



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2003 Assembly Bill 519

**Senate Amendment 1 as
Amended by Assembly
Amendment 1, and Senate
Amendments 2 and 3**

Memo published: February 17, 2004

Contact: John Stolzenberg, Chief of Research Services (266-2988)
Mark C. Patronsky, Senior Staff Attorney (266-9280)

Assembly Bill 519

Assembly Bill 519 authorizes any person to feed deer or elk for “viewing purposes” in any area that the Department of Natural Resources (DNR) has not designated as a chronic wasting disease eradication zone, management zone, or intensive harvest zone. The bill imposes restrictions on the allowable location of feeding and amount of feed.

Assembly Bill 519 authorizes any person to feed deer or elk for hunting purposes north of U.S. Highway 54 during any open season and in any area that the DNR has not designated as a chronic wasting disease eradication zone, management zone, or intensive harvest zone. The bill imposes restrictions on the allowable location of baiting and the amount of bait.

Assembly-Passed Version of Assembly Bill 519

The Assembly passed Assembly Bill 519, as amended by Assembly Substitute Amendment 1, as amended by Assembly Amendment 1 to Assembly Substitute Amendment 1 (hereafter, the “Assembly version”).

The Assembly version applies only to deer and not to deer and elk.

The Assembly version authorizes the DNR to promulgate rules that prohibit feeding deer for hunting or viewing purposes in a county which meets any of the following conditions:

- The county or a portion of the county is in a chronic wasting disease control zone designated by DNR rule.

- A positive test for chronic wasting disease or bovine tuberculosis has been confirmed in any captive or free-roaming domestic or wild animal in that county after December 31, 1997.
- The county or a portion of the county is within a 10-mile radius of the known location of a captive or free-roaming domestic or wild animal that has been tested and confirmed positive for chronic wasting disease or bovine tuberculosis after December 31, 1997.

The method for authorizing the DNR to prohibit the feeding of deer, on a county-by-county basis, as described above, is the same method used by DNR to ban feeding wild animals in emergency rules promulgated on September 8, 2003.

The Assembly version authorizes any person to feed deer for viewing purposes in areas other than the counties in which the DNR prohibits feeding of wild animals, subject to all of the following conditions:

- The feeding site must be within 50 yards of an owner-occupied residence or a person's business, if the business is generally open to the public.
- The feeding site may not be less than 100 yards from the traveled portion of a highway that has a posted speed limit of 45 miles per hour or more.
- No more than two gallons of material may be present at the feeding site at any time.

The Assembly version repeals the current July 1, 2004 sunset of DNR authority to regulate the feeding of wild animals for purposes other than hunting.

The Assembly version authorizes any person to feed deer for hunting purposes in areas other than the counties in which the DNR prohibits feeding of wild animals, subject to all of the following conditions:

- No more than two gallons of material may be present at a feeding site at any time.
- No feeding site may be closer than 100 yards of another feeding site.
- The person does not place more than two gallons of feed in an area of 40 acres or less.

Senate-Passed Version of Assembly Bill 519

The Senate adopted three amendments to the Assembly version, Senate Amendments 1, 2, and 3, concurred in Assembly Bill 519, as amended.

Senate Amendment 1 modifies the geographic areas in which the DNR may prohibit by rule feeding deer for hunting or viewing purposes. The amendment replaces the criteria in the Assembly version, described above, that authorizes the DNR to ban the feeding of deer by rule in a county in which a positive test for chronic wasting disease or bovine tuberculosis has been confirmed in any captive or free-roaming domestic or wild animal in the county after December 31, 1997 or that has any portion within a 10-mile radius of such a positive test. In particular, the amendment authorizes the feeding ban in any city, village, or town in which the municipality or a portion of the municipality is

within a 10-mile radius of such a positive test. Senate Amendment 1 does not change the criterion in the Assembly version for an area to be subject to a feeding ban based on a county that contains a chronic wasting disease control zone designated by DNR rule.

Senate Amendment 1 also establishes that an additional condition for feeding deer for viewing or hunting purposes in areas where this feeding is not banned is that the material used to feed deer may not contain any animal part or animal byproduct.

Senate Amendment 2 is intended to modify Senate Amendment 1 to apply the feeding ban rules to any municipality that has a portion of the municipality within a 15-mile radius of a specified positive test rather than a 10-mile radius. (The text of this amendment was drafted as an amendment to the text shown in Assembly Substitute Amendment 1; it should have been drafted as an amendment to Senate Amendment 1.)

Senate Amendment 3 changes the rule-making authority granted to the DNR by the Assembly version to specify by rule the geographic area in which the feeding of deer for hunting or viewing purposes is prohibited, as affected by Senate Amendment 1, to be a duty. That is, under this amendment, the DNR “shall” promulgate these rules rather than “may” promulgate these rules.

Assembly Consideration of Senate Amendments

The Assembly adopted Assembly Amendment 1 to Senate Amendment 1 and concurred in Senate Amendment 1, as amended, and Senate Amendment 3.

Assembly Amendment 1 to Senate Amendment 1 deletes all of the modifications in Senate Amendment 1 to the provisions on the geographic area in which the DNR may prohibit by rule feeding deer for hunting or viewing purposes.

Under the Assembly’s actions on the Senate amendments, the following changes are made to the Assembly version:

- The DNR shall, rather than may, promulgate rules that prohibit feeding deer for hunting or viewing purposes in any of the counties specified in the Assembly version.
- In areas where feeding deer for hunting or viewing purposes is not banned, the material used to feed deer may not contain any animal part or animal byproduct.

Legislative History

Assembly Substitute Amendment 1 was offered by Representatives Gunderson, M. Williams, and Sherman on September 16, 2003. Assembly Amendment 1 to Assembly Substitute Amendment 1 was offered by Representative M. Williams on September 16, 2003.

Assembly Amendment 1 to Assembly Substitute Amendment 1 was recommended by the Assembly Committee on Natural Resources on a vote of Ayes, 10; Noes, 1. Assembly Substitute Amendment 1 was recommended by the Assembly Committee on Natural Resources on a vote of Ayes,

11; Noes, 0. Assembly Bill 519, as amended, was recommended by the Assembly Committee on Natural Resources on a vote of Ayes, 10; Noes, 1.

The Assembly adopted Assembly Amendment 1 to Assembly Substitute Amendment 1 and Assembly Substitute Amendment 1, as amended, on separate voice votes on September 23, 2003. The Assembly passed Assembly Bill 519, as amended, on a vote of Ayes, 84; Noes, 15; on September 23, 2003.

Senator Kedzie introduced Senate Amendment 1 on October 17, 2003. On October 21, 2003, the Senate Committee on Environment and Natural Resources recommended adoption of Senate Amendment 1 and introduced Senate Amendment 2 and recommended adoption of Senate Amendment 2 on separate votes of Ayes, 3; Noes, 2. The Senate Committee on Environment and Natural Resources recommended concurrence in Assembly Bill 519, as amended, on October 21, 2003 on a vote of Ayes, 3; Noes, 2.

On October 22, 2003, Senator Kedzie introduced Senate Amendment 3. The Senate adopted Senate Amendments 1, 2, and 3 and concurred in Assembly Bill 519, as amended, on separate voice votes.

On February 5, 2004, Representative Gunderson introduced Assembly Amendment 1 to Senate Amendment 1 and on February 5, 2004, the Assembly adopted this amendment on a vote of Ayes, 94; Noes, 3. The Assembly concurred in Senate Amendment 1, as amended, on a vote of Ayes, 93; Noes, 4; nonconcurred in Senate Amendment 2 on a vote of Ayes, 94; Noes, 3; and concurred in Senate Amendment 3 on a vote of Ayes, 94; Noes, 3; on February 5, 2004.

JES:MCP:wu:ksm;ksm;tlu