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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2005-06

(session year)

Senate

(Assembly, Senate or Joint)

Committee on Natural Resources and Transportation...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (June 2012)

Senate

Record of Committee Proceedings

Committee on Natural Resources and Transportation

Assembly Bill 345

Relating to: acreage requirements for areas in which farm-raised deer that may be hunted are kept and transfers of registration certificates for keeping farm-raised deer.

By Representatives M. Williams, Petrowski, Turner, Hahn and Albers; cosponsored by Senators Decker, Breske, Cowles and A. Lasee.

September 30, 2005 Referred to Committee on Natural Resources and Transportation.

November 3, 2005 **PUBLIC HEARING HELD**

Present: (5) Senators Kedzie, Stepp, Kapanke, Wirsch and Breske.
Absent: (0) None.

Appearances For

- Representative Mary Williams
- Patrick Walsh — Office of Senator Russ Decker
- Curt Waldvogel, Antigo — Whitetails of Wisconsin
- Laurie Prasnicky, Gilman — Whitetails of Wisconsin
- Steve Hookstead, Helenville — Whitetails of Wisconsin
- Dale Matis, Marathon — Whitetails of Wisconsin
- Pete Matis, Butternut
- John Gooch — WI Commercial Deer and Elk Farmers Association

Appearances Against

- None.

Appearances for Information Only

- Tom Van Haren — WI Department of Natural Resources

Registrations For

- Gary Goyke — Whitetails of Wisconsin, WCDEFA
- Judith Millious — Whitetails of Wisconsin
- Senator Roger Breske — 12th Senate District
- Representative Scott Gunderson — 83rd Assembly District

Registrations Against

- None.

December 1, 2005

EXECUTIVE SESSION HELD

Present: (5) Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Absent: (0) None.

Moved by Senator Breske, seconded by Senator Wirch that **Assembly Bill 345** be recommended for concurrence.

Ayes: (5) Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes: (0) None.

CONCURRENCE RECOMMENDED, Ayes 5, Noes 0

Dan Johnson
Committee Clerk

Vote Record

Committee on Natural Resources and Transportation

Date: December 1, 2005_____

Bill Number: AB 345

Moved by: BRESKE Seconded by: WIRCH

Motion: **Concurrence**_____

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator Neal Kedzie, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Cathy Stepp	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Dan Kapanke	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Wirch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Roger Breske	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

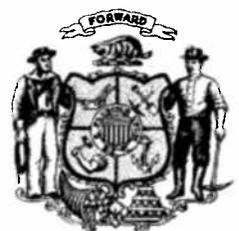
Totals: _____

Motion Carried

Motion Failed



WISCONSIN STATE LEGISLATURE



**Senate Natural Resources and Transportation Committee
Public Hearing
330 Southwest, State Capitol
November 3, 2005 10:00**

Agenda

✓ 1. Call of the Role

- House Keeping / Able to P

✓ 2. Agenda

✓ Senate Bill 158

Relating to: fishing with a bow and arrow at night.

✓ Senate Bill 213

Relating to: private motor carriers transporting livestock.

✓ Assembly Bill 762

Relating to: exempting from motor carrier regulations certain vehicle combinations operated in intrastate commerce.

Senate Bill 329

Relating to: the parking of vehicles on highways.

Assembly Bill 240

Relating to: the immobilization, impoundment, and disposal of unregistered motor vehicles.

Assembly Bill 128

Relating to: the removal of fishing shanties or similar shelters.

Assembly Bill 345

Relating to: acreage requirements for areas in which farm-raised deer that may be hunted are kept and transfers of registration certificates for keeping farm-raised deer.

Assembly Bill 299

Relating to: the effect of county shoreland zoning ordinances in territories annexed by cities, villages, or towns or incorporated as cities, or villages.

ANNOUNCEMENTS

✓ You may speak before the committee or simply register your vote on the hearing slips. Be sure to fill out the slips and hand it to the Page.

*Mary Wm's
needs to
be out by
12:30 pm*

Bill Summaries

✓Senate Bill 158

- This bill provides that if DNR establishes an open season for fishing with a bow and arrow on a particular body of water, DNR must allow fishing with a bow and arrow on that body of water from sunset to sunrise during that open season.

Assembly Bill 128

- This bill provides that DNR may not promulgate or enforce a rule that requires the owner of an ice fishing shanty placed on the ice of any inland water to remove the shanty before a certain date in March.
- The removal date established under the bill is determined by the location of the inland water within the state.
- The bill provides that this prohibition does not apply if DNR determines that the shanty must be removed for safety reasons.

Assembly Bill 345

Assembly Bill 345 modifies the current statute that requires 80 contiguous acres or more in order to hunt farm-raised deer, by creating an exception for previously licensed deer farms.

AB345 passed 14-0 voice vote

In order to qualify for the exception, the following conditions must be met:

- The owner of the deer farm must have had a license issued under the prior statutes administered by DNR that authorized the hunting of deer.
- The owner must have maintained registration with DATCP continuously since January 1, 2003.
- The area available for hunting must not be less than the minimum acreage required under the former deer farm license administered by DNR.
- The deer farm license from DNR must have been in effect on January 1, 2003, and the sale of the opportunity to hunt must have been offered prior to that date.
- Proceeds for the sale of the opportunity to hunt must have been reported to the Department of Revenue as income for taxable years through December 31, 2002.

Assembly Amendment 1 deletes the conditions required for the exception as described in the bill and substitutes the following:

- The owner must have had a deer-farm license issued by DNR under prior statutes that was in effect on December 31, 2002, and the permit must have authorized deer hunting.

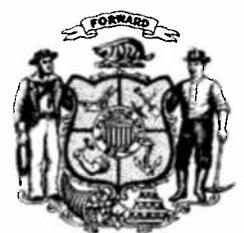
- The owner must have complied with the requirement to register the deer farm with DATCP on January 1, 2003, and must have been registered continuously since that date.
- The deer must be confined in an area not less than the acreage under the DNR deer farm license on December 31, 2002.
- The owner must have offered the opportunity to hunt prior to January 1, 2003. The owner must submit evidence showing compliance with these statutory requirements and DATCP must verify the evidence

Assembly Bill 299

- Assembly Bill 299 eliminates the requirement that the county shoreland zoning ordinance continues in effect and must be enforced by the annexing city or village.
- Assembly Amendment 1 corrects an error in the relating clause of the bill. The relating clause in the bill refers to annexation by cities, villages, or towns. Annexation is only done by cities or villages, and Assembly Amendment 1 deletes the reference to annexation by towns.



WISCONSIN STATE LEGISLATURE



Department of Natural Resources

TESTIMONY on AB 345

By: Thomas Van Haren

November 3, 2005

Departments Position: Neutral – Appearing for information purposes only.

Thank you Mr. Chairman and members of the committee.

My name is Tom Van Haren and I am a Conservation Warden with the DNR's Bureau of Law Enforcement.

The DNR's position on this bill is neutral, but I would like to provide some additional background information related to this issue.

Prior to January 1, 2003 white-tailed deer hunting preserves were regulated by the DNR under Chapter 29.

At that time, the statutory section which authorized deer farms, established a minimum of 10 acres for commercial white-tailed deer hunting facilities.

2001 Wis. Act 56, better known as the "Captive Wildlife Bill", transferred white-tailed deer farms regulation from DNR to DATCP. The provisions of that bill were developed over a period of about 16 years, with a lot of input from many different groups.

During this lengthy process, the minimum acreage was increased from 10 acres to 80 acres. The issue of fair chase was a concern of the public, the department and members of the legislature. This was one of the primary reasons for increasing the minimum acreage to 80 acres. Our agency also supported this change as it was felt it would help improve the image of "hunting" in this state.

The Authority to regulate all other deer & elk farms in this state was transferred to DATCP 8 years earlier, in 1995, under the 95 Wisconsin Act 79. Hunting Captive Elk or deer other than White-tailed Deer was not legal on Deer Farms prior to 1-1-2003. It became legal under 2001 Act 56.

In addition to the new Ch. 95 80 acreage minimum requirement, there was and continues to be a general Statutory prohibition against shooting caged or staked animals found in Wis. Stats., s. 951.09. This statute only provides a few exceptions. It reads:

(1) No person may shoot, kill, or wound with a firearm, or with any deadly weapon, any animal that is tied, staked out, caged or otherwise intentionally confined in an artificial enclosure, regardless of the size of the enclosure.

** Note: This is the law that prohibits other commercial or canned hunts, such as hunting wild hogs, buffalo and exotic wildlife or even domestic animals.*

The 3 exceptions are for:

1. Captive wild birds on licensed Bird Hunting Preserves,
2. Farm-raised deer, And:
3. Animals that are treated in accordance with normally accepted husbandry practices. (Slaughter facilities, Vets, etc.)

This state law makes it illegal to:

1. *Instigates promote, aid or abet such violations as a principal, agent, employee, participant, or spectator. Or to:*
2. *Participate in any earnings from such violations. Or to:*
3. *Intentionally maintain or allow any place to be used for such activities.*

Some Additional Background Information:

Wisconsin White-tailed Deer Fence Cert. Issued as of 5-10-05:

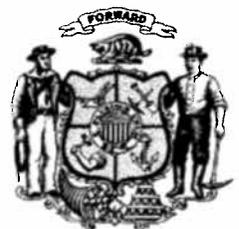
Current certificate holders (80+ acres) that have opted for the **Deer Harvest Plan = 46**

This leaves 18 deer farms that are 80+ acres in size that must either be in DATCP CWD Monitoring Program, Double Fenced or for which we have not issued a fence certificate to as of yet (likely because we are working through fence compliance problems with them).

WT Deer farms of less than 10 acres	=	367
WT Deer farms of 10 or more acres but less than 80	=	86
WT Deer farms of 80 acres or more	=	<u>64</u>
Total	=	517



WISCONSIN STATE LEGISLATURE





MEMO

TO: Sen. Neal Kedzie, Chair
Senate Committee on Natural Resources and Transportation
Members of the Committee

FROM: Mr. Curt Waldvogel, President
Whitetails of Wisconsin
Antigo, Wisconsin

RE: Support for Assembly Bill 345

DATE: November 3, 2005

Senator Kedzie and members of the Senate Committee on Natural Resources and Transportation. On behalf of Whitetails of Wisconsin, an organization made up of more than 250 whitetail deer farmers, I am here to lend our strong support for AB 345.

I also wish to thank you, Mr. Chairman, for holding this public hearing so soon after passage of this bill by the State Assembly. Our special appreciation to Rep. Mary Williams and Sen. Russ Decker and the other co-sponsors for introducing this bill for the entire Legislature to consider.

AB 345 is composed of two distinct parts and would address the following problem areas:

- (1) AB 345 first gives needed protection to farm owners who desire to transfer their registration certificates to a member of their immediate family. This will impact deer farmers who hold their registration certificates in individual names rather than in joint names or as a corporation. This will put these individual farmers on a similar footing by allowing them to transfer their certificates to members of their spouses or children.
- (2) On January 1, 2003, the captive wildlife bill went into effect in Wisconsin. Deer farmers are now regulated by the Department of

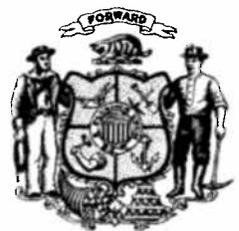
Agriculture, Trade and Consumer Protection, rather than the Department of Natural Resources. Under previous DNR rules, hunting was allowed on whitetail deer farms of ten acres or more. AB 345 would restore this right to those few farms in the state who were licensed for hunting before the bill became effective but which were less than 80 acres. We believe the effect of the new law amounted to an unlawful taking of this property right from some deer farmers. This bill aims to put them back in the position they would have been before this change in the law.

On behalf of the deer farmer members of Whitetails of Wisconsin, I sincerely ask for your support and your vote.

Cc: Rep. Mary Williams
Rep. Scott Gunderson
Mr. Scott Hassett, Secretary, DNR
Governor Jim Doyle



WISCONSIN STATE LEGISLATURE



Testimony on Assembly Bill 345
By Representative Mary Williams
Senate Committee on Natural Resources and Transportation
November 3, 2005

Chairman Kedzie and members of the Committee, thank you for the opportunity to testify on Assembly Bill 345 relating to acreage requirements for areas in which farm-raised deer may be hunted are kept and the transfers of registration certificates for keeping these deer.

Under current law, the Department of Agriculture, Trade and Consumer Protection administers laws and rules that affect and regulate farm-raised deer of any species. The Department also requires the registration of these deer. Under current rules promulgated by the Department, the registration cannot be transferred to another party, not even family members. This bill changes that. It specifically authorizes a registration holder to transfer their registration certificate in a deer farm to a member of their immediate family.

As it relates to hunting, an owner of a deer farm cannot charge a fee for hunting on the farm unless the deer are confined to a parcel of land that is contiguous area of 80 acres or more. Under this bill, if the deer farm was licensed by the Department of Natural Resources under previous law, the area that may be hunted may be less than 80 acres, but not less than the area authorized by the Department of Natural Resources. If the owner who was authorized by the Department of Natural Resources transfers their

ownership certificate to a member of their immediate family, the reduced acreage exemption continues to apply.

There is no state fiscal effect on the Department of Natural Resources. The Department of Agriculture, Trade, and Consumer Protection can absorb the increased costs within their department. The increase in costs stems from additional record review and inspection.

I urge you to support this simple legislation allowing it easier for the transfer of ownership certificates to family members and allowing the exemption acreage to exist when appropriate.

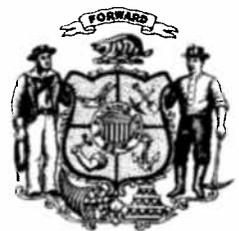
AB 345 passed out of the Assembly Committee on Natural Resources on a 14 to 0 vote and it passed on a voice vote in the Assembly on September 22, 2005.

If you have any questions, I would be happy to take them at this time.

Thank you.



WISCONSIN STATE LEGISLATURE



AB 345
→ white tails unlimited

- less than 80 acres
that were hunting
preserves in the past
(prior to captive wild life)
Grandfathered

- Transfers license to
other family members