

State of Misconsin



LRB–3481/1 RNK:all:jf

ENGROSSED 2011 ASSEMBLY BILL 311

November 2, 2011 – Printed by direction of Senate Chief Clerk.

AN ACT to repeal 29.089 (3); to renumber and amend 29.591 (2); to amend 29.089 (title), 29.089 (1), 29.089 (2) (intro.), 27.01 (7) (c) 6., 27.01 (8) (b) 2., 29.053 (3), 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.), 29.597 (1) (a) and 29.597 (1) (c); and to create 15.347 (21), 29.089 (1m), 23.0916 (3m), 23.0917 (8) (f), 29.036, 29.053 (1m), 29.084, 29.193 (2) (c) 5., 29.193 (2) (cr) 2m., 29.193 (2) (cr) 4., 29.193 (2) (d) 3., 29.236, 29.563 (4) (a) 3., 29.563 (4) (am), 29.563 (6) (a) 1m., 29.563 (6m), 29.563 (12) (c) 1m., 29.563 (14) (c) 7., 29.569 (4m), 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

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ENGROSSED ASSEMBLY BILL 311

D hunting permits issued to certain disabled persons; waiving fishing license requirements for weekend fishing events; hunting, fishing, and trapping in state parks; sturgeon spearing license age requirements; issuing disabled veteran recreational cards; hunting of waterfowl by holders of Class A hunting permits for the disabled; open game fishing seasons; and requiring the exercise of rule—making authority.

Analysis by the Legislative Reference Bureau

Engrossment information:

The text of Engrossed 2011 Assembly Bill 311 consists of the following documents adopted in the assembly on November 1, 2011: Assembly Substitute Amendment 1 as affected by Assembly Amendments 1, 2, 3, 4 (as affected by Assembly Amendment 1 thereto), and 7. In engrossing, Sections 1d, 1f, 1j, 1m, 1p, 4m, and 5g were renumbered, respectively, Sections 5ae, 5am, 5as, 5bg, 5br, 4r, and 5h to correct the order of these sections.

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. Two members, appointed by the governor.
 - 3. Two members, appointed by the speaker of the assembly, who may not be members of the same political party.
 - 4. Two members, appointed by the senate majority leader, who may not be members of the same political party.

- 5. Five members, appointed by the secretary of natural resources from nominations provided by sporting organizations that have as their primary objective the promotion of hunting 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 upland game hunters, and one shall represent the interests of furbearing animal hunters and trappers.
- 6. One member, appointed by the secretary of natural resources from nominations provided by a sporting organization that has as its primary objective the promotion of fishing.
- 7. Two members, appointed by the secretary of natural resources, each of whom has held a conservation patron license for 2 of the 3 license years preceding the date of the member's appointment.
- 8. 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 8. shall be appointed for 3–year terms.
 - (c) The sporting heritage council shall meet at least 4 times each year.
- **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 subsection [LRB inserts date].

anglers.

(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. 23.0917 (8) (f) of the statutes is created to read:
23.0917 (8) (f) The department may not obligate moneys from the
appropriation under s. 20.866 (2) (ta) to award a grant under sub. (3) or (4) unless
the department first considers whether the grant will benefit local businesses and
the economy of this state.
SECTION 3g. 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 <u>or a disabled veteran</u>
recreation card issued under s. 29.236.
SECTION 3m. 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 a disabled veteran recreation card issued under s. 29.236; or
SECTION 4. 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

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ENGROSSED ASSEMBLY BILL 311

(b) Ways to improve the management and protection of the natural resources of this state for the purpose 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 4m.** 29.053 (1m) of the statutes is created to read: 29.053 **(1m)** (a) In this subsection: 1. "Northern zone" means the geographic area of this state that is north of USH 10. 2. "Southern zone" means the geographic area of this state that is south of USH 10. (b) Any open fishing season that the department establishes for a type of game

fish that applies to both the northern zone and the southern zone, shall have an

ENGROSSED ASSEMBLY BILL 311

ending date in the northern zone that is 7 days later than the ending date for that open season in the southern zone.

SECTION 4r. 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 5. 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

ENGROSSED ASSEMBLY BILL 311

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.
(3) A method under which a person who is designated as provided under this
section by more than 20 different people may be entered in a drawing for prizes
awarded by the department.
(4) A method under which a person may donate a prize to the department to
be awarded in a drawing under sub. (3).
SECTION 5ae. 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 5am. 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 5as. 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:

ENGROSSED ASSEMBLY BILL 311

1	1. The department prohibits hunting, fishing, or trapping in a designated use
2	area.
3	2. The natural resources board determines that prohibiting hunting, fishing,
4	or trapping is necessary to protect public safety or to protect a unique animal or plant
5	community. A determination to prohibit hunting, fishing, or trapping in a state park
6	or a portion of a state park under this subdivision requires 4 or more members of the
7	natural resources board to concur in that determination.
8	Section 5bg. 29.089 (2) (intro.) of the statutes, as affected by 2011 Wisconsin
9	Act 35, is amended to read:
10	29.089 (2) (intro.) Except as provided in sub. (3), no No person may have in his
11	or her possession or under his or her control a firearm on land located in state parks
12	or state fish hatcheries unless the firearm is unloaded and enclosed within a carrying
13	case. This subsection does not apply to any of the following:
14	SECTION 5br. 29.089 (3) of the statutes is repealed.
15	SECTION 5c. 29.193 (2) (b) 1. of the statutes is amended to read:
16	29.193 (2) (b) 1. The department shall, after investigation and without
17	charging a fee, except for the costs of review in par. (c) 3. or (e), issue a Class A, Class
18	B er, Class C, or Class D permit to any person, as provided in this subsection.
19	SECTION 5e. 29.193 (2) (b) 3. of the statutes is amended to read:
20	29.193 (2) (b) 3. As part of the application for a Class A or, Class B, or Class D
21	permit under this subsection, the applicant shall authorize the department by
22	written release to examine all medical records regarding the applicant's physical
23	disability.

Section 5g. 29.193 (2) (c) 5. of the statutes is created to read:

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ENGROSSED ASSEMBLY BILL 311

29.193 (2) (c) 5. The department shall issue a Class D permit to any person with an amputation, or permanent substantial loss of function, of one or both arms or one or both hands. **Section 5h.** 29.193 (2) (cr) 2m. of the statutes is created to read: 29.193 (2) (cr) 2m. a. In this subdivision, "open water" means any portion of a navigable water body that does not contain a naturally occurring growth of emergent vegetation that is rooted to the bottom and that is of sufficient height and density to conceal at least 50 percent of a person who is hunting waterfowl from a boat or from a waterfowl blind. b. A Class A permit authorizes the holder to hunt waterfowl from a boat or from a waterfowl blind in open water. The holder of the Class A permit may be accompanied by up to 2 persons who may hunt waterfowl with the Class A permit holder only if they hold the appropriate approvals. **Section 5j.** 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 5m.** 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

ENGROSSED ASSEMBLY BILL 311

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 6. 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 6m. 29.236 of the statutes is created to read:

29.236 Disabled veteran recreation card. (1) The department, subject to ss. 29.024 and 54.25 (2) (c) 1. d., shall issue a 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) A 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

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ENGROSSED ASSEMBLY BILL 311

(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 a 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 7.** 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 8.** 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 9.** 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 9g.** 29.563 (4) (a) 3. of the statutes is created to read: 29.563 (4) (a) 3. Disabled veteran recreation card: the fee as established by the department under par. (am).

Section 9r. 29.563 (4) (am) of the statutes is created to read:

ENGROSSED ASSEMBLY BILL 311

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 11. 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 12. 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 12g.** 29.563 (12) (c) 1m. of the statutes is created to read:
 - 29.563 **(12)** (c) 1m. Disabled veteran recreation: \$2.

1	Section 12m. 29.563 (14) (c) 7. of the statutes is created to read:
2	29.563 (14) (c) 7. There is no issuing fee for a disabled veteran recreation card.
3	Section 12r. 29.569 (4m) of the statutes is created to read:
4	29.569 (4m) DISABLED VETERAN RECREATION CARD. A disabled veteran recreation
5	card is valid from the date of issuance and shall remain valid as long as the person
6	is a resident.
7	Section 13. 29.591 (1) (am) of the statutes is created to read:
8	29.591 (1) (am) The department shall offer an online course of instruction
9	under the hunter education program for persons who are at least 18 years of age.
10	Section 14. 29.591 (2) of the statutes is renumbered 29.591 (2) (am) and
11	amended to read:
12	29.591 (2) (am) The department may appoint county, regional and statewide
13	directors and categories of hunter education instructors necessary for the hunter
14	education program and the bow hunter education program. These appointees are
15	responsible to the department and shall serve on a voluntary basis without
16	compensation. This paragraph does not apply to the online course of instruction
17	under sub. (1) (am).
18	Section 15. 29.591 (2) (b) of the statutes is created to read:
19	29.591 (2) (b) 1. If the online course of instruction under the hunter education
20	program requires field testing for a person to demonstrate successful completion of
21	the course, the department shall make field testing available through each
22	department service center at least bimonthly for persons who are at least 18 years
23	of age.
24	2. If the online course of instruction under the hunter education program
25	requires a written test for a person to demonstrate successful completion of the

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ENGROSSED ASSEMBLY BILL 311

1	course, the department shall offer the test at each department service center at least
2	bimonthly to persons who are at least 18 years of age.
3	SECTION 16. 29.597 (1) (a) of the statutes is amended to read:
4	29.597 (1) (a) The department shall establish and supervise the administration
5	of a trapper education program funded from the appropriations under s. 20.370 (1)
6	(Lq) and (ma). The Except with respect to the online course of instruction under sub-
7	(1m), the department shall enter into an agreement with an organization that has
8	demonstrated ability and experience in the field of trapper education to assist in the
9	establishment and administration of the program.
10	SECTION 17. 29.597 (1) (c) of the statutes is amended to read:
11	29.597 (1) (c) The trapper education program shall use certified instructors
12	when providing the instruction on techniques of trapping fur-bearing animals. The
13	department shall establish criteria and standards for certifying these instructors.
14	This paragraph does not apply to the online course of instruction under sub. (1m).
15	SECTION 18. 29.597 (1m) of the statutes is created to read:
16	29.597 (1m) Online course of instruction. The department shall offer an
17	online course of instruction under the trapper education program.
18	SECTION 19. 29.597 (2) (c) of the statutes is created to read:
19	29.597 (2) (c) 1. If the online course of instruction under the trapper education
20	program requires field testing for a person to demonstrate successful completion of
21	the course, the department shall make field testing available through each
22	department service center at least bimonthly.

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

1	course, the department shall offer the test at each department service center at least
2	bimonthly.
3	SECTION 20. 29.597 (2) (d) of the statutes is created to read:
4	29.597 (2) (d) Paragraphs (a) and (b) do not apply to the online course of
5	instruction under the trapper education program.
6	Section 21. 120.13 (30) of the statutes is created to read:
7	120.13 (30) Hunter education programs. May award 0.5 high school credit to
8	a pupil who successfully completes while in the high school grades a course of
9	instruction under the hunter education program or bow hunter education program
10	under s. 29.591 or the trapper education program under s. 29.597. A school board
11	may award credit to a pupil under this subsection for completion of only one program.
12	Section 22. Nonstatutory provisions.
13	(1) Sporting heritage council; initial study requirements. Before June 30,
14	2014, the sporting heritage council shall study each of the following:
15	(a) Options and recommendations for increasing access to land for hunting,
16	trapping, and other types of outdoor recreation activities especially in all of the
17	following areas of this state:
18	1. Areas with a high population density.
19	2. Areas with a percentage of land open for public hunting that is lower than
20	the statewide average.
21	(b) Options and recommendations for simplifying hunting and trapping rules
22	promulgated by the department of natural resources.
23	(2) Sporting heritage council; initial membership. Notwithstanding the
24	length of terms specified for the appointed members of the sporting heritage council
25	under section 15.347 (21) (b) of the statutes, as created by this act, 4 of the initial

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ENGROSSED ASSEMBLY BILL 311

SECTION 22

members shall be appointed for terms expiring on July 1, 2013, 4 of the initial members shall be appointed for terms expiring on July 1, 2014, 4 of the initial members shall be appointed for terms expiring on July 1, 2015, and 3 of the initial members shall be appointed for terms expiring on July 1, 2016.

SECTION 23. 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 24. Effective dates.** This act takes effect on the day after publication, except as follows:
- (1) Except as provided in subsection (2), the treatment of sections 29.084 and 29.563 (2) (intro.), (3) (intro.), (6) (intro.), and (6m) of the statutes takes effect on March 1, 2012.
- (2) If this subsection takes effect after October 31, 2011, the treatment of sections 29.084 and 29.563 (2) (intro.), (3) (intro.), (6) (intro.), and (6m) of the statutes takes effect on March 1, 2013.
- (3) The treatment of section 29.089 (title), (1), (1m), (2) (intro.), and (3) of the statutes takes effect on January 1, 2013.

21 (END)