

**2011 DRAFTING REQUEST**

**Bill**

Received: 01/19/2011

Received By: rkite

Wanted: As time permits

Companion to LRB:

For: Erik Severson (608) 267-2365

By/Representing: A.J.

May Contact:

Drafter: rkite

Subject: Nat. Res. - fish and game

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Severson@legis.wi.gov

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Expanding bear hunting license privileges

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**Instructions:**

Redraft 2009 AB 371 (LRB-3166) as originally introduced (i.e., not as amended)

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rkite 01/20/2011	jdye 01/27/2011		_____			State
/1			mduchek 01/28/2011	_____	sbasford 01/28/2011	mbarman 01/31/2011	

FE Sent For: "/1" @ intro. 2/17/11

<END>

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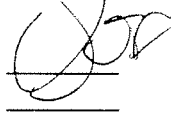
<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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1/?

rkite

1/27 jld

Proofed



FE Sent For:

<END>

Veto message Re: AB 371

These changes to bear hunting were introduced and passed against the stated wishes of a majority of citizens who participated in the 2010 Conservation Congress Spring Hearings. Several of the provisions included in AB 371 were put to citizens for a vote and every issue, except the youth Class B activities, were opposed by a majority of participants. I value the role that the Conservation Congress plays in this state and object to legislation that bypasses that process.

The provisions that allow a Class B license holder to shoot and kill a bear that was already shot and wounded by a Class A license holder in their hunting party were vaguely designed and will be hard to enforce. The bill does not contain a definition of "same hunting party" and while the bill requires the Class A license holder to authorize a Class B license holder to shoot, the bill does not require the Class A license holder to be physically present. Group hunting for deer requires each member to be in visual or voice contact without the aid of an electronic amplifying device (except a hearing aid). It will be difficult for wardens to ascertain who made the first shot and whether the Class A license holder authorized the shooting in advance, or only after the fact.

Allowing dog training during the open season for hunting bear with the use of dogs may also increase conflicts in the woods between hunters who use dogs and those who hunt with bait. Hunters may already train dogs for two months during the summer and allowing this additional time is unfair to hunters who have waited years to finally obtain a hunting license and spent hours over bait piles or hunting with other methods, and have their time and effort disturbed by packs of dogs.

Requiring the DNR to establish a bear hunting season without the use of dogs on Labor Day and the day after Labor Day also sets up the potential for dangerous interactions between bear hunters and the thousands of people who enjoy the extended weekend in the states parks, forests and trails. This interaction would also be disruptive to the hunters, who need peaceful surroundings for a successful harvest and not bikers, hikers and campers disturbing their bait areas. While attempting to give additional time to bear hunters who hunt without the use of dogs may be an admirable goal, Labor Day weekend is not the time to do so.

I would normally support the provisions in the bill to encourage new hunters to try activities related to bear hunting; however, I cannot support the other provisions at this time. Citizens have spoken, via the spring hearings, and opposed many of these measures. Conflicts in the woods must be avoided whenever possible and this bill would set up potential conflicts between hunters, landowners and outdoor enthusiasts.

1/19 -  
Asked AJ if he wanted to address any of these issues in the redraft for this session.  
He said no - for now - just redraft the bill as originally introduced.



2/3

PH request

State of Wisconsin  
2009 - 2010 LEGISLATURE

RM not run

1113/1

LRB-3166/1

RNK:bjk/rs

2011

2009 ASSEMBLY BILL 371

In 1/20 LPS - P.W.F. please

August 12, 2009 - Introduced by Representatives HRAYCHUCK, VRUWINK, BROOKS, GUNDERSON, FRISKE, MURTHA, DANOU, SMITH and SUDER, cosponsored by Senators HOLPERIN, WIRCH, VINEHOUT, OLSEN, GROTHMAN, HOPPER, SCHULTZ, HANSEN, KREITLOW and COWLES. Referred to Committee on Fish and Wildlife.

4

Gen

1 AN ACT *to repeal* 29.184 (9) (b); *to renumber and amend* 29.184 (8) and 29.184  
2 (9) (a); *to amend* 29.184 (4), 29.184 (5) (a), 29.184 (5) (b), 29.971 (11m) (a) and  
3 29.971 (11m) (b); and *to create* 29.184 (3) (br) 1m., 29.184 (3) (br) 4., 29.184  
4 (3m), 29.184 (5) (c) and 29.184 (8) (b) of the statutes; **relating to:** privileges  
5 under a Class A or Class B bear hunting license, and bear carcass tag and back  
6 tag requirements. ✓

**Analysis by the Legislative Reference Bureau**

Under current law, the Department of Natural Resources (DNR) issues two types of bear hunting licenses. A Class A bear license allows the license holder to shoot and kill bear and to exercise the privileges of a Class B bear license. A Class B bear license allows the license holder to assist a Class A license holder in pursuing bear, to bait bear, and to train dogs to pursue bear (dog training); but it does not allow the license holder to actually shoot at or kill bear. ✓

This bill expands the privileges of a Class B bear license. The bill authorizes the holder of a Class B bear license to shoot and kill a bear that was shot, but not killed, by another hunter holding a Class A bear license in the same hunting party if killing the bear is necessary to protect the safety of other members of the hunting party or the public. The bill also allows the holder of a Class B bear license to pursue a bear, provided that the holder of the Class B bear license does not shoot or kill the bear, unless the public safety circumstances for killing a bear shot at by another hunter apply. ✓

**ASSEMBLY BILL 371**

*extends*

*and who engages in the activities authorized by a Class B bear license*

This bill also requires DNR to allow a person who holds a Class B bear license to engage in dog training during any part of an open season in which DNR allows a Class A bear license holder to hunt bear with the use of a dog. The bill also eliminates the requirement that holders of a Class B bear license attach a back tag to their outermost garment when engaging in the activities authorized under that license.

*so that it applies to any*

Current law exempts a person who is under the age of 12 years from holding a Class B bear license. This bill expands this exemption to allow a person who is under the age of 16 years to engage in the activities authorized under a Class B bear license without holding that license. The bill also creates a new exemption that authorizes a person to engage in the activities authorized by a Class B bear license without holding the license during the third Saturday in August and the immediately following Sunday.

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. 29.184 (3) (br) 1m. of the statutes is created to read:  
2 29.184 (3) (br) 1m. Pursue a bear, provided that the licensee does not shoot,  
3 shoot at, capture, take, or kill the bear, except as provided under subd. 4.

4 SECTION 2. 29.184 (3) (br) 4. of the statutes is created to read:  
5 29.184 (3) (br) 4. Shoot, for the purpose of killing, a bear that was shot, but not  
6 killed by another hunter holding a Class A bear hunting license in the same hunting  
7 party, if the person for whom the bear is killed possesses a current unused bear  
8 carcass tag that is authorized for use on the bear killed and if killing the bear is  
9 necessary to protect the safety of the members of the hunting party or others.

10 SECTION 3. 29.184 (3m) of the statutes is created to read:  
11 29.184 (3m) OPEN SEASON REQUIREMENTS. If the department establishes an open  
12 season that includes a period during which a Class A bear license holder is allowed  
13 to hunt bear with the use of a dog, the department shall allow a Class B bear license  
14 holder to engage in the activities specified in sub. (3) (br) 3. during that period.

## ASSEMBLY BILL 371

1 SECTION 4. 29.184 (4) of the statutes is amended to read:

2 29.184 (4) USE OF DOGS. While a person is using a dog to hunt bear or to engage  
3 in any of the activities specified in sub. (3) (br) 1. to ~~3.~~ 4., the person shall keep on  
4 his or her person any tag required for the dog under s. 95.21 (2) (f), 174.053 (2) or  
5 174.07 (1) (e).

6 SECTION 5. 29.184 (5) (a) of the statutes is amended to read:

7 29.184 (5) (a) A person under the age of ~~12~~ 16 years may engage in the activities  
8 authorized under sub. (3) (br) 1. to ~~3.~~ 4. without holding a Class B bear license.

9 SECTION 6. 29.184 (5) (b) of the statutes is amended to read:

10 29.184 (5) (b) If a disabled person holds either a Class A or a Class B bear  
11 license, a person who accompanies and assists the disabled person may engage in the  
12 activities authorized under sub. (3) (br) 1. to ~~3.~~ 4. without holding a Class B bear  
13 license.

14 SECTION 7. 29.184 (5) (c) of the statutes is created to read:

15 29.184 (5) (c) Any person may engage in the activities authorized under sub.  
16 (3) (br) 1. to 4. during the 3rd Saturday in August and the immediately following  
17 Sunday without holding a Class B bear license.

18 SECTION 8. 29.184 (8) of the statutes is renumbered 29.184 (8) (a) and amended  
19 to read:

20 29.184 (8) (a) CARCASS TAG. The department shall issue a bear carcass tag to  
21 each person who is issued a Class A bear license. ~~A.~~ Except as provided under par.  
22 (b). a person who kills a bear shall immediately validate and attach the carcass tag  
23 to the bear. The carcass tag shall be attached and validated according to rules  
24 promulgated by the department.

25 SECTION 9. 29.184 (8) (b) of the statutes is created to read:

ASSEMBLY BILL 371

1 29.184 (8) (b) A person who kills a bear under sub. (3) (br) 4. shall ensure that  
2 the person for whom the bear is killed attaches a current validated bear carcass tag  
3 in the manner provided under par. (a).

4 SECTION 10. 29.184 (9) (a) of the statutes is renumbered 29.184 (9) and  
5 amended to read:

6 29.184 (9) The department shall issue a back tag to each person who is issued  
7 a Class A bear license or a Class B bear license.

8 SECTION 11. 29.184 (9) (b) of the statutes is repealed.

9 SECTION 12. 29.971 (11m) (a) of the statutes is amended to read:

10 29.971 (11m) (a) For shooting, shooting at, killing, taking, catching or  
11 possessing a bear without a valid Class A bear license, or for possessing a bear which  
12 does not have a carcass tag attached or possessing a bear during the closed season,  
13 by a fine of not less than \$1,000 nor more than \$2,000 or by imprisonment for not  
14 more than 6 months or both for the first violation, or by a fine of not more than  
15 \$10,000 or imprisonment for not more than 9 months or both for any subsequent  
16 violation, and, in addition, the court shall revoke all hunting approvals issued to the  
17 person under this chapter and shall prohibit the issuance of any new hunting  
18 approval under this chapter to the person for 3 years. This paragraph does not apply  
19 to a person who shoots at or kills a bear as authorized under s. 29.184 (3) (br) 4.

20 SECTION 13. 29.971 (11m) (b) of the statutes is amended to read:

21 29.971 (11m) (b) Except as provided under par. (a), for the violation of any  
22 provision of this chapter ~~relating~~ <sup>delete</sup> relating to bear hunting, to the activities specified  
23 in s. 29.184 (3) (br) 1. to 3. 4. <sup>STET</sup> for to the validation of a bear carcass tag or registration  
24 of a bear, by a forfeiture of not more than \$1,000.  
*keep scored comma*



**Parisi, Lori**

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**From:** Scholz, Andrew  
**Sent:** Friday, January 28, 2011 12:10 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 11-1113/1 Topic: Expanding bear hunting license privileges

Please Jacket LRB 11-1113/1 for the ASSEMBLY.