

CR 87-153

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

RECEIVED

SEP 6 1988

4:00 pm
Revisor of Statutes
Bureau

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruce B. Braun, Deputy Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. LE-29-87 was duly approved and adopted by this Department on January 28, 1988 and July 28, 1988. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have here-
unto set my hand and affixed the
official seal of the Department at
the Natural Resources Building in
the City of Madison, this 2nd
day of September, 1988.

Bruce B. Braun
Bruce B. Braun, Deputy Secretary

(SEAL)

11-1-88

ORDER OF THE STATE OF WISCONSIN
NATURAL RESOURCES BOARD
RENUMBERING, AMENDING, AND CREATING RULES

.....
IN THE MATTER of renumbering s. NR 19.001(1) .
to (9); renumbering and amending s. NR 10.105; .
amending s. NR 10.01; and creating .
s. NR 5.001, 10.001(h), (6m), (23m), .
and (25m), 10.105(2), 19.001(1) and (15) .
of the Wisconsin Administrative Code .
pertaining to miscellaneous changes to the .
boating and hunting regulations .
.....

LE-29-87

Analysis Prepared by Department of Natural Resources

Authorizing statutes: ss. 29.174(3) and 227.11(2)(a) and 227.16(2)(e), Stats.

Statutes interpreted: ss. 29.09(12), 29.174, 29.227, 29.40(2), 29.45 and 30.68(3), Stats.

There are a number of terms in both the statutes and current rules that are considered by the courts and prosecutors to be vague. In many instances, this vagueness results in unnecessary litigation.

The changes involve establishing definitions of terms found in the boating statutes, hunting regulations, fishing regulations and licensing statutes. It creates a clear prohibition against transporting, prior to being registered, another's tagged deer or bear unless that person accompanies the deer or bear. The deer or bear must also be openly exposed to view.

SECTION 1. NR 5.001 is created to read:

NR 5.001 DEFINITIONS. (1) "Accompanied", for the purposes of

s. 30.68(3), Stats., means in the same boat.

(2) "Guardian", for the purposes of s. 30.68(3), Stats., means a person named by a court as having the duty and authority for the care and management of a minor.

SECTION 2. NR 10.001(1h), (6m) (23m) and (25m) are created to read:

NR 10.001(1h) "Accompanied by", for the purposes of s. 29.227, Stats., means within sight and voice contact, without the aid of any mechanical or electronic amplifying device other than a hearing aid.

(6m) "Current validated deer carcass tag", for purposes of s. 29.40(2), Stats., means an unused tag of the current year validated according to the requirements of s. NR 10.103(2).

(19m) "Openly exposed" means open to view by a person in a passing vehicle.

(23m) "Shotgun" means a smoothbore barrelled firearm designed to shoot pellets. Rifled shotgun barrels of at least 18" in length are considered to be shotguns for the purpose of hunting deer if they fire a single projectile and are of the following gauges: 10, 12, 16, 20, 28.

(25m) "Tag authorized for use on the type of deer killed", for purposes of s. 29.40(2), Stats., means a tag issued to the hunter killing the deer or an individual satisfying the provisions of s. 29.405, Stats., which, based on the approvals of the person tagging the deer, is valid for the type of deer killed.

SECTION 3. NR 10.01(intro) is amended to read:

NR 10.01 OPEN AND CLOSED SEASONS. A closed season is established year-round for each species of wild animal in this section, except during the specified open season. Seasons open to legal hunting and trapping apply to the entire locality described, except as otherwise provided in chs. NR 11 and 15. Whenever open and closed season areas are defined by highways, the boundary shall be the highway center line. No person may hunt, take, catch or kill any animal specified in this section except during the specified open season.

SECTION 4. NR 10.105 is renumbered NR 10.105(1) and amended to read:

NR 10.105 TRANSPORTATION OF DEER AND BEAR. (1) No person may transport any deer or bear in or on any motor-driven vehicle from the time the deer or bear is killed to the time it is lawfully registered under s. NR 10.106 unless the deer or bear is carried openly exposed and in such a manner that the deer or bear carcass tag attached to the deer or bear cannot be handled or manipulated by any occupant of the vehicle.

SECTION 5. NR 10.105(2) is created to read:

NR 10.105 (2) No person may transport a deer or bear from the time the deer or bear is killed to the time it is registered under s. NR 10.106 that is tagged with the carcass tag of another person unless accompanied by the person issued the carcass tag.

SECTION 6. NR 19.001(1) to (9) are renumbered NR 19.001(2) to ¹⁵(14) and ¹⁷(16) to ¹⁹(18), respectively. *CSB 9/2/88*

SECTION 7. NR 19.001(1) and ¹⁶(15) are created to read: *CSB 9/2/88*

NR 19.001(1) "Active service", for purposes of s. 29.09(12), Stats., means full time employment as a member of the armed services and does not include annual summer training by members of the national guard or reserves.

(15) "Stationed", for purposes of s. 29.09(12), Stats., means residing in Wisconsin in compliance with military orders.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on January 28, 1988.

The rules shall take effect the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin

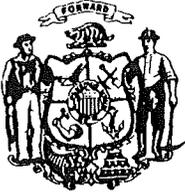
September 2, 1988

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By

Carroll D. Besadny
Carroll D. Besadny, Secretary

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05/31/88



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

September 6, 1988

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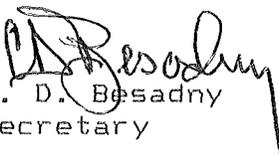
Mr. Orlan L. Prestegard
Revisor of Statutes
Suite 702
30 W. Mifflin Street

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. LE-29-87. These rules were reviewed by the Assembly Committee on Tourism, Recreation and Forest Productivity and the Senate Committee on Transportation, Tourism and Conservation pursuant to s. 227.19, Stats. A summary of the final regulatory flexibility analysis and comments of the legislative review committees is also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,


C. D. Besadny
Secretary

Enc.