

2003 DRAFTING REQUEST

Bill

Received: **04/08/2003**

Received By: **mglass**

Wanted: **As time permits**

Identical to LRB:

For: **Russell Decker (608) 266-2502**

By/Representing: **Patrick Walsh**

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

Drafter: **mglass**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Acreeage requirement for hunting on deer farms and deer farm fences

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>
/?				_____			State
/1	mglass 05/06/2003	wjackson 05/13/2003	jfrantze 05/13/2003	_____	sbasford 05/13/2003	lemery 11/04/2003	

FE Sent For:

<END>

↳ At
Intro.

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1?	mglass	1 WLJ 5/13	6 5/13	 5/13			State

FE Sent For:

<END>

Gibson-Glass, Mary

From: Walsh, Patrick
Sent: Monday, April 07, 2003 12:10 PM
To: Gibson-Glass, Mary
Subject: Bill proposal

PMary, Senator Decker would like to have a bill drafted that would amend section 95.55(5)(b) of the statutes. The current provision states that "no owner of a farm-raised deer may sell, or offer to sell, the opportunity to hunt farm raised deer unless the farm raised deer to be hunted are confined in an area of 80 contiguous acres or more".

Senator Decker would like to change the law so an owner of farm raised deer who sell or offers to sell the opportunity to hunt farm raised deer may continue to do so if they have less than 80 contiguous acres if they were offering those services prior to the passage of 2001 Senate Bill 307. However, any person who went into the business of selling or offering to sell the opportunity to hunt farm raised deer after the passage of 2001 Senate Bill 307 would have to provide 80 or more areas of contiguous land in order to do business.

In addition, require that if a business "grand fathered" in under Sen. Decker's proposal sells their deer farm that the new owner would have to comply with the 80 contiguous acre requirement. However, allow the "grand fathered" deer farms to be transferred to family members and still not have to comply with the 80 contiguous acre requirement.

Lastly, section 90.21 of the statutes requires the DNR to promulgate rules regarding the issuance of fence inspection certificates. Senator Decker would like the law to state that a single 8 foot tall fence surrounding the deer farm is sufficient. Currently, the DNR is proposing 10 feet tall fences or in some cases double fencing the deer farm in order to get a fence inspection certificate.

If you have any questions please feel free to give me a call or send an e-mail. Thank you for your help.

Sincerely,

Patrick Walsh
Legislative Aide
State Senator Russ Decker
266-2502



State of Wisconsin
2003 - 2004 LEGISLATURE

RMR

LRB-2492/R 4

MGG:/:....

WLj

D-N

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

GEN

1 AN ACT ...; relating to: acreage requirements for areas in which farm-raised deer
2 that may be hunted are kept and fencing of farm-raised deer that are
3 white-tailed deer.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Agriculture, Trade and Consumer Protection (DATCP) administers the laws ^{that regulate} farm-raised deer of any species and ^{that require} the registration of owners of farmed-raised deer. Under current rules promulgated by DATCP, a registration certificate authorizing a person to keep farm-raised deer is not transferable to another party. This bill specifically authorizes an individual to transfer his or her registration certificate or his or her ownership interest in a deer farm to a member of his or her immediate family.

Under current law, an owner of a deer farm may not charge a fee for hunting deer on the farm unless the deer to be hunted are confined in a contiguous area of 80 acres or more. This bill creates an exemption to this minimum acreage requirement. Under the bill, ^{if} the deer farm was licensed by the Department of Natural Resources (DNR) under previous law, the contiguous area may be less than 80 acres but may not be less than the area authorized under the DNR license. Also, if an individual who owns a deer farm previously licensed by DNR transfers his or her registration certificate or his or her ownership interest to a member of his or her immediate family, the reduced acreage exemption continues to apply.

Under current law, no person may keep farm-raised white-tailed deer unless all of the deer are confined in a fenced area for which DNR has issued a fence inspection certificate. Current law requires DNR to promulgate as rules

requirements for these fences. The bill prohibits DNR from requiring that the fences be more than ^{eight} 8 feet high or that more than one fence ~~around~~ ^{surround} the confined area.

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:

1 SECTION 1. 90.21 (6) of the statutes is amended to read:

2 90.21 (6) ~~RULES. FENCING REQUIREMENTS.~~ For fences requiring fence inspection
 3 certificates under this section, the department may not require that the fences
 4 exceed 8 feet in height and may not require ~~that~~ ^{surround} more than one fence ~~around~~ the fenced
 5 area. The department ~~shall~~ may promulgate rules to establish other requirements
 6 for fences for which fence inspection certificates are issued under this section. If the
 7 rules include provisions authorizing the placement of fences in navigable bodies of
 8 water, s. 30.12 does not apply to fences placed in compliance with these rules.

History: 2001 a. 56, 105.

9 SECTION 2. 95.55 (2) of the statutes is amended to read:

10 95.55 (2) APPLICATION. A person shall register under this section using a form
 11 provided by the department. The form shall be accompanied by the fee specified
 12 under sub. (3). Upon registration, the department shall issue the person a
 13 registration certificate.

History: 1995 a. 79; 2001 a. 56.

14 SECTION 3. 95.55 (3^c) of the statutes is created to read:

15 95.55 (3^a) TRANSFERS. ^(a) No person may ³ transfer a registration certificate issued
 16 under this section or an ownership interest in a farm registered under this section
 17 except as provided in par. (b).

1 (b) An individual may transfer his or her registration certificate or his or her
2 ownership interest in a farm registered under this section to a member of his or her
3 immediate family.

4 SECTION 4. 95.55 (5) (b) of the statutes is renumbered 95.55 (5) (b) 1. and
5 amended to read:

6 95.55 (5) (b) 1. No owner of farm-raised deer may sell, or offer to sell, the
7 opportunity to hunt farm-raised deer unless the farm-raised deer to be hunted are
8 confined in an area of 80 contiguous acres or more, except as provided in subd. 2 and
9 3.

10 History: 1995 a. 79; 2001 a. 56.

11 SECTION 5. 95.55 (5) (b) 2. of the statutes is created to read:

12 95.55 (5) (b) 2. If a person registered under this section had a license issued
13 under s. 29.871, 1999 stats, that allowed the hunting of deer, and if the license was
14 in effect on January 1, 2003, the area required under subd. 1. may be less than 80
15 contiguous acres but may not be less than the minimum acreage required under the
16 license issued under s. 29.871, 1999 stats.

17 SECTION 6. 95.55 (5) (b) 3. of the statutes is created to read:

18 95.55 (5) (b) 3. If an individual under this section to whom subd. 2. applies
19 transfers his or her registration certificate or his or her ownership interest to a
20 member of his or her immediate family, under sub. (3c)(b) the area required under subd. 1. may be less
21 than 80 contiguous acres but may not be less than the minimum acreage required
22 under subd. 2.

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2492/?dn

MGG:/.....

WJ

Under current DATCP rules, registration certificates for keeping farm-raised deer are nontransferable. See ATCP 10.652(1)(a) Wis. adm. code. Therefore, it is necessary to have a prohibition in the statutes to which the less-than-80-acre exemption applies.

Do you want to statutorily define "member of his or her immediate family"? If not, DATCP is authorized, but not required, to promulgate a rule defining this term.

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2492/1dn
MGG:wlj:jf

May 13, 2003

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State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

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5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

May 13, 2003

MEMORANDUM

To: Senator Decker

From: Mary Gibson-Glass, Senior Legislative Attorney

Re: LRB-2492/1 Acreage requirement for hunting on deer farms and deer farm fences

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.

_____ 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.