may only sell these items to restaurants.

The bill also establishes a procedure for DNR to dispose of unclaimed property that comes into DNR's possession. The procedure is similar to the procedure used by cities, villages, towns and counties under current law; and it specifies methods of disposal and authorizes DNR to dispose of unclaimed property after holding the property for 30 days.

**MISCELLANEOUS PROVISIONS**

Under current law, proceeds received by DNR from the sales of pelts that are prepared during instruction under the trapper education program established by DNR are deposited in the conservation fund. Under this bill, these proceeds are specifically credited to an appropriation to provide funds for the trapper education program.

The bill also requires certain types of arrow tips be used on crossbows, depending on the type of game being hunted.

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:***

1           **SECTION 1.** 20.370 (1) (Lq) of the statutes is amended to read:

2           20.370 (1) (Lq) *Trapper education program.* As a continuing appropriation, all  
3 moneys remitted to the department under s. 29.597 (3), an amount equal to the  
4 amount calculated under s. 29.331 (3m), all moneys received from the sale of skins  
5 processed as part of the trapper education program under s. 29.597 and all moneys  
6 received from fees collected under s. 29.563 (12) (c) 3. for the trapper education  
7 program under s. 29.597.

8           **SECTION 2.** 20.909 (1) of the statutes is amended to read:

9           20.909 (1) **LOST OR ABANDONED PROPERTY.** Except as provided in s. 170.12, any  
10 personal property lost or abandoned in any building or on any lands belonging to the

Delete {

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**1999 ASSEMBLY BILL 851**

~~March 7, 2000 - Introduced by Representatives JOHNSRUD, GUNDERSON and OTT, by request of Department of Natural Resources. Referred to Committee on Natural Resources.~~

Regen

1 AN ACT *to repeal* 29.304 (1) (b), 29.304 (2) (a) (title), 29.304 (2) (b) (title), 29.304  
2 (3) (a) (title) and 29.304 (3) (b) (title); *to renumber* 29.304 (2) (b) 2., 29.304 (3)  
3 (a) (intro.), 29.304 (3) (b) (intro.) and 29.304 (3) (b) 2.; *to renumber and amend*  
4 29.304 (2) (a), 29.304 (2) (b) (intro.), 29.304 (2) (b) 1., 29.304 (3) (a) 1., 29.304 (3)  
5 (a) 2., 29.304 (3) (b) 1., 29.304 (3) (b) 3., 29.934 (1) (a), 29.934 (1) (b), 29.934 (1)  
6 (c) 1., 29.934 (1) (c) 2., 29.934 (1) (c) 3., 29.934 (1) (d), 29.934 (1) (e), 29.934 (2)  
7 and 29.934 (3); *to amend* 20.370 (1) (Lq), 20.909 (1), 29.171 (4) (b) 5., 29.304  
8 (1) (title), 29.304 (3) (title), 29.304 (5), 29.541 (1) (a) (intro.), 29.563 (11) (b) 1.,  
9 29.563 (12) (c) 2., 29.591 (4) (am), 29.591 (4) (ar), 29.593 (2), 29.934 (title),  
10 120.13 (1) (bm), 120.13 (1) (c) 2m., 948.605 (2) (b) 4., 948.605 (3) (b) 2. and 968.20  
11 (3); and *to create* 29.171 (4) (b) 6., 29.171 (4) (b) 7., 29.194 (4), 29.304 (3r) (title),  
12 29.597 (7), 29.934 (1m) (title), 29.934 (2) (title), 29.934 (2) (c), 29.938 and 29.939  
13 of the statutes; **relating to:** the use by the department of natural resources of  
14 seized, ~~or~~ <sup>or unclaimed</sup> confiscated property for educational hunting, fishing, trapping, and



## ASSEMBLY BILL 851

1 other conservation activities; ~~the sale, disposal and use of wild animals and~~  
 2 ~~other items seized or confiscated or otherwise retained by the department of~~  
 3 ~~natural resources~~; hunting of antlerless deer by holders of certificates of  
 4 accomplishment issued under the hunter education program and the bow  
 5 hunter education program; certificates of hunter safety issued by provinces and  
 6 other countries; possession of firearms and hunting with firearms by persons  
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① ↓  
of circumstances ← ③

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## ASSEMBLY BILL 851

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amount calculated under s. 29.331 (3m), all moneys received from the sale of skins  
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received from fees collected under s. 29.563 (12) (c) 3. for the trapper education  
program under s. 29.597.

SECTION 2. 20.909 (1) of the statutes is amended to read:

20.909 (1) LOST OR ABANDONED PROPERTY. ~~Except as provided in s. 170.12, any  
personal property lost or abandoned in any building or on any lands belonging to the~~

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## ASSEMBLY BILL 851

1 state and unclaimed for a period of 60 days may be returned to the person finding the  
 2 same or may be sold at private or public sale by the state agency having charge of the  
 3 place where such personal property is found. All receipts from such sales, after  
 4 deducting the necessary expenses of keeping such property and selling the same,  
 5 shall be paid promptly into the state treasury and credited to the school fund. This  
 6 subsection does not apply to personal property that is subject to s. 29.939.

7 **SECTION 3.** 29.171 (4) (b) 5. ✓ of the statutes is amended to read:

8 29.171 (4) (b) 5. Shall be used with bolts or arrows of not less than 14 inches  
 9 in length ✓ with a broadhead.

10 **SECTION 4.** 29.171 (4) (b) 6. ✓ of the statutes is created to read:

11 29.171 (4) (b) 6. Shall be used with bolts or arrows that have ✓ broadhead tips  
 12 when hunting bear or deer.

13 **SECTION 5.** 29.171 (4) (b) 7. ✓ of the statutes is created to read:

14 29.171 (4) (b) 7. Shall be used with bolts or arrows that have broadhead tips  
 15 or blunt tips when hunting game other than bear or deer. ✓

16 **SECTION 6.** 29.194 (4) ✓ of the statutes is created to read:

17 29.194 (4) RESIDENT SMALL GAME HUNTING LICENSES FOR NONRESIDENT MINORS. (a)  
 18 In this subsection: ✓

19 1. "Hunting license" means a licensc or permit that authorizes the hunting of  
 20 small game with a firearm.

21 2. "Minor" means a person who is at least 12 ✓ years of age but less than 16 years  
 22 of age.

23 (b) A small game hunting license shall be issued by the ✓ department to a person  
 24 who resides in another state and who applies for this license if all of following apply:

25 1. The applicant is a minor.

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ASSEMBLY BILL 851

SECTION 6

1 2. The state in which the applicant resides issues hunting licenses to minors  
2 who are residents of this state and collects a fee for those hunting licenses that is the  
3 same as the fee collected from minors residing in that state for those hunting  
4 licenses.

5 SECTION 7. 29.304 (1) (title) of the statutes is amended to read:

6 29.304 (1) (title) PERSONS HUNTING BY PERSONS UNDER 12 YEARS OF AGE.

7 SECTION 8. 29.304 (1) (b) of the statutes is repealed.

8 SECTION 9. 29.304 (2) (a) (title) of the statutes is repealed.

9 SECTION 10. 29.304 (2) (a) of the statutes is renumbered 29.304 (2) and  
10 amended to read:

11 29.304 (2) PERSONS 12 TO 14 HUNTING BY PERSONS 12 AND 13 YEARS OF AGE. No  
12 person 12 years of age or older but under 14 years of age may hunt unless he or she  
13 is accompanied by ~~a~~ his or her parent or guardian or by a person at least 18 years of  
14 age who is designated by the parent or guardian.

15 SECTION 11. 29.304 (2) (b) (title) of the statutes is repealed.

16 SECTION 12. 29.304 (2) (b) (intro.) of the statutes is renumbered 29.304 (3m)  
17 (intro.) and amended to read:

18 29.304 (3m) POSSESSION BY PERSONS UNDER 14 YEARS OF AGE. (intro.) No person  
19 ~~12 years of age or older but~~ under 14 years of age may have in his or her possession  
20 or control any firearm unless he or she:

21 SECTION 13. 29.304 (2) (b) 1. of the statutes is renumbered 29.304 (3m) (a) and  
22 amended to read:

23 29.304 (3m) (a) Is accompanied by ~~a~~ his or her parent or guardian or by a person  
24 at least 18 years of age who is designated by the parent or guardian; or

25 SECTION 14. 29.304 (2) (b) 2. of the statutes is renumbered 29.304 (3m) (b).

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ASSEMBLY BILL 851

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SECTION 15. 29.304 (3) (title) of the statutes is amended to read:

29.304 (3) (title). ~~PERSONS 14 TO 16~~ HUNTING BY PERSONS 14 AND 15 YEARS OF AGE.

3

SECTION 16. 29.304 (3) (a) (title) of the statutes is repealed.

4

SECTION 17. 29.304 (3) (a) (intro.) of the statutes is renumbered 29.304 (3)

5

(intro.).

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SECTION 18. 29.304 (3) (a) 1. of the statutes is renumbered 29.304 (3) (a) and amended to read:

29.304 (3) (a) Is accompanied by ~~a~~ his or her parent or guardian or by a person at least 18 years of age who is designated by the parent or guardian; or

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SECTION 19. 29.304 (3) (a) 2. of the statutes is renumbered 29.304 (3) (b) amended to read:

29.304 (3) (b) Is issued a certificate of accomplishment that states that he or she successfully completed the course of instruction under the hunter education program or has a similar certificate issued by another state ~~or~~ province or country that has a hunter safety course that is recognized by the department under a reciprocity agreement.

17

SECTION 20. 29.304 (3) (b) (title) of the statutes is repealed.

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SECTION 21. 29.304 (3) (b) (intro.) of the statutes is renumbered 29.304 (3r)

19

(intro.).

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SECTION 22. 29.304 (3) (b) 1. of the statutes is renumbered 29.304 (3r) (a) and amended to read:

29.304 (3r) (a) Is accompanied by ~~a~~ his or her parent or guardian or by a person at least 18 years of age who is designated by the parent or guardian.

24

SECTION 23. 29.304 (3) (b) 2. of the statutes is renumbered 29.304 (3r) (b).

ASSEMBLY BILL 851

SECTION 24

1 SECTION 24. 29.304 (3) (b) 3. of the statutes is renumbered 29.304 (3r) (c) and  
2 amended to read:

3 29.304 (3r) (c) Is issued a certificate of accomplishment that states that he or  
4 she completed the course of instruction under the hunter education program or has  
5 a similar certificate issued by another state or province or country that has a hunter  
6 safety course that is recognized by the department under a reciprocity agreement.

7 SECTION 25. 29.304 (3r) (title) of the statutes is created to read:

8 29.304 (3r) (title) POSSESSION BY PERSONS 14 TO 16 YEARS OF AGE.

9 SECTION 26. 29.304 (5) of the statutes is amended to read:

10 29.304 (5) EXCEPTION. Notwithstanding subs. (1) to (3) (2) to (3r), a person 12  
11 years of age or older may possess or control a firearm and may hunt with a firearm  
12 or bow and arrow on land under the ownership of the person or the person's family  
13 if no license is required and if the firing of firearms is permitted on that land.

14 SECTION 27. 29.541 (1) (a) (intro.) of the statutes is amended to read:

15 29.541 (1) (a) (intro.) No Except as provided in s. 29.934 (3) ~~innkeeper,~~  
16 manager or steward of any restaurant, club, hotel, boarding house, tavern, logging  
17 camp or mining camp may sell, barter, serve or give, or cause to be sold, bartered,  
18 served or given, to its guests or boarders any of the following:

19 SECTION 28. 29.563 (11) (b) 1. of the statutes, as affected by 1999 Wisconsin Act

20 ~~is~~ amended to read:

21 29.563 (11) (b) 1. Hunter education and ~~firearm safety~~ instruction fee: the fee  
22 as established by rule.

23 SECTION 29. 29.563 (12) (c) 2. of the statutes is amended to read:

24 29.563 (12) (c) 2. Hunter education and ~~firearm safety~~ course certificate of  
25 accomplishment: \$2.

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ASSEMBLY BILL 851

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SECTION 30. 29.591 (4) (am) of the statutes is amended to read:

29.591 (4) (am) *Authorization for antlerless deer.* The department may authorize a person to whom it issues a certificate of accomplishment for successfully completing the course of instruction under the hunter education program under s. 29.591 for the first time to use the certificate in place of a permit issued under s. 29.177 or 29.181 to take one antlerless deer in specific areas identified by the department. The authorization for group deer hunting under s. 29.324 shall not apply to a person hunting an antlerless deer as authorized under this paragraph.

SECTION 31. 29.591 (4) (ar) of the statutes is amended to read:

29.591 (4) (ar) *Period for hunting antlerless deer.* A certificate of accomplishment issued under this section that the department has authorized to be used in place of a permit under s. par. (am) is valid for the hunting of one antlerless deer during the deer hunting season immediately following the date of issuance of the certificate on which the person holding the certificate is first eligible to apply for a deer hunting license.

SECTION 32. 29.593 (2) of the statutes is amended to read:

29.593 (2) ~~A~~ If a person who has evidence that is satisfactory to the department indicating that he or she has completed in another state, province or country a hunter safety course, and if the course is recognized by the department under a reciprocity agreement, the person may obtain an approval authorizing hunting. ~~for successfully completing the course of instruction the hunter education program~~

SECTION 33. 29.597 (7) of the statutes is created to read:

29.597 (7) PROCEEDS FROM THE SALE OF SKINS. The department may sell, either directly or by an agent under supervision by the department, skins that are prepared as a part of the course of instruction under the trapper education program. Any

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1 proceeds that the department receives from the sale of these skins shall be credited  
2 to the appropriation account under s. 20.370 (1) (Lq).

3 SECTION 34. 29.934 (title) of the statutes is amended to read:  
4 29.934 (title) **Sale of confiscated game wild animals and objects.**

5 Fix component

SECTION 35. 29.934 (1) (a) of the statutes is renumbered 29.934 (1) and  
6 amended to read:

7 29.934 (1) ~~SALES IN GENERAL~~ (a) All wild animals, carcasses or plants that are  
8 confiscated by the department and all confiscated vehicles, boats or objects shall, if  
9 not destroyed as authorized by law, be sold, except as provided in ss. 29.936 and  
10 29.938, at the highest price obtainable, by the department, or by an agent on  
11 commission under supervision of the department. The net proceeds of sales under  
12 this subsection, after deducting the expense of seizure and sale and any commissions  
13 and any amounts owing to holders of security interests under ~~par. (e) or (d) subs. (1m)~~  
14 ~~and (1r)~~, shall be remitted to the department. The remittance shall be accompanied  
15 by a report of the sales, supported by vouchers for expenses and commissions, and  
16 shall be filed with the department.

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17 SECTION 36. 29.934 (1) (b) of the statutes is renumbered 29.934 (1g) and  
18 amended to read:

19 29.934 (1g) DISTRIBUTION OF SALE PROCEEDS. Of the remittance from the sales  
20 under sub. (1) of confiscated vehicles, boats or objects, 18% shall be paid into the  
21 conservation fund to reimburse it for expenses incurred in seizure and sale, and the  
22 remaining 82% shall be paid into the common school fund.

23 SECTION 37. 29.934 (1) (e) 1. of the statutes is renumbered 29.934 (1m) (a) and  
24 amended to read:

## ASSEMBLY BILL 851

1 ~~29.934 (1m) (a) In the case of the sale of a confiscated motor vehicle under sub.~~  
2 ~~(1), the department shall make a reasonable effort, within 10 days after seizure, to~~  
3 ~~ascertain if a security interest in the seized motor vehicle exists. The department~~  
4 ~~shall, within 10 days after obtaining actual or constructive notice of any security~~  
5 ~~interest in the seized motor vehicle, give the secured party notice of the time and~~  
6 ~~place when there is to be any proceeding before a court pertaining to the confiscation~~  
7 ~~of the motor vehicle. Constructive notice shall be limited to security interests~~  
8 ~~perfected by filing.~~

9 SECTION 38. 29.934 (1) (c) 2. of the statutes is renumbered 29.934 (1m) (b) and  
10 amended to read:

11 29.934 (1m) (b) The time of sale of the confiscated motor vehicle shall be within  
12 20 days after judgment of confiscation as provided in s. 29.931 (2). The department  
13 shall give each secured party discovered in accordance with ~~subd. 1. par. (a)~~ at least  
14 10 days' notice of the time and place of sale of the motor vehicle.

15 SECTION 39. 29.934 (1) (c) 3. of the statutes is renumbered 29.934 (1m) (c) and  
16 amended to read:

17 29.934 (1m) (c) If the holder of a security interest in the confiscated motor  
18 vehicle, perfected by filing, proves to the court, or after judgment of confiscation, to  
19 the department, that the violation that led to the confiscation was not with the  
20 knowledge, consent or connivance of the holder of the security interest or with that  
21 of some person employed or trusted by the holder of the security interest, the amount  
22 due under the security agreement, together with any other deductions authorized  
23 under ~~par. (a) sub. (1)~~, shall be deducted from the proceeds of the sale of the  
24 confiscated motor vehicle and the amount due shall be paid to the one entitled. If a  
25 sufficient amount does not remain for the full payment of the amount due under the

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SECTION 39

1 security agreement after making the other deductions authorized under ~~par. (a) sub.~~  
2 (1), the amount remaining shall be paid to the one entitled.

3 SECTION 40. 29.934 (1) (d) of the statutes is renumbered 29.934 (1r) and  
4 amended to read:

5 29.934 (1r) BOATS AND CERTAIN VEHICLES. The provisions of s. 973.075 (1) (b) 2m.  
6 and (5) apply to boats and vehicles, other than motor vehicles, under that are subject  
7 to this subsection section.

8 SECTION 41. 29.934 (1) (e) of the statutes is renumbered 29.934 (1u) and  
9 amended to read:

10 29.934 (1u) CAR KILL DEER. ~~This subsection~~ Subsection (1) does not apply to a  
11 deer killed, or so injured that it must be killed, by a collision with a motor vehicle on  
12 a highway. For purposes of this subsection, "deer" does not include farm-raised deer.

13 SECTION 42. 29.934 (1m) (title) of the statutes is created to read:

14 29.934 (1m) (title) SALE OF MOTOR VEHICLES.

15 SECTION 43. 29.934 (2) (title) of the statutes is created to read:

16 29.934 (2) (title) SALE OF WILD ANIMALS.

17 *Fix Component* SECTION 44. 29.934 (2) of the statutes is renumbered 29.934 (2) (a) and  
18 amended to read: *PLAIN*

19 29.934 (2) ~~(a)~~ On any sales under this section of wild animals or carcasses ~~that~~  
20 ~~are seized or confiscated under s. 29.931 (1)~~, the department or the agent selling  
21 them shall issue to each purchaser a certificate, on forms prepared and furnished by  
22 the department, covering the sales. The wild animals or carcasses so purchased shall  
23 be consumed, resold or otherwise disposed of by the purchaser within a period to be  
24 set by the department, but may not be resold or exchanged, in whole or in part, to any  
25 other person, except as provided in sub. (3) pars. (b) and (c) *PLAIN*

*PWF*

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1 SECTION 45. 29.934 (2) (c) of the statutes is created to read:

2 ~~29.934 (2) (c) The department may sell wild animals seized or confiscated~~  
3 ~~under s. 29.931 (1), or their carcasses, to fur dealers licensed under s. 29.501,~~  
4 ~~wholesale fish dealers licensed under s. 29.503, taxidermists having permits under~~  
5 ~~s. 29.506, bait dealers licensed under s. 29.509 and licensees under ss. 29.865,~~  
6 ~~29.867, 29.869, 29.871 and 29.877.~~

7 SECTION 46. 29.934 (3) of the statutes is renumbered 29.934 (2) (b) and  
8 amended to read:

9 ~~29.934 (2) (b) Confiscated~~ The department may sell fish or game sold under this  
10 section, or their carcasses, that are seized or confiscated under s. 29.931 (1) to the  
11 owner or operator of a restaurant may to be served to the restaurant's customers.  
12 The department shall issue a certificate covering the purchase sale, which shall be  
13 hung in public view in the place where the fish or game is served, and the fish or game  
14 shall at the time of sale be tagged by the department or the agent selling it. The tag  
15 shall show the date of sale and shall be returned to the department or agent within  
16 5 days after the sale consumption or other disposal of the fish or game.

17 SECTION 47. 29.938<sup>✓</sup> of the statutes is created to read:

18 **29.938 Use by the department of unclaimed, seized, or confiscated**  
19 **property.** The department may retain and use any of the following property for the  
20 education program under s. 29.591<sup>✓</sup>, the trapper education program under s. 29.597<sup>✓</sup>,  
21 or other educational hunting, fishing, trapping, or conservation activities conducted  
22 by the department:

23 (1) Property seized or confiscated under this chapter.

24 (2) Property turned over to the department under s. 968.20 (3).<sup>✓</sup>

25 (3) ~~Unclaimed personal property as defined in s. 29.929 (1)~~ that is in  
the possession of the department<sup>✓</sup> and that is lost, not  
abandoned, or not claimed by its owner.  
*was not claimed*  
*claimant of US owner.*

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SECTION 48

*move to p. 13 at line 19*

~~SECTION 48. 29.939 of the statutes is created to read:~~

~~**29.939 Disposal of unclaimed property.** (1) DEFINITION. In this section, "unclaimed personal property" means personal property that is lost, abandoned or not claimed by its owner and that is in the possession of the department, but does not include personal property seized under <sup>s.</sup> ~~§~~ 29.043 (1) <sup>or</sup> and (2), 29.331 (1), 29.404 (1), 29.526 (4), 29.529 (4), 29.604 (5), 29.705 (4) (a), 29.875 (1), <sup>or</sup> and 29.931.~~

~~(2) TIMING AND METHODS OF DISPOSAL. The department may dispose of any unclaimed personal property that has remained unclaimed by the owner for a period of 30 days after the taking of possession of the property by the department or its wardens. The department may dispose of the unclaimed personal property by any means that the department determines to be in its best interest, except that the department may not use an auction open to the public to dispose of the unclaimed personal property specified in sub. (4) or (5).~~

~~(3) INVENTORY REQUIRED. For unclaimed personal property that is not disposed of at an auction open to the public, the department shall maintain an inventory of the property. The inventory shall be kept as a public record for a period of not less than 2 years from the date of disposal of the property. The inventory shall include:~~

~~(a) The name and address of the person, if any, who takes possession of the unclaimed personal property.~~

~~(b) A record of the date and method of disposal.~~

~~(c) Any consideration received for the unclaimed personal property.~~

~~(4) FLAMMABLE, EXPLOSIVE OR INCENDIARY MATERIALS. Notwithstanding the 30-day time period under sub. (2), the department may safely dispose of unclaimed personal property consisting of flammable, explosive or incendiary substances, materials or devices posing a danger to life or property in their storage,~~

**ASSEMBLY BILL 851**

1 transportation or use immediately after taking possession of the substances,  
 2 materials or devices. The department by rule may establish disposal procedures for  
 3 these substances, materials or devices. The rules may include a provision  
 4 authorizing an attempt to return to the rightful owner substances, materials or  
 5 devices that have a commercial value in the normal business usage and that do not  
 6 pose an immediate threat to life or property. If this provision is included in the rule,  
 7 the provision shall require that, if the substance, material or device appears to be or  
 8 is reported stolen, the department shall attempt to return the substance, material  
 9 or device to the rightful owner.

10 (5) FIREARMS AND AMMUNITION. The department shall dispose of unclaimed  
 11 personal property that consists of firearms or ammunition within 11 months after  
 12 the time period under sub. (2) expires. The department by rule shall establish  
 13 disposal procedures for firearms and ammunition. The rules may include a provision  
 14 authorizing an attempt to return to the rightful owner firearms and ammunition  
 15 that have a commercial value in the normal business usage and that do not pose an  
 16 immediate threat to life or property. If this provision is included in the rule, the  
 17 provision shall require that, if the firearm or ammunition appears to be or is reported  
 18 stolen, the department shall attempt to return the firearm or ammunition to the  
 19 rightful owner.

20 **SECTION 49.** 120.13 (1) (bm) of the statutes is amended to read:

21 120.13 (1) (bm) The school district administrator or any principal or teacher  
 22 designated by the school district administrator shall suspend a pupil under par. (b)  
 23 if the school district administrator, principal or teacher determines that the pupil,  
 24 while at school or while under the supervision of a school authority, possessed a  
 25 firearm, as defined in 18 USC 921 (a) (3). This paragraph does not apply if the pupil

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## ASSEMBLY BILL 851

## SECTION 49

1 possesses the firearm in order to participate in the hunter education program  
2 conducted under s. 29.591. ✓

3 SECTION 50. 120.13 (1) (c) 2m. ✓ of the statutes is amended to read:

4 120.13 (1) (c) 2m. The school board shall commence proceedings under subd.  
5 3. and expel a pupil from school for not less than one year whenever it finds that the  
6 pupil, while at school or while under the supervision of a school authority, possessed  
7 a firearm, as defined in 18 USC 921 (a) (3). Annually, the school board shall report  
8 to the department the information specified under 20 USC 8921 (d) (1) and (2). This  
9 subdivision ✓ does not apply if the pupil possesses the firearm in order to participate  
10 in a hunter education program conducted under s. 29.591. ✓

11 SECTION 51. ✓ 948.605 (2) (b) 4. of the statutes is amended to read:

12 948.605 (2) (b) 4. By an individual for use in ~~a~~ the hunter education program  
13 conducted under s. 29.591 ✓ or another ✓ program approved by a school in the school  
14 zone;

15 SECTION 52. ✓ 948.605 (3) (b) 2. of the statutes is amended to read:

16 948.605 (3) (b) 2. As part of ~~a~~ the hunter education program conducted under  
17 s. 29.591 ✓ or other ✓ program approved by a school in the school zone, by an individual  
18 who is participating in the program;

19 SECTION 53. 968.20 (3) ✓ of the statutes is amended to read:

20 968.20 (3) (a) First class cities shall dispose of dangerous weapons or  
21 ammunition seized 12 months after taking possession of them if the owner,  
22 authorized under sub. (1m), has not requested their return and if the dangerous  
23 weapon or ammunition is not required for evidence or use in further investigation  
24 and has not been disposed of pursuant to a court order at the completion of a criminal  
25 action or proceeding. Disposition procedures shall be established by ordinance or

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## ASSEMBLY BILL 851

1 resolution and may include provisions authorizing an attempt to return to the  
2 rightful owner any dangerous weapons or ammunition which appear to be stolen or  
3 are reported stolen. If enacted, any such provision shall include a presumption that  
4 if the dangerous weapons or ammunition appear to be or are reported stolen an  
5 attempt will be made to return the dangerous weapons or ammunition to the  
6 authorized rightful owner. If the return of a seized dangerous weapon other than a  
7 firearm is not requested by its rightful owner under sub. (1) and is not returned by  
8 the officer under sub. (2), the city shall safely dispose of the dangerous weapon or,  
9 if the dangerous weapon is a motor vehicle, as defined in s. 340.01 (35), sell the motor  
10 vehicle following the procedure under s. 973.075 (4) or authorize a law enforcement  
11 agency to retain and use the motor vehicle. If the return of a seized firearm or  
12 ammunition is not requested by its authorized rightful owner under sub. (1) and is  
13 not returned by the officer under sub. (2), the seized firearm or ammunition shall be  
14 shipped to and become property of the state crime laboratories. A person designated  
15 by the department of justice may destroy any material for which the laboratory has  
16 no use or arrange for the exchange of material with other public agencies. In lieu of  
17 destruction, shoulder weapons for which the laboratories have no use shall be turned  
18 over to the department of natural resources for sale and distribution of proceeds  
19 under s. 29.934 or for use under s. 29.938.

PWF

20 (b) Except as provided in par. (a) or sub. (1m) or (4), a city, village, town or  
21 county or other custodian of a seized dangerous weapon or ammunition, if the  
22 dangerous weapon or ammunition is not required for evidence or use in further  
23 investigation and has not been disposed of pursuant to a court order at the  
24 completion of a criminal action or proceeding, shall make reasonable efforts to notify  
25 all persons who have or may have an authorized rightful interest in the dangerous



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## SECTION 53

1 weapon or ammunition of the application requirements under sub. (1). If, within 30  
2 days after the notice, an application under sub. (1) is not made and the seized  
3 dangerous weapon or ammunition is not returned by the officer under sub. (2), the  
4 city, village, town or county or other custodian may retain the dangerous weapon or  
5 ammunition and authorize its use by a law enforcement agency, except that a  
6 dangerous weapon used in the commission of a homicide or a handgun, as defined  
7 in s. 175.35 (1) (b), may not be retained. If a dangerous weapon other than a firearm  
8 is not so retained, the city, village, town or county or other custodian shall safely  
9 dispose of the dangerous weapon or, if the dangerous weapon is a motor vehicle, as  
10 defined in s. 340.01 (35), sell the motor vehicle following the procedure under s.  
11 973.075 (4). If a firearm or ammunition is not so retained, the city, village, town or  
12 county or other custodian shall ship it to the state crime laboratories and it is then  
13 the property of the laboratories. A person designated by the department of justice  
14 may destroy any material for which the laboratories have no use or arrange for the  
15 exchange of material with other public agencies. In lieu of destruction, shoulder  
16 weapons for which the laboratory has no use shall be turned over to the department  
17 of natural resources for sale and distribution of proceeds under s. 29.934 or for use  
18 under s. 29.938. ✓

(END)



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

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STEPHEN R. MILLER  
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February 26, 2001

### MEMORANDUM

To: Representative Johnsrud

From: Mary Gibson-Glass, Senior Legislative Attorney

Re: LRB-2307 Youth participation in hunting, recognition of hunter safety certificates, crossbow arrow tips, use of trapper education funds

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

*SL*

JACKET FOR ASSEMBLY     JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 267-3215 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.