

1977 Assembly Bill 894

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CHAPTER 376, Laws of 1977

AN ACT to create 20.370 (1) (un) and 29.102 of the statutes, relating to issuing waterfowl stamps for wetland habitat improvement and waterfowl propagation, and making an appropriation.

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

SECTION 1. 20.370 (1) (un) of the statutes is created to read:

20.370 (1) (un) *Wetland habitat improvement and waterfowl propagation.* As a continuing appropriation, all moneys received under s. 29.102 as provided under that section for the purposes indicated under s. 29.102 (2).

SECTION 2. 29.102 of the statutes is created to read:

29.102 Waterfowl hunting stamp. (1) Except as otherwise provided, no person may hunt waterfowl unless he or she has a waterfowl hunting stamp affixed by the stamp's adhesive to the hunting license permitting the hunting of small game. The waterfowl hunting stamp shall be issued by the department and its agents and by county clerks. The fee for the waterfowl hunting stamp shall be \$3. The waterfowl stamp shall be designed and produced by the department and shall expire annually on the same date each year that all hunting licenses expire. Any person who is exempt from payment or charge for a small game hunting license is also exempt from the fee under this subsection. Any person who is under 16 years of age is exempt from the requirements of this subsection.

(2) (a) The department shall expend \$2 of the \$3 fee received from the sale of a waterfowl stamp for developing, managing, preserving, restoring and maintaining wetland habitat and for producing waterfowl and ecologically related species of wildlife.

(b) The department shall expend \$1 of the \$3 fee received from the sale of a waterfowl stamp for the development of waterfowl propagation areas within Canada which will provide waterfowl for this state and the Mississippi flyway. Money for the development of waterfowl propagation areas shall be provided only to nonprofit organizations. Before providing any money the department shall obtain evidence that the proposed waterfowl propagation project is acceptable to the appropriate provincial and federal governmental agencies of Canada.

(3) Collection and remittance procedures applicable to hunting license fees under s. 29.09 apply to waterfowl stamp fees under this section except that the additional fee collected under s. 29.09 (10) shall be 25 cents for each waterfowl hunting stamp whether the waterfowl hunting stamp is purchased by a resident or a nonresident hunter. The additional fee provided in this subsection and the statutory fee provided under sub. (1) shall appear as one amount on the printed license form.

SECTION 3. Attorney general's opinion required. The attorney general shall issue an opinion on the constitutionality of expending state funds by providing money to nonprofit organizations for developing waterfowl propagation areas within Canada under section 29.102 (2) (b) of the statutes as created by this act. Notwithstanding section 29.102 (2) (b) of the statutes, as created by this act, no money may be expended until after the opinion of the attorney general has been issued. The opinion of the attorney general must be issued prior to the effective date of this chapter otherwise the expenditure can be appropriated under this chapter.

SECTION 3. Effective date. The effective date of this act is July 1, 1978.
