

1985 Assembly Bill 694

Date of enactment: April 15, 1986  
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## 1985 Wisconsin Act 270

AN ACT to repeal 29.093 (2) (h), 29.105 (2) (a) (title) and 29.105 (2) (b); to renumber 29.105 (2) (a); to amend 29.01 (8), 29.092 (2) (title), 29.092 (2) (d), 29.092 (2) (i), 29.093 (2) (title), 29.093 (2) (i), 29.104 (2) and 29.117 (2); to repeal and recreate 29.109 and 29.114; and to create 29.092 (2) (kg) and (kr), 29.092 (2) (om), 29.092 (13) (cm), 29.093 (2) (cm), 29.1085 and 29.99 (11m) of the statutes, relating to bear hunting and related licenses, permits, fees and procedures, granting rule-making authority and providing penalties.

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

SECTION 1. 29.01 (8) of the statutes is amended to read:

29.01 (8) "Hunt" or "hunting" includes shooting, shooting at, pursuing, taking, catching, or killing of any wild animal or animals, except that "hunt" or "hunting" does not include shooting, shooting at, taking, catching or killing any bear.

SECTION 2. 29.092 (2) (title) of the statutes is amended to read:

29.092 (2) (title) HUNTING LICENSES; PERMITS; STAMPS; CERTIFICATE; TAGS.

SECTION 3. 29.092 (2) (d) of the statutes is amended to read:

29.092 (2) (d) *Resident bear.* The fee for a resident bear hunting license is ~~\$11.50~~ \$5.

SECTION 4. 29.092 (2) (i) of the statutes is amended to read:

29.092 (2) (i) *Nonresident bear.* The fee for a nonresident bear hunting license is ~~\$100~~ \$20.

SECTION 5. 29.092 (2) (kg) and (kr) of the statutes are created to read:

29.092 (2) (kg) *Resident bear harvest permit.* The fee for a resident bear harvest permit is \$25.

(kr) *Nonresident bear harvest permit.* The fee for a nonresident bear harvest permit is \$100.

SECTION 6. 29.092 (2) (om) of the statutes is created to read:

29.092 (2) (om) *Bear carcass tag.* There is no fee for a bear carcass tag issued with a resident bear harvest permit or nonresident bear harvest permit.

SECTION 7. 29.092 (13) (cm) of the statutes is created to read:

29.092 (13) (cm) *Duplicate bear harvest permit.* The fee for a duplicate resident bear harvest permit or a duplicate nonresident bear harvest permit is \$6.

SECTION 8. 29.093 (2) (title) of the statutes is amended to read:

29.093 (2) (title) HUNTING LICENSES; PERMIT; STAMPS; CERTIFICATE.

SECTION 9. 29.093 (2) (cm) of the statutes is created to read:

29.093 (2) (cm) *Bear harvest permits.* A bear harvest permit is valid for the bear hunting season indicated on the permit.

SECTION 10. 29.093 (2) (h) of the statutes is repealed.

SECTION 11. 29.093 (2) (i) of the statutes is amended to read:

29.093 (2) (i) *Exception.* A resident deer hunting license ~~or resident bear hunting license~~ may be issued before or after the opening of the season for hunting deer ~~or bear~~ with firearms to a person who is a member of the U.S. armed forces who exhibits proof that

he or she is in active service with the armed forces and that he or she is stationed in this state or a resident of this state on furlough or leave.

SECTION 12. 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, 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 under sub. (4).

SECTION 13. 29.105 (2) (a) (title) of the statutes is repealed.

SECTION 14. 29.105 (2) (a) of the statutes is renumbered 29.105 (2).

SECTION 15. 29.105 (2) (b) of the statutes is repealed.

SECTION 16. 29.1085 of the statutes is created to read:

**29.1085 Bear harvest permits.** (1) **DEPARTMENT AUTHORITY.** The department may regulate and limit the number of bear hunters and bear harvested in any area of the state.

(2) **PERMITS.** (a) *Requirement.* No person may shoot, shoot at, kill, take, catch or possess a bear unless the person is issued a valid bear harvest permit.

(b) *Authorization.* A bear harvest permit is valid only for the area specified in the permit.

(c) *License requirement.* The department may not issue a bear harvest permit to a person unless the person has a valid bear hunting license.

(3) **ISSUANCE.** (a) *Application.* A person who seeks a bear harvest permit shall hold a bear hunting license valid for the applicable bear hunting season at the time of application and shall apply to the department on forms provided by the department. The department may specify information to be included in the application and other requirements and procedures for application.

(b) *Continuous preference system; random selection.* If the number of qualified applications for bear harvest permits exceeds the number of available permits, the department shall select applicants to be issued bear harvest permits based upon a continuous preference system. This system shall establish preference categories for those applicants who applied for but did not receive a bear harvest permit in the previous season, with the highest preference category for those who applied for but did not receive the permit in the most consecutive preceding seasons. The department shall select at random the applicants to be issued bear harvest permits within each preference category.

(c) *Notification, issuance; payment.* The department shall issue a notice of approval to those qualified applicants selected to receive a bear harvest permit. A person who receives a notice of approval and who pays the fee as required by the department shall be issued a bear harvest permit.

(4) **USE OF FEES.** Fees received from the issuance of bear harvest permits shall be paid into the conservation fund to be used for administering bear hunting licenses and bear harvest permits and for bear management activities.

(5) **CARCASS TAG.** The department shall issue a bear carcass tag to each person who is issued a bear harvest permit. A person who kills a bear shall immediately validate and attach the carcass tag to the bear. The carcass tag shall be attached and validated according to rules promulgated by the department.

(6) **RULES.** The department may promulgate rules to administer and interpret this section.

SECTION 17m. 29.109 of the statutes is repealed and recreated to read:

**29.109 Resident bear hunting license.** (1) **ISSUANCE.** A resident bear hunting license shall be issued subject to s. 29.09 by the department or by a county clerk to any resident applying for this license.

(2) **AUTHORIZATION.** No person issued a resident bear hunting license may:

(a) *Bear harvest permit required.* Shoot, shoot at, kill, take, catch or possess a bear unless the person also holds a bear harvest permit issued under s. 29.1085.

(b) *Assisting a permit holder.* Pursue a bear unless the person is assisting a person who holds a bear harvest permit issued under s. 29.1085.

(3) **USE OF FEES.** Fees received from the issuance of resident bear hunting licenses shall be paid into the conservation fund to be used for administering bear hunting licenses and bear harvest permits and for bear management activities.

SECTION 18m. 29.114 of the statutes is repealed and recreated to read:

**29.114 Nonresident bear hunting license.** (1) **ISSUANCE.** A nonresident bear hunting license shall be issued subject to s. 29.09 by the department or by a county clerk to any nonresident applying for this license.

(2) **AUTHORIZATION.** No person issued a nonresident bear hunting license may:

(a) *Bear harvest permit required.* Shoot, shoot at, kill, take, catch or possess a bear unless the person also holds a bear harvest permit issued under s. 29.1085.

(b) *Assisting a permit holder.* Pursue a bear unless the person is assisting a person who holds a bear harvest permit issued under s. 29.1085.

(3) **USE OF FEES.** Fees received from the issuance of nonresident bear hunting licenses shall be paid into the conservation fund to be used for administering bear hunting licenses and bear harvest permits and for bear management activities.

SECTION 19. 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 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.

SECTION 20. 29.99 (11m) of the statutes is created to read:

29.99 (11m) (a) For shooting, shooting at, killing, taking, catching or possessing a bear without a valid bear harvest permit, or for possessing a bear which does not have a carcass tag attached or possessing a bear during the closed season, by a fine of not less than \$1,000 nor more than \$2,000 or by imprisonment for not more than 6 months or both for the first violation, or by a fine of not more than \$5,000 or imprisonment for not more than one year or both for any subsequent violation, and, in addition, the court shall revoke all hunting approvals issued to the person under this chapter and shall prohibit the issuance of any new hunting approval under this chapter to the person for 3 years.

(b) Except as provided under par. (a), for the violation of any provision of this chapter or any depart-

ment rule promulgated under this chapter relating to bear hunting or to the validation of a bear carcass tag or registration of a bear, by a forfeiture of not more than \$1,000.

SECTION 21. **Nonstatutory provisions; initial rule-making procedures.** Between the effective date of this SECTION and January 1, 1987, the department of natural resources may promulgate rules under section 29.1085 of the statutes, as created by this act, without complying with normal hearing and notice requirements, notwithstanding sections 227.02 and 227.021 of the statutes.

SECTION 22. **Initial applicability.** (1) The treatment of sections 29.01 (8), 29.092 (2) (title), (d), (i), (kg), (kr) and (om) and (13) (cm), 29.093 (2) (title), (cm), (h) and (i), 29.104 (2), 29.105 (2), 29.1085, 29.109, 29.114 and 29.117 (2) of the statutes by this act first applies to any bear hunting license or related license or permit issued for any effective period beginning after May 31, 1986.

(2) The creation of section 29.99 (11m) of the statutes by this act first applies to any violation occurring after May 31, 1986.