

State of Wisconsin



1997 Assembly Bill 864

Date of enactment: **June 3, 1998**
Date of publication*: **June 17, 1998**

1997 WISCONSIN ACT 248

AN ACT to repeal 29.01 (intro.), 29.015 (title), 29.015 (1) (a), 29.015 (1) (n) to (q), 29.02 (3), 29.02 (3m), 29.05 (title), 29.09 (title), 29.09 (3) (c), 29.09 (9) (a) 4., 29.09 (12) (title), 29.092 (title) and (1) to (3m), 29.092 (3v) to (13m) and (14) (title), (a), (am) and (b), 29.092 (15) and (15m), 29.093 (2) (a), 29.093 (2) (c) to (f) 1., 29.093 (3) (a), 29.093 (3) (c) to (g), 29.093 (4) to (7), 29.093 (8), 29.093 (8m), 29.093 (9) to (11), 29.093 (14), 29.095 (6), 29.102 (1) (a) (title), 29.102 (1) (b) (title), 29.102 (1) (c) (title), 29.103 (6), 29.1085 (6), 29.134 (9), 29.135 (3), 29.137 (5), 29.149 (1) (c), 29.15 (1) (a) 2., 29.15 (1) (b), 29.155 (1j), 29.17, 29.174 (title), 29.174 (3), 29.174 (4), 29.174 (4a), 29.174 (7), 29.174 (9), 29.174 (12), 29.224 (2) (c), 29.283 (1), 29.33 (3), 29.44 (1), 29.47 (2) (a) and (b), 29.47 (5), 29.51 (1) (d), 29.51 (1) (f), 29.51 (7) (title), 29.511, 29.512, 29.535 (2), 29.536, 29.565 (1), 29.565 (3), 29.571 (2) and (3), 29.571 (5), 29.59 (1) (b), 29.99 (13) and 30.745 (1) (c); **to renumber** 29.01 (2m), 29.01 (2r), 29.01 (2s), 29.01 (2w), 29.01 (3m), 29.01 (6), 29.01 (9), 29.01 (9m), 29.01 (10), 29.01 (11), 29.01 (11c), 29.01 (11d), 29.01 (11m), 29.01 (12), 29.01 (12m), 29.01 (12p), 29.01 (14), 29.015 (1) (b) to (i), 29.015 (1) (k) to (m), 29.025, 29.05 (9), 29.087 (title), 29.087 (2), 29.09 (2), 29.09 (3m) (title) and (a), 29.09 (3r), 29.09 (8), 29.09 (9) (a) (intro.) and 1., 29.09 (9) (a) 5., 29.09 (9m) (a) 1. to 7., 29.09 (9m) (a) 8., 29.09 (9m) (a) 9., 29.09 (10) (b), 29.09 (12) (b), 29.09 (12) (c), 29.09 (13), 29.092 (3r) (title), 29.093 (3) (b), 29.093 (3) (h), 29.093 (12) and (13), 29.095 (title), 29.095 (3), (5) and (5m), 29.102 (title), 29.102 (1) (title), 29.102 (2), 29.1025 (1) (title), 29.103 (2) (b) (title), 29.103 (4) (title) and (a), 29.103 (4) (b), 29.103 (4) (c), 29.103 (4) (cg), 29.103 (4) (cm), 29.103 (4) (cr), 29.103 (4) (d), 29.103 (4) (e), 29.103 (5) (title), 29.104 (title), 29.105 (title), 29.105 (2), 29.107 (5) (d), 29.107 (6), 29.1075 (title), 29.1075 (1b), 29.1075 (2), 29.1075 (2m) (intro.) and (a), 29.1085 (title), 29.1085 (1m), 29.1085 (3) (title), 29.1085 (3) (b), 29.1085 (3) (c) (title), 29.1085 (3) (c) 1., 29.1085 (4) and (5), 29.113 (title), 29.113 (2), 29.117 (title), 29.117 (2), 29.123, 29.13 (1) (b) and (c), 29.135 (8), 29.136 (title), 29.136 (7m), 29.137 (8), 29.137 (9), 29.14 (title) and (1) (title), 29.14 (1) (b) and (c), 29.14 (7) (c), 29.145 (title) and (1) (title), 29.145 (1) (b) (title) and 1., 29.145 (1) (c), 29.145 (1c), 29.145 (2) (c), 29.145 (3) (c), 29.1475 (title), 29.1475 (2) and (2m), 29.1475 (5), 29.148 (1), 29.148 (1m) (a), 29.148 (2), 29.149 (title), 29.15 (title), 29.155 (title) and (1), 29.155 (1g) (a), 29.156, 29.157, 29.174 (2) (c) and (cm), 29.174 (2) (g) 3., 29.174 (4m), 29.174 (14), 29.174 (15), 29.223, 29.225 (4) (title), 29.225 (4) (a) (title), 29.226 (4) (intro.), 29.226 (4) (b) and (c), 29.24 (title) and (1) (intro.), 29.24 (1) (b), 29.24 (2), 29.245, 29.256, 29.283 (title), 29.286 (3), 29.29 (title), 29.29 (1) (title), 29.29 (3) (title), 29.29 (3) (c), 29.29 (5) (title), 29.29 (5) (b), 29.30 (3), 29.33 (title) and (1) (title), 29.33 (2) (title), 29.33 (2) (d) to (h), 29.33 (4m) (title), (a) and (b), 29.33 (4m) (c) (intro.), 29.33 (4m) (c) 1. and 2., 29.33 (4m) (e), 29.33 (5), 29.33 (6m) and (7), 29.336, 29.34 (4) (c), 29.343 (2), 29.343 (5), 29.36 (title), 29.36 (3), 29.37 (title), 29.37 (3) (b), 29.37 (4), 29.42 (title), 29.42 (4), 29.425 (4m) and (5), 29.43 (5) (b), 29.44 (title), 29.47 (title), 29.47 (2) (title), 29.47 (3) (title), 29.47 (4), 29.47 (7) (title), 29.47 (7) (b), 29.48 (title), 29.48 (1m), 29.48 (2), 29.48 (3), 29.48 (4) and (5), 29.49 (title), 29.49 (1) (b), 29.49 (3), 29.51 (title), 29.51 (3m) (title), 29.51 (3m) (a), 29.51 (3m) (b), 29.51 (5) (intro.), 29.51 (5) (a) and (b), 29.513 (title), 29.513 (5), 29.514, 29.521, 29.525, 29.53 (title) and (1)

* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

to (4), 29.535 (title), 29.55, 29.555, 29.557, 29.565 (title), 29.572 (title), 29.578 (title), 29.578 (1m), 29.578 (15) and (16), 29.585 (title), 29.59 (title) and (1) (intro.) and (a), 29.59 (1) (c) to (e), 29.59 (1) (f), 29.595, 29.598 (title), 29.598 (1), 29.598 (2) (title) and (a), 29.598 (2) (b), 29.598 (2) (d), 29.598 (3), 29.598 (4) (title) and (a), 29.598 (4) (b), 29.598 (4) (bn), 29.598 (4) (c), 29.598 (5) (title) and (a), 29.598 (5) (b), 29.598 (5) (bm), 29.598 (5) (c), 29.598 (6) (title) and (a), 29.598 (6) (b), 29.598 (6) (c), 29.598 (6) (d), 29.598 (6) (dm) and (em), 29.598 (6) (f), 29.598 (7) and (7m), 29.598 (8), 29.599, 29.60 (2g), 29.623 (title), 29.623 (2), 29.64, 29.641, 29.642 (title) and (1), 29.642 (2), 29.6425, 29.643, 29.65 (title), 29.65 (1) (intro.), 29.65 (1) (b) and (c), 29.65 (1) (e) to (m), 29.65 (3), 29.99 (11m) (a), 29.99 (11p), 29.99 (12), 29.99 (14), 29.99 (15) and 29.996; **to renumber and amend** 29.01 (1), 29.01 (1m), 29.01 (2), 29.01 (3), 29.01 (4), 29.01 (5), 29.01 (7), 29.01 (8), 29.01 (12r), 29.01 (13), 29.015 (1) (intro.), 29.015 (1) (j), 29.02 (title), (1) and (2), 29.03, 29.05 (1), 29.05 (1d), 29.05 (1m), 29.05 (1v), 29.05 (2), 29.05 (3), 29.05 (4), 29.05 (5), 29.05 (6), 29.05 (6m), 29.05 (7), 29.05 (8), 29.05 (10), 29.06 (title), 29.06 (1), 29.06 (2) and (3), 29.07, 29.08, 29.085, 29.087 (1), 29.09 (1), 29.09 (1m), 29.09 (3) (title), 29.09 (3) (a), 29.09 (3) (b), 29.09 (3m) (b), 29.09 (4), 29.09 (8m) (title) and (a), 29.09 (8m) (b), 29.09 (9) (title), 29.09 (9) (a) 2. and 3., 29.09 (9) (b) to (e), 29.09 (9m) (title), 29.09 (9m) (a) (intro.), 29.09 (9m) (b), 29.09 (9m) (c), 29.09 (9r) (title), (a) and (b), 29.09 (9r) (c), 29.09 (10) (title), 29.09 (10) (a), 29.09 (10) (am), 29.09 (10) (c), 29.09 (12) (a), 29.092 (3r) (a), 29.092 (3r) (b), 29.092 (14) (c), 29.092 (16), 29.093 (title) and (1), 29.093 (2) (title), 29.093 (2) (b), 29.093 (2) (f) 2., 29.093 (2) (g), 29.093 (2) (i), 29.093 (3) (title), 29.095 (2), 29.10, 29.101, 29.102 (1) (a), 29.102 (1) (b), 29.102 (1) (c), 29.1025 (title), 29.1025 (1) (a), 29.1025 (1) (b), 29.1025 (1) (c), 29.1025 (1) (d), 29.1025 (2), 29.1025 (3), 29.103 (title) and (1), 29.103 (2) (title), (am) and (ar), 29.103 (2) (b) 1., 29.103 (2) (b) 2., 29.103 (2) (c), 29.103 (5) (a), 29.103 (5) (b), 29.103 (7), 29.104 (1), 29.104 (2), 29.104 (3), 29.104 (4), 29.105 (1), 29.105 (3), 29.106, 29.107 (title), (1), (2), (3) and (3m), 29.107 (4), 29.107 (5) (title) and (a), 29.107 (5) (b), 29.107 (5) (c), 29.1075 (1m), 29.1075 (2m) (b), 29.1075 (3), 29.1085 (1b), 29.1085 (2), 29.1085 (2g), 29.1085 (2m), 29.1085 (3) (a), 29.1085 (3) (c) 2., 29.1085 (5g), 29.11, 29.112, 29.113 (1), 29.113 (3), 29.116, 29.117 (1), 29.117 (3), 29.125, 29.13 (title), 29.13 (1) (a), 29.13 (1) (d), 29.13 (2) to (5), 29.134 (title) and (1) to (8), 29.134 (10) and (11), 29.135 (title) and (1), 29.135 (2) (title), 29.135 (2), 29.135 (4) to (7), 29.136 (1) to (7), 29.136 (8), 29.137 (title) and (1), 29.137 (2), 29.137 (3), 29.137 (5m) and (7), 29.138, 29.139, 29.14 (1) (a), 29.14 (2) to (6), 29.14 (7) (title), 29.14 (7) (a), 29.14 (7) (b), 29.145 (1) (a), 29.145 (1) (b) 2., 29.145 (2) (title), 29.145 (2) (a), 29.145 (2) (b), 29.145 (3) (title), 29.145 (3) (a), 29.145 (3) (b), 29.146, 29.147 (title), 29.147 (1), 29.147 (2), 29.147 (2m), 29.147 (3), 29.1475 (1), 29.1475 (3), 29.1475 (4), 29.1475 (6), 29.148 (title), 29.148 (1m) (intro.), 29.148 (1m) (b) and (c), 29.148 (3), 29.149 (1) (intro.), 29.149 (1) (a), 29.149 (1) (b), 29.149 (2) and (3), 29.149 (4), 29.149 (5), 29.15 (1) (a) 1., 29.15 (2), 29.15 (3), 29.15 (4) and (5), 29.155 (1g) (intro.), 29.155 (1g) (b), 29.155 (1h), 29.155 (1m), (1r), (2), (3) and (4), 29.16, 29.165, 29.166, 29.174 (1), 29.174 (2) (a), 29.174 (2) (er), 29.174 (2) (f), 29.174 (2) (g) (intro.), 29.174 (2) (g) 1. and 2., 29.174 (2) (g) 4., 29.174 (6), 29.174 (8), 29.174 (13), 29.175, 29.22, 29.221, 29.222, 29.224 (title), (1) and (2) (title), (a) and (b), 29.224 (3) to (6) (a), 29.224 (6) (b) (bn), (c) and (d), 29.225 (title) and (1) to (3), 29.225 (4) (a) 1., 29.225 (4) (a) 2., 29.225 (4) (am), 29.225 (4) (b), 29.226 (title) and (1) to (3), 29.226 (4) (a), 29.227, 29.23, 29.24 (1) (a), 29.255, 29.27 (title) and (1), 29.27 (3), 29.283 (3) to (5), 29.286 (title), (1) and (2), 29.29 (1) and (2), 29.29 (3) (b), 29.29 (4), 29.29 (5) (a), 29.30 (title), (1) and (2), 29.33 (1), 29.33 (2) (c), 29.33 (4), 29.33 (4g), 29.33 (6), 29.34 (title), (1), (2) and (4) (a) and (b), 29.34 (5), 29.34 (6), 29.343 (title), 29.343 (1), 29.343 (3), 29.343 (4), 29.343 (6), 29.344 (title) and (1) to (4), 29.344 (5), 29.36 (1) and (2), 29.36 (4), 29.37 (1), 29.37 (3) (a), 29.37 (5), 29.38, 29.39, 29.395, 29.40, 29.405, 29.41, 29.415, 29.42 (1), (2) and (3), 29.425 (title) and (1) to (3), 29.425 (4), 29.427, 29.43 (title), (1) to (4) and (5) (title) and (a), 29.44 (2), 29.44 (3), 29.45, 29.46, 29.47 (2) (intro.), 29.47 (2) (c) and (d), 29.47 (3) (intro.), 29.47 (3) (a) to (c), 29.47 (6), 29.47 (7) (a), 29.475, 29.48 (1), 29.48 (6), 29.49 (1) (title), 29.49 (1) (a) (intro.), 29.49 (1) (a) 1., 29.49 (1) (a) 2., 29.49 (2), 29.50, 29.51 (1) (intro.), 29.51 (1) (a), (b) and (c), 29.51 (1) (e), 29.51 (2), 29.51 (3), 29.51 (4), 29.51 (6), 29.513 (1) to (4), 29.515, 29.53 (5), 29.535 (1) (a) (intro.), 29.535 (1) (a) 1., 29.535 (1) (a) 2., 29.535 (1) (b), 29.535 (1) (c), 29.54, 29.544, 29.547, 29.56, 29.565 (intro.), 29.565 (2), 29.57, 29.571 (title) and (1), 29.571 (4), 29.572 (1), 29.572 (2) and (3), 29.573, 29.574, 29.575, 29.578 (1), 29.578 (2), 29.578 (3), 29.578 (4) to (13), 29.578 (14) (a), 29.578 (14) (am), 29.578 (14) (b), 29.578 (14) (c), 29.579, 29.583, 29.585 (1), 29.585 (2) (a), 29.585 (2) (b) to (6), 29.586, 29.59 (2) to (7), 29.598 (2) (c), 29.598 (8g), (8r), (9), (10) and (11), 29.60 (title), (1) and (2), 29.60 (2m) and (3), 29.605, 29.62 (title), 29.623 (1), 29.625, 29.626, 29.644, 29.645, 29.65 (1) (a), 29.65 (1) (d), 29.65 (2), 29.99 (intro.) and (1) to (11), 29.99 (11m) (b) and (c), 29.99 (11r) and (11v), 29.995, 29.9965, 29.9967, 29.997 and 29.998; **to consolidate, renumber and amend** 29.15 (1) (intro.) and (a) (intro.), 29.174 (2) (d), (dg), (dr), (e), (eg) and (em), 29.51 (7) (a) and (b) and 29.62 (1) and (3); **to amend** 2.04, 20.370 (1) (fb), 20.370 (1) (fs), 20.370 (1) (ft), 20.370 (1) (hr) and (ht), 20.370 (1) (hu), 20.370 (1) (Lq), 20.370 (1) (Lr) and (Ls), 20.370 (1) (ma), 20.370 (3) (is), 20.370 (4) (ku), 20.370 (4) (kv), 20.370 (5) (aq), 20.370 (5) (ea), 20.370 (5) (fq), 20.370 (5) (fr), 20.370 (7) (ft), 20.370 (9) (ht), 20.370 (9) (hu), 23.09 (2) (d) 6., 23.16 (1), 23.33 (4) (d) 6., 23.51 (3g), 23.51 (4), 23.51 (5), 23.51 (10), 23.795 (2), 25.29 (6), 26.985 (2), 26.985 (3), 27.01 (7) (c) 6. and 7., 27.01 (7) (f) 1. and (g) 1., 27.01 (7) (gm) 3., 27.01 (7) (gm) 4., 27.01 (8) (b) 2. and 3.,

28.11 (3) (k), 30.01 (4r), 30.12 (4) (a), 30.124 (2), 30.202 (3), 30.204 (5), 30.51 (2) (c) 2., 30.71, 59.25 (3) (f) 2., 59.40 (2) (m), 66.894 (2), 70.111 (3m), 70.113 (1) (intro.), 70.113 (2) (a), 70.114 (1) (c), 71.10 (5) (a) 2., 94.50 (5), 114.10, 125.27 (2) (a) 1. (intro.), 125.51 (5) (c) 1., 167.31 (1) (h), 167.31 (4) (b), 167.31 (4) (c), 167.31 (4) (cg) (intro.), 167.31 (4) (cm) (intro.), 167.31 (4) (cm) and (4m), 174.01 (2), 181.297 (3) (a) 5., 283.87 (1), 347.06 (4), 350.01 (5), 480.08 (2m) (intro.), 814.60 (2) (d), 814.60 (2) (e), 814.60 (2) (em), 814.63 (3) (c), 814.63 (3) (d), 814.63 (3) (e), 814.63 (3) (eg), 895.57 (3), 938.343 (7), 941.20 (3) (b) 2., 943.13 (4m) (a) and (b), 943.75 (3), 946.13 (2) (g), 948.55 (5), 948.60 (3) (c), 951.015, 968.20 (3) (a), 968.20 (3) (b) and 973.05 (1); **to repeal and recreate** chapter 29 (title) and 30.92 (1) (bn); and **to create** subchapter I (title) of chapter 29 [precedes 29.001], 29.001 (intro.), 29.001 (3), 29.001 (6), 29.001 (9), 29.001 (16), 29.001 (54), 29.001 (57), 29.001 (78), 29.001 (87), subchapter II (title) of chapter 29 [precedes 29.011], 29.014 (title), 29.014 (2) (c), 29.014 (4), 29.024 (title), 29.024 (9), 29.035 (title), 29.047 (1) and (1m), 29.047 (2) (intro.), 29.053 (title), subchapter III (title) of chapter 29 [precedes 29.161], 29.191 (title), 29.191 (4) (a) 3., 29.191 (5) (a) 2., 29.192 (title), 29.193 (title), 29.194 (title), 29.241 (title), subchapter IV (title) of chapter 29 [precedes 29.301], 29.331 (2) (title) and (5) (title), subchapter V (title) of chapter 29 [precedes 29.401], subchapter VI (title) of chapter 29 [precedes 29.501], 29.503 (2) (b), subchapter VII (title) of chapter 29 [precedes 29.553], 29.563, 29.566 (title), subchapter VIII (title) of chapter 29 [precedes 29.591], 29.597 (6) (b) (intro.), subchapter IX (title) of chapter 29 [precedes 29.601], 29.614, subchapter X (title) of chapter 29 [precedes 29.701], 29.705 (2), 29.745 (2), subchapter XI (title) of chapter 29 [precedes 29.851], 29.867 (2m), 29.871 (2m), subchapter XII (title) of chapter 29 [precedes 29.885], 29.889 (12) (title), subchapter XIII (title) of chapter 29 [precedes 29.921], 29.921 (title), 29.921 (6), 29.921 (7), 29.924 (title), 29.931 (title) and 29.961 (2) of the statutes; **relating to:** recodification of fish and game laws.

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

PREFATORY NOTE: This bill was prepared for and contains the recommendations of the joint legislative council's special committee on recodification of fish and game laws. As part of its charge, the special committee was directed by the joint legislative council to recodify ch. 29 of the statutes. Chapter 29 contains most of the statutes related to wildlife, nongame species, hunting, trapping and fishing, various commercial activities involving wildlife and other subjects of regulation by the department of natural resources (DNR), such as the protection of endangered and threatened species, wild rice and wild ginseng. In reviewing the history of fish and game regulation, the special committee made the following observations about current ch. 29:

1. The DNR's predecessor agency, the conservation commission, was first given authority to adopt orders governing hunting, fishing and trapping in 1933. Prior to that time, the statutes provided all regulatory detail necessary to administer the various fish and game programs. Much of this detail is more appropriate for rules, rather than statutes, but the statutes have not been systematically amended to remove details and thus allow the DNR to address by rule the specific requirements of each subject of regulation.

2. Chapter 29 is quite long (55 pages in the 1995-96 statutes) and has insufficient internal organization. In many cases, similar subjects are not grouped together.

3. As is typical of statutes, regulatory programs accumulate incrementally. New regulatory programs are not made consistent with existing programs, even when the subjects are similar. The current statutes related to the several types of bird and game farms, for example, use significantly different statutory language to accomplish the same purpose in each of the programs.

4. Statutory drafting style has evolved into the use of "plain English" whenever possible. Chapter 29 is full of archaic phrases and circumlocutions, such as s. 29.57, which describes certain lands, and subsequently refers to them as "the said lands".

5. Although ch. 29 is fairly comprehensive, there are occasional gaps in the DNR's regulatory authority.

In discussing and responding to its charge, the special committee determined to recodify ch. 29 by reorganizing it into subchapters and modernizing the statutory language to the extent possible. In addition, the special committee agreed to make minor substantive changes that appear to be consistent with the original intent of the legislature or that are consistent with current policies of the legislature and the DNR in fish and game programs. The special committee is not proposing major substantive changes to any provisions of ch. 29 in this bill.

Where minor substantive changes are made, and where further information is warranted, the special committee has included explanatory NOTES. The NOTES also provide information about the treatment of provisions that are repealed by this bill and recreated elsewhere in ch. 29. Information about the renumbering of ch. 29, showing the connection between old and new statute numbers, can be found in the *Bulletin of Proceedings of the Wisconsin Legislature* and in the 1997 edition of the *Laws of Wisconsin*, after the bill is enacted.

The bill divides ch. 29 into 13 subchapters and reorganizes the material incorporated into each of the newly created subchapters as necessary. The new subchapter headings are as follows:

- Subchapter I: Definitions
- Subchapter II: General Fish and Game Regulation
- Subchapter III: Hunting, Trapping and Fishing Approvals
- Subchapter IV: Hunting and Trapping Regulation
- Subchapter V: Fishing Regulation
- Subchapter VI: Commercial Activities
- Subchapter VII: Approval Fees and Effective Periods
- Subchapter VIII: Education and Training
- Subchapter IX: Miscellaneous Provisions
- Subchapter X: Fish and Game Propagation and Stocking
- Subchapter XI: Captive Animals
- Subchapter XII: Wildlife Damage
- Subchapter XIII: Enforcement

For the convenience of the reader, a table of contents listing all section numbers of reorganized ch. 29 is included in this PREFATORY NOTE. Also, a finding aid is included at the end of the bill, which matches the current statute numbers with the new statute numbers assigned by this bill.

The remainder of this PREFATORY NOTE consists of a table of contents for reorganized ch. 29.

**Subchapter I
Definitions**

29.001 Definitions.

**Subchapter II
General Fish and Game Regulation**

- 29.011 Title to wild animals.
- 29.014 General rule-making authority.
- 29.024 Approvals; forms; issuing agents.
- 29.035 Report of department.
- 29.037 Fish and wildlife restoration.
- 29.039 Nongame species.
- 29.041 Department to regulate hunting and fishing in interstate waters.
- 29.042 Agreements to retire licenses.
- 29.043 Interstate comity.
- 29.045 Interstate license privileges.
- 29.047 Interstate transportation of game.
- 29.053 Specific open and closed seasons.
- 29.055 Wild animals; possession in closed season or in excess of bag limit.
- 29.057 Wild animals; possession in open season.
- 29.059 Reports of hunters.
- 29.071 Wildlife on Indian reservations protected.
- 29.075 Hunting, trapping and fishing by American Indians.
- 29.079 Deer hunting by practitioners of Ho-Chunk religion.
- 29.083 Interference with hunting, fishing or trapping.
- 29.088 Use of poison and explosives; pole traps.
- 29.089 Hunting on land in state parks and state fish hatcheries.
- 29.091 Hunting or trapping in wildlife refuge.

**Subchapter III
Hunting, Fishing and Trapping Approvals**

- 29.161 Resident small game hunting license.
- 29.164 Wild turkey hunting approvals.
- 29.171 Resident archer hunting license.
- 29.173 Resident deer hunting license.
- 29.177 Special deer hunting permits.
- 29.181 Bonus deer hunting permits.
- 29.184 Bear licenses.
- 29.191 Stamps.
- 29.192 Regulation of takings of certain wild animals.
- 29.193 Approvals for disabled persons.
- 29.194 Approvals for students and members of the armed forces.
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- 29.197 Waivers of fishing and hunting approvals.
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SECTION 1. 2.04 of the statutes is amended to read:

2.04 Jurisdiction of counties on boundary lakes and state boundary waters. The counties now or hereafter organized upon the westerly shore of Lake Michigan shall have jurisdiction in common of all offenses committed on ~~said~~ the lake. The counties now or hereafter organized on the shores of Green Bay shall have jurisdiction in common of all offenses committed on Green Bay. The counties now or hereafter organized on the southerly shore of Lake Superior shall have jurisdiction in common of all offenses committed on ~~said~~ the lake. The counties now or hereafter organized on the easterly shore of the Mississippi ~~river~~ River shall have jurisdiction in common of all offenses committed on ~~said~~ the river. The counties now or hereafter organized on the shores of Lake Winnebago shall have jurisdiction in common of all offenses committed on any part of ~~said~~ the lake. The counties now or hereafter organized on the easterly shore of the St. Croix ~~river~~ River or lake shall have jurisdiction in common of all offenses committed on any part of ~~said~~ the river or lake; when 2 or more counties are now or hereafter organized on the shores of any inland water of this state, as defined in s. 29.01 ~~(9) and (11), such~~ 29.001 (45), the counties shall have jurisdiction in common of all offenses committed on any part of ~~such~~ the inland water; and all offenses committed against this state on any part of ~~said~~ the waters may be heard and tried in ~~either any~~ of the counties having, ~~as aforesaid,~~ common jurisdiction over ~~such~~ the waters where ~~such~~ the offense may be committed in which legal process against the offender ~~shall be~~ is first served and may be alleged and shall be conclusively deemed to have been committed within ~~such~~ the county; and all civil process from ~~either any~~ of the counties ~~aforesaid~~ may be executed within and upon ~~such~~ the waters as that are within the jurisdiction of ~~such~~ the county ~~above given.~~ In the construction of this section all wharves and piers ~~shall be deemed~~ are part of the land with which they are connected.

SECTION 2. 20.370 (1) (fb) of the statutes is amended to read:

20.370 (1) (fb) *Endangered resources — general program operations.* From the general fund, the amounts in the schedule for the administration and implementation of the nongame and endangered and threatened species conservation programs under ss. ~~29.175~~ 29.039 and

~~29.415~~ 29.604 and the endangered resources program, as defined under s. 71.10 (5) (a) 2., and for the inventory of natural areas under s. 23.27 (3).

SECTION 3. 20.370 (1) (fs) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

20.370 (1) (fs) *Endangered resources — voluntary payments; sales, leases and fees.* As a continuing appropriation, from moneys received as amounts designated under s. 71.10 (5) (b), the net amounts certified under s. 71.10 (5) (h) 4., all moneys received from the sale or lease of resources derived from the land in the state natural areas system and all moneys received from fees collected under ss. 23.27 (3) (b), ~~29.092 (11) (g) and (h)~~ 29.563 (10) and 341.14 (6r) (b) 5., for the purposes of the endangered resources program, as defined under s. 71.10 (5) (a) 2. ~~Three percent~~ Three percent of the moneys certified under s. 71.10 (5) (h) 4. in each fiscal year, but not to exceed \$100,000, shall be allocated for wildlife damage control and payment of claims for damage associated with endangered or threatened species.

SECTION 4. 20.370 (1) (ft) of the statutes is amended to read:

20.370 (1) (ft) *Endangered resources — application fees.* All moneys received from application fees under s. ~~29.092 (10) (b)~~ 29.563 (11) (a) 2. to be used for the purposes of processing applications under and administering s. ~~29.415~~ 29.604 (6m) and (6r).

SECTION 5. 20.370 (1) (hr) and (ht) of the statutes, as affected by 1997 Wisconsin Act 27, are amended to read:

20.370 (1) (hr) *Pheasant restoration.* All moneys received under s. ~~29.1025~~ 29.191 (2) for developing, managing, preserving, restoring and maintaining the wild pheasant population in the state.

(ht) *Wild turkey restoration.* All moneys received from the sale of wild turkey hunting stamps under s. ~~29.103~~ 29.164 for developing, managing, preserving, restoring and maintaining the wild turkey population in the state.

SECTION 6. 20.370 (1) (hu) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

20.370 (1) (hu) *Wetlands habitat improvement.* As a continuing appropriation, two-thirds of all moneys received under s. ~~29.102~~ 29.191 (1) for developing, managing, preserving, restoring and maintaining wetland habitat for producing waterfowl.

SECTION 7. 20.370 (1) (Lq) of the statutes is amended to read:

20.370 (1) (Lq) *Trapper education program.* As a continuing appropriation, all moneys remitted to the department under s. ~~29.224~~ 29.597 (3), an amount equal to the amount calculated under s. ~~29.13~~ 29.331 (3m) and all moneys received from fees collected under s. ~~29.092~~ (13) (~~fm~~) 29.563 (12) (c) 3, for the trapper education program under s. ~~29.224~~ 29.597.

SECTION 8. 20.370 (1) (Lr) and (Ls) of the statutes are amended to read:

20.370 (1) (Lr) *Beaver control; fish and wildlife account.* As a continuing appropriation, from the fish and wildlife account of the conservation fund, the amounts in the schedule for beaver control under s. ~~29.59~~ 29.885 and for administering that section.

(Ls) *Control of wild animals.* As a continuing appropriation, the amounts in the schedule from moneys received under s. ~~29.092~~ (14) (e) 29.563 (13) for removal activities by the department under s. ~~29.59~~ 29.885.

SECTION 9. 20.370 (1) (ma) of the statutes is amended to read:

20.370 (1) (ma) *General program operations — state funds.* From the general fund, the amounts in the schedule for general program operations under ch. 23 and ss. 30.40 to 30.49 and for the trapper education program under s. ~~29.224~~ 29.597.

SECTION 10. 20.370 (3) (is) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

20.370 (3) (is) *Lake research; voluntary contributions.* As a continuing appropriation, all moneys received from the fishing and boating voluntary contributions under ss. ~~29.092~~ (3~~r~~) 29.564 and 30.52 (3m) to be used for research conducted by the department to determine methods of improving the quality of the lakes in this state and for promotional activities and materials to encourage voluntary contributions under ss. ~~29.092~~ (3~~r~~) (b) 29.564 and 30.52 (3m) (b).

SECTION 11. 20.370 (4) (ku) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

20.370 (4) (ku) *Great Lakes trout and salmon.* All moneys received under ss. ~~29.14~~ (7) (e), ~~29.145~~ (3) (e) and ~~29.15~~ 29.191 (5), 29.219 (3) (c) and 29.228 (7) (c) to provide additional funding for the trout and salmon rearing and stocking program for outlying waters and to administer s. ~~29.15~~ 29.191 (5).

SECTION 12. 20.370 (4) (kv) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

20.370 (4) (kv) *Trout habitat improvement.* All moneys received under s. ~~29.149~~ 29.191 (4) for improving and maintaining trout habitat in inland trout waters, for conducting trout surveys in inland trout waters and for administering that section.

SECTION 13. 20.370 (5) (aq) of the statutes is amended to read:

20.370 (5) (aq) *Resource aids — Canadian agencies migratory waterfowl aids.* As a continuing appropriation, the amounts received from waterfowl hunting stamps specified under s. ~~29.102~~ 29.191 (1) to be contributed to governmental or nonprofit agencies in Canada for the propagation, management and control of migratory waterfowl.

SECTION 14. 20.370 (5) (ea) of the statutes is amended to read:

20.370 (5) (ea) *Enforcement aids — spearfishing enforcement.* As a continuing appropriation from the general fund, the amounts in the schedule to make payments to counties and municipalities under s. ~~29.599~~ 29.947 to reimburse them for certain law enforcement costs associated with spearfishing.

SECTION 15. 20.370 (5) (fq) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

20.370 (5) (fq) *Wildlife damage claims and abatement.* All moneys received under ss. ~~29.092~~ (14) and ~~29.1075~~ 29.181 (3) and 29.563 (13) and not appropriated under par. (fr) and sub. (1) (Ls) to provide state aid under the wildlife damage abatement program under s. ~~29.598~~ 29.889 (5) (c) and the wildlife damage claim program under s. ~~29.598~~ 29.889 (7) (d) and for county administration costs under s. ~~29.598~~ 29.889 (2) (d).

SECTION 16. 20.370 (5) (fr) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

20.370 (5) (fr) *Wildlife abatement and control grants.* Biennially, the amounts in the schedule from moneys received under s. ~~29.092~~ (14) (e) 29.563 (13) for wildlife abatement and control grants under s. ~~29.595~~ 29.887.

SECTION 17. 20.370 (7) (ft) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

20.370 (7) (ft) *Resource acquisition and development — boating access.* From the conservation fund, as a continuing appropriation, the amounts in the schedule for state recreational boating projects which provide public access to inland waters, as defined in s. ~~29.01~~ (9) 29.001 (45), which are lakes in the region identified under s. 25.29 (7) (a).

SECTION 18. 20.370 (9) (ht) of the statutes, as created by 1997 Wisconsin Act 27, is amended to read:

20.370 (9) (ht) *Approval fees to Lac du Flambeau band.* A sum sufficient that is equal to the amount calculated under s. ~~29.139~~ 29.2295 (4) (b), for the purpose of making payments to the Lac du Flambeau band of the Lake Superior Chippewa under s. ~~29.139~~ 29.2295 (4) (a).

SECTION 19. 20.370 (9) (hu) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

20.370 (9) (hu) *Handling fees.* All moneys received under s. ~~29.09~~ (9~~r~~) 29.556 for the handling of approvals by the department under s. ~~29.09~~ (9~~r~~) 29.556.

SECTION 20. 23.09 (2) (d) 6. of the statutes is amended to read:

23.09 (2) (d) 6. For preservation of any species defined in s. ~~29.415~~ 29.604 (2).

SECTION 21. 23.16 (1) of the statutes is amended to read:

23.16 (1) PUBLICATION. The department may produce, issue or reprint magazines or other periodicals on a periodic basis as it determines, pertaining to fish and game, forests, parks, environmental quality and other similar subjects of general information. The department may distribute its magazines and periodicals by subscription. The department shall charge a fee for any of its magazines or periodicals, except that no fee may be charged to a person who is provided a subscription to the Wisconsin natural resources magazine Natural Resources Magazine under s. ~~29.1475~~ 29.235.

SECTION 22. 23.33 (4) (d) 6. of the statutes is amended to read:

23.33 (4) (d) 6. On roadways if the operator of the all-terrain vehicle is a person who holds a Class A permit or a Class B permit under s. ~~29.09(9)~~ 29.193 (2) and who is traveling for the purposes of hunting or is otherwise engaging in an activity authorized by the permit.

SECTION 23. 23.51 (3g) of the statutes is amended to read:

23.51 (3g) "Fishing shelter removal assessment" means the assessment imposed under s. ~~29.9967~~ 29.985.

SECTION 24. 23.51 (4) of the statutes is amended to read:

23.51 (4) "Natural resources assessment" means the assessment imposed under s. ~~29.997~~ 29.987.

SECTION 25. 23.51 (5) of the statutes is amended to read:

23.51 (5) "Natural resources restitution payment" means the payment imposed under s. ~~29.998~~ 29.989.

SECTION 26. 23.51 (10) of the statutes is amended to read:

23.51 (10) "Wild animal protection assessment" means the assessment imposed under s. ~~29.9965~~ 29.983.

SECTION 27. 23.795 (2) of the statutes is amended to read:

23.795 (2) In lieu of an order of imprisonment under sub. (1) (a) for a violation of ch. 29, the court may revoke or suspend any privilege or approval granted under ch. 29 as provided in s. ~~29.99~~ 29.971 (12).

SECTION 28. 25.29 (6) of the statutes is amended to read:

25.29 (6) All moneys received from the United States for fire prevention and control, forest planting and other forestry activities, and for wildlife restoration projects and for other purposes, and as provided in s. ~~29.174(13)~~ 29.037, shall be devoted to the purposes for which these moneys are received.

SECTION 29. 26.985 (2) of the statutes is amended to read:

26.985 (2) Except as provided in subs. (3) and (4), if a person is convicted of a violation and has one or more

convictions, within the 5 years prior to the current conviction, for one or more violations, the person shall be fined not more than \$100 or imprisoned for not more than 6 months or both. The prosecution shall allege and prove the prior convictions in the manner specified in s. ~~29.995~~ 29.974.

SECTION 30. 26.985 (3) of the statutes is amended to read:

26.985 (3) Except as provided in sub. (4), if a person is convicted of a violation and has 3 or more convictions, within the 3 years prior to the current conviction, for one or more violations, the person shall be fined not more than \$2,000 or imprisoned for not more than 9 months or both. The prosecution shall allege and prove the prior convictions in the manner specified in s. ~~29.995~~ 29.974.

SECTION 31. 27.01 (7) (c) 6. and 7. of the statutes are 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. ~~29.095~~ 29.624;

7. Any vehicle, except a motor bus, occupied by a person holding a conservation patron license issued under s. ~~29.1475~~ 29.235;

SECTION 32. 27.01 (7) (f) 1. and (g) 1. of the statutes, as affected by 1997 Wisconsin Act 27, are amended to read:

27.01 (7) (f) 1. Except as provided in par. (gm), the fee for an annual vehicle admission receipt is \$17.50 for each vehicle which has Wisconsin registration plates, except that no fee is charged for a receipt issued under s. ~~29.1475~~ 29.235 (6).

(g) 1. Except as provided in par. (gm), the fee for an annual vehicle admission receipt is \$24.50 for any vehicle which has a registration plate or plates from another state, except that no fee is charged for a receipt issued under s. ~~29.1475~~ 29.235 (6).

SECTION 33. 27.01 (7) (gm) 3. of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

27.01 (7) (gm) 3. Notwithstanding par. (f) 1., the fee for an annual vehicle admission receipt for a vehicle that has Wisconsin registration plates and that is owned by a resident senior citizen, as defined in s. ~~29.01(12m)~~ 29.001 (72), is \$8.50.

SECTION 34. 27.01 (7) (gm) 4. of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

27.01 (7) (gm) 4. Notwithstanding par. (f) 2., the fee for a daily vehicle admission receipt for a vehicle that has Wisconsin registration plates and that is owned by a resident senior citizen, as defined in s. ~~29.01(12m)~~ 29.001 (72), is \$2.85.

SECTION 35. 27.01 (8) (b) 2. and 3. of the statutes are amended to read:

27.01 (8) (b) 2. Any person holding a senior citizen recreation card issued under s. ~~29.095~~ 29.624; or

3. Any person holding a conservation patron license issued under s. ~~29.1475~~ 29.235.

SECTION 36. 28.11 (3) (k) of the statutes is amended to read:

28.11 (3) (k) Establish energy conservation projects which permit individual members of the public to remove up to 10 standard cords of wood without charge from county forest lands for individual home heating purposes. The county board shall limit removal of wood for energy conservation projects to wood that is unsuitable for commercial sale. The county board may require a permit to remove wood for energy conservation projects and may charge a fee for the permit to administer projects established under this paragraph. A county board shall restrict participation in projects established under this paragraph to residents, as defined under s. ~~29.01 (12)~~ 29.001 (69), but may not restrict participation to residents of the county.

SECTION 37. Chapter 29 (title) of the statutes is repealed and recreated to read:

CHAPTER 29

WILD ANIMALS AND PLANTS

SECTION 38. Subchapter I (title) of chapter 29 [precedes 29.001] of the statutes is created to read:

CHAPTER 29

SUBCHAPTER I

DEFINITIONS

SECTION 39. 29.001 (intro.) of the statutes is created to read:

29.001 Definitions. (intro.) In this chapter, unless the context requires otherwise:

SECTION 40. 29.001 (3) of the statutes is created to read:

29.001 (3) “Address” means a street name and number or post-office box number, the name of the city, village or town, the state and the zip code.

SECTION 41. 29.001 (6) of the statutes is created to read:

29.001 (6) “Aircraft” means any contrivance invented, used or designed for navigation of or flight in the air.

SECTION 42. 29.001 (9) of the statutes is created to read:

29.001 (9) “All-terrain vehicle” has the meaning given in s. 340.01 (2g).

SECTION 43. 29.001 (16) of the statutes is created to read:

29.001 (16) “Boat” means any device capable of being used as a means of transportation on water.

SECTION 44. 29.001 (54) of the statutes is created to read:

29.001 (54) “Minnow” includes a sucker not listed as endangered or threatened under s. 29.604 (3), central mudminnow, tadpole madtom, stonecat, banded killifish, blackstripe topminnow, brook silverside, brook stickleback, ninespine stickleback, trout-perch, darter, log perch, sculpin. “Minnow” includes any minnow family cyprinid that is not listed as endangered or threatened un-

der s. 29.604 (3) and that is not a goldfish, grass carp, common carp or rudd. “Minnow” does not include any sucker, darter, sculpin or minnow species that is designated as detrimental under s. 29.424.

SECTION 45. 29.001 (57) of the statutes is created to read:

29.001 (57) “Motor vehicle” means a self-propelled vehicle, including a combination of 2 or more vehicles or an articulated vehicle. “Motor vehicle” includes a snowmobile or an all-terrain vehicle. “Motor vehicle” does not include an aircraft or a vehicle operated exclusively on rails.

SECTION 46. 29.001 (78) of the statutes is created to read:

29.001 (78) “Snowmobile” has the meaning given in s. 340.01 (58a).

SECTION 47. 29.001 (87) of the statutes is created to read:

29.001 (87) “Vehicle” means any device for moving persons or property or pulling implements from one place to another on land or rails or in the air.

SECTION 48. 29.01 (intro.) of the statutes is repealed.

SECTION 49. 29.01 (1) of the statutes is renumbered 29.001 (12) and amended to read:

29.001 (12) “Approval” means any type of approval or authorization issued by the department ~~or a county clerk~~ under this chapter including any license, permit, certificate, card, stamp or tag unless the context requires a different meaning.

SECTION 50. 29.01 (1m) of the statutes is renumbered 29.001 (15) and amended to read:

29.001 (15) “Attending boat” means an open boat used to transport equipment, crew or catch of a licensed boat, provide assistance in the operation of fishing gear by the licensed boat or provide other assistance in the commercial fishing operations of a boat licensed under s. ~~29.33~~ 29.519.

SECTION 51. 29.01 (2) of the statutes is renumbered 29.001 (18) and amended to read:

29.001 (18) “Carcass” means the dead body of any wild animal ~~to which it refers, including the head, hair, skin, plumage, skeleton, or any other part thereof~~ of the wild animal or the eggs of the wild animal.

SECTION 52. 29.01 (2m) of the statutes is renumbered 29.001 (21).

SECTION 53. 29.01 (2r) of the statutes is renumbered 29.001 (24).

SECTION 54. 29.01 (2s) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 29.001 (25).

SECTION 55. 29.01 (2w) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 29.001 (26).

SECTION 56. 29.01 (3) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.001 (27) and amended to read:

29.001 (27) “Fishing” includes taking, capturing, ~~or killing, or fishing for fish of any variety in any manner but~~

does not include taking, capturing, killing or fishing for ~~farm-raised fish, other than farm-raised fish, or attempting to take, capture or kill fish, other than farm-raised fish.~~ When the word “fish” is used as a verb, it shall have has the same meaning as the word “fishing” as defined herein.

SECTION 57. 29.01 (3m) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 29.001 (29).

SECTION 58. 29.01 (4) of the statutes is renumbered 29.001 (30) and amended to read:

29.001 (30) “Fur-bearing animals” includes otter, beaver, mink, muskrat, marten, fisher, skunk, raccoon, fox, weasel, opossum, badger, wolf, coyote, ~~wildcat~~ bobcat, cougar and lynx.

SECTION 59. 29.01 (5) of the statutes is renumbered 29.001 (33) and amended to read:

29.001 (33) “Game” includes all varieties of wild mammals or birds; ~~“game,~~

(41) “Game fish” includes all varieties of fish except rough fish and minnows; ~~“rough,~~

(74) “Rough fish” includes ~~dace, suckers, not listed as endangered or threatened under s. 29.604 (3), common carp, goldfish, redhorse, freshwater drum, burbot, bowfin, garfish, buffalo fish, sea lamprey, alewife, gizzard shad, rainbow smelt, goldeye, and mooneye, carpsucker and quill back, in all waters and chub in inland waters only; “minnows” includes suckers, mud minnows, madtom, stonecat, killifish, stickleback, trout-perch, darters, sculpin and all minnow family cyprinids except goldfish and carp.~~

SECTION 60. 29.01 (6) of the statutes is renumbered 29.001 (36).

SECTION 61. 29.01 (7) of the statutes is renumbered 29.001 (39) and amended to read:

29.001 (39) “Game birds” includes ~~the following aquatic birds: Wild wild geese, brant, wild ducks, wild swan, rails, coots, gallinules, jacksnipe snipe, woodcock, plovers and sandpipers; the following upland birds: ruffed grouse (partridge), pinnated grouse (prairie chicken), sharp-tailed grouse, pheasants, Hungarian partridge, Chukar partridge, bobwhite, quail, California quail, crows and wild turkey.~~

NOTE: The DNR has established open and closed seasons for crows and classified crows as game birds. The addition of crows to the definition of game bird recognizes this. “Snipe” substitutes the correct name for this bird. “California quail” is repealed because this bird does not occur in Wisconsin.

SECTION 62. 29.01 (8) of the statutes, as affected by 1997 Wisconsin Act 1, is renumbered 29.001 (42) and amended to read:

29.001 (42) “Hunt” or “hunting” includes shooting, shooting at, pursuing, taking, ~~catching~~ capturing or killing or attempting to capture or kill any wild animal ~~or animals.~~

SECTION 63. 29.01 (9) of the statutes is renumbered 29.001 (45).

SECTION 64. 29.01 (9m) of the statutes is renumbered 29.001 (51).

SECTION 65. 29.01 (10) of the statutes is renumbered 29.001 (60).

SECTION 66. 29.01 (11) of the statutes is renumbered 29.001 (63).

SECTION 67. 29.01 (11c) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 29.001 (64).

SECTION 68. 29.01 (11d) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 29.001 (65).

SECTION 69. 29.01 (11m) of the statutes is renumbered 29.001 (66).

SECTION 70. 29.01 (12) of the statutes is renumbered 29.001 (69).

SECTION 71. 29.01 (12m) of the statutes is renumbered 29.001 (72).

SECTION 72. 29.01 (12p) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 29.001 (75).

SECTION 73. 29.01 (12r) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 29.001 (76), and 29.001 (76) (b), as renumbered, is amended to read:

29.001 (76) (b) A freeze-out pond for which a permit is issued under s. ~~29.521-29.733~~ (2).

SECTION 74. 29.01 (13) of the statutes is renumbered 29.001 (84) and amended to read:

29.001 (84) “Trapping” includes the taking, or the attempting to take, of any wild animal by means of setting or operating any device, ~~mechanism or contraption~~ that is designed, ~~built~~ or made to close upon, hold fast, or otherwise capture a wild animal ~~or animals.~~ When the word “trap” is used as a verb, it shall have has the same meaning as the word “trapping” as defined herein.

SECTION 75. 29.01 (14) of the statutes is renumbered 29.001 (90).

SECTION 76. Subchapter II (title) of chapter 29 [precedes 29.011] of the statutes is created to read:

CHAPTER 29

SUBCHAPTER II

GENERAL FISH AND GAME REGULATION

SECTION 77. 29.014 (title) of the statutes is created to read:

29.014 (title) Rule-making for this chapter.

SECTION 78c. 29.014 (2) (c) of the statutes is created to read:

29.014 (2) (c) Any reference to this chapter includes any rules promulgated under this chapter and any reference to any provision of this chapter includes any rules promulgated under that provision.

NOTE: Under s. 227.11 (2), state agencies are authorized to “promulgate rules interpreting the provisions of any statute enforced or administered by it...”. The DNR therefore clearly has authority to promulgate rules under all provisions of ch. 29, subject only to the specific limitations on its rule-making authority set forth in ch. 29, and to the general requirement under s. 227.11 that a rule is not valid if it exceeds the bounds of correction interpretation.

However, ch. 29 now contains many examples of permissive rule-making authority. (For example, see s. 29.1085, related to bear harvest permits, which provides in sub. (6): “The department may promulgate rules to administer and interpret this section.”.) This bill eliminates some, but not all, of those instances of permissive rule-making authority.

NOTE: One of the disadvantages, for the purposes of statutory interpretation, of individual examples of permissive rule-making authority, is the potential for an implication that by granting permissive rule-making authority for some provisions of ch. 29, the legislature did not intend to grant rule-making authority for other provisions of the chapter. This is clearly not the case, and such an implication would in fact be contrary to the legislature’s broad grant of authority to the DNR under ch. 29 to regulate fish and game.

SECTION 79. 29.014 (4) of the statutes is created to read:

29.014 (4) No person may challenge the validity of a rule promulgated under this chapter in any prosecution of that person for a violation of this chapter or rules promulgated under this chapter unless the person has previously brought a separate action under s. 227.40 seeking a declaratory judgment on the validity of the rule.

NOTE: This provision restates the substance of current s. 29.174 (7).

SECTION 80. 29.015 (title) of the statutes is repealed.

SECTION 81. 29.015 (1) (intro.) of the statutes is renumbered 29.417 (3) (intro.) and amended to read:

29.417 (3) (intro.) ~~Whenever the hereinafter named bays Bays and harbors are mentioned in this chapter, listed in this section shall have the following description for the same shall apply:~~

NOTE: This bill places descriptions of bays and harbors in new s. 29.417 relating to permits to take rough fish. The descriptions are moved there since these bays and harbors are referred to only in the statute relating to permits to take rough fish.

SECTION 82. 29.015 (1) (a) of the statutes is repealed.

SECTION 83. 29.015 (1) (b) to (i) of the statutes are renumbered 29.417 (3) (a) to (h).

SECTION 84. 29.015 (1) (j) of the statutes is renumbered 29.001 (81) and amended to read:

29.001 (81) ~~That “Sturgeon Bay” means that~~ body of water known as Sturgeon bay lying south and east of a line commencing at the most northerly point of section 23, township 28 north, range 25 east, and running in a northeasterly direction to the water’s edge on north line of section 13, same township and range.

SECTION 85. 29.015 (1) (k) to (m) of the statutes are renumbered 29.417 (3) (i) to (k).

SECTION 86. 29.015 (1) (n) to (q) of the statutes are repealed.

SECTION 87. 29.02 (title), (1) and (2) of the statutes are renumbered 29.011 (title), (1) and (2), and 29.011 (1) and (2), as renumbered, are amended to read:

29.011 (1) The legal title to, and the custody and protection of, all wild animals within this state is vested in the state for the purposes of regulating the enjoyment,

use, disposition, and conservation thereof of these wild animals.

(2) The legal title to ~~any such a~~ wild animal, or carcass ~~or part thereof~~, taken or reduced to possession in violation of this chapter, remains in the state; ~~and the~~ The title to ~~any such a~~ wild animal, or carcass ~~or part thereof~~, lawfully acquired, is subject to the condition that upon the violation of this chapter relating to the possession, use, giving, sale, barter or transportation of ~~such a~~ wild animal, or carcass ~~or part thereof~~, by the holder of ~~such title~~ owner, the same ownership shall revert, as a result of the violation, to the state. ~~In either case, any such wild animal, or carcass or part thereof, may be seized forthwith, wherever found, by the department or its wardens.~~

NOTE: The provision on seizure is redundant with current s. 29.05 (7) to (9), renumbered as s. 29.931.

SECTION 88. 29.02 (3) of the statutes is repealed.

SECTION 89. 29.02 (3m) of the statutes, as affected by 1997 Wisconsin Act 27, is repealed.

NOTE: The current text of s. 29.02 (3) and (3m) of the statutes is as follows:

“29.02 (3) This section shall not permit seizure or non prohibit possession or sale of lawfully obtained wild birds and animals which are mounted or in the process of being mounted for a private collection.

(3m) This section does not permit the seizure by the department, or prohibit the possession or sale, of farm-raised deer or farm-raised fish.”.

Section 29.02 (1) provides that the state holds title to wild animals. Section 29.02 (2) provides that if any person has acquired title to a wild animal or its carcass, title reverts to the state if the person violates any provision of ch. 29 related to possession, use, giving, sale, barter or transportation of the wild animal or its carcass. The overall purpose of these 2 subsections is not to establish authority or procedures for the seizures of wild animals or carcasses, so s. 29.02 (3) and (3m) do not serve any purpose.

SECTION 90. 29.024 (title) of the statutes is created to read:

29.024 (title) Approvals; forms; issuing agents.

SECTION 91. 29.024 (9) of the statutes is created to read:

29.024 (9) TAGS. The department shall provide all tags required under this chapter and shall specify their form and numbering.

SECTION 92. 29.025 of the statutes is renumbered 29.075.

SECTION 93. 29.03 of the statutes is renumbered 29.927, and 29.927 (1) to (6), (10) and (11), as renumbered, are amended to read:

29.927 (1) Any unlicensed, untagged or unmarked net of any kind, or other unlicensed, untagged or unmarked device, ~~trap, or contrivance~~ for fishing; or any,

(1m) Any licensed, tagged or marked net or other device, ~~trap or contrivance~~ for fishing set, placed, or found

in any waters where ~~the same~~ it is prohibited to be used, or in a manner prohibited by law this chapter.

(2) Any unlicensed, untagged or unmarked setline, cable, rope, or line, with more than one fish line attached thereto; ~~or any~~.

(2c) Any licensed, tagged or marked setline set, placed, or found in any waters where ~~the same~~ it is prohibited to be used, or in a manner prohibited by law; ~~or any~~ this chapter.

(2g) Any fish line left in the water unattended, whether having one or more hooks attached.

(2m) Any long tunnel pound net or similar entrapment net other than the legal fyke net, drop net, submarine trap net and the short tunnel pound net whenever found in outlying waters or on any vessel boat, dock, pier, or wharf or in any building or vehicle on or adjacent to ~~such~~ outlying waters. Any ~~such~~ contraband nets so found ~~as~~ described in this subsection shall be deemed sufficient evidence of the use of ~~such~~ the nets by the owner thereof.

(3) Any screen device set in public waters to prevent the free passage of fish, or set in any stream which has been stocked by the state authorities unless authorized by the department.

(4) Any ~~building, inclosure, permanent or temporary structure, or shelter~~ placed, occupied, or used on the ice of any waters in violation of this chapter.

(5) Any unlicensed trap, snare, spring gun, set gun, net or other device ~~or contrivance~~ which might entrap, ensnare, or kill game; ~~or any~~.

(5m) Any trap without a metal tag attached as required by law.

(6) Any boat, together with its ~~machinery, sails, tackle and equipment, or any~~.

(6g) Any lamp, light, gun, pivot gun, swivel gun, or other firearm, ammunition, bow, crossbow or arrow used in violation of this chapter or s. 167.31; ~~or any or any rules promulgated under s. 167.31.~~

(6r) Any boat, floating raft, box, or blind set in open water and used in hunting game birds.

(10) Any blind used in hunting waterfowl in violation of s. ~~29.27~~ 29.327.

(11) Any motor vehicle, as defined in s. 939.22 (44) boat, aircraft, remote sensing equipment, navigational device, survey equipment, scuba gear or other equipment or device used in the commission of a crime relating to a submerged cultural resource in violation of s. 44.47.

SECTION 94. 29.035 (title) of the statutes is created to read:

29.035 (title) Report of department.

SECTION 95. 29.047 (1) and (1m) of the statutes are created to read:

29.047 (1) (a) In this subsection:

1. "Transport" includes to cause to be transported, to deliver or offer to deliver for transportation and to receive or offer to receive for transportation.

2. "Game" means any wild animal, wild bird or game fish.

(b) No person in this state may transport into or through this state any game, or its carcass, from any other state in violation of any law of the other state.

(c) No person in this state may transport, possess or control in this state any game, or its carcass, that was taken in another state in violation of any restriction on open and closed seasons established under this chapter or of any bag, possession or size limit established under this chapter unless all of the following apply:

1. The game was lawfully taken in and lawfully transported from the other state.

2. The person holds a license issued by the other state that authorized the person to transport, possess or control the game or its carcass.

(1m) Unless prohibited by the laws of an adjoining state, any person who has lawfully killed a deer in this state may take the deer or its carcass into the adjoining state and ship the deer or carcass from any point in the adjoining state to any point in this state.

SECTION 96. 29.047 (2) (intro.) of the statutes is created to read:

29.047 (2) (intro.) Subsection (1) does not apply to any of the following:

SECTION 97. 29.05 (title) of the statutes is repealed.

SECTION 98. 29.05 (1) of the statutes is renumbered 29.921 (1) and amended to read:

29.921 (1) (title) ~~WARRANTS, ARRESTS~~ GENERALLY. The department and its wardens may execute and serve warrants and processes issued under any law enumerated in ss. 23.50 (1), 167.31, 346.19, 940.24, 941.20, 948.60, 948.605 and 948.61 in the same manner as any constable may serve and execute the process; and may arrest, with or without a warrant, any person detected in the actual violation, or whom the officer has probable cause to believe is guilty of a violation of any of the laws cited in this subsection, whether the violation is punishable by criminal penalties or civil by forfeiture, and may take the person before any court in the county where the offense was committed and make a proper complaint. For the purpose of enforcing any of the laws cited in this subsection, any ~~such~~ officer may stop and board any boat and stop any ~~automobile, snowmobile or other~~ vehicle, if the officer reasonably suspects there is a violation of those sections.

SECTION 99. 29.05 (1d) of the statutes is renumbered 29.921 (2) and amended to read:

29.921 (2) (title) ~~WARRANTS, ARRESTS, FIELD~~ FIELD ARCHAEOLOGY. The department and any of its wardens may execute and serve warrants and processes issued for violations of s. 44.47 occurring on the bed of any stream or lake in the same manner as any constable may serve and execute ~~such~~ the process; and may arrest a person, with or without a warrant, who is detected committing such a violation, or whom the warden has probable cause

to believe is guilty of a violation of s. 44.47, and may take the person before any court in the county where the violation was committed and make proper complaint. For the purpose of enforcing s. 44.47, any warden may stop and board any boat and stop any ~~automobile, snowmobile or~~ other vehicle, if the warden reasonably suspects that there is a violation of s. 44.47.

SECTION 100. 29.05 (1m) of the statutes is renumbered 29.921 (3) and amended to read:

29.921 (3) (title) ~~WARRANTS, ARRESTS, HARASSMENT~~ HARASSMENT. The department and its wardens may execute and serve warrants and processes issued for violations of s. 947.013 (1m) (b) if the victim of the harassment is intentionally selected because of the victim's race in the same manner as any constable may serve and execute the process; and may arrest, with or without a warrant, any person detected in the actual violation, or whom the warden has probable cause to believe guilty of a violation of s. 947.013 (1m) (b), whether the violation is punishable by criminal penalties or ~~civil~~ by forfeiture and may take the person before any court in the county where the offense was committed and make a proper complaint. For the purpose of enforcing s. 947.013 (1m) (b), any warden may stop and board any boat and stop any ~~automobile, snowmobile or~~ other vehicle, if the warden reasonably suspects there is a violation of s. 947.013 (1m).

SECTION 101. 29.05 (1v) of the statutes is renumbered 29.921 (4) and amended to read:

29.921 (4) (title) ~~WARRANTS, ARRESTS, TRIBAL~~ TRIBAL CODE ENFORCEMENT. If a federally recognized American Indian tribe or band consents to the enforcement of its conservation code by the department or if a federal court order authorizes or directs ~~such~~ the enforcement, the department and its wardens may execute and serve warrants and processes issued for violations of the tribe's or band's conservation code that occur outside the exterior boundaries of American Indian reservations; and may arrest a person, with or without a warrant, who is detected committing such a violation, or whom the warden has probable cause to believe is guilty of such a violation, and may take the person before the tribal court of appropriate jurisdiction and make proper complaint. For the purpose of enforcing a tribe's or band's conservation code, any warden may stop and board any boat and may stop any ~~automobile, snowmobile or~~ other vehicle, if the warden reasonably suspects there is a violation of such a conservation code.

SECTION 102. 29.05 (2) of the statutes is renumbered 29.921 (5) and amended to read:

29.921 (5) ADDITIONAL ARREST POWERS. In addition to the arrest powers under sub. (1), a ~~conservation~~ warden who has completed a program of law enforcement training approved by the law enforcement standards board, has been certified as qualified to be a law enforcement officer under s. 165.85 (4) (b) 1. and has complied with any

applicable requirements under s. 165.85 (4) (bn) 1. while on duty and in uniform or on duty and upon display of proper credentials may assist another law enforcement agency as defined under s. 165.83 (1) (b) including making an arrest at the request of the agency, may arrest a person pursuant to an arrest warrant concerning the commission of a felony or may arrest a person who has committed a crime in the presence of the warden. If the ~~conservation~~ warden makes an arrest without the presence of another law enforcement agency, the ~~conservation~~ warden shall cause the person arrested to be delivered to the chief of police or sheriff in the jurisdiction where the arrest is made, along with the documents and reports pertaining to the arrest. The ~~conservation~~ warden shall be available as a witness for the state. A ~~conservation~~ warden may not conduct investigations for violations of state law except as authorized in ~~sub. (3) and~~ ss. 23.11 (4), 29.924 (1) and 41.41 (12). A ~~conservation~~ warden acting under the authority of this subsection is considered an employe of the department and is subject to its direction, benefits and legal protection. The authority granted in this section does not apply to county conservation wardens or special conservation wardens.

SECTION 103. 29.05 (3) of the statutes is renumbered 29.924 (1) and amended to read:

29.924 (1) INVESTIGATIONS. ~~Such officers~~ The department and its wardens shall, upon receiving notice or information of the violation of any laws cited in ~~sub. s. 29.921~~ (1), as soon as possible make a thorough investigation thereof, and ~~cause proceedings to be instituted if the proofs at hand warrant institute proceedings if the evidence warrants~~ it.

SECTION 104. 29.05 (4) of the statutes is renumbered 29.924 (2) and amended to read:

29.924 (2) DRIVING WITHOUT HEADLIGHTS. In the performance of their law enforcement duties ~~under this chapter, duly authorized,~~ wardens may operate motor vehicles owned or leased by the department upon a highway, other than an interstate, a state trunk highway or any highway within the limits of any incorporated area, during hours of darkness without lighted headlamps, tail lamps or clearance lamps, contrary to s. 347.06, if the driving will aid in the accomplishment of a lawful arrest for violation of this chapter ~~or rules promulgated under this chapter~~ or in ascertaining whether a violation of this chapter ~~or rules promulgated under this chapter~~ has been or is about to be committed. Any civil action or proceeding brought against any warden operating a motor vehicle under this subsection is subject to ss. 893.82 and 895.46.

SECTION 105. 29.05 (5) of the statutes is renumbered 29.924 (3) and amended to read:

29.924 (3) OPENING PACKAGES. The department and its wardens may examine and open any package in the possession of a common carrier which they have probable cause to believe contains wild animals in violation of this chapter, or carcasses ~~or parts thereof~~, or is falsely

labeled in violation of this chapter; ~~and every such.~~ Each common carrier, and every ~~its~~ agent, servant, or employe thereof, shall permit ~~any such~~ the officer to examine and open ~~any such~~ the package. Any opened package so opened shall be restored to its original condition.

SECTION 106. 29.05 (6) of the statutes is renumbered 29.924 (4) and amended to read:

29.924 (4) ACCESS TO STORAGE PLACES. ~~For purposes of enforcing this chapter, the department and its wardens shall be permitted by the~~ The owner or occupant of any cold storage warehouse or building used for the storage or retention of wild animals, or carcasses ~~or parts thereof,~~ shall permit ~~the department and its wardens~~ to enter and examine said the premises subject to ss. 66.122 and 66.123; ~~and the.~~ The owner or occupant, or the agent, servant, or employe of the owner ~~or occupant,~~ shall deliver to ~~any such~~ the officer any wild animal, or carcass ~~or part thereof,~~ in his or her possession during the closed season ~~therefor,~~ whether taken within or without the state.

SECTION 107. 29.05 (6m) of the statutes is renumbered 29.924 (5) and amended to read:

29.924 (5) ACCESS TO PRIVATE LAND. ~~For purposes of this chapter, the~~ The department may, after making reasonable efforts to notify the owner or occupant, enter ~~upon~~ private lands to retrieve, ~~or diagnose or otherwise determine if there are~~ dead or diseased wild animals ~~upon these lands,~~ and take actions reasonably necessary to prevent the spread of contagious disease in the wild animals.

SECTION 108. 29.05 (7) of the statutes is renumbered 29.931 (1) and amended to read:

29.931 (1) (title) SEIZURE AND CONFISCATION OF GAME, OR GAME FISH WILD ANIMALS OR PLANTS. ~~They~~ The department and its wardens shall seize and confiscate in the name of the state any wild animal, ~~or carcass or part thereof,~~ or plant caught, killed, taken, had in possession or under control, sold or transported in violation of this chapter; and ~~any such~~ the officer may, with or without warrant, open, enter and examine all buildings, camps, vessels or boats in on inland or outlying waters, wagons, automobiles ~~or other~~ vehicles, ears, stages, tents, suit cases, valises, packages, and other receptacles and places where the officer has probable cause to believe that wild animals, carcasses or plants, taken or held in violation of this chapter, are to be found.

NOTE: This provision adds "plant" to the statute that currently authorizes DNR to seize and confiscate wild animals and carcasses. The statute on seizure and confiscation predates the statutes related to wild plants (endangered and threatened species, wild rice and wild ginseng), and the statute on seizure and confiscation was not amended to allow seizure and confiscation of plants. This appears to have been an omission, which is corrected in this provision.

SECTION 109. 29.05 (8) of the statutes is renumbered 29.931 (2) and amended to read:

29.931 (2) (title) SEIZURE AND CONFISCATION OF APPARATUS, ETC. OBJECTS; SALE OF PERISHABLE PROPERTY. (a) The department and its wardens shall seize and hold, sub-

ject to the order of the court for the county in which the alleged offense was committed, any apparatus, ~~appliance, equipment,~~ vehicle boat or device, object declared by this chapter to be a public nuisance, ~~or~~ which they have probable cause to believe is being used in violation of this chapter, ~~an administrative rule promulgated under this chapter~~ or s. 167.31, 287.81, 940.24, 941.20, 948.60, 948.605 or 948.61 or is being used in the commission of a crime relating to a submerged cultural resource in violation of s. 44.47. If it is proven that the vehicle, boat or object is a public nuisance or that within 6 months previous to the seizure the apparatus, appliance, equipment, vehicle, boat or device object was used in violation of this chapter ~~or an administrative rule promulgated under this chapter~~ or s. 167.31, 287.81, 940.24, 941.20, 948.60, 948.605 or 948.61 or was used in the commission of a crime relating to a submerged cultural resource in violation of s. 44.47, it shall be confiscated if the court directs in its order for judgment.

NOTE: The word "or", which is inserted in current s. 29.05 (8) (a), was previously a part of this provision but was deleted, apparently in error, by ch. 365, laws of 1975. The 2nd sentence of this paragraph is amended to make it parallel to the first sentence.

(b) Any perishable property seized by the department or its wardens may be sold at the highest available price, and the proceeds of the sale turned into court ~~to await for~~ disposition ~~of the proceeds~~ as the court directs. ~~A conservation warden or other officers charged with the enforcement of the laws dealing with the conservation of the natural resources of the state may kill a dog found running, injuring, causing injury to, or killing any deer, other than farm-raised deer, or destroying game birds, their eggs or nests, if immediate action is necessary to protect the deer or game birds, their nests or eggs, from injury or death.~~

NOTE: The last sentence of par. (b) is recreated as new s. 29.921 (7).

SECTION 110. 29.05 (9) of the statutes is renumbered 29.931 (3).

SECTION 111. 29.05 (10) of the statutes is renumbered 29.944 and amended to read:

29.944 Exemption from liability. Members of the natural resources board, and each warden, in the performance of official duties, shall be are exempt from any and all liability to any person for acts done or permitted or property destroyed by authority of law. ~~In any action brought against any board member or warden involving any official action the district attorney of the county in which the action is commenced shall represent such board member or warden.~~ No taxable costs or attorney fees shall be allowed to either party in said an action against a member of the natural resources board or a warden.

NOTE: The department of justice represents the state and its employes in lawsuits such as those described in this section.

SECTION 112. 29.053 (title) of the statutes is created to read:

29.053 (title) **Specific open and closed seasons.**

SECTION 113. 29.06 (title) of the statutes is renumbered 29.934 (title) and amended to read:

29.934 (title) **Sale of confiscated game and apparatus objects.**

SECTION 114. 29.06 (1) of the statutes, as affected by 1997 Wisconsin Act 35, is renumbered 29.934 (1), and 29.934 (1) (a), (b), (c) 2., (d) and (e), as renumbered, are amended to read:

29.934 (1) (a) All wild animals, or carcasses or parts thereof, ~~plants~~ that are confiscated by the department and all confiscated ~~apparatus, appliances, equipment, vehicles, boats or devices~~ **objects** shall, if not destroyed as authorized by law, be sold at the highest price obtainable, by the department ~~or its wardens~~, or by an agent on commission under the ~~written authority and supervision~~ of the department. The net proceeds of all sales under this subsection, after deducting the expense of seizure and sale and any commissions and any amounts owing to holders of security interests under par. (c) or (d), shall be promptly remitted, ~~by the warden by whom or under whose authority and supervision the sales are made~~, to the department. The remittance shall be accompanied by a ~~complete and certified report of the sales made under this subsection, supported by proper vouchers covering all deductions made for expenses and commissions, and shall be filed with the department.~~

(b) Of the remittance from the sales of confiscated ~~apparatus, appliances, equipment, vehicles, boats or devices~~ **objects**, 18% shall be paid into the conservation fund to reimburse it for expenses incurred in seizure and sale, and the remaining 82% shall be paid into the common school fund.

(c) 2. The time of sale of the confiscated motor vehicle shall be within 20 days after judgment of confiscation as provided in s. ~~29.05 (8) 29.931 (2)~~. The department shall give each secured party discovered in accordance with subd. 1. at least 10 days' notice of the time and place of sale of the motor vehicle.

(d) The provisions of s. 973.075 (1) (b) 1. to 3. and (5) apply to ~~boats and~~ vehicles, other than motor vehicles, under this subsection.

(e) This subsection ~~shall~~ **does** not apply to a deer killed, or so injured that it must be killed, by a collision with a motor vehicle on a highway. For purposes of this subsection, "deer" does not include farm-raised deer.

SECTION 115. 29.06 (2) and (3) of the statutes are renumbered 29.934 (2) and (3) and amended to read:

29.934 (2) On any sales under this section of wild animals, or carcasses or parts thereof, the ~~warden~~ **department** or ~~the~~ agent selling them shall issue to each purchaser a certificate, on forms ~~to be prepared and furnished by the department, covering such the sales.~~ The wild animals, or carcasses or parts thereof, so purchased shall be

consumed or otherwise disposed of by the purchaser within a period to be set by the department, but shall may not be resold, ~~bartered~~, or exchanged, in whole or in part, to any other person, except as provided in sub. (3).

(3) Confiscated fish or game sold under this section to the ~~keeper, manager, or steward~~ **owner or operator** of any a restaurant, club, hotel, or boarding house may be served to the ~~guests thereof; but in such case the~~ **customers**. ~~The~~ certificate covering the purchase shall be hung in public view in the place where the fish or game is served, and ~~such the~~ fish or game shall at the time of sale be tagged by the ~~warden~~ **department** or ~~the~~ agent selling it, ~~such.~~ ~~The~~ tag to ~~shall~~ show the date of sale and ~~shall~~ be returned to ~~said warden~~ **the department** or agent within 5 days ~~thereafter~~ **after the sale**.

SECTION 116. 29.07 of the statutes is renumbered 29.941 and amended to read:

29.941 (title) **Assistance of police law enforcement officers.** All sheriffs, deputy sheriffs, ~~coroners~~, and other **police law enforcement** officers are deputy conservation wardens, and shall assist the department and its wardens in the enforcement of this chapter whenever notice of a violation thereof is given to either of them by the department or its wardens.

NOTE: The duties of conservation wardens are not consistent with the duties of coroners.

SECTION 117. 29.08 of the statutes is renumbered 29.043 and amended to read:

29.043 Interstate comity. (1) Whenever any other state confers upon the officers of this state reciprocal powers, any officer of ~~such the~~ other state, who is ~~by the laws of that state authorized or directed to enforce the laws of that state relating to the protection of wild animals, is hereby designated an agent of that state within this state. It shall be lawful for said~~ **The** officer to may follow any wild animal, or carcass or part thereof unlawfully shipped or taken from the officer's state into this state, ~~and seize and convey the same it back to the officer's state; and so far as concerns any such wild animal, or carcass or part thereof, the.~~ **The** laws of the state **concerning the wild animal or carcass** from which the ~~same~~ **wild animal or carcass** was brought into this state are ~~hereby~~ adopted as the laws of this state. Transportation companies shall deliver to ~~such the~~ officer, upon submission of proper proof of the officer's official capacity, any wild animal, or carcass or part thereof, ~~so demanded or that is seized by the officer. Said~~ **The** officer may dispose of ~~any such a~~ wild animal, or carcass or part thereof, within this state, in accordance with the laws of the **officer's** state ~~from which the same was taken or shipped, under the supervision of the department or its wardens. Expenses for such the department's assistance shall be a lien upon such the wild animal or carcass or part thereof, or the proceeds thereof of the sale.~~

(2) Except as provided in sub. (1), the department ~~or its wardens shall~~ may seize, hold and dispose, according

to the laws of this state, of any wild animal, or carcass or part thereof, brought or shipped into or through this state, or attempted to be carried through this state, in violation of the laws of any other state.

(3) The state game warden officers of every other state, ~~and the warden's deputies and all other officers therein~~ charged with the enforcement of enforcing the laws of another state relating to wild animals are hereby designated agents of this state for the taking possession, seizing, holding and disposing, within such the other state, of any wild animal, or carcass or part thereof, protected by the laws of this state.

(4) ~~Whenever and so long as~~ If any other state confers upon the officers of this state reciprocal powers, the department may appoint persons who ~~shall have been appointed game wardens or deputy game wardens of such~~ are charged with enforcing the laws of the other state relating to wild animals to act as ~~and have all the powers of~~ wardens of this state, but without compensation from this state.

SECTION 118. 29.085 of the statutes is renumbered 29.041 and amended to read:

29.041 Department to regulate hunting and fishing in interstate waters. The department may regulate hunting and fishing on and in all interstate boundary waters, and outlying waters ~~specified in s. 29.01 (9) and (11).~~ Any act of the department in ~~so regulating the hunting and fishing on and in such interstate boundary waters and outlying waters shall be valid, all other provisions of the statutes notwithstanding, provided such powers shall be exercised pursuant to and in accordance with ss. 23.09 (2) and 29.174.~~

NOTE: The 2nd sentence of current s. 29.085 is superfluous. The DNR is authorized to regulate hunting and fishing on interstate boundary waters and outlying waters and the statement in the 2nd sentence that those regulations are valid serves no purpose. There are no "other provisions" anywhere in the statutes that create doubt or negate the validity of the authority granted in the first sentence. The statement regarding exercising the authority pursuant to ss. 23.09 (2) and 29.174 adds nothing, because the DNR is obligated to comply with those statutes.

SECTION 119. 29.087 (title) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 29.042 (title).

SECTION 120. 29.087 (1) of the statutes, as affected by 1997 Wisconsin Act 27, section 967n, is renumbered 29.042 (1) and amended to read:

29.042 (1) Beginning on January 1, 1998, the department may not enter into any agreement to make payments to persons holding approvals issued under s. ~~29.134, 29.135, 29.136, 29.137, 29.165, 29.166, 29.17, 29.33, 29.34, 29.343, 29.344, 29.36, 29.37, 29.38, 29.544, 29.547, 29.573, 29.574, 29.575, 29.578 or 29.585~~ 29.501, 29.503, 29.506, 29.509, 29.512, 29.514, 29.519, 29.523, 29.526, 29.529, 29.531, 29.533, 29.537, 29.607, 29.611, 29.614, 29.865, 29.867, 29.869, 29.871 or 29.877 in exchange for the retirement of the approval or

for the temporary or permanent cessation of any activity authorized under the approval.

SECTION 121. 29.087 (2) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 29.042 (2).

SECTION 122. 29.09 (title) of the statutes is repealed.

SECTION 123. 29.09 (1) of the statutes is renumbered 29.024 (1) and amended to read:

29.024 (1) (title) ~~LICENSE OR OTHER APPROVAL APPROVALS REQUIRED FOR HUNTING, TRAPPING OR FISHING.~~ Except as specifically provided otherwise by s. ~~29.155 (1g) and (1h) or another section of in~~ this chapter, no person may hunt any wild animal, or trap any game or in this state, fish for fish in the waters of this state or engage in any of the activities regulated under this chapter 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 or engaged in regulated activities 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.

NOTE: Current s. 29.09 contains provisions relating to hunting, trapping and fishing licenses and other approvals, duties of county clerks, permits for disabled persons, processing fees, issuing fees, licenses for certain students and members of the armed forces and stamps.

This bill creates new sections of the statutes relating to approvals, forms and duties of county clerks and places the relevant portions of s. 29.09 in the new sections. The bill also makes the provisions relating to approvals and forms applicable to all approvals and forms issued under the chapter, rather than placing a cross-reference to these provisions in each individual license or permit statute as is currently the case.

SECTION 124. 29.09 (1m) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.024 (2) and amended to read:

29.024 (2) (title) ~~CONDITIONS AND RESTRICTIONS ON LICENSES AND OTHER APPROVALS.~~ A hunting, trapping or fishing approval may be issued only to and obtained only by a natural person entitled to the approval. Except as provided under ~~sub. (12) (a) s. 29.194 (1),~~ a resident hunting, trapping or fishing approval may be issued only to a person who presents to the issuing agent or the department definite proof of his or her identity and that he or she is a resident. No more than one of the same series of approval may be issued to the same person for the same hunting or fishing season in any year except as authorized by the department. Except as provided under s. ~~29.33 (2) (4) 29.519 (2) (d) or by rule,~~ no person may transfer his or her approval or permit the use of any approval by any other person and no person while hunting, trapping or fishing may use or carry any approval issued to another person. Except as authorized by rules promulgated under sub. (3m) (a) 2., no person may obtain a hunting, trapping or fishing approval for another person. No approval authorizing hunting, trapping, fishing or any other activity regulated by this chapter may be issued to any person

who is prohibited from obtaining this type of an approval under s. ~~29.226 or 29.227 (1)-(e)~~ this chapter.

SECTION 125. 29.09 (2) of the statutes is renumbered 29.024 (3).

SECTION 126. 29.09 (3) (title) of the statutes is renumbered 29.024 (4) (title) and amended to read:

29.024 (4) (title) FORM OF LICENSE APPROVAL.

SECTION 127. 29.09 (3) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.024 (4) (a) and amended to read:

29.024 (4) (a) *Date; expiration.* Each ~~license or stamp approval~~ issued under this chapter shall state for what period the license or stamp approval is effective and the date of expiration.

SECTION 128. 29.09 (3) (b) of the statutes is renumbered 29.024 (4) (b) and amended to read:

29.024 (4) (b) *Name; description; signature.* Each ~~license or permit~~ issued shall state contain the name and residence address of the licensee holder, a description of the licensee holder and such other ~~matter as may be determined~~ information required by the department. Each ~~license or permit~~ shall, if required by the department under sub. (5) (a) 1., bear upon its face a true the signature of the licensee holder and the date of issuance and shall be signed by the issuing agent. All licenses shall be issued in English and in ink. Each stamp shall, if required by the department under sub. (5) (a) 1., bear upon its face the signature of the holder. The department may apply any of the requirements of this subsection to other forms or approvals.

SECTION 129. 29.09 (3) (c) of the statutes is repealed.

NOTE: Current s. 29.09 (3) (c) provides: "29.09 (3) (c) *Wild turkey hunting stamps.* Each wild turkey hunting stamp shall bear upon its face a true signature of the person to whom it is issued."

NOTE: The provision is repealed since provisions relating to stamps and signatures are combined in new subch. II, ch. 29.

SECTION 130. 29.09 (3m) (title) and (a) of the statutes, as created by 1997 Wisconsin Act 27, are renumbered 29.024 (5) (title) and (a).

SECTION 131. 29.09 (3m) (b) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.024 (5) (b) and amended to read:

29.024 (5) (b) *Blanks.* The department shall prepare, procure the printing of and supply all necessary blanks for applications and approvals issued under this chapter and related applications for approvals.

SECTION 132. 29.09 (3r) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 29.024 (6).

SECTION 133. 29.09 (4) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.024 (7) and amended to read:

29.024 (7) DUPPLICATES. If any license, permit, certificate or card is lost, the person to whom the license, permit, certificate or card was issued may apply to the department for a duplicate, by submitting an affidavit

proving loss. The department may accept information in a form other than an affidavit. The department shall make an inquiry and investigation as it ~~deems~~ considers necessary. If the department is satisfied that the loss has been proven, the department may issue a duplicate license, permit, certificate or card to the applicant. Back tags and other tags issued with a license, permit, certificate or card are parts of the license, permit, certificate or card and loss of any part is ~~deemed~~ considered to be loss of the entire license, permit, certificate or card. Upon applying for a duplicate license, permit, certificate or card, the applicant shall surrender all parts of the original remaining in his or her possession to the department. No duplicate stamp may be issued and if a stamp is lost, the person to whom it was issued is required to apply and pay the regular fee in order to receive a new stamp.

SECTION 134. 29.09 (8) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.024 (8).

SECTION 135. 29.09 (8m) (title) and (a) of the statutes are renumbered 29.193 (1) (title) and (a) and amended to read:

29.193 (1) (title) ~~DISABLED PERSONS; TROLLING TROLLING PERMITS.~~ (a) ~~After proper application, the~~ The department shall, after ~~due~~ an investigation and without charging a fee, issue a trolling permit to any person who meets the requirements under s. ~~29.104 (4) 29.171 (3) (a) 2. or 4.~~

SECTION 136. 29.09 (8m) (b) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.193 (1) (b) and amended to read:

29.193 (1) (b) A person holding a current fishing license issued under this chapter and a trolling permit issued under par. (a) or a permit issued under sub. (9) (2) (c) 1. may fish or troll in the waters of this state using an electric motor with no more than 36 pounds of thrust, notwithstanding any ordinances enacted under s. 30.77 (3) that prohibit the use of motor boats on navigable waters.

SECTION 137. 29.09 (9) (title) of the statutes is renumbered 29.193 (2) (title) and amended to read:

29.193 (2) (title) ~~DISABLED PERSONS; HUNTING HUNTING PERMITS.~~

SECTION 138. 29.09 (9) (a) (intro.) and 1. of the statutes are renumbered 29.193 (2) (a) (intro.) and 1.

SECTION 139. 29.09 (9) (a) 2. and 3. of the statutes are renumbered 29.193 (2) (a) 2. and 3. and amended to read:

29.193 (2) (a) 2. "Class A permit" means a permit issued to a person with a permanent physical disability which authorizes the permit holder to shoot or hunt from a stationary motor vehicle, to fish or troll as authorized under sub. ~~(8m) (1) (b)~~ and to hunt ~~certain~~ game with a crossbow as authorized under ss. ~~29.103 (2) (ar) 29.164 (2) (b) and 29.104 29.171 (2).~~

3. "Class B permit" means a permit issued to a person with a permanent or a temporary physical disability which allows the permit holder to shoot or hunt from a

stationary motor vehicle that is parked off a highway, as defined under s. 340.01 (22), and parked more than 50 feet from the center of the roadway, as defined under s. 340.01 (54).

SECTION 140. 29.09 (9) (a) 4. of the statutes is repealed.

SECTION 141. 29.09 (9) (a) 5. of the statutes is renumbered 29.193 (2) (a) 5.

SECTION 142. 29.09 (9) (b) to (e) of the statutes are renumbered 29.193 (2) (b) to (e), and 29.193 (2) (b) 1. and 2. and (d), as renumbered, are amended to read:

29.193 (2) (b) 1. ~~After proper application, the~~ The department shall, after ~~due~~ investigation and without charging a fee, issue a Class A, Class B or Class C permit to any person, as provided in this subsection.

2. An applicant shall submit an application on a form prepared and furnished by the department, ~~as part of the application, which shall include~~ a written statement or report prepared and signed by a licensed physician or licensed chiropractor, prepared no more than 6 months preceding the application and verifying that the applicant is physically disabled.

(d) *Assistance.* 1. A holder of a Class A or Class B permit may be accompanied by a person who is not eligible to apply for a Class A or Class B permit. The accompanying person may not hunt or carry a firearm, bow or crossbow unless authorized that person has been issued the appropriate approval to do so. The assistance rendered by an accompanying person who is has not ~~authorized to hunt or carry a firearm, bow or crossbow~~ been issued the appropriate approval is limited to field dressing, tagging and retrieving ~~deer or other~~ game for the permit holder.

2. A holder of a Class C permit shall 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 authorized the person has been issued the appropriate approval to do so. The assistance rendered by an accompanying person may include sighting the firearm, bow or crossbow, identifying the ~~deer or other~~ game and field dressing, tagging and retrieving ~~deer or other~~ game for the permit holder.

SECTION 143. 29.09 (9m) (title) of the statutes is renumbered 29.553 (title) and amended to read:

29.553 (title) Processing fees for applications for certain approvals fee.

SECTION 144. 29.09 (9m) (a) (intro.) of the statutes, as affected by 1997 Wisconsin Act 1, is renumbered 29.553 (1) (intro.) and amended to read:

29.553 (1) (intro.) Except as provided in ~~par. (e) sub. (3)~~, if the department issues any of the following approvals, a nonrefundable processing fee, in addition to any other fee imposed under s. ~~29.092 29.563~~, shall be collected for each ~~application for such an~~ approval:

SECTION 145. 29.09 (9m) (a) 1. to 7. of the statutes are renumbered 29.553 (1) (a) to (g).

SECTION 146. 29.09 (9m) (a) 8. of the statutes, as created by 1997 Wisconsin Act 1, is renumbered 29.553 (1) (h).

SECTION 147. 29.09 (9m) (a) 9. of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 29.553 (1) (i).

SECTION 148. 29.09 (9m) (b) of the statutes, as affected by 1997 Wisconsin Act 1, is renumbered 29.553 (2) and amended to read:

29.553 (2) If a person applies jointly for a hunter's choice deer hunting permit and a bonus deer hunting permit, the person shall pay a single processing fee. A person who applies for a bonus deer hunting permit is exempt from paying an additional processing fee if the person has already applied for a hunter's choice deer hunting permit for the same season. If the department authorizes the issuing of more than one bonus deer hunting permit to a person in a single season under s. ~~29.1075 29.181~~ (2) or (2m), the person is exempt from paying an additional processing fee for an application for the 2nd or subsequent bonus deer hunting permit.

SECTION 149. 29.09 (9m) (c) of the statutes, as created by 1997 Wisconsin Act 1, is renumbered 29.553 (3) and amended to read:

29.553 (3) The department may waive the processing fee for the approvals specified in ~~par. (a) 1., 1m. and 3. to 7. sub. (1) (a), (am) and (c) to (g)~~ for persons who apply for or are holders of resident conservation patron licenses and nonresident conservation patron licenses.

SECTION 150. 29.09 (9r) (title), (a) and (b) of the statutes are renumbered 29.556 (title), (1) and (2) and amended to read:

29.556 (title) Handling fees for applications for certain approvals fee. (1) In addition to any other fee imposed under s. ~~29.092 29.563~~, the department may collect a handling fees fee for the approvals that the department itself issues. ~~The handling fees shall cover the costs associated with paying for approvals that are requested by mail, telephone or electronic means.~~

(2) If the department collects a handling fees fee under ~~par. (a) sub. (1)~~, it shall promulgate rules to designate the approvals to which the ~~fees shall apply~~ fee applies and to establish the amounts of the ~~fees fee~~. The ~~fees fee~~ may not be more than the amounts necessary to cover the handling costs of issuing the approvals. In this paragraph, "handling costs" includes the costs associated with paying for approvals that are requested by mail, telephone or electronic means and includes credit transaction fees, mailing costs and personnel costs that are necessary to process the credit transaction.

SECTION 151. 29.09 (9r) (c) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.556 (3) and amended to read:

29.556 (3) Any fees collected under this ~~subsection~~ section shall be deposited in the conservation fund and

credited to the appropriation account under s. 20.370 (9) (hu).

SECTION 152. 29.09 (10) (title) of the statutes is renumbered 29.559 (title) and amended to read:

29.559 (title) **Issuing fee required.**

SECTION 153. 29.09 (10) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.559 (1) and amended to read:

29.559 (1) COLLECTION OF ISSUING FEE. Any person, including the department, who issues any license or stamp under this chapter shall collect, in addition to the statutory license or stamp fee, an issuing fee for each license and each stamp the person issued. A person appointed under ~~sub. (3r) s. 29.024 (6)~~ (a) 2. or 3. may retain the amounts specified in ~~par. (e) sub. (3)~~ to compensate for services in issuing the license or stamp.

SECTION 154. 29.09 (10) (am) of the statutes is renumbered 29.559 (1m) and amended to read:

29.559 (1m) COLLECTION OF ISSUING FEE FOR CERTAIN APPROVAL APPLICATIONS. A person authorized to distribute an application under ~~sub. (9m) s. 29.553~~ shall collect, in addition to the processing fee, an issuing fee for each application.

SECTION 155. 29.09 (10) (b) of the statutes is renumbered 29.559 (2).

SECTION 156. 29.09 (10) (c) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.559 (3) and amended to read:

29.559 (3) ISSUING AGENTS. A person appointed under ~~sub. (3r) s. 29.024 (6)~~ (a) 2. or 3. may retain 50 cents of each issuing fee for licenses and 15 cents of each issuing fee for stamps.

NOTE: Current statutes relating to authorizing processing fees, handling fees and issuing fees for hunting, fishing and other approvals are placed in the subchapter VII relating to fees and effective periods for approvals.

SECTION 157. 29.09 (12) (title) of the statutes is repealed.

SECTION 158. 29.09 (12) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.194 (1) and amended to read:

29.194 (1) CERTAIN RESIDENT LICENSES MAY BE ISSUED TO STUDENTS AND MEMBERS OF THE ARMED FORCES. Notwithstanding ~~sub. (1m) and s. 29.14 ss. 29.024 (2) and 29.228~~ (1) (a), the department shall issue a resident fishing license, resident small game hunting license or resident deer hunting license to a qualified student or qualified member of the armed forces applying for the license. A qualified student is a person who exhibits proof that he or she is a registered full-time undergraduate student in residence at a public or private college or university located in this state and offering a bachelor's degree or that he or she is a citizen of a foreign country temporarily residing in this state while attending a high school located in this state or an agricultural short course at the ~~university~~ University of Wisconsin ~~system~~ System. A qualified

member of the armed forces is a person who exhibits proof that he or she is in active service with the U.S. armed forces and that he or she is stationed in this state.

SECTION 159. 29.09 (12) (b) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.194 (2).

SECTION 160. 29.09 (12) (c) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.194 (3).

NOTE: The bill renumbers the current provisions relating to issuing certain hunting licenses to students and members of the armed forces.

SECTION 161. 29.09 (13) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.024 (10).

NOTE: This provision is placed in new s. 29.024, relating to the DNR's duties to develop and provide forms for approvals.

SECTION 162. 29.092 (title) and (1) to (3m) of the statutes, as affected by 1997 Wisconsin Acts 1 and 27, are repealed.

NOTE: Current s. 29.092, relating to fees for hunting, fishing and other approvals, is repealed except for a provision relating to holding fees in trust. New s. 29.563 contains the current fee schedule in a revised and simplified format that specifies, for each category or type of approval, the current fee, as affected by 1997 Wisconsin Acts 1 and 27.

SECTION 163. 29.092 (3r) (title) of the statutes is renumbered 29.564 (title).

SECTION 164. 29.092 (3r) (a) of the statutes is renumbered 29.564 (1) and amended to read:

29.564 (1) Any applicant for a fishing license under ~~sub. (3) (a) to (m) s. 29.563 (3) (a) to (c)~~ may, in addition to paying any fee charged for the license, elect to make a voluntary \$1 contribution to be used for lake research.

SECTION 165. 29.092 (3r) (b) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.564 (2) and amended to read:

29.564 (2) All moneys collected under ~~par. (a) sub. (1)~~ shall be deposited into the account under s. 20.370 (3) (is).

SECTION 166. 29.092 (3v) to (13m) and (14) (title), (a), (am) and (b) of the statutes, as affected by 1997 Wisconsin Acts 1 and 27, are repealed.

SECTION 167. 29.092 (14) (c) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.566 (1) and amended to read:

29.566 (1) (title) USE OF WILDLIFE DAMAGE SURCHARGE FEES. The wildlife damage surcharge shall be collected as are other approval fees and the surcharge fees shall be deposited in the conservation fund to be used for the wildlife damage abatement and claim program, for wildlife abatement and control grants under s. ~~29.595 29.887~~ and for removal activities by the department under s. ~~29.59 29.885~~.

SECTION 168. 29.092 (15) and (15m) of the statutes are repealed.

SECTION 169. 29.092 (16) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.566 (2) and amended to read:

29.566 (2) FEES HELD IN TRUST. All fees collected under this section for approvals issued under this chapter that are required to be remitted to the department shall be held in trust for the state. Any person who collects, possesses or manages fees for these approvals acts in a fiduciary capacity for the state.

SECTION 170. 29.093 (title) and (1) of the statutes are renumbered 29.569 (title) and (1) and amended to read:

29.569 (title) Fish and wildlife; effective Effective periods; restrictions. (1) SPECIFICATION OF EFFECTIVE PERIODS; RESTRICTIONS. Unless an approval issued under this chapter is suspended or revoked or unless another section of this chapter specifically provides otherwise, the approval is valid for the period or season specified under subs. (2) to (4) on the face of the approval or on an attachment to the approval. In addition to any other restriction under this chapter, no license may be issued if that issuance is restricted under sub. (2) or (3).

SECTION 171. 29.093 (2) (title) of the statutes is renumbered 29.569 (2) (title) and amended to read:

29.569 (2) (title) HUNTING LICENSES; PERMITS; STAMPS; CERTIFICATE.

SECTION 172. 29.093 (2) (a) of the statutes is repealed.

SECTION 173. 29.093 (2) (b) of the statutes is renumbered 29.569 (2) (a) and amended to read:

29.569 (2) (a) Archer hunting license; issuance after the beginning of the open season for hunting deer. Except as provided in par. (c) 2., a resident archer hunting license, a nonresident archer hunting license, a resident conservation patron license or a nonresident conservation patron license issued during the open season for the hunting of deer with a bow and arrow does not authorize such hunting until 3 days after it is issued, excluding the date of issuance.

SECTION 174. 29.093 (2) (c) to (f) 1. of the statutes, as affected by 1997 Wisconsin Acts 1 and 12, are repealed.

SECTION 175. 29.093 (2) (f) 2. of the statutes, as created by 1997 Wisconsin Act 12, is renumbered 29.591 (4) (ar) and amended to read:

29.591 (4) (ar) (title) *Period for hunting antlerless deer.* A certificate of accomplishment issued under s. 29.225 this section that the department has authorized to be used in place of a permit under s. 29.225(4) par. (am) is valid for the hunting of one antlerless deer during the deer hunting season immediately following the date of issuance of the certificate.

SECTION 176. 29.093 (2) (g) of the statutes is renumbered 29.569 (2) (b) and amended to read:

29.569 (2) (b) *Restriction on the issuance of deer hunting licenses during the open season.* Except as provided under par. (c) 1., no resident deer hunting li-

cense, nonresident deer hunting license, resident sports license, nonresident sports license, resident conservation patron license or nonresident conservation patron license may be issued during the open season for the hunting of deer with firearms.

SECTION 177. 29.093 (2) (i) of the statutes is renumbered 29.569 (2) (c), and 29.569 (2) (c) 1. and 2., as renumbered are amended to read:

29.569 (2) (c) 1. A resident deer hunting license may be issued before or after the opening of the season for hunting deer with firearms to a person who is a member of the U.S. armed forces who exhibits proof that he or she is in active service with the armed forces and that he or she is stationed in this state or is a resident of this state on furlough or leave.

2. A resident archer hunting license or a resident conservation patron license issued during the open season for hunting deer with a bow and arrow authorizes such hunting beginning on the date of issuance if issued to a person who is a member of the U.S. armed forces who exhibits proof that he or she is in active service with the armed forces and that he or she is stationed in this state or is a resident of this state on furlough or leave.

SECTION 178. 29.093 (3) (title) of the statutes is renumbered 29.569 (3) (title) and amended to read:

29.569 (3) (title) FISHING LICENSES AND AUTHORIZATIONS; STAMPS.

SECTION 179. 29.093 (3) (a) of the statutes is repealed.

SECTION 180. 29.093 (3) (b) of the statutes is renumbered 29.569 (3) (a).

SECTION 181. 29.093 (3) (c) to (g) of the statutes are repealed.

SECTION 182. 29.093 (3) (h) of the statutes is renumbered 29.569 (3) (b).

SECTION 183. 29.093 (4) to (7) of the statutes are repealed.

SECTION 184. 29.093 (8) of the statutes, as affected by 1997 Wisconsin Act 27, is repealed.

SECTION 185. 29.093 (8m) of the statutes, as created by 1997 Wisconsin Act 27, is repealed.

SECTION 186. 29.093 (9) to (11) of the statutes are repealed.

SECTION 187. 29.093 (12) and (13) of the statutes are renumbered 29.569 (4) and (5).

SECTION 188. 29.093 (14) of the statutes is repealed.

NOTE: Current statute provisions relating to effective periods for licenses, permits, stamps and other approvals are deleted by this bill. Provisions relating to effective dates for certain hunting licenses that authorize the hunting of deer, licenses for persons in military service, licenses for persons who attain legal hunting age during deer hunting seasons, senior citizen fishing licenses issued under s. 29.145 (1a), 1989 Stats., sturgeon spearing licenses, senior citizen recreation cards and duplicate approvals are retained in new s. 29.569, created by this bill.

SECTION 189. 29.095 (title) of the statutes is renumbered 29.624 (title).

SECTION 190. 29.095 (2) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.624 (1) and amended to read:

29.624 (1) A senior citizen recreation card entitles the holder to exercise all of the combined rights and privileges conferred by a resident small game hunting license, a wild turkey hunting license, a wild turkey hunting stamp and a resident fishing license, subject to all duties, conditions, limitations and restrictions ~~prescribed under this chapter and by department order of the licenses and stamp.~~ 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 (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.

SECTION 191. 29.095 (3), (5) and (5m) of the statutes are renumbered 29.624 (2), (3) and (4).

SECTION 192. 29.095 (6) of the statutes is repealed.

NOTE: The repealed subsection is a report regarding senior citizen recreation cards that the DNR was required to complete in 1992.

SECTION 193. 29.10 of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.161 and amended to read:

29.161 Resident small game hunting license. A resident small game hunting license shall be issued subject to s. ~~29.09 29.024~~ by the department to any resident applying for this license. The resident small game hunting license does not authorize the hunting of bear, deer or wild turkey.

SECTION 194. 29.101 of the statutes is renumbered 29.311 and amended to read:

29.311 (title) Lead-shotshell Shotshell restrictions. No person may hunt waterfowl or coots with any firearm utilizing lead shotshells or using any other shotshell classified by the federal government as toxic or harmful to wildlife or the environment.

SECTION 195. 29.102 (title) of the statutes is renumbered 29.191 (1) (title).

SECTION 196. 29.102 (1) (title) of the statutes is renumbered 29.191 (1) (a) (title).

SECTION 197. 29.102 (1) (a) (title) of the statutes is repealed.

SECTION 198. 29.102 (1) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.191 (1) (a) 1. and amended to read:

29.191 (1) (a) 1. Except as provided ~~under par. (e) in subd. 3.~~, no person may hunt waterfowl unless he or she is issued a conservation patron license or unless he or she is issued a waterfowl hunting stamp which, in the manner required by the rule promulgated under s. ~~29.09 (3m)~~

~~29.024 (5)~~ (a) 3., is attached to or imprinted on the person's hunting license which authorizes the hunting of small game or to the person's sports license.

SECTION 199. 29.102 (1) (b) (title) of the statutes is repealed.

SECTION 200. 29.102 (1) (b) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.191 (1) (a) 2. and amended to read:

29.191 (1) (a) 2. The waterfowl hunting stamp shall be issued by the department subject to s. ~~29.09 29.024~~.

SECTION 201. 29.102 (1) (c) (title) of the statutes is repealed.

SECTION 202. 29.102 (1) (c) of the statutes is renumbered 29.191 (1) (a) 3. and amended to read:

29.191 (1) (a) 3. Any person who is under 16 years of age is exempt from the requirements of this ~~subsection~~ paragraph. Any person who is exempt from the requirement to have a hunting license or who is not required to pay a fee for a hunting license is exempt from the requirements of ~~par. (a) subd. 1.~~

SECTION 203. 29.102 (2) of the statutes is renumbered 29.191 (1) (b).

SECTION 204. 29.1025 (title) of the statutes is renumbered 29.191 (2) (title) and amended to read:

29.191 (2) (title) PHEASANT HUNTING ~~STAMPS~~ STAMP

SECTION 205. 29.1025 (1) (title) of the statutes is renumbered 29.191 (2) (a) (title).

SECTION 206. 29.1025 (1) (a) of the statutes is renumbered 29.191 (2) (a) 1. and amended to read:

29.191 (2) (a) 1. Except as provided in ~~pars. (b) to (d) subs. 2. to 4.~~, no person may hunt pheasant unless he or she has a valid conservation patron license, or has a valid pheasant hunting stamp which, in the manner required by the rule promulgated under s. ~~29.09 (3m) 29.024 (5)~~ (a) 3., is attached to or imprinted on the person's hunting license which authorizes the hunting of small game or to the person's sports license.

SECTION 207. 29.1025 (1) (b) of the statutes is renumbered 29.191 (2) (a) 2. and amended to read:

29.191 (2) (a) 2. Any person who is exempt from the requirement to have a license authorizing the hunting of small game or who is not required to pay a fee for a license authorizing the hunting of small game is exempt from the requirements under ~~par. (a) subd. 1.~~

SECTION 208. 29.1025 (1) (c) of the statutes is renumbered 29.191 (2) (a) 3. and amended to read:

29.191 (2) (a) 3. Any person hunting pheasant under s. ~~29.123 29.195~~ or on premises licensed under s. ~~29.573 29.865~~ is exempt from the requirements under ~~par. (a) subd. 1.~~

SECTION 209. 29.1025 (1) (d) of the statutes is renumbered 29.191 (2) (a) 4. and amended to read:

29.191 (2) (a) 4. Any person hunting pheasant outside of a pheasant management zone, as established by

the department, is exempt from the requirements under par. (a) subd. 1.

SECTION 210. 29.1025 (2) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.191 (2) (b) and amended to read:

29.191 (2) (b) *Issuance.* The pheasant hunting stamp shall be issued by the department subject to s. ~~29.09~~ 29.024.

SECTION 211. 29.1025 (3) of the statutes is renumbered 29.191 (2) (c) and amended to read:

29.191 (2) (c) *Use of moneys from fees.* The fees collected under this section subsection shall be deposited in the conservation fund and credited to the appropriation under s. 20.370 (1) (hr).

SECTION 212. 29.103 (title) and (1) of the statutes are renumbered 29.164 (title) and (1), and 29.164 (title), as renumbered, is amended to read:

29.164 (title) Wild turkey hunting; license; stamp; zones approvals.

SECTION 213. 29.103 (2) (title), (am) and (ar) of the statutes are renumbered 29.164 (2) (title), (a) and (b), and 29.164 (2) (a) and (b), as renumbered, are amended to read:

29.164 (2) (a) *Department authority.* The department may regulate and limit the hunting of wild turkeys ~~under this section and under s. 29.174. If the department allows hunting of wild turkeys, the department shall regulate such hunting~~ by issuing licenses under this section.

(b) *Type of hunting authorized.* A license issued under this section authorizes hunting with a firearm or bow and arrow or with a crossbow if the holder of the license is a resident and has a permit issued under s. ~~29.09 (9)~~ 29.193 (2) (c) 1. or has a crossbow permit issued under s. ~~29.104 29.171~~ (4) (a).

SECTION 214. 29.103 (2) (b) (title) of the statutes is renumbered 29.164 (2) (c) (title).

SECTION 215. 29.103 (2) (b) 1. of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.164 (2) (c) 1. and amended to read:

29.164 (2) (c) 1. No person may hunt wild turkey unless he or she has a valid wild turkey hunting license and a valid wild turkey hunting stamp attached to or imprinted on the person's wild turkey hunting license in the manner required by the rule promulgated under s. ~~29.09 (3m) 29.024 (5)~~ (a) 3.

SECTION 216. 29.103 (2) (b) 2. of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.164 (2) (c) 2. and amended to read:

29.164 (2) (c) 2. If the department establishes a wild turkey hunting zone where wild turkey hunting is permitted ~~under sub. (6)~~, no person may hunt wild turkeys in that wild turkey hunting zone unless the person is ~~is-~~ issued has a wild turkey hunting license that is valid for that zone and that has a valid wild turkey hunting stamp attached or imprinted in the manner required by the rule promulgated under s. ~~29.09 (3m) 29.024 (5)~~ (a) 3.

SECTION 217. 29.103 (2) (c) of the statutes is renumbered 29.164 (2) (d) and amended to read:

29.164 (2) (d) *Exception.* Any person holding a senior citizen recreation card or a conservation patron license is exempt from the requirements under par. ~~(b)~~ (c) if the person has received a notice of approval under sub. ~~(4)~~ (3) (e) and the person is exempt from paying the fee for the wild turkey hunting license.

SECTION 218. 29.103 (4) (title) and (a) of the statutes, as affected by 1997 Wisconsin Act 27, are renumbered 29.164 (3) (title) and (a).

SECTION 219. 29.103 (4) (b) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.164 (3) (b).

SECTION 220. 29.103 (4) (c) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.164 (3) (c).

SECTION 221. 29.103 (4) (cg) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.164 (3) (cg).

SECTION 222. 29.103 (4) (cm) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.164 (3) (cm).

SECTION 223. 29.103 (4) (cr) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 29.164 (3) (cr).

SECTION 224. 29.103 (4) (d) of the statutes is renumbered 29.164 (3) (d).

SECTION 225. 29.103 (4) (e) of the statutes is renumbered 29.164 (3) (e).

SECTION 226. 29.103 (5) (title) of the statutes is renumbered 29.164 (4) (title).

SECTION 227. 29.103 (5) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.164 (4) (a) and amended to read:

29.164 (4) (a) *Issuance.* The wild turkey hunting stamp shall be issued by the department subject to s. ~~29.09 29.024.~~

SECTION 228. 29.103 (5) (b) of the statutes is renumbered 29.164 (4) (b) and amended to read:

29.164 (4) (b) *Tags.* The department may ~~provide re-~~ quire that tags ~~to~~ be issued with a wild turkey hunting stamp stamps.

SECTION 229. 29.103 (6) of the statutes is repealed.

NOTE: Current s. 29.103 (6) provides:

"29.103 (6) WILD TURKEY HUNTING ZONES. The department may establish by rule wild turkey hunting zones where turkey hunting is permitted. The department may establish by rule closed zones where wild turkey hunting is prohibited."

The requirement relating to establishment by rule of hunting zones where turkey hunting is prohibited and where it is closed is unnecessary since general authority is provided to the department by subch. II to establish open and closed hunting seasons and areas.

SECTION 230. 29.103 (7) of the statutes is renumbered 29.164 (5) and amended to read:

29.164 (5) *USE OF MONEYS FROM FEES.* The fees collected from the sale of wild turkey hunting stamps ~~under~~

this section shall be deposited in the conservation fund and credited to the appropriation account under s. 20.370 (1) (ht).

SECTION 231. 29.104 (title) of the statutes is renumbered 29.171 (title).

SECTION 232. 29.104 (1) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.171 (1) and amended to read:

29.171 (1) A resident archer hunting license shall be issued subject to s. ~~29.09~~ 29.024 by the department to any resident applying for this license.

SECTION 233. 29.104 (2) of the statutes is renumbered 29.171 (2) and amended to read:

29.171 (2) A resident archer hunting license authorizes the hunting of all game, except bear and wild turkey, during the open seasons for hunting that game with bow and arrow established by the department. This license authorizes hunting with a bow and arrow only, unless hunting with a crossbow is authorized by a permit issued under s. ~~29.09 (9)~~ 29.193 (2) (c) 1. or under sub. (4).

SECTION 234. 29.104 (3) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.171 (3) and amended to read:

29.171 (3) The department shall issue to each person who is issued a resident archer hunting license a deer tag and a back tag ~~in the form and numbered as required by the department.~~

SECTION 235. 29.104 (4) of the statutes is renumbered 29.171 (4), and 29.171 (4) (b) (intro.), as renumbered, is amended to read:

29.171 (4) (b) (intro.) Crossbows used in hunting with a permit under s. ~~29.09 (9)~~ 29.193 (2) (c) 1. or under this subsection shall meet all of the following specifications:

SECTION 236. 29.105 (title) of the statutes is renumbered 29.173 (title).

SECTION 237. 29.105 (1) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.173 (1) and amended to read:

29.173 (1) **ISSUANCE.** A resident deer hunting license shall be issued subject to s. ~~29.09~~ 29.024 by the department to any resident applying for this license.

SECTION 238. 29.105 (2) of the statutes is renumbered 29.173 (2).

SECTION 239. 29.105 (3) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.173 (3) and amended to read:

29.173 (3) **DEER TAG AND BACK TAG.** The department shall issue to each person who is issued a resident deer hunting license a deer tag and a back tag ~~in the form and numbered as required by the department.~~

SECTION 240. 29.106 of the statutes is renumbered 29.079, and 29.079 (title), (1) and (2), as renumbered, are amended to read:

29.079 (title) Deer hunting by practitioners of Winnebago Ho-Chunk religion. (1) Persons who are

enrolled members of the Winnebago Indian tribe ~~Ho-Chunk nation~~ and residents of this state and who practice the traditional Winnebago religion of the Ho-Chunk people may hunt deer during daylight hours for the members' use in religious ceremonies without obtaining licenses under this chapter. Each hunting party shall be designated by the respective clan. Each clan leader shall obtain permission for deer hunting under this section from the department not less than 24 hours prior to each hunt.

(2) The department shall promulgate rules necessary to control the conditions and location under which hunting under this section may take place. The department may deny permission for hunting under this section when it determines that such a denial is necessary to effectively manage the deer population. The number of deer taken ~~by all of the Winnebago clans for religious purposes under sub. (1)~~ during any calendar year shall be established by the department, by rule, when necessary to effectively manage the deer population. Hunting privileges under this section may not be exercised during the regular open season for deer.

SECTION 241. 29.107 (title), (1), (2), (3) and (3m) of the statutes are renumbered 29.177 (title), (1), (2), (3) and (3m), and 29.177 (3) and (3m), as renumbered, are amended to read:

29.177 (3) **FINDINGS.** The department may issue permits authorized under this section and s. ~~29.1075~~ 29.181 only in those years in which the department finds that the size or characteristics of the deer population of this state require additional or special types of deer to be taken for proper game management.

(3m) **DEER MANAGEMENT RULES.** For the purposes of permits issued under this section and s. ~~29.1075~~ 29.181, the department shall specify by rule the type and number of deer which may be taken, the deer management areas where these permits are valid, the number of permits to be issued and other restrictions and conditions concerning these permits.

SECTION 242. 29.107 (4) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.177 (4) and amended to read:

29.177 (4) **CUMULATIVE PREFERENCE SYSTEM.** If the number of qualified applicants for a type of special deer hunting permit in a deer management area exceeds the number of such available special permits, the department shall issue those special permits for that deer management area according to the cumulative preference system ~~established under sub. (5).~~

SECTION 243. 29.107 (5) (title) and (a) of the statutes are renumbered 29.177 (5) (title) and (a), and 29.177 (5) (a), as renumbered, is amended to read:

29.177 (5) (a) *First preference.* The department shall create a first preference category in issuing special deer hunting permits to for applicants who are qualified landowners, but not more than 30% of the available special

permits for a deer management area for one season may be issued under this preference category.

SECTION 244. 29.107 (5) (b) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.177 (5) (b) and amended to read:

29.177 (5) (b) *Second preference.* The department shall create a 2nd preference category in issuing special deer hunting permits to for resident applicants who applied for but were not issued special permits for a given deer management area for the previous season. Within this preference category, the department shall give a preference point to each applicant for each previous season in which the person applied for but was not issued a special permit for that deer management area. The department shall create subcategories for each point total and place each applicant in the applicable subcategory. The department shall rank the subcategories according to the number of points received, giving higher priority to those subcategories with more points than those with fewer points. Applicants who fail to apply at least once during any 3 consecutive years shall lose all previously accumulated preference points.

SECTION 245. 29.107 (5) (c) of the statutes is renumbered 29.177 (5) (c) and amended to read:

29.177 (5) (c) *Third preference.* The department shall create a 3rd preference category in issuing special deer hunting permits for those persons who are not eligible under the 1st or 2nd preference categories.

SECTION 246. 29.107 (5) (d) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 29.177 (5) (d).

SECTION 247. 29.107 (6) of the statutes is renumbered 29.177 (6).

SECTION 248. 29.1075 (title) of the statutes is renumbered 29.181 (title).

SECTION 249. 29.1075 (1b) of the statutes, as created by 1997 Wisconsin Act 1, is renumbered 29.181 (1b).

SECTION 250. 29.1075 (1m) of the statutes, as affected by 1997 Wisconsin Act 1, is renumbered 29.181 (1m) and amended to read:

29.181 (1m) **ISSUANCE.** Subject to s. ~~29.107~~ 29.177 (3) and (3m), the department may issue a bonus deer hunting permit to a person who has a hunting license that authorizes the hunting of deer and who applies for the bonus deer hunting permit.

SECTION 251. 29.1075 (2) of the statutes is renumbered 29.181 (2).

SECTION 252. 29.1075 (2m) (intro.) and (a) of the statutes, as created by 1997 Wisconsin Act 1, are renumbered 29.181 (2m) (intro.) and (a).

SECTION 253. 29.1075 (2m) (b) of the statutes, as created by 1997 Wisconsin Act 1, is renumbered 29.181 (2m) (b) and amended to read:

29.181 (2m) (b) The resident has been issued one bonus deer hunting permit for that season and for that deer management area for which the resident has paid the fee specified under s. ~~29.092 (2) (ku)~~ 29.563 (2) (c) 1.

SECTION 254. 29.1075 (3) of the statutes is renumbered 29.181 (3) and amended to read:

29.181 (3) **USE OF FEES.** The fees received from issuing permits under this section shall be ~~deposited into the conservation fund and~~ credited to the appropriation under s. 20.370 (5) (fq).

SECTION 255. 29.1085 (title) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.184 (title).

SECTION 256. 29.1085 (1b) of the statutes, as created by 1997 Wisconsin Act 1, is renumbered 29.184 (1) and amended to read:

29.184 (1) **DEFINITION.** Notwithstanding s. ~~29.01 (8) 29.001 (42)~~, in this section "hunt bear" means to shoot, shoot at, take, catch or kill a bear or pursue, with or without the use of dogs, a bear for the purpose of shooting, shooting at, taking, catching or killing the bear.

SECTION 257. 29.1085 (1m) of the statutes, as affected by 1997 Wisconsin Act 1, is renumbered 29.184 (2).

SECTION 258. 29.1085 (2) of the statutes, as affected by 1997 Wisconsin Act 1, is renumbered 29.184 (3), and 29.184 (3) (a) (intro.), as renumbered, is amended to read:

29.184 (3) (a) *Prohibition.* (intro.) Except as authorized under a Class A bear license or a Class B bear license and under sub. ~~(2m) (5)~~, no person may do any of the following:

SECTION 259. 29.1085 (2g) of the statutes, as created by 1997 Wisconsin Act 1, is renumbered 29.184 (4) and amended to read:

29.184 (4) **USE OF DOGS.** While a person is using a dog to hunt bear or to engage in any of the activities specified in sub. ~~(2) (3)~~ (br) 1. to 3., the person shall keep on his or her person any tag required for the dog under s. 95.21 (2) (f), 174.053 (2) or 174.07 (1) (e).

SECTION 260. 29.1085 (2m) of the statutes, as created by 1997 Wisconsin Act 1, is renumbered 29.184 (5) and amended to read:

29.184 (5) **EXEMPTION.** A person under the age of 12 years may engage in the activities authorized under sub. ~~(2) (3)~~ (br) 1. to 3. without holding a Class B bear license.

SECTION 261. 29.1085 (3) (title) of the statutes is renumbered 29.184 (6) (title).

SECTION 262. 29.1085 (3) (a) of the statutes, as affected by 1997 Wisconsin Act 1, is renumbered 29.184 (6) (a) and amended to read:

29.184 (6) (a) *Application.* A person who seeks a Class A or Class B bear hunting license shall apply to the department ~~on forms provided by the department. The department may specify information to be included in the application and other requirements and procedures for application.~~

SECTION 263. 29.1085 (3) (b) of the statutes, as affected by 1997 Wisconsin Acts 1 and 27, is renumbered 29.184 (6) (b).

SECTION 264. 29.1085 (3) (c) (title) of the statutes is renumbered 29.184 (6) (c) (title).

SECTION 265. 29.1085 (3) (c) 1. of the statutes, as affected by 1997 Wisconsin Act 1, is renumbered 29.184 (6) (c) 1.

SECTION 266. 29.1085 (3) (c) 2. of the statutes, as affected by 1997 Wisconsin Acts 1 and 27, is renumbered 29.184 (6) (c) 2. and amended to read:

29.184 (6) (c) 2. A Class B bear license shall be issued subject to s. ~~29.09~~ 29.024 by the department to any resident who applies for this license ~~and who pays the required fee.~~

SECTION 267. 29.1085 (4) and (5) of the statutes, as affected by 1997 Wisconsin Act 1, are renumbered 29.184 (7) and (8).

SECTION 268. 29.1085 (5g) of the statutes, as created by 1997 Wisconsin Act 1, is renumbered 29.184 (9) and amended to read:

29.184 (9) **BACK TAG.** (a) The department shall issue a back tag to each person who is issued a Class A bear license, and the department or county clerk shall issue a back tag to each person who is issued a Class B bear license. ~~The back tag shall be in the form and numbered as required by the department.~~

(b) No person may hunt bear or engage in the activity specified in sub. ~~(2)~~ (3) (br) 1. or 3. unless there is attached to the center of the person's coat, shirt, jacket or similar outermost garment where it can clearly be seen the back tag issued to the person under par. (a).

SECTION 269. 29.1085 (6) of the statutes is repealed.

NOTE: Current s. 29.1085 (6) provides:

"29.1085 (6) **RULES.** The department may promulgate rules to administer and interpret this section."

The provision is repealed since it duplicates the rule-making authority in new subch. II.

SECTION 270. 29.11 of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.204 and amended to read:

29.204 Nonresident annual small game hunting license. A nonresident annual small game hunting license shall be issued subject to s. ~~29.09~~ 29.024 by the department to any nonresident applying for this license. The nonresident annual small game hunting license authorizes the hunting of small game during the appropriate open season but does not authorize the hunting of deer, bear, wild turkey or fur-bearing animals.

SECTION 271. 29.112 of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.207 and amended to read:

29.207 Nonresident 5-day small game hunting license. A nonresident 5-day small game hunting license shall be issued subject to s. ~~29.09~~ 29.024 by the department to any nonresident applying for this license. The nonresident 5-day small game hunting license authorizes the hunting of small game for which there is an open season during the 5-day period for which it is issued but does

not authorize the hunting of deer, bear, wild turkey or fur-bearing animals.

SECTION 272. 29.113 (title) of the statutes is renumbered 29.211 (title).

SECTION 273. 29.113 (1) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.211 (1) and amended to read:

29.211 (1) **ISSUANCE.** A nonresident deer hunting license shall be issued subject to s. ~~29.09~~ 29.024 by the department to any nonresident applying for this license.

SECTION 274. 29.113 (2) of the statutes is renumbered 29.211 (2).

SECTION 275. 29.113 (3) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.211 (3) and amended to read:

29.211 (3) **DEER TAG AND BACK TAG.** The department shall issue to each person who is issued a nonresident deer hunting license a deer tag and a back tag ~~in the form and numbered as required by the department.~~

SECTION 276. 29.116 of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.213 and amended to read:

29.213 Nonresident fur-bearing animal hunting license. A nonresident fur-bearing animal hunting license shall be issued subject to s. ~~29.09~~ 29.024 by the department to any nonresident applying for this license. The nonresident fur-bearing animal hunting license authorizes the hunting of skunk, raccoon, fox, weasel, opossum, coyote, ~~bobcat~~ and ~~wildcat~~ cougar during the appropriate open season but does not authorize the hunting of other fur-bearing animals, other small game, deer or bear.

SECTION 277. 29.117 (title) of the statutes is renumbered 29.216 (title).

SECTION 278. 29.117 (1) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.216 (1) and amended to read:

29.216 (1) **ISSUANCE.** A nonresident archer hunting license shall be issued subject to s. ~~29.09~~ 29.024 by the department to any nonresident applying for this license.

SECTION 279. 29.117 (2) of the statutes is renumbered 29.216 (2).

SECTION 280. 29.117 (3) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.216 (3) and amended to read:

29.216 (3) **DEER TAG AND BACK TAG.** The department shall issue to each person who is issued a nonresident archer hunting license a deer tag and a back tag ~~in the form and numbered as required by the department.~~

SECTION 281. 29.123 of the statutes is renumbered 29.195.

SECTION 282. 29.125 of the statutes is renumbered 29.059 and amended to read:

29.059 Reports of hunters. Each person to whom a hunting or trapping license has been issued under this chapter shall, when requested to do so upon request by the department, report to the department, on forms furnished by it, the number of the person's license, the number and kind of each animal taken by the licensee and such other information as ~~that~~ the department requires.

SECTION 283. 29.13 (title) of the statutes is renumbered 29.331 (title) and amended to read:

29.331 (title) Trapping licenses regulation.

SECTION 284. 29.13 (1) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.241 (1) and amended to read:

29.241 (1) **ISSUANCE.** A trapping license shall be issued subject to s. ~~29.09 29.024~~ by the department to any resident applying for this license.

SECTION 285. 29.13 (1) (b) and (c) of the statutes are renumbered 29.241 (3) and (4).

SECTION 286. 29.13 (1) (d) of the statutes is renumbered 29.331 (1) and amended to read:

29.331 (1) **TAGS.** Each trap used under a trapping license shall be tagged with a metal tag stamped with the name and address of the owner. All untagged traps shall be seized and confiscated, and the owner or person using or attending the untagged traps shall be punished as provided under s. ~~29.99 29.971~~ (4) and (12).

SECTION 287. 29.13 (2) to (5) of the statutes are renumbered 29.331 (2) to (5), and 29.331 (3) and (3m), as renumbered, are amended to read:

29.331 (3) (title) **REPORT.** On or before June ~~first~~ of each year, ~~such 1 annually, the~~ licensee shall report to the department, by affidavit, on blanks furnished by the department, the number of the licensee's license, the number and value of each variety of animals taken during the previous 12 months ending May ~~first 1~~, and such other information as ~~may be~~ required on the blanks furnished.

(3m) (title) **USE OF FEES.** From the moneys received from the sale of trapping licenses issued under this section, the department shall calculate credit an amount equal to \$2 times the number of trapping licenses issued and shall credit this amount to the appropriation under s. 20.370 (1) (Lq).

SECTION 288. 29.134 (title) and (1) to (8) of the statutes are renumbered 29.501 (title) and (1) to (8), and 29.501 (1) (intro.) and (b), (2), (6) and (6m) to (8), as renumbered, are amended to read:

29.501 (1) (intro.) ~~For the purpose of carrying out~~ In this section the following definitions for the expressions used are:

(b) "Fur auctioneer" means a person duly licensed to sell furs of wild-fur-bearing animals of this or other states or foreign countries. ~~The department or its representatives may sell confiscated or other furs in its possession by auction or otherwise.~~

(2) No person shall may engage in the business of buying, bartering, bargaining, trading or otherwise ob-

taining raw furs until ~~they shall have first secured~~ he or she has a license ~~therefor~~ issued under this section.

(6) Each resident fur dealer, Class A; resident fur dealer, Class B; fur dresser or dyer; itinerant fur dealer or fur auctioneer license shall bear upon its face the date of issuance. The license shall be shown to the department ~~or its wardens~~ upon request.

(6m) (a) Every person licensed under this section shall keep a ~~correct and complete book record in the English language~~ records of all transactions in the buying, selling, dressing, dyeing or tanning of raw furs ~~carried on~~ by the person. This record shall show the name and ~~post-office~~ address of each person from whom furs were purchased and to whom sold, together with the date of receipt and shipment, and a detailed account as to the number and kinds of raw furs in each shipment received or sold. This record shall be open to the inspection of the department ~~and its agents and wardens~~ at all reasonable hours. The records shall be kept intact for a period of 2 years after the expiration of any license issued under this section, as to all transactions carried on while ~~such the~~ license was effective.

(b) Not less than 10 days before conducting a fur auction, the fur auctioneer shall file with the department evidence of national advertising showing the date and place of ~~such the~~ auction.

(c) Within 10 days after conducting any fur auction, the fur auctioneer shall file with the department on forms furnished by it a report of ~~such the~~ auction containing the date and place of the auction, the names and addresses of all persons buying furs taken from wild fur-bearing animals, the quantities and kinds of ~~such~~ furs bought, and the amounts paid for ~~such the~~ furs by each buyer.

(7) All packages of raw furs shipped or transported by any person shall have plainly marked on the outside of the package or shipment the kinds and number of furs ~~therein in the package or shipment~~, the license number, and the name of the consignor and the consignee.

(8) No person on the person's own behalf or as an agent for a any person, firm or corporation, express company or other common carrier, shall at any time or in any ~~manner may~~ receive for shipment or cause to be received for shipment out of or in the state, any package of fur or furs unless the ~~same is~~ contents are plainly marked on the outside of the package as to the number and kinds of fur contained ~~therein in the package~~, the license number, and the address of the consignor and consignee.

SECTION 289. 29.134 (9) of the statutes is repealed.

SECTION 290. 29.134 (10) and (11) of the statutes are renumbered 29.501 (9) and (10), and 29.501 (9), as renumbered, is amended to read:

29.501 (9) Nothing in this section shall prohibit persons prohibits any person from buying raw or dressed furs for the purpose of making ~~themselves~~ garments or robes of any kind for himself or herself or a member of his or her family, but ~~such persons shall~~ the person shall

apply to the department or its wardens for permits a permit to buy such the fish.

SECTION 291. 29.135 (title) and (1) of the statutes are renumbered 29.503 (title) and (1), and 29.503 (1) (intro.), (c), (d) and (e), as renumbered, are amended to read:

29.503 (1) DEFINITIONS. (intro.) ~~As used in In~~ this section, unless the content otherwise requires:

(c) ~~A "producer~~ **"Producer** of fish" means any person who fishes with or without a crew. ~~No producer who holds a commercial fishing license or contract pursuant to this chapter shall be required to obtain a license to sell the fish he or she produces.~~

(d) **"Seafood"** means ~~those types of~~ food sold fresh or frozen and commonly known as oysters, shrimp, lobsters, lobster tails, crabs, scallops, clams and other types of shell fish which are or can be lawfully taken for commercial purposes, but not any canned fish or ~~such~~ fish known as lutefisk.

(e) **"Wholesale fish dealer"** means any person who buys, barter, sells or solicits fish in any manner for himself or herself or any other person for sale to anyone other than a consumer; but no established retail store or locker plant is ~~deemed~~ a "wholesale fish dealer" solely as the result of the sale of fish to a restaurant, hotel or tavern at no reduction in the retail price charged other retail customers. A producer of fish, except as otherwise hereinafter provided, who sells fish directly to retailers is a wholesale fish dealer. Hotels, meat markets, grocery stores, restaurants and taverns are retailers, except when they sell fish for resale, in which case they are wholesale fish dealers.

SECTION 292. 29.135 (2) (title) of the statutes is renumbered 29.503 (2) (title) and amended to read:

29.503 (2) (title) LICENSE REQUIRED: EXEMPTION.

SECTION 293. 29.135 (2) of the statutes is renumbered 29.503 (2) (a) and amended to read:

29.503 (2) (a) No person shall may engage in business as a wholesale fish dealer ~~until a~~ unless he or she is issued a wholesale fish dealer license ~~therefor has been obtained from by~~ the department ~~issued pursuant to this section and s. 29.09.~~

SECTION 294. 29.135 (3) of the statutes is repealed.

SECTION 295. 29.135 (4) to (7) of the statutes are renumbered 29.503 (3) to (6), and 29.503 (4) (b) and (d), (5) (a) and (6), as renumbered, are amended to read:

29.503 (4) (b) *Special tagging requirements for lake trout.* Effective July 1, 1986, ~~no~~ **No** wholesale fish dealer or producer of fish may sell, buy, barter, trade, possess, control or transport any lake trout unless the lake trout is tagged with a valid, current commercial fish tag issued or authorized by the department or by a governmental agency of another state or country. If a licensed wholesale fish dealer gives the department at least 12 ~~hours~~ hours' notice of the date, time and location of arrival at the state line of lawfully possessed, untagged lake trout which are intended for importation into this state by the licensed wholesale fish dealer, the department or its rep-

resentatives shall meet the shipment of lake trout and attach a "foreign lake trout tag" to each fish or seal the shipment with a department seal which may not be removed prior to delivery to the licensed wholesale fish dealer. The department or its representative shall tag the lake trout in a timely and orderly manner, and so as not to create any damage or spoilage to the fish. The tag shall be attached through the gills and mouth of whole lake trout, or in a manner which results in 2 complete fillets joined by the tag. For tagging of other forms of lake trout, the department shall promulgate rules to determine the manner in which the tag shall be attached to or accompany the trout, and the conditions, if any, under which the tag may be separated from the trout.

(d) *Package labeling requirements.* No wholesale fish dealer or producer of fish may transport or cause to be transported, or deliver or receive for transportation, any package or box containing any fish unless it is labeled legibly in a manner which discloses the name, address and license number of the consignor which shall be identical to that on the license; the name and address of the consignee; and each kind of fish contained in the package or box. If ~~such the~~ shipment of fish is accompanied by an invoice containing the ~~complete~~ name, address and license number of the consignor, which shall be identical to that on the license; the ~~complete~~ name, address and license number, if any, of the consignee; the date of shipment from the consignor; the kinds of fish, the pounds of each kind and the description of the fish being shipped; and the signature of the person completing the invoice, the kinds of fish contained may be omitted from the package or box labels. Producers shall only be required to label or provide invoices for packages or boxes of fish being transported by ~~motor vehicle~~ or boat for purposes of sale. This paragraph does not apply to a producer of fish on the Mississippi ~~river~~ River.

(5) (a) *Records.* Each wholesale fish dealer shall keep a ~~complete, legible and accurate record~~ records of all fish purchased or obtained in his or her capacity as a wholesale fish dealer, in the manner required and on forms provided by the department. The record shall include the ~~complete~~ name, address and fish dealer license number of the purchaser; the ~~complete~~ name, address and wholesale fish dealer or commercial fishing license number of the person from whom the fish were purchased or obtained; the date of the transaction; the kinds of fish, the pounds of each kind and the description of the fish purchased or obtained; and the signature of the person completing the record.

(6) INSPECTIONS. (a) *Subjects of inspection.* Fish stored or in the possession of a wholesale fish dealer, records and reports of a wholesale fish dealer and buildings, structures, ~~vessels,~~ vehicles, boats, equipment and materials related to a wholesale fish dealer's business are subject to inspection by the department as provided in this subsection.

(b) *Inspection authority; entry; inspection.* For the purpose of enforcing this subsection, a ~~conservation~~ warden or a representative of the department, upon presentation of his or her credentials to a wholesale fish dealer, a person operating a vehicle or boat for a wholesale fish dealer or an employe or person acting on behalf of a wholesale fish dealer, is authorized during any time when business is being conducted on the premises:

1. To enter any building or structure, except a dwelling place, where fish are stored, processed, packed or held, where a wholesale fish dealer's records or reports are kept, where vehicles, boats, equipment or materials used in a wholesale fish dealer's business are located or where activities related to a wholesale fish dealer's business are conducted and to enter any vehicle or boat used to transport or hold fish.

2. To inspect fish stored or in the possession of a wholesale fish dealer, records or reports of a wholesale fish dealer and buildings, structures, ~~vessels~~, vehicles, boats, equipment and materials related to a wholesale fish dealer's business.

(c) *Failure to permit inspection.* No wholesale fish dealer, operator of a vehicle or boat for a wholesale fish dealer or employe or person acting on behalf of a wholesale fish dealer may prohibit entry or prohibit an inspection to be conducted as authorized under this subsection unless a court restrains or enjoins the entry or inspection.

SECTION 296. 29.135 (8) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 29.503 (7).

SECTION 297. 29.136 (title) of the statutes is renumbered 29.506 (title).

SECTION 298. 29.136 (1) to (7) of the statutes are renumbered 29.506 (1) to (7), and 29.506 (2) to (4) and (7) (a) (intro.) and (b), as renumbered, are amended to read:

29.506 (2) PERMIT REQUIREMENTS. No person may engage in business as a taxidermist ~~after August 31, 1986,~~ unless he or she is issued a taxidermist permit subject to s. ~~29.09~~ 29.024 by the department. This subsection does not apply to agents or employes of taxidermists while working under the direct supervision of a taxidermist permit holder.

(3) (title) PERMITS; PREREQUISITES. The department shall may not issue a taxidermist permit to any person unless that person has a seller's permit issued by the department of revenue and the number of the seller's permit is reported on the application form.

(4) AUTHORIZATION. Subject to this section ~~and rules promulgated under this section,~~ a taxidermist permit authorizes the permit holder to possess and transport wild animals or carcasses in connection with his or her business. This authority supersedes, to the extent permitted under this section, restrictions on the possession and transportation of wild animals and carcasses ~~regardless of bag limits, rest days, closed seasons and similar restrictions, notwithstanding s. 29.174 and rules promulgated by the department under that section.~~ Subject to this sec-

~~tion and rules promulgated under this section, a established under this chapter.~~ A taxidermist permit entitles the permit holder to the same privileges as a Class A fur dealer's license.

(7) (a) *Departmental authority; limitations.* (intro.) A ~~conservation~~ warden may enter a taxidermist's place of business for inspection purposes as provided under par. (b) only:

(b) *Items subject to inspection.* All records required under subs. (5) (b) and (6) or related to the taxidermist's business are subject to departmental inspection as provided under par. (a). A taxidermist or an employe or agent of the taxidermist shall cooperate with and exhibit items subject to inspection to a ~~conservation~~ warden or any other agent of the department.

SECTION 299. 29.136 (7m) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.506 (7m).

SECTION 300. 29.136 (8) of the statutes is renumbered 29.506 (8), and 29.506 (8) (intro.), as renumbered, is amended to read:

29.506 (8) PENALTIES. (intro.) Any person who violates this section ~~or any rules promulgated under this section~~ is subject to the following penalties:

SECTION 301. 29.137 (title) and (1) of the statutes are renumbered 29.509 (title) and (2), and 29.509 (2), as renumbered, is amended to read:

29.509 (2) A bait dealer license may be issued by the department to any resident ~~of this state who has complied with the department's rules governing the taking, handling and storing of bait, specifications of equipment, and the filing of reports.~~

SECTION 302. 29.137 (2) of the statutes is renumbered 29.509 (1), and 29.509 (1) (intro.), as renumbered, is amended to read:

29.509 (1) (intro.) ~~As used in~~ In this section, unless the context requires otherwise:

SECTION 303. 29.137 (3) of the statutes is renumbered 29.509 (3) and amended to read:

29.509 (3) No person shall may engage in the business of bait dealer ~~without obtaining a~~ unless the person is issued a bait dealer license ~~therefor from by~~ the department ~~issued pursuant to this section,~~ except that resident ~~children~~ a child under 16 years of age, ~~without license or permit,~~ who is a resident may barter or sell bait to consumers ~~without a license or permit~~ and shall be allowed to have a possession limit of 5,000 of each species of bait, but ~~no such resident~~ the child shall may not make bait sales totaling more than \$500 annually.

SECTION 304. 29.137 (5) of the statutes is repealed.

SECTION 305. 29.137 (5m) and (7) of the statutes are renumbered 29.509 (4) and (5) and amended to read:

29.509 (4) Each licensee shall keep ~~a correct and complete book record in the English language~~ records as required by the department of all transactions in the production, buying and selling of bait carried on by the licensee, except that retail sales to consumers need not be

recorded. This record shall show the name and post-office address of the person from whom bait was purchased and to whom it was sold, together with the date of each transaction and the value of such the bait. This record shall be open to the inspection of the department and its wardens at all reasonable hours. The record shall be kept intact for a period of 2 years after the expiration of any license issued under this section, as to all transactions carried on while such the license was effective.

(5) The department may issue permits for the taking of bait from specified waters and restrict the number of permits that may be issued for any designated body of water. ~~Such~~ The permits shall be issued in the order of application up to the limit established by the department.

SECTION 306. 29.137 (8) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.509 (6).

SECTION 307. 29.137 (9) of the statutes is renumbered 29.509 (7).

SECTION 308. 29.138 of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 29.229, and 29.229 (3) (a) and (c), (4) (f) and (5), as renumbered, are amended to read:

29.229 (3) (a) For any approval issued under this section, the band shall collect the same amount that would be collected for the equivalent approval under s. ~~29.092 29.563~~, including the issuing fee under s. ~~29.092 (15) 29.563 (14) (c)~~. The band shall retain all of the fees collected under this paragraph.

(c) For any approval issued under this section, the period of validity shall be the same as it would be for the equivalent approval under s. ~~29.093 29.569~~.

(4) (f) Sections ~~29.09 (2), (3) (b), (3m) (b), (4), (8) and (10) (b) and (c) and 29.092 (3r) 29.024 (3), (4) (b), (5) (b), (7), (8) and (9), 29.559 (2) and (3) and 29.564~~ do not apply to any approval that may be issued under this section.

(5) **RESTRICTIONS ON APPROVALS.** A person who is fishing under the authority of an approval issued under this section shall be subject to the same conditions, limitations and ~~restriction~~ restrictions as are imposed on the equivalent approval issued under s. ~~29.14, 29.145, 29.146, 29.147 or 29.149 ss. 29.191 (4), 29.219, 29.228 and 29.231~~, including bag limits, size limits, rest days and closed seasons.

SECTION 309. 29.139 of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 29.2295, and 29.2295 (2) (intro.), as renumbered, is amended to read:

29.2295 (2) **AUTHORIZATION.** (intro.) The band may elect to issue one or more of the following types of approvals, subject to s. ~~29.09 29.024~~, as an agent of the department:

SECTION 310. 29.14 (title) and (1) (title) of the statutes are renumbered 29.228 (title) and (1) (title).

SECTION 311. 29.14 (1) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.228 (1) (a) and amended to read:

29.228 (1) (a) *Requirement.* Except as ~~provided under pars. (b) and (c) or s. 29.155 (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~~ under this chapter, no nonresident may fish in the waters of this state unless the person has a valid nonresident fishing license is issued to the person subject to s. ~~29.09 by the department.~~

SECTION 312. 29.14 (1) (b) and (c) of the statutes are renumbered 29.228 (1) (b) and (c).

SECTION 313. 29.14 (2) to (6) of the statutes, as affected by 1997 Wisconsin Act 27, are renumbered 29.228 (2) to (6) and amended to read:

29.228 (2) (title) ~~NONRESIDENT ANNUAL~~ ANNUAL FISHING LICENSE. The department shall issue a nonresident annual fishing license, subject to s. ~~29.09 29.024~~, to any nonresident who applies for this license.

(3) (title) ~~NONRESIDENT 15-DAY~~ FIFTEEN-DAY LICENSE. The department shall issue a nonresident 15-day fishing license, subject to s. ~~29.09 29.024~~, to any nonresident who applies for this license.

(4) (title) ~~NONRESIDENT 4-DAY~~ FOUR-DAY FISHING LICENSE. The department shall issue a nonresident 4-day fishing license, subject to s. ~~29.09 29.024~~, to any nonresident who applies for this license.

(5) (title) ~~NONRESIDENT ANNUAL~~ ANNUAL FAMILY FISHING LICENSE. The department shall issue a nonresident annual family fishing license, subject to s. ~~29.09 29.024~~, to any nonresident who applies for this license. This license entitles the husband, wife and any minor children to fish under this license.

(6) (title) ~~NONRESIDENT 15-DAY~~ FIFTEEN-DAY FAMILY FISHING LICENSE. The department shall issue a nonresident 15-day family fishing license, subject to s. ~~29.09 29.024~~, to any nonresident who applies for this license. This license entitles the husband, wife and any minor children to fish under this license.

SECTION 314. 29.14 (7) (title) of the statutes is renumbered 29.228 (7) (title) and amended to read:

29.228 (7) (title) ~~NONRESIDENT 2-DAY~~ TWO-DAY SPORTS FISHING LICENSE.

SECTION 315. 29.14 (7) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.228 (7) (a) and amended to read:

29.228 (7) (a) *Issuance.* The department shall issue a nonresident 2-day sports fishing license, subject to s. ~~29.09 29.024~~, to any nonresident who applies for this license.

SECTION 316. 29.14 (7) (b) of the statutes is renumbered 29.228 (7) (b) and amended to read:

29.228 (7) (b) *Authorization.* Unless otherwise specifically prohibited, a nonresident 2-day sports fishing license only authorizes fishing in outlying trout and salmon waters, as defined in s. ~~29.191 (5) (a)~~.

SECTION 317. 29.14 (7) (c) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.228 (7) (c).

SECTION 318. 29.145 (title) and (1) (title) of the statutes are renumbered 29.219 (title) and (1) (title).

SECTION 319. 29.145 (1) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.219 (1) (a) and amended to read:

29.219 (1) (a) *Requirement.* Except as provided under ~~pars. (b) and (c) and ss. 29.155 (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 the person has a valid resident fishing license is issued to the person subject to s. ~~29.09~~ by the department or unless the person is issued has a valid approval which authorizes fishing or entitles the holder to the rights and privileges of a fishing license.

SECTION 320. 29.145 (1) (b) (title) and 1. of the statutes are renumbered 29.219 (1) (b) (title) and 1.

SECTION 321. 29.145 (1) (b) 2. of the statutes is renumbered 29.219 (1) (b) 2. and amended to read:

29.219 (1) (b) 2. ~~Notwithstanding s. 29.092 (3v) (a) 2., no~~ No fishing license is required for any resident born before January 1, 1927, to fish ~~for fish~~ subject to all other provisions of law.

SECTION 322. 29.145 (1) (c) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.219 (1) (c).

SECTION 323. 29.145 (1c) of the statutes is renumbered 29.193 (3).

SECTION 324. 29.145 (2) (title) of the statutes is renumbered 29.219 (2) (title) and amended to read:

29.219 (2) (title) ~~RESIDENT ANNUAL~~ ANNUAL FISHING LICENSE.

SECTION 325. 29.145 (2) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.219 (2) (a) and amended to read:

29.219 (2) (a) ~~A- The department shall issue a~~ resident annual fishing license ~~shall be issued,~~ subject to s. ~~29.09~~ by the department to a 29.024, to any resident applying who applies for this license.

SECTION 326. 29.145 (2) (b) of the statutes is renumbered 29.219 (2) (b) and amended to read:

29.219 (2) (b) A resident annual fishing license issued to any resident who is 16 or 17 years of age shall be issued at the reduced fee under s. ~~29.092 (3v) (b)~~ 29.563 (3) (a) 4.

SECTION 327. 29.145 (2) (c) of the statutes, as created by 1997 Wisconsin Act 1, is renumbered 29.219 (2) (c).

SECTION 328. 29.145 (3) (title) of the statutes is renumbered 29.219 (3) (title) and amended to read:

29.219 (3) (title) ~~RESIDENT 2-DAY~~ TWO-DAY SPORTS FISHING LICENSE.

SECTION 329. 29.145 (3) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.219 (3) (a) and amended to read:

29.219 (3) (a) *Issuance.* The department shall issue a resident 2-day sports fishing license, subject to s. ~~29.09~~ 29.024, to any resident who applies for this license.

SECTION 330. 29.145 (3) (b) of the statutes is renumbered 29.219 (3) (b) and amended to read:

29.219 (3) (b) *Authorization.* Unless otherwise specifically prohibited, a resident 2-day sports fishing license only authorizes fishing in outlying trout and salmon waters, as defined in s. 29.191 (5) (a).

SECTION 331. 29.145 (3) (c) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.219 (3) (c).

SECTION 332. 29.146 of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.219 (4) and amended to read:

29.219 (4) (title) ~~HUSBAND AND WIFE FISHING~~ RESIDENT LICENSES. A combined-husband and wife resident fishing license shall be issued subject to s. ~~29.09~~ 29.024 by the department to residents applying for this license. This license confers upon both husband and wife the privileges of resident fishing licenses ~~issued under s. 29.145.~~

SECTION 333. 29.147 (title) of the statutes is renumbered 29.231 (title) and amended to read:

29.231 (title) Sports licenses; application.

SECTION 334. 29.147 (1) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.231 (1) and amended to read:

29.231 (1) A resident sports license shall be issued subject to s. ~~29.09~~ 29.024 by the department to any resident who is ~~over the age of 12 years, a U.S. citizen, and who~~ applies for this license and ~~pays the minimum fee. A, and a~~ nonresident sports license shall be issued subject to s. ~~29.09~~ 29.024 by the department to any person who is not a resident and who ~~meets these requirements~~ applies for the license.

SECTION 335. 29.147 (2) of the statutes is renumbered 29.231 (2) and amended to read:

29.231 (2) A resident sports license confers upon the licensee all of the combined privileges conferred by a resident small game hunting license, resident fishing license and resident deer hunting license subject to all of the duties, conditions, limitations and restrictions ~~prescribed in this chapter and by department order~~ of those licenses.

SECTION 336. 29.147 (2m) of the statutes is renumbered 29.231 (3) and amended to read:

29.231 (3) A nonresident sports license confers upon the licensee all of the combined privileges conferred by a nonresident small game hunting license, nonresident fishing license and nonresident deer hunting license subject to all of the duties, conditions, limitations and restrictions ~~prescribed in this chapter and by department order~~ of those licenses.

SECTION 337. 29.147 (3) of the statutes is renumbered 29.231 (4) and amended to read:

29.231 (4) The department ~~or its duly authorized agents~~ shall issue to each person who is issued a sports license a deer tag and back tag ~~in the form and numbered~~

as the department requires during years of open season for hunting deer.

SECTION 338. 29.1475 (title) of the statutes is renumbered 29.235 (title).

SECTION 339. 29.1475 (1) of the statutes is renumbered 29.235 (1) and amended to read:

29.235 (1) **ISSUANCE.** A resident conservation patron license shall be issued subject to s. ~~29.09 29.024~~ by the department to any resident 14 years old or older who applies for the license. A nonresident conservation patron license shall be issued subject to s. ~~29.09 29.024~~ by the department to any person 14 years old or older who is not a resident and who applies for the license.

SECTION 340. 29.1475 (2) and (2m) of the statutes, as affected by 1997 Wisconsin Act 1, are renumbered 29.235 (2) and (2m).

SECTION 341. 29.1475 (3) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.235 (3) and amended to read:

29.235 (3) **AUTHORIZATION; ADMISSION TO STATE PARKS AND RELATED AREAS.** A person may operate a motor vehicle, except a motor bus, as defined in s. 340.01 (31), subject to the admission requirements under s. 27.01 (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 ~~conservation patron license holder of a resident or nonresident conservation patron license~~ who can present the license upon demand in the vehicle admission area. The conservation patron license permits the license holder to enter Heritage Hill state park or a state trail without paying an admission fee.

SECTION 342. 29.1475 (4) of the statutes is renumbered 29.235 (4) and amended to read:

29.235 (4) **DEER TAG AND BACK TAG.** The department shall issue to each person who is issued a conservation patron license a deer tag and back tag ~~in the form and numbered as the department requires.~~

SECTION 343. 29.1475 (5) of the statutes is renumbered 29.235 (5).

SECTION 344. 29.1475 (6) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.235 (6) and amended to read:

29.235 (6) **ADMISSION RECEIPT.** At the same time the department issues a conservation patron license, it may issue an annual resident or nonresident vehicle admission receipt or a special receipt for admission to state parks and similar areas. ~~Alternatively or in addition, the~~ The department may issue an annual resident or nonresident vehicle admission receipt or a special receipt for admission to state parks and similar areas to a person who has a conservation patron license on location at the state park or similar area. A person who is issued a receipt under this subsection shall affix the receipt by its own adhesive to the interior surface of the lower left-hand corner of the windshield of the vehicle or otherwise display it as autho-

rized under a rule promulgated under s. 27.01 (7) (e) 2. A receipt issued under this section is not considered part of a conservation patron license for the purpose of issuing a duplicate. No duplicate receipt may be issued for a receipt that is affixed by its own adhesive to a windshield unless the license holder provides evidence that the vehicle upon which the sticker receipt is affixed is no longer usable or that the vehicle was transferred to another person and the license holder presents the original receipt or remnants of it to the department. Section ~~29.09 (4) 29.024 (7)~~ applies to the issuance of a duplicate receipt that is displayed as authorized under the rule promulgated under s. 27.01 (7) (e) 2.

SECTION 345. 29.148 (title) of the statutes is renumbered 29.237 (title) and amended to read:

29.237 (title) Sturgeon spearing licenses license.

SECTION 346. 29.148 (1) of the statutes is renumbered 29.237 (1).

SECTION 347. 29.148 (1m) (intro.) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.237 (1m) (intro.) and amended to read:

29.237 (1m) (intro.) Subject to s. ~~29.09 29.024~~ and any limit imposed under s. ~~29.174 (2) (eg) 29.192 (3)~~, a sturgeon spearing license shall be issued by the department to any person applying for this license who:

SECTION 348. 29.148 (1m) (a) of the statutes is renumbered 29.237 (1m) (a).

SECTION 349. 29.148 (1m) (b) and (c) of the statutes are renumbered 29.237 (1m) (b) and (c) and amended to read:

29.237 (1m) (b) Is at least 14 years of age and holds a sports license issued ~~under s. 29.147~~; or

(c) Holds a resident fishing license issued ~~under s. 29.145~~, or a nonresident fishing license issued ~~under s. 29.14~~.

SECTION 350. 29.148 (2) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.237 (2).

SECTION 351. 29.148 (3) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.237 (3) and amended to read:

29.237 (3) A sturgeon spearing license authorizes the spearing of rock or lake sturgeon subject to any limit imposed under s. ~~29.174 (2) (eg) 29.192 (3)~~ and only during the open season for spearing these sturgeon established by the department. No person may fish for sturgeon by means of a spear unless the person is issued a conservation patron license or unless the person is issued a sturgeon spearing license. The conservation patron license or the sturgeon spearing license shall be carried on the person of the licensee at all times while fishing for sturgeon by means of a spear.

SECTION 352. 29.149 (title) of the statutes is renumbered 29.191 (4) (title).

SECTION 353. 29.149 (1) (intro.) of the statutes is renumbered 29.191 (4) (a) (intro.) and amended to read:

29.191 (4) (a) *Definition.* (intro.) ~~As used in In~~ In this section subsection, "inland trout waters" means inland waters ~~except that but~~ this term excludes all of the following:

SECTION 354. 29.149 (1) (a) of the statutes is renumbered 29.191 (4) (a) 1. and amended to read:

29.191 (4) (a) 1. Any harbor on Lake Michigan or Lake Superior;

SECTION 355. 29.149 (1) (b) of the statutes is renumbered 29.191 (4) (a) 2. and amended to read:

29.191 (4) (a) 2. Any river or stream tributary of Lake Michigan or Green Bay, except the Keweenaw river, from its mouth upstream to the first dam or lake; ~~and.~~

SECTION 356. 29.149 (1) (c) of the statutes is repealed.

SECTION 357. 29.149 (2) and (3) of the statutes, as affected by 1997 Wisconsin Act 27, are renumbered 29.191 (4) (b) and (c) and amended to read:

29.191 (4) (b) *Requirement.* Except as provided ~~under sub. (4) in par. (d),~~ no person may fish for trout in inland trout waters unless he or she is issued a conservation patron license or unless he or she is issued an inland waters trout stamp which is attached to or imprinted on the person's fishing license or sports license in the manner required by the rule promulgated under s. ~~29.09 (3m)~~ 29.024 (5) (a) 3.

(c) *Issuance.* The department shall issue an inland waters trout stamp subject to s. ~~29.09 29.024~~ to each person holding or applying for a fishing license ~~under s. 29.09 (12) (a), 29.14 (2) to (6), 29.145 (1c) to (2) or 29.146~~ or a sports license ~~under s. 29.147~~ if the person ~~uses or~~ intends to use the license for trout fishing in inland trout waters of the state.

SECTION 358. 29.149 (4) of the statutes is renumbered 29.191 (4) (d) and amended to read:

29.191 (4) (d) *Exemption.* Any person who is exempt from the requirement to have a fishing license or who is not required to pay a fee for a fishing license is exempt from the requirements ~~under sub. (2) par. (b).~~

SECTION 359. 29.149 (5) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.191 (4) (e) and amended to read:

29.191 (4) (e) *Use of moneys from fees.* The department shall expend the receipts from the sale under this ~~section subsection~~ of inland waters trout stamps on improving and maintaining trout habitat in inland trout waters, conducting trout surveys in inland trout waters and administering this ~~section subsection.~~

SECTION 360. 29.15 (title) of the statutes is renumbered 29.191 (5) (title).

SECTION 361. 29.15 (1) (intro.) and (a) (intro.) of the statutes are consolidated, renumbered 29.191 (5) (a) (intro.) and amended to read:

29.191 (5) (a) *Definition.* (intro.) ~~As used in In~~ this section: (a) "Outlying subsection, "outlying trout and

salmon waters" means any outlying waters ~~except and~~ this term includes all of the following:

SECTION 362. 29.15 (1) (a) 1. of the statutes is renumbered 29.191 (5) (a) 1. and amended to read:

29.191 (5) (a) 1. Any river or stream tributary of Lake Michigan or Green Bay, ~~except the Keweenaw river,~~ from its mouth upstream to the first dam or lake; ~~and.~~

SECTION 363. 29.15 (1) (a) 2. of the statutes is repealed.

SECTION 364. 29.15 (1) (b) of the statutes is repealed.

SECTION 365. 29.15 (2) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.191 (5) (b) and amended to read:

29.191 (5) (b) *Requirement.* No person may fish for trout or salmon in the outlying trout and salmon waters of the state unless the person is issued a resident or non-resident 2-day sports fishing license, unless the person is issued a conservation patron license ~~under s. 29.1475~~ or unless the person is issued a Great Lakes trout and salmon stamp which is attached to or imprinted on the person's fishing license or sports license in the manner required by the rule promulgated under s. ~~29.09 (3m)~~ 29.024 (5) (a) 3.

SECTION 366. 29.15 (3) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.191 (5) (c) and amended to read:

29.191 (5) (c) *Issuance.* The department shall issue a Great Lakes trout and salmon stamp shall be issued subject to s. ~~29.09 by the department 29.024~~ to any person holding or applying for a fishing license ~~under s. 29.09 (12) (a), 29.14 (2) to (7), 29.145 (1c) to (2) or 29.146~~ or a sports license ~~under s. 29.147~~ if the person intends to use the license for trout or salmon fishing in the outlying trout and salmon waters of the state.

SECTION 367. 29.15 (4) and (5) of the statutes are renumbered 29.191 (5) (d) and (e) and amended to read:

29.191 (5) (d) *Exemptions.* This ~~section subsection~~ does not apply to a person who is exempt from the payment or requirement for a fishing license.

(e) *Use of fees.* The department shall expend the receipts from the sale of Great Lakes trout and salmon stamps to supplement and enhance the existing trout and salmon rearing and stocking program for outlying waters and to administer this ~~section subsection.~~

SECTION 368. 29.155 (title) and (1) of the statutes are renumbered 29.197 (title) and (1).

SECTION 369. 29.155 (1g) (intro.) of the statutes is renumbered 29.197 (2) (intro.) and amended to read:

29.197 (2) **WAIVER.** (intro.) 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 have approvals required under this chapter, and pay the applicable fees, for the recreational activity if the department finds that all of the following apply:

SECTION 370. 29.155 (1g) (a) of the statutes is renumbered 29.197 (2) (a).

SECTION 371. 29.155 (1g) (b) of the statutes is renumbered 29.197 (2) (b) and amended to read:

29.197 (2) (b) The waiver of the approval requirement will not result in a substantial loss of revenue to the department as determined by rule by the department.

SECTION 372. 29.155 (1h) of the statutes is renumbered 29.197 (3) and amended to read:

29.197 (3) **WEEKEND EVENT.** In addition to any special event or program sponsored under sub. (1g) (2), the department shall, by rule, for a special event for one weekend per year, waive the requirement that persons be issued fishing licenses under ss. 29.14 and 29.145 and pay the applicable fees in order to fish in the waters of this state. The department shall, by rule, designate to which inland or outlying waters this waiver shall apply.

SECTION 373. 29.155 (1j) of the statutes is repealed.

SECTION 374. 29.155 (1m), (1r), (2), (3) and (4) of the statutes are renumbered 29.197 (4), (5), (6), (7) and (8) and amended to read:

29.197 (4) (title) **PUBLICIZING.** The department shall, in cooperation with and with the assistance of the department of tourism, publicize the special events and programs sponsored or approved under sub. (1g) or (1h) this section.

(5) (title) **CONDITIONS; LIMITATIONS.** For a recreational activity that is the subject of the special event or program sponsored or approved under sub. (1g) or (1h) under this section, 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.

(6) (title) **LIMITATION LIMITATIONS ON PARTICIPANTS.** (a) Persons who fish or hunt during in events or programs sponsored or approved under sub. (1g) or (1h) under this section may not sell, trade or barter the wild animals taken during the event or program, ~~and they.~~ These persons are subject to all other conditions, limitations and restrictions required under this chapter except those waived ~~under sub. (1r).~~

(b) Persons who help or assist in conducting a special event or program sponsored or approved under sub. (1g), who are not employees 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.

(7) **EXCLUSION.** No person who holds a commercial fishing license issued under s. 29.33 29.519 may fish during in an event or program sponsored or approved under sub. (1g) or (1h) under this section.

(8) **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 375. 29.156 of the statutes is renumbered 29.199.

SECTION 376. 29.157 of the statutes is renumbered 29.201.

SECTION 377. 29.16 of the statutes is renumbered 29.045 and amended to read:

29.045 Interstate license privileges. (1) FISHING PRIVILEGES. ~~Whenever and so long as~~ If the states state of Michigan, Minnesota or Iowa ~~confer~~ confers upon the fishing licensees of this state reciprocal rights, privileges and immunities, ~~any hook and line or other a~~ fishing license issued by ~~such the~~ the other state shall ~~entitle~~ entitles the licensee to ~~all~~ the rights, privileges and immunities, in and upon the boundary waters between ~~such state and this state,~~ enjoyed by the holders the states, of the holder of an equivalent licenses license issued by this state; ~~but~~ but subject, ~~however,~~ to the duties, responsibilities and liabilities imposed on its own licensees by ~~the laws of~~ this state.

(2) **COMMERCIAL CLAMMING PRIVILEGES.** ~~Whenever and so long as~~ If the states state of Michigan, Minnesota, ~~or Iowa, Illinois or Missouri~~ confer confers upon the commercial clamming licensees of this state reciprocal rights, privileges and immunities, any commercial clamming license issued by ~~such the~~ the other state shall ~~entitle~~ entitles the licensee to ~~all~~ the rights, privileges and immunities, in and upon the boundary waters between Michigan and ~~this state, between,~~ Minnesota and ~~this state and between~~ Iowa and this state, enjoyed by the holders of the holder of an equivalent licenses license issued by this state; ~~but~~ but subject, ~~however,~~ to the duties, responsibilities and liabilities imposed on its own licensees by ~~the laws of~~ this state.

SECTION 378. Subchapter III (title) of chapter 29 [precedes 29.161] of the statutes is created to read:

CHAPTER 29
SUBCHAPTER III
HUNTING, TRAPPING AND
FISHING APPROVALS

SECTION 379. 29.165 of the statutes is renumbered 29.512, and 29.512 (1), as renumbered, is amended to read:

29.512 (1) No person may engage or be employed for any compensation or reward to guide, direct or assist any other person in hunting, fishing or trapping unless the person is issued a guide license ~~is duly issued to the person~~ by the department subject to s. 29.09 29.024. No guide license for hunting or trapping may be issued to or obtained by any person who is not a resident of this state. No guide license may be issued to any person under the age of 18 years. ~~The applicant shall deliver to the department an oath of office that he or she will well and faithfully perform the duties and responsibilities as a guide licensed by the department and observe and~~ holder of a

guide license shall comply with all of the requirements of this chapter ~~and the rules of the department.~~

SECTION 380. 29.166 of the statutes is renumbered 29.514 and amended to read:

29.514 Outlying water sport trolling licenses. (1) No person may be engaged or be employed for any compensation ~~or reward~~ to guide any other person in sport trolling for trout or salmon in and upon the outlying waters of ~~Lake Michigan, Green Bay or Lake Superior~~ unless the person is duly issued a sport trolling license by the department subject to s. ~~29.09 29.024~~. No sport trolling license may be issued to any person under the age of 18 years. The application shall include the name and address of the applicant, the name of the home port from which the applicant will operate, the applicant's valid U.S. coast guard operator's license number and other information as required by the department for statistical purposes. The licensee and all persons on board the licensee's boat shall comply with all of the requirements of this chapter ~~and the rules of the department~~. Boats used by the licensee shall meet minimum U.S. coast guard and this state's boat licensing and safety requirements.

(2) Each licensee shall keep ~~an accurate record and account as to~~ records of the number of each variety of fish taken under his or her sport trolling license and ~~such~~ other information as that the department requires, and shall report to the department on forms provided by the department on or before the 10th day of each month on the records for the preceding calendar month. The licensee is responsible for the number of fish taken and shall be held to account for the number.

SECTION 381. 29.17 of the statutes is repealed.

NOTE: Section 29.17, which authorizes the department to issue scientific collector permits, is recreated in this bill as s. 29.614.

SECTION 382. 29.174 (title) of the statutes, as affected by 1997 Wisconsin Act 27, is repealed.

SECTION 383. 29.174 (1) of the statutes is renumbered 29.014 (1) and amended to read:

29.014 (1) The department shall establish and maintain open and ~~close~~ closed seasons for ~~the several species of~~ fish and game and any bag limits, size limits, rest days and conditions governing the taking of fish and game as that will conserve the fish and game supply and ensure the citizens of this state continued opportunities for good fishing, hunting and trapping.

SECTION 384. 29.174 (2) (a) of the statutes is renumbered 29.053 (1) and amended to read:

29.053 (1) ~~The department shall establish open and closed seasons, bag limits, size limits, rest days and other conditions governing the taking of fish or game, in accordance with the public policy declared in sub. (1), but all~~ All fishing seasons on inland waters shall open on a Saturday. ~~Such authority may be exercised either~~

(2) The department may exercise its authority under s. 29.014 with reference to the state as a whole, or for any

specified county or part of a county, or for any lake or stream or part thereof of a lake or stream.

SECTION 385. 29.174 (2) (c) and (cm) of the statutes, as affected by 1997 Wisconsin Act 27, are renumbered 29.192 (1) and (2).

SECTION 386. 29.174 (2) (d), (dg), (dr), (e), (eg) and (em) of the statutes, as affected by 1997 Wisconsin Act 27, are consolidated, renumbered 29.192 (3) and amended to read:

29.192 (3) The department may limit the number of trappers and the maximum harvest of wild fisher ~~in any area.~~ ~~(dg) The department may limit the number of trappers of or otters and the maximum harvest of otters in any area.~~ ~~(dr) The department may limit the number of hunters or trappers, or both, of bobcats and may limit the maximum harvest of bobcats in any area.~~ ~~(e) The department may limit the number of trappers and hunters and the maximum harvest of or beaver in any area.~~ ~~(eg) The department may limit the number of persons fishing for sturgeon by hook and line or by spear, or both, and may limit the maximum harvest of sturgeon in any area.~~ ~~(em) The department may impose any of the limitations~~ limitation under ~~pars. (d) to (eg) this subsection~~ by establishing a permit system for the issuance of permits.

SECTION 387. 29.174 (2) (er) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 29.192 (4) and amended to read:

29.192 (4) If the department decides to limit the number of hunters or trappers taking Canada geese, sharp-tailed grouse, fishers, otters, bobcats or sturgeon by issuing permits and if the number of persons seeking the permits exceeds the number of available permits, the department shall issue the permits according to a cumulative preference system established by the department. The department shall give a preference point to each applicant for each previous season for which the applicant applied but was not issued a permit. The system shall establish preference categories for these applicants, with higher priority given to those categories with more points than those with fewer points. Applicants who fail to apply at least once during any 3 consecutive years shall lose all previously accumulated preference points. If the number of applicants within a preference category or a subcategory ~~under this subsection~~ exceeds the number of permits available in the category or subcategory, the department shall select at random within the category or subcategory the applicants to be issued the permits.

SECTION 388. 29.174 (2) (f) of the statutes is renumbered 29.053 (3) and amended to read:

29.053 (3) In addition to the types and manner of hunting authorized under ~~ss. 29.09 (9) and 29.104 (4) this chapter~~ for disabled persons and persons who are visually handicapped, as defined in s. ~~29.09 (9) 29.193 (2) (a) 5.~~, the department may establish special hunting seasons or opportunities for persons who are physically disabled or

visually handicapped and may limit the number of persons involved.

SECTION 389. 29.174 (2) (g) (intro.) of the statutes is renumbered 29.053 (2) (a) (intro.) and amended to read:

29.053 (2) (a) (intro.) The department may establish a fishing season on specified bodies of water in certain urban areas, as determined by rule by the department, that allows fishing only by persons who are under 16 years old or who are disabled and can produce the evidence specified in s. ~~29.145 (1e)~~ 29.193 (3) (a), (b) or (c), subject to all of the following conditions:

SECTION 390. 29.174 (2) (g) 1. and 2. of the statutes are renumbered 29.053 (2) (a) 1. and 2. and amended to read:

29.053 (2) (a) 1. The department may not designate a body of water under this ~~paragraph~~ subsection that is 25 acres or greater in area.

2. The department may not designate a body of water under this ~~paragraph~~ subsection without the written agreement of each private owner of shoreline and of each city, village, town, county, federal agency or other state agency that owns shoreline.

SECTION 391. 29.174 (2) (g) 3. of the statutes is renumbered 29.053 (2) (a) 3.

SECTION 392. 29.174 (2) (g) 4. of the statutes is renumbered 29.053 (2) (b) and amended to read:

29.053 (2) (b) Section 227.16 (2) (e) does not apply to a rule promulgated under this ~~paragraph~~ subsection and, when the department proposes to add a body of water to or delete a body of water from a rule under this ~~paragraph~~ subsection, the department shall hold a hearing, as required under s. 227.16 (1), either in the county in which the body of water is located or within 50 miles of the body of water.

SECTION 393. 29.174 (3) of the statutes is repealed.

NOTE: The current text of s. 29.174 (3) is as follows:

"29.174 (3) The department may promulgate rules under sub. (2) either on its own motion or on petition from any group of citizens. Provided, that upon petition of not less than 1,000 citizens in case of a contemplated rule affecting the entire state or a part thereof larger than 2 counties, or of not less than 50 citizens residing in the county if but a single county or part thereof is affected, or of not less than 100 citizens residing in the 2 counties if not more than 2 counties or parts thereof are affected, the department shall conduct one or more public hearings upon such proposed rule, at a place convenient to the petitioners. Notice of such hearing shall be published in the community affected as a class 3 notice, under ch. 985. The department shall send prior written notice of any hearing held under this section to the Wisconsin conservation congress delegates for the area affected by the proposed rule."

This provision is unnecessary. A procedure to petition for rules is set forth in s. 227.12, which allows any 5 or more persons who have an interest in a rule to petition for rule-making. That statute requires the agency to respond to the petition and either deny the petition in writing or proceed with the requested rule-making. The other provisions regarding notice should be addressed by internal DNR procedures.

SECTION 394. 29.174 (4) of the statutes is repealed.

NOTE: The current text of s. 29.174 (4) is as follows:

"29.174 (4) The department shall make such investigations relative to any petition or proceedings under this section as it deems necessary, and may organize advisory committees to advise it on any matter under consideration. Members of such committees shall receive no compensation but shall be reimbursed their actual and necessary expenses."

This provision is unnecessary. Agencies are authorized to appoint advisory committees for rule-making under s. 227.13.

SECTION 395. 29.174 (4a) of the statutes is repealed.

NOTE: The current text of s. 29.174 (4a) is as follows:

"29.174 (4a) The secretary may make emergency rules pursuant to s. 227.24."

Emergency rules are authorized under s. 227.24. No additional reference to that procedure in ch. 29 is necessary.

SECTION 396. 29.174 (4m) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 29.889 (12).

SECTION 397. 29.174 (6) of the statutes is renumbered 29.014 (2) (b) and amended to read:

29.014 (2) (b) ~~All of the rules of the department in conformity with law promulgated under this chapter are prima facie reasonable and lawful until found to be otherwise in a final determination by a court.~~

SECTION 398. 29.174 (7) of the statutes is repealed.

NOTE: The substance of current s. 29.174 (7) is recreated in new s. 29.014 (4).

SECTION 399. 29.174 (8) of the statutes is renumbered 29.014 (3) and amended to read:

29.014 (3) Any rule of the department is subject to review in the manner provided in ch. 227, except that if the rule affects only the county in which the appellant resides, the appeal shall be to the circuit court of such ~~that~~ county.

SECTION 400. 29.174 (9) of the statutes is repealed.

NOTE: The current text of s. 29.174 (9) is as follows:

"29.174 (9) The present statutes regulating open and close seasons, bag limits, size limits, rest days and other conditions governing the taking of fish or game shall continue in full force and effect until modified by rules of the department, as provided in this section, or by subsequent acts of the legislature."

This provision was enacted to provide for the transition from regulation of fish and game entirely by statute to regulation of fish and game by rule by the conservation commission. It is no longer necessary.

SECTION 401. 29.174 (12) of the statutes is repealed.

NOTE: The current text of s. 29.174 (12) is as follows:

"29.174 (12) Nothing in this section shall be construed to confer upon the department the power to alter any provisions of the statutes relating to forfeitures, penalties, license fees or bounties."

This provision also relates to the transition from regulation by statute to regulation by rule by the conservation commission. The DNR does not have authority to alter any statutory forfeitures, penalties or license fees. The statutes no longer provide for bounties.

SECTION 402. 29.174 (13) of the statutes is renumbered 29.037 and amended to read:

29.037 (title) Fish and wildlife restoration. This state assents to the provisions of the acts of congress entitled "An act to provide that the United States shall aid the states in wildlife-restoration projects, and for other

purposes," approved September 2, 1937 (Public Law No. 415, 75th Congress), and "An act to provide that the United States shall aid the states in fish restoration management projects, and for other purposes," approved August 9, 1950 (Public Law No. 681, 81st Congress), and the The department is authorized, ~~empowered~~ and directed to perform such any acts as ~~may be~~ necessary to the ~~conduct and establishment of~~ establish cooperative wildlife ~~restoration~~ wildlife restoration and cooperative fish restoration projects, as defined in ~~said~~ the acts of congress, in compliance with ~~said~~ the acts and with ~~rules and regulations promulgated by the secretary of the interior thereunder; and no.~~ No funds accruing to this state from license fees paid by hunters and from sport and recreation fishing license fees ~~shall~~ may be diverted for any other purpose than those provided by the department.

SECTION 403. 29.174 (14) of the statutes is renumbered 29.192 (5).

SECTION 404. 29.174 (15) of the statutes is renumbered 29.035.

SECTION 405. 29.175 of the statutes is renumbered 29.039 and amended to read:

29.039 Nongame species. (1) The department may conduct investigations of nongame species ~~in order to~~ develop scientific information relating to population, distribution, habitat needs, and other biological data ~~in order to~~ determine necessary conservation measures. ~~On the basis of these scientific determinations the~~ The department may ~~promulgate rules and~~ develop conservation programs ~~designed to ensure the continued ability perpetuation of nongame species to perpetuate themselves.~~ The department may require harvest information and may establish limitations relating to taking, possession, transportation, processing and sale or offer for sale, ~~in order to conserve of~~ nongame species.

(2) ~~No~~ Any rules promulgated or programs developed under this section may not impede, hinder or prohibit the utilization of lands for the construction, operation or maintenance of utility facilities otherwise authorized or permitted.

SECTION 406. 29.191 (title) of the statutes is created to read:

29.191 (title) Stamps.

SECTION 407. 29.191 (4) (a) 3. of the statutes is created to read:

29.191 (4) (a) 3. Any other river or stream tributary of Lake Michigan or Green Bay that is designated by the department.

SECTION 408. 29.191 (5) (a) 2. of the statutes is created to read:

29.191 (5) (a) 2. Any other river or stream tributary of Lake Michigan or Green Bay that is designated by the department.

SECTION 409. 29.192 (title) of the statutes is created to read:

29.192 (title) Regulation of takings of certain wild animals.

SECTION 410. 29.193 (title) of the statutes is created to read:

29.193 (title) Approvals for disabled persons.

SECTION 411. 29.194 (title) of the statutes is created to read:

29.194 (title) Approvals for students and members of the armed forces.

SECTION 412. 29.22 of the statutes is renumbered 29.301 and amended to read:

29.301 **General restrictions on hunting.** (1) HUNTING RESTRICTED AREAS. No person shall may hunt within 1700 1,700 feet of any hospital, school grounds or sanatorium. The department may designate the form for or furnish signs designating the restricted area. No ~~conviction shall~~ person may be had for convicted of a violation of this subsection unless the restricted area is designated by ~~such~~ the signs.

(2) COLOR OF CLOTHING. In the areas in which there is a season for the hunting of deer with firearms, no person may hunt any game except waterfowl during ~~the~~ that season ~~for the hunting of deer with firearms~~ unless at least 50% of each article of the person's outer clothing above the waist, including a cap, hat or other head covering, is of a highly visible color commonly referred to as hunter orange, blaze orange, fluorescent orange, flame orange or fluorescent blaze orange. Any person violating this subsection is ~~subject to a forfeiture of~~ shall forfeit not more than \$10.

(3) BACK TAG, DISPLAY. No person may hunt deer unless ~~there~~ the back tag issued to the person with the license authorizing deer hunting is attached to the center of the person's coat, shirt, jacket or similar outermost garment where it can clearly be seen ~~the back tag issued to the person with the license authorizing the hunting of deer.~~

NOTE: Under this bill, the department, rather than furnishing signs designating a restricted area within 1700 feet of a hospital, school grounds or sanatorium, may either designate the form for or furnish the signs.

Also, current restrictions on the color of outer clothing during deer gun season are amended to provide that at least 50% of each article of the person's outer clothing above the waist, including a cap, hat or other head covering, must be at least 50% hunter orange, blaze orange or a similar color.

SECTION 413. 29.221 of the statutes is renumbered 29.341, and 29.341 (1), as renumbered, is amended to read:

29.341 (1) Any person who, while hunting any wild animal or bird, discharges a firearm or arrow, and ~~thereby~~ by that discharge injures or kills another person, shall ~~forthwith~~ immediately give his or her name and address to the ~~other~~ injured person if ~~the other person is injured and,~~ render such assistance to ~~that other~~ the injured person as ~~may be necessary~~ and obtain immediate medical

or hospital care for the injured person, and shall immediately thereafter report such the injury or death to the sheriff or police of the locality in which such the shooting took place.

SECTION 414. 29.222 of the statutes is renumbered 29.345 and amended to read:

29.345 (title) Hunting, fishing or trapping accident; failure to report. (1) Every person who ~~shall have~~ has caused or been involved in an accident in which a ~~human-being person~~ human-being person has been injured by ~~gunfire or by bow and arrow discharge of a firearm or arrow~~ while hunting, fishing or trapping, or shall have inflicted an injury upon himself or herself with a firearm or with ~~a bow and an~~ an arrow while hunting, fishing or trapping, shall render a report to the department at any of its field offices within 10 days after such the injury unless such the person ~~be~~ is physically incapable of making the required report, in which event the person or persons involved in the accident shall designate an agent to file the report within the specified time.

(2) Any person who ~~has been~~ is involved in an accident with firearm or ~~bow and~~ arrow while hunting, fishing or trapping, and who fails to submit the report required by this section, shall forfeit not more than \$50. In addition, the court may revoke any license issued to such the person under this chapter and may further provide that no license shall be issued to such the person under this chapter for such a fixed period of time that specified by the court may deem just.

NOTE: Provisions relating to hunting accidents are expanded by the bill to include a bowfishing accident and to amend provisions to provide that if a person is injured by discharge of a firearm or arrow while hunting, bowfishing or trapping, the person must file a report.

SECTION 415. 29.223 of the statutes is renumbered 29.083.

SECTION 416. 29.224 (title), (1) and (2) (title), (a) and (b) of the statutes are renumbered 29.597 (title), (1) and (2) (title), (a) and (b), and 29.597 (title), (1) (a) and (2) (a) 1., as renumbered, are amended to read:

29.597 (title) Trapper education program; certificate of accomplishment. (1) (a) The department shall establish and supervise the administration of a statewide trapper education program funded from the appropriations under s. 20.370 (1) (Lq) and (ma). The department shall enter into an agreement with a ~~statewide~~ an organization that has demonstrated ability and experience in the field of trapper education to assist in the establishment and administration of the program.

(2) (a) 1. Contract with a qualified individual, who shall may not be an employe of the department, to operate the trapper education program.

SECTION 417. 29.224 (2) (c) of the statutes is repealed.

NOTE: The current text of s. 29.224 (2) (c) is as follows:

“29.224 (2) (c) The administration of the trapper education program shall be under the supervision of the subunit of the department that is responsible for resource management.”

This provision is repealed because the assignment of staff duties and the internal organization of state agencies are properly the responsibility of those agencies.

SECTION 418. 29.224 (3) to (6) (a) of the statutes are renumbered 29.597 (3) to (6) (a), and 29.597 (3) (b), (5) and (6) (a), as renumbered, are amended to read:

29.597 (3) (b) An instructor conducting the course of instruction under the trapper education program shall collect the fee established under par. (a) from each person receiving instruction. The department may authorize an instructor to retain up to 50% of the fee to defray expenses incurred ~~in the instructor's operation of~~ by the instructor conducting the course. The instructor shall remit the remaining portion of the fee or, if nothing is retained, the entire fee to the department.

(5) **CERTIFICATE OF ACCOMPLISHMENT.** (a) The department shall issue a certificate of accomplishment without charge to a person who successfully completes the course of instruction under the trapper education program and who pays the instruction fee. ~~The department shall prescribe the form and content of the certificate of accomplishment.~~ The certificate may be used by a resident to whom issued in place of a trapping license ~~as required in s. 29.09 for the period specified in s. 29.093 (6) (am) by the department.~~

(b) The department ~~may~~ shall issue a duplicate certificate of accomplishment to a person who is entitled to a duplicate certificate under this section of accomplishment. The department shall establish by rule the fee for a duplicate certificate.

(6) (a) ~~Except as provided in pars. (b) to (d), no~~ No person may be issued an approval authorizing trapping unless he or she holds a valid certificate of accomplishment issued under this section.

SECTION 419. 29.224 (6) (b) (bn), (c) and (d) of the statutes are renumbered 29.597 (6) (b) 1., 2., 3. and 4., and 29.597 (6) (b) 1., 3. and 4., as renumbered, are amended to read:

29.597 (6) (b) 1. A person who holds on May 12, 1992, a valid approval authorizing trapping is ~~exempt from the requirement under par. (a).~~

3. A person who has held a valid approval authorizing trapping that expired before May 12, 1992, and that was not suspended or revoked ~~is exempt from the requirement under par. (a).~~

4. A person who holds a valid certificate, license or other evidence indicating that he or she has successfully completed a trapper education course in another state is ~~exempt from the requirement under par. (a)~~ if the department determines that the course has substantially the same content as the course of instruction under the program established under this section.

SECTION 420. 29.225 (title) and (1) to (3) of the statutes are renumbered 29.591 (title) and (1) to (3) and amended to read:

29.591 (title) Hunter education and firearm safety program; certificate of accomplishment. (1) ESTABLISHMENT; CONTENTS. The department shall establish by rule a statewide hunter education and firearm safety program. The hunter education and firearm safety program shall provide for a course of instruction in each school district or county. The department shall conduct this course of instruction in cooperation with qualified individuals, organizations, groups, associations, public or private corporations and federal, state and local governmental entities. This course shall provide instruction to students in the commonly accepted principles of safety in handling hunting firearms and equipment, the responsibilities of hunters to wildlife, environment, landowners and others, how to recognize threatened and endangered species which cannot be hunted and the principles of wildlife management and conservation.

(2) ADMINISTRATION. ~~The law enforcement administrator shall be the department's authorized agent to administer, supervise and enforce this section. The department shall appoint a qualified person from the law enforcement function, under the classified service, as the hunter education administrator and shall prescribe his or her duties and responsibilities. The department may appoint county directors, master hunter education instructors and regular categories of hunter education instructors necessary for the hunter education and firearm safety program. These appointees are responsible to the department and shall serve on a voluntary basis without compensation.~~

NOTE: The first sentence of current s. 29.225 (2) is repealed because the assignment of staff duties and the internal organization of state agencies are properly the responsibility of those agencies. The 2nd sentence of current s. 29.225 (2) is repealed because the appointment of staff in the unclassified service can only be accomplished by creating that position in s. 230.08. The requirement to appoint this position in the classified service is unnecessary.

(3) INSTRUCTION FEE. ~~The department instructor shall collect the instruction fee specified under s. 29.092 (2) (a) 29.563 (11) (b) 1, from each person who receives instruction under the hunter education and firearm safety program and remit the fee to the department. The department may authorize an instructor conducting a course of instruction meeting standards established by the department to retain 50% of this fee to defray expenses incurred locally to operate the program by the instructor in conducting the course. The instructor shall remit the remaining portion of the fee or, if nothing is retained, the entire fee shall be deposited in the conservation fund to the department.~~

SECTION 421. 29.225 (4) (title) of the statutes is renumbered 29.591 (4) (title).

SECTION 422. 29.225 (4) (a) (title) of the statutes is renumbered 29.591 (4) (a) (title).

SECTION 423. 29.225 (4) (a) 1. of the statutes, as affected by 1997 Wisconsin Act 12, is renumbered 29.591 (4) (a) 1. and amended to read:

29.591 (4) (a) 1. The department shall issue a certificate of accomplishment for free to a person who successfully completes the course of instruction under the hunter education and firearm safety program and who pays the instruction fee. ~~The department shall prescribe the form and content of the certificate of accomplishment.~~

SECTION 424. 29.225 (4) (a) 2. of the statutes, as created by 1997 Wisconsin Act 12, is renumbered 29.591 (4) (a) 2. and amended to read:

29.591 (4) (a) 2. A resident may use the certificate of accomplishment issued to him or her for successfully completing the course of instruction under the hunter education and firearm safety program for the first time in place of a small game hunting license ~~as required in s. 29.09.~~

SECTION 425. 29.225 (4) (am) of the statutes, as created by 1997 Wisconsin Act 12, is renumbered 29.591 (4) (am) and amended to read:

29.591 (4) (am) *Authorization for antlerless deer.* The department may authorize a person to whom it issues a certificate of accomplishment for successfully completing the course of instruction under the hunter education and firearm safety program for the first time to use the certificate in place of a permit issued under s. ~~29.107 29.177~~ to take one antlerless deer in specific areas identified by the department. The authorization for group deer hunting under s. ~~29.405 29.324~~ shall not apply to a person hunting an antlerless deer as authorized under this paragraph.

SECTION 426. 29.225 (4) (b) of the statutes is renumbered 29.591 (4) (b) and amended to read:

29.591 (4) (b) *Duplicate.* The department ~~may~~ shall issue a duplicate certificate of accomplishment to a person who is entitled to a duplicate certificate of accomplishment and who pays the fee specified under s. ~~29.092 (13) (f).~~ ~~This fee shall be deposited in the conservation fund 29.563 (12) (c) 2.~~

SECTION 427. 29.226 (title) and (1) to (3) of the statutes are renumbered 29.593 (title) and (1) to (3) and amended to read:

29.593 (title) Requirement for certificate of accomplishment to obtain hunting approval for certain persons born on or after January 1, 1973. (1) Except as provided under subs. (2) and (3), no person born on or after January 1, 1973, may obtain any approval authorizing hunting unless the person is issued a certificate of accomplishment under s. ~~29.225 29.591.~~

(2) A person who has a ~~certificate, license or other~~ evidence that is satisfactory to the department indicating

that he or she has completed a hunter safety course in another state and the course is recognized by the department under a reciprocity agreement may obtain an approval authorizing hunting regardless of whether the person is issued a certificate of accomplishment under s. 29.225 in this state.

(3) A person who successfully completes basic training in the U.S. armed forces, reserves or national guard may obtain an approval authorizing hunting regardless of whether the person is issued a certificate of accomplishment under s. 29.225.

SECTION 428. 29.226 (4) (intro.) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 29.593 (4) (intro.).

SECTION 429. 29.226 (4) (a) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 29.593 (4) (a) and amended to read:

29.593 (4) (a) His or her certificate of accomplishment issued under s. ~~29.225~~ 29.591.

SECTION 430. 29.226 (4) (b) and (c) of the statutes, as created by 1997 Wisconsin Act 27, are renumbered 29.593 (4) (b) and (c).

SECTION 431. 29.227 of the statutes is renumbered 29.304, and 29.304 (1) (d), as renumbered, is amended to read:

29.304 (1) (d) *Restrictions on validity of certificate of accomplishment.* A person under 12 years of age may obtain a certificate of accomplishment if he or she complies with the requirements of s. ~~29.225~~ 29.591 (4) but that certificate is not valid for the hunting of small game until that person becomes 12 years of age.

SECTION 432. 29.23 of the statutes is renumbered 29.307 and amended to read:

29.307 (title) Hunting with aid of airplane aircraft prohibited. No person shall may hunt any animal with the aid of an airplane aircraft, including the use of an airplane aircraft to spot, rally group or drive, or otherwise attempt to affect the behavior of, animals for hunters on the ground.

NOTE: Current provisions relating to prohibiting hunting with the aid of an airplane are amended to include "aircraft" rather than an airplane, which would include, for example, a helicopter, to substitute "group" for "rally" and to add a prohibition against otherwise attempting to affect the behavior of the animals for the benefit of hunters on the ground.

SECTION 433. 29.24 (title) and (1) (intro.) of the statutes, as affected by 1997 Wisconsin Act 27, are renumbered 29.337 (title) and (1) (intro.).

SECTION 434. 29.24 (1) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.337 (1) (a) and amended to read:

29.337 (1) (a) ~~Such persons~~ An owner or occupant may not hunt any of these wild animals during the period of 24 hours ~~prior to the opening date for~~ before the time for commencement of the deer hunting season in those counties or parts of counties any area where an open season for hunting deer with firearms is established.

SECTION 435. 29.24 (1) (b) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 29.337 (1) (b).

SECTION 436. 29.24 (2) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.337 (2).

SECTION 437. 29.241 (title) of the statutes is created to read:

29.241 (title) Trapping license.

SECTION 438. 29.245 of the statutes, as affected by 1997 Wisconsin Act 1, is renumbered 29.314.

SECTION 439. 29.255 of the statutes is renumbered 29.321 and amended to read:

29.321 Training of hunting dogs and rules for dog trials. The department may promulgate, pursuant to s. ~~23.09,~~ such rules governing the training of hunting dogs and the conduct of dog trials as in its opinion are necessary to encourage the use of hunting dogs and to safeguard wildlife in the state, but ~~such the~~ rules shall may not be promulgated for permit the use of dogs for general hunting of small game during general hunting seasons.

SECTION 440. 29.256 of the statutes is renumbered 29.317.

SECTION 441. 29.27 (title) and (1) of the statutes are renumbered 29.327 (title) and (1), and 29.327 (1) (b), as renumbered, is amended to read:

29.327 (1) (b) "Waterfowl" means wild geese, brant, wild ducks, rails, coots, gallinules, ~~jacksnipe~~ snipe, woodcock, plovers, sandpipers and wild swan.

SECTION 442. 29.27 (3) of the statutes is renumbered 29.327 (2) (a) and amended to read:

29.327 (2) (a) A blind situated on state-owned property and used in hunting waterfowl must bear the name of the owner affixed permanently to the blind in lettering one-inch square or larger. ~~The blind~~

~~(b) A blind on state-owned property may be erected not more than 7 days prior to the opening of the waterfowl hunting season, as prescribed by the department, and must be removed by the owner within 7 days after the close of the season. A blind situated on state-owned property which does not bear the name of the owner as prescribed by this section is a public nuisance. The department may seize all such nuisances and may destroy or sell the blinds in the name of the state. The department and its deputies are exempt from all liability to the owner for the seizure and destruction or sale of the blind. The owner is responsible for removing the blind within 7 days after the close of the waterfowl hunting season. Any owner who erects a blind more than 7 days prior to the opening of the waterfowl hunting season or who does not remove a blind within 7 days after the close of the waterfowl season shall be subject to a forfeiture of forfeit not less than \$10 nor more than \$200.~~

NOTE: Provisions relating to specifying that the DNR may seize blinds on state-owned property which do not bear the name of the owner and exempting the department and its deputies from liability are deleted since current s. 29.05 (8) and (10) (renumbered as ss. 29.931 (2) and 29.944, respec-

tively) provide this protection after an item has been prescribed as a public nuisance.

SECTION 443. 29.283 (title) of the statutes is renumbered 29.404 (title).

SECTION 444. 29.283 (1) of the statutes is repealed.

NOTE: The current text of s. 29.283 (1) is as follows:

"29.283 (1) PROMULGATION OF RULES. The department shall promulgate rules governing the use of buildings, vehicles, tents, fish shanties and similar shelters for fishing through the ice in any waters of the state."

This provision is deleted since the department's authority to promulgate rules governing the use of buildings, vehicles, tents, fish shanties and similar shelters for ice fishing is contained in the general authority of the department to enforce the chapter.

SECTION 445. 29.283 (3) to (5) of the statutes are renumbered 29.404 (1) to (3) and amended to read:

29.404 (1) PUBLIC NUISANCE; REMOVAL. Any building, vehicle, tent, fish shanty or similar shelter that is used or left on the ice in violation of any department order or that has fallen through the ice is a public nuisance. The department ~~may seize all such nuisances whereupon shall notify the owner must be notified; if, if known. If~~ after the expiration of 10 days after notice is given the owner does not claim such the nuisance, the department may destroy or sell the same nuisance in the name of the state; ~~the department and its deputies shall be exempt from all liability to the owner for such seizure and destruction or sale.~~

(2) REIMBURSEMENT FOR DEPARTMENT COSTS. If the department destroys or sells the building, vehicle, tent, fish shanty or similar shelter that is a public nuisance ~~under sub. (3),~~ the owner shall reimburse the department for all costs associated with the seizure and destruction or sale of the public nuisance. The department shall give the owner written notice containing the amount of costs to be reimbursed and a statement that the owner must reimburse these costs to the department within 20 days after the notice is given. ~~The department shall deposit the moneys received under this subsection in the fish and wild-life account in the conservation fund.~~

(3) FORFEITURE. If the owner does not reimburse these costs to the department within 20 days after the notice is given under sub. (3) (2), the owner ~~is subject to the forfeiture specified under s. 29.99 (11v) shall forfeit not more than \$100.~~

NOTE: The provisions relating to seizure and exemption from liability are deleted since they are duplicative. If an item is declared a public nuisance, current s. 29.05 (8) (renumbered as s. 29.931 (2)) contains the authority to seize the item and protects the department against liability.

SECTION 446. 29.286 (title), (1) and (2) of the statutes are renumbered 29.401 (title), (1) and (2), and 29.401 (1) and (2), as renumbered, are amended to read:

29.401 (1) No person shall may possess or control at any time any trammel, gill, or hoop net, or any other kind of net, nets, or fish trap that might take, catch or kill fish in the counties of: Adams, Barron, Burnett, Calumet, Chippewa, Clark, Columbia, Dane, Dodge, Dunn, Eau

Claire, Florence, Fond du Lac, Forest, Green, Green Lake, Iowa, Jackson, Jefferson, Juneau, Lafayette, Langlade, Lincoln, Marathon, Marquette, Monroe, Oneida, Outagamie, Polk, Portage, Price, Richland, Rock, Rusk, Sauk, Sawyer, Shawano, Taylor, Vilas, Walworth, Washburn, Washington, Waukesha, Waupaca, Waushara, Winnebago and Wood except minnow nets and minnow traps, whitefish and cisco nets, dip nets, crab traps and turtle traps as provided in this chapter or by department order.

(2) Nothing in this section ~~shall prohibit~~ prohibits the department or its agents from having in possession, using, or causing the use of, any kind of nets as provided under other sections in the statutes, ~~nor prohibit or prohibits~~ the possession or use of nets by contract fishers who are operating under the supervision of the department.

SECTION 447. 29.286 (3) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 29.401 (3).

SECTION 448. 29.29 (title) of the statutes is renumbered 29.601 (title).

SECTION 449. 29.29 (1) (title) of the statutes is renumbered 29.601 (1) (title).

SECTION 450. 29.29 (1) and (2) of the statutes are renumbered 29.601 (1) (a) (intro.) and (2) and amended to read:

29.601 (1) (a) (intro.) No person may take do any of the following:

1. Take, capture or kill fish or game of any variety in any waters of this state by means of dynamite or other explosives or poisonous or stupefying substances or devices; ~~or place.~~

2. Place in any waters of this state explosives which might cause the destruction of fish or game, except when authorized by the department for the purpose of raising dead bodies ~~whenever ordered by the public authorities,~~ or for the purpose of, clearing a channel or breaking a log or ice jam; ~~or have.~~

3. Have in the possession or under the control of such the person, upon any inland waters of this state, any dynamite or other explosives or poisonous or stupefying substances or devices for the purpose of taking, catching or killing fish or game.

NOTE: "Inland waters" is changed to "waters of this state" to be consistent with the other prohibitions in this subsection.

(b) Whoever violates this subsection shall be fined not more than \$500 or imprisoned for not more than 90 days or both.

(2) (title) POISON BAIT. No person shall may use, set, lay or prepare in any of the waters of this state any lime, poison, ~~fish berries,~~ or any other substance deleterious to fish life.

SECTION 451. 29.29 (3) (title) of the statutes is renumbered 29.601 (3) (title).

SECTION 452. 29.29 (3) (b) of the statutes is renumbered 29.601 (3) (a) and amended to read:

29.601 (3) (a) No person may throw or deposit, or permit to be thrown or deposited, into any waters within the jurisdiction of the state any lime, oil, tar, garbage, refuse, debris, tanbark, ship ballast, stone, sand, except where permitted by s. 30.12 (3) (a) 1., slabs, decayed wood, sawdust, sawmill refuse, planing mill shavings or waste material of any kind, or any acids or chemicals or waste or refuse arising from the manufacture of any article of commerce, or any other substance deleterious to game or fish life ~~other than~~.

(b) ~~Paragraph (a) does not apply to~~ authorized drainage and sewage from municipalities and industrial or other wastes discharged from mines or commercial or industrial or ore processing plants or operations, through treatment and disposal facilities installed and operated in accordance with plans submitted to and approved by the department under chs. 281, 285 or 289 to 299, except s. 281.48, or in compliance with orders of the department. Any ~~such order shall be~~ is subject to modification by subsequent orders.

(c) ~~1.~~ Any person violating this ~~paragraph subsection~~ shall forfeit not more than \$200. Each day of a continuing violation is a separate offense.

SECTION 453. 29.29 (3) (c) of the statutes is renumbered 29.601 (3) (c) 2.

SECTION 454. 29.29 (4) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.601 (4) and amended to read:

29.601 (4) **USE OF PESTICIDES.** The department of natural resources, after public hearing, may promulgate rules governing the use of any pesticide which it finds is a serious hazard to wild animals other than those it is intended to control, and the making of reports ~~thereon about the pesticide~~. In making such determinations promulgating the rules, the department to the extent relevant shall consider the need for pesticides to protect the well-being of the general public. "Pesticide" has the meaning ~~designated in given in~~ s. 94.67.

SECTION 455. 29.29 (5) (title) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.601 (5) (title).

SECTION 456. 29.29 (5) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.601 (5) (a) and amended to read:

29.601 (5) (a) This section does not apply to any activities carried out under the direction and supervision of the ~~state~~ department of transportation in connection with the construction, reconstruction, maintenance and repair of highways and bridges ~~accomplished~~ in accordance with s. 30.12 (4).

SECTION 457. 29.29 (5) (b) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 29.601 (5) (b).

SECTION 458. 29.30 (title), (1) and (2) of the statutes are renumbered 29.516 (title), (1) and (2), and 29.516 (1) and (2) (intro.), (b) to (d), (f) and (g), as renumbered, are amended to read:

29.516 (1) **LICENSE REQUIRED.** Nets and setlines may be used for the purpose of taking, catching, or killing fish, subject to the conditions, limitations and restrictions prescribed in this chapter; but no person ~~shall~~ may set, place or use in any waters of this state any net, trap, snare, set hook, or setline, which is intended to or might take, catch or kill fish of any variety, other than a landing net, dip net, minnow seine or minnow dip net, unless a license ~~therefor authorizing the use of nets, setlines, traps or snares~~ has been ~~duly~~ issued to ~~such~~ the person by the department.

(2) **RESTRICTIONS ON THE USE OF LICENSED NETS AND SETLINES.** (intro.) The use of licensed nets and setlines is subject, ~~further,~~ to the following conditions:

(b) No net of any kind shall be set so as to shut off more than ~~one-half~~ 50% of any channel or passageway of any stream, or set within 1,000 feet of any other net in ~~said~~ the stream.

(c) No licensee ~~shall~~ may join a net to that of any other licensee.

(d) All nets or set hooks, when set or placed in any waters, shall be marked with a number corresponding to the license number authorizing the use of the nets or set hooks. The method of marking the nets shall be as follows:

1. On drop nets, submarine trap nets and fyke nets, when set below the surface of the water, there shall be a buoy attached to the pot rope, on all gill nets and set hooks there shall be a buoy on each end of the gang, the buoys shall have a staff extending at least 3 feet above the surface of the water, upon the upper end of the staff there shall be a flag at least 10 inches square. Upon the bowl of the buoys there shall be maintained in plain figures the license number authorizing the use of the nets or set hooks.

2. On pound nets and stake fyke nets there shall be maintained at least 3 feet above the surface of the water, or the surface of the ice, when set through the ice, a board or similar material, which shall bear the license number authorizing the use of the nets.

3. On gill nets or set hooks when set through the ice there shall be maintained on each end of the gang a board or similar material which shall bear the license number authorizing the use of the nets or set hooks.

(f) No licensed net ~~shall~~ may be drawn or lifted at any time between one hour after sunset and one hour before sunrise of the following morning, except as otherwise approved by the department or, in the case of an emergency, following notice to the nearest U.S. coast guard station.

(g) Except as provided in s. ~~29.33~~ 29.519 (4m), no fish of any kind shall be taken or retained in any net, when drawn or lifted, other than the kind or kinds expressly authorized to be taken or retained in ~~such~~ the net, as provided in this chapter; and except as provided by department order any ~~such~~ other kind or kinds of fish coming into or taken in ~~such~~ the nets shall be immediately

returned, carefully and with as little injury as possible, to the waters from which they were taken.

SECTION 459. 29.30 (3) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 29.516 (3).

SECTION 460. Subchapter IV (title) of chapter 29 [precedes 29.301] of the statutes is created to read:

CHAPTER 29

SUBCHAPTER IV

HUNTING AND TRAPPING REGULATION

SECTION 461. 29.33 (title) and (1) (title) of the statutes are renumbered 29.519 (title) and (1) (title).

SECTION 462. 29.33 (1) of the statutes is renumbered 29.519 (1) (a) and amended to read:

29.519 (1) (a) ~~Any~~ No person ~~desiring to~~ may conduct commercial fishing operations on any of the outlying waters ~~shall first obtain unless the person is issued a commercial fishing license by the department.~~

(b) The department may limit the number of licenses issued under this section and designate the areas in the outlying waters under the jurisdiction of this state where commercial fishing operations shall be restricted. The department may establish harvest limits and allocate the harvest limits among commercial fishing licensees. The department may designate the kind, size and amount of gear to be used in the harvest. The limitations on licenses, restricted fishing areas, harvests and gear shall be based on the available harvestable population of fish and ~~in~~ on the wise use and conservation of the fish so as to prevent overexploitation.

(c) The department may promulgate rules defining the qualifications of licensees in the reasonable exercise of this authority, giving due consideration to residency, past record including compliance with the reporting requirements of sub. (5), fishing and navigation ability and quantity and quality of equipment possessed. Rules relating to licensing commercial fishers shall be based on criteria provided by the commercial fishing boards under sub. (7).

(d) The application for the license shall be made to the department ~~on a blank provided for that purpose,~~ accompanied by the fee specified in s. ~~29.092~~ 29.563 (7). The application shall state the name, birthdate, description and ~~residence~~ address of the residence of the applicant, the manner in which he or she proposes to fish, the name or number and overall length of his or her boats, the name of the hailing port from which the boats will operate, and the number and kind of nets or other gear he or she intends to use in connection with commercial fishing and any other information required by the department for statistical purposes. The applicant shall provide an itemized listing of commercial fishing gear and equipment with the current values of those items of commercial fishing equipment, sufficient to meet the investment requirements for licensing as established in rules promulgated under this section. "Overall length" means the minimum

distance between the extreme outside end of the bow and the stern using the nearest whole number of feet. ~~The license shall be issued in accordance with s. 29.09.~~

(e) No outlying waters commercial fishing license may be issued to a person under the age of 18 years.

SECTION 463. 29.33 (2) (title) of the statutes is renumbered 29.519 (2) (title).

SECTION 464. 29.33 (2) (c) of the statutes is renumbered 29.519 (2) (c) and amended to read:

29.519 (2) (c) *Nonresident defined.* ~~For the purpose of In this section, the term "nonresident" shall include includes~~ any individual who is not a resident ~~under s. 29.01 (12),~~ any individual applying for a license for use of nets on a boat registered or of record at a port outside of the state, or any partnership, association, corporation or limited liability company any of whose stock, boats, nets and fishing equipment has been owned by a nonresident at any time during the 2 years immediately prior to the application for a license.

SECTION 465. 29.33 (2) (d) to (h) of the statutes are renumbered 29.519 (2) (d) to (h).

SECTION 466. 29.33 (3) of the statutes is repealed.

SECTION 467. 29.33 (4) of the statutes is renumbered 29.519 (4), and 29.519 (4) (b) and (c), as renumbered, are amended to read:

29.519 (4) (b) Each member of a crew engaged in the setting, lifting or pulling of nets or other devices set under authority of a commercial fishing license shall carry the crew license on his or her person while so engaged and upon demand of any ~~conservation~~ warden shall exhibit the license. Persons using minnow seines and dip nets used for taking smelt and minnows are exempt from this subsection.

(c) In case of illness or unavailability for good cause of a licensed crew member, an unlicensed person may work on a commercial fishing operation for a period not to exceed 48 hours under a temporary crew identification card, after which time he or she must obtain a crew license to engage in commercial fishing operations. Temporary crew identification cards shall be issued by the department to commercial fishing licensees for use as provided in this paragraph. Prior to use, the commercial licensee shall indicate on the temporary crew identification card the license number and name of the commercial fisher for whom the crew member will be working, the time and date the crew member commences work under the card and the crew member's name, address, description and his or her signature. The card shall be presented, upon request, to a ~~conservation~~ warden and must be in the possession of the crew member at all times while engaged in commercial fishing operations. The commercial fisher issuing the temporary crew identification card to an unlicensed person shall submit the card to the department with the commercial catch report submitted for the period in which work conducted under the card was performed.

SECTION 468. 29.33 (4g) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 29.519 (4g) and amended to read:

29.519 (4g) PROHIBITION AGAINST OPERATING FISH FARMS. No person who holds a commercial fishing or crew license issued under this section may operate a fish farm that contains a species of fish that the holder of the license is authorized to catch under this section ~~or rules promulgated under this section.~~

SECTION 469. 29.33 (4m) (title), (a) and (b) of the statutes are renumbered 29.519 (4m) (title), (a) and (b).

SECTION 470. 29.33 (4m) (c) (intro.) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.519 (4m) (c) (intro.).

SECTION 471. 29.33 (4m) (c) 1. and 2. of the statutes are renumbered 29.519 (4m) (c) 1. and 2.

SECTION 472. 29.33 (4m) (e) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 29.519 (4m) (e).

SECTION 473. 29.33 (5) of the statutes is renumbered 29.519 (5).

SECTION 474. 29.33 (6) of the statutes is renumbered 29.519 (6) and amended to read:

29.519 (6) INSPECTION. For purposes of enforcement of this section, ~~conservation~~ wardens or department employees duly authorized and designated by the secretary, upon presenting appropriate credentials to the licensee or agent in charge, are authorized:

(a) To enter any building or structure, excluding a dwelling place, in which nets or fish are stored, processed, packed or held, or to enter any vessel boat or vehicle being used to transport nets or fish when the owner or agent in charge is present or upon 8 hours' notice at other times.

(b) To inspect buildings, structures, ~~vessels~~ boats or vehicles, all pertinent equipment including nets used or stored in the places to be inspected and any fish stored, processed, packed or held in the places to be inspected.

SECTION 475. 29.33 (6m) and (7) of the statutes are renumbered 29.519 (6m) and (7).

SECTION 476. 29.331 (2) (title) and (5) (title) of the statutes are created to read:

29.331 (2) (title) SHIPMENTS.

(5) (title) MOLESTING TRAPS.

SECTION 477. 29.336 of the statutes is renumbered 29.522.

SECTION 478. 29.34 (title), (1), (2) and (4) (a) and (b) of the statutes are renumbered 29.523 (title), (1), (2) and (4) (a) and (b), and 29.523 (1) and (4) (a), as renumbered, are amended to read:

29.523 (1) Licenses which authorize the use of nets in the Mississippi ~~river~~ as limited herein River and in that part of the St. Croix ~~river~~ River downstream from the dam at St. Croix Falls shall be issued subject to s. ~~29.09~~ 29.024 by the department to ~~any a~~ resident applying therefor who applies for a license. This subsection, as ap-

plicable to the St. Croix ~~river~~ shall River, is not become effective ~~until~~ unless Minnesota has enacted in effect similar legislation.

(4) (a) Except when lifting or setting a gill net, no person may use a seine, gill, bait, buffalo or frame net in the Mississippi and St. Croix rivers unless the net has the required number of metal tags stamped to designate the kind of net and number of the net license covering it securely fastened to it.

SECTION 479. 29.34 (4) (c) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.523 (4) (c).

SECTION 480. 29.34 (5) of the statutes is renumbered 29.523 (5) and amended to read:

29.523 (5) Each ~~such~~ licensee shall keep a strict record and account as to each variety of fish and the number of pounds ~~thereof~~ of each variety that are taken by the licensee in gear licensed to the licensee and such other information as the department requires; and shall report thereon to the department on or before the 10th day of each month during the license period.

SECTION 481. 29.34 (6) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 29.523 (6) and amended to read:

29.523 (6) No person who holds a net license may operate a fish farm that contains a variety of fish that the holder of the license is authorized to catch under this section ~~or under rules promulgated under this section.~~

SECTION 482. 29.343 (title) of the statutes is renumbered 29.526 (title) and amended to read:

29.526 (title) Slat net fishing in the Mississippi ~~river~~ River.

SECTION 483. 29.343 (1) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.526 (1) and amended to read:

29.526 (1) A slat net license authorizing the taking of commercial fish through the use of slat nets in that part of the Mississippi ~~river~~ River over which this state has jurisdiction between the Minnesota-Iowa boundary line extended and the Wisconsin-Illinois boundary line extended shall be issued subject to s. ~~29.09~~ 29.024 by the department to any resident who applies for this license.

SECTION 484. 29.343 (2) of the statutes is renumbered 29.526 (2).

SECTION 485. 29.343 (3) of the statutes is renumbered 29.526 (3) and amended to read:

29.526 (3) No person may use a slat net unless it is properly tagged. In order to be properly tagged a slat net is required to have attached to it a metal tag stamped to designate the kind of net and the number of the slat net license. Slat net tags are required to remain attached to the nets until replaced by renewal tags.

SECTION 486. 29.343 (4) of the statutes is renumbered 29.526 (4) and amended to read:

29.526 (4) No slat net may be set within 100 feet of any muskrat or beaver house. Any slat net found in any waters during the closed season for the use of slat nets and

any slat net found on the Wisconsin banks or shores without a slat net tag and showing evidence of being used in the previous 5 months shall be seized and held subject to the order of the court or judge under s. ~~29.05~~ 29.931 (2).

SECTION 487. 29.343 (5) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.526 (5).

SECTION 488. 29.343 (6) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 29.526 (6) and amended to read:

29.526 (6) No person who holds a slat net license may operate a fish farm that contains a species of fish that the holder of the license is authorized to catch under this section ~~or under rules promulgated under this section.~~

SECTION 489. 29.344 (title) and (1) to (4) of the statutes are renumbered 29.529 (title) and (1) to (4) and amended to read:

29.529 (title) Trammel net fishing in the Mississippi River. (1) The department may issue a trammel net license to any resident who applies for this license subject to s. ~~29.09~~.

(2) This license authorizes the use of trammel nets in that part of the Mississippi ~~river~~ River over which this state has jurisdiction.

(3) No person may use a trammel net which exceeds 300 feet and no person may use a trammel net unless it is properly tagged. In order to be properly tagged, a trammel net is required to have attached to it a ~~metal~~ tag stamped to designate the kind of net and the number of the trammel net license. Trammel net tags are required to remain attached to the nets until replaced by renewal tags.

(4) No trammel net may be set within 100 feet of any muskrat or beaver house. Any trammel net found in any waters during the closed season for the use of trammel nets and any trammel nets found on the Wisconsin banks or shores without a trammel net tag and showing evidence of being used in the previous 5 months shall be seized and held subject to the order of the court or judge under s. ~~29.05~~ 29.931 (2).

SECTION 490. 29.344 (5) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 29.529 (5) and amended to read:

29.529 (5) No person who holds a trammel net license issued under this section may operate a fish farm that contains a species of fish that the holder of the license is authorized to catch under this section ~~or under rules promulgated under this section.~~

SECTION 491. 29.36 (title) of the statutes is renumbered 29.531 (title).

SECTION 492. 29.36 (1) and (2) of the statutes, as affected by 1997 Wisconsin Act 27, are renumbered 29.531 (1) and (2) and amended to read:

29.531 (1) A set or bank pole license authorizing the use of not to exceed 5 set or bank poles for taking, catching or killing fish in the inland waters of the state where the use of setlines is permitted shall be issued subject to

s. ~~29.09~~ 29.024 by the department to any resident applying ~~who applies~~ for this ~~the~~ license.

(2) No set or bank pole ~~shall~~ may be used unless there is securely attached ~~thereto a metal~~ to the pole a tag stamped with the number of the license ~~covering the same~~. Tags shall be furnished by the department to the licensee at the time of issuing the license.

SECTION 493. 29.36 (3) of the statutes is renumbered 29.531 (3).

SECTION 494. 29.36 (4) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 29.531 (4) and amended to read:

29.531 (4) No person who holds a set or bank pole license may operate a fish farm that contains a species of fish that the holder of the license is authorized to catch under this section ~~or under rules promulgated under this section.~~

SECTION 495. 29.37 (title) of the statutes is renumbered 29.533 (title).

SECTION 496. 29.37 (1) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.533 (1) and amended to read:

29.533 (1) A setline license authorizing the use of setlines and hooks in inland waters in the manner determined by the department for taking, catching or killing fish shall be issued subject to s. ~~29.09~~ 29.024 by the department to any resident applying for this license.

SECTION 497. 29.37 (3) (a) of the statutes is renumbered 29.533 (3) (a) and amended to read:

29.533 (3) (a) No person may operate any setline unless he or she has a setline license. No person may use a setline unless it is properly tagged. In order to be properly tagged a setline is required to be securely attached to a buoy or stake at one end, the buoy or stake is required to have attached to it a ~~metal~~ tag stamped to designate the serial number of the setline license covering it and the buoy or stake is required to be placed and the tag attached in a manner so the tag is visible above the surface of the water.

SECTION 498. 29.37 (3) (b) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.533 (3) (b).

SECTION 499. 29.37 (4) of the statutes is renumbered 29.533 (4).

SECTION 500. 29.37 (5) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 29.533 (5) and amended to read:

29.533 (5) No person who holds a ~~set line~~ setline license issued under this section may operate a fish farm that contains a kind of fish that the holder of the license is authorized to catch under this section ~~or under rules promulgated under this section.~~

SECTION 501. 29.38 of the statutes is renumbered 29.537, and 29.537 (2) (intro.), (3) (a) 2., (6) (a) (intro.), 1. and 2. and (b) and (9), as renumbered, are amended to read:

29.537 (2) DEFINITIONS. (intro.) ~~As used in~~ In this section:

(3) (a) 2. The person is a licensed clam helper engaged in commercial clam shelling while aboard a ~~vessel boat~~ boat with the licensed commercial clam sheller whom the clam helper is assisting.

(6) (a) (intro.) Except as provided in par. (d), for purposes of enforcement of this section ~~and rules adopted under it, conservation, wardens or department employees authorized and designated by the secretary, upon presenting appropriate credentials to the licensee or agent in charge, are authorized to do all of the following:~~

1. Enter any place, building or structure, excluding a dwelling place, in which clams or clamming equipment are stored, processed, packed or held and enter any ~~vessel boat~~ boat or vehicle being used to transport clams or clamming equipment when the licensee or agent in charge is present or upon 8 hours' notice at other times.

2. Inspect places, buildings, structures, ~~vessels boats~~ boats or vehicles, all pertinent equipment used or stored in the places to be inspected and any clams stored, processed, packed or held in the places to be inspected.

(b) No licensee, operator of a vehicle or ~~vessel boat~~ boat for the licensee, or employe acting on behalf of the licensee may prohibit entry or prohibit an inspection from being conducted as authorized under par. (a).

(9) CONFIDENTIALITY. Upon request in writing by a person who is required by department rule to keep a record or submit a report, the department shall keep confidential any information on the record or report relating to the value or weight of clams bought, sold or bartered by the person or relating to the specific location where the clams were taken, killed, collected or removed, except that the information may be disclosed in statistical summaries or reports which do not identify the person by name or license number and in any enforcement action under s. ~~29.99~~ 29.971 (1m).

SECTION 502. 29.39 of the statutes is renumbered 29.055 and amended to read:

29.055 (title) ~~Possession during Wild animals; possession in closed season or in excess of bag limit.~~ Possession during Wild animals; possession in closed season or in excess of bag limit. Except as ~~otherwise~~ expressly provided in this chapter, no person may have in the person's possession or under the person's control, or have in storage ~~or retention for any person, any wild animal, or the carcass or part thereof,~~ that was taken during the closed season for that wild animal or that is in excess of the bag or possession limit or contrary to the size limits for that wild animal. The open and closed seasons and the bag, possession and size limits of the state, province or country in which a wild animal was taken shall apply to the wild animal or the carcass if it was lawfully killed outside of this state.

SECTION 503. 29.395 of the statutes is renumbered 29.057 and amended to read:

29.057 (title) ~~Game, Wild animals; possession in open season.~~ Game, Wild animals; possession in open season. It shall be ~~is~~ unlawful to have in possession

possess or under control at any time a protected wild animal or the carcass or part of the carcass or skin of any protected wild animal showing that the same has been it was taken during the elose closed season for such the protected wild animal.

SECTION 504. 29.40 of the statutes is renumbered 29.347, and 29.347 (2), as renumbered, is amended to read:

29.347 (2) DEER TAGS. Except as provided under sub. (5) and s. ~~29.405~~ 29.324 (3), any person who kills a deer shall immediately attach to the ear or antler of the deer a current validated deer carcass tag which is authorized for use on the type of deer killed. Except as provided under sub. (2m) or s. ~~29.578~~ 29.871 (7), (8) or (14), no person may possess, control, store or transport a deer carcass unless it is tagged as required under this subsection. The carcass tag may not be removed before registration. The removal of a carcass tag from a deer before registration renders the deer untagged.

NOTE: The provision relating to deer tags is expanded to provide that the carcass tag may not be removed prior to registration and that the removal of a carcass tag from a deer prior to registration renders the deer untagged. This change reflects the current interpretation of the tagging law by the department.

SECTION 505. Subchapter V (title) of chapter 29 [precedes 29.401] of the statutes is created to read:

CHAPTER 29

SUBCHAPTER V

FISHING REGULATION

SECTION 506. 29.405 of the statutes is renumbered 29.324, and 29.324 (3), as renumbered, is amended to read:

29.324 (3) A person who kills a deer under sub. (2) shall ensure that a member of his or her group deer hunting party without delay attaches a current validated deer carcass tag to the deer in the manner specified under s. ~~29.40~~ 29.347 (2). The person who kills the deer may not leave the deer unattended until after it is tagged.

SECTION 507. 29.41 of the statutes is renumbered 29.351, and 29.351 (3), as renumbered, is amended to read:

29.351 (3) Possess the raw skin of any muskrat, mink, otter, fisher or pine marten at any time unless the person is the holder of a valid scientific collector permit, fur dealer license, trapping license or resident conservation patron license ~~of current issue.~~ No license is required for a person breeding, raising and producing domestic fur-bearing animals in captivity, as defined in s. ~~29.579~~ 29.873, or for a person authorized to take muskrats on a cranberry marsh under a permit issued to the person by the department.

SECTION 508. 29.415 of the statutes is renumbered 29.604, and 29.604 (2) (c), (3) (a), (5) (a) and (c) and (8), as renumbered, are amended to read:

29.604 (2) (c) ~~“Wild~~ Notwithstanding s. 29.001 (90), “wild animal” means any mammal, fish, wild bird,

amphibian, reptile, mollusk, crustacean, or arthropod, or any part, products, egg or offspring thereof, or the dead body or parts thereof.

(3) (a) The department shall by rule establish an endangered and threatened species list. The list shall consist of 3 parts: wild animals and wild plants on the U.S. list of endangered and threatened foreign species; wild animals and wild plants on the U.S. list of endangered and threatened native species; and a list of endangered and threatened Wisconsin species. Wisconsin endangered species shall be compiled by issuing a proposed list of species approaching statewide extirpation. Wisconsin threatened species shall be compiled by issuing a proposed list of species which appear likely, within the foreseeable future, to become endangered. Issuance of the proposed lists shall be followed by solicitation of comments and public hearing. Wild animals and wild plants shall be ~~deemed approaching~~ considered to be approaching statewide extirpation if the department determines, based upon the best scientific and commercial data available to it, after consultation with other state game directors, federal agencies and other interested persons and organizations, that the continued existence of ~~such~~ these wild animals and wild plants in this state is in jeopardy.

(5) (a) 1. Whoever violates sub. (4) (a) ~~or any rules promulgated under it~~ shall forfeit not less than \$500 nor more than \$2,000. In addition, the court shall order the revocation of all hunting approvals issued to the person under this chapter and shall prohibit the issuance of any new hunting approvals under this chapter for one year. Whoever intentionally violates sub. (4) (a) ~~or any rules promulgated under it~~ shall be fined not less than \$2,000 nor more than \$5,000 or imprisoned for not more than 9 months or both. In addition, the court shall order the revocation of all hunting approvals issued to the person under this chapter and shall prohibit the issuance of any new hunting approvals under this chapter for 3 years.

2. Whoever violates sub. (4) (b) or (c) ~~or any rules promulgated under those paragraphs~~ shall forfeit not more than \$1,000. Whoever intentionally violates sub. (4) (b) or (c) ~~or any rules promulgated under those paragraphs~~ shall be fined not more than \$1,000 or imprisoned for not more than 9 months or both.

(c) Goods, merchandise, wild animals, wild plants or records seized under par. (b) shall be held by an officer or agent of the department pending disposition of court proceedings and thereafter shall be forfeited to the state for destruction or disposition as the department deems determines to be appropriate. Prior to forfeiture, the department may direct the transfer of wild animals or wild plants so seized to a qualified zoological, educational or scientific institution or qualified private propagator for safekeeping with costs assessable to the defendant.

(8) EXEMPTIONS. This section ~~shall does~~ not apply to zoological societies, or municipal zoos, or to their officers or employees ~~thereof~~.

SECTION 509. 29.42 (title) of the statutes is renumbered 29.354 (title).

SECTION 510. 29.42 (1), (2) and (3) of the statutes are renumbered 29.354 (1), (2) and (3) and amended to read:

29.354 (1) APPROVAL NECESSARY. No person, except a person who ~~is issued~~ has a valid hunting license, sports license, a conservation patron license, taxidermist permit or scientific collector permit and who is carrying this approval on his or her person, may possess or have under his or her control any game bird, animal or the carcass of any game bird or animal.

(2) NESTS AND EGGS. No person, except a person who ~~is issued~~ has a valid scientific collector permit, may take, needlessly destroy or possess or have under his or her control the nest or eggs of any wild bird for which a closed season is prescribed under this chapter.

(3) MOUNTED COLLECTIONS. This section ~~shall does~~ not permit seizure of ~~nor~~ or prohibit possession or sale of lawfully obtained wild birds and animals which are mounted or in the process of being mounted for a private collection.

SECTION 511. 29.42 (4) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.354.

SECTION 512. 29.425 (title) and (1) to (3) of the statutes are renumbered 29.853 (title) and (1) to (3), and 29.853 (2) (a) and (3) (a), as renumbered, are amended to read:

29.853 (2) (a) *Restrictions.* No person may possess any live game animal or fur-bearing animal unless authorized under s. ~~29.55, 29.572, 29.574, 29.575, 29.578~~ 29.857, 29.863, 29.867, 29.869, 29.871 or 29.585 29.877 except to control an animal temporarily.

(3) (a) *Restrictions.* No person may sell any live game animal or fur-bearing animal unless authorized under s. ~~29.55, 29.572, 29.574, 29.575, 29.578~~ 29.857, 29.863, 29.867, 29.869, 29.871 or 29.585 29.877 and unless the purchaser is also authorized under one of those sections and presents evidence of that authorization to the seller.

SECTION 513. 29.425 (4) of the statutes is renumbered 29.334 and amended to read:

29.334 (title) Hunting and trapping; treatment of animals. A person who hunts or traps any game animal or fur-bearing animal shall kill the animal when it is taken and make it part of the daily bag or shall release the animal unless authorized under s. ~~29.55, 29.572, 29.574, 29.575, 29.578~~ 29.857, 29.863, 29.867, 29.869, 29.871 or 29.585 29.877.

SECTION 514. 29.425 (4m) and (5) of the statutes are renumbered 29.853 (4m) and (5).

SECTION 515. 29.427 of the statutes is renumbered 29.855, and 29.855 (1) (b) and (c), (2) (a) and (b), (3) (a) to (c), (4) and (6), as renumbered, are amended to read:

29.855 (1) (b) "Domestic skunk" means a skunk raised on a fur animal farm licensed under s. ~~29.575~~ 29.869.

(c) "Possess" has the meaning designated under s. ~~29.425~~ 29.853 (1) (b).

(2) (a) *Restrictions on possession of wild skunks.* No person may possess any live wild skunk unless authorized under s. ~~29.55~~ 29.857 except to control the skunk temporarily.

(b) *Restrictions on possession of domestic skunks.* No person may possess any live domestic skunk unless authorized under s. ~~29.55~~ 29.857 or ~~29.575~~ 29.869 except to control the skunk temporarily.

(3) (a) *Restrictions on sale of wild skunks.* No person may sell any live wild skunk unless authorized under s. ~~29.55~~ 29.857 and unless the person to whom the skunk is sold is also authorized under s. ~~29.55~~ 29.857.

(b) *Restrictions on sale of domestic skunks.* No person may sell any live domestic skunk unless authorized under s. ~~29.55~~ 29.857 or ~~29.575~~ 29.869 and unless the purchaser is also authorized under one of those sections and presents evidence of that authorization to the seller.

(c) *Record.* A person who sells any live skunk shall keep a record of the sale as required under s. ~~29.425~~ 29.853 (3) (b).

(4) *DESCENTING.* No person may operate on a live wild skunk to remove its scent glands unless the person who possesses the skunk is authorized under s. ~~29.55~~ 29.857 or 29.869. A veterinarian to whom a person brings a live wild skunk for removal of its scent glands or for other treatment shall notify that person that possession of a live skunk is illegal and shall notify the department.

NOTE: The cross-reference to s. 29.869 allows a person with a fur animal farm to descent a skunk.

(6) *DESTRUCTION.* A person may kill at any time a wild skunk which is a nuisance to activities authorized under s. ~~29.55, 29.572, 29.574, 29.575, 29.578~~ 29.857, 29.863, 29.867, 29.869, 29.871 or ~~29.585~~ 29.877. A person who kills an adult wild skunk with young shall attempt to kill the young skunks.

SECTION 516. 29.43 (title), (1) to (4) and (5) (title) and (a) of the statutes are renumbered 29.357 (title), (1) to (4) and (5) (title) and (a), and 29.357 (1) to (4) and (5) (a), as renumbered, are amended to read:

29.357 (1) (title) ~~DURING ~~EL~~SE CLOSED SEASON.~~ Except as otherwise expressly provided, ~~it shall be unlawful for any in this chapter, no~~ person to may transport or cause to be transported, or deliver or receive or offer to deliver or receive for transportation, any game or game fish or carcass ~~or part thereof~~ at any time other than during the open season ~~therefor~~ for the game or game fish and 3 days thereafter. Whenever any game or game fish or carcass ~~or part thereof~~ is offered to any person for transportation at any time other than during the open season therefor and 3 days thereafter, ~~such the~~ person shall ~~forthwith~~ immediately notify the department or its wardens, ~~stating full particulars of such of the~~ offer and by whom made.

(2) *TRUNKS; VALISES.* No person shall may carry or control in any trunk, valise, or other package or enclosure, at any time on any common carrier, any game or game fish, or carcass ~~or part thereof~~.

(3) *TRANSPORTATION EMPLOYEES.* No employe of any railroad, express or other transportation company, and no steward, porter or other employe of any dining, parlor or sleeping car shall may have possession or control of, at any time while on duty, any game or game fish, or carcass ~~or part thereof~~.

(4) *LABELING GAME SHIPMENTS.* No person shall transport or cause to be transported, or deliver or receive for transportation, any package or parcel containing any wild animal or carcass ~~or part thereof~~, unless the same package or parcel is labeled in plain letters on the address side of ~~such the~~ package or parcel ~~so as to disclose with~~ the name and address of the consignor, the name and address of the consignee, and the number of pounds of each kind of fish or the number of each variety of other wild animals; or carcasses, ~~or parts thereof, contained therein in the package or parcel;~~ and unless the consignor is the owner of ~~such the~~ shipment and shall ~~deliver~~ delivers to the common carrier ~~therewith with the package or parcel,~~ either personally, or by agent, a writing signed by the consignor personally, stating that the consignor is the owner of the shipment.

(5) (a) Subsections (1) to (4) do not apply to a person who ~~is issued~~ has a valid taxidermist permit and who possesses, transports, causes to be transported, delivers or receives, or offers to deliver or receive, a wild animal carcass in connection with his or her business.

SECTION 517. 29.43 (5) (b) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.357 (5) (b).

NOTE: Current statutes relating to transportation of game fishes or carcasses are amended to delete references to parts of carcasses since parts are included in the definition of a carcass and to provide that the department may, by administrative rules, create exceptions to this requirement. For example, currently, it is unlawful for a person to take game to a meat processor to be smoked or processed in any fashion outside the open season. Technically, many violations of this provision are committed by persons who take meat to a processor to have it smoked or otherwise prepared for the holiday season. This change will permit the department to create exemptions for such actions.

SECTION 518. 29.44 (title) of the statutes is renumbered 29.047 (title).

SECTION 519. 29.44 (1) of the statutes is repealed.

SECTION 520. 29.44 (2) of the statutes is renumbered 29.047 (2) (a) and amended to read:

29.047 (2) (a) ~~Subsection (1) does not apply to a~~ A person who ~~is issued~~ has a valid taxidermist permit and who possesses, transports, causes to be transported, delivers or receives, or offers to deliver or receive, a wild animal carcass in connection with his or her business.

SECTION 521. 29.44 (3) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.047 (2) (b) and amended to read:

29.047 (2) (b) ~~Subsection (1) does not apply to the~~ The possession, transportation, delivery or receipt of farm-raised deer or farm-raised fish.

SECTION 522. 29.45 of the statutes is renumbered 29.361, and 29.361 (5), as renumbered, is amended to read:

29.361 (5) This section does not apply to a person who ~~is issued~~ has a valid taxidermist permit and who is transporting, attempting to transport or receiving the carcass of a deer in connection with his or her business.

SECTION 523. 29.46 of the statutes is renumbered 29.364, and 29.364 (1) to (3) and (5), as renumbered, are amended to read:

29.364 (1) TRANSPORTATION. No common carrier shall may receive for transportation or transport or attempt to transport any game bird, or carcass ~~or part thereof of a game bird~~ except as provided in this section.

(2) RESIDENTS. Any ~~duly-licensed resident who has all of the required hunting approvals~~ may transport in the resident's personal possession the legal daily bag limit or possession limit of any game birds for which an open season has been provided to any point within the state.

(3) NONRESIDENTS. Any ~~duly-licensed nonresident who has all of the required hunting approvals~~ may transport in the nonresident's personal possession the legal daily bag limit or possession limit of game birds for which an open season has been provided from any point within the state to any point within or without the state.

(5) EXEMPTION; TAXIDERMISTS. Subsections (1) to (3) do not apply to a person who ~~is issued~~ has a valid taxidermist permit and who is transporting the carcass of a game bird in connection with his or her business.

SECTION 524. 29.47 (title) of the statutes is renumbered 29.407 (title).

SECTION 525. 29.47 (2) (title) of the statutes is renumbered 29.407 (1) (title).

SECTION 526. 29.47 (2) (intro.) of the statutes is renumbered 29.407 (1) (a) and amended to read:

29.407 (1) (a) No person shall may transport or cause to be transported, or deliver or receive or offer to deliver or receive for transportation, any game fish taken from inland waters ~~other than as follows: unless the person complies with all applicable requirements under pars. (b) and (c).~~

SECTION 527. 29.47 (2) (a) and (b) of the statutes are repealed.

NOTE: Current s. 29.47 (2) (a) and (b) are as follows:

"29.47 (2) (a) By common carrier: In each period of 7 days, one shipment only of not more than one package, containing not more than the bag limit for one day of game fish of any variety except brook, brown and rainbow trout, and in addition thereto not more than 20 pounds of any game fish for which no daily bag limit is established may be shipped by any resident to any point within the state, or by any nonresident licensee to any point without the state.

(b) By means of other than common carrier: The possession limit, as prescribed by the department, of game fish of any variety may be transported by any resident to any point within

the state, or by any nonresident licensee to any point without the state, when accompanied by the owner."

These provisions are deleted because they have been superseded by the wholesale fish dealer law and are no longer used. Also, there is no longer a season for the fish specified by sub. (2) (a) on outlying waters for commercial fishermen.

SECTION 528. 29.47 (2) (c) and (d) of the statutes are renumbered 29.407 (1) (b) and (c) and amended to read:

29.407 (1) (b) All fish ~~which that~~ are subject to a minimum size limit and are taken by hook and line may be transported with the head or tail, or both, removed and may be filleted before being transported, but only if the dressed or filleted fish continues to meet the minimum size limit. ~~The A dressed or filleted fish shall remain in one piece with the skin and scales intact. The skin and scales shall remain on a filleted fish.~~

NOTE: This provision is amended to reflect the fact that if a fish has been filleted it is no longer in one piece with the skin and scales intact. As revised, separate requirements are created for dressed fish as opposed to filleted fish.

This same change is made in new s. 29.407 (2) (d).

(c) ~~No A~~ box, package or container of fish transported by common carrier shall contain fish of ~~more than only~~ one owner.

SECTION 529. 29.47 (3) (title) of the statutes is renumbered 29.407 (2) (title).

SECTION 530. 29.47 (3) (intro.) of the statutes is renumbered 29.407 (2) (a) and amended to read:

29.407 (2) (a) ~~The transportation of No person may transport or cause to be transported, or deliver or receive or offer to deliver or receive for transportation, any game fish taken in from outlying waters is subject to the following limitations: unless the person complies with all applicable requirements under pars. (b) to (d).~~

SECTION 531. 29.47 (3) (a) to (c) of the statutes are renumbered 29.407 (2) (b) to (d) and amended to read:

29.407 (2) (b) No green fish of any variety except lawfully taken suckers shall may be shipped from any port located on outlying waters during the closed season for ~~such the~~ fish, except the first 3 days ~~thereof of the closed season.~~

(c) Pike and pickerel ~~of lawful size and~~ lawfully taken from outlying waters may be transported to points within or without the state without limitation as to quantity; but all ~~such~~ shipments shall may be billed only from a port on outlying waters directly to their destination, and shall may not be rebilled or reshipped from any other point within the state.

(d) All fish which are subject to a minimum size limit and are taken by hook and line may be transported with the head or tail, or both, removed and may be filleted before being transported, but only if the dressed or filleted fish continues to meet the minimum size limit. ~~The A dressed or filleted fish shall remain in one piece with the skin and scales intact. The skin and scales shall remain on a filleted fish.~~

SECTION 532. 29.47 (4) of the statutes is renumbered 29.407 (3).

SECTION 533. 29.47 (5) of the statutes is repealed.

NOTE: The current text of s. 29.47 (5) is as follows:

“29.47 (5) FOREIGN SHIPMENTS. Pike and pickerel in a frozen state, whether dressed or not dressed, legally taken or imported from any foreign country, are not subject to this chapter except as may be provided by department orders; but the person importing, transporting, dealing in, or selling such fish shall keep a separate record of all shipments and consignments thereof, containing the number of pounds, the date received, the name of the consignor, and the name of the carrier transporting the same, which shall be at all times open to inspection by the department or its wardens.”.

This provision is deleted because the provision has been superseded by other commercial fishing regulations.

SECTION 534. 29.47 (6) of the statutes is renumbered 29.407 (4) and amended to read:

29.407 (4) INJURIOUS FISH. No live rough fish except goldfish, dace and suckers shall may be transported into or within the state at any time without a permit from the department, except any person holding authorized by a state contract to remove rough fish pursuant to s. ~~29.62~~ 29.421 may transport rough fish taken by the person under the authority of ~~such~~ the contract.

SECTION 535. 29.47 (7) (title) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.407 (5) (title).

SECTION 536. 29.47 (7) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.407 (5) (a) and amended to read:

29.407 (5) (a) This section does not apply to a person who is issued has a valid taxidermist permit and who is transporting fish in connection with the person’s business.

SECTION 537. 29.47 (7) (b) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 29.407 (5) (b).

SECTION 538. 29.475 of the statutes is renumbered 29.071 and amended to read:

29.071 Wildlife on Indian reservations protected. No person shall may remove or take from any Indian reservation the carcass of any protected wild animal, ~~bird or fish or any part thereof, including the fur,~~ during the close closed season for ~~such the wild animal, bird or fish~~ without a permit from the department ~~issued under such regulations as it may prescribe.~~

SECTION 539. 29.48 (title) of the statutes is renumbered 29.539 (title).

SECTION 540. 29.48 (1) of the statutes is renumbered 29.539 (1), and 29.539 (1) (a), as renumbered, is amended to read:

29.539 (1) (a) Except as otherwise expressly provided under this chapter ~~or rules promulgated under this chapter,~~ no person may sell, buy, barter or trade, or offer to sell, buy, barter or trade or have in possession or under control for the purpose of sale, barter or trade any of the following:

1. Deer, bear, squirrel, game bird, game fish or the carcass ~~thereof~~ of any of these wild animals at any time.

2. Any other wild animal or ~~the its~~ carcass ~~thereof~~ during the closed season for that wild animal.

SECTION 541. 29.48 (1m) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.539 (1m).

SECTION 542. 29.48 (2) of the statutes is renumbered 29.539 (2).

SECTION 543. 29.48 (3) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.539 (3).

SECTION 544. 29.48 (4) and (5) of the statutes are renumbered 29.539 (4) and (5).

SECTION 545. 29.48 (6) of the statutes is renumbered 29.539 (6) and amended to read:

29.539 (6) The sale of a species of fish specified under s. ~~29.136~~ 29.506 (7m) (b) or of the carcass of any of these fish, is exempt under this section if the sale is authorized by a permit issued under s. ~~29.136~~ 29.506 (7m).

SECTION 546. 29.49 (title) of the statutes is renumbered 29.541 (title).

SECTION 547. 29.49 (1) (title) of the statutes is renumbered 29.541 (1) (title) and amended to read:

29.541 (1) (title) ~~RESTAURANTS, ETC.~~ PROHIBITION.

SECTION 548. 29.49 (1) (a) (intro.) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.541 (1) (a) (intro.) and amended to read:

29.541 (1) (a) (intro.) No innkeeper, manager or steward of any restaurant, club, hotel, boarding house, tavern, logging camp or mining camp may sell, barter, serve or give, or cause to be sold, bartered, served or given, ~~to the its~~ guests or boarders ~~thereof~~ any of the following:

SECTION 549. 29.49 (1) (a) 1. of the statutes is renumbered 29.541 (1) (a) 1. and amended to read:

29.541 (1) (a) 1. The meat of any deer, bear, squirrel, game bird or game fish taken from inland waters at any time; ~~or.~~

SECTION 550. 29.49 (1) (a) 2. of the statutes is renumbered 29.541 (1) (a) 2. and amended to read:

29.541 (1) (a) 2. The meat of any ~~other game or other wild animal, or carcass or part thereof~~ not listed in subd. 1., during the closed season ~~therefor~~ for the wild animal, whether ~~such the~~ meat is of ~~animals~~ a wild animal lawfully or unlawfully taken within or without the state.

SECTION 551. 29.49 (1) (b) of the statutes is renumbered 29.541 (1) (b).

SECTION 552. 29.49 (2) of the statutes is renumbered 29.541 (2) and amended to read:

29.541 (2) FREE LUNCH. The giving, offering, or affording opportunity to take free lunch in any of the places named in sub. (1) ~~shall be held to be is~~ embraced within the prohibitions ~~thereof~~ of sub. (1).

SECTION 553. 29.49 (3) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.541 (3).

SECTION 554. 29.50 of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.701, and 29.701 (1) (b), as renumbered, is amended to read:

29.701 (1) (b) The removal of fish which have died from natural causes or the removal of deleterious detrital or rough fish by or as authorized by the department ~~as authorized under this chapter.~~

SECTION 555. Subchapter VI (title) of chapter 29 [precedes 29.501] of the statutes is created to read:

CHAPTER 29

SUBCHAPTER VI

COMMERCIAL ACTIVITIES

SECTION 556. 29.503 (2) (b) of the statutes is created to read:

29.503 (2) (b) No producer of fish who holds a commercial fishing license or contract under this chapter shall be required to obtain a license to sell the fish that he or she produces.

SECTION 557. 29.51 (title) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.705 (title).

SECTION 558. 29.51 (1) (intro.) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.709 (intro.) and amended to read:

29.709 State fish hatcheries. (intro.) The department shall ~~have general charge~~ may operate state fish hatcheries and may do all of the following ~~matters for operating state fish hatcheries, and all necessary powers therefor, namely:~~

SECTION 559. 29.51 (1) (a), (b) and (c) of the statutes are renumbered 29.709 (1), (2), (3) and amended to read:

29.709 (1) ~~The propagation and breeding of~~ Breed and propagate fish of such species and varieties as they deem it determines to be of value.

(2) ~~The collection and diffusion of useful~~ Distribute information ~~in regard to~~ regarding the propagation and conservation of fish.

(3) ~~The government and control, care, supply, and repair of~~ Manage the state fish hatcheries ~~and the grounds used therefor, whether owned or leased, and the buildings, ponds, fish car and other apparatus, and all other property belonging to or held by the state for the propagation of fish.~~

SECTION 560. 29.51 (1) (d) of the statutes is repealed.

NOTE: The current text of s. 29.51 (1) (d) establishes some of the authority of the DNR with respect to state fish hatcheries, as follows:

"29.51 (1) (d) The purchase and establishment and control, in like manner, of new hatcheries when appropriations shall be made by law, and the establishment of such temporary hatching stations as they may deem necessary. With the consent and approval of the department, lands may be acquired by grant, devise or conveyance constituting a voluntary donation to or purchase by the state for the express purpose of enabling it to use such lands for establishing hatcheries and the propagation of fish."

The DNR has sufficient authority to acquire fish hatcheries under s. 23.09 (2) (d) 4.

SECTION 561. 29.51 (1) (e) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.709 (4) and amended to read:

29.709 (4) Subject to s. 95.60, ~~the receiving~~ receive from the U.S. commissioners of fisheries, ~~from the commissioners of fisheries of other states or from other persons of any person~~ all fish eggs or fish donated to the state or purchased, and ~~in the most practical ways, by exchange or otherwise, to procure, receive, exchange,~~ distribute and dispose of fish eggs and fish; ~~to make contracts and carry on the same for the transportation of fish cars, cans, departmental officers and employes by land or water as is most advantageous to the state; and to take such other measures as in their judgment best promotes the abundant supply of food fishes in the waters of the state.~~

SECTION 562. 29.51 (1) (f) of the statutes is repealed.

NOTE: The current text of s. 29.51 (1) (f) establishes a portion of the authority of the DNR with respect to state fish hatcheries, as follows:

"29.51 (1) (f) The department shall keep an inventory of the property of the several hatcheries, with the cost of each article, and account in detail and separately of the expenses of each hatchery; also of the distribution of the fish, of maintaining and repairing property and of such improvements as may be ordered."

These functions are part of normal DNR fiscal and property management and need not be stated in the statutes.

SECTION 563. 29.51 (2) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.705 (1) and amended to read:

29.705 (1) **TRANSPLANTATION OF FISH.** The department may take or ~~cause~~ authorize to be taken fish at any time of the year from any waters of the state for stocking other waters or for the purpose of securing eggs for artificial propagation. These fish or eggs may be taken only under a special permit issued by the department and only in the presence of an employe or agent of the department ~~or its wardens.~~ ~~This~~ The permit shall specify the kinds of fish that may be taken and the manner in which they may be taken.

SECTION 564. 29.51 (3) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.705 (3) and amended to read:

29.705 (3) **DELIVERY OF FISH EGGS.** Any person fishing in any waters of this state shall deliver, on demand, to the department or its ~~wardens or authorized agents, all kinds of~~ agent any fish, ~~during the spawning season, for the purpose of being stripped of their eggs and milt; and the person receiving them.~~ The department or its agent shall, immediately after having stripped the fish, return them to the person from whom received. ~~Any such person shall permit the~~ The department, or its wardens, ~~or authorized agents to~~ agent may enter any boats, docks, grounds or other places where ~~such~~ the fish may be, for the purpose of stripping ~~the same~~ them while alive, and

the person possessing the fish shall render ~~such any~~ assistance as that may be necessary to expedite the work of mixing the eggs and milt for proper impregnation.

SECTION 565. 29.51 (3m) (title) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 29.705 (4) (title).

SECTION 566. 29.51 (3m) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.705 (4) (a).

SECTION 567. 29.51 (3m) (b) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 29.705 (4) (b).

SECTION 568. 29.51 (4) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.705 (5) and amended to read:

29.705 (5) **REMOVAL OF FISH EGGS OR FISH FROM STATE.** No person may remove any fish eggs or live fish from this state except as authorized by law, unless or pursuant to a permit therefor has been issued to the person by the department. This subsection does not apply to farm-raised fish or eggs from farm-raised fish.

SECTION 569. 29.51 (5) (intro.) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.705 (6) (intro.).

SECTION 570. 29.51 (5) (a) and (b) of the statutes, as created by 1997 Wisconsin Act 27, are renumbered 29.705 (6) (a) and (b).

SECTION 571. 29.51 (6) of the statutes is renumbered 29.414 and amended to read:

29.414 Erection of barriers to exclude rough fish. The department may for ~~any period in its discretion~~ erect and maintain or authorize erection and maintenance of a screen or similar barrier in any navigable stream for the purpose of preventing rough fish or other fish ~~found to be~~ undesirable fish from invading any part of ~~such the~~ stream, provided such if the screen or barrier does not unreasonably interfere with navigation.

SECTION 572. 29.51 (7) (title) of the statutes is repealed.

SECTION 573. 29.51 (7) (a) and (b) of the statutes are consolidated, renumbered 29.411 and amended to read:

29.411 (title) Cooperation during a fish census. A person who is fishing shall cooperate with an employe of the department when the employe is involved in taking a fish census. ~~(b) Section 29.99 29.971~~ does not apply to this subsection section.

SECTION 574. 29.511 of the statutes is repealed.

NOTE: The current text of s. 29.511 is as follows:

"29.511 Cold water fish hatchery. In exercising the powers granted to the department under s. 29.51 the department shall purchase and establish fish hatchery facilities specializing in the production of cold water fish. The hatchery shall be located in a county centrally situated and no farther than 40 miles from Lake Michigan. The capacity of the fish hatchery should permit a minimum of 40,000 pounds of fish production."

This provision was created to allow the DNR to establish a cold water fish hatchery. That hatchery has been established, and the statute no longer serves a purpose.

SECTION 575. 29.512 of the statutes is repealed.

NOTE: The current text of s. 29.512 (1) is as follows:

29.512 (1) Upon complaint in writing by an owner or lessee of land to the department that operation of the well by the department at the Bayfield fish hatchery has caused damage through disruption of well operations located within 10,000 feet of the fish hatchery well, the department shall inquire into the matter. If it appears to the department that the facts stated in the complaint are true, the department shall pay to the claimant the amount of such damages, as determined by the department."

This provision allowed the DNR to address damage caused by the well at the Bayfield fish hatchery when the well was constructed. The statute no longer serves a purpose.

SECTION 576. 29.513 (title) of the statutes is renumbered 29.737 (title).

SECTION 577. 29.513 (1) to (4) of the statutes are renumbered 29.737 (1) to (4) and amended to read:

29.737 (1) Any person or persons owning all of the land bordering ~~on any a~~ navigable lake that is completely landlocked may apply to the department for a permit to remove, destroy or introduce fish in ~~such the~~ lake.

(2) ~~Upon receiving such application the~~ The department shall hold a public hearing on the permit application in the vicinity of ~~such the~~ lake, and if the department determines that the hearing is favorable the department may issue a permit authorizing the applicant to remove, destroy or introduce fish in ~~such the~~ lake.

(3) ~~Such permit~~ The department shall be subject to ~~such impose appropriate~~ terms, conditions and limitations as ~~the department deems proper on the permit~~. All work done under the ~~authority of such~~ permit shall be under the supervision of employes or agents of the department or its agents, who shall be afforded have free access to ~~such the~~ lake at all times for ~~such that~~ purpose ~~by the permittee~~. The permittee shall pay the expenses of ~~such the~~ supervision shall be paid by the permittee.

(4) All fish removed from ~~such the~~ lake under ~~such a~~ permit shall be ~~turned over to~~ disposed of as directed by the department.

SECTION 578. 29.513 (5) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 29.737 (5).

SECTION 579. 29.514 of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 29.738.

SECTION 580. 29.515 of the statutes is renumbered 29.713 and amended to read:

29.713 Trespass to state fish hatchery. Whoever does any of the following without proper authority shall be subject to the penalties under s. ~~29.99 29.971~~ (1):

(1) ~~Without proper authority, enters~~ Enters upon the grounds of ~~any a~~ state fish hatchery for the purpose of killing or taking fish ~~therefrom; or~~

(2) ~~Without proper authority, kills,~~ Kills or takes or catches any fish from any waters or grounds ~~which the~~

person knew or should have known belonged to or were connected with any of a state fish hatchery; ~~or~~

(3) Without proper authority to do so, intentionally or negligently injures Injures any fish, or in any manner interferes harmfully with the ponds, streams, troughs or other property of a state fish hatchery.

NOTE: The requirement of knowledge in s. 29.515 (2) and the requirement of intent or negligence in s. 29.515 (3) existed when a criminal penalty was imposed for violation of this provision. The offense has since been decriminalized, and the penalty is now a civil forfeiture. The requirement for the prosecutor to prove knowledge, intent or negligence is typically included in statutes subject to criminal penalties, due to the seriousness of the penalty. This requirement is not necessary where the penalty is a civil forfeiture and it is therefore eliminated.

SECTION 581. 29.521 of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 29.733.

SECTION 582. 29.525 of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 29.735.

SECTION 583. 29.53 (title) and (1) to (4) of the statutes, as created by 1997 Wisconsin Act 27, are renumbered 29.736 (title) and (1) to (4).

SECTION 584. 29.53 (5) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.736 (5) and amended to read:

29.736 (5) The requirement of being issued a permit under this section shall does not apply to civic organizations, organizations operating newspapers or television stations or promoters of sport shows when and in connection with publicly showing or exhibiting, giving demonstrations with or providing fishing of fish for periods of not to exceed 10 days if the fish are placed in a tank or an artificially constructed pond that is a self-contained body of water. Fish used for ~~such~~ these purposes shall have been certified by a qualified inspector to meet the fish health standards and requirements promulgated under s. 95.60 (4s) (b).

SECTION 585. 29.535 (title) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.745 (title).

SECTION 586. 29.535 (1) (a) (intro.) of the statutes is renumbered 29.745 (1) (a) (intro.) and amended to read:

29.745 (1) (a) (intro.) A person ~~must be issued~~ shall obtain a permit from the department before doing any of the following:

SECTION 587. 29.535 (1) (a) 1. of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.745 (1) (a) 1. and amended to read:

29.745 (1) (a) 1. Importing into the state any wild animal other than fish or their eggs for the purpose of introducing, ~~or~~ stocking ~~or~~ planting that wild animal.

SECTION 588. 29.535 (1) (a) 2. of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.745 (1) (a) 2. and amended to read:

29.745 (1) (a) 2. Introducing, ~~or~~ stocking ~~or~~ planting any wild animal other than fish or their eggs.

SECTION 589. 29.535 (1) (b) of the statutes is renumbered 29.745 (1) (b) and amended to read:

29.745 (1) (b) Applications Application for such permits a permit shall be made in writing on forms provided by to the department.

SECTION 590. 29.535 (1) (c) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.745 (1) (c) and amended to read:

29.745 (1) (c) Permits for introducing, ~~or~~ stocking ~~or~~ planting under par. (a) 2. shall be issued by the department only after investigation and inspection of the wild animals as the department determines is necessary.

SECTION 591. 29.535 (2) of the statutes, as affected by 1997 Wisconsin Act 27, is repealed.

NOTE: This subsection pertains to DNR authority to import and introduce wild animals other than fish and is recreated as new s. 29.745 (2).

SECTION 592. 29.536 of the statutes is repealed.

NOTE: Section 29.536 relates to municipal fish hatcheries and fisheries. There are none.

SECTION 593. 29.54 of the statutes is renumbered 29.741, and 29.741 (title) and (1), as renumbered, are amended to read:

29.741 (title) State propagation of wild mammals and birds animals. (1) The department may take or purchase and direct the distribution of wild mammals and birds ~~animals~~ and their eggs for propagation. ~~The distribution thereof shall be made throughout the state under the supervision and direction of the department and according to its rules~~ This subsection does not apply to farm-raised fish.

SECTION 594. 29.544 of the statutes is renumbered 29.607, and 29.607 (title), (1), (2) (a), (3) (title) and (4) to (7), as renumbered, are amended to read:

29.607 (title) Wild rice conservation; licenses. (1) TITLE TO WILD RICE. (a) The legal title to all wild rice growing in any lake of the state, whether meandered or not, is vested in the state for the purpose of regulating harvest, use, disposition and conservation ~~thereof~~ of wild rice.

(b) The legal title to ~~such~~ wild rice taken or reduced to possession in violation of this chapter ~~or of any rule of the department~~ remains in the state; ~~and the title, Title~~ to any ~~such~~ wild rice lawfully acquired is subject to the condition that upon the violation of this chapter ~~or of any department rule relating to the possession, use, harvest, sale or purchase thereof~~ section by the holder of such title to the wild rice, the same title shall revert, as a result of the violation, to the state. ~~In either case, such wild rice may be seized forthwith wherever found by the department or its agents.~~

(2) (a) ~~The department may promulgate such rules governing the harvest, use and disposition of wild rice growing in the navigable lakes of the state as it deems reasonably necessary for the conservation and wise use thereof. The secretary may designate the opening date~~

for harvesting wild rice in any navigable lake or stream by posting notice of ~~such~~ the opening date on the shores of and at places of public access to ~~such~~ the lake at least 24 hours before ~~such~~ the opening date, unless the department promulgates by rule a different time period required for notice. ~~Such posting~~ Posting is deemed sufficient notice of ~~such~~ the opening date and no other publication thereof is required.

(3) (title) LICENSE REQUIRED; EXCEPTIONS; WILD RICE IDENTIFICATION CARD.

(4) LICENSES. (a) *Wild rice harvest license.* No wild rice harvest license is required of helpers of a licensee who participate only in shore operations. Wild rice harvest licenses may be issued only to residents of this state.

(b) *Wild rice dealer license.* A wild rice dealer license is required to buy wild rice within the state for resale to anyone except consumers, or to sell wild rice imported from outside of the state to anyone within the state except consumers, or to process wild rice not harvested by the processor himself or herself for resale by the processor to any other person. The license is required to be a class D wild rice dealer license if the amount of wild rice bought, sold or processed by the licensee within the year covered by the license exceeds 50,000 pounds. The license is required to be a class C wild rice dealer license if this amount exceeds 25,000 pounds but does not exceed 50,000 pounds. The license is required to be a class B wild rice dealer license if this amount exceeds 5,000 pounds but does not exceed 25,000 pounds. The license is required to be a class A wild rice dealer license if this amount does not exceed 5,000 pounds. For the purposes of this section, ~~2-1/2~~ 2.5 pounds of raw rice is deemed equivalent to one pound of processed rice.

(5) RECORDS AND REPORTS. Each wild rice dealer shall keep a ~~correct and complete book~~ record in the ~~English language form~~ required by the department of all wild rice bought, sold or processed by the dealer during the period covered by the dealer's license showing the date of each transaction, the names and addresses of all other parties ~~thereto~~ to the transaction, and the amount of wild rice involved, whether raw or processed. ~~Each such~~ The record shall be open for inspection by the department or its agents at all reasonable times. All licensed wild rice dealers shall file ~~such~~ reports on their operations as wild rice dealers as ~~are~~ required by the department.

(6) PRIVATE WATERS. (a) Nothing in this section shall be construed as giving the ~~this~~ state of Wisconsin, or the department or its agents the right to control, regulate, manage or harvest wild rice growing on privately owned beds of flowages or ponds.

(b) No person shall, ~~within the boundaries of this state,~~ may use or cause to be used any mechanical device of any nature in the harvesting or gathering of wild rice.

(7) PENALTIES. Any person violating this section shall be punished pursuant to s. ~~29.99~~ 29.971 (2) and (12).

SECTION 595. 29.547 of the statutes is renumbered 29.611, and 29.611 (title), (1) (intro.), (4) (b) and (11), as renumbered, are amended to read:

29.611 (title) **Ginseng-protected Wild ginseng.** (1) DEFINITIONS. (intro.) As used in In this section:

(4) (b) The dealer knows that the vendor has violated this section ~~or a rule promulgated under this section.~~

(11) PENALTY. A person who violates this section ~~or a rule promulgated under this section~~ shall forfeit not more than \$500. A person who violates this section ~~or a rule promulgated under this section~~ within 3 years after conviction for a previous violation of this section ~~or a rule promulgated under this section~~ shall forfeit not more than \$1,000.

SECTION 596. 29.55 of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.857.

SECTION 597. Subchapter VII (title) of chapter 29 [precedes 29.553] of the statutes is created to read:

CHAPTER 29

SUBCHAPTER VII

APPROVAL FEES AND

EFFECTIVE PERIODS

SECTION 598. 29.555 of the statutes is renumbered 29.617.

SECTION 599. 29.557 of the statutes is renumbered 29.089.

SECTION 600. 29.56 of the statutes is renumbered 29.091 and amended to read:

29.091 (title) **Game or Hunting or trapping in wildlife refuge.** No person shall ~~at any time or in any manner~~ may hunt or trap within the boundaries of any ~~game or wildlife refuge established pursuant to~~ under s. 23.09 (2) (b) or ~~29.57~~ 29.621, ~~nor~~ or have possession or control of ~~therein,~~ any ~~gun or rifle,~~ firearm, bow or cross-bow unless the ~~same~~ gun or firearm is unloaded, ~~the bow or crossbow is unstrung and the gun, firearm, bow or crossbow is~~ enclosed within a carrying case. The taking of predatory game birds and animals shall be done as the department directs. All state ~~game or wildlife refuge~~ boundary lines shall be marked by posts placed at intervals of not over 500 feet and bearing signs with the words "Wisconsin Wildlife Refuge".

SECTION 601. 29.563 of the statutes is created to read:

29.563 Fee schedule. (1) GENERAL. Unless specifically provided otherwise in this chapter, a person who applies for an approval shall pay the applicable fees specified in subs. (2) to (14).

(2) HUNTING APPROVALS. The fees for hunting approvals are as follows:

(a) *Resident licenses.* 1. Small game: \$12.25.

2. Small game issued to a resident senior citizen: \$5.25.

3. Small game issued to a member of the armed forces under s. 29.194 (3): \$0.

4. Small game issued to 12-year-olds to 17-year-olds: \$6.25.

5. Deer: \$18.25.

6. Class A bear: \$39.25.

7. Class B bear: \$6.25.

8. Archer: \$18.25.

9. Wild turkey: \$9.25.

(b) *Nonresident licenses*. 1. Annual small game: \$73.25.

2. Five-day small game: \$41.25.

3. Deer: \$133.25.

4. Class A bear: \$199.25.

5. Class B bear: \$98.25.

6. Archer: \$133.25.

7. Fur-bearing animal: \$148.25.

8. Wild turkey: \$53.25.

(c) *Resident permit*. 1. Bonus deer: \$12.

2. Bonus deer issued to a person under s. 29.181 (2m): \$0.

(d) *Nonresident permit*. Bonus deer: \$20.

(e) *Stamps*. 1. Wild turkey: \$5.

2. Pheasant: \$7.

3. Waterfowl: \$6.75.

(3) **FISHING APPROVALS**. The fees for fishing approvals are as follows:

(a) *Resident licenses*. 1. Annual: \$13.25.

2. Annual fishing issued to a resident senior citizen: \$6.25.

3. Husband and wife: \$23.25.

4. Annual fishing license issued to 16-year-olds and 17-year-olds: \$6.25.

5. Two-day sports fishing: \$9.25.

6. Annual fishing issued to a member of the armed forces under s. 29.194 (2): \$0.

7. Annual fishing issued to a disabled person under 29.193 (3): \$6.25.

8. Annual fishing issued to a resident at Wisconsin Veterans Home at King: \$0.

9. Annual fishing license issued to a disabled veteran under s. 29.219 (2) (c): \$4.25.

(b) *Nonresident licenses*. 1. Annual: \$33.25.

2. Annual family: \$51.25.

3. Fifteen-day: \$19.25.

4. Fifteen-day family: \$29.25.

5. Four-day: \$14.25.

6. Two-day sports: \$9.25.

(c) *Stamps*. 1. Inland waters trout: \$7.

2. Great Lakes trout and salmon: \$7.

(d) *Other*. 1. Sturgeon spearing: \$9.25.

2. One-day special fishing events: the fee as established by rule.

(4) **COMBINATION APPROVALS**. The fees for combination approvals are as follows:

(a) *Resident licenses*. 1. Sports: \$41.25 or a greater amount at the applicant's option.

2. Conservation patron: \$107.25 or a greater amount at the applicant's option.

(b) *Nonresident licenses*. 1. Sports: \$248.25 or a greater amount at the applicant's option.

2. Conservation patron: \$572.25 or a greater amount at the applicant's option.

(5) **GUIDE AND SPORT TROLLING APPROVALS**. The fees for guide and sport trolling approvals are as follows:

(a) *Resident licenses*. 1. Guide: \$39.25.

2. Sport trolling: \$100.

(b) *Nonresident licenses*. 1. Guide: \$99.25.

2. Lake Michigan and Green Bay sport trolling: \$400.

3. Lake Superior sport trolling: \$400.

(6) **APPROVALS FOR TRAPPING, FUR DEALERS AND TAXIDERMISTS**. The fees for trapping, fur dealer, taxidermist and related approvals are as follows:

(a) *Resident licenses*. 1. Trapping: \$17.25.

2. Class A fur dealer: \$25.

3. Class B fur dealer: \$10.

(b) *Other licenses*. 1. Itinerant fur buyer: \$200.

2. Fur dresser or dyer: \$25.

3. Fur auctioneer: \$250.

(c) *Resident permit*. Taxidermist: \$50.

(d) *Nonresident permit*. Taxidermist: \$100.

(7) **COMMERCIAL FISHING, CLAMMING AND FISH DEALER APPROVALS**. The fees for commercial fishing, clamming and fish dealer approvals are as follows:

(a) *Resident commercial fishing licenses*. 1. Outlying waters: \$899.25 for the first licensed boat and \$899.25 for each additional licensed boat.

2. Outlying waters without boat: \$899.25.

3. Rough fish harvest under contract under s. 29.417 or 29.421: \$25 for the first licensed boat and \$25 for each additional licensed boat.

4. Rough fish harvest under contract under s. 29.417 or 29.421 without a boat: \$25.

(b) *Nonresident commercial fishing licenses*. 1. Outlying waters: \$6,499.25 for the first licensed boat and \$6,499.25 for each additional licensed boat.

2. Outlying waters without boat: \$6,499.25.

(c) *Other commercial licenses*. 1. Outlying waters license transfers under s. 29.519 (3): \$25.

2. Outlying waters crew license issued under s. 29.519 (4): \$0.

3. Mississippi and St. Croix rivers net licenses and tags:

a. Seine nets: \$20 for the first 500 lineal feet of net, \$10 for the 2nd 500 lineal feet and \$2 for each additional 100 lineal feet or fraction thereof, plus 25 cents for each tag for each 500 lineal feet of net or fraction thereof.

b. Gill nets: \$10 for the first 2,000 lineal feet of net and \$1 for each additional 100 lineal feet or fraction thereof, plus 25 cents for each tag for each 2,000 lineal feet of net or fraction thereof.

c. Bait nets: \$20, plus the tag for each bait net is 25 cents each.

d. Buffalo and frame nets: \$10, plus the tag for each buffalo or frame net is 50 cents each.

e. Slat nets: \$20, plus the tag for each slat net is 50 cents each, not to exceed 50 slat nets per licensee.

f. Trammel nets: \$20 for each net, not to exceed 300 lineal feet, including one tag.

4. Inland waters set or bank pole: \$2.25 including 5 tags, one for each set or bank pole allowed.

5. Inland waters setline: \$10, plus 25 cents for the tag for each setline.

6. Wholesale fish dealer: \$100.

7. Clam buyer: \$300.

8. Assistant clam buyer: \$0.

9. Clam helper: \$0.

10. Clam sheller: \$30.

(8) BAIT DEALER APPROVALS. The fees for bait dealer licenses are as follows:

(a) Class A bait dealer: \$49.25.

(b) Class B bait dealer: \$9.25.

(9) WILD ANIMAL AND FISH FARMS APPROVALS. The fees for approvals for fish farms, pheasant and quail farms, game bird and animal farms, fur animal farms, deer farms and related activities are as follows:

(a) *Farm licenses*. 1. Fish farm: the fee as established by rule.

2. Pheasant and quail farm: \$20.

3. Game bird and animal farm: \$10.

4. Fur animal farm: \$25.

5. Deer farm: \$25.

6. Deer farm sales: \$50.

7. Deer farm sales tag: 5 cents.

8. Special retail deer sale permit: \$5 per deer sold.

9. Venison serving permit: \$5.

10. Wildlife exhibit: \$10.

(b) *Late fee*. For a license for a pheasant and quail farm, game bird and animal farm or fur animal farm, in addition to the regular fee: \$10.

(10) WILD RICE AND GINSENG APPROVALS. The fees for approvals relating to wild rice and wild ginseng are as follows:

(a) *Wild rice approvals*. 1. Wild rice harvest: \$7.50.

2. Wild rice identification card: \$0.

3. Class A wild rice dealer: \$15.

4. Class B wild rice dealer: \$50.

5. Class C wild rice dealer: \$100.

6. Class D wild rice dealer: \$150.

(b) *Wild ginseng licenses*. 1. Wild ginseng harvest issued to a resident: \$15.

2. Wild ginseng harvest issued to a nonresident: \$30.

3. Class A resident wild ginseng dealer: \$100.

4. Class B resident wild ginseng dealer: \$500.

5. Class C resident wild ginseng dealer: \$1,000.

6. Nonresident wild ginseng dealer: \$1,000.

(11) MISCELLANEOUS PERMITS AND FEES. The fees for other approvals are as follows:

(a) *Permits*. 1. Scientific collector: \$0.

2. Endangered species: \$100.

(b) *Instructional programs*. 1. Hunter education and firearm safety instruction fee: \$3.

2. Trapper education instruction fee: the fee as established by rule.

(12) DUPLICATES OF APPROVALS. The fees for duplicate approvals are as follows:

(a) *Hunting*. 1. Deer: \$10.25.

2. Archer, sports or conservation patron: \$10.25 if deer tags are included; \$7.25 after open season and deer tags are not included.

3. Other hunting: \$6.25.

4. Class A bear: \$13.

(b) *Fishing*. Fishing: \$6.25.

(c) *Other*: 1. Senior citizen recreation: \$2.

2. Hunter education and firearm safety course certificate of accomplishment: \$2.

3. Trapper education course certificate of accomplishment: the fee as established by rule.

4. All other approvals for which an original fee is charged: \$2.

(13) WILDLIFE DAMAGE SURCHARGE. (a) *Surcharge generally*. The surcharge for approvals listed under subs. (2) (a) 1., 2. and 4. to 9. and (b) 1. to 8. and (4) (a) 1. and (b) 1. is \$1 and shall be added to the fee specified for these approvals under subs. (2) and (4).

(b) *Surcharge for conservation patron license*. The surcharge for licenses listed under sub. (4) (a) 2. and (b) 2. is \$2 and shall be added to the fee specified for these approvals under sub. (4).

(14) PROCESSING, HANDLING AND ISSUING FEES. The fees for processing, handling and issuing approvals are as follows:

(a) *Processing fee*. 1. The processing fee for applications for approvals under the hunter's choice deer hunting permit, bonus deer hunting permit, wild turkey hunting license, Class A bear license, Canada goose hunting permit, sharp-tailed grouse hunting permit, bobcat hunting and trapping permit, otter trapping permit, fisher trapping permit or sturgeon fishing permit: \$2.75.

2. Joint application for a hunter's choice deer hunting permit and a bonus deer hunting permit: \$2.75.

(b) *Handling fee*. Approvals designated by rule under s. 29.556: the fee as established by rule.

(c) *Issuing fee*. 1. Each license issued under subs. (2) to (10) and (12): 75 cents.

2. Each stamp issued under subs. (2) (e) and (3) (c): 25 cents.

3. Each application for a hunter's choice permit, bonus deer permit, wild turkey hunting license, Canada goose hunting permit, sharp-tailed grouse hunting permit, bobcat hunting and trapping permit, otter trapping

permit, fisher trapping permit or sturgeon fishing permit: 25 cents.

SECTION 602. 29.565 (title) of the statutes is renumbered 29.861 (title).

SECTION 603. 29.565 (intro.) of the statutes is renumbered 29.861 (1) and amended to read:

29.861 (1) The department shall establish an animal wildlife exhibit where wild animals, allowed to roam at will, may be viewed by the public without charge on state owned lands over which the department has jurisdiction, or upon lands donated to the state for the purpose. The boundary of the area shall be marked by posts placed at intervals of not over 500 feet and bearing signs with the words "Wisconsin Wildlife Exhibit Area". The department shall provide shelters thereon, for the housing of the caretaker, and the sheltering, nursing and caring for orphaned wild animals, which shall be furnished by the department, which may accept private donations of such animals. Such animals shall be sheltered and cared for until they are old enough to release, but by providing food and shelter efforts shall be made to induce the animals to return to the area year after year.

NOTE: This provision is substantially simplified to make the management of the wildlife exhibit subject to DNR discretion.

SECTION 604. 29.565 (1) of the statutes is repealed.

NOTE: The text of current s. 29.565 (1) is as follows:

"29.565 (1) The department shall employ a caretaker with long experience with wild animals, preferably a retired game warden, to manage the exhibit."

This provision, and portions of s. 29.565 (intro.), are repealed because the staffing and management of DNR facilities should generally not be dictated by statute.

SECTION 605. 29.565 (2) of the statutes is renumbered 29.861 (2) and amended to read:

29.861 (2) No person shall at any time or in any manner may hunt or trap within the boundaries of the area, nor have possession or control of therein, any gun or rifle wildlife exhibit or possess a gun or firearm within the boundaries of the wildlife exhibit unless it is unloaded and knocked down or enclosed in a carrying case.

SECTION 606. 29.565 (3) of the statutes is repealed.

NOTE: The text of current s. 29.565 (3) is as follows:

"29.565 (3) The department may promulgate rules for the effective accomplishment of the purposes of this section including the duration of the exhibition season."

This permissive grant of rule-making authority is unnecessary. The department may promulgate rules under its general rule-making authority.

SECTION 607. 29.566 (title) of the statutes is created to read:

29.566 (title) Collection and deposit of fees.

SECTION 608. 29.57 of the statutes is renumbered 29.621 and amended to read:

29.621 Wildlife refuges. (1) ESTABLISHMENT. The owner or owners of any tract, or contiguous tracts, of land comprising in the aggregate not less than 160 acres located outside the limits of any city or village, may apply to the department for the establishment of said lands the

land as a wildlife refuge. The department may thereupon employ such means as it deems wise to inform itself regarding the premises; and if, upon inspection, investigation, hearing, or otherwise, it shall appear to the satisfaction of If the department determines that the establishment of said lands the land as a wildlife refuge will promote the conservation of one or more useful species or varieties native within to this state, it may by order designate and establish the said lands land as a wildlife refuge.

(2) SIGNS. Within 30 days after the date of such the order the owner or owners of the said lands land shall post or erect signs or notices as required and furnished by the department, proclaiming the establishment of said designating the refuge.

(3) PUBLICATION. No such The order shall be is not effective until at least 30 days after the date of its issue; nor unless issuance and until the department has caused notice thereof to be published, as a class 3 notice, under ch. 985, in the county embracing containing the lands. Thereupon the said lands land. The land shall be remain a wildlife refuge, and shall so remain for a period of not less than 5 years, from and after the date of effect stated in said order.

(4) (title) ABSOLUTE PROTECTION PROTECTION. Except as provided in s. 29.56 29.091, no owner of lands embraced within any such a wildlife refuge, and no other person, may hunt or trap within the boundaries of any wildlife refuge or have in his or her possession or under his or her control therein any gun or rifle in the wildlife refuge a gun, firearm, bow or crossbow, unless the same gun or firearm is unloaded, the bow or crossbow is unstrung and the gun, firearm, bow or crossbow is enclosed within a carrying case. Nothing in this section may prohibit, prevent or interfere with the department, or its wardens, agents or employes, in the destruction of injurious animals.

(5) ANIMALS PROCURED BY DEPARTMENT. The department may place wild animals within any such wildlife refuge, for the purpose of propagation, wild animals of any species or variety.

SECTION 609. 29.571 (title) and (1) of the statutes are renumbered 29.749 (title) and (1) and amended to read:

29.749 (title) Horicon marsh game preserve, fur farm, hatchery, dams and dam. (1) A wildlife refuge, game preserve and The department shall establish a fur farm shall be established on the Horicon marsh in Dodge county County under the supervision of the department.

SECTION 610. 29.571 (2) and (3) of the statutes are repealed.

NOTE: Subsection (2) authorizes the DNR to construct a fish hatchery at Horicon marsh. The DNR has not constructed and has no plans for a fish hatchery there.

Subsection (3) authorizes DNR to acquire land for the Horicon marsh. DNR has general land acquisition authority under s. 23.09.

SECTION 611. 29.571 (4) of the statutes is renumbered 29.749 (2) and amended to read:

29.749 (2) The department may ~~construct and maintain a dam or dams in or near the city of Horicon, to control and regulate the flood waters on the Rock river River, and to restore the public waters of Rock river River on Horicon marsh to the natural levels existing prior to the private drainage of the same marsh.~~

SECTION 612. 29.571 (5) of the statutes is repealed.

NOTE: This provision directs the payment of proceeds from the fur farm at Horicon marsh and all other income from Horicon marsh. Section 25.29 provides that all moneys accruing to the state under ch. 29 are to be deposited in the conservation fund, so this provision is unnecessary.

SECTION 613. 29.572 (title) of the statutes is renumbered 29.863 (title).

SECTION 614. 29.572 (1) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.863 (1) and amended to read:

29.863 (1) No person shall ~~may~~ cause, ~~authorize~~ or permit any lands or waters to be posted with signs of any kind indicating that ~~such the~~ lands or waters are licensed under ss. ~~29.573 to 29.578 29.865 to 29.871~~ unless ~~such the~~ lands and waters are in fact so licensed.

SECTION 615. 29.572 (2) and (3) of the statutes are renumbered 29.863 (2) and (3) and amended to read:

29.863 (2) If ~~any such a~~ license under ss. 29.865 to 29.871 expires or lapses and is not renewed, the licensee, landowner or other person having control over ~~such the~~ lands or waters shall remove or cause ~~such the~~ signs to be removed within 45 days after the expiration or termination of ~~such the~~ license.

(3) Applications for the renewal of ~~any a~~ license ~~issued~~ under ss. ~~29.573 29.865 to 29.578 29.871~~ shall be filed with the department on or before the expiration date of the license, except that an application for renewal of ~~this type of license~~ may be filed ~~not more than~~ within 45 days after the expiration date if it is accompanied by the late filing fee specified under s. ~~29.092 (9) (i) 29.563 (9) (b)~~ in addition to the regular license or renewal fee. If application for renewal of a license is not made as required in this subsection or if a license is terminated for any reason, all rights and privileges of the licensee under the license are terminated upon the expiration of the 45-day period provided in this subsection or on the date of termination, whichever occurs first. Thereafter, the lands and waters which were included under the license shall be subject to ss. ~~29.573 29.865 to 29.578 29.871~~.

SECTION 616. 29.573 of the statutes is renumbered 29.865 and amended to read:

29.865 (title) Pheasant and quail farms; department control; shooting license. (1) The department may issue pheasant and quail farm licenses for shooting preserves and the releasing, shooting hunting, possession and use of pheasants and quail on pheasant and quail farms if, in the judgment of the department, operations under these licenses will result in a net increase in the sup-

ply of pheasants and quail in the state and will ~~otherwise~~ be in the public interest.

(2) No license shall ~~may~~ be granted issued unless the applicant owns or ~~has under lease~~ leases the area land for which the license is granted issued. Boundaries of the area land that is licensed shall be defined and posted as prescribed by the department.

(3) The department shall determine the minimum number of pheasants and quail to be released for ~~shooting purposes~~ hunting on the licensed premises and ~~fix establish~~ the time limits during which ~~said the~~ birds may be hunted.

(4) (a) Until the release of ~~said~~ pheasants and quail shall ~~have been certified to and accepted~~ is approved by the department, it shall be is unlawful to shoot, attempt to shoot or to otherwise take hunt pheasants or quail on the licensed premises licensed under this section, but when ~~said~~, When the release shall have been certified and accepted is approved by the department, and when such persons are otherwise lawfully entitled to hunt small game, the licensee and ~~such other~~ persons as designated by the licensee designates who are lawfully entitled to hunt small game may hunt on the licensed premises, have in possession, and dispose of ~~such by gift the~~ pheasants or quail by gift.

(b) Each licensee shall keep a ~~correct and complete~~ book record of licensed birds as required by the department ~~on forms furnished by the department~~. The licensed area premises and records may be inspected by the department or its wardens at any time. ~~Copies of the records under oath and~~ shall be furnished to the department on request.

(c) No pheasant or quail of the approved species licensed shall ~~may~~ be removed from the ~~said~~ licensed premises until there ~~shall have been~~ is securely attached to each bird a seal, the type and design of which shall be designated by the department, and ~~such the~~ seal shall remain attached to ~~said the~~ birds until they are finally prepared for consumption. ~~Such The~~ seal shall be supplied by the department at cost.

(5) Only dead birds which have been killed by ~~shooting~~ hunting may be removed from the licensed premises licensed under this section, and it shall be is unlawful to sell or attempt to sell or to buy or attempt to buy any ~~such of these~~ birds.

(6) (a) The department may ~~promulgate such rules as shall be necessary to carry out the intents and purposes of this section, but no rule shall not~~ require that an application or report be notarized.

(b) Any person violating the above provisions subs. (1) to (5) shall forfeit not more than \$300.

(7) Any person other than the licensee, agents or persons having permission from ~~or a person authorized by~~ the licensee who are otherwise qualified under this chapter to hunt thereon, who hunts or shoots pheasants or quail ~~upon any lands described in any such license on the~~

licensed premises, is liable to the licensee for all damage which the person does to said preserve or the pheasants, or quail and property thereon, but all actions for such trespass any action to recover damages shall be brought by such the licensee.

NOTE: The provision that creates liability for damage to the property of a licensed pheasant and quail farm is eliminated, because this liability exists under general principles of law and does not need to be restated. The provision that creates liability for damage resulting from unauthorized hunting of pheasant and quail on a licensed farm is retained, because this provision negates the ability of the unauthorized hunter to argue that the pheasant and quail were the property of the state and could be hunted in the same manner as other animals.

(8) Notwithstanding any other provision of ~~the statutes to the contrary~~ this chapter, no person hunting upon on a licensed shooting preserve pheasant or quail farm may be is required to hold a hunting license for hunting those game species for which the preserve has been licensed under this section.

SECTION 617. 29.574 of the statutes is renumbered 29.867, and 29.867 (1), (2), (3), (3m), (3n), (5), (6) (a) and (c), (6m), (7) and (8), as renumbered, are amended to read:

29.867 (1) The owner or lessee of any lands within the state suitable for the breeding and propagating of game, birds or animals as may be approved by the department shall have the right may, upon complying with this section, to establish, operate and maintain a game bird and animal farm for the purpose of breeding, propagating, killing and selling game birds and game animals on such lands, the acreage and size of which shall be determined by the department. All waterfowl bred, propagated or held on a game bird and animal farm licensed pursuant to this section shall be enclosed within a covered enclosure by the licensee throughout the open season for hunting waterfowl in the state when written or oral notice is given to the licensee as required by the department or its agents.

(2) Such owner or lessee A person desiring to establish, operate and maintain a game bird and animal farm in conformity with this section, shall file with the department a verified declaration, describing the lands which such applicant for a license desires to use for the purpose of breeding and propagating such game birds or animals and setting forth also the title and leasehold of the applicant and the number of acres embraced in said tract an application in the form and with the information required by the department.

(3) Upon the filing of such declaration issuance of the license, the department shall forthwith investigate the same and may require the applicant to produce satisfactory evidence of the facts therein stated. It will be necessary for the licensee to purchase all wild game within the boundaries of the proposed farm of the species designated in the license, and to effect this purpose the department thereupon shall appoint one member person, the ap-

pliant licensee shall appoint one member person, and these 2 appointees shall select a 3rd member, the 3 to act as a board to go upon the lands embraced within the proposed license and person, to determine as near accurately as possible the number of wild birds and animals of the desired species thereon on the land at the time of the granting issuing of the license. The necessary expenses of all of the members of such board these persons shall be paid by the licensee. Within 30 days after the date of such the determination as accepted approved by the department, the licensee shall pay to the department a specified sum as may be determined by the department for those species of wild birds or wild and animals on the lands licensed premises that are desired for propagation purposes, the title of which rests is in the state. If upon such examination it appears that the applicant is the owner or lessee of said lands, and the applicant intends in good faith to establish, operate and maintain a game bird and animal farm, the department shall issue a license to the applicant describing such lands, and certifying that the licensee is lawfully entitled to use the same for the breeding, propagating, killing and selling of such game birds and animals thereon according to this section.

(3g) When such license has been granted the payment under sub. (3g) has been made, the licensee shall become the owner of all such game birds or animals thereon of the species licensed and of all of their offspring actually produced thereon and remaining thereon on the licensed premises, subject however to the jurisdiction of the department over all game.

(3m) No game bird and animal farm license shall may be issued after May 24, 1961, other than those already in operation except for those which are already being maintained, for any area less than one-quarter mile from the exterior boundaries of an approved a state or federal wildlife area, public hunting grounds or refuge which is managed in whole or in part for pheasants. All lands under one license shall be contiguous. This section shall not prohibit the licensing of game bird and animal farms within one-quarter mile of approved state or federal wildlife areas, public hunting grounds, or refuges provided such, unless the licensed farms premises are completely enclosed, including an enclosed top of woven wire with mesh not larger than 6 inches as required by the department. All lands under one license shall be contiguous.

(3n) Within 30 days after the date of the issuance of any such a game bird and animal farm license, the licensee shall erect posts or stakes post signs at intervals of not more than 80 rods 440 yards along the boundary of the land embraced in said license, wherever the same is not already enclosed, and shall post and maintain, upon said posts, stakes or other enclosure, notices proclaiming the establishment of licensed premises stating that the premises is a game bird and animal farm. Such notices The

signs shall be furnished by the department to the licensee at cost.

(5) ~~Such~~ A game bird and animal farm license shall be is prima facie evidence in all courts and proceedings of the lawful right of the licensee therein named or the licensee's successors or assigns, for during the term of the license, to establish and operate ~~such~~ maintain a game bird and animal farm upon said on the licensed premises, and shall ~~entitle~~ entitles the licensee therein named, or the licensee's successors or assigns, during the term of the license, to the exclusive right for ~~and during said term~~ to breed and propagate ~~such~~ game birds and animals ~~thereon on the licensed premises~~, and to the exclusive and sole ownership of any property in all such licensed game birds and animals ~~caught or taken therefrom on the licensed premises~~.

(6) (a) ~~Such~~ The game birds and animals, except waterfowl, may be taken at any time in any manner, subject to s. 29.245 ~~29.314~~, by persons ~~qualified under this chapter~~ any person who is lawfully entitled to hunt thereon on the licensed premises, except that such a person hunting on the licensed premises is not required to hold a hunting license. Waterfowl may only be taken ~~pursuant to the under~~ rules promulgated by the department ~~and in effect~~ governing the hunting of waterfowl, except that upon written application the department may authorize the taking of hand-reared mallards at any time within the boundaries of a licensed game bird and animal farm in numbers not to exceed those liberated or propagated when ~~it appears to the satisfaction of the department~~ determines that only mallards liberated or propagated by the licensee will be taken ~~on such farm licensed premises~~. The applicant shall certify to the department that mallards liberated or propagated for ~~shooting~~ hunting were produced and reared in captivity and are more than 2 generations removed from the wild. Hand-reared mallards shall may not be released for ~~shooting~~ hunting purposes unless ~~such the~~ mallards have first been identified as the department directs. Mallards confined to wholly enclosed pens or buildings may be taken within such pens or buildings at any time and in any numbers.

(b) No ~~such~~ game bird or animal or mallards killed on ~~such farm~~ the licensed premises and no live game bird or animal or mallards to be consumed as food shall may be removed ~~therefrom from the premises~~ until there has been securely fastened to each bird or animal a band or tag furnished by the department to the licensee at cost. ~~Such~~ The band or tag shall remain attached to the bird or animal until prepared for consumption. Live birds and animals may be sold or transported. Each container carrying such live birds or animals shall have attached ~~there- to to it~~ a band or tag as set forth ~~above~~ furnished by the department. Live birds or animals acquired from the licensee to be consumed as food shall may not be kept in a live condition alive by any person beyond 48 hours from the time ~~such that the~~ birds or animals were acquired

from ~~such the~~ licensee. ~~Correct and complete book records of sales and purchases of live birds and animals disclosing the time and date of such sales and whether or not such live birds and animals were acquired to be consumed as food shall be kept by the licensee. Certified copies of such records shall be furnished by the licensee to the department on request, on forms furnished by the department.~~

(c) Whenever any ~~such~~ bird or animal shall be ~~from~~ a game bird and animal farm is consumed for food, the ~~band or tag~~ attached to ~~such the~~ bird or animal shall be kept in evidence until ~~such the~~ bird or animal is consumed.

(6m) Notwithstanding any other provision of the statutes ~~to the contrary this chapter~~, no person hunting ~~upon on~~ a licensed game bird and animal farm shall be is required to hold a hunting license.

(7) Any person other than the licensee, ~~the licensee's bona fide regular employes, or persons having permission from or a person authorized by the licensee, who shall hunt or shoot~~ hunts game birds or animals ~~upon any lands described in any such license, shall be on the licensed premises is~~ liable to the licensee in the sum of \$100, in addition to all damage which the person ~~may do to the farm or does~~ to the game birds or animals, ~~and property thereon, but all actions for such trespass any action to recover damages shall be brought by such the licensee.~~

NOTE: The provision that creates liability for damage to the property of a licensed game bird and animal farm is eliminated, because this liability exists under general principles of law and does not need to be restated. The provision that creates liability for damage resulting from unauthorized hunting on a licensed game bird and animal farm is retained, because this provision negates the ability of the unauthorized hunter to argue that the game birds and animals were the property of the state and could be hunted in the same manner as other animals.

(8) Each licensee shall keep ~~a correct and complete book record of licensed animals and birds~~ records as required by the department ~~of natural resources on the forms furnished by the department~~. The licensed area premises and records may be inspected by the department ~~or its wardens at any time. Copies of the records under oath and copies of the records shall be furnished to the department on request.~~

SECTION 618. 29.575 of the statutes is renumbered 29.869, and 29.869 (1) (intro.) and (c) and (2) to (10), as renumbered, are amended to read:

29.869 (1) (intro.) The owner or lessee of any lands suitable for the breeding and propagating of fur animals may, upon complying with this section, establish, ~~operate~~ and maintain ~~on such lands~~ a fur animal farm, for the purpose of breeding, propagating, trapping and dealing in fur animals. Fur animal farms as licensed under this section shall be of one or more of the following categories as specified in the license:

(c) Mink, except domestic mink as defined in s. 29.579 ~~29.873~~.

(2) ~~Such owner or lessee~~ A person desiring to establish, operate and maintain a fur animal farm, ~~in conformity with this section,~~ shall file with the department a ~~verified declaration describing the lands which such applicant desires to use for the purpose of breeding and propagating fur animals and setting forth the title or leasehold of the applicant and the number of acres which will be maintained as a fur animal farm. Acres~~ an application in the form and with the information required by the department. The land under one license need not be contiguous.

(3) ~~Upon the filing of such declaration the department shall investigate and may require the applicant to produce satisfactory evidence of the facts stated in the declaration. If it appears that the applicant is the owner or lessee of the lands, the land is suitable for the breeding and propagating of fur animals and that the applicant intends in good faith to establish, operate and maintain a fur animal farm, the department shall issue a license to the applicant. The license shall describe the lands and shall certify that~~ authorize the licensee is entitled to use the same for ~~dealing, breeding, propagating and trapping to breed, propagate, trap and deal in~~ fur animals ~~that are on the land described in the license~~ licensed premises.

(4) Upon issuance of the license, the department shall appoint one person, the ~~applicant~~ licensee shall appoint one person, and these 2 appointees shall select a 3rd person, ~~to enter the lands and determine the number of fur animals thereon on the land at the time of the granting issuing of the license. The necessary expenses of these persons shall be paid by the licensee. Within 10 days after the date of such the determination, the licensee shall pay to the department \$2.50 for each beaver, 50 cents for each muskrat, \$2.50 for each mink, \$2.50 for each otter, \$1 for each raccoon, and 50 cents for each skunk so found on such lands the land. Only those animals to be licensed under the fur animal farm are to be paid for. When such payment has been made, the licensee shall become~~ becomes ~~the owner of such the fur animals on said lands the licensed premises and of all of their offspring remaining thereon on the premises. The licensee shall have the right to may manage and control said lands the licensed premises and the licensed fur animals thereon, to on the premises, take the same animals at any time or in any manner, subject to s. 29.245, which the licensee sees fit and deems to the best advantage of the licensee's business 29.314, and to sell and transport at any time said the fur animals or the pelts taken from them.~~

(6) Within 30 days after ~~the date of the issuance of any such a fur animal farm license, the licensee shall erect posts or stakes post signs~~ at intervals of not more than 80 rods 440 yards along the boundary of the land embraced in the license wherever the lands are not already enclosed, and shall ~~post and maintain upon the posts, stakes or other enclosures notices proclaiming the establishment of licensed premises stating that the premises are a~~

fur animal farm. ~~Such notices~~ The signs shall be furnished by the department to the licensee at cost.

(7) A ~~valid~~ fur animal farm license is prima facie evidence in all courts and proceedings of the right of the licensee, or the licensee's successors or assigns, during the term of the license, to establish and operate maintain a fur animal farm ~~upon on the licensed premises and entitles the licensee, or the licensee's successors or assigns, during the term of the license,~~ to the exclusive right to breed and propagate fur animals ~~upon on the licensed premises and to the exclusive and sole ownership of any property in all fur animals caught or taken on the licensed premises.~~

(8) Any person, other than the licensee, or agents a person authorized by the licensee, who hunts or traps fur animals upon ~~any lands described in any such license shall be on the licensed premises is~~ liable to the licensee in the sum of \$100, in addition to all damage which the person does ~~to the farm or to the fur animals and property, but all actions for such trespass any action to recover damages~~ shall be brought by such the licensee.

NOTE: The provision that creates liability for damage to the property of a licensed fur farm is eliminated, because this liability exists under general principles of law and does not need to be restated. The provision that creates liability for damage resulting from unauthorized hunting or trapping on a licensed fur farm is retained, because this provision negates the ability of the unauthorized hunter to argue that the animals were the property of the state and could be hunted or trapped in the same manner as other animals.

(9) Each licensee shall keep ~~a correct and complete book record of licensed animals records~~ as required by the department ~~on the forms furnished by the department. The licensed area premises and records may be inspected by the department or deputies at any time. Certified and copies of such the records shall be furnished to the department on request.~~

(10) Nothing in this section ~~shall be construed to affect~~ affects any public right of hunting, fishing or navigation except as ~~herein~~ expressly provided.

SECTION 619. 29.578 (title) of the statutes is renumbered 29.871 (title).

SECTION 620. 29.578 (1) of the statutes is renumbered 29.871 (1) and amended to read:

29.871 (1) The owner or lessee of any lands ~~within this state suitable for breeding and propagating of deer shall have the right may,~~ upon complying with this section ~~to,~~ establish, operate and maintain a deer farm for the purpose of breeding, propagating, killing and selling deer on such lands, the acreage and size of which shall be determined by the department. ~~Such deer farm must be completely inclosed by a fence. Any.~~

(4m) Any streams whether meandered or not, flowing into or out of an ~~inclosed~~ enclosed deer farm, and of a swampy, marshy or boggy character and not navigable in fact at all times of the year by ordinary boats or pleasure craft, and which are not of any substantial beneficial

use to the public, shall not be considered navigable so as to prevent erection and maintenance over them, of the type of fence prescribed and permitted by this section.

SECTION 621. 29.578 (1m) of the statutes is renumbered 29.871 (1m).

SECTION 622. 29.578 (2) of the statutes is renumbered 29.871 (2) and amended to read:

29.871 (2) Such owner or lessee A person desiring to establish, operate and maintain a deer farm in conformity with this section shall file with the department a verified declaration, describing the lands which such applicant for a license desires to use for the purpose of breeding and propagating deer and setting forth also the title or leasehold of the applicant and the number of acres embraced in said tract an application in the form and with the information required by the department.

SECTION 623. 29.578 (3) of the statutes is renumbered 29.871 (4g) and amended to read:

29.871 (4g) Upon the filing of such declaration the department shall forthwith investigate the same and may require the applicant to produce satisfactory evidence of the facts therein stated. Upon receipt of such declaration issuance of the license, the department shall determine as near accurately as possible the number of deer on such lands the licensed premises. The necessary expenses of such investigation the determination shall be paid by the licensee. The licensee shall pay the department \$25 for each deer found on the license premises. When payment has been made, the licensee becomes the owner of all of the deer on the licensed premises and of all of the offspring on the licensed premises. The licensee may manage and control the licensed premises and the deer on the premises, kill the deer subject to s. 29.314 and sell the deer as provided under this section.

SECTION 624. 29.578 (4) to (13) of the statutes are renumbered 29.871 (4) to (13) and amended to read:

29.871 (4) The licensee shall pay to the department \$25 for each deer so found on such lands. When such payment has been made and the license issued, the licensee shall become the owner of all deer on said lands and of all their offspring. The licensee shall have the right to manage and control said lands and the deer thereon, to kill the deer, subject to s. 29.245, and to sell the deer as provided by this section. If upon examination it shall appear that If the applicant is the owner or lessee of said the lands, and that the applicant intends in good faith to establish, operate and maintain a deer farm, the department may inform the applicant that, as soon as the applicant has built a suitable deer fence around the area premises to be included within the license, it will issue the same. Said a license. The applicant shall install a deer-tight fence shall be built in accordance with specifications prescribed by the department; provided, the department may issue a license for such deer farms heretofore established if the fence actually inclosing said farm is in fact sufficient to hold deer therein. After the complete installation

of such the fence and after, the department has satisfied itself that it is satisfactory and complies with the law, it may shall issue a license to the applicant describing such. The license shall describe the lands, and certifying that and authorize the licensee is lawfully entitled to use the same for the breeding, propagating, killing and selling of deer thereon according to this section to breed, propagate, kill and sell the deer that are on the licensed premises.

(5) The deer farm license shall be renewed each year if the licensee has not violated any of the provisions under which it was granted issued.

(6) Such A deer farm license shall be is prima facie evidence in all courts and proceedings of the lawful right of the licensee therein named or the licensee's successors or assigns, for during the term of the license, to establish and operate maintain a deer farm upon said on the licensed premises, and shall entitle entitles the licensee therein named or the licensee's successors or assigns, during the term of the license, to the exclusive right for and during said term to breed and, propagate, kill subject to s. 29.314 and sell deer thereon on the land, and to the exclusive and sole ownership of any property in all deer caught or taken therefrom on the land.

(7) Deer on a deer farm shall may be killed only by the licensee or bona fide regular the licensee's employes except that on licensed deer farms, not less than 10 acres in area, deer may be killed by persons expressly authorized by the licensee who are otherwise qualified under this chapter lawfully entitled to hunt deer except that no any person hunting upon on a licensed deer farm shall be is not required to hold a hunting license for deer; and all such. All deer killed on a deer farm shall be distinctly tagged with a tag to be furnished by the department to the licensee at cost not exceeding 5 cents each. The licensee shall pay to the department \$1 for each deer so killed. Before any deer on a licensed deer farm shall may be killed, the licensee shall notify the department or one of its representatives in advance of the taking of such the deer, and the department or its representatives shall make acknowledgment of acknowledge receipt of said the notice and such the acknowledgment when received by the licensee shall be is authority for taking deer. The department or any of its duly authorized representatives may be present while the taking of such deer is in progress.

(8) After a deer is so killed and tagged, only the entire carcass only shall may be sold and transported, except as provided in sub. (14). The tag must shall remain on the carcass while in transit. A deer farm tag may be removed from a gutted carcass at the time of butchering, but the person who killed or obtained the deer shall retain the tag until the meat is consumed.

(9) Such A licensee may sell and transport live deer providing that the department or one of its representatives be is notified in advance of the shipment of such deer, and the department or its representatives shall make

acknowledgment of acknowledges receipt of said the notice and such. The acknowledgment when received by the licensee shall be is the licensee's authority for shipping deer. The licensee shall pay to the department \$1 for each live deer sold, and each crate or conveyance carrying such live deer must shall have a special tag or tags attached thereto to it for each live deer transported therein, showing that it is a deer from a deer farm. The data on such the tag or tags shall be entered in ink or indelible pencil and such the tag or tags shall be retained by the purchaser of said live the deer. Such The tags shall be furnished by the department, its wardens or agents.

(10) Any person other than the licensee, or the licensee's employes, who shall hunt or trap hunts deer upon any lands described in any such license shall be on the licensed premises is liable to the licensee in the sum of \$100 in addition to all damage which the person may do to said farm or does to the deer and property thereon, but all actions for such trespass any action to recover damages shall be brought by such the licensee.

NOTE: The provision that creates liability for damage to the property of a licensed deer farm is eliminated, because this liability exists under general principles of law and does not need to be restated. The provision that creates liability for damage resulting from unauthorized hunting on a licensed deer farm is retained, because this provision negates the ability of the unauthorized hunter to argue that the deer were the property of the state and could be hunted in the same manner as deer elsewhere in the state.

(11) Each license shall be accepted by the licensee upon the condition that the licensee will comply with this section and with all provisions of law and that the licensee will honestly operate said deer farm for the purpose of propagating deer; that the and title to the deer in the inclosure for which a license has been granted and for which the applicant has paid the state at the rate of \$25 per deer, enclosure shall be conditional conditioned upon the applicant and licensee honestly and fairly complying with this section and provisions of law other statutes and rules relating to the operation maintenance of deer farms; and in the In an action to revoke the license of said licensee, or to establish the licensee's unfitness to further operate said deer farm, the court, in the judgment, in the event it is determined that the applicant and licensee has violated this section and the provisions of law relating to the operation of deer farms, shall provide that the title to all of the deer within said inclosure together with all of the increase therefrom be the enclosure is forfeited to the state; that the said tract of land shall licensed premises may not be used for a deer farm for a period of 5 years and until a new license therefor, after said 5 years, has been issued by the department as provided in this section after the 5-year period; that the department shall within 30 days of the notice of entry of judgment enter upon said tract the premises and open the said fences in such a manner as to give the inclosed animals free egress and may drive the said animals out of the inclosure if in the opinion of the

department it is for the best interests of the state; said enclosure; that the lands for which said the license has been forfeited may be used by the owner thereof for all lawful purposes except the propagating of deer during said time; and that during said 5-year the 5-year period said lands shall be a sanctuary and no hunting or trapping of any kind or character shall be practiced therein or thereon is prohibited on the land. The department shall in such event duly post notices thereof of the judgment at intervals of 40 rods 55 yards around the entire tract premises.

(12) On or before January 1 of each year, each such licensee shall make a report to the department, covering the period from January 1 to December 31 of for the previous calendar year, upon blanks on forms furnished by the department, stating the number of deer killed and sold and live deer sold during said period, the names and addresses of the persons to whom the same deer were sold and the dates of shipment.

(13) The department or its wardens shall have the right and power to may inspect such deer farms or the books records of such deer farms at any and all times when they may think the need requires it time.

SECTION 625. 29.578 (14) (a) of the statutes is renumbered 29.871 (14) (a) and amended to read:

29.871 (14) (a) No person may barter, sell or otherwise deal in the carcasses of deer taken from a deer farm unless the person obtains a deer farm sales license from the department. Each carcass of this type of deer that is sold by a person under this license is required to have a distinctive tag attached to it. The department shall issue these furnish deer farm sales tags at cost.

SECTION 626. 29.578 (14) (am) of the statutes, as affected by 1997 Wisconsin Act 35, is renumbered 29.871 (14) (am) and amended to read:

29.871 (14) (am) The department may issue special retail deer sale permits authorizing a person to sell at retail white-tailed deer venison in the carcass from a deer lawfully killed under this section to any retailer of meats if the venison is inspected under s. 97.42.

SECTION 627. 29.578 (14) (b) of the statutes is renumbered 29.871 (14) (b) and amended to read:

29.871 (14) (b) Any The department may issue a venison serving permit authorizing a person may to serve venison obtained from a deer farm licensed under this section if the person has a venison serving permit from the department. The application for this permit shall be in the form and include the information the department requires. If the The department after investigation is satisfied that the application is satisfactory it shall may issue a venison serving permit conditioned as follows:

2. It shall be exhibited in a conspicuous place in the premises where such venison is retained and served.

3. It shall contain the name and address of the applicant together with, the name and address of the premises where the venison will be retained and served, together

with the source of the venison, and the sex, approximate weight and deer farm tag numbers of the carcass. The deer farm tag may be removed from a gutted carcass at the time of butchering, but the person who killed or obtained the deer shall retain the tag until the venison is consumed.

4. The permittee agrees to shall record immediately upon possession all additional venison, purchased, possessed or served during under the permit period in the space provided ~~therefor~~ on the permit.

5. The permittee agrees that the department ~~or its wardens shall have the right to~~ may inspect the premises where ~~such~~ venison is retained or served and that the venison will be inspected under s. 97.42.

SECTION 628. 29.578 (14) (c) of the statutes is renumbered 29.871 (14) (b) 6. and amended to read:

29.871 (14) (b) 6. ~~Each~~ The permittee ~~under par. (b)~~ shall file a verified report to with the department within 30 days after the expiration of the permit containing such information ~~regarding the operations under the permit as the department requires on forms furnished in the form required~~ by the department.

SECTION 629. 29.578 (15) and (16) of the statutes are renumbered 29.871 (15) and (16).

SECTION 630. 29.579 of the statutes is renumbered 29.873 and amended to read:

29.873 Domestic fur-bearing animal farms. The breeding, raising and producing in captivity, and the marketing, by the producer, of foxes, fitch, nutria, marten, fisher, mink, chinchilla, rabbit or caracul, as live animals, or as animal pelts or carcasses shall be ~~deemed~~ considered an agricultural pursuit, and all such animals so raised in captivity shall be ~~deemed~~ considered domestic animals, subject to all the laws of the state with reference to possession, ownership and taxation as are at any time applicable to domestic animals. All persons engaged in the foregoing activities are farmers and engaged in farming for all statutory purposes.

SECTION 631. 29.583 of the statutes is renumbered 29.875 and amended to read:

29.875 Disposal of escaped deer. (1) The department may seize and dispose of or may authorize the disposal of any deer that has escaped from land licensed under s. ~~29.574~~ 29.867 or ~~29.578~~ 29.871 or owned by a person registered under s. 95.55 if the escaped deer has traveled more than 3 miles from the land or if the licensee or person has not had the deer returned to the land within 72 hours of the discovery of the escape.

(2) Notwithstanding sub. (1), the department of ~~natural resources~~ may dispose of the deer immediately if the department of agriculture, trade and consumer protection determines that the deer poses a risk to public safety or to the health of other domestic or wild animals.

SECTION 632. 29.585 (title) of the statutes is renumbered 29.877 (title).

SECTION 633. 29.585 (1) of the statutes is renumbered 29.877 (2m) and amended to read:

29.877 (2m) The department may grant issue licenses for wildlife exhibits ~~which are defined as any place where one or more live wild animals are kept in captivity for the purpose of exhibition or for advertising purposes. The~~ and shall prescribe the form of the application and license shall be prescribed by the department.

SECTION 634. 29.585 (2) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.877 (2) (intro.) and amended to read:

29.877 (2) (intro.) In this section, "wild;

(a) "Wild animal" means any mammal, fish or bird of a wild nature as distinguished from domestic animals under the common law or under the statutes whether or not the mammal, fish or bird was bred or reared in captivity, but does not include deer of the genus *dama*, cervus or rangifer or farm-raised fish.

SECTION 635. 29.585 (2) (b) to (6) of the statutes are renumbered 29.877 (2) (b) to (6) and amended to read:

29.877 (2) (b) "Wildlife exhibit" means any place where live wild animals are kept in captivity for the purpose of exhibition or for advertising purposes, but does not include the exhibition of any live wild animal by any educational institution, state department agency, public zoo, park or garden, circus or theatrical exhibition or any ~~such~~ exhibition sponsored by any organization with the approval of the department.

(3) No wildlife ~~exhibition~~ exhibit license shall may be granted by the department until it is satisfied that the provisions for ~~housing and caring for such the~~ wild animals and for protecting the public are ~~proper and adequate and in accordance with the standards therefor established by the department.~~

(4) The department shall promulgate ~~and enforce~~ rules for the ~~housing, care, treatment, feeding and sanitation~~ of wild animals kept in wildlife exhibits and for the protection of the public from injury by the wild animals.

(5) No person may ~~keep any live wild animal in captivity for the purpose of exhibition or for advertising purposes or have any wild animal in his or her custody or under his or her control for such purpose~~ maintain a wildlife exhibit, unless the person has a wildlife exhibit license is issued to the person by the department. A wildlife exhibit license is required in addition to any game bird and animal farm or fur farm license or deer farm license ~~under s. 29.578 that is required for the possession, breeding, propagating or dealing of these wild animals if these farms are wildlife exhibits as defined under sub. (1).~~

(6) Each licensee shall file ~~an annual, verified a~~ report with the department within 30 days after the expiration of ~~such the~~ license containing such information ~~on the operation of the wildlife exhibit as the department may require and on forms furnished by the department.~~

SECTION 636. 29.586 of the statutes is renumbered 29.879, and 29.879 (1) to (3), as renumbered, are amended to read:

29.879 (1) The department ~~has the authority to~~ may examine all lands, ~~together with~~ and buildings, licensed as game bird and animal farms, deer farms ~~or~~ and fur farms or wildlife exhibits to determine ~~that all~~ whether wild animals held in captivity ~~on such licensed farms~~ are treated in a humane manner and confined under sanitary conditions with proper ~~and adequate~~ housing, care ~~and food~~.

(2) The department may order any licensee to comply with standards prescribed in ~~such~~ the order for the ~~housing, care, treatment, feeding and sanitation~~ of wild animals held in captivity by the licensee.

~~(3) Any such~~ The licensee who fails to shall comply with ~~such~~ the order of the department within 10 days of its issuance ~~will be subject to penalties provided in s. 29.99.~~

SECTION 637. 29.59 (title) and (1) (intro.) and (a) of the statutes are renumbered 29.885 (title) and (1) (intro.) and (a).

SECTION 638. 29.59 (1) (b) of the statutes is repealed.

SECTION 639. 29.59 (1) (c) to (e) of the statutes are renumbered 29.885 (1) (c) to (e).

SECTION 640. 29.59 (1) (f) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.885 (1) (f).

NOTE: The definition of "daylight hours" is repealed and the substance of the definition is moved to current s. 29.59 (3) (c) (intro.), the only occurrence of that term.

SECTION 641. 29.59 (2) to (7) of the statutes are renumbered 29.885 (2) to (7), and 29.885 (3) (c) (intro.) and 3., (4m) and (5), as renumbered, are amended to read:

29.885 (3) (c) (intro.) A person who owns, leases or occupies property outside an incorporated municipality on which a wild animal or a structure of a wild animal is allegedly causing damage and who has made a complaint under par. (a), may remove the wild animal or the structure ~~during daylight hours~~ at any time from one hour before sunrise until one hour after sunset if all of the following conditions apply:

3. The wild animal is not of an endangered or threatened species under s. ~~29.415~~ 29.604 and is not a migratory bird on the list in 50 CFR 10.13 that is promulgated under 16 USC 701.

(4m) HUNTING ALLOWED. If the department removes or authorizes the removal of a wild animal or the structure of a wild animal under sub. (3) (b), the person who owns, leases or occupies the property on which the damage occurred shall open the property to others for hunting and trapping for one year beginning on the date on which the removal activity started unless hunting is prohibited under this chapter, ~~rules promulgated under this chapter~~ or under any municipal ordinance.

(5) ABATEMENT. (a) The department may refuse to investigate under sub. (3) (a) if the person making the complaint refuses to participate in any available wildlife

damage abatement program administered under s. ~~29.598~~ 29.889 or refuses to follow reasonable abatement measures recommended by the department or by the county in which the property is located if the county participates in a wildlife damage abatement program.

(b) Before taking action under sub. (3) (b) or (4), the department may require the person making the complaint to participate in any available wildlife damage abatement program administered under s. ~~29.598~~ 29.889 or to follow reasonable abatement measures recommended by the department.

SECTION 642. Subchapter VIII (title) of chapter 29 [precedes 29.591] of the statutes is created to read:

CHAPTER 29

SUBCHAPTER VIII

EDUCATION AND TRAINING

SECTION 643. 29.595 of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 29.887.

SECTION 644. 29.597 (6) (b) (intro.) of the statutes is created to read:

29.597 (6) (b) (intro.) The following persons are exempt from the requirement under par. (a):

SECTION 645. 29.598 (title) of the statutes is renumbered 29.889 (title).

SECTION 646. 29.598 (1) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.889 (1).

SECTION 647. 29.598 (2) (title) and (a) of the statutes are renumbered 29.889 (2) (title) and (a).

SECTION 648. 29.598 (2) (b) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.889 (2) (b).

SECTION 649. 29.598 (2) (c) of the statutes is renumbered 29.889 (2) (c) and amended to read:

29.889 (2) (c) *Review of county administration plans.* The department shall provide guidelines to counties applying for participation in the wildlife damage abatement and wildlife damage claim programs ~~under sub. (3) (b).~~ The department shall review each plan of administration submitted under sub. (3) (c) and shall approve the plan if it is in substantial compliance with sub. (3) (c) and the ~~administrative~~ administrative rules promulgated by the department under this section.

SECTION 650. 29.598 (2) (d) of the statutes is renumbered 29.889 (2) (d).

SECTION 651. 29.598 (3) of the statutes is renumbered 29.889 (3).

SECTION 652. 29.598 (4) (title) and (a) of the statutes are renumbered 29.889 (4) (title) and (a).

SECTION 653. 29.598 (4) (b) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.889 (4) (b).

SECTION 654. 29.598 (4) (bn) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 29.889 (4) (bn).

SECTION 655. 29.598 (4) (c) of the statutes is renumbered 29.889 (4) (c).

SECTION 656. 29.598 (5) (title) and (a) of the statutes are renumbered 29.889 (5) (title) and (a).

SECTION 657. 29.598 (5) (b) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.889 (5) (b).

SECTION 658. 29.598 (5) (bm) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 29.889 (5) (bm).

SECTION 659. 29.598 (5) (c) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.889 (5) (c).

SECTION 660. 29.598 (6) (title) and (a) of the statutes are renumbered 29.889 (6) (title) and (a).

SECTION 661. 29.598 (6) (b) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.889 (6) (b).

SECTION 662. 29.598 (6) (c) of the statutes is renumbered 29.889 (6) (c).

SECTION 663. 29.598 (6) (d) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.889 (6) (d).

SECTION 664. 29.598 (6) (dm) and (em) of the statutes, as created by 1997 Wisconsin Act 27, are renumbered 29.889 (6) (dm) and (em).

SECTION 665. 29.598 (6) (f) of the statutes is renumbered 29.889 (6) (f).

SECTION 666. 29.598 (7) and (7m) of the statutes, as affected by 1997 Wisconsin Act 27, are renumbered 29.889 (7) and (7m).

SECTION 667. 29.598 (8) of the statutes is renumbered 29.889 (8).

SECTION 668. 29.598 (8g), (8r), (9), (10) and (11) of the statutes, as created by 1997 Wisconsin Act 27, are renumbered 29.889 (8g), (8r), (9), (10) and (11), and 29.889 (10) (c) 3., as renumbered, is amended to read:

29.889 (10) (c) 3. The revocation of the person's privileges or approvals under s. ~~29.99~~ 29.971 (12) if the person violating par. (b) owns, leases or controls land, or owns livestock or apiaries, to which the false statement or representation relates.

SECTION 669. 29.599 of the statutes is renumbered 29.947.

SECTION 670. 29.60 (title), (1) and (2) of the statutes are renumbered 29.088 (title), (1) and (2), and 29.088 (1), as renumbered, is amended to read:

29.088 (1) Except as provided by s. ~~29.29~~ 29.601 (4), it ~~shall be~~ is unlawful to use baits containing poison of any description in any forests, fields or other places where it might destroy or cause the destruction of wild animals or birds, and the possession of any ~~such~~ poison or poison baits in a hunting or trapping camp or on any person while hunting or trapping shall be prima facie evidence of a violation ~~hereof~~.

SECTION 671. 29.60 (2g) of the statutes, as created by 1997 Wisconsin Act 27, is renumbered 29.088 (2g).

SECTION 672. 29.60 (2m) and (3) of the statutes are renumbered 29.088 (2m) and (3) and amended to read:

29.088 (2m) It ~~shall be~~ is unlawful to take, capture or kill or attempt to take, capture or kill any bird by setting or operating any trap or device designed, built or used to capture birds on a pole, post, tree stump or any other elevated perch more than 3 feet above the ground.

(3) Nothing in this chapter ~~may prevent~~ prevents the department or a person authorized under s. ~~29.59~~ 29.885 from using an explosive or having an explosive near a beaver house or a beaver dam for the purpose of removing a beaver dam or a vacated beaver house when the beavers are causing damage to property.

SECTION 673. Subchapter IX (title) of chapter 29 [precedes 29.601] of the statutes is created to read:

CHAPTER 29

SUBCHAPTER IX

MISCELLANEOUS PROVISIONS

SECTION 674. 29.605 of the statutes is renumbered 29.881 and amended to read:

29.881 (title) Giving away of predatory animals to public zoos. (1) It is ~~lawful for the~~ The department to ~~may give, present, or turn over alive, for educational purposes, to any bona fide public zoo~~ any predatory animal to a public zoo.

(2) Any predatory animal that has been given to, ~~presented, or turned over to any bona fide~~ a public zoo under this section ~~shall~~ may not be sold, bartered or given away by ~~such~~ the zoo ~~in any manner,~~ except that ~~such~~ the animal may be returned to the department.

SECTION 675. 29.614 of the statutes is created to read:

29.614 Scientific collector permit. (1) Application for a scientific collector permit shall be submitted to the department. The department may issue a scientific collector permit if the department determines that the applicant is a natural person and is engaged in a bona fide program leading to increased, useful scientific knowledge.

(2) A scientific collector permit shall state the name and address of the permittee, the date of issuance, the purposes for which it is issued, the type, species and number of specimens authorized to be collected or salvaged, the area and period of time in which the specimens may be collected or salvaged, the place where the specimens may be kept and other conditions and limitations that the department requires. A scientific collector permit is not transferable.

(3) A scientific collector permit authorizes the permittee to collect or salvage, for scientific purposes only, the eggs, nest and wild animals specified in the permit subject to the conditions and limitations specified in the permit and the rules of the department. The permittee may use the specimens for the scientific purposes for which collected or salvaged and may transport them or

cause them to be transported by common carrier. Possession of these specimens may not be transferred to any other person, except that these specimens may be exchanged for other specimens for scientific purposes. A scientific collector permit may authorize the use of net guns and tranquilizer guns for activities related to the purposes for which the permit is issued. Any person who is convicted of violating this chapter shall forfeit the person's permit and the permit is thereby revoked, in addition to all other penalties. Any person so convicted is not eligible for a permit under this section for one year following the conviction.

NOTE: This provision contains the same provisions, without substantive change, as current s. 29.17. The bill creates a new section regarding scientific collector permits as an expedient, because of the substantial amount of reorganization that is necessary.

SECTION 676. 29.62 (title) of the statutes is renumbered 29.421 (title) and amended to read:

29.421 (title) Removal of injurious rough fish.

SECTION 677. 29.62 (1) and (3) of the statutes, as affected by 1997 Wisconsin Act 27, are consolidated, renumbered 29.421 and amended to read:

29.421 The department may take rough fish by means of seines, nets or other devices, or cause rough fish to be taken, from any of the waters of this state, other than waters in a self-contained fish rearing facility or in a pre-existing fish rearing facility that is barrier equipped and that is an artificial body of water. ~~(3)~~ Whenever the department takes rough fish under this section it shall dispose of the same as the department shall direct fish in any manner that it determines to be appropriate.

SECTION 678. 29.623 (title) of the statutes is renumbered 29.424 (title).

SECTION 679. 29.623 (1) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.424 (1) and amended to read:

29.424 (1) When the department finds that any species of fish is detrimental to any of the waters of the state it may, by rule, designate such the species of fish and specify the waters in which such the species of fish are is found to be detrimental. Thereupon the The department may remove such fish from the waters specified or cause them to be removed therefrom detrimental fish of the species designated from the waters specified.

SECTION 680. 29.623 (2) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.424 (2).

SECTION 681. 29.625 of the statutes is renumbered 29.417 and amended to read:

29.417 Permit to take rough fish. (1) Permission may be granted to any person by the department upon such terms and conditions as it may require required by the department to take carp and other undesirable rough fish, ~~which are detrimental to game fish~~ in the following bays or harbors in Door county, namely County: Sturgeon Bay, Little Sturgeon Bay, Riley's bay Bay, Egg harbor Harbor, Fish creek harbor Creek Harbor, Eagle har-

bor Harbor, Bailey's harbor Harbor, Mud bay Bay, North bay Bay, Rowley's bay Bay, and Washington harbor Harbor, Jackson harbor Harbor and Detroit harbor Harbor in Washington Island.

(2) A person having a contract to take rough fish under s. 29.62 29.421 or this section may be authorized by the department to erect and maintain a temporary pond in any navigable water pending the sale of such the fish, provided that such the pond does not unreasonably interfere with navigation or other public rights in such the water.

SECTION 682. 29.626 of the statutes is renumbered 29.717 and amended to read:

29.717 Trespass on riparian land. In an action against a person for damages sustained from trespassing on lands bordering streams stocked by the consent of the owner of such the lands, with fish received from a state hatchery, where such the damage shall ~~exceed~~ exceeds \$2, the trespasser ~~shall be~~ is liable for double the amount of such the damage and all of the taxable costs; and where the damage sustained is \$2 or less the trespasser shall be liable for the amount of such the damage and ~~the~~ costs not to exceed the amount of the damage.

SECTION 683. 29.64 of the statutes is renumbered 29.951.

SECTION 684. 29.641 of the statutes is renumbered 29.954.

SECTION 685. 29.642 (title) and (1) of the statutes are renumbered 29.961 (title) and (1).

SECTION 686. 29.642 (2) of the statutes is renumbered 29.967 (3).

SECTION 687. 29.6425 of the statutes is renumbered 29.967.

SECTION 688. 29.643 of the statutes is renumbered 29.964.

SECTION 689. 29.644 of the statutes is renumbered 29.957 and amended to read:

29.957 Breaking seals of department. Any person who breaks, removes or interferes with any seal or tag attached to any animal, carcass, ~~article or other thing or object~~ by the department, or who ~~meddles or~~ interferes with any animal, carcass, ~~article or other thing or object~~ with such a seal or tag attached, or who counterfeits any such a seal or tag, attached or unattached, shall be fined not more than \$500 or imprisoned for not more than 90 days or both.

SECTION 690. 29.645 of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.969 and amended to read:

29.969 Larceny of game. A person who, without permission of the owner, ~~molests,~~ disturbs or appropriates any wild animal or its carcass that has been lawfully reduced to possession by another shall forfeit not less than \$1,000 nor more than \$2,000. This section does not apply to farm-raised deer or farm-raised fish.

SECTION 691. 29.65 (title) of the statutes is renumbered 29.977 (title).

SECTION 692. 29.65 (1) (intro.) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.977 (1) (intro.).

SECTION 693. 29.65 (1) (a) of the statutes is renumbered 29.977 (1) (a) and amended to read:

29.977 (1) (a) Any endangered species protected under s. ~~29.415~~ and rules promulgated under s. ~~29.415~~ 29.604, §875.

SECTION 694. 29.65 (1) (b) and (c) of the statutes are renumbered 29.977 (1) (b) and (c).

SECTION 695. 29.65 (1) (d) of the statutes is renumbered 29.977 (1) (d) and amended to read:

29.977 (1) (d) Any bobcat (~~wildeat~~), fox, beaver or otter, §87.50.

SECTION 696. 29.65 (1) (e) to (m) of the statutes are renumbered 29.977 (1) (e) to (m).

SECTION 697. 29.65 (2) of the statutes is renumbered 29.977 (2) and amended to read:

29.977 (2) Any damages recovered in ~~such a civil~~ action under this section shall be paid into the state conservation fund ~~and disbursed therefrom by the department.~~ The costs of ~~such the~~ action in case of a, if the judgment is in favor of the defendant, shall be paid out of the conservation fund.

SECTION 698. 29.65 (3) of the statutes is renumbered 29.977 (3).

SECTION 699. Subchapter X (title) of chapter 29 [precedes 29.701] of the statutes is created to read:

CHAPTER 29
SUBCHAPTER X
FISH AND GAME PROPAGATION
AND STOCKING

SECTION 700. 29.705 (2) of the statutes is created to read:

29.705 (2) FURNISHING FISH; ACCESS TO STOCKED WATERS. (a) The department may not furnish fish from state hatcheries to private ponds, private clubs, corporations or preserves.

(b) The department may not plant fish from state hatcheries in waters where the general public is not allowed the rights and privileges enjoyed by any individual.

NOTE: This provision is part of current s. 29.50 and is re-located here for better placement.

SECTION 701. 29.745 (2) of the statutes is created to read:

29.745 (2) The department and its agents are not required to obtain a permit under this section.

SECTION 702. Subchapter XI (title) of chapter 29 [precedes 29.851] of the statutes is created to read:

CHAPTER 29
SUBCHAPTER XI
CAPTIVE ANIMALS

SECTION 703. 29.867 (2m) of the statutes is created to read:

29.867 (2m) If the applicant is the owner or lessee of the lands, the land is suitable for the breeding and propagating of game birds and animals and the applicant intends in good faith to establish and maintain a game bird and animal farm, the department shall issue a license to the applicant. The license shall describe the lands and shall authorize the licensee to breed, propagate, kill and sell the game birds and animals that are on the lands described in the license.

SECTION 704. 29.871 (2m) of the statutes is created to read:

29.871 (2m) If the applicant is the owner or lessee of the lands, the land is suitable for the breeding and propagating of deer, and the applicant intends in good faith to establish and operate a deer farm, the department shall inform the applicant that it will issue a license when the applicant has built a suitable deer fence around the area to be licensed.

SECTION 705. Subchapter XII (title) of chapter 29 [precedes 29.885] of the statutes is created to read:

CHAPTER 29
SUBCHAPTER XII
WILDLIFE DAMAGE

SECTION 706. 29.889 (12) (title) of the statutes is created to read:

29.889 (12) (title) TOLERABLE DEER DAMAGE LEVELS.

SECTION 707. Subchapter XIII (title) of chapter 29 [precedes 29.921] of the statutes is created to read:

CHAPTER 29
SUBCHAPTER XIII
ENFORCEMENT

SECTION 708. 29.921 (title) of the statutes is created to read:

29.921 (title) Warrants; arrests; police powers.

SECTION 709. 29.921 (6) of the statutes is created to read:

29.921 (6) SEARCH WARRANTS; SUBPOENAS. In executing search warrants and subpoenas under this chapter where the penalty for the violation is a forfeiture, the department shall use procedures which comply with ss. 968.12 and 968.135 to 968.19.

SECTION 710. 29.921 (7) of the statutes is created to read:

29.921 (7) DOGS INJURING WILDLIFE. A warden may kill a dog found running, injuring, causing injury to, or killing, any deer, other than farm-raised deer, or destroying game birds, their eggs or nests, if immediate action is necessary to protect the deer or game birds, their nests or eggs, from injury or death.

NOTE: This sentence is based on the last sentence of current s. 29.05 (8) (b).

SECTION 711. 29.924 (title) of the statutes is created to read:

29.924 (title) **Investigations; searches.**

SECTION 712. 29.931 (title) of the statutes is created to read:

29.931 (title) **Seizures.**

SECTION 713. 29.961 (2) of the statutes is created to read:

29.961 (2) Any person who fails to keep records as required under this chapter, fails to keep accurate records under this chapter, or provides incorrect information to the department under this chapter, other than information to obtain an approval as provided under sub. (1), shall forfeit not more than \$100.

NOTE: Many provisions of current ch. 29 specify that accurate records must be kept. For example, s. 29.134 (6m) (a) requires fur auctioneers to keep "correct and complete" records, and s. 29.135 (6) (a) requires wholesale fish dealers to keep "complete, legible and accurate" records. This bill deletes these specific requirements. The current statutes do not provide a specific penalty for failure to keep accurate records, so the \$100 forfeiture in current s. 29.99 (4) applies. New s. 29.961 provides a penalty consisting of a forfeiture of \$100 for failure to keep records, or keeping or providing incorrect information under ch. 29.

SECTION 714. 29.99 (intro.) and (1) to (11) of the statutes are renumbered 29.971 (intro.) and (1) to (11), and 29.971 (intro.), (1), (1m) (a) to (c) and (e), (4), (5), (5g), (5m), (7) and (11), as renumbered, are amended to read:

29.971 General penalty provisions. (intro.) Any person who, for himself or herself, or by his or her agent, servant, or employe, or who, as agent, servant, or employe for another, violates this chapter shall be punished, respectively, as follows:

(1) (a) For the violation of any requirement of this chapter relating to fishing or fish dealing, ~~or rules promulgated under this chapter relating to fishing or fish dealing,~~ by a forfeiture of not more than \$1,000 except as provided under pars. (b) and (c) and sub. (5m).

(b) For having fish in his or her possession in violation of this chapter ~~or rules promulgated under it~~ and the value of the fish under par. (d) exceeds \$300 but does not exceed \$1,000, by a fine of not more than \$5,000 or imprisonment for not more than 30 days or both.

(c) For having fish in his or her possession in violation of this chapter ~~or rules promulgated under it~~ and the value of the fish under par. (d) exceeds \$1,000, by a fine of not more than \$10,000 or imprisonment for not more than 2 years or both.

(d) Salmon, trout and noncommercial game fish shall be valued for the purposes of pars. (b) and (c) on a per fish basis according to the dollar amounts specified under s. ~~29.65~~ 29.977 (1) (a) and (i) to (L). Other species of commercial fish shall be valued on a per fish basis according to the current average wholesale value. In this paragraph, "average wholesale value" means the average price received by producers on the date of the violation for fish in the form of the violative fish.

(e) Any person holding an approval issued under this chapter, upon his or her 2nd conviction within a 3-year

period for violations of this chapter ~~or rules promulgated under it~~ relating to possessing illegal fish, fishing with illegal gear, fishing in closed areas or refuges, fishing during a closed season, violation of quota fisheries or false reporting shall have all of his or her fishing and fish dealing licenses revoked and no fishing or fish dealing license may be issued to the person for at least one year after the date of conviction. During the period of revocation for 2 convictions under pars. (b) or (c) or a combination of 2 convictions under pars. (b) and (c), the person may not engage in fishing on the water or ice in any manner, operate or assist in the operation of fishing gear or engage in sale or transportation of fish. Any person holding a license under s. ~~29.33~~ 29.519 (1) who has that license revoked under this paragraph, may apply for that license for that part of the license year following the period of revocation which is at least one year after the date of conviction and the department shall issue that license if all licensing criteria are met. The revoked license may not be issued to another person during the period of revocation.

(1m) (a) For the violation of s. ~~29.38~~ ~~or rules adopted thereunder~~ 29.537, by a forfeiture of not more than \$1,000, except as provided under pars. (b) and (c).

(b) For possessing clams in violation of s. ~~29.38~~ ~~or rules adopted thereunder~~ 29.537, if the value of the clams under par. (d) exceeds \$300 but does not exceed \$1,000, by a fine of not more than \$5,000 or imprisonment for not more than 30 days or both.

(c) For possessing clams in violation of s. ~~29.38~~ ~~or rules adopted thereunder~~ 29.537, if the value of the clams under par. (d) exceeds \$1,000, by a fine of not more than \$10,000 or imprisonment for not more than 2 years or both.

(e) For any person holding any approval issued under this chapter, upon the person's 2nd conviction within a 3-year period for violations of this chapter ~~or rules promulgated thereunder~~ relating to clamming or commercial clamming, by the revocation of all of the person's approvals. In addition, no commercial clamming license or permit may be issued to the person for at least one year after the date of conviction.

(4) For any violation ~~of any provision~~ of this chapter or any department order for which no other penalty is prescribed, by a forfeiture of not more than \$100.

(5) For violation of s. ~~29.48~~ 29.539, by a fine of not less than \$1,000 nor more than \$2,000 or imprisonment for not more than 6 months or both. In addition, the court shall order the revocation of all hunting and sport fishing approvals issued to the person under this chapter and shall prohibit the issuance of any new hunting or sport fishing approvals under this chapter to the person for 5 years.

(5g) For violation of s. ~~29.49~~ 29.541, by a fine of not more than \$500 or imprisonment for not more than 90 days or both. In addition, the court shall order the revoca-

tion of all hunting and sport fishing approvals issued to the person under this chapter and shall prohibit the issuance of any new hunting or sport fishing approvals under this chapter to the person for 3 years.

(5m) For the violation of ~~any statute or rule~~ this chapter relating to the taking or possession of lake sturgeon, by a fine of \$1,500 or imprisonment for not more than 90 days or both for each lake sturgeon illegally taken or possessed, and a mandatory 3-year revocation of all hunting, fishing and trapping approvals issued to the person under this chapter.

(7) For the violation of s. ~~29.23, or of any administrative rule relating to hunting from an airplane or using an airplane to spot, rally or drive animals for hunting~~ 29.307, by a fine of not more than \$1,000 for the first violation and not more than \$2,000 for subsequent violations or imprisonment for not more than 90 days, or both, and by a mandatory 3-year revocation of all hunting, fishing and trapping approvals. An airplane aircraft used in any such the violation is declared a public nuisance.

(11) For hunting deer without the required approval, during the closed season, with the aid of artificial light or with the aid of an aircraft, for the snaring of or setting snares for deer or for the possession or control of a deer carcass in violation of s. ~~29.39 29.055 or 29.40 29.347~~, by a fine of not less than \$1,000 nor more than \$2,000 or by imprisonment for not more than 6 months or both. In addition, the court shall order the revocation of all approvals issued to the person under this chapter and shall prohibit the issuance of any new approval under this chapter to the person for 3 years.

NOTE: The additional language makes the penalty applicable to the setting of a snare for deer and does not require that a deer be caught with a snare, as under the current statute.

SECTION 715. 29.99 (11m) (a) of the statutes, as affected by 1997 Wisconsin Act 1, is renumbered 29.971 (11m) (a).

SECTION 716. 29.99 (11m) (b) and (c) of the statutes, as affected by 1997 Wisconsin Act 1, are renumbered 29.971 (11m) (b) and (c) and amended to read:

29.971 **(11m)** (b) Except as provided under par. (a), for the violation of any provision of this chapter or any ~~department rule promulgated under this chapter~~ relating to bear hunting, to the activities specified in s. ~~29.1085 (2) 29.184 (3)~~ (br) 1. to 3. or to the validation of a bear carcass tag or registration of a bear, by a forfeiture of not more than \$1,000.

(c) Any person who is convicted of hunting bear or engaging in any of the activities under s. ~~29.1085 (2) 29.184 (3)~~ (br) with a dog that is not in compliance with s. ~~29.1085 (2g) 29.184 (4)~~ or the licensing requirements under s. 174.053 or 174.07 may have his or her Class A or Class B bear hunting license revoked; and if the license is revoked, no Class A or Class B bear hunting license may be issued to the person for a period of 3 years after the date of conviction.

SECTION 717. 29.99 (11p) of the statutes is renumbered 29.971 (11p).

SECTION 718. 29.99 (11r) and (11v) of the statutes are renumbered 29.971 (11r) and (11v) and amended to read:

29.971 **(11r)** (a) For the violation of s. ~~29.223 29.083~~ (2) (a), by a forfeiture of not more than \$500.

(b) For the violation of s. ~~29.223 29.083~~ (2) (b), by a forfeiture of not more than \$1,000.

(11v) For failing to reimburse the department as required under s. ~~29.283 (5) 29.404 (3)~~, by a forfeiture of not more than \$100.

SECTION 719. 29.99 (12) of the statutes is renumbered 29.971 (12).

SECTION 720. 29.99 (13) of the statutes is repealed.

NOTE: The current text of s. 29.99 (13) is as follows:
"29.99 (13) The word "person" as used in this section includes natural persons, firms, associations, and corporations."

The definition is superfluous. The definition of "person", applicable to all statutes, is found in s. 990.01 (26). That definition includes all provisions of the repealed definition, as well as partnerships and governmental bodies.

SECTION 721. 29.99 (14) of the statutes is renumbered 29.971 (13).

SECTION 722. 29.99 (15) of the statutes, as affected by 1997 Wisconsin Act 27, is renumbered 29.971 (14).

SECTION 723. 29.995 of the statutes is renumbered 29.974 and amended to read:

29.974 Penalties; repeaters. **(1)** If a person is convicted of any violation of this chapter, of s. 167.31 (2) or (3) or of a rule promulgated ~~under this chapter~~ or under s. 167.31 (4m), and it is alleged in the indictment, information or complaint, and proved or admitted on trial or ascertained by the court after conviction that the person was previously convicted within a period of 5 years for a violation of this chapter, of s. 167.31 (2) or (3) or of a rule promulgated ~~under this chapter~~ or under s. 167.31 (4m) by any court of this state, the person shall be fined not more than \$100, or imprisoned not more than 6 months or both. In addition, all hunting, fishing and trapping approvals issued to the person shall be revoked and no hunting, fishing or trapping approval may be issued to the person for a period of one year after the 2nd conviction.

(2) When any person is convicted and it is alleged in the indictment, information or complaint and proved or admitted on trial or ascertained by the court after conviction that ~~such the~~ person had been before convicted 3 times within a period of 3 years for violations of this chapter or department order punishable under s. ~~29.134 (11), 29.29 29.501 (10), 29.601 (1) or 29.99 29.971 (5)~~, or for violation of s. ~~29.48 29.539~~, or for violation of any statute or department order regulating the taking or possession of any wild animal or carcass ~~thereof~~ during the closed season ~~therefor~~ or any combination of ~~such those~~ violations by any court of this state, and that ~~such the~~ convictions remain of record and unreversed, ~~such the~~ per-

son shall be fined not more than \$2,000 or imprisoned for not more than 9 months or both.

(3) No penalty for any such violation listed in sub. (1) or (2) may be reduced or diminished by reason of this section.

SECTION 724. 29.996 of the statutes is renumbered 29.981.

SECTION 725. 29.9965 of the statutes is renumbered 29.983, and 29.983 (1) (a) and (b) 1. and 4., as renumbered, are amended to read:

29.983 (1) (a) If a court imposes a fine or forfeiture for a violation of a provision of this chapter or a rule or an order issued under this chapter for the unlawful killing, wounding, catching, taking, trapping or possession of a wild animal specified in par. (b), or any part of such a wild animal, the court may impose a wild animal protection assessment that equals the amount specified for the wild animal under par. (b).

(b) 1. For any wild animal that is an endangered species protected under s. 29.415 and rules promulgated under s. 29.415 29.604, \$875.

4. For any wildcat bobcat, fox, beaver or otter, \$87.50.

SECTION 726. 29.9967 of the statutes is renumbered 29.985, and 29.985 (1) (a) and (2), as renumbered, are amended to read:

29.985 (1) (a) If a court imposes a forfeiture under s. 29.283 (5) 29.404 (3), the court shall impose a fishing shelter removal assessment equal to the costs that should have been reimbursed under s. 29.283 (4) 29.404 (2).

(2) USE OF FISHING SHELTER REMOVAL ASSESSMENTS FUNDS. All moneys collected from fishing shelter removal assessments shall be deposited in the fish and wildlife account in the conservation fund.

SECTION 727. 29.997 of the statutes is renumbered 29.987, and 29.987 (1) (a) and (2), as renumbered, are amended to read:

29.987 (1) (a) If a court imposes a fine or forfeiture for a violation of a provision of this chapter or a rule or an order issued under this chapter, the court shall impose a natural resources assessment equal to 75% of the amount of the fine or forfeiture.

(2) USE OF NATURAL RESOURCES ASSESSMENT FUNDS. All moneys collected from natural resources assessments shall be deposited in the conservation fund and appropriated for use credited to the appropriation under s. 20.370 (3) (mu).

SECTION 728. 29.998 of the statutes is renumbered 29.989, and 29.989 (1) (a) and (2), as renumbered, are amended to read:

29.989 (1) (a) If a court imposes a fine or forfeiture for a violation of a provision of this chapter or a rule or an order issued under this chapter, the court shall impose a natural resources assessment equal to 75% of the amount of the fine or forfeiture.

(2) USE OF NATURAL RESOURCES RESTITUTION PAYMENT FUNDS. All moneys collected from natural resources restitution payments shall be deposited in the conservation fund and appropriated for use under s. 20.370 (3) (mu).

SECTION 729. 30.01 (4r) of the statutes is amended to read:

30.01 (4r) "Outlying waters" has the meaning designated given in s. 29.01 (1) 29.001 (63).

SECTION 730. 30.12 (4) (a) of the statutes is amended to read:

30.12 (4) (a) Activities affecting waters of the state as defined in s. 281.01 (18) that are carried out under the direction and supervision of the department of transportation in connection with highway and bridge design, location, construction, reconstruction, maintenance and repair are not subject to the prohibitions or permit or approval requirements specified under this section or s. 29.29 29.601, 30.11, 30.123, 30.195, 30.20, 59.692, 61.351, 62.231 or 87.30 or chs. 281 to 285 or 289 to 299, except s. 281.48. However, at the earliest practical time prior to the commencement of these activities, the department of transportation shall notify the department of the location, nature and extent of the proposed work that may affect the waters of the state.

SECTION 731. 30.124 (2) of the statutes is amended to read:

30.124 (2) The department may use moneys available under s. 29.102 (2) (a) 29.191 (1) (b) 1, to engage in the activities described under sub. (1).

SECTION 732. 30.202 (3) of the statutes is amended to read:

30.202 (3) EXEMPTION FROM STATUTES AND RULES. Dredge spoil disposal activities authorized under sub. (2) are exempt from any prohibition, restriction, requirement, permit, license, approval, authorization, fee, notice, hearing, procedure or penalty specified under s. 29.29 29.601, 30.01 to 30.20, 30.21 to 30.99, 59.692 or 87.30 or chs. 281 to 285 or 289 to 299, except s. 281.48, or specified in any rule promulgated, order issued or ordinance adopted under those sections or chapters.

SECTION 733. 30.204 (5) of the statutes is amended to read:

30.204 (5) EXEMPTION FROM CERTAIN STATUTES AND RULES. Activities of the department in conducting the lake acidification experiment are exempt from any prohibition, restriction, requirement, permit, license, approval, authorization, fee, notice, hearing, procedure or penalty specified under s. 29.29 29.601 (3), 30.01 to 30.03, 30.06 to 30.16, 30.18 to 30.29, 30.50 to 30.99, 59.692, 87.30, 287.81, 299.15 to 299.23, 299.91, 299.95 or 299.97 or chs. 281, 283 or 289 to 292 or specified in any rule promulgated, order issued or ordinance adopted under any of those sections or chapters.

SECTION 734. 30.51 (2) (c) 2. of the statutes is amended to read:

30.51 (2) (c) 2. A federally documented vessel which is a commercial fishing boat licensed under s. ~~29.33~~ 29.519.

SECTION 735. 30.71 of the statutes is amended to read:

30.71 Boats equipped with toilets. No person may, while maintaining or operating any boat equipped with toilets on inland waters or outlying waters of this state, as defined in s. ~~29.01 (9)~~ 29.001 (45) and ~~(11)~~ (63), dispose of any toilet wastes in any manner into the inland or outlying waters of this state. The department of commerce may promulgate rules necessary to carry out the purposes of this section.

SECTION 736. 30.745 (1) (c) of the statutes is repealed.

SECTION 737. 30.92 (1) (bn) of the statutes is repealed and recreated to read:

30.92 (1) (bn) "Inland water" has the meaning given in s. 29.001 (45).

SECTION 738. 59.25 (3) (f) 2. of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

59.25 (3) (f) 2. For all court imposed fines and forfeitures required by law to be deposited in the state treasury, the amounts required by s. 165.87 for the penalty assessment surcharge, the amounts required by s. 165.755 for the crime laboratories and drug law enforcement assessment, the amounts required by s. 167.31 (5) for the weapons assessment, the amounts required by s. 973.045 for the crime victim and witness assistance surcharge, the amounts required by s. 938.34 (8d) for the delinquency victim and witness assistance surcharge, the amounts required by s. 973.046 for the deoxyribonucleic acid analysis surcharge, the amounts required by s. 961.41 (5) for the drug abuse program improvement surcharge, the amounts authorized by s. 971.37 (1m) (c) 1. or required by s. 973.055 (1) for the domestic abuse assessment, the amounts required by s. 253.06 (4) (c) for the enforcement assessment under the supplemental food program for women, infants and children, the amounts required by s. 346.655 (2) (a) and (b) for the driver improvement surcharge, the amounts required by s. 102.85 (4) for the uninsured employer assessment, the amounts required by s. 299.93 for the environmental assessment, the amounts required by s. ~~29.9965~~ 29.983 for the wild animal protection assessment, the amounts required by s. ~~29.997~~ 29.987 for the natural resources assessment surcharge, the amounts required by s. ~~29.9967~~ 29.985 for the fishing shelter removal assessment, the amounts required by s. 350.115 for the snowmobile registration restitution payment and the amounts required by s. ~~29.998~~ 29.989 for natural resources restitution payments, transmit to the state treasurer a statement of all moneys required by law to be paid on the actions entered during the preceding month on or before the first day of the next succeeding

month, certified by the county treasurer's personal signature affixed or attached thereto, and at the same time pay to the state treasurer the amount thereof.

SECTION 739. 59.40 (2) (m) of the statutes, as affected by 1997 Wisconsin Act 27, section 2163p, is amended to read:

59.40 (2) (m) Pay monthly to the treasurer for the use of the state the state's percentage of the fees required to be paid on each civil action, criminal action and special proceeding filed during the preceding month and pay monthly to the treasurer for the use of the state the percentage of court imposed fines and forfeitures required by law to be deposited in the state treasury, the amounts required by s. 165.87 (2) (b) for the penalty assessment surcharge, the amounts required by s. 165.755 for the crime laboratories and drug law enforcement assessment, the amounts required by s. 167.31 (5) for the weapons assessment, the amounts required by s. 973.045 for the crime victim and witness assistance surcharge, the amounts required by s. 938.34 (8d) for the delinquency victim and witness assistance surcharge, the amounts required by s. 973.046 for the deoxyribonucleic acid analysis surcharge, the amounts required by s. 961.41 (5) for the drug abuse program improvement surcharge, the amounts authorized by s. 971.37 (1m) (c) 1. or required by s. 973.055 for the domestic abuse assessment surcharge, the amounts required by s. 253.06 (4) (c) for the enforcement assessment under the supplemental food program for women, infants and children, the amounts required by s. 346.655 for the driver improvement surcharge, the amounts required by s. 102.85 (4) for the uninsured employer assessment, the amounts required by s. 299.93 for the environmental assessment, the amounts required under s. ~~29.9965~~ 29.983 for the wild animal protection assessment, the amounts required under s. ~~29.997~~ 29.987 (1) (d) for the natural resources assessment surcharge, the amounts required by s. ~~29.9967~~ 29.985 for the fishing shelter removal assessment, the amounts required by s. 350.115 for the snowmobile registration restitution payment and the amounts required under s. ~~29.998~~ 29.989 (1) (d) for the natural resources restitution payments. The payments shall be made by the 15th day of the month following receipt thereof.

SECTION 740. 66.894 (2) of the statutes is amended to read:

66.894 (2) RIVER AND LAKE BEDS. (a) Except as provided in par. (b), the commission may lay, construct and maintain, without compensation to the state, any part of the sewerage system or of its works or appurtenances over, upon or under any part of the bed of any river or its branches flowing through the district, or of any land that has not been the subject of a state lake bed grant to a county in which a 1st class city is located and that is covered by any of the outlying waters, as defined in s. ~~29.01~~ (11) 29.001 (63).

(b) Nothing in ss. 66.88 to 66.918 authorizes the commission to lay or construct any part of the sewerage system after April 27, 1982, over, upon or under any land covered by any outlying waters, as defined in s. ~~29.04 (11)~~ 29.001 (63), unless the commission first obtains the prior consent of both houses of the legislature and the governor.

SECTION 741. 70.111 (3m) of the statutes is amended to read:

70.111 (3m) CHARTER SPORT FISHING BOATS. Motorboats, and the equipment used on them, which are regularly employed in carrying persons for hire for sport fishing in and upon the outlying waters, as defined in s. ~~29.04 (11)~~ 29.001 (63), and the rivers and tributaries specified in s. ~~29.15 (1)~~ 29.191 (5) (a) 1. and 2. if the owner and all operators are licensed under s. ~~29.165~~ 29.512 or under s. ~~29.166~~ 29.514 or both and by the U.S. coast guard to operate the boat for that purpose.

SECTION 742. 70.113 (1) (intro.) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

70.113 (1) (intro.) As soon after April 20 of each year as is feasible the department of natural resources shall pay to the city, village, or town treasurer all of the following amounts from the following appropriations for each acre situated in the municipality of state forest lands, as defined in s. 28.02 (1), state parks under s. 27.01 and state public shooting, trapping or fishing grounds and reserves or refuges operated thereon, acquired at any time under s. 29.10, 1943 stats., s. 23.09 (2) (d) or ~~29.571~~ 29.749 (1) or from the appropriations made by s. 20.866 (2) (tp) by the department of natural resources or leased from the federal government by the department of natural resources:

SECTION 743. 70.113 (2) (a) of the statutes is amended to read:

70.113 (2) (a) Towns, cities or villages shall be paid for forest lands as defined in s. 28.02 (1), state parks under s. 27.01 and other lands acquired under s. 23.09 (2) (d), 23.27, 23.29, 23.293, 23.31 or ~~29.571~~ 29.749 (1) located within such municipality and acquired after June 30, 1969. Such payments shall be made from the appropriation under s. 20.370 (5) (da) or (dq) and remitted by the department of natural resources in the amounts certified by the department of revenue according to par. (b).

SECTION 744. 70.114 (1) (c) of the statutes is amended to read:

70.114 (1) (c) "Land" means state forests, as defined in s. 28.02 (1), that are acquired after December 31, 1991, state parks that are acquired after December 31, 1991, under s. 27.01 and other areas that are acquired after December 31, 1991, under s. 23.09 (2) (d), 23.091, 23.27, 23.29, 23.293, 23.31 or ~~29.571~~ 29.749 (1).

SECTION 745. 71.10 (5) (a) 2. of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

71.10 (5) (a) 2. "Endangered resources program" means purchasing or improving land or habitats for any native Wisconsin endangered or threatened species as defined in s. ~~29.415~~ 29.604 (2) (a) or (b) or for any nongame species as defined in s. ~~29.01 (10)~~ 29.001 (60), conducting the natural heritage inventory program under s. 23.27 (3), conducting wildlife and resource research and surveys and providing wildlife management services, providing for wildlife damage control or the payment of claims for damage associated with endangered or threatened species, repaying the general fund for amounts expended under s. 20.370 (1) (fb) in fiscal year 1983-84 and the payment of administrative expenses related to the administration of this subsection.

SECTION 746. 94.50 (5) of the statutes is amended to read:

94.50 (5) FALSE INFORMATION. No person may include false information on any document or record required under this section, or submit false information to the department in connection with a registration under sub. (2). No person may knowingly accept or retain a document or record required under this section that contains false information to facilitate the sale or shipment of ginseng in violation of this section or s. ~~29.547~~ 29.611.

SECTION 747. 114.10 of the statutes is amended to read:

114.10 Killing birds or animals. Any ~~aeronaut or passenger, person~~ who, while in flight within this state, intentionally kills or attempts to kill any birds or animals or who shoots at any bird or animal from an ~~airplane~~ aircraft is subject to the penalties provided under s. ~~29.99~~ 29.971 (7).

SECTION 748. 125.27 (2) (a) 1. (intro.) of the statutes is amended to read:

125.27 (2) (a) 1. (intro.) The department may issue a Class "B" permit to any person who holds a valid certificate issued under s. 73.03 (50) and who is qualified under s. 125.04 (5) authorizing the sale of fermented malt beverages for consumption on any vessel having a regular place of mooring located in any waters of this state as defined under s. ~~29.01 (9)~~ 29.001 (45) and ~~(11)~~ (63) if any of the following applies:

SECTION 749. 125.51 (5) (c) 1. of the statutes is amended to read:

125.51 (5) (c) 1. The department may issue a "Class B" permit to any person who holds a valid certificate issued under s. 73.03 (50) and who is qualified under s. 125.04 (5) authorizing the sale of intoxicating liquor for consumption on any vessel having a regular place of mooring located in any waters of this state as defined under s. ~~29.01 (9)~~ 29.001 (45) and ~~(11)~~ (63) if the vessel either serves food and has an approved passenger capacity of not less than 40 individuals and the sale of intoxicating liquor and fermented malt beverages on the vessel accounts for less than 50% of the gross receipts of all of the

food and beverages served on the vessel or if the vessel has an approved passenger capacity of at least 100 individuals and the sale of intoxicating liquor and fermented malt beverages on the vessel accounts for less than 50% of the gross receipts of the vessel. The department may issue the permit only if the vessel leaves its place of mooring while the sale of intoxicating liquor is taking place and if the vessel fulfills the requirement under par. (c) 1m. A permit issued under this subdivision also authorizes the permittee to store intoxicating liquor purchased for sale on the vessel on premises owned or leased by the permittee and located near the vessel's regular place of mooring. The permittee shall describe on the permit application under s. 125.04 (3) (a) 3. the premises where the intoxicating liquor will be stored. The premises shall be open to inspection by the department upon request.

SECTION 750. 167.31 (1) (h) of the statutes is amended to read:

167.31 (1) (h) "Vehicle" has the meaning given under s. 340.01 (74), and includes a snowmobile, as defined under s. 340.01 (58a), except that for purposes of subs. (4) (c) and (cg) and (4m) "vehicle" has the meaning given for "motor vehicle" in s. ~~29.09 (9) (a) 4.~~ 29.001 (57).

SECTION 751. 167.31 (4) (b) of the statutes is amended to read:

167.31 (4) (b) Subsections (2) (a), (b) and (c) and (3) (a) and (b) do not apply to the holder of a scientific collector permit under s. ~~29.17~~ 29.614 who is using a net gun or tranquilizer gun in an activity related to the purpose for which the permit was issued.

SECTION 752. 167.31 (4) (c) of the statutes is amended to read:

167.31 (4) (c) Subsection (2) (b) and (c) does not apply to the holder of a permit under s. ~~29.09 (9)~~ 29.193 (2) (c) who is hunting from a stationary vehicle.

SECTION 753. 167.31 (4) (cg) (intro.) of the statutes is amended to read:

167.31 (4) (cg) (intro.) A holder of a permit under s. ~~29.09 (9)~~ 29.193 (2) (c) 1. who is hunting from a stationary vehicle may load and discharge a firearm or shoot a bolt or an arrow within 50 feet of the center of a roadway if all of the following apply:

SECTION 754. 167.31 (4) (cm) (intro.) of the statutes is amended to read:

167.31 (4) (cm) (intro.) For purposes of pars. (c) and (cg), the exemption from sub. (2) (b) under these paragraphs only applies to the firearm, bow or crossbow being used for hunting by the holder of the permit under s. ~~29.09 (9)~~ 29.193 (2) (c) 1.

SECTION 755. 167.31 (4) (cm) and (4m) of the statutes are amended to read:

167.31 (4) (cm) For purposes of pars. (c) and (cg), the exemption from sub. (2) (b) under these paragraphs only applies to the firearm, bow or crossbow being used for

hunting by the holder of the permit under s. ~~29.09 (9)~~ 29.193 (2) (c) 1.

(4m) RULES. The department of natural resources may further restrict hunting from stationary vehicles on county or town highways by promulgating rules designating certain county and town highways, or portions thereof, upon which a holder of a permit issued under s. ~~29.09 (9)~~ 29.193 (2) (c) 1. may not discharge a firearm or shoot a bolt or an arrow from a bow or crossbow under sub. (4) (cg). For each restriction of hunting from a county or town highway contained in a rule to be promulgated under this subsection, the department shall submit a specific justification for the restriction with the rule submitted to legislative council staff for review under s. 227.15 (1).

SECTION 756. 174.01 (2) of the statutes is amended to read:

174.01 (2) **INAPPLICABLE TO OFFICERS, VETERINARIANS AND PERSONS KILLING THEIR OWN DOG.** This section does not apply to an officer acting in the lawful performance of his or her duties under s. ~~29.05 (8)~~ 29.931 (2) (b), 95.21, 174.02 (3) or 174.046 (9), or to a veterinarian killing a dog in a proper and humane manner or to a person killing his or her own dog in a proper and humane manner.

SECTION 757. 181.297 (3) (a) 5. of the statutes is amended to read:

181.297 (3) (a) 5. Proceedings based upon a cause of action for which the volunteer is immune from liability under s. ~~29.59~~ 29.885 (7), 146.31 (2) and (3), 146.37, 895.44, 895.48, 895.482, 895.51 or 895.52.

SECTION 758. 283.87 (1) of the statutes is amended to read:

283.87 (1) **DEPARTMENT MAY RECOVER COSTS.** In an action against any person who violates this chapter or any provision of s. ~~29.29~~ 29.601 or chs. 30, 31, 281, 285 or 289 to 299, except s. 281.48, relating to water quality the department may recover the cost of removing, terminating or remedying the adverse effects upon the water environment resulting from the unlawful discharge or deposit of pollutants into the waters of the state, including the cost of replacing fish or other wildlife destroyed by the discharge or deposit. All moneys recovered under this section shall be deposited into the environmental fund.

SECTION 759. 347.06 (4) of the statutes is amended to read:

347.06 (4) A duly authorized warden, as defined in s. 24.01 (11), may operate a vehicle owned or leased by the department of natural resources upon a highway during hours of darkness without lighted headlamps, tail lamps or clearance lamps in the performance of the warden's duties under s. ~~29.05 (4)~~ 29.924 (2).

SECTION 760. 350.01 (5) of the statutes is amended to read:

350.01 (5) "Game" has the meaning ~~designated given~~ in s. ~~29.01(5)~~ 29.001(33).

SECTION 761. 480.08 (2m) (intro.) of the statutes is amended to read:

480.08 (2m) EXAMINATION NOT REQUIRED. (intro.) Notwithstanding sub. (2) (e), the department shall register as an auctioneer under sub. (2) an individual who, not later than December 1, 1997, satisfies the requirements under sub. (2) (intro.) and (a) to (d); submits to the department a statement, signed by the individual, verifying that he or she has knowledge of the requirements for auctioneers under ss. ~~29.134~~ 29.501, 402.328 and 406.108, subch. III of ch. 77, subch. VIII of ch. 218, this chapter, and all other state laws that include requirements for auctioneers; and submits evidence satisfactory to the department that he or she has done any of the following:

SECTION 762. 814.60 (2) (d) of the statutes is amended to read:

814.60 (2) (d) Natural resources assessment imposed by s. ~~29.997~~ 29.987; and

SECTION 763. 814.60 (2) (e) of the statutes is amended to read:

814.60 (2) (e) Natural resources restitution payment imposed by s. ~~29.998~~ 29.989.

SECTION 764. 814.60 (2) (em) of the statutes is amended to read:

814.60 (2) (em) Wild animal protection assessment imposed by s. ~~29.9965~~ 29.983.

SECTION 765. 814.63 (3) (c) of the statutes is amended to read:

814.63 (3) (c) Natural resources assessment imposed by s. ~~29.997~~ 29.987.

SECTION 766. 814.63 (3) (d) of the statutes is amended to read:

814.63 (3) (d) Natural resources restitution payment imposed by s. ~~29.998~~ 29.989.

SECTION 767. 814.63 (3) (e) of the statutes is amended to read:

814.63 (3) (e) Wild animal protection assessment imposed by s. ~~29.9965~~ 29.983.

SECTION 768. 814.63 (3) (eg) of the statutes is amended to read:

814.63 (3) (eg) Fishing shelter removal assessment imposed by s. ~~29.9967~~ 29.985.

SECTION 769. 895.57 (3) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

895.57 (3) Subsection (2) does not apply to any humane officer, local health officer, peace officer, employe of the department of natural resources while on any land licensed under s. ~~29.573, 29.574, 29.575 or 29.578~~ 29.865, 29.867, 29.869 or 29.871 or designated as a wild-life refuge under s. ~~29.57~~ 29.621 (1) or employe of the department of agriculture, trade and consumer protection if the officer's or employe's acts are in good faith and in an apparently authorized and reasonable fulfillment of his or her duties.

SECTION 770. 938.343 (7) of the statutes is amended to read:

938.343 (7) If the violation is related to the unsafe use of firearms, order the juvenile to attend a course under the hunter education and firearm safety program under s. ~~29.225~~ 29.591.

SECTION 771. 941.20 (3) (b) 2. of the statutes is amended to read:

941.20 (3) (b) 2. Paragraph (a) does not apply to the holder of a permit under s. ~~29.09(9)~~ 29.193(2) (c) who is hunting from a standing motor vehicle, as defined in s. ~~29.09(9)(a) 4.~~ 29.001(57), in accordance with s. ~~29.09(9)~~ 29.193(2).

SECTION 772. 943.13 (4m) (a) and (b) of the statutes are amended to read:

943.13 (4m) (a) A person entering the land, other than the residence or other buildings or the curtilage of the residence or other buildings, of another for the purpose of removing a wild animal as authorized under s. ~~29.59~~ 29.885 (2), (3) or (4).

(b) A hunter entering land that is required to be open for hunting under s. ~~29.59~~ 29.885 (4m) or ~~29.598~~ 29.889 (7m).

SECTION 773. 943.75 (3) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

943.75 (3) Subsection (2) does not apply to any humane officer, local health officer, peace officer, employe of the department of natural resources while on any land licensed under s. ~~29.573, 29.574, 29.575 or 29.578~~ 29.865, 29.867, 29.869 or 29.871 or designated as a wild-life refuge under s. ~~29.57~~ 29.621 (1) or employe of the department of agriculture, trade and consumer protection if the officer's or employe's acts are in good faith and in an apparently authorized and reasonable fulfillment of his or her duties. This subsection does not limit any other person from claiming the defense of privilege under s. 939.45 (3).

SECTION 774. 946.13 (2) (g) of the statutes is amended to read:

946.13 (2) (g) Contracts with, or tax credits or payments received by, public officers or employes for wild-life damage claims or abatement under s. ~~29.598~~ 29.889, for farmland preservation under subch. IX of ch. 71 and s. 91.13, soil and water resource management under s. 92.14, soil erosion control under s. 92.10, 1985 stats., animal waste management under s. 92.15, 1985 stats., and nonpoint source water pollution abatement under s. 281.65.

SECTION 775. 948.55 (5) of the statutes is amended to read:

948.55 (5) Subsection (2) does not apply if the bodily harm or death resulted from an accident that occurs while the child is using the firearm in accordance with s. ~~29.227~~ 29.304 or 948.60 (3).

SECTION 776. 948.60 (3) (c) of the statutes is amended to read:

948.60 (3) (c) This section does not apply to a person under 18 years of age who possesses or is armed with a firearm having a barrel 12 inches in length or longer and who is in compliance with ss. ~~29.226 29.304~~ and ~~29.227 29.593~~. This section does not apply to an adult who transfers a firearm having a barrel 12 inches in length or longer to a person under 18 years of age who is in compliance with ss. ~~29.226 29.304~~ and ~~29.227 29.593~~.

SECTION 777. 951.015 of the statutes is amended to read:

951.015 Construction and application. This chapter shall may not be interpreted as controverting any law regulating the taking of game a wild animal as defined in s. ~~29.01 (4) to (7) and (10) 29.001 (90)~~, the trapping of animals, the use of live animals in dog trials or in the training of hunting dogs or the slaughter of animals by persons acting under state or federal law.

SECTION 778. 968.20 (3) (a) of the statutes is amended to read:

968.20 (3) (a) First class cities shall dispose of dangerous weapons or ammunition seized 12 months after taking possession of them if the owner, authorized under sub. (1m), has not requested their return and if the dangerous weapon or ammunition is not required for evidence or use in further investigation and has not been disposed of pursuant to a court order at the completion of a criminal action or proceeding. Disposition procedures shall be established by ordinance or resolution and may include provisions authorizing an attempt to return to the rightful owner any dangerous weapons or ammunition which appear to be stolen or are reported stolen. If enacted, any such provision shall include a presumption that if the dangerous weapons or ammunition appear to be or are reported stolen an attempt will be made to return the dangerous weapons or ammunition to the authorized rightful owner. If the return of a seized dangerous weapon other than a firearm is not requested by its rightful owner under sub. (1) and is not returned by the officer under sub. (2), the city shall safely dispose of the dangerous weapon or, if the dangerous weapon is a motor vehicle, as defined in s. 340.01 (35), sell the motor vehicle following the procedure under s. 973.075 (4) or authorize a law enforcement agency to retain and use the motor vehicle. If the return of a seized firearm or ammunition is not requested by its authorized rightful owner under sub. (1) and is not returned by the officer under sub. (2), the seized firearm or ammunition shall be shipped to and become property of the state crime laboratories. A person designated by the department of justice may destroy any material for which the laboratory has no use or arrange for the exchange of material with other public agencies. In lieu of destruction, shoulder weapons for which the laboratories have no use shall be turned over to the department of natural resources for sale and distribution of proceeds under s. ~~29.06 29.934~~.

SECTION 779. 968.20 (3) (b) of the statutes is amended to read:

968.20 (3) (b) Except as provided in par. (a) or sub. (1m) or (4), a city, village, town or county or other custodian of a seized dangerous weapon or ammunition, if the dangerous weapon or ammunition is not required for evidence or use in further investigation and has not been disposed of pursuant to a court order at the completion of a criminal action or proceeding, shall make reasonable efforts to notify all persons who have or may have an authorized rightful interest in the dangerous weapon or ammunition of the application requirements under sub. (1). If, within 30 days after the notice, an application under sub. (1) is not made and the seized dangerous weapon or ammunition is not returned by the officer under sub. (2), the city, village, town or county or other custodian may retain the dangerous weapon or ammunition and authorize its use by a law enforcement agency, except that a dangerous weapon used in the commission of a homicide or a handgun, as defined in s. 175.35 (1) (b), may not be retained. If a dangerous weapon other than a firearm is not so retained, the city, village, town or county or other custodian shall safely dispose of the dangerous weapon or, if the dangerous weapon is a motor vehicle, as defined in s. 340.01 (35), sell the motor vehicle following the procedure under s. 973.075 (4). If a firearm or ammunition is not so retained, the city, village, town or county or other custodian shall ship it to the state crime laboratories and it is then the property of the laboratories. A person designated by the department of justice may destroy any material for which the laboratories have no use or arrange for the exchange of material with other public agencies. In lieu of destruction, shoulder weapons for which the laboratory has no use shall be turned over to the department of natural resources for sale and distribution of proceeds under s. ~~29.06 29.934~~.

SECTION 780. 973.05 (1) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

973.05 (1) When a defendant is sentenced to pay a fine, the court may grant permission for the payment of the fine, of the penalty assessment imposed by s. 165.87, the jail assessment imposed by s. 302.46 (1), the crime victim and witness assistance surcharge under s. 973.045, any applicable deoxyribonucleic acid analysis surcharge under s. 973.046, any applicable drug abuse program improvement surcharge imposed by s. 961.41 (5), any applicable domestic abuse assessment imposed by s. 971.37 (1m) (c) 1. or 973.055, any applicable driver improvement surcharge imposed by s. 346.655, any applicable weapons assessment imposed by s. 167.31, any applicable uninsured employer assessment imposed by s. 102.85 (4), any applicable environmental assessment imposed by s. 299.93, any applicable wild animal protection assessment imposed by s. ~~29.9965 29.983~~, any applicable natural resources assessment imposed by s. ~~29.997~~

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29.987 and any applicable natural resources restitution payment imposed by s. ~~29.998~~ 29.989 to be made within a period not to exceed 120 days. If no such permission is embodied in the sentence, the fine, the penalty assessment, the jail assessment, the crime victim and witness assistance surcharge, any applicable deoxyribonucleic acid analysis surcharge, any applicable drug abuse program improvement surcharge, any applicable domestic abuse assessment, any applicable driver improvement

surcharge, any applicable weapons assessment, any applicable uninsured employer assessment, any applicable environmental assessment, any applicable wild animal protection assessment, any applicable natural resources assessment and any applicable natural resources restitution payment shall be payable immediately.

SECTION 781. Effective date.

(1) This act takes effect on January 1, 1999.
