



## 2011 SENATE BILL 75

April 27, 2011 – Introduced by Senators MOULTON, KEDZIE, COWLES, S. FITZGERALD, GALLOWAY, HARSDORF, LASEE, HOPPER, OLSEN, GROTHMAN and KAPANKE, cosponsored by Representatives TIFFANY, MURSAU, BERNIER, ENDSLEY, JACQUE, KERKMAN, KESTELL, KLEEFISCH, KRUG, T. LARSON, LITJENS, NYGREN, J. OTT, PETRYK, PRIDEMORE, RIVARD, SEVERSON, SPANBAUER and STEINBRINK. Referred to Committee on Natural Resources and Environment.

1     **AN ACT to create** 29.016 of the statutes; **relating to:** prohibiting the Department  
2             of Natural Resources from establishing certain restrictions on hunting antlered  
3             deer and regulating the establishment of fall open seasons for hunting deer  
4             with firearms.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, the Department of Natural Resources (DNR) is required to establish open and closed seasons for fish and game and to establish conditions that conserve the fish and game supply and that ensure opportunities for good fishing, hunting, and trapping. Current law authorizes DNR to exercise this authority for the entire state, for any specified county, or for any lake or stream.

This bill prohibits DNR from requiring a person who holds a deer hunting license to kill an antlerless deer before killing the person's first antlered deer under that license. It also places restrictions on DNR's authority to establish open seasons for hunting deer with firearms (deer firearm season). The bill generally prohibits DNR from establishing a fall deer firearm season that begins before the Saturday immediately preceding the fourth Thursday in November (early season). Under the bill, the prohibition does not apply if DNR promulgates a rule that limits hunting during the early season to certain groups of people, including persons who are under 16 years of age or persons who are learning to hunt. The prohibition also does not apply if DNR establishes the early season because the early season is necessary to control the spread of chronic wasting disease or other disease in deer, the early season is limited to hunting only antlerless deer, the closing date for the early season

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is on or before October 15, and the rule authorizing the early season expires 270 days after the effective date of the rule.

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

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

1           **SECTION 1.** 29.016 of the statutes is created to read:

2           **29.016 Department authority; deer hunting seasons and license**  
3 **restrictions. (1)** The department may not do any of the following:

4           (a) Require a person who holds a license that authorizes the hunting of deer to  
5 take an antlerless deer before the person may take the person's first antlered deer  
6 under that license.

7           (b) Except as provided in sub. (2), establish a fall open season for hunting deer  
8 with firearms that begins before the Saturday immediately preceding the 4th  
9 Thursday in November.

10           **(2)** Subsection (1) (b) does not prohibit the department from promulgating a  
11 rule that establishes a fall open season for hunting deer with firearms that begins  
12 before the Saturday immediately preceding the 4th Thursday in November if any of  
13 the following applies:

14           (a) The department limits the open season to hunting deer by any of the  
15 following persons:

- 16           1. Persons who are under 16 years of age.
- 17           2. Persons who hold a Class A, Class B, or Class C permit under s. 29.193 (2).
- 18           3. Persons who are learning to hunt.

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1 (b) The department establishes the fall open season because a fall open season  
2 is necessary to control the spread of chronic wasting disease or other disease in deer  
3 and if all of the following apply:

4 1. The rule authorizes the hunting of only antlerless deer.

5 2. The rule provides for a closing date for the fall open season that is on or before  
6 October 15.

7 3. The rule provides that the rule does not apply beginning 270 days after the  
8 effective date of the rule.

9 (END)