

1993 Senate Bill 603

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1993 WISCONSIN ACT 217

AN ACT to renumber and amend 29.155 (1) and 29.155 (2); to amend 29.09 (1), 29.092 (3m), 29.14 (1) (a), 29.145 (1) (a), 29.155 (title) and 29.155 (3); and to create 29.155 (1), 29.155 (1g), 29.155 (1j), 29.155 (1r), 29.155 (2) (b) and 29.155 (4) of the statutes, relating to: the waiver of requirements for fishing and hunting approvals for certain events or programs sponsored or approved by the department of natural resources, granting rule-making authority and providing an exemption from and extending the time limit for emergency rule procedures.

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

SECTION 1. 29.09 (1) of the statutes is amended to read:

29.09 (1) LICENSE OR OTHER APPROVAL REQUIRED FOR HUNTING, TRAPPING OR FISHING. Except as specifically provided otherwise by s. 29.155 ~~(1) (1g) and (1h)~~ or another section of this chapter, no person may hunt any wild animal, trap any game or fish for fish in the waters of this state unless the appropriate approval is issued to the person. A person shall carry the required approval with him or her at all times while hunting, trapping or fishing unless otherwise required by another section of this chapter or unless otherwise authorized or required by the department. A person shall exhibit the approval to the department or its wardens on demand.

SECTION 2. 29.092 (3m) of the statutes is amended to read:

29.092 (3m) (title) SPECIAL FEES. ~~The~~ For special scheduled fishing events or programs, the department may, by rule, on no more than one day per year, ~~waive the fees under sub. (3) or~~ charge fees in addition to or instead of those ~~the~~ fees for special scheduled fishing events or programs under sub. (3).

SECTION 3. 29.14 (1) (a) of the statutes is amended to read:

29.14 (1) (a) Requirement. Except as provided under pars. (b) and (c) or s. 29.155 ~~(1) (1g) and (1h)~~, except for

persons with resident licenses under s. 29.09 (12) (a) and except as otherwise specifically provided by another section of this chapter, no nonresident may fish in the waters of this state unless a valid nonresident fishing license is issued to the person subject to s. 29.09 by the department or by a county clerk.

SECTION 4. 29.145 (1) (a) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

29.145 (1) (a) Requirement. Except as provided under pars. (b) and (c) and ss. 29.155 ~~(1) (1g) and (1h)~~ and 29.156 and except as specifically provided otherwise by another section of this chapter, no resident may fish in the waters of this state unless a valid resident fishing license is issued to the person subject to s. 29.09 by the department or by a county clerk or unless the person is issued a valid license, permit or card which authorizes fishing or entitles the holder to the rights and privileges of a fishing license.

SECTION 5. 29.155 (title) of the statutes is amended to read:

29.155 (title) Waivers of fishing and hunting approvals.

SECTION 6m. 29.155 (1) of the statutes is renumbered 29.155 (1h) and amended to read:

29.155 (1h) (title) WEEKEND EVENT. ~~The~~ In addition to any special event or program sponsored under sub. (1g), the department may ~~shall~~, by rule, on no more than one day for a special event for one weekend per year, waive the requirement that a ~~person~~ persons be issued a

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fishing license licenses under ss. 29.14 and 29.145 and pay the applicable fees in order to fish in the waters of this state in the case of special scheduled fishing events or programs. The department shall, by rule, designate in to which inland or outlying waters and during which events or programs fishing licenses are not required and this waiver shall apply.

(Im) The department shall, in cooperation with and with the assistance of the department of development, publicize this information the special events and programs sponsored or approved under sub. (1g) or (1h).

SECTION 7. 29.155 (1) of the statutes is created to read:

29.155 (1) DEFINITION. In this section “recreational activity” means hunting or fishing for sport.

SECTION 9m. 29.155 (1g) of the statutes is created to read:

29.155 (1g) WAIVER. For a special event or program that involves a recreational activity and that is sponsored or approved by the department, the department may, by rule, waive the requirement that persons be issued approvals required under this chapter, and pay the applicable fees, for the recreational activity if the department finds that all of the following apply:

(a) The special event or program will provide education in or appreciation of the recreational activity.

(b) The waiver of the approval requirement will not result in a substantial loss of revenue to the department.

SECTION 10. 29.155 (1j) of the statutes is created to read:

29.155 (1j) The department shall, by rule, define “substantial loss of revenue” for purposes of sub. (1g) (b).

SECTION 11. 29.155 (1r) of the statutes is created to read:

29.155 (1r) CONDITIONS, LIMITATIONS. For a recreational activity that is the subject of the special event or program sponsored or approved under sub. (1g) or (1h) the department, by rule or written authorization, may waive conditions, limitations or restrictions required under this chapter or may establish reasonable conditions, limitations or restrictions that are in addition to those required under this chapter.

SECTION 12. 29.155 (2) of the statutes is renumbered 29.155 (2) (a) and amended to read:

29.155 (2) (a) Persons who fish or hunt during events or programs designated sponsored or approved under sub. (1) (1g) or (1h) may not sell, trade or barter fish the wild animals taken during the event or program, and they are subject to all other conditions, limitations and restrictions prescribed in required under this chapter except those waived under sub. (1r).

SECTION 13. 29.155 (2) (b) of the statutes is created to read:

29.155 (2) (b) Person who help or assist in conducting a special event or program sponsored or approved under sub. (1g), who are not employes of the department, and who are engaged in the recreational activity, are not exempt from possessing the approvals required under this chapter for the recreational activity.

SECTION 14. 29.155 (3) of the statutes is amended to read:

29.155 (3) EXCLUSION. No person who holds a commercial fishing license issued under s. 29.33 may fish during events or programs designated an event or program sponsored or approved under sub. (1) (1g) or (1h).

SECTION 15. 29.155 (4) of the statutes is created to read:

29.155 (4) REQUESTS FOR WAIVERS. Any person conducting a special event or program that involves a recreational activity for which an approval is required under this chapter may request a waiver of the approval requirement from the department. A denial of a waiver request is not subject to further review under ch. 227.

SECTION 16. Nonstatutory provisions; rules. If the department of natural resources promulgates rules for special events or programs occurring during 1994 under section 29.155 (1g) or (1h) of the statutes, as affected by this act, the department may use the procedures under section 227.24 of the statutes without having to make a finding of emergency. Rules promulgated under this SECTION shall include a definition of “substantial loss of revenue”, as required by section 29.155 (1j) of the statutes, as created by this act.

Notwithstanding section 227.24 (2) (a) of the statutes, the effective period of a rule promulgated under this SECTION may be extended by the joint committee for review of administrative rules for a period not to exceed 120 days. Any number of extensions may be granted by the committee, but the total period of all extensions may not exceed 240 days.