



2003 ASSEMBLY BILL 535

September 25, 2003 - Introduced by JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES. Referred to Committee on Natural Resources.

1 **AN ACT to amend** 29.335; and **to create** 29.336 of the statutes; **relating to:**
2 objecting to the Department of Natural Resources' proposed rule regarding the
3 feeding and baiting of deer and permitting deer baiting and feeding in certain
4 circumstances.

Analysis by the Legislative Reference Bureau

Current law requires the Department of Natural Resources (DNR) to promulgate rules to regulate the recreational and supplemental feeding of wild animals for purposes other than hunting (recreational feeding rules). Currently, "wild animal" means any mammal, bird, fish, or other creature of a wild nature endowed with sensation and the power of voluntary motion. Under current law, the recreational feeding rules do not apply after June 30, 2004.

This bill allows a person to feed deer in an area north of STH 54, other than in a chronic wasting disease eradication, herd reduction, management, or intensive harvest zone, for viewing purposes as an exception to the DNR recreational feeding rules if the site is within 50 yards of an owner-occupied residence. The bill also allows a person to bait deer, other than in a chronic wasting disease eradication, herd reduction, management, or intensive harvest zone, for hunting purposes during open deer season. Under the bill, the total amount of material placed daily for feeding may not exceed two gallons and for baiting may not exceed two gallons at no more than two sites on a 40-acre parcel.

This bill is introduced as required by s. 227.19 (5) (e), stats., in support of the objection of the senate committee on environment and natural resources on July 10,

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2003, the objection of the assembly committee on natural resources on July 15, 2003, and the objection of the Joint Committee for Review of Administrative Rules on August 29, 2003, to the issuance of clearinghouse rule 03-017 by the Department of Natural Resources. The proposed rule prohibited the use of bait for the hunting of wild animals or the training of dogs, except that the rule allowed limited baiting for the hunting of bear and the training of bear dogs. The rule did not apply to the hunting of waterfowl, the trapping of wild animals, the feeding of birds or small mammals if the structures for that feeding are not accessible to deer, or to the feeding of captive wildlife.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 29.335 of the statutes is amended to read:

2 **29.335 Feeding wild animals for nonhunting purposes.** The Subject to
3 s. 29.336 (3) or (4), the department shall promulgate rules to regulate the
4 recreational and supplemental feeding of wild animals for purposes other than
5 hunting. The rules promulgated under this section do not apply after June 30, 2004.

6 **SECTION 2.** 29.336 of the statutes is created to read:

7 **29.336 Feeding deer. (1)** In this section, “bait deer” or “feed deer” means to
8 place any material to attract deer in or from the wild.

9 **(2)** Except as provided in sub. (4), a person may bait deer for the purpose of
10 hunting deer only if all of the following conditions exist:

11 (a) The baiting occurs during a season open to hunting of deer.

12 (b) No more than 2 gallons of bait are spread daily at each site by the scattering
13 or broadcast method at no more than 2 sites in a 40-acre parcel.

14 **(3)** Except as provided in sub. (4), a person may feed deer for the purpose of
15 viewing deer only if all of the following conditions exist:

16 (a) The feeding occurs north of STH 54.

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1 (b) No more than 2 gallons of bait are spread daily by the scattering or broadcast
2 method within 50 yards of an owner-occupied residence.

3 (4) A person may not bait or feed deer in a chronic wasting disease eradication
4 zone designated under s. 29.063 (2), a chronic wasting disease herd reduction zone
5 established by rule, a chronic wasting disease intensive harvest zone established by
6 rule, or a chronic wasting disease management zone designated by the department.
7 If the department designates a chronic wasting disease management zone, the
8 department shall publish a class 1 notice of the designation under ch. 985 in a
9 newspaper likely to give notice in the area where the designation applies. The
10 department may not enforce the prohibition in a chronic wasting disease
11 management zone before the 4th day beginning after publication of the designation.

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(END)