

2003 DRAFTING REQUEST

Bill

Received: 09/04/2003

Received By: rnelson2

Wanted: As time permits

Identical to LRB:

For: Joseph Leibham (608) 266-2056

By/Representing: Ron Sklansky

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Nat. Res. - fish and game

Extra Copies: Ron Sklansky, LC

Submit via email: YES

Requester's email: Sen.Leibham@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Objection by JCRAR to baiting and feeding proposed rule

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>
/?							
/1	rnelson2 09/08/2003	jdyer 09/09/2003	rschluet 09/09/2003	_____	mbarman 09/09/2003	mbarman 09/18/2003	
		jdyer 09/09/2003		_____			

FE Sent For:

Not
Needed

<END>

2003 DRAFTING REQUEST

Bill

Received: 09/04/2003

Received By: rnelson2

Wanted: As time permits

Identical to LRB:

For: Joseph Leibham (608) 266-2056

By/Representing: Ron Sklansky

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Nat. Res. - fish and game

Extra Copies: Ron Sklansky, LC

Submit via email: YES

Requester's email: Sen.Leibham@legis.state.wi.us ✓

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Objection by JCRAR to baiting and feeding proposed rule

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>
/?							
/1	rnelson2 09/08/2003	jdyer 09/09/2003	rschluet 09/09/2003	_____	mbarman 09/09/2003		
		jdyer 09/09/2003		_____			

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: 09/04/2003

Received By: rnelson2

Wanted: As time permits

Identical to LRB:

For: Joseph Leibham (608) 266-2056

By/Representing: Ron Sklansky

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Nat. Res. - fish and game

Extra Copies: Ron Sklansky, LC

Submit via email: YES

Requester's email: Sen.Leibham@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Objection by JCRAR to baiting and feeding proposed rule

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>
/?	rnelson2	1/9 jld					

FE Sent For:

<END>

Nelson, Robert P.

From: Gibson-Glass, Mary
Sent: Thursday, September 04, 2003 8:16 AM
To: Nelson, Robert P.
Cc: Kite, Robin
Subject: FW: deer baiting and feeding

Bob:

You have done most of the baiting and feed ones. Hopefully some of them are similar. Could you do this one (actually 2)? If not, let me know.

Thanks,

Mary

-----Original Message-----

From: Kite, Robin
Sent: Wednesday, September 03, 2003 9:53 AM
To: Gibson-Glass, Mary
Subject: FW: deer baiting and feeding

Mary:

Do you want to take this one or shall I?

Robin

-----Original Message-----

From: Sklansky, Ron
Sent: Wednesday, September 03, 2003 9:44 AM
To: Kite, Robin; Gibson-Glass, Mary
Subject: deer baiting and feeding

Robin and Mary:

It's been a busy season for JCRAR. As you may have read in the news, JCRAR's motion objecting to DNR's proposed rule on baiting and feeding of wild animals, Clearinghouse Rule 03-017, became effective on August 29, 2003. The motion is attached.

The committee would like to look at bill drafts supporting the objection that address two options.

The first draft should simply provide that, except in a chronic wasting disease eradication zone, a chronic wasting disease management zone, or an intensive harvest zone, DNR must allow a person to use not more than 10 gallons of bait for the purpose of hunting deer and may not restrict the use of bait for the purpose of viewing deer.

The second draft should incorporate the compromise on baiting and feeding of deer as described in the attached motion.

As you can see, the drafts will not address baiting and feeding of wildlife other than deer.

As usual, each draft should be prepared for each house in the names of Re. Grothman and Sen. Leibham.

If you have any questions about this, let me know. Thanks.

Ron

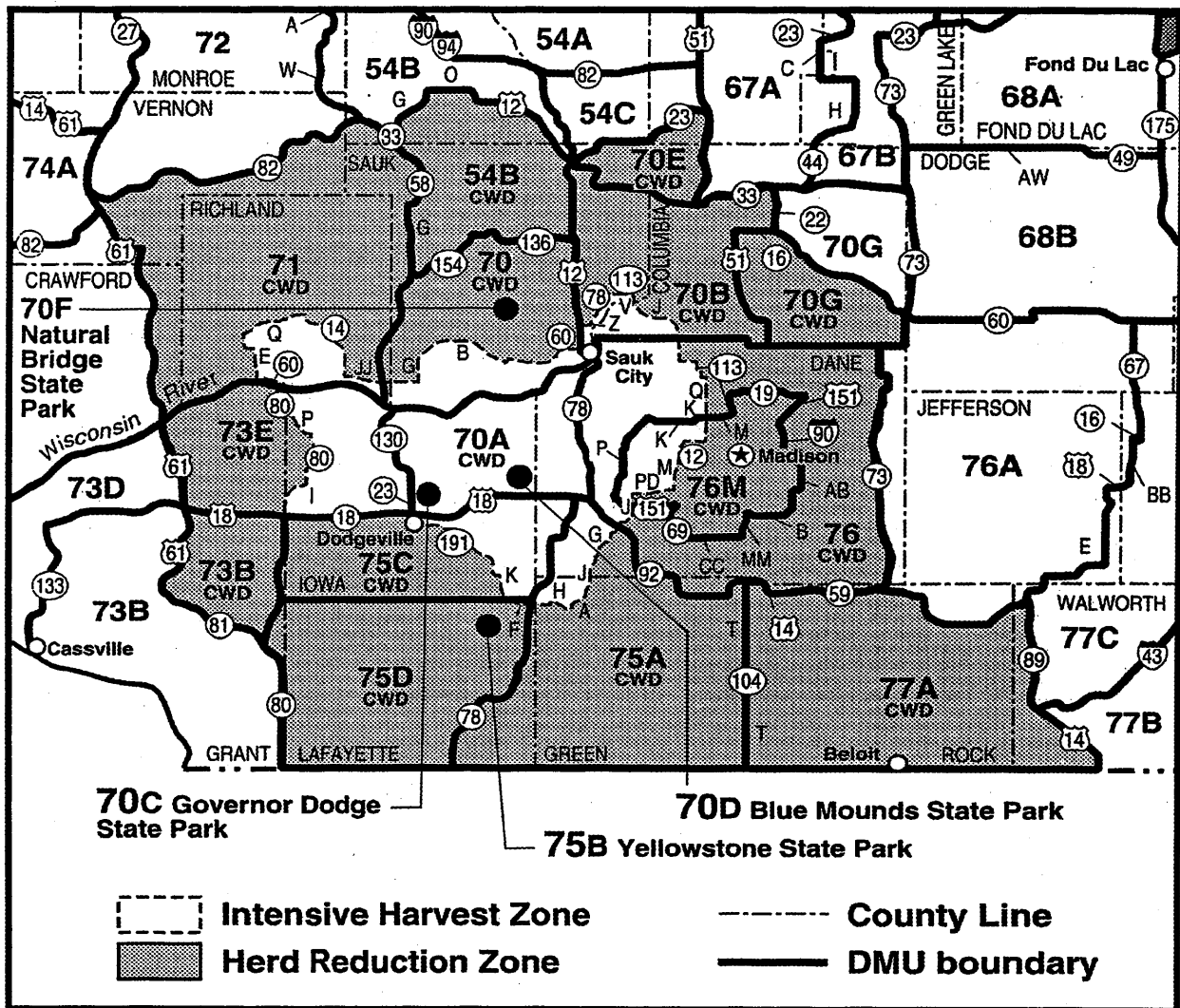


chr03-017
motion.doc

Motions

1. Pursuant to s. 227.19 (5) (b) 2., Stats., the Joint Committee for Review of Administrative Rules recommends that the Department of Natural Resources (DNR) modify Clearinghouse Rule 03-017 by providing that the rule will not apply after June 30, 2004.
2. Pursuant to s. 227.19 (5) (b) 2., Stats., the Joint Committee for Review of Administrative Rules recommends that DNR modify Clearinghouse Rule 03-017 by providing that:
 - a. Baiting for the purpose of hunting deer be allowed only when all of the following conditions have been met:
 - (1) Baiting occurs during an open season for hunting deer.
 - (2) Baiting occurs outside of a chronic wasting disease eradication zone, a chronic wasting disease management zone, or an intensive harvest zone.
 - (3) No more than two gallons of bait are spread daily by a scattering method or a broadcast method at no more than two sites in a 40 acre parcel. The two gallon limit is a daily limit at both sites so that no more than four gallons may be spread in a 40 acre parcel.
 - b. Feeding for the purpose of viewing deer be allowed only when all of the following conditions have been met:
 - (1) Feeding occurs north of state highway 54.
 - (2) Feeding occurs outside of a chronic wasting disease eradication zone, a chronic wasting disease management zone, or an intensive harvest zone.
 - (3) No more than two gallons of feed are spread daily by a scattering method or a broadcast method within 50 yards of an owner occupied residence.
3. If DNR fails to indicate in writing, by 5:00 on Friday, August 29, 2003, that it will make the recommended modifications described in Motions 1 and 2, then, pursuant to s. 227.19 (4) (d) 5. and 6. and (5), Stats., the Joint Committee for Review of Administrative Rules objects to Clearinghouse Rule 03-017.

(3) CWD HERD REDUCTION AND INTENSIVE HARVEST ZONES.



History: Cr. Register, August, 1964, No. 104, eff. 9-1-64; am. map Register, August, 1968, No. 152, eff. 9-1-68; r. and recr. Register, August, 1969, No. 164, eff. 9-1-69; renun. to be NR 10.24; am. (1), Register, June, 1970, No. 174, eff. 7-1-70; am. (1), and map Register, August, 1971, No. 188, eff. 9-1-71; am. (1), Register, September, 1972, No. 201, eff. 10-1-72; am. (1), Register, September, 1973, No. 213, eff. 10-1-73; am. (1), Register, May, 1976, No. 245, eff. 8-15-76; am. (1), Register, November, 1976, No. 251, eff. 12-1-76; am. Register, October, 1977, No. 262, eff. 11-1-77; renun. from NR 10.24 and am., Register, September, 1979, No. 285, eff. 10-1-79; r. and recr. Register, October, 1981, No. 310, eff. 11-1-81; emerg. am. eff. 9-9-82; r. and recr. Register, October, 1983, No. 334, eff. 11-1-83; r. and recr. Register, October, 1984, No. 346, eff. 11-1-84; r. and recr. Register, July, 1985, No. 355, eff. 8-1-85; r. and recr. October, 1985, No. 358, eff. 11-1-85; r. and recr. October, 1986, No. 370, eff. 11-1-86; r. and recr. October, 1989, No. 406, eff. 11-1-89; am. map, Register, September, 1990, No. 417, eff. 10-1-90; r. and recr. Register August, 1992, No. 440, eff. 9-1-92; r. and recr. (intro.), Register, August, 1996, No. 488, eff. 9-1-96; r. and recr. (1), cr. (2) (d) and (e), Register, October, 1997, No. 502, eff. 11-1-97; r. and recr. (1) map, Register, July, 1998, No. 511, eff. 8-1-98; r. and recr. (1), Register, June, 1999, No. 522, eff. 7-1-99; r. and recr. (1), Register, May, 2000, No. 533, eff. 6-1-00; r. and recr. (1) and (2) (c), Register, March, 2001, No. 543, eff. 4-1-01; emerg. cr. (3), eff. 7-3-02; r. and recr. (1), Register July 2002 No. 559, eff. 8-1-02; CR 02-018: cr. (2) (f) Register September 2002 No. 561, eff. 10-1-02; CR 03-016: cr. (3) Register August 2003 No. 572, eff. 9-1-03.



JLD

2003 BILL

LPS -
These
are identical
bills + companion
are
wanted
@ the same
time
BJS ✓

- 1 AN ACT ...; relating to: objecting to the Department of Natural Resources' ✓
- 2 proposed rule regarding the feeding and baiting of deer and permitting deer
- 3 baiting and feeding in certain circumstances. ✓

Analysis by the Legislative Reference Bureau

Current law requires the Department of Natural Resources (DNR) to promulgate rules to regulate the recreational and supplemental feeding of wild animals for purposes other than hunting (recreational feeding rules). Currently, "wild animal" means any mammal, bird, fish, or other creature of a wild nature endowed with sensation and the power of voluntary motion. Under current law, the recreational feeding rules do not apply after June 30, 2004. ✓

This bill allows a person to feed deer in an area north of STH 54, other than in a chronic wasting disease eradication, herd reduction, management, or intensive harvest zone, for viewing purposes as an exception to the DNR recreational feeding rules if the site is within 50 yards of an owner-occupied residence. The bill also allows a person to bait deer, other than in a chronic wasting disease eradication, herd reduction, management, or intensive harvest zone, for hunting purposes during open deer season. Under the bill, the total amount of material placed daily for feeding may not exceed two gallons and for baiting may not exceed two gallons at no more than two sites on a 40-acre parcel.

This bill is introduced as required by s. 227.19 (5) (e), stats., in support of the objection of the senate committee on environment and natural resources on July 10, 2003, the objection of the assembly committee on natural resources on July 15, 2003,

BILL

and the objection of the joint committee for review of administrative rules on August 29, 2003, to the issuance of clearinghouse rule 03-017 by the Department of Natural Resources. The proposed rule prohibited the use of bait for the hunting of wild animals or the training of dogs, except that the rule allowed limited baiting for the hunting of bear and the training of bear dogs. The rule did not apply to the hunting of waterfowl, the trapping of wild animals, the feeding of birds or small mammals if the structures for that feeding are not accessible to deer, ~~or~~ to the feeding of captive wildlife.

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

1 **SECTION 1.** 29.335 of the statutes is amended to read:

2 **29.335 Feeding wild animals for nonhunting purposes.** The Subject to
 3 s. 29.336, ^{(3) or (4)} the department shall promulgate rules to regulate the recreational and
 4 supplemental feeding of wild animals for purposes other than hunting. The rules
 5 promulgated under this section do not apply after June 30, 2004.

6 History: 2001 a. 108.

6 **SECTION 2.** 29.336 of the statutes is created to read:

7 **29.336 Feeding deer.** (1) In this section, "bait deer" or "feed deer" means to
 8 place any material to attract deer in or from the wild.

9 (2) Except as provided in sub. (4), a person may bait deer for the purpose of
 10 hunting deer only if all of the following conditions exist:

11 (a) The baiting occurs during a season open to hunting of deer.

12 (b) No more than 2 gallons of bait are spread daily at each site by the scattering
 13 or broadcast method at no more than 2 sites in a 40-acre parcel.

14 (3) Except as provided in sub. (4), a person may feed deer for the purpose of
 15 viewing deer only if all of the following conditions exist:

16 (a) The feeding occurs north of STH 54.

BILL

1 (b) No more than 2 gallons of bait are spread daily by the scattering or broadcast
2 method within 50[✓] yards of an owner-occupied residence.

3 (4) A person may not bait or feed deer in a chronic wasting disease eradication
4 zone designated under s. 29.063 (2),[✓] a chronic wasting disease herd reduction zone
5 established by rule, a chronic wasting disease intensive harvest zone established by
6 rule, or a chronic wasting disease management zone designated by the department.

7 If the department designates a chronic wasting disease management zone, the
8 department shall publish a class 1 notice[✓] of the designation under[✓] ch. 985 in a
9 newspaper likely to give notice in the area where the designation applies. The
10 department may not enforce the prohibition in a chronic wasting disease
11 management zone before the[✓] 4th day beginning after publication of the designation.

12 (END)

Barman, Mike

From: Vander Sanden, Patrick
Sent: Thursday, September 18, 2003 10:26 AM
To: Barman, Mike
Subject: Report for LRB 3202/1 & 3235/1



cr 03-017 Report to
the Legisl...

Patrick B. Vander Sanden

Office of State Senator Joe Leibham
409 South, State Capitol

Clerk, Joint Committee for Review of Administrative Rules (JCRAR)
(608) 266-2056