

1999 DRAFTING REQUEST

Bill

Received: **04/27/1999**

Received By: **gibsom**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Pettis (608) 267-2365**

By/Representing:

This file may be shown to any legislator: NO

Drafter: **gibsom**

May Contact:

Alt. Drafters:

Subject: **Nat. Res. - fish and game**
Nat. Res. - nav. waters

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Fishing shanties placed by nonresidents

Instructions:

Nonresidents placing fishing shanties on waters of this state must receive a permit from the department and must pay a fee for the permit unless in a county that opts out. The amount of the fee to be the same as the amount paid by Wisconsin residents who place fishing shanties on waters in Minnesota. Moneys to go back to counties that participate.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Resuired</u>
/1	gibsom 10/21/1999	chanaman 10/22/1999	mclark 10/25/1999	_____	lrb_docadmin 10/25/1999	lrb_docadminS&L 11/11/1999	

FE Sent For:

11/24/99

<END>

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/?	gibson		10/22 MRE	MRC/JF 10/25			

FE Sent For:

<END>

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97C.355 Dark houses and fish houses. Subdivision 1. Identification required. All shelters on the ice of state waters, including dark houses and fish houses, must have the name and address or driver's license number of an owner legibly painted on the exterior with characters at least three inches high. Subd. 2. License required. A person may not take fish from a dark house or fish house unless the house is licensed and has a durable license tag attached to the exterior as prescribed by the commissioner, except as provided in this subdivision. The commissioner must issue a durable tag that is at least two inches in diameter with a 3/16 inch hole in the center with a dark house or fish house license. The durable tag must be marked with a number to correspond with the license and the year of issue. A dark house or fish house license is not required of a resident on boundary waters where the adjacent state does not charge a fee for the same activity. Subd. 3. Door must open from outside. A person may not use a dark house or fish house unless the door is constructed so that it can be opened from the outside when it is in use. Subd. 4. Distance between houses. A person may not erect a dark house or fish house within ten feet of an existing dark house or fish house. Subd. 5. Burning of structures. A person may not burn a structure on the ice of state waters without permission of the commissioner. The commissioner may allow burning only after determining that the structure cannot be removed from the ice by another reasonable manner. The owner must remove the remains of the burned structure from the ice. Subd. 6. Restrictions for nonresidents. A nonresident may obtain a license for a fish house but the house may not be unattended. Subd. 7. Dates and times houses may remain on ice. (a) A fish house or dark house may not be on the ice between 12:00 a.m. and one hour before sunrise after the following dates: (1) the last day of February, for state waters south of a line starting at the Minnesota-North Dakota border and formed by rights-of-way of U.S. Route No. 10, then east along U.S. Route No. 10 to Trunk Highway No. 34, then east along Trunk Highway No. 34 to Trunk Highway No. 200, then east along Trunk Highway No. 200 to U.S. Route No. 2, then east along U.S. Route No. 2 to the Minnesota-Wisconsin border; and (2) March 15, for other state waters. A fish house or dark house on the ice in violation of this subdivision is subject to the enforcement provisions of paragraph (b). The commissioner may, by rule, change the dates in this paragraph for any part of state waters. Copies of the rule must be conspicuously posted on the shores of the waters as prescribed by the commissioner. (b) A conservation officer must confiscate a fish house or dark house in violation of paragraph (a). The officer may remove, burn, or destroy the house. The officer shall seize the contents of the house and hold them for 60 days. If the seized articles have not been claimed by the owner, they may be retained for the use of the division or sold at the highest price obtainable in a manner prescribed by the commissioner. (c) When the last day of February, under paragraph (a), clause (1), or March 15, under paragraph (a), clause (2), falls on a Saturday, a fish house or dark house may be on the ice between 12:00 a.m. and one hour before sunrise until 12:00 a.m. the following Monday. Subd. 8. Confiscation of unlawful structures. Structures on the ice in violation of this section may be confiscated and disposed of, retained by the division, or sold at the highest price obtainable, in a manner prescribed by the commissioner. HIST: 1986 c 386 art 3 s 33; 1989 c 199 s 1; 1991 c 84 s 1; 1991 c 259 s 23; 1993 c 172 s 57; 1995 c 65 s 1; 1Sp1995 c 1 s 39,40; 1996 c 403 s 1; 1998 c 252 s 2

97A.475 License fees. Subdivision 1. Requirements for issuance. A license shall be issued when the requirements of the law are met and the license fee specified in this section is paid. Subd. 2. Resident hunting. Fees for the following licenses, to be issued to residents only, are: (1) for persons under age 65 to take small game, \$10; (2) for persons age 65 or over, \$5; (3) to take turkey, \$16; (4) to take deer with firearms, \$22; (5) to take deer by archery, \$22; (6) to take moose, for a party of not more than six persons, \$275; (7) to take bear, \$33; (8) to take elk, for a party of not more than two persons, \$220; (9) to take antlered deer in more than one zone, \$44; and (10) to take Canada geese during a special season, \$3. Subd. 3. Nonresident hunting. Fees for the following licenses, to be issued to nonresidents, are: (1) to take small game, \$56; (2) to take deer with firearms, \$110; (3) to take deer by archery, \$110; (4) to take bear, \$165; (5) to take turkey, \$56; (6) to take raccoon, bobcat, fox, coyote, or lynx, \$137.50; (7) to take antlered deer in more than one zone, \$220; and (8) to take Canada geese during a special season, \$3. Subd. 4. Small game surcharge. Fees for licenses to take small game must be increased by a surcharge of \$4. An additional commission may not be assessed on the surcharge and this must be stated on the back of the license with the following statement: "This \$4 surcharge is being paid by hunters for the acquisition and development of wildlife lands." Subd. 5. Hunting stamps. Fees for the following stamps are: (1) migratory waterfowl stamp, \$5; (2) pheasant stamp, \$5; and (3) turkey stamp, \$5. Subd. 6. Resident fishing. Fees for the following licenses, to be issued to residents only, are: (1) to take fish by angling, for persons under age 65, \$15; (2) to take fish by angling, for persons age 65 and over, \$5.50; (3) to take fish by angling, for a combined license for a married couple, \$20.50; (4) to take fish by spearing from a dark house, \$15; and (5) to take fish by angling for a 24-hour period selected by the licensee, \$8. Subd. 7. Nonresident fishing. Fees for the following licenses, to be issued to nonresidents, are: (1) to take fish by angling, \$31; (2) to take fish by angling limited to seven consecutive days selected by the licensee, \$21.50; (3) to take fish by angling for a 72-hour period selected by the licensee, \$18; (4) to take fish by angling for a combined license for a family, \$4 1.50; (5) to take fish by angling for a 24-hour period selected by the licensee, \$8; and (6) to take fish by angling for a combined license for a married couple, limited to 14 consecutive days selected by one of the licensees, \$32. Subd. 8. Minnesota sporting. The commissioner shall issue Minnesota sporting licenses to residents only. The licensee may take fish by angling and small game. The fee for the license is: (1) for an individual, \$20; and (2) for a combined license for a married couple to take fish and for one spouse to take small game, \$27.50. Subd. 9. Repealed, 1994 c 561 s 28 Subd. 10. Trout and salmon stamp. The fee for a trout and salmon stamp is \$8.50.

Subd. 11. **Fish houses** and dark houses; residents. Fees for the following licenses are: (1) for a **fish house** or dark house that is not rented, \$10; and (2) for a **fish house** or dark house that is rented, \$23.

Subd. 12. **Fish houses**; nonresident. Fees for **fish house** licenses for a nonresident are: (1) annual, \$31.50; and (2) seven consecutive days, \$18.50.

Subd. 13. Netting whitefish and ciscoes for personal consumption. The fee for a license to net whitefish and ciscoes in inland lakes and international waters for personal consumption is, for each net, \$9. Subd. 14. Repealed by amendment, 1997 c 216 s 83 Subd. 15. Lake Superior fishing guides. The fee for a license to operate a charter boat and guide anglers on Lake Superior is: (1) for a resident, \$35; (2) for a nonresident, \$140; or (3) if another state charges a Minnesota resident a fee greater than \$140 for a Lake Superior fishing guide license in that state, the

nonresident fee for a resident of that state is that greater fee. Subd. 16. Resident hunting guides. The fees for the following resident guide licenses are: (1) to guide bear hunters, \$82.50; and (2) to guide turkey hunters, \$22. Subd. 17. Repealed, 1994 c 623 art 1 s 47 Subd. 18. Shooting preserves. The fee for a shooting preserve license is: (1) for a private shooting preserve, \$100; and (2) for a commercial shooting preserve, \$500. Subd. 19. Taxidermists. The fee for a taxidermist license, to be issued for a three-year period to residents only, is: (1) for persons age 18 and older, \$44; and (2) for persons under age 18, \$27.50. Subd. 20. Trapping license. The fee for a license to trap fur-bearing animals is: (1) for persons over age 13 and under age 18, \$5.50; and (2) for persons age 18 and older, \$18. Subd. 21. Fur buying and selling; residents. (a) The fee for a license for a resident to buy and sell raw furs is \$110. (b) The fee for a supplemental license to buy and sell furs is \$55. Subd. 22. Fur buying and selling; nonresidents. The fee for a license for a nonresident to buy and sell raw furs is \$500. Subd. 23. Raw fur tanning. The fee for a license to tan and dress raw furs to be issued to residents and nonresidents is \$16.50. Subd. 24. Game and fur farms. The fee for a game and fur farm license is \$16.50. Subd. 25. Muskrat farms. The fee for a muskrat farm license is \$11. Subd. 26. Minnow dealers. The fees for the following licenses are: (1) minnow dealer, \$100; (2) minnow dealer's vehicle, \$15; (3) exporting minnow dealer, \$350; and (4) exporting minnow dealer's vehicle, \$15. Subd. 27. Minnow retailers. The fees for the following licenses, to be issued to residents and nonresidents, are: (1) minnow retailer, \$15; and (2) minnow retailer's vehicle, \$15. Subd. 28. Nonresident minnow haulers. The fees for the following licenses, to be issued to nonresidents, are: (1) exporting minnow hauler, \$675; and (2) exporting minnow hauler's vehicle, \$15. Subd. 29. Private fish hatcheries. The fees for the following licenses to be issued to residents and nonresidents are: (1) for a private fish hatchery, with annual sales under \$200, \$35; (2) for a private fish hatchery, with annual sales of \$200 or more, \$70; and (3) to take sucker eggs from public waters for a private fish hatchery, \$210, plus \$4 for each quart in excess of 100 quarts. Subd. 29a. Repealed, 1992 c 566 s 23 Subd. 30. Commercial netting of fish. The fees to take commercial fish are: (1) commercial license fees: (i) for residents and nonresidents seining and netting in inland waters, \$90; (ii) for residents netting in Lake Superior, \$50; (iii) for residents netting in Lake of the Woods, Rainy, Namakan, and Sand Point lakes, \$50; (iv) for residents seining in the Mississippi River from St. Anthony Falls to the St. Croix River junction, \$50; (v) for residents seining, netting, and set lining in Wisconsin boundary waters from Lake St. Croix to the Iowa border, \$50; and (vi) for a resident apprentice license, \$25; and (2) commercial gear fees: (i) for each gill net in Lake Superior, Wisconsin boundary waters, and Namakan Lake, \$3.50 per 100 feet of net; (ii) for each seine in inland waters, on the Mississippi River as described in section 97C.801, subdivision 2, and in Wisconsin boundary waters, \$7 per 100 feet; (iii) for each commercial hoop net in inland waters, \$1.25; (iv) for each submerged fyke, trap, and hoop net in Lake Superior, St. Louis Estuary, Lake of the Woods, and Rainy, Namakan, and Sand Point lakes, and for each pound net in Lake Superior, \$15; (v) for each stake and pound net in Lake of the Woods, \$60; (vi) for each set line in the Wisconsin boundary waters, \$20; and (vii) for each trawl used in Lake Superior, \$50. Subd. 31. Repealed by amendment, 1997 c 216 s 83 Subd. 32. Repealed by amendment, 1997 c 216 s 83 Subd. 33. Repealed by amendment, 1997 c 216 s 83 Subd. 34. Repealed by amendment, 1997 c 216 s 83 Subd. 35. Repealed by amendment, 1997 c 216 s 83 Subd. 36. Repealed by amendment, 1997 c 216 s 83 Subd. 37. Repealed by amendment, 1997 c 216 s 83 Subd. 38. Fish buyers. The fees for licenses to buy fish from commercial fishing licensees to be issued residents and nonresidents are: (1) for Lake Superior fish bought for sale to retailers, \$70; (2) for Lake Superior fish bought for sale to consumers, \$15; (3) for Lake of the Woods, Namakan, Sand

Point, and Rainy Lake fish bought for sale to retailers, \$140; and (4) for Lake of the Woods, Namakan, Sand Point, and Rainy Lake fish bought for shipment only on international boundary waters, \$15. Subd. 39. Fish packer. The fee for a license to prepare dressed game fish for transportation or shipment is \$20. Subd. 40. Fish vendors. The fee for a license to use a motor vehicle to sell fish is \$35. Subd. 41. Turtle sellers. The fee for a license to take, transport, purchase, and possess turtles for sale is \$70. Subd. 42. Frog dealers. The fee for the licenses to deal in frogs that are to be used for purposes other than bait are: (1) for a resident to purchase, possess, and transport frogs, \$100; (2) for a nonresident to purchase, possess, and transport frogs, \$280; and (3) for a resident to take, possess, transport, and sell frogs, \$15. Subd. 43. Duplicate licenses. The fees for duplicate licenses are: (1) for licenses to take big game, \$5; and (2) for other licenses, \$2. HIST: 1986 c 386 art 1 s 68; 1987 c 149 art 1 s 32; 1987 c 318 s 2; 1987 c 373 s 9; 1987 c 404 s 122-131; 1988 c 437 s 1,2; 1989 c 266 s 1; 1989 c 335 art 1 s 87-123; 1990 c 605 s 5; 1991 c 254 art 2 s 30-32; 1993 c 172 s 56; 1993 c 231 s 27; 1994 c 561 s 16-20; 1994 c 623 art 1 s 24; 1Sp1995 c 1 s 23,24; 1996 c 364 s 4; 1996 c 410 s 29-36; 1997 c 216 s 83; 1997 c 226 s 23.24



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-2994/1
MGG.....
cmh

soon
D-Note

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

1 AN ACT ^{general} relating to: permits for the placement of fish shanties or similar
2 shelters and making an appropriation.

^{seven}
Analysis by the Legislative Reference Bureau

Under this bill, a person who is not a state resident may not place a fish shanty on the ice unless he or she has a permit issued by the department of natural resources (DNR) or unless the county in which the fish shanty is placed enacts an ordinance ^{that} which exempts fish shanties within that county from the permitting requirement. The bill establishes a 7-day permit and an annual permit and sets different fees for the permits. The bill requires DNR to annually pay each county an amount that equals the fish shanty permit fees DNR collected in the previous year for fish shanties in that county.

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:

3 SECTION 1. [✓]20.370 (4) (kw) of the statutes is created to read:

4 [✓]20.370 (4) (kw) **Fish shanty permits.** A sum sufficient to reimburse counties
5 for fishing [✓]shanty permit fees under s. 29.404 (1b) (c).

SECTION 2. 29.404 (1) of the statutes is renumbered 29.404 (1m) and amended

to read:

29.404 (1m) PUBLIC NUISANCE; REMOVAL. Any building, vehicle, tent, fish shanty or similar shelter that is used or left on the ice without a permit as required under sub. (lb) or in violation of any department order or that has fallen through the ice is a public nuisance. The department shall notify the owner, if known. If after the expiration of 10 days after notice is given the owner does not claim the nuisance, the department may destroy or sell the nuisance in the name of the state.

History: 1989 a. 359; 1991 a. 39; 1997 a. 248 ss. 443 to 445; Stats. 1997 s. 29.404.

SECTION 3. 29.404 (lb) of the statutes is created to read:

29.404 (lb) NONRESIDENTS; PERMIT REQUIRED. (a) Except as provided in par. (b), a person who is not a resident may not place a fish shanty or similar shelter on the ice unless the person holds a nonresident annual fish shanty permit or a nonresident 1-day fish shanty permit issued by the department.

(b) Any county may enact an ordinance to exempt fish shanties and similar shelters placed by persons who are not residents from the permit requirement under par. (b).

(16)

(c) The department each year shall pay to a county an amount that is equal to the amount in fees received by the department during the preceding year from the issuance of the permits under this section for fish shanties and similar shelters within that county

WFO
Please see
the
spec. 11/18

SECTION 4. 29.563 (11) (a) 3. of the statutes is created to read:

29.563 (11) (a) 3. Nonresident 7-day fish shanty permit: \$19.

SECTION 5. 29.563 (11) (a) 4. of the statutes is created to read:

29.563 (11) (a) 4. Nonresident annual fish shanty permit: \$32.

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

1
LRB-2994&n
M.G.
Cm 4

DATE

I created a delayed effective date to allow DNR and the counties to administratively implement this program. Please let me know if you want this changed.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 10/25/1999

To: Representative Pettis

Relating to LRB drafting number: LRB-2994

Topic

Fishing shanties placed by nonresidents

Subject(s)

Nat. Res. - fish and game, Nat. Res. - nav. waters

1. **JACKET** the draft for introduction

Mark G. Pettis

in the **Senate** or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction ' _____

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Mary Gibson-Glass, Senior Legislative Attorney
Telephone: (608) 267-3215

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

LRB-2994/1dn
MGG:cmh:mrc

October 22, 1999

I created a delayed effective date to allow DNR and the counties to administratively implement this program. Please let me know if you want this changed.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215