



Legislative Fiscal Bureau

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TO: Members
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Assembly Bill 842: Use of Confiscated Property for Conservation Purposes

Assembly Bill 842 would make several changes to how the Department of Natural Resources (DNR) disposes of seized and confiscated property and how revenues from the trapper education program are used. The bill was introduced on November 23, 2005, and referred to the Assembly Committee on Natural Resources. On January 17, 2006, Assembly Amendments 1 and 2 to the bill were offered. The Committee adopted AA1 and recommended passage of the bill as amended on January 18, 2006, on votes of Ayes, 15; Noes, 0. On January 26, 2006, the bill was referred to the Joint Committee on Finance.

CURRENT LAW

First-time trappers are required to complete a trapper education course prior to purchasing a trapping approval. The Department administers this course, which includes instruction on humane trapping methods, the history of trapping in Wisconsin, communication with landowners, pelt preparation, and basic wildlife management principles (including biology and disease issues). Landowners actively engaged in farming are not required to complete a trapper education course. Currently, pelts prepared in conjunction with the trapper education course are sold, and net revenues are deposited to the common school fund. Proceeds from the sale of seized perishable property is disposed of as directed by the court. Further, the net proceeds from the sale of most other property confiscated by DNR is split, with 18% paid into the conservation fund (to reimburse expenses associated with the seizure and sale) and the remaining 82% deposited to the common school fund.

Under current law, the only person who may resell confiscated fish or game that was purchased from DNR is a restaurant owner who resells the meat to the restaurant's customers.

SUMMARY OF BILL

The bill would specifically authorize DNR to sell animal pelts that are prepared as part of the trapper education program, and would specify that revenues from the sale of these skins would be deposited to the appropriation within the conservation fund that provides funding for the trapper education program.

Further, the bill would authorize DNR to retain and use unclaimed property that is in the Department's possession, as well as property and weapons that have been seized or confiscated as a result of violations of certain natural resource laws (including fish and game laws, captive wildlife regulations, trespass law, and violations relating to the safe use and transportation of firearms). The Department would be authorized to use this property for educational hunting, fishing, trapping, or conservation activities (such as hunter, bowhunter, trapper, ATV, snowmobile, and boat safety education courses).

Finally, the bill would repeal the current law provision limiting the resale of confiscated fish and game. Rather, DNR would have the general authority to allow the resale of fish and game to persons other than restaurant owners.

SUMMARY OF AMENDMENTS

Assembly Amendment 1 would make modifications to achieve consistency in statutes that allow DNR to seize and confiscate any vehicle, boat, object, or wild animals or plants that relate to the violation of natural resource statutes. The amendment would also expand the scope of these statutes so that they apply broadly to most statutes for which DNR and conservation wardens have enforcement authority that would include citation or arrest powers. The expansion would include violations related to making a false report; the fencing of farm raised deer; cutting or transportation of evergreens; fireworks; safe transportation of a firearm or the discharge of a firearm from a vehicle or roadway; septage; storm water discharge permits; medical sterilizers; refrigerants; landfills and incineration; yard waste; littering; open burning on a commercial vessel; managed forest law; general conservation provisions (including recreational areas, stewardship, and protection of natural resources); forest land; public parks and places of recreation; public forests; wild animals and plants; navigable waters, harbors, and navigation; regulation of dams and bridges; captive wildlife; snowmobiles; asbestos; crimes against animals (including mistreatment, abduction, poisoning, instigating fights, and the shooting of caged or staked animals); Kickapoo Valley Reserve; environmental improvement program; all-terrain vehicles; boating; the safe use and transportation of firearms and bows; the approach emergency vehicles; injury by negligent handling of a dangerous weapon; endangering safety by use of a dangerous weapon; possession of a dangerous weapon by a person under the age of 18; gun free school zones; dangerous weapons other than firearms on school premises; field archeology; harassment; tribal code enforcement; and dogs injuring wildlife.

Assembly Amendment 2 would expand the provisions of the bill to include weapons seized as a result of violations related to the safe transportation and use of a firearm (including the firing of a weapon from inside a vehicle or from within 50 feet of the center of a roadway) and weapons confiscated by the Department because of their use in the commission of a crime involving the killing of a staked or caged animal that is normally found in the wild.

FISCAL EFFECT

Under the bill, DNR would be allowed to retain revenues generated from the sale of animal pelts prepared as part of the trapper education program. These revenues would be deposited to the appropriation within the conservation fund that provides funding for the trapper education program, rather than primarily to the common school fund under current law. Average annual revenues are expected to total \$8,000, and would be used to defer a portion of the costs associated with providing the program (including student reading materials and classroom supplies). In fiscal year 2005, 1,046 students completed the course. Program costs totaled approximately \$36,600 in that year. Individuals enrolled in the course pay an \$8 fee to help defray the cost of instruction. At least 50% of the course fee is remitted to DNR for trapper education, as is \$2 from the sale of each trapping license. In fiscal year 2004-05, DNR sold over 3,800 trapping licenses (not including conservation patron license holders who trap). Revenues relating to the sale of trapping approvals and trapper education course fees totaled almost \$46,000 in 2004-05.

The bill would also authorize DNR to retain and use unclaimed property, or property and weapons that have been seized or confiscated as a result of violations of certain natural resource laws for use with recreational educational programs (such as hunter safety, trapper education, and ATV, snowmobile, or boat safety education courses). Currently, DNR already retains and uses firearms that have been seized or confiscated as a result of fish and game violations in conjunction with their hunter safety education courses. However, the Department currently lacks the statutory authority to retain these firearms indefinitely, and must either dispose of the firearms by auction or by destroying them.

The bill would provide the authority to retain firearms and include other seized equipment, including ATVs, snowmobiles, and boats that have been seized or confiscated as a result of violations of certain natural resource laws (including fish and game laws, captive wildlife regulations, trespass law, and violations relating to the safe use and transportation of firearms). Under AA1, this authority would be further expanded to include equipment seized in conjunction with most violations for which the DNR and conservation wardens have enforcement authority.

The Department indicates that allowing DNR to use seized or confiscated equipment in conjunction with recreational safety classes would lower program costs by reducing the need for DNR to purchase these items. As DNR already retains firearms for this purpose, and as DNR currently does not purchase ATVs, snowmobiles, or boats specifically for use with recreational safety classes, it does not appear that the provisions of the bill would significantly reduce any

current Department expenditures. However, it may be argued that the additional equipment could be used to enhance the educational experience of students attending these recreational safety classes, and would allow DNR to continue its current practice of retaining firearms that would otherwise need to be destroyed or sold under current law.

To the extent that AA 1 may allow for the confiscation and sale of additional equipment, the State may see an indeterminate increase in revenues. Net proceeds of the sale of confiscated property and equipment (after any outstanding liens and the cost of seizure and sale are deducted) would generally be remitted to DNR with 18% placed in the conservation fund and the remaining 82% deposited to the common school fund.

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