

**State of Wisconsin**  
**DEPARTMENT OF NATURAL RESOURCES**  
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November 19, 2024

Senator Stephen L. Nass, Senate Co-Chair  
Joint Committee for Review of Administrative Rules  
Room 10 South, State Capitol  
Post Office Box 7882  
Madison, WI 53707-7882

Representative Adam Neylon, Assembly Co-Chair  
Joint Committee for Review of Administrative Rules  
Room 204 North, State Capitol  
Post Office Box 8952  
Madison, WI 53708

Subject: Request for the suspension of s. NR 20.05 (2), Wis. Adm. Code

Dear Senator Nass and Representative Neylon:

On behalf of the Department of Natural Resources, I am writing to request that the Joint Committee for Review of Administrative Rules (JCRAR) suspend s. NR 20.05 (2), Wis. Adm. Code, 227.26 (2) (d), Stats. Section NR 20.05 (2), Wis. Adm. Code, prohibits a person from possessing or controlling any firearm, gun or similar device that might be used for fishing while on the waters, banks or shores of the state. The department has determined that there has been a change in circumstances since s. NR 20.05 (2), Wis. Adm. Code, was first enacted. As a result, the provision is in conflict with state law and should be suspended.

Section NR 20.05 (2), Wis. Adm. Code, was written into its present form during a comprehensive rule review of ch. NR 20, Wis. Adm. Code, in 1999. However, a prohibition on carrying guns while fishing has existed in administrative code as early as the 1950s and was intended to prevent the illegal shooting of fish. With the passage of Wisconsin's concealed carry law (2011 Wisconsin Act 35), s. NR 20.05 (2), Wis. Adm. Code, conflicts with state law because a licensed person can legally possess and control a concealed firearm on public lands and waters.

To address this conflict swiftly, the department submitted a letter to the Legislative Council Rules Clearinghouse (Clearinghouse) on September 6, 2024, requesting the use of the expedited repeal process for unauthorized rules, as set forth in s. 227.26 (4) (b) 1., Stats., along with a proposed rule to repeal s. NR 20.05 (2), Wis. Adm. Code. In comments dated September 30, 2024, the Clearinghouse advised that the department's proposed rule did not meet the standards required to utilize the expedited repeal process. Nonetheless, the Clearinghouse shared the department's concern that s. 20.05 (2), Wis. Adm. Code, is no longer viable and identified the temporary suspension process set forth in s. 227.26 (2) (d), Stats., as an alternative, more suitable option for addressing this concern.

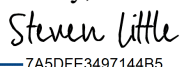
As a result of the Clearinghouse's recommendation, the department respectfully requests that JCRAR exercise its statutory authority to suspend s. NR 20.05 (2), Wis. Adm. Code. A suspension will expeditiously eliminate the conflict between statute and code while the department pursues rulemaking through the standard process to permanently repeal s. NR 20.05 (2), Wis. Adm. Code. The department has already initiated this rulemaking and is

working as expediently to submit that rule for legislative consideration as soon as possible at the start of the 2025-2026 legislative session.

If this rule is repealed, fish would remain protected from firearm harvest under s. NR 20.05 (1), Wis. Adm. Code, which generally prohibits the take of fish by methods other than hook and line except as specifically authorized under ch. NR 20, Wis. Adm. Code, and related chapters.

Thank you for your consideration of this request.

Signed by:

  
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Steven Little

Deputy Secretary

Department of Natural Resources