



JOINT COMMITTEE FOR THE REVIEW OF ADMINISTRATIVE RULES

COMMITTEE CO-CHAIRS: SENATOR STEVE NASS AND REPRESENTATIVE JOAN BALLWEG

Administrative Code Chapter NR 20.05 (2), Wis. Adm. Code **2025 Assembly Bill 16**

Report to the Legislature

Ch. NR 20.05 (2)

The Joint Committee for Review of Administrative Rules

Produced pursuant to 227.26 (2) (g), Stats.

Administrative Code Chapter NR 20.05 (2), promulgated by the Wisconsin Department of Natural Resources (DNR), relates to the possession and control of a firearm while fishing on the waters, banks, or shores of the state.

Description of Problem

The Joint Committee for Review of Administrative Rules (JCRAR) held a public hearing on Chapter NR 20.05 (2), Wis. Adm. Code, relating to the prohibition of possessing or controlling any firearm, gun, or similar device that might be used for fishing while on the waters, banks, or shores of the state, on December 17, 2024, at the request of the DNR because the provision is in conflict with state law after passage of 2011 Wisconsin Act 35, more commonly known as Wisconsin's concealed carry law. The DNR requested JCRAR exercise its statutory authority to temporarily suspend NR 20.05 (2), Wis. Adm. Code.

Arguments In Favor of Suspension

- *DNR testified that passage of Wisconsin's concealed carry law (2011 Wisconsin Act 35) put this code provision in conflict with that state law, that it is unenforceable, and therefore, it should be suspended and repealed. [Legislative Council agreed with the assessment that the provision was in conflict with state law, as did another public interest law firm who testified at the hearing].*
- *It will remain unlawful to harvest fish using a firearm in Wisconsin, according to the DNR, because of other existing code provisions prohibiting it. Suspension of NR 20.05 (2) will not change that.*
- *As part of a citizen's litigation against this code provision, the DNR agreed to repeal the rule "as soon as practicable and without delay." That litigation was put on hold until January 1, 2025 to give the DNR a chance to repeal it.*
- *The rule is also a violation of the Second Amendment to the United State Constitution, which guarantees citizens lawful right to legally keep and bear arms.*

Arguments Against Suspension

- *No one testified against suspension of this rule provision at the public hearing.*
- *Committee member Senator Kelda Roys stated she opposed the suspension because it related to firearms and there was a recent school shooting in Madison. [It should be noted that this code section had absolutely no connection with that tragic event in any way, and a number of committee members from both parties pointed that out at the hearing].*

Action by Joint Committee for Review of Administrative Rules

On December 17, 2024, the Joint Committee for Review of Administrative Rules held an executive session on Chapter NR 20.05 (2). The committee passed the following motion on a 7-2 vote, temporarily suspending the rule (YES: Nass, Neylon, Stroebel, Bradley, Petersen, Conley, Baldeh; NO: Roys. Larson):

Moved, that the Joint Committee for Review of Administrative Rules, pursuant to s. 227.26 (2) (d), Stats., suspend s. NR 20.05 (2), an administrative rule of the Department of Natural Resources relating to possession and control of a firearm while fishing, on the grounds that the provision conflicts with state law, and that there has been a change in circumstances since enactment of the earliest law upon which the rule is based.

On December 17, 2024, the Joint Committee for Review of Administrative Rules voted 7-2 (YES: Nass, Neylon, Stroebel, Bradley, Petersen, Conley, Baldeh; NO: Roys. Larson) to introduce LRB-6262/1 and LRB-6261/1, which support the suspension of Ch. NR 20.05 (2), Wis. Adm. Code, by the joint committee. Pursuant to 227.26 (2) (j), the bills were not introduced during the 2023-24 legislative session, and need to be introduced in the next regular session of the legislature.

On January 29, 2025, the Joint Committee for Review of Administrative Rules voted 7-3 (YES: Nass, Neylon, Bradley, Tomczyk, Petersen, Spiros, Snodgrass; NO: Roys, Ratcliff, Arney) to introduce LRB-1228/1 and LRB-0972/1, which support the suspension of Ch. NR 20.05 (2), Wis. Adm. Code, by the joint committee. The bills were introduced as Senate Bill 49 and Assembly Bill 16 in the 2025-26 legislative session.

Passage of one of these bills in support of the JCRAR suspension would permanently repeal NR 20.05 (2).