



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2011 Assembly Bill 311

Senate Substitute Amendment 1

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Contact: Larry Konopacki, Senior Staff Attorney (267-0683)
Rachel Letzing, Senior Staff Attorney (266-3370)

ENGROSSED ASSEMBLY BILL 311

2011 Assembly Bill 311, as passed by the Assembly (the bill), does all of the following:

Sporting Heritage Council

The bill creates a 16-member Sporting Heritage Council in the Department of Natural Resources (DNR). The council is directed to meet at least four times per year and to study and provide advice and make recommendations to, and to prepare a biennial report for, the Governor, the Natural Resources Board (NRB), and the Legislature about issues relating to hunting, trapping, fishing, and other types of outdoor recreation activities.

The council is also assigned initial tasks, including to study:

- Options and recommendations for increasing access to land for hunting, trapping, and other types of outdoor recreation activities especially in specified areas of this state.
- Options and recommendations for simplifying hunting and trapping rules promulgated by the DNR.

Stewardship Program

Under current law, depending on when stewardship land was acquired, a person receiving a stewardship grant may prohibit public access for one or more nature-based outdoor activities (hunting, fishing, trapping, hiking, cross-country skiing) only if the NRB determines that it is necessary to do so to protect public safety, protect a unique animal or plant community, or on some types of land, such as trails, to accommodate usership patterns. Also under current law, depending on when the land or easement was acquired, on land the DNR owns or with respect to an easement acquired by the DNR on

former managed forest land, the DNR may prohibit public access for one or more nature-based outdoor activities if the NRB determines it is necessary to do so to protect public safety, protect a unique animal or plant community, or accommodate usership patterns.

The bill specifies that in order to prohibit public access for one or more nature-based outdoor activities, at least four of the seven NRB members must agree. This requirement does not apply to a determination by the board regarding public access on an easement, if the primary purpose of the easement is to provide public access to navigable water on which public fishing is allowed.

The bill also provides that the DNR may not obligate stewardship money to award a grant under the land acquisition subprogram or property development and local assistance subprogram unless the DNR first considers whether the grant will benefit local businesses and the economy of this state.

Incentives for Recruitment

Recognition program

The bill requires the DNR to establish a program to recognize people who recruit others as hunters, trappers, and anglers. The program must include a component under which a person who is issued their first hunting, trapping, or fishing approval may designate one person as the one who encouraged the applicant to obtain the approval. The program must provide, among other things, a method for issuing a credit to a resident so designated a specified number of times in any license year. The DNR must then charge the credit recipient a reduced fee for certain approvals. The bill also requires the DNR accept donations of prizes and to establish a prize drawing for people so designated at least 20 times.

Free fishing weekends

The bill requires the DNR to designate two free fishing weekends per year, and requires the DNR to designate the third full weekend in January as one of those weekends.

Reduced fees for first time approvals

The bill reduces the resident license fees for certain first time approvals to \$4.25 (plus a \$.75 issuance fee) if the approval is issued to a person who has not received that type of approval in the 10 years before the license application. The bill also reduces the nonresident license fees for certain approvals to one-half the fee if the approval is issued to a person who has not received that type of approval in the 10 years before the license application.

Hunter and trapper education

The bill requires the DNR to offer an online hunter education program course for adults and an online trapper education program course. If these online courses require field testing or completion of a written test, the DNR must make that testing available at each DNR service center at least bimonthly.

The bill also authorizes a school board to award a half credit toward high school graduation to a high school pupil who successfully completes the hunter education program, the bow hunter education

program, or the trapper education program. A school board may award credit for completion of only one of those programs.

Youth sturgeon spearing and trapping

The bill reduces the minimum age for a person to obtain a sturgeon spearing license from 14 years old to 12 years old and creates a resident trapping license for persons under age 16 for \$9.25.

Disabled Veteran Recreation Card

The bill creates a disabled veteran recreation card (card) and specifies that a person holding a card is not required to pay a vehicle admission fee to state parks or an admission fee for Heritage Hill State Park or any state trail. This card would also entitle the holder to the privileges under a resident small game hunting license and a resident fishing license. The DNR is required to issue a card to any resident who produces evidence that shows he or she is a veteran, as defined under federal law, and is receiving certain disability compensation benefits. The fee the DNR establishes for a card may not be more than the amount necessary to cover the administrative costs of issuing the card, and sets the fee for a duplicate card at \$2. A card is valid for as long as the person is a resident of the state.

Open Water Hunting for People With Permanent Disabilities

The bill authorizes a Class A permit holder (i.e., a person who is permanently disabled) to hunt waterfowl from a boat or from a waterfowl blind in open water, as defined under the bill, and allows up to two licensed hunters to accompany and hunt waterfowl with the Class A permit holder.

Class "D" Disabled Hunting Permit

The bill creates a Class D disabled hunting permit and directs the DNR to issue such a permit to any person with an amputation, or permanent substantial loss of function, of one or both arms or one or both hands. The bill specifies that if the DNR establishes a special season for hunting deer with firearms for persons who are physically disabled, the season must be open to all hunters who have been issued a Class D permit, and that a person holding a current resident or nonresident deer hunting license and a Class D permit may hunt deer of either sex during a special season established by the DNR that is open for hunting deer with firearms.

The bill also specifies that a Class D permit holder may use an adaptive device to facilitate the use of a firearm and may be accompanied by a person that is not eligible to apply for a disabled hunting permit. The accompanying person may not hunt or carry a firearm, bow, or crossbow unless the person has been issued the appropriate approval to do so. If the accompanying person has not been issued the appropriate approval, the assistance rendered by an accompanying person is limited to field dressing, tagging, and retrieving game for the permit holder and any other assistance authorized by the DNR by rule.

Fishing Season Closure

The bill requires that any open fishing season for a game fish that applies to both defined northern and southern zones must have an ending date in the northern zone that is seven days later than the ending date for the southern zone.

Hunting, Fishing, and Trapping in State Parks

Current law generally prohibits hunting or trapping in a state park, but specifies that a person may hunt deer, elk, wild turkeys, or small game in a state park, or in a portion of a state park, if the DNR has authorized the hunting of that type of game in the state park, or in a portion of the state park, by administrative rule. Current law also generally provides, subject to specific exceptions, that no person may possess or have under his or her control a firearm on land located in state parks or state fish hatcheries unless the firearm is unloaded and enclosed within a carrying case.

The bill requires state parks to be open to hunting, fishing, and trapping, but authorizes the DNR to prohibit hunting, fishing, or trapping in a state park or a portion of a state park if the DNR prohibits hunting, fishing, or trapping in a designated use area or that the NRB determines that prohibiting one of these activities is necessary to protect public safety or to protect a unique animal or plant community (requires approval of four of seven NRB members).

SENATE SUBSTITUTE AMENDMENT 1

Senate Substitute Amendment 1 makes all of the following changes to engrossed Assembly Bill 311:

- Reduces the size of the Sporting Heritage Council from 16 members to 12, changes the appointment authority for some of those members, and requires the council to meet at least once per year.
- Deletes the requirement that the DNR may not obligate stewardship money to award a grant under the land acquisition subprogram or property development and local assistance subprogram unless the DNR first considers whether the grant will benefit local businesses and the economy of this state.
- Applies the reduced fees for first-time hunting, fishing, and trapping approvals to duplicate approvals.
- Deletes the requirement that the DNR accept donations of prizes and establish a prize drawing for people who recruit hunters, trappers, and anglers.
- Deletes the requirement that any open fishing season for a game fish that applies to both defined northern and southern zones must have an ending date in the northern zone that is seven days later than the ending date for the southern zone.
- Deletes the provision in the bill authorizing a Class A permit holder (i.e., a person who is permanently disabled) to hunt waterfowl from a boat or from a waterfowl blind in open

water, as defined under the bill, and allowing up to two licensed hunters to accompany and hunt waterfowl with the Class A permit holder.

- Allows the DNR to prohibit hunting, fishing, or trapping within a designated use zone or within 100 yards of a designated use area within state parks.
- Sets a \$7 annual fee for a disabled veteran recreation card.
- Adds specific eligibility criteria for the Class D disabled hunting permit.
- Revises the hunter and trapper education field training and testing requirements for online courses to require that they be offered at least every two months.

LEGISLATIVE HISTORY

On November 1, 2011, the Assembly adopted Assembly Amendment 1, Assembly Amendment 2, Assembly Amendment 3, Assembly Amendment 4, as amended by Assembly Amendment 1 to Assembly Amendment 4, and Assembly Amendment 7 to Assembly Substitute Amendment 1, adopted Assembly Substitute Amendment 1, as amended, and passed the bill, as amended, on a vote of Ayes, 84; Noes, 12.

On March 1, 2012, the Senate Committee on Natural Resources and Environment introduced and recommended adoption of Senate Substitute Amendment 1 and recommended concurrence in Assembly Bill 311, as amended, by votes of Ayes, 7; Noes, 0.

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