



1997 ASSEMBLY BILL 646

December 4, 1997 - Introduced by Representatives OURADA, DUFF, KEDZIE, OTT and GUNDERSON, cosponsored by Senators SHIBILSKI, ROSENZWEIG, JAUCH and BRESKE. Referred to Committee on Natural Resources.

1 **AN ACT to amend** 29.425 (2) (b), 29.425 (3) (c), 29.427 (2) (c) and 29.427 (3) (e);
2 **and to create** 29.177 of the statutes; **relating to:** the regulation of hunting,
3 fishing and trapping and the management of wild animals by local
4 governmental units.

Analysis by the Legislative Reference Bureau

Under current law, title to, and the protection of, wild animals living in the wild is vested in the state. The department of natural resources (DNR) administers and enforces the laws regulating the hunting, fishing, trapping and management of wild animals. Currently, cities, villages, towns and counties are authorized to regulate the hunting, possession and sale of certain wild animals under certain circumstances. Counties are authorized to enact ordinances regarding the shining of wild animals that are at least as restrictive as state law. Counties, cities, villages and towns are authorized to enact ordinances banning the sale of certain wild animals.

The bill grants counties, cities, villages and towns (political subdivisions) as well as special purpose districts and subunits of these political subdivisions and districts, the authority to enact ordinances that have an incidental effect on the hunting, fishing, trapping or management of wild animals if their primary purpose is to further public health, safety or welfare. The bill also grants these local entities the authority to enact ordinances that regulate or prohibit access for hunting, fishing and trapping in certain areas of land that the entities lease or own. Finally, the bill

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creates a procedure for DNR to issue orders declaring such ordinances void if local entities exceed this authority.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 29.177 of the statutes is created to read:

2 **29.177 Local regulation of wild animals. (1)** In this section:

3 (a) "Local governmental unit" has the meaning given in s. 16.97 (7).

4 (b) "Political subdivision" means a city, village, town or county.

5 **(2)** No local governmental unit may enact any ordinance or adopt any
6 regulation, resolution or other restriction for the purpose of regulating the hunting,
7 fishing, trapping or management of wild animals, except as follows:

8 (a) A local governmental unit may enact an ordinance that is authorized under
9 this chapter.

10 (b) A local governmental unit may enact an ordinance or adopt a regulation,
11 resolution or other restriction that has an incidental effect on hunting, fishing or
12 trapping, but only if the primary purpose is to further public health, safety or
13 welfare.

14 (c) A local governmental unit may enact an ordinance restricting or prohibiting
15 access for hunting, fishing or trapping in certain areas of land that it owns or leases.

16 **(3)** If the department determines that an ordinance, regulation, resolution or
17 other restriction enacted or adopted by a local governmental unit exceeds the
18 authority granted to local governmental units in this section, the department may
19 issue a notice to the local governmental unit of the department's intent to issue an
20 order under this subsection. If requested by the local governmental unit within 30

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1 days after it receives the notice, the department shall hold an informal hearing on
2 the matter. The informal hearing is not a contested case under ch. 227. Following
3 the hearing or following the failure of the local governmental unit to request a
4 hearing, the department may issue an order declaring the ordinance, regulation,
5 resolution or other restriction void.

6 **SECTION 2.** 29.425 (2) (b) of the statutes is amended to read:

7 29.425 (2) (b) *Local prohibition.* ~~The Notwithstanding par. (a), the governing~~
8 body of any county, city, village or town may, by ordinance, prohibit a person from
9 possessing any live game animal or fur-bearing animal.

10 **SECTION 3.** 29.425 (3) (c) of the statutes is amended to read:

11 29.425 (3) (c) *Local prohibition.* ~~The Notwithstanding par. (a), the governing~~
12 body of any county, city, village or town may, by ordinance, prohibit the sale of any
13 live game animal or fur-bearing animal.

14 **SECTION 4.** 29.427 (2) (c) of the statutes is amended to read:

15 29.427 (2) (c) *Local prohibition.* ~~The Notwithstanding par. (a), the governing~~
16 body of any county, city, village or town may, by ordinance, prohibit a person from
17 possessing any live wild or domestic skunk.

18 **SECTION 5.** 29.427 (3) (e) of the statutes is amended to read:

19 29.427 (3) (e) *Local prohibition.* ~~The Notwithstanding par. (a), the governing~~
20 body of a county, city, village or town may, by ordinance, prohibit the sale of any live
21 skunk.

22 (END)