

1997 Assembly Bill 736

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

1997 WISCONSIN ACT 249

AN ACT *to repeal* 29.09 (9) (a) 2. and 3.; *to renumber* 29.09 (9) (cr), 29.1085 (1m) and 29.1085 (2m); *to renumber and amend* 29.093 (3) (fm) and 29.104 (4) (a) 4.; *to amend* 29.09 (1m), 29.09 (8m) (b), 29.09 (9) (b) 1., 29.09 (9) (c) 1. (intro.), 29.09 (9) (c) 2., 29.09 (9) (c) 3., 29.093 (2) (cr) 1., 29.093 (2) (cr) 2., 29.093 (2) (cr) 4., 29.103 (2) (ar), 29.104 (2), 29.104 (4) (b) (intro.), 29.107 (6), 29.1085 (2m) (title), 29.117 (2), 29.174 (2) (f), 29.27 (3), 167.31 (4) (c), 167.31 (4) (cg) (intro.), 167.31 (4) (cm), 167.31 (4m) and 941.20 (3) (b) 2.; *to repeal and recreate* 29.09 (1m); and *to create* 29.09 (9) (c) 2m., 29.09 (9) (cr) 2. and 3., 29.093 (2) (cr) 1m., 29.093 (2) (cr) 4m., 29.093 (3) (fm) 2., 29.104 (4) (a) 4. a., b. and c., 29.104 (4) (c), 29.1085 (1m) (b), 29.1085 (2m) (b), 29.245 (4) (b) 3., 29.45 (2m) and 167.31 (4) (f) of the statutes; **relating to**: various changes to hunting and fishing regulations and granting rule-making authority.

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 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 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 separate legislation, the special committee is recommending a comprehensive recodification, reorganization and modernization of all of the contents of ch. 29.

In the process of reviewing the various issues encompassed in ch. 29, the special committee identified a number of issues of a more substantive nature than the kinds of issues typically addressed in recodification legislation. This bill contains the special committee's recommendations on those substantive issues. This bill does not contain major new policy initiatives, but rather modifies current policies to correct obvious inequities, clarifies existing statutes and expands

the scope of current statutes to reflect current needs and conditions.

This bill contains the following key provisions:

1. A requirement for the DNR to study the potential for new or increased sources of revenue for the fish and wildlife account of the conservation fund, including proposals for the creation of new approvals or fees for the use of state-owned property under the jurisdiction of the DNR and a review of the potential for using general purpose revenues as a supplement to the conservation fund.
2. Authorization for the DNR to extend the deadline to remove a blind on state-owned property due to compelling personal needs of the blind owner.
3. Clarification of the authority of a person to possess a loaded firearm within 50 feet of the center of a roadway, when the person is not violating any of the prohibitions related to transportation or use of firearms within the roadway or within 50 feet of the center of the roadway.
4. Authorization for a person who is assisting a disabled license holder to obtain and carry the license on behalf of the disabled person.
5. Elimination of the limit of 36 pounds of thrust for a trolling motor that may be used by a disabled person, and authorization for the DNR to promulgate rules regarding use of electric motors for fishing or trolling by disabled persons.

* 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].

6. Expansion of the use of the Class B permit, now available to persons with temporary disabilities, to authorize use of the Class B permit for a wider range of hunting and fishing methods, as approved by the DNR, and to authorize the DNR to specify that period of validity of a Class B permit, up to a period of 5 years.

7. Authorization for a Class A or Class C permit or a crossbow or trolling permit, all of which are issued to disabled persons, to be renewed for 10-year periods, rather than 5-year periods, as provided under current statutes.

8. Authorization for a person assisting a disabled person to assist a disabled person who holds a Class B bear license without also being required to obtain a Class B bear license.

9. Expansion of the authorization of nonresident archer hunting licenses to allow disabled nonresidents to hunt with a crossbow, subject to eligibility requirements established by the DNR.

10. Elimination of the requirement that a person who owns a parcel that is 50 acres or larger must be a resident of the county in which a parcel is located or the adjacent county in order to obtain a special deer hunting permit.

11. Limitation of the area where bear may be pursued with dogs or dogs may be trained to track bear to only those areas of the state in which the DNR authorizes bear hunting.

12. Authorization of the use of lights for bow fishing for rough fish on inland lakes.

13. Authorization for a person who takes an antlerless deer under an antlerless deer permit to transport the deer on highways other than federal or state highways, as required under current law, to register the deer.

For additional information, see the notes throughout this bill.

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

29.09 (1m) CONDITIONS AND RESTRICTIONS ON LICENSES AND OTHER APPROVALS. (a) A hunting, trapping or fishing approval may be issued only to and obtained only by a natural person entitled to the approval.

(b) Except as provided under sub. (12) (a), a resident hunting, trapping or fishing approval may be issued only to a person who presents to the county clerk or issuing agent definite proof of his or her identity and that he or she is a resident.

(c) No more than one of the same series of approval may be issued to the same person in any year.

(d) Except as provided under s. 29.33 (2) (d), no person may transfer his or her approval or permit the use of any approval by any other person ~~and no~~.

(e) No person while hunting, trapping or fishing may use or carry any approval issued to another person, except that a person who accompanies and is assisting a disabled person may carry the disabled person's approval.

(f) No person may obtain a hunting, trapping or fishing approval for another person, except that a person who assists a disabled person may obtain an approval for a disabled person.

(g) No approval authorizing hunting may be issued to any person who is prohibited from obtaining this type of approval under s. 29.226 or 29.227 (1) (c).

SECTION 2. 29.09 (1m) of the statutes, as affected by 1997 Wisconsin Acts 27 and (this act), is repealed and recreated to read:

29.09 (1m) CONDITIONS AND RESTRICTIONS ON LICENSES AND OTHER APPROVALS. (a) A hunting, trapping or fishing approval may be issued only to and obtained only by a natural person entitled to the approval.

(b) Except as provided under sub. (12) (a), 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.

(c) No more than one of the same series of approval may be issued to the same person in any year.

(d) Except as provided under s. 29.33 (2) (d), no person may transfer his or her approval or permit the use of any approval by any other person.

(e) No person while hunting, trapping or fishing may use or carry any approval issued to another person, except that a person who accompanies and is assisting a disabled person may carry the disabled person's approval.

(f) 1. Except as provided under subd. 2. and as authorized by rules promulgated under sub. (3m) (a) 2., no person may obtain a hunting, trapping or fishing approval for another person.

2. A person who assists a disabled person may obtain an approval for a disabled person.

(g) No approval authorizing hunting may be issued to any person who is prohibited from obtaining this type of approval under s. 29.226 or 29.227 (1) (c).

NOTE: Currently, no person may carry a hunting or fishing license issued to another person and no person may obtain a hunting or fishing license for another person. This bill allows any person who accompanies and is assisting a disabled license holder to obtain or carry the license on behalf of the disabled person.

SECTION 3. 29.09 (8m) (b) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

29.09 (8m) (b) A person holding a current fishing license issued under this chapter and either a trolling permit or a Class A permit issued under sub. (9) ~~(e)-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 and subject to rules promulgated by the department regarding the use of electric motors for fishing or trolling by disabled persons.

NOTE: Currently, a person with certain specified disabilities may fish or troll with an electric motor with no more than 36 pounds of thrust. This bill amends this provision to delete the restriction on the maximum thrust of the electric motor. In addition, this bill authorizes the DNR to regulate the use of electric motors for fishing or trolling by disabled persons, which will permit the DNR to address issues such as fishing methods by disabled persons using an electric motor.

SECTION 4. 29.09 (9) (a) 2. and 3. of the statutes are repealed.

NOTE: See NOTE after the treatment of s. 29.09 (9) (cr) 2. and 3.

SECTION 5. 29.09 (9) (b) 1. of the statutes is amended to read:

29.09 (9) (b) 1. After proper application, the department shall, after due investigation and without charging a fee, except for the costs of review in par. (c) 3. or (e). issue a Class A, Class B or Class C permit to any person, as provided in this subsection.

NOTE: Under current statutes, the DNR may not charge a fee for issuing a Class A, Class B or Class C permit to a disabled person. However, a special review procedure is provided for a disabled person who is ineligible for a permit or is denied a permit. The review procedure is discretionary with the DNR and all costs of the review procedure must be paid by the applicant. This bill clarifies that the DNR may issue the permit subject to the fee for review.

SECTION 6. 29.09 (9) (c) 1. (intro.) of the statutes is amended to read:

29.09 (9) (c) 1. (intro.) The department shall issue a Class A permit under this subsection to an applicant who is handicapped permanently disabled, as determined by the department, in any of the following ways:

SECTION 8. 29.09 (9) (c) 2. of the statutes is amended to read:

29.09 (9) (c) 2. The department shall issue a Class B permit under this subsection to an applicant who has a temporary disability which restricts mobility or ambulation due to injury or operative procedures and who either has a leg, hip or back, or any part thereof, casted by a licensed physician due to a fracture or has leg, hip or back surgery ~~after August 31 immediately preceding the hunting season to which the permit will first apply. The department may also issue a Class B permit to a person as provided in subd. 3.~~

SECTION 9. 29.09 (9) (c) 2m. of the statutes is created to read:

29.09 (9) (c) 2m. The department may issue a Class B permit under this subsection to an applicant who has a temporary disability which restricts mobility or ambulation due to illness, injury or operative procedures.

SECTION 10. 29.09 (9) (c) 3. of the statutes is amended to read:

29.09 (9) (c) 3. The department may issue a Class B permit to an applicant who is ineligible for a permit under subd. 1. ~~or 2. or 2m.~~ or who is denied a permit under subd. 1. ~~or 2. or 2m.~~ if, upon review and after considering the physical condition of the applicant and the recommendation of a licensed physician or licensed chiropractor selected by the applicant from a list of licensed physicians and licensed chiropractors compiled by the department, the department finds that issuance of a permit complies with the intent of this subsection. The use of this review procedure is discretionary with the department and all costs of the review procedure shall be paid by the applicant.

NOTE: Under this bill, the DNR decision to issue a Class B permit may be based on the recommendation of a licensed chiropractor, as well as a licensed physician, as provided in the current statute. Chiropractors are permitted to

make recommendations regarding other hunting and fishing statutes related to disabled persons, and the omission of chiropractors in this statute appears to be inadvertent.

SECTION 12. 29.09 (9) (cr) of the statutes is renumbered 29.09 (9) (cr) 1.

SECTION 13. 29.09 (9) (cr) 2. and 3. of the statutes are created to read:

29.09 (9) (cr) 2. A Class A permit authorizes the holder to shoot or hunt from a stationary vehicle, to fish or troll as authorized under sub. (8m) (b) and to hunt certain game with a crossbow as authorized under ss. 29.103 (2) (ar), 29.104 (2) and 29.117 (2).

3. A Class B permit authorizes the holder to use any of the hunting or fishing methods authorized in this chapter for a holder of a Class A permit that are specifically approved by the department for that Class B permit holder upon issuance or subsequent modification of the Class B permit.

NOTE: Currently a Class A permit is issued to a person with specified permanent physical disabilities and authorizes the holder to use certain hunting methods. A Class B permit is currently issued to a person with a permanent or temporary disability, or to a person who is ineligible for or is denied a Class A permit. A Class B permit authorizes the holder to use a more limited number of hunting methods than are available to the holder of a Class A permit.

This bill retains the Class A permit without change, but modifies the Class B permit. The Class B permit will no longer be available to a person with a permanent disability. Further, the DNR is given more flexibility in issuing the permit and in tailoring the permit to each individual's needs. Under this bill, the DNR may designate the hunting and fishing methods that a Class B permit holder may use, which may consist of any or all hunting methods available to a Class A permit holder. The DNR may specify the duration of each Class B permit, up to a period of 5 years.

SECTION 14. 29.093 (2) (cr) 1. of the statutes is amended to read:

29.093 (2) (cr) 1. ~~A~~ An initial Class A or Class C permit issued under s. 29.09 (9) is valid for the 5-year period specified on the permit.

SECTION 15. 29.093 (2) (cr) 1m. of the statutes is created to read:

29.093 (2) (cr) 1m. Upon renewal, a Class A or Class C permit issued under s. 29.09 (9) is valid for the 10-year period specified on the permit.

NOTE: Currently, a Class A or Class C permit issued to a disabled person is valid for a 5-year period. This bill changes the current statute to provide that the initial Class A or Class C permit is valid for a 5-year period, and renewals are valid for a 10-year period.

SECTION 16. 29.093 (2) (cr) 2. of the statutes is amended to read:

29.093 (2) (cr) 2. A Class B permit issued under s. 29.09 (9) ~~(c) 2. or 3.~~ is valid ~~from April 1 or the date of issuance, whichever is later, until the following March 31, unless otherwise authorized by the department and for the period~~ specified on the permit by the department, not to exceed 5 years.

SECTION 17. 29.093 (2) (cr) 4. of the statutes is amended to read:

29.093 (2) (cr) 4. ~~A~~ An initial crossbow permit is valid for the 5-year period specified on the permit.

SECTION 18. 29.093 (2) (cr) 4m. of the statutes is created to read:

29.093 (2) (cr) 4m. Upon renewal, a crossbow permit is valid for the 10-year period specified on the permit.

NOTE: Currently, a crossbow permit issued to a disabled person is valid for a 5-year period. This bill changes the current statute to provide that the initial crossbow permit is valid for a 5-year period, and renewals are valid for a 10-year period.

SECTION 19. 29.093 (3) (fm) of the statutes is renumbered 29.093 (3) (fm) 1. and amended to read:

29.093 (3) (fm) 1. ~~A~~ An initial trolling permit is valid for the 5-year period specified on the permit.

SECTION 20. 29.093 (3) (fm) 2. of the statutes is created to read:

29.093 (3) (fm) 2. Upon renewal, a trolling permit is valid for the 10-year period specified on the permit.

NOTE: Currently, a trolling permit issued to a disabled person is valid for a 5-year period. This bill changes the current statute to provide that the initial trolling permit is valid for a 5-year period, and renewals are valid for a 10-year period.

SECTION 21. 29.103 (2) (ar) of the statutes is amended to read:

29.103 (2) (ar) *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 Class A, Class B or Class C permit issued under s. 29.09 (9) ~~(e) 1.~~ that authorizes hunting with a crossbow or has a crossbow permit issued under s. 29.104 (4) (a).

NOTE: Currently, a disabled state resident holding a Class A permit or a person holding a resident archer crossbow permit may use a crossbow to hunt turkey. A Class A permit is issued to a person with a permanent disability. This bill extends the use of crossbows to persons who hold a Class B or a Class C permit. A Class B permit is issued to a person who has a temporary disability, and the DNR specifies the hunting methods authorized by the permit. A Class C permit is issued to a person who is visually handicapped.

SECTION 22. 29.104 (2) of the statutes is amended to read:

29.104 (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 Class A, Class B or Class C permit issued under s. 29.09 (9) ~~(e) 1.~~ or a permit issued under sub. (4).

NOTE: Currently, a disabled state resident holding a Class A permit who holds a resident archer hunting license may obtain a crossbow permit to hunt all game except bear and wild turkey. A Class A permit is issued to a person with a permanent disability. This bill extends the issuance of crossbow permits to persons who hold a Class B or a Class C permit. A Class B permit is issued to a person who has a temporary disability, and the DNR specifies the hunting methods

authorized by the permit. A Class C permit is issued to a person who is visually handicapped.

SECTION 23. 29.104 (4) (a) 4. of the statutes is renumbered 29.104 (4) (a) 4. (intro.) and amended to read:

29.104 (4) (a) 4. (intro.) Has a permanent substantial loss of function in one or both arms or one or both hands and fails to meet the minimum standards of any one of the following ~~standard upper extremity pinch, grip and 9-hole peg~~ tests, administered under the direction of a licensed physician or a licensed chiropractor;

SECTION 24. 29.104 (4) (a) 4. a., b. and c. of the statutes are created to read:

29.104 (4) (a) 4. a. Upper extremity pinch.

b. Grip.

c. Nine-hole peg.

NOTE: Under the current statutes, the DNR is required to issue a crossbow permit to a person who is unable to use a bow and arrow and who meets one of 4 criteria. One of these criteria, s. 29.104 (4) (a) 4., relates to permanent substantial loss of function of one or both arms or one or both hands and failure to meet the minimum standards of all of 3 objective physical tests. This bill amends this provision to require the DNR to use the results of any one of the 3 tests as the basis for issuing a crossbow permit.

SECTION 25. 29.104 (4) (b) (intro.) of the statutes is amended to read:

29.104 (4) (b) (intro.) Crossbows used in hunting ~~with a~~ as authorized by a Class A, Class B or Class C permit issued under s. 29.09 (9) ~~(e) 1.~~ or under this subsection shall meet all of the following specifications:

SECTION 26. 29.104 (4) (c) of the statutes is created to read:

29.104 (4) (c) The department may issue a crossbow permit to an applicant who is ineligible for a permit under par. (a) or who is denied a permit under par. (a) if, upon review and after considering the physical condition of the applicant and the recommendation of a licensed physician or licensed chiropractor selected by the applicant from a list of licensed physicians and licensed chiropractors compiled by the department, the department finds that issuance of a permit complies with the intent of this subsection. The use of this review procedure is discretionary with the department and all costs of the review procedure shall be paid by the applicant.

NOTE: This bill creates an appeal procedure for disabled applicants for a crossbow permit that is identical to the appeal procedure for a Class A or Class B permit.

SECTION 27. 29.107 (6) of the statutes is amended to read:

29.107 (6) **QUALIFIED LANDOWNER.** In order to apply for a special deer hunting permit as a qualified landowner a person is required to be a resident, and the owner of record or a vendee under a land contract of at least 50 acres in one parcel located in whole or in part in the deer management area for which the special permit is valid ~~and a resident of the county in which that parcel is located or a resident of a county adjacent to the county in which that parcel is located.~~ No more than one person may apply as

a qualified landowner for one parcel of land in one season and if the parcel of land is located in more than one deer management area, the owner or vendee may apply as a qualified landowner in only one of the deer management areas in which the parcel of land is located in one season.

NOTE: Under current statutes, a person who meets certain conditions is given preference in obtaining a special deer hunting permit. Currently, the only special deer hunting permit is the hunter's choice permit, which allows a hunter to take a deer of either sex. To satisfy the conditions for special preference under the current statute, the person must be a resident of this state, the owner of at least 50 acres in at least one parcel located in the deer management area for which the special permit is valid and a resident of the county in which the parcel is located or an adjacent county. This bill eliminates the requirement that the person must be a resident of the county in which the parcel is located or the adjacent county, but retains the other requirements.

SECTION 28. 29.1085 (1m) of the statutes, as affected by 1997 Wisconsin Act 1, is renumbered 29.1085 (1m) (a).

SECTION 29. 29.1085 (1m) (b) of the statutes is created to read:

29.1085 (1m) (b) In any area of the state where the department has not authorized the use of dogs to hunt bear, the department may not authorize the pursuit of bear with dogs or the training of dogs to track bear, trail bear or engage in any other activity that contributes to locating bear.

NOTE: Under current regulations applicable to the use of dogs to pursue bear or training dogs to track bear, certain areas of the state in which bear hunting is not allowed may be used for the pursuit of bear with dogs or training dogs to track bear. This bill prohibits the DNR from authorizing the pursuit of bear with dogs or training dogs to track bear in any area of the state in which the DNR has not authorized bear hunting.

SECTION 30. 29.1085 (2m) (title) of the statutes, as created by 1997 Wisconsin Act 1, is amended to read:

29.1085 (2m) (title) ~~EXEMPTION~~ EXEMPTIONS.

SECTION 31. 29.1085 (2m) of the statutes, as created by 1997 Wisconsin Act 1, is renumbered 29.1085 (2m) (a).

SECTION 32. 29.1085 (2m) (b) of the statutes is created to read:

29.1085 (2m) (b) If a disabled person holds either a Class A or a Class B bear license, a person who accompanies and assists the disabled person may engage in the activities authorized under sub. (2) (br) 1. to 3. without holding a Class B bear license.

NOTE: Under current statutes, a person who holds a Class A bear license may bait bear and may use and train dogs to track bear. A person who holds a Class B bear license may assist a person with a Class A bear license in hunting bear but may not shoot at, shoot or otherwise take a bear. A person who holds a Class B bear license may also bait bear and use and train dogs to track or otherwise locate bear. The current statutes provide one exemption that allows a child under the age of 12 to engage in the activities authorized under a Class B bear license without obtaining a Class B bear license. This bill creates an additional exemption from the requirement to obtain a Class B bear license for a person who accompanies

and is assisting a disabled person who holds either a Class A or Class B bear license.

SECTION 33. 29.117 (2) of the statutes is amended to read:

29.117 (2) **AUTHORIZATION.** The nonresident archer hunting license authorizes the hunting of all game, except bear, wild turkey and fur-bearing animals, during the open season for the hunting of that game with a bow and arrow. This license authorizes hunting with a bow and arrow only ~~and does not authorize hunting with a crossbow unless hunting with a crossbow is authorized by a Class A, Class B, or Class C permit issued under s. 29.09 (9).~~

NOTE: Under the current statutes, a nonresident archer hunting license authorizes hunting with a bow and arrow and does not authorize hunting with a crossbow. This bill amends this provision to permit the use of a crossbow by disabled non-residents who are determined by the DNR to be qualified for such a permit.

SECTION 34. 29.174 (2) (f) of the statutes is amended to read:

29.174 (2) (f) ~~In addition to the types and manner of hunting authorized under ss. 29.09 (9) and 29.104 (4) for disabled persons and persons who are visually handicapped, as defined in s. 29.09 (9) (a) 5., the~~ The department may modify any requirement of this chapter or rules promulgated under it, establish special hunting seasons, authorize the use of special equipment or take any other action in order to provide additional hunting and fishing opportunities for persons who are physically disabled or visually handicapped and may limit the number of persons involved.

NOTE: The current statutes authorize the DNR to establish special hunting seasons or opportunities for persons who are physically disabled or visually handicapped and authorizes the DNR to limit the number of persons involved. This bill expands this provision to allow the DNR to modify any statute or rule related to hunting or fishing and to authorize any activity or use of special equipment or take any other action in order to provide additional opportunities for persons who are physically disabled or visually handicapped to hunt or fish.

SECTION 35. 29.245 (4) (b) 3. of the statutes is created to read:

29.245 (4) (b) 3. To a person who possesses or uses a light while using a bow and arrow for taking rough fish on lakes that are not outlying waters.

NOTE: The current statute prohibits the use of lights for shining wild animals. This bill creates an exception for the use of lights for bow fishing for rough fish on inland lakes only. Counties will continue to have authority to regulate or prohibit shining within the county boundaries, notwithstanding this exemption from the statutory prohibition.

SECTION 36. 29.27 (3) of the statutes is amended to read:

29.27 (3) 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 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 within 7 days after the close of the season unless the department approves an extension of the deadline for removal due to compelling personal needs of the owner. 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, or by a later date approved by the department, shall be subject to a forfeiture of not less than \$10 nor more than \$200.

NOTE: The current statute requires the owner of a waterfowl blind that is situated on state property to remove it within 7 days after the close of the waterfowl season. A penalty is provided for failure to remove the blind. This bill amends the current statute to allow the owner of the blind to obtain the permission of the department for an extension of the deadline to remove the blind due to compelling personal needs of the owner. This will allow the property owner to extend the deadline, if the requirement to remove the blind will be a hardship for the owner.

SECTION 37. 29.45 (2m) of the statutes is created to read:

29.45 (2m) Any person may transport an antlerless deer killed under the authority of his or her hunter's choice, bonus or other deer hunting permit on any highway, as defined s. 340.01 (22), in order to register the deer in the deer management area where the deer was killed or in an adjoining management area.

NOTE: This bill allows a person who takes an antlerless deer under an antlerless deer hunting permit to transport the deer to be registered in the deer management unit where the deer was killed or an adjoining unit but does not require, as do current rules, that the transportation be by federal or state highways.

SECTION 38. 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 Class A or Class B permit under s. 29.09 (9) (e) who is hunting from a stationary vehicle.

SECTION 39. 167.31 (4) (cg) (intro.) of the statutes is amended to read:

167.31 (4) (cg) (intro.) A holder of a Class A or Class B permit under s. 29.09 (9) (e)-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 40. 167.31 (4) (cm) of the statutes is 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 Class A or Class B permit under s. 29.09 (9) (e)-1.

NOTE: Currently, a disabled state resident holding a Class A permit is exempt from certain restrictions on hunting from a roadway. A Class A permit is issued to a person with a permanent disability. This bill expands these exceptions to apply also to the holder of a Class B permit, which is issued to a person with temporary disabilities, if the Class B permit issued by the DNR specifically authorizes the hunting methods covered by the exemption.

SECTION 41. 167.31 (4) (f) of the statutes is created to read:

167.31 (4) (f) Subsection (2) (d) does not prohibit a person from possessing a loaded firearm within 50 feet of the center of a roadway if the person does not violate sub. (2) (b) or (c).

NOTE: Current s. 167.31 (2) (d) provides that no person may discharge a firearm within 50 feet of the center of a roadway. This bill clarifies that the prohibition on discharging a firearm within 50 feet of the center of a roadway does not prohibit the person from possessing a loaded firearm within 50 feet of the center of a roadway, if the person does not violate the restrictions in s. 167.31 (2) (b) and (c) regarding possession of a firearm in or on a vehicle and loading or discharging a firearm in or from a vehicle.

SECTION 42. 167.31 (4m) of the statutes is amended to read:

167.31 (4m) RULES. The department 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 Class A or Class B permit issued under s. 29.09 (9) (e)-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 43. 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) (e) who is hunting from a standing vehicle, as defined in s. 29.09 (9) (a) 4., in accordance with s. 29.09 (9) (cr) 2.

SECTION 44. Nonstatutory provisions; natural resources.

(1) REVENUE SOURCES FOR FISH AND WILDLIFE ACCOUNT.

(a) The department of natural resources shall study the potential for new or increased sources of revenue for the fish and wildlife account of the conservation fund.

(b) The scope of the study shall be limited to the following issues:

1. Proposals for the creation of new licenses, permits, approvals or fees for the use of state-owned property under the jurisdiction of the department of natural resources.

2. A review of current fees that are paid into the conservation fund to determine if the fees adequately compensate the state for the services provided to those who use state land.

3. The potential for using general purpose revenues, including an earmarked sales tax increase, as a supplement to the conservation fund.

(c) The study shall include the following provisions:

1. An analysis of the activities on state-owned property that do not currently require a fee or for which the current fees do not reflect the costs and benefits of the activity.

2. Proposals for new or increased fees, including recommendations regarding reduced fees or exemptions for designated groups, such as persons under the age of 18.

3. Proposals for implementing and collecting any new fees, including issues regarding the methods of imposing the fees, costs of collection and enforcement issues.

4. The potential for overlap of any proposed new fees with fees that are currently charged to users of public land.

5. Projections of the potential income from new or increased fees.

6. An analysis of how future changes in licensing technology and procedures, such as computerized licenses, may affect proposals for new or expanded fees.

(d) In conducting the study required in this subsection, the department of natural resources shall consult with organizations representing individuals who use state-owned property under the jurisdiction of the department and organizations representing the tourism and hospitality industries.

(e) The department of natural resources shall submit a report summarizing its findings and recommendations no later than January 1, 1999, to the appropriate standing committees of the legislature in the manner provided under section 13.172 (3) of the statutes.

SECTION 45. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The repeal and recreation of section 29.09 (1m) of the statutes takes effect on January 1, 1999.
