



2005 SENATE BILL 26

January 24, 2005 - Introduced by Senators DECKER, A. LASEE, BRESKE and WIRCH, cosponsored by Representatives FREESE, SHERMAN and ZEPNICK. Referred to Committee on Natural Resources and Transportation.

1 **AN ACT** *to renumber and amend* 27.01 (10) (a); *to amend* 27.01 (10) (c), 27.01
2 (10) (d) (intro.), 27.01 (10) (e), 29.177 (6), 29.184 (6) (b) 1., 29.304 (1) (title),
3 29.304 (1) (a), 29.304 (1) (b), 29.304 (1) (c), 29.304 (1) (d), 29.304 (2) (title), 29.304
4 (2) (a), 29.304 (2) (b) (intro.), 29.304 (5), 49.688 (2) (a) 1. and 169.01 (32); and
5 **to create** 27.01 (10) (a) 1., 27.01 (10) (em) and 29.219 (1) (bn) of the statutes;
6 **relating to:** waiver of camping fees for certain camping parties, lowering the
7 minimum age for hunting to 10 years old, waiver of fishing license requirement
8 for certain groups, and reducing the number of acres needed to qualify as a
9 resident landowner under the preference system administered by the
10 Department of Natural Resources for the issuance of special deer hunting
11 permits.

Analysis by the Legislative Reference Bureau

Under current law, a minor under the age of 12 may not hunt with a firearm or with a bow and arrow and may not possess a firearm unless possessing the firearm is necessary to participate in a course under the hunter education and firearm safety program. This bill lowers this minimum age from 12 to 10.

SENATE BILL 26

Under current law, camping fees for camping in state parks, in state forests, and on other properties under the management of the Department of Natural Resources (DNR) are set by statute. Current law authorizes DNR to waive these fees for certain groups. This bill requires DNR to waive the camping fees for one weekend per year for groups that meet certain qualifications. For a group to qualify, all of the group members must be state residents and the group must contain at least one minor under the age of 11.

Under current law, residents who are 16 years of age or older must have a fishing license; residents under that age are exempt from the requirement. Under the bill, a resident who is 16 years of age or older is exempt from this license requirement if he or she is fishing with a resident who is under the age of 11.

Under current law, DNR may issue hunter's choice deer hunting permits and other special deer hunting permits if DNR finds that the size or characteristics of the deer population require the issuance of these permits for proper game management. In issuing these permits, DNR administers a preference system if the number of applicants for the special permits for a specific deer management area exceeds the number of permits being issued. Under the system, DNR must give first preference to applicants who are qualified landowners. The requirements for being a qualified landowner consist of being a state resident and owning at least 50 acres in one parcel that is located in whole or in part in the deer management area for which the permit is valid. This bill reduces the acreage requirement to 40 acres.

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.** 27.01 (10) (a) of the statutes is renumbered 27.01 (10) (a) (intro.)
2 and amended to read:

3 27.01 (10) (a) *Definition of resident. Definitions.* (intro.) As used in In this
4 subsection "~~resident~~";

5 2. "Resident" means a person who maintains his or her place of permanent
6 abode in this state. Domiciliary intent is required to establish that a person is
7 maintaining his or her place of permanent abode in this state. Mere ownership of
8 property is not sufficient to establish domiciliary intent. Evidence of domiciliary
9 intent includes, without limitation, the location where the person votes, pays
10 personal income taxes or obtains a driver's license.

SENATE BILL 26

1 **SECTION 2.** 27.01 (10) (a) 1. of the statutes is created to read:

2 27.01 (10) (a) 1. “Qualifying minor” means a person under 11 years of age whose
3 presence in a resident camping party is determined to be necessary for the camping
4 party to be eligible for the waiver under par. (em).

5 **SECTION 3.** 27.01 (10) (c) of the statutes is amended to read:

6 27.01 (10) (c) *Imposition of camping fee.* Except as provided under ~~par.~~ pars.
7 (em) and (f), no person may camp in a state campground unless the applicable
8 camping fee is paid.

9 **SECTION 4.** 27.01 (10) (d) (intro.) of the statutes is amended to read:

10 27.01 (10) (d) *Camping fees.* (intro.) Except as provided under pars. (em), (f),
11 and (h):

12 **SECTION 5.** 27.01 (10) (e) of the statutes is amended to read:

13 27.01 (10) (e) *Determination of residency.* ~~The~~ Except as provided in par. (em),
14 the department shall base its determination of whether a camping party is a resident
15 or nonresident camping party upon the residency of the person who applies for a
16 reservation under sub. (11) at the time the application for reservation is made or, if
17 no reservation is made, the residency of the person who registers for the campsite at
18 the time of registration.

19 **SECTION 6.** 27.01 (10) (em) of the statutes is created to read:

20 27.01 (10) (em) *Waiver of fees; resident group camping.* The department shall
21 waive all of the camping fees for a Friday and Saturday during one weekend each
22 calendar year for a resident camping party occupying a campsite for those 2 nights.
23 To qualify for this waiver, all of the persons in the camping party must be residents
24 and the party must include a least one minor who is under 11 years of age. A given
25 minor may be determined to be the qualifying minor only one time in each calendar

SENATE BILL 26

1 year for purposes of this waiver. The department shall determine whether the
2 camping party meets residency requirements at the time of registration for the
3 campsite.

4 **SECTION 7.** 29.177 (6) of the statutes is amended to read:

5 29.177 (6) **QUALIFIED LANDOWNER.** In order to apply for a special deer hunting
6 permit as a qualified landowner a person is required to be a resident and the owner
7 of record or a vendee under a land contract of at least ~~50~~ 40 acres in one parcel located
8 in whole or in part in the deer management area for which the special permit is valid.
9 No more than one person may apply as a qualified landowner for one parcel of land
10 in one season and if the parcel of land is located in more than one deer management
11 area, the owner or vendee may apply as a qualified landowner in only one of the deer
12 management areas in which the parcel of land is located in one season.

13 **SECTION 8.** 29.184 (6) (b) 1. of the statutes is amended to read:

14 29.184 (6) (b) 1. The applicant is at least ~~12~~ 10 years old.

15 **SECTION 9.** 29.219 (1) (bn) of the statutes is created to read:

16 29.219 (1) (bn) *Exception; residents over 16 years of age.* Subject to all other
17 provisions of law, no license is required for any resident who is 16 years of age or older
18 and who is fishing with a group that contains a resident who is under 11 years of age.

19 **SECTION 10.** 29.304 (1) (title) of the statutes is amended to read:

20 29.304 (1) (title) **PERSONS UNDER ~~12~~ 10 YEARS OF AGE.**

21 **SECTION 11.** 29.304 (1) (a) of the statutes is amended to read:

22 29.304 (1) (a) *Prohibition on hunting.* No person under ~~12~~ 10 years of age may
23 hunt with a firearm or bow and arrow.

24 **SECTION 12.** 29.304 (1) (b) of the statutes is amended to read:

SENATE BILL 26

1 29.304 (1) (b) *Restrictions on possession or control of a firearm.* No person
2 under ~~12~~ 10 years of age may have in his or her possession or control any firearm
3 unless he or she is enrolled in the course of instruction under the hunter education
4 program and he or she is carrying the firearm in a case and unloaded to or from that
5 class under the supervision of a parent or guardian or is handling or operating the
6 firearm during that class under the supervision of an instructor.

7 **SECTION 13.** 29.304 (1) (c) of the statutes is amended to read:

8 29.304 (1) (c) *Restrictions on obtaining hunting approval.* Except as provided
9 under par. (d), no person under ~~12~~ 10 years of age may obtain any approval
10 authorizing hunting.

11 **SECTION 14.** 29.304 (1) (d) of the statutes is amended to read:

12 29.304 (1) (d) *Restrictions on validity of certificate of accomplishment.* A person
13 under ~~12~~ 10 years of age may obtain a certificate of accomplishment if he or she
14 complies with the requirements of s. 29.591 (4) but that certificate is not valid for the
15 hunting of small game until that person becomes ~~12~~ 10 years of age.

16 **SECTION 15.** 29.304 (2) (title) of the statutes is amended to read:

17 29.304 (2) (title) PERSONS ~~12~~ 10 TO 14 YEARS OF AGE.

18 **SECTION 16.** 29.304 (2) (a) of the statutes is amended to read:

19 29.304 (2) (a) *Restrictions on hunting.* No person ~~12~~ 10 years of age or older
20 but under 14 years of age may hunt unless he or she is accompanied by a parent or
21 guardian.

22 **SECTION 17.** 29.304 (2) (b) (intro.) of the statutes is amended to read:

23 29.304 (2) (b) *Restrictions on possession or control of a firearm.* (intro.) No
24 person ~~12~~ 10 years of age or older but under 14 years of age may have in his or her
25 possession or control any firearm unless he or she:

