



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-3344/1
EHS:skw

2021 SENATE BILL 397

June 10, 2021 - Introduced by Senators WIRCH, CARPENTER, ERPENBACH, JACQUE, LARSON, SMITH and L. TAYLOR, cosponsored by Representatives SHANKLAND, PETRYK, BILLINGS, ANDERSON, ANDRACA, ARMSTRONG, BALDEH, CABRAL-GUEVARA, CONSIDINE, DITTRICH, DRAKE, EMERSON, HEBL, HESSELBEIN, NEUBAUER, NOVAK, OHNSTAD, ROZAR, SHELTON, SPREITZER, STUBBS, SUBECK, THIESFELDT and VRUWINK. Referred to Committee on Sporting Heritage, Small Business and Rural Issues.

1 **AN ACT** *to renumber and amend* 29.193 (3m); *to amend* 29.559 (1) (b); and *to*
2 *create* 29.193 (3g), 29.193 (3m) (b) and 29.563 (14) (c) 9. of the statutes;
3 **relating to:** a fishing license for a child with a disability.

Analysis by the Legislative Reference Bureau

This bill allows a resident or nonresident child with a disability to obtain an annual fishing license for no fee.

Under current law, a resident who produces evidence of a disability, including a certificate from certain health care providers that the person's sight is impaired or evidence that he or she is receiving federal benefits on the basis of a determination that he or she is disabled, is eligible to obtain an annual disabled person fishing license at a lower fee than an annual resident fishing license (\$6.25 compared to \$19.25). Current law requires that, if a person applies for such a license from a nongovernmental issuing agent of the Department of Natural Resources, the agent must forward the application and evidence provided to DNR and must issue to the person a temporary disabled person fishing license, which is valid for 14 days. DNR then has 30 days to either issue or deny the annual disabled person fishing license. Under current law, generally an issuing fee of \$0.75 is charged for each fishing license issued. Generally, an issuing agent may retain \$0.50 of each issuing fee for a license it issues, but current law allows a nongovernmental issuing agent to retain all of the issuing fee charged for a temporary disabled person fishing license in order to compensate for services in issuing the license. Under current law, an annual nonresident fishing license has a fee of \$49.25.

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The bill requires DNR or a county clerk appointed as an issuing agent of DNR, after investigation, to issue an annual fishing license, without charging a fee, to any person who is a resident or nonresident child with a disability at the time the person applies for this license if he or she produces a certificate of the disability from a licensed physician or psychologist who has personally examined the child and who has expertise concerning the type of physical or mental disability evidenced by the child. Under the bill, if a person submits an application for an annual fishing license for a child with a disability and evidence of a disability to a nongovernmental issuing agent, the agent must follow the same procedure as for an annual disabled person fishing license: issue a temporary disabled person fishing license and submit the application and evidence to DNR, subject to the same timelines. However, the bill provides that no issuing fee may be charged for an annual or temporary fishing license for a child with a disability.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 29.193 (3g) of the statutes is created to read:

2 29.193 **(3g)** ANNUAL FISHING LICENSE FOR A CHILD WITH A DISABILITY. (a) In this
3 subsection, “disability” has the meaning given in s. 106.50 (1m) (g).

4 (b) The department or a county clerk appointed under s. 29.024 (6) (a) 2. shall,
5 after investigation and without charging a fee, issue, subject to s. 29.024 (2g), an
6 annual fishing license to any person who is a resident or nonresident child with a
7 disability at the time the person applies for this license if he or she produces a
8 certificate of the disability from a licensed physician or psychologist who has
9 personally examined the child and who has expertise concerning the type of physical
10 or mental disability evidenced by the child.

11 **SECTION 2.** 29.193 (3m) of the statutes is renumbered 29.193 (3m) (a) and
12 amended to read:

13 29.193 **(3m)** (a) If a person submits an application to a nongovernmental
14 issuing agent for an annual disabled person fishing license that includes the

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1 evidence specified in sub. (3) (a), (b), or (c) and the applicable license fee and issuing
2 fee, the nongovernmental issuing agent shall issue, subject to s. 29.024 (2g), a
3 temporary disabled person fishing license to the applicant.

4 (c) The nongovernmental issuing agent shall promptly forward all of the
5 application materials for the annual fishing license under par. (a) or (b) to the
6 department for the department's review. A temporary fishing license issued under
7 this subsection is valid for 14 days after the date of issuance. If the department
8 denies the application for an annual fishing license, the department shall notify the
9 applicant within 30 days after the date the temporary fishing license is issued. If the
10 department approves the application, the department shall issue, subject to s. 29.024
11 (2g), the annual fishing license and mail it to the applicant within 30 days after the
12 date the temporary fishing license is issued. The department may not charge any
13 type of fee for issuing the annual fishing license, and the department may not refund
14 the applicable fees for the temporary fishing license if the department denies the
15 application for the temporary fishing license.

16 **SECTION 3.** 29.193 (3m) (b) of the statutes is created to read:

17 29.193 (3m) (b) If a person submits an application to a nongovernmental
18 issuing agent for an annual fishing license for a child with a disability that includes
19 the evidence specified in sub. (3g), the nongovernmental issuing agent shall issue,
20 subject to s. 29.024 (2g), a temporary disabled person fishing license to the applicant.

21 **SECTION 4.** 29.559 (1) (b) of the statutes is amended to read:

22 29.559 (1) (b) A person appointed under s. 29.024 (6) (a) 3. may, subject to s.
23 29.563 (14) (c) 9., retain the entire issuing fee for each temporary disabled person
24 fishing license the person issues in order to compensate for services in issuing the
25 license.

