

State of Wisconsin



2011 Assembly Bill 311

Date of enactment: April 2, 2012
Date of publication*: April 16, 2012

2011 WISCONSIN ACT 168

AN ACT to repeal 29.089 (3); to renumber and amend 29.591 (2); to amend 27.01 (7) (c) 6., 27.01 (8) (b) 2., 29.053 (3), 29.089 (title), 29.089 (1), 29.089 (2) (intro.), 29.193 (2) (b) 1., 29.193 (2) (b) 3., 29.197 (3), 29.237 (1m), 29.563 (2) (intro.), 29.563 (3) (intro.), 29.563 (6) (intro.), 29.563 (14) (c) 1., 29.597 (1) (a) and 29.597 (1) (c); and to create 15.347 (21), 23.0916 (3m), 29.036, 29.084, 29.089 (1m), 29.193 (2) (c) 5., 29.193 (2) (cd), 29.193 (2) (cr) 4., 29.193 (2) (d) 3., 29.236, 29.563 (4) (a) 3., 29.563 (6) (a) 1m., 29.563 (6m), 29.563 (12) (c) 1m., 29.563 (12m), 29.563 (14) (c) 7., 29.591 (1) (am), 29.591 (2) (b), 29.597 (1m), 29.597 (2) (c), 29.597 (2) (d) and 120.13 (30) of the statutes; relating to: creating a sporting heritage council; programs to encourage hunting, trapping, fishing, and outdoor recreation activities; access to land under the Warren Knowles–Gaylord Nelson stewardship program; reduced fees for certain hunting, trapping, and fishing approvals; high school credit under and administration of the hunter and trapper education programs; Class D hunting permits issued to certain disabled persons; waiving fishing license requirements for weekend fishing events; hunting, fishing, and trapping in state parks; issuing annual disabled veteran recreation cards; and requiring the exercise of rule-making authority.

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

SECTION 1. 15.347 (21) of the statutes is created to read:

15.347 (21) SPORTING HERITAGE COUNCIL. (a) There is created in the department of natural resources a sporting heritage council consisting of the following members:

1. The secretary of natural resources, or his or her designee, who shall serve as chairperson.
2. One member, appointed by the governor.
3. Two members of the assembly, appointed by the speaker of the assembly, who may not be members of the same political party.
4. Two members of the senate, appointed by the senate majority leader, who may not be members of the same political party.

5. Five members, appointed by the natural resources board from nominations provided by sporting organizations that have as their primary objective the promotion of hunting, fishing, or trapping. Of the 5 members, one shall represent the interests of deer hunters, one shall represent the interests of bear hunters, one shall represent the interests of bird hunters, one shall represent the interests of anglers, and one shall represent the interests of fur-bearing animal hunters and trappers.

6. One member, appointed by the executive committee of the conservation congress, who is a member of the conservation congress.

(b) The members of the sporting heritage council appointed under par. (a) 2. to 6. shall be appointed for 3-year terms.

(c) The sporting heritage council shall meet at least one time each year.

* Section 991.11, WISCONSIN STATUTES 2009–10 : Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated” by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

SECTION 2. 23.0916 (3m) of the statutes is created to read:

23.0916 (3m) BOARD DETERMINATIONS. (a) Except as provided in par. (b), a determination by the natural resources board under sub. (2) (b) or (c) or (3) (b) or (c) with regard to public access on land or an easement requires 4 or more members of the natural resources board to concur in that determination if the land or easement was acquired on or after the effective date of this paragraph [LRB inserts date].

(b) Paragraph (a) does not apply to a determination by the natural resources board with regard to public access on an easement, if the primary purpose of the easement is to provide public access to a navigable water on which public fishing is allowed.

SECTION 3. 27.01 (7) (c) 6. of the statutes is amended to read:

27.01 (7) (c) 6. Any vehicle, except a motor bus, occupied by a person holding a senior citizen recreation card issued under s. 29.624 or an annual disabled veteran recreation card issued under s. 29.236.

SECTION 4. 27.01 (8) (b) 2. of the statutes is amended to read:

27.01 (8) (b) 2. Any person holding a senior citizen recreation card issued under s. 29.624 or an annual disabled veteran recreation card issued under s. 29.236; or

SECTION 5. 29.036 of the statutes is created to read:

29.036 Sporting heritage council. (1) The sporting heritage council shall study, and provide advice and make recommendations to the governor, the natural resources board, and the legislature about, issues relating to hunting, trapping, fishing, and other types of outdoor recreation activities including all of the following:

(a) Ways to improve the recruitment and retention of hunters, trappers, and anglers.

(b) Ways to improve the management and protection of the natural resources of this state for the purposes of hunting, trapping, fishing, and other types of outdoor recreation activities.

(c) Ways to encourage youth to participate in outdoor recreation activities, including ways to implement outdoor recreation programs for youth.

(d) Ways to improve access to public and private land for hunting, trapping, fishing, and other types of outdoor recreation activities.

(e) Ways to improve public access to lakes.

(f) Ways to increase the availability of public shooting ranges.

(2) The sporting heritage council shall prepare a biennial report on the status of the recruitment and retention of hunters, trappers, and anglers in this state. The sporting heritage council shall submit its initial report under this subsection no later than July 1, 2014, and shall submit subsequent reports no later than July 1 of each even-numbered year thereafter, to the governor, to the chairperson of the natural resources board, and to the

chief clerk of each house of the legislature, for distribution to the appropriate standing committees under s. 13.172 (3).

SECTION 6. 29.053 (3) of the statutes is amended to read:

29.053 (3) The department may modify any requirement of this chapter or rules promulgated under it, establish special seasons, authorize the use of special equipment or take any other action in order to provide additional hunting and fishing opportunities for persons who are physically disabled or visually handicapped ~~and~~. The department may limit the number of persons involved, except that if the department establishes a special season for hunting deer with firearms for persons who are physically disabled, the season shall be open to persons who have been issued a Class D permit under s. 29.193 (2).

SECTION 7. 29.084 of the statutes is created to read:

29.084 Incentives for recruitment. The department shall establish a program to recognize people who recruit others as hunters, trappers, and anglers. The program shall include a component under which a person who is issued his or her first hunting, trapping, or fishing approval in his or her lifetime may designate one person as the person who encouraged the applicant to obtain the license. The program shall provide for all of the following:

(1) A method for maintaining a record of persons designated as provided under this section.

(2) A method for issuing a credit to any resident who is designated as provided under this section a specified number of times, as determined by the department, in any license year. The method shall require the department to allow the recipient of the credit to apply the credit in a manner that reduces the fee for an approval that is listed under s. 29.563 (2) (a) 1., 2., 4. to 5g., or 7. to 9., (3) (a) 1., or (6) (a) 1. by one-half of the fee that would otherwise apply to the approval, rounded up to the nearest dollar, that reduces the fee specified in s. 29.563 (4) (a) 1. for a resident sports license by \$20, or that reduces the fee specified in s. 29.563 (4) (a) 2. for a resident conservation patron license by \$60. The department may not require a resident to be designated more than 5 times in a license year in order to be eligible for a credit under this subsection. In this subsection, "license year" means the period between April 1 and the following March 31.

SECTION 8. 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.

SECTION 9. 29.089 (1) of the statutes is amended to read:

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

SECTION 10. 29.089 (1m) of the statutes is created to read:

29.089 (1m) (a) Except as provided in par. (b), state parks shall be open to hunting, fishing, and trapping by persons who hold the appropriate approvals required under this chapter.

(b) The department may prohibit hunting, fishing, or trapping in a state park or a portion of a state park if any of the following applies:

1. The department prohibits hunting, fishing, or trapping within 100 yards of a designated use area.

2. The natural resources board determines that prohibiting hunting, fishing, or trapping is necessary to protect public safety or to protect a unique animal or plant community. A determination to prohibit hunting, fishing, or trapping in a state park or a portion of a state park under this subdivision requires 4 or more members of the natural resources board to concur in that determination.

SECTION 11. 29.089 (2) (intro.) of the statutes, as affected by 2011 Wisconsin Act 35, is amended to read:

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

SECTION 12. 29.089 (3) of the statutes is repealed.

SECTION 13. 29.193 (2) (b) 1. of the statutes is amended to read:

29.193 (2) (b) 1. The department shall, after investigation and without charging a fee, except for the costs of review in par. (c) 3. or (e), issue a Class A, Class B ~~or~~, Class C, or Class D permit to any person, as provided in this subsection.

SECTION 14. 29.193 (2) (b) 3. of the statutes is amended to read:

29.193 (2) (b) 3. As part of the application for a Class A ~~or~~, Class B, or Class D permit under this subsection, the applicant shall authorize the department by written release to examine all medical records regarding the applicant's physical disability.

SECTION 15. 29.193 (2) (c) 5. of the statutes is created to read:

29.193 (2) (c) 5. The department shall issue a Class D permit to any person who meets the requirements under par. (cd).

SECTION 16. 29.193 (2) (cd) of the statutes is created to read:

29.193 (2) (cd) *Class D permit requirements.* 1. A person is eligible for a Class D permit if he or she meets the requirements specified in subs. 2. and 3.

2. A person meets the requirements of this subdivision if any of the following applies:

a. The person has an amputation or other loss of one or more arms at or above the elbow.

b. The person has a permanent substantial loss of function in one or both arms and fails to meet the minimum standards of the standard upper extremity pinch test, the standard grip test, or the standard nine-hole peg test, administered under the direction of a licensed physician or a licensed chiropractor.

c. The person has a permanent substantial loss of function in one or both shoulders and fails to meet the minimum standards of the standard shoulder strength test, administered under the direction of a licensed physician or a licensed chiropractor.

3. A person meets the requirements of this subdivision if any of the following applies:

a. The person is unable to place his or her nondominant hand or prosthesis in a position that is level with his or her shoulders and at a minimum distance of 27 inches from his or her body or is unable to hold a 5-pound weight for 10 seconds when that person's nondominant hand or prosthesis is in that position.

b. The person is unable to place his or her dominant hand or prosthesis in a position that is level with his or her shoulders at a minimum distance of 11 inches from his or her body.

SECTION 17. 29.193 (2) (cr) 4. of the statutes is created to read:

29.193 (2) (cr) 4. A person holding a current resident or nonresident deer hunting license and a Class D permit may hunt deer of either sex with a firearm only during a special season established by the department that is open for hunting deer with firearms by disabled persons who hold a permit under this section.

SECTION 18. 29.193 (2) (d) 3. of the statutes is created to read:

29.193 (2) (d) 3. A holder of a Class D permit may use an adaptive device, as authorized by the department by rule, to facilitate the use of a firearm and may be accompanied by a person who is not eligible to apply for a permit under this section. The accompanying person may not hunt or carry a firearm, bow, or crossbow unless that person has been issued the appropriate approval to do so. The assistance rendered by an accompanying person who has not been issued the appropriate approval is limited to field dressing, tagging, and retrieving game for the permit holder and any other assistance authorized by the department by rule.

SECTION 19. 29.197 (3) of the statutes is amended to read:

29.197 (3) WEEKEND EVENT EVENTS. In addition to any special event or program sponsored under sub. (2), the department shall, by rule, ~~for a~~ designate 2 special event ~~for one weekend~~ weekends per year, during which it shall waive the requirement that persons be issued fishing licenses and pay the applicable fees in order to fish in the waters of this state. The department shall designate the 3rd full weekend in January as one of the special event

weekends. The department shall, by rule, designate to which inland or outlying waters ~~this waiver~~ these waivers shall apply.

SECTION 20. 29.236 of the statutes is created to read:

29.236 Annual disabled veteran recreation card.

(1) The department, subject to ss. 29.024 and 54.25 (2) (c) 1. d., shall issue an annual disabled veteran recreation card to any resident who produces evidence that shows that he or she is a veteran, as defined in [38 USC 101](#), and is receiving disability compensation benefits under [38 USC 1101](#) to [1163](#) for disabilities that result in a disability rating that is 50 percent or greater under [38 USC 1114](#) or [1134](#), or is receiving disability compensation benefits due to being individually unemployable under [38 CFR 4.16](#) as authorized under [38 USC 501](#).

(2) An annual disabled veteran recreation card entitles the holder to exercise all of the combined rights and privileges conferred by a resident small game hunting license and a resident fishing license, subject to all duties, conditions, limitations, and restrictions of the licenses. A person may operate any motor vehicle, except a motor bus, as defined in s. 340.01 (31), subject to the admission requirements under s. 27.01 (7) in any vehicle admission area under s. 27.01 (7) without having an admission receipt affixed to the vehicle or otherwise displayed and without paying a fee if the vehicle has as an occupant a card holder who can present the card upon demand in the vehicle admission area. The card permits a card holder to enter Heritage Hill state park or a state trail without paying an admission fee.

(3) Except as provided in this section, possession of an annual disabled veteran recreation card shall not entitle the holder to obtain any other privileges or services for free if the privileges or services may be obtained only through payment of a fee.

SECTION 21. 29.237 (1m) of the statutes is amended to read:

29.237 (1m) Subject to s. 29.024 and any limit imposed under s. 29.192 (3), a sturgeon spearing license shall be issued by the department to any person applying for this license who is at least 14 12 years old.

SECTION 22. 29.563 (2) (intro.) of the statutes is amended to read:

29.563 (2) HUNTING APPROVALS. (intro.) Except as provided in sub. (2m) ~~and~~, (2r), and (6m), the fees for hunting approvals are as follows:

SECTION 23. 29.563 (3) (intro.) of the statutes, as affected by [2009 Wisconsin Act 364](#), is amended to read:

29.563 (3) FISHING APPROVALS. (intro.) Except as provided in subs. (3m) ~~and~~, (3r), and (6m), the fees for fishing approvals are as follows:

SECTION 24. 29.563 (4) (a) 3. of the statutes is created to read:

29.563 (4) (a) 3. Annual disabled veteran recreation: \$7.

SECTION 25. 29.563 (6) (intro.) of the statutes is amended to read:

29.563 (6) APPROVALS FOR TRAPPING, FUR DEALERS AND TAXIDERMISTS. (intro.) The Except as provided in sub. (6m), the fees for trapping, fur dealer, taxidermist and related approvals are as follows:

SECTION 26. 29.563 (6) (a) 1m. of the statutes is created to read:

29.563 (6) (a) 1m. Trapping issued to persons who are under 16 years of age: \$9.25.

SECTION 27. 29.563 (6m) of the statutes is created to read:

29.563 (6m) REDUCED FEES FOR CERTAIN FIRST-TIME APPROVALS. (a) The fee for an approval that is listed under sub. (2) (a) 1., 2., 4. to 5g., or 7. to 9., (3) (a) 1., or (6) (a) 1. is \$4.25 if the approval is issued to a person who has not received that type of approval, or has not been conferred the privileges of that type of approval under a license issued under s. 29.231 or 29.235, in any of the 10 years preceding the date of application.

(b) The fee for an approval listed under sub. (2) (b) 1., 3., or 5. to 8., (3) (b) 1., or (6) (am) is one-half of the fee listed for the respective approval, rounded up to the nearest dollar, if the approval is issued to a person who has not received that type of approval by the department, or has not been conferred the privileges of that type of approval under a license issued under s. 29.231 or 29.235, in any of the 10 years preceding the date of application.

SECTION 28. 29.563 (12) (c) 1m. of the statutes is created to read:

29.563 (12) (c) 1m. Annual disabled veteran recreation: \$2.

SECTION 29. 29.563 (12m) of the statutes is created to read:

29.563 (12m) DUPLICATES OF REDUCED FEE APPROVALS. Notwithstanding the fees specified under sub. (12) (a) and (b), a person who was issued an approval and charged the reduced fee specified under sub. (6m) may not be charged a fee for a duplicate of that approval that exceeds the fee specified for the approval under sub. (6m).

SECTION 30. 29.563 (14) (c) 1. of the statutes is amended to read:

29.563 (14) (c) 1. Each license issued under subs. (2) to (10) ~~and~~, (12), and (12m): 75 cents.

SECTION 31. 29.563 (14) (c) 7. of the statutes is created to read:

29.563 (14) (c) 7. There is no issuing fee for an annual disabled veteran recreation card.

SECTION 32. 29.591 (1) (am) of the statutes is created to read:

29.591 (1) (am) The department shall offer an online course of instruction under the hunter education program for persons who are at least 18 years of age.

SECTION 33. 29.591 (2) of the statutes is renumbered 29.591 (2) (am) and amended to read:

29.591 (2) (am) The department may appoint county, regional and statewide directors and categories of hunter education instructors necessary for the hunter education program and the bow hunter education program. These appointees are responsible to the department and shall serve on a voluntary basis without compensation. This paragraph does not apply to the online course of instruction under sub. (1) (am).

SECTION 34. 29.591 (2) (b) of the statutes is created to read:

29.591 (2) (b) 1. If the online course of instruction under the hunter education program requires field testing for a person to demonstrate successful completion of the course, the department shall make field testing available through each department service center at least once every 2 months for persons who are at least 18 years of age.

2. If the online course of instruction under the hunter education program requires a written test for a person to demonstrate successful completion of the course, the department shall offer the test at each department service center at least once every 2 months to persons who are at least 18 years of age.

SECTION 35. 29.597 (1) (a) of the statutes is amended to read:

29.597 (1) (a) The department shall establish and supervise the administration of a trapper education program funded from the appropriations under s. 20.370 (1) (Lq) and (ma). The Except with respect to the online course of instruction under sub. (1m), the department shall enter into an agreement with an organization that has demonstrated ability and experience in the field of trapper education to assist in the establishment and administration of the program.

SECTION 36. 29.597 (1) (c) of the statutes is amended to read:

29.597 (1) (c) The trapper education program shall use certified instructors when providing the instruction on techniques of trapping fur-bearing animals. The department shall establish criteria and standards for certifying these instructors. This paragraph does not apply to the online course of instruction under sub. (1m).

SECTION 37. 29.597 (1m) of the statutes is created to read:

29.597 (1m) ONLINE COURSE OF INSTRUCTION. The department shall offer an online course of instruction under the trapper education program.

SECTION 38. 29.597 (2) (c) of the statutes is created to read:

29.597 (2) (c) 1. If the online course of instruction under the trapper education program requires field testing for a person to demonstrate successful completion of the course, the department shall make field testing avail-

able through each department service center at least once every 2 months.

2. If the online course of instruction under the trapper education program requires a written test for a person to demonstrate successful completion of the course, the department shall offer the test at each department service center at least once every 2 months.

SECTION 39. 29.597 (2) (d) of the statutes is created to read:

29.597 (2) (d) Paragraphs (a) and (b) do not apply to the online course of instruction under the trapper education program.

SECTION 40. 120.13 (30) of the statutes is created to read:

120.13 (30) HUNTER EDUCATION PROGRAMS. May award 0.5 high school credit to a pupil who successfully completes while in the high school grades a course of instruction under the hunter education program or bow hunter education program under s. 29.591 or the trapper education program under s. 29.597. A school board may award credit to a pupil under this subsection for completion of only one program.

SECTION 41. Nonstatutory provisions.

(1) SPORTING HERITAGE COUNCIL; INITIAL STUDY REQUIREMENTS. Before June 30, 2014, the sporting heritage council shall study each of the following:

(a) Options and recommendations for increasing access to land for hunting, trapping, and other types of outdoor recreation activities especially in all of the following areas of this state:

1. Areas with a high population density.
2. Areas with a percentage of land open for public hunting that is lower than the statewide average.

(b) Options and recommendations for simplifying hunting and trapping rules promulgated by the department of natural resources.

(2) SPORTING HERITAGE COUNCIL; INITIAL MEMBERSHIP. Notwithstanding the length of terms specified for the appointed members of the sporting heritage council under section 15.347 (21) (b) of the statutes, as created by this act, 3 of the initial members shall be appointed for terms expiring on July 1, 2013; 3 of the initial members shall be appointed for terms expiring on July 1, 2014; 3 of the initial members shall be appointed for terms expiring on July 1, 2015; and 2 of the initial members shall be appointed for terms expiring on July 1, 2016.

SECTION 42. Initial applicability.

(1) The treatment of section 120.13 (30) of the statutes first applies to courses of instruction taken in the hunter education program or bow hunter education program under section 29.591 of the statutes or the trapper education program under section 29.597 of the statutes during the first school year beginning after the effective date of this subsection.

SECTION 43. Effective dates. This act takes effect on the day after publication, except as follows:

(2) (intro.), and (3) of the statutes takes effect on January 1, 2013.

(1) The treatment of section 29.089 (title), (1), (1m),
