

2013 DRAFTING REQUEST

Bill

Received: 12/10/2012
Received By: rkite
Wanted: As time permits
Same as LRB:
For: Jon Erpenbach (608) 266-6670
By/Representing: Kelly
May Contact:
Drafter: rkite
Subject: Nat. Res. - fish and game
Addl. Drafters:
Nat. Res. - parks and forestry
Extra Copies:
Submit via email: YES
Requester's email: Sen.Erpenbach@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Hunting and trapping in state parks

Instructions:

Eliminate requirement that parks be open to hunting and trapping. Restore the law as it was before enactment of 2011 Act 168.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rkite 12/12/2012			_____			
/1		kfollett 1/4/2013	jmurphy 1/4/2013	_____	srose 1/4/2013	sbasford 1/28/2013	

FE Sent For:

Not Needed

<END>

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/?	rkite	1/1/gf 1/4	1/4/13	self			

FE Sent For:

<END>



JAN 7
(cont)



LRB-07847
RNK: [initials]

Rm 1

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

DWF
Jan 14/13

2013 BILL

IN
12/12

Gen

D-Note

1 AN ACT ...; relating to: hunting, fishing, and trapping on land in state parks.

Analysis by the Legislative Reference Bureau

Current law requires, with certain exceptions, that state parks be open to hunting, fishing, and trapping by persons who hold the appropriate hunting, fishing, or trapping license, permit, or other approval. One of the exceptions to this general requirement provides that the Department of Natural Resources (DNR) may prohibit hunting, fishing, or trapping in a state park within 100 yards of a designated use area. DNR may also prohibit hunting, fishing, or trapping in a state park if the Natural Resources Board determines that the prohibition is necessary to protect public safety or to protect a unique animal or plant community.

This bill generally eliminates the requirement that state parks be open to hunting, fishing, and trapping. The bill prohibits a person from hunting in a state park unless the person is hunting deer, elk, wild turkeys, or small game in the state park and DNR has promulgated a rule that authorizes the hunting of that type of game in the state park. The bill also prohibits a person from trapping in state parks.

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

SECTION 1. 29.089 (title) of the statutes is amended to read:

29.089 (title) Hunting, fishing, and trapping on land in state parks and state fish hatcheries.

History: 1989 a. 214; 1997 a. 237; 1997 a. 248 s. 599; Stats. 1997 s. 29.089; 2001 a. 109; 2005 a. 286; 2011 a. 35, 168.

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SECTION 2. 29.089 (1) of the statutes is amended to read:

29.089 (1) ~~No~~ Except as provided in sub. (3), no person may hunt or trap on land located in state parks or state fish hatcheries.

History: 1989 a. 214; 1997 a. 237; 1997 a. 248 s. 599; Stats. 1997 s. 29.089; 2001 a. 109; 2005 a. 286; 2011 a. 35, 168.

SECTION 3. 29.089 (1m) of the statutes is repealed.

SECTION 4. 29.089 (2) (intro.) of the statutes is amended to read:

29.089 (2) (intro.) ~~No~~ Except as provided in sub. (3), no person may have in his or her possession or under his or her control a firearm on land located in state fish hatcheries unless the firearm is unloaded and enclosed within a carrying case. This subsection does not apply to any of the following:

History: 1989 a. 214; 1997 a. 237; 1997 a. 248 s. 599; Stats. 1997 s. 29.089; 2001 a. 109; 2005 a. 286; 2011 a. 35, 168.

SECTION 5. 29.089 (3) of the statutes is created to read:

29.089 (3) A person may hunt deer, elk, wild turkeys, or small game in a state park, or in a portion of a state park, if the department has authorized by rule the hunting of that type of game in the state park, or in the portion of the state park, and, except as provided in s. 29.063 (5), if the person holds the approvals required under this chapter for hunting that type of game.

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0784/1dn

RNK:...

gf

Date

Attn: Kelly

Your original instructions for this draft were to prohibit hunting and trapping in state parks. My understanding, after discussing these instructions with you, is that you wanted the draft to restore the law as it existed before enactment of 2011 Act 168. As you know, Act 168 required state parks to be open not just for hunting and trapping but also for fishing. This draft restores the law as it existed before Act 168 so that trapping in state parks is completely prohibited, hunting is allowed only for certain species and only by rule, and state parks are not required to be open for hunting, fishing, or trapping. If this is not consistent with your intent, please let me know and I will redraft accordingly.

Please feel free to contact me if you have any questions about this draft.

Robin N. Kite
Senior Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0784/1dn
RNK:kjf:jm

January 4, 2013

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Senior Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

Rose, Stefanie

From: Becker, Kelly
Sent: Monday, January 28, 2013 9:05 AM
To: LRB.Legal
Subject: Draft Review: LRB -0784/1 Topic: Hunting and trapping in state parks

Please Jacket LRB -0784/1 for the SENATE.