

ASSEMBLY BILL 842 (LRB -2775)

An Act to repeal 29.934 (3); to amend 20.370 (1) (Lq), 29.541 (1) (a) (intro.), 29.931 (2) (b), 29.934 (1) (a), 29.934 (2) and 968.20 (3); and to create 29.597 (7) and 29.938 of the statutes; 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. (FE)

2005

- 01-17. A. Introduced by Representatives **Moulton, Gunderson, Musser, Van Roy, Lehman, Krawczyk, Sheridan, Ott, Montgomery, Kestell, Pettis, M. Williams, Turner, Nelson, Bies, McCormick, Ballweg, Mursau, Hines, Kreibich, Nass, Nerison, Albers and Owens**; cosponsored by Senators **Zien, Olsen, Kedzie and Grothman.**
- 11-23. A. Read first time and referred to committee on Natural Resources 630
- 12-01. A. Fiscal estimate received.
- 12-14. A. Public hearing held.

2006

- 01-17. A. Assembly amendment 1 offered by Representative Moulton (**LRB a2058**) 720
- 01-17. A. Assembly amendment 2 offered by Representative Hebl (**LRB a2083**) 720
- 01-18. A. Executive action taken.
- 01-24. A. Report Assembly Amendment 1 adoption recommended by committee on Natural Resources, Ayes 15, Noes 0 740
- 01-24. A. Report passage as amended recommended by committee on Natural Resources, Ayes 15, Noes 0 740
- 01-24. A. Referred to committee on Rules 740
- 01-26. A. Rules suspended to withdraw from committee on Rules and refer to joint committee on Finance 760
- 02-14. A. Executive action taken.
- 02-16. A. Report Assembly Amendment 1 adoption recommended by joint committee on Finance, Ayes 16, Noes 0 814
- 02-16. A. Report passage as amended recommended by joint committee on Finance, Ayes 14, Noes 2 814
- 02-16. A. Referred to committee on Rules 814
- 03-02. A. Placed on calendar 3-7-2006 by committee on Rules.
- 03-02. A. Made a special order of business at 11:14 A.M. on 3-7-2006 pursuant to Assembly Resolution 50 899
- 03-07. A. Read a second time 917
- 03-07. A. Assembly amendment 1 **adopted** 917
- 03-07. A. Ordered to a third reading 917
- 03-07. A. Rules suspended 917
- 03-07. A. Read a third time and **passed** 917
- 03-07. A. Ordered immediately messaged 917
- 03-07. S. Received from Assembly 713
- 03-07. S. Read first time and referred to committee on Natural Resources and Transportation 714
- 04-19. S. Public hearing held.
- 04-20. S. Executive action taken.
- 04-21. S. Report concurrence recommended by committee on Natural Resources and Transportation, Ayes 5, Noes 0.
- 04-21. S. Available for scheduling.
- 04-26. S. Placed on calendar 4-27-2006 by committee on Senate Organization.
- 04-27. S. Read a second time.
- 04-27. S. Ordered to a third reading.
- 04-27. S. Rules suspended.
- 04-27. S. Read a third time and **concurred in**, Ayes 31, Noes 1.
- 04-27. S. Ordered immediately messaged.
- 04-27. A. Received from Senate concurred in.

MB

**2005
ENROLLED BILL**

05en A B-842

ADOPTED DOCUMENTS:

Orig Engr SubAmdt

05-277513

Amendments to above (if none, write "NONE"): AA1 — a2058

Corrections - show date (if none, write "NONE"): None

Topic - Receipt of proceeds by the Department of Natural Resources for skins of fur-bearing animals used in trapper education; the department's receipt and use of unclaimed property and confiscated weapons; and resale of confiscated fish and game.

5-2-06
Date

J. Ruile
Enrolling Drafter

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2005 ASSEMBLY BILL 842

November 23, 2005 - Introduced by Representatives MOULTON, GUNDERSON, MUSSER, VAN ROY, LEHMAN, KRAWCZYK, SHERIDAN, OTT, MONTGOMERY, KESTELL, PETTIS, M. WILLIAMS, TURNER, NELSON, BIES, McCORMICK, BALLWEG, MURSAU, HINES, KREIBICH, NASS, NERISON, ALBERS and OWENS, cosponsored by Senators ZIEN, OLSEN, KEDZIE and GROTHMAN. Referred to Committee on Natural Resources.

1 **AN ACT** *to repeal* 29.934 (3); *to amend* 20.370 (1) (Lq), 29.541 (1) (a) (intro.),
2 29.931 (2) (b), 29.934 (1) (a), 29.934 (2) and 968.20 (3); and *to create* 29.597 (7)
3 and 29.938 of the statutes; **relating to:** the use by the Department of Natural
4 Resources of seized, confiscated, or unclaimed property for educational
5 hunting, fishing, trapping, and other conservation activities; the sale by the
6 Department of Natural Resources of seized, perishable property and
7 confiscated wild animals and carcasses; and the receipt of proceeds by the
8 Department of Natural Resources for skins of fur-bearing animals that are
9 prepared as part of the course of instruction under the trapper education
10 program.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources (DNR) supervises the administration of a trapper education program. 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.

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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.

Under current law, the only person who may resell confiscated fish or game that was purchased from DNR is a restaurant owner who resells it to the restaurant's customers. This bill repeals this provision and gives DNR general authority to allow the resale of confiscated fish and game.

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.** 29.541 (1) (a) (intro.) of the statutes is amended to read:

9 29.541 (1) (a) (intro.) ~~No~~ Except as authorized under s. 29.934 (2), no innkeeper,
10 manager or steward of any restaurant, club, hotel, boarding house, tavern, logging
11 camp or mining camp may sell, barter, serve or give, or cause to be sold, bartered,
12 served or given, to its guests or boarders any of the following:

13 **SECTION 3.** 29.597 (7) of the statutes is created to read:

14 29.597 (7) **PROCEEDS FROM THE SALE OF SKINS.** The department may sell, either
15 directly or by an agent under supervision of the department, skins that are prepared
16 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).

INSERT
AAI-1

3 **SECTION 4.** 29.931 (2) (b) of the statutes is amended to read:

4 29.931 (2) (b) Any perishable property seized by the department or its wardens
5 under this section may be sold at the highest available price, and the proceeds of the
6 sale turned into court for disposition as the court directs.

7 **SECTION 5.** 29.934 (1) (a) of the statutes is amended to read:

8 29.934 (1) (a) All wild animals, carcasses or, plants, vehicles, boats, or objects
9 that are confiscated by the department for a violation of this chapter or ch. 169 and
10 all vehicles, boats or objects confiscated by the department for a violation of this
11 chapter or ch. 169 shall, if not destroyed as authorized by law, be sold at the highest
12 price obtainable, except as provided in ss. 29.936 and 29.938, by the department, or
13 by an agent on commission under supervision of the department. The net proceeds
14 of sales under this subsection, after deducting the expense of seizure and sale and
15 any commissions and any amounts owing to holders of security interests under par.
16 (c) or (d), shall be remitted to the department. The remittance shall be accompanied
17 by a report of the sales, supported by vouchers for expenses and commissions, and
18 shall be filed with the department.

INSERT
AAI-2

19 **SECTION 6.** 29.934 (2) of the statutes is amended to read:

20 29.934 (2) On any sales under this section of wild animals or carcasses, the
21 department or the agent selling them shall issue to each purchaser a certificate, on
22 forms prepared and furnished by the department, covering the sales. The wild
23 animals or carcasses so purchased shall be consumed, resold, or otherwise disposed
24 of by the purchaser within a period to be set by the department, ~~but may not be.~~ Any
25 such wild animal or carcass may be resold or exchanged, in whole or in part, to any

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1 other another person, ~~except as provided in sub. (3)~~ only as authorized by the
2 department.

3 **SECTION 7.** 29.934 (3) of the statutes is repealed.

4 **SECTION 8.** 29.938 of the statutes is created to read:

5 **29.938 Use by the department of unclaimed, seized, or confiscated**
6 **property.** The department may receive, retain, and use for the hunter education
7 programs under ss. 29.591 and 29.595, the trapper education program under s.
8 29.597, or other educational hunting, fishing, trapping, or conservation activities the
9 department conducts any of the following property:

10 (1) Property seized or confiscated for violations of s. 167.31 or 943.13, this
11 chapter, or ch. 169 or 951.

12 (2) Property turned over to the department under s. 968.20 (3).

13 (3) Personal property that is in the possession of the department and that is
14 lost, abandoned, or not claimed by its owner.

15 **SECTION 9.** 968.20 (3) of the statutes is amended to read:

16 968.20 (3) (a) First class cities shall dispose of dangerous weapons or
17 ammunition seized 12 months after taking possession of them if the owner,
18 authorized under sub. (1m), has not requested their return and if the dangerous
19 weapon or ammunition is not required for evidence or use in further investigation
20 and has not been disposed of pursuant to a court order at the completion of a criminal
21 action or proceeding. Disposition procedures shall be established by ordinance or
22 resolution and may include provisions authorizing an attempt to return to the
23 rightful owner any dangerous weapons or ammunition which appear to be stolen or
24 are reported stolen. If enacted, any such provision shall include a presumption that
25 if the dangerous weapons or ammunition appear to be or are reported stolen an

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

16 (b) Except as provided in par. (a) or sub. (1m) or (4), a city, village, town or
17 county or other custodian of a seized dangerous weapon or ammunition, if the
18 dangerous weapon or ammunition is not required for evidence or use in further
19 investigation and has not been disposed of pursuant to a court order at the
20 completion of a criminal action or proceeding, shall make reasonable efforts to notify
21 all persons who have or may have an authorized rightful interest in the dangerous
22 weapon or ammunition of the application requirements under sub. (1). If, within 30
23 days after the notice, an application under sub. (1) is not made and the seized
24 dangerous weapon or ammunition is not returned by the officer under sub. (2), the
25 city, village, town or county or other custodian may retain the dangerous weapon or

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

15 (END)

**ASSEMBLY AMENDMENT 1,
TO 2005 ASSEMBLY BILL 842**

January 17, 2006 - Offered by Representative MOULTON.

1 At the locations indicated, amend the bill as follows:

AAI-1

2 **1.** Page 3, line 2: after that line insert:

3 **"SECTION 3g.** 29.931 (1) of the statutes is amended to read:

4 29.931 (1) SEIZURE AND CONFISCATION OF WILD ANIMALS OR PLANTS. The
5 department and its wardens shall seize and confiscate any wild animal, carcass or
6 plant caught, killed, taken, had in possession or under control, sold or transported
7 in violation of ~~this chapter or ch. 169~~ any of the laws for which the department and
8 its wardens have enforcement authority under s. 29.921. The officer also may, with
9 or without warrant, open, enter and examine all buildings, camps, boats on inland
10 or outlying waters, vehicles, valises, packages and other places where the officer has
11 probable cause to believe that wild animals, carcasses or plants, that are taken or
12 held in violation of ~~this chapter or ch. 169~~, any of these laws are to be found.

13 **SECTION 3r.** 29.931 (2) (a) of the statutes is amended to read:

1 29.931 (2) (a) The department and its wardens shall seize and hold, subject to
2 the order of the court for the county in which the alleged offense was committed, any
3 vehicle, boat or object declared by this chapter to be a public nuisance, or which they
4 have probable cause to believe is being used in violation of ~~this chapter or ch. 169 or~~
5 ~~s. 167.31, 287.81, 940.24, 941.20, 948.60, 948.605 or 948.61, is being used in the~~
6 ~~commission of a crime involving an animal normally found in the wild in violation~~
7 ~~of s. 951.09, or is being used in the commission of a crime relating to a submerged~~
8 ~~cultural resource in violation of s. 44.47~~ any of the laws for which the department and
9 its wardens have enforcement authority under s. 29.921. If it is proven that the
10 vehicle, boat or object is a public nuisance or that within 6 months previous to the
11 seizure the vehicle, boat or object was used in violation of ~~this chapter or ch. 169 or~~
12 ~~s. 167.31, 287.81, 940.24, 941.20, 948.60, 948.605 or 948.61, was used in the~~
13 ~~commission of a crime involving an animal normally found in the wild in violation~~
14 ~~of s. 951.09, or was used in the commission of a crime relating to a submerged cultural~~
15 ~~resource in violation of s. 44.47~~ any of the laws for which the department and its
16 wardens have enforcement authority under s. 29.921, it shall be confiscated if the
17 court directs in its order for judgment.?"

18 **2.** Page 3, line 7: delete lines 7 to 18 and substitute:

AA1-2

19 “**SECTION 5m.** 29.934 (1) (a) of the statutes is amended to read:

20 29.934 (1) (a) All wild animals, carcasses ~~or,~~ plants, vehicles, boats, or objects
21 that are confiscated by the department for a violation of this chapter or ch. 169 and
22 all vehicles, boats or objects confiscated by the department for a violation of this
23 chapter or ch. 169 any of the laws for which the department and its wardens have
24 enforcement authority under s. 29.921 shall, if not destroyed as authorized by law,

AA1-2

1 be sold at the highest price obtainable except as provided in ss. 29.936 and 29.938,
2 by the department, or by an agent on commission under supervision of the
3 department. The net proceeds of sales under this subsection, after deducting the
4 expense of seizure and sale and any commissions and any amounts owing to holders
5 of security interests under par. (c) or (d), shall be remitted to the department. The
6 remittance shall be accompanied by a report of the sales, supported by vouchers for
7 expenses and commissions, and shall be filed with the department.”

8

(END)