

**2001 Jr2 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-AB1)**

Received: 03/11/2002

Received By: gibsom

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau 68086

By/Representing: Hotynski

This file may be shown to any legislator: NO

Drafter: gibsom

May Contact:

Addl. Drafters:

Subject: Nat. Res. - fish and game

Extra Copies:

Submit via email: NO

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**Pre Topic:**

LFB:.....Hotynski -

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**Topic:**

Regulation of elk hunting -

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**Instructions:**

See Attached

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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>
/1	gibsom 03/12/2002	hhagen 03/12/2002	pgreensl 03/12/2002	_____	lrb_docadmin 03/12/2002		
/2	gibsom 03/13/2002	hhagen 03/13/2002	rschluet 03/13/2002	_____	lrb_docadmin 03/13/2002		

FE Sent For:

<END>

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/1	gibsom 03/12/2002	hhagen 03/12/2002 12 hnh 3/13	pgreensl 03/12/2002		lrb_docadmin 03/12/2002		

FE Sent For:

*AG*  
*3-13-2*  
**<END>**

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/1	gibsom	1 hmk 3/12/02	3/12 p8	3/12 p8/16			

FE Sent For:

<END>

# Budget Amendments 2002

**Legislator:** Johnsrud

**Statement of Intent:** Create licenses and permits and update statutes so that DNR can, by rule, establish a hunting season framework for wild elk.

**Legislator:**  
**Legislator:**  
**Legislator:**  
**Staff Contact:** loomans  
**Agency:**

**Amendment:**  
**Pass/Fail:**  
**Y/N:**   
**Withdrawn:**   
**Message:**

**Summary:** Create licenses and permits and update statutes so that DNR can create a hunting season for wild elk. Language is drafted but has not been introduced. Senate and Assembly committees have held hearings on the proposal.

**Fiscal Impact:** Neutral. The bill establishes permit application fees that pay for administering the permit program.

**Staff Analysis:**

**Request:** 303

**Gibson-Glass, Mary**

**From:** Hotynski, Rebecca  
**Sent:** Sunday, March 10, 2002 10:57 AM  
**To:** Gibson-Glass, Mary  
**Subject:** FW: Elk changes

-3469/2



18D45000.tif

Mary -- Scott originally wanted a change that would only allow non residents to apply for a license if there were more than 100 available to residents. When I told him that I was pretty sure that provision would be unconstitutional, he suggested that we stay with what was drafted in 3469/2, which specifies that 99% of available tags go to residents. So you only need to make the changes listed below. Thanks. If you have any questions, let me know. I'm leaving around 11:30.  
RH

*of residents  
or nonresidents  
by the dept  
59% → once  
there are 100  
tags issued  
to residence*

-----Original Message-----

**From:** Loomans, Scott  
**Sent:** Saturday, March 09, 2002 2:50 PM  
**To:** Hotynski, Rebecca  
**Subject:** FW: Fax received (1p) from: '6082612367' on ID:2823696

Ok, attached is the LRB Summary, and following are the changes we wanted to make to it:

March 9, 2002

Revisions to LRB 3469/2:

?Reduce license fee to \$41.00 and \$201.00 for non-residents (same as bear license).

?Reduce application fee to \$3.00 (same as other applications).

?For the first five hunting seasons when tags are available, one tag for the Rocky Mountain Elk foundation that they can use for fundraising. RMEF may raffle the tag (NO AUCTIONS). Money can only be used for elk management in Wisconsin. Only Wisconsin residents may win this tag.

?Remove all language that relates to game farms, wildlife exhibits, and captive wild animals.

2001

Date (time) needed

*give priority soon*

LRB b *2460* *3409* / *1 RMR*

**ARC CAUCUS BUDGET AMENDMENT  
[ONLY FOR CAUCUS]**

*MGG*  
*2001* : *hnh* : \_\_\_\_\_

*(D-N)*

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**January 2002 SPECIAL SESSION CAUCUS AMENDMENT  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1  
TO 2001 ASSEMBLY BILL 1**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated, amend the substitute amendment as follows:

*12* *3*  
#. Page *12*, line *25* : *after that line insert:*

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

**2001 BILL**

1 **AN ACT** *to repeal* 29.347 (6), 29.361 (6) and 29.871 (1m); *to renumber* 29.871  
2 (1) and 29.875 (1); *to renumber and amend* 29.867 (1); *to amend* 29.001 (36),  
3 29.024 (2) (a), 29.024 (2) (d), 29.047 (1m), 29.089 (3), 29.161, 29.171 (2), 29.204,  
4 29.207, 29.213, 29.216 (2), 29.314 (3) (title), 29.314 (3) (a), 29.347 (title), 29.347  
5 (2), 29.347 (2m) (a), 29.347 (2m) (b), 29.347 (3), 29.347 (4), 29.361 (title), 29.361  
6 (1), 29.361 (2), 29.361 (2m), 29.361 (5), 29.539 (1) (a) 1., 29.541 (1) (a) 1., 29.563  
7 (14) (c) 3., 29.867 (2m), 29.867 (3), 29.867 (3g), 29.867 (5), 29.867 (6) (a), 29.867  
8 (6) (b), 29.867 (6) (c), 29.867 (7), 29.875 (title), 29.875 (2), 29.877 (2) (a), 29.921  
9 (7), 29.927 (8), 29.934 (1) (e), 29.971 (3m), 29.977 (1) (b), 29.977 (1) (m), 29.983  
10 (1) (b) 2. and 29.983 (1) (b) 13.; and *to create* 20.370 (1) (hq), 29.001 (20), 29.001  
11 (22), 29.182, 29.553 (1) (hm), 29.563 (2) (a) 5m., 29.563 (2) (b) 3m., 29.563 (12)  
12 (a) 5., 29.563 (14) (a) 3., 29.567, 29.595, 29.867 (1b), 29.871 (1b), 29.875 (1g),  
13 29.877 (2g), 29.877 (5m), 29.889 (1) (f), 29.971 (11g), 29.977 (1) (am) and 29.983  
14 (1) (b) 1m. of the statutes; **relating to:** the regulation of elk, elk hunting, the

**BILL**

1 issuance of an elk hunting license to a certain organization, damage done by  
2 elk, making an appropriation, and providing a penalty.

---

*Analysis by the Legislative Reference Bureau***NATURAL RESOURCES**

This bill authorizes DNR to issue elk hunting licenses and to otherwise regulate the hunting of elk in this state. Under the bill, both state residents and non residents may be issued these licenses, with nonresidents paying a higher fee. The bill allows DNR to make available only to state residents up to 99% of all the elk hunting licenses available in each year. The bill authorizes DNR to select at random who will be issued these licenses if the number of applicants exceeds the number of licenses available. The bill requires an applicant to pay a nonrefundable processing fee for a license even if the person does not receive a license under the random issuing system. A person must have completed an elk hunter education course in this state or another state or province to be eligible for a license. The bill requires DNR to establish an elk hunter education course.

A person may be issued a license only once in his or her lifetime, and the license may be used in only one elk hunting season. The license authorizes the hunting of elk with bows and arrows as well as with firearms. The license also authorizes a state resident who is eligible for a crossbow permit under current law due to physical disabilities to hunt elk.

The bill provides that if DNR issues elk hunting licenses it must issue, in each elk hunting season, one resident elk hunting license to an organization known as the Rocky Mountain Elk Foundation if that organization applies for a license. The organization must then auction or raffle off or otherwise use the license as an incentive for fund raising. The person receiving the license must be qualified to obtain a resident elk hunting license. The organization must use the auction proceeds in this state to promote elk management, to promote the reintroduction of eastern elk, and to further elk research.

The bill requires that fees paid for elk hunting licenses and voluntary contributions made by applicants for these licenses be used for issuing the licenses and for elk management and research.

Current law authorizes persons to keep certain animals on game farms, on deer farms, and in wildlife exhibits. This bill excludes elk from the types of animals that a person is authorized to keep on these farms or in these exhibits.

Under current law, two programs administered by DNR provide financial assistance to landowners for damage done by deer, bear, wild geese, or wild turkey to agricultural crops, orchards, livestock, nursery stock, and apiaries. The wildlife damage abatement program reimburses landowners who take certain wildlife damage abatement measures such as erecting deer fences. The wildlife damage claim program provides damage payments up to \$15,000. The bills expands the type of wildlife damage to be covered by these programs to include damage done by elk, if DNR promulgates a rule that establishes a season for hunting elk.



**BILL**

For further information see the *state and local* 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. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert  
2 the following amounts for the purposes indicated:

	2001-02	2002-03
--	---------	---------

4 20.370 Natural resources, department of

5 " (1) LAND

6 (hq) Elk hunting fees ✓ SEG C -0- -0- "

# Page 14, line 25: after that line insert:

7 " SECTION 2. 20.370 (1) (hq) of the statutes is created to read:

8 20.370 (1) (hq) *Elk hunting fees*. All moneys received from the sale of elk  
9 hunting licenses under s. 29.182 and from voluntary contributions under s. 29.567  
10 to be used for administering elk hunting licenses, for elk management and research  
11 activities, and for the elk hunter education program under s. 29.595. "

# Page 29, line 17: after that line insert:

12 " SECTION 3. 29.001 (20) of the statutes is created to read:

13 29.001 (20) "Deer" means white-tailed deer and does not include farm-raised  
14 deer.

15 SECTION 4. 29.001 (22) of the statutes is created to read:

16 29.001 (22) "Elk" means elk that is present in the wild and that does not have  
17 an ear tag or other mark identifying it as being raised on a farm.

18 SECTION 5. 29.001 (36) of the statutes is amended to read:

19 29.001 (36) "Game animals" includes means deer, moose, elk, bear, rabbits,  
20 squirrels, fox and, raccoon, and any other wild animals specified by the department.

## BILL

*§4mb*

1 SECTION ~~6~~ 29.024 (2) (a) of the statutes is amended to read:

2 29.024 (2) (a) ~~A~~ Except as provided in s. 29.182 (4), a hunting, trapping, or  
3 fishing approval may be issued only to and obtained only by a natural person entitled  
4 to the approval.

*§4md*

5 SECTION ~~7~~ 29.024 (2) (d) of the statutes is amended to read:

6 29.024 (2) (d) Except as provided under s. 29.182 (4) or 29.519 (2) (d) or by rule,  
7 no person may transfer his or her approval or permit the use of any approval by any  
8 other person.

*§4mf*

9 SECTION ~~8~~ 29.047 (1m) of the statutes is amended to read:

10 29.047 (1m) Unless prohibited by the laws of an adjoining state, any person  
11 who has lawfully killed a deer or an elk in this state may take the deer or elk or its  
12 carcass into the adjoining state and ship the deer or elk or carcass from any point in  
13 the adjoining state to any point in this state.

*§4mh*

14 SECTION ~~9~~ 29.089 (3) of the statutes is amended to read:

15 29.089 (3) A person may hunt deer, elk, wild turkeys, or small game in a state  
16 park, or in a portion of a state park, if the department has authorized by rule the  
17 hunting of that type of game in the state park, or in the portion of the state park, and  
18 if the person holds the approvals required under this chapter for hunting that type  
19 of game.

*§4mj*

20 SECTION ~~10~~ 29.161 of the statutes is amended to read:

21 **29.161 Resident small game hunting license.** A resident small game  
22 hunting license shall be issued subject to s. 29.024 by the department to any resident  
23 applying for this license. The resident small game hunting license does not authorize  
24 the hunting of bear, deer, elk, or wild turkey.

*§4mm*

25 SECTION ~~11~~ 29.171 (2) of the statutes is amended to read:

**BILL**

1           29.171 (2) A resident archer hunting license authorizes the hunting of all  
2 game, except bear, elk, and wild turkey, during the open seasons for hunting that  
3 game with bow and arrow established by the department. This license authorizes  
4 hunting with a bow and arrow only, unless hunting with a crossbow is authorized by  
5 a Class A, Class B, or Class C permit issued under s. 29.193 (2) or a permit issued  
6 under sub. (4).

7           <sup>§4 mp</sup>  
SECTION 12. 29.182 of the statutes is created to read:

8           **29.182 Elk hunting licenses. (1) DEPARTMENT AUTHORITY.** The department  
9 may issue elk hunting licenses and may limit the number of elk hunters and elk  
10 harvested in any area of the state. The department may establish by rule closed  
11 zones where elk hunting is prohibited.

12           **(2) APPLICATION.** A person who applies for an elk hunting license under this  
13 section shall pay the processing fee under s. 29.553 at the time of application.

14           **(3) AUTHORIZATION. (a)** A resident elk hunting license authorizes a resident of  
15 this state to hunt elk with a firearm or bow and arrow, or with a crossbow, if the  
16 resident has a Class A, Class B, or Class C permit issued under s. 29.193 (2) that  
17 authorizes hunting with a crossbow, or if the resident has a crossbow permit issued  
18 under s. 29.171 (4) (a).

19           **(b)** A nonresident elk hunting license authorizes a nonresident of this state to  
20 hunt elk with a firearm or with a bow and arrow.           /   /

21           **(4) ISSUANCE. (a)** Except as provided in pars. <sup>(c)</sup> ~~(b)~~ and <sup>(d)</sup> ~~(e)~~ and sub. (4m), if the  
22 department issues elk hunting licenses, the department shall issue a resident or  
23 nonresident elk hunting license to any person who applies for such a license, and who  
24 pays the fees required for the license.

**BILL**

1 (b) If the number of applicants for resident elk hunting licenses exceeds the  
 2 number of resident elk hunting licenses available, the department shall select at  
 3 random the residents to be issued the licenses. If the number of applicants for  
 4 nonresident elk hunting licenses exceeds the number of nonresident elk hunting  
 5 licenses available, the department shall select at random the nonresidents to be  
 6 issued the licenses. The department may make available only to residents up to 99%  
 7 of all elk hunting licenses that are available in a given year.

8 (c) The department shall issue a notice of approval to each person who is  
 9 selected at random under par. (b) to be issued an elk hunting license. The  
 10 department shall issue a license to each person who receives a notice of approval  
 11 under this paragraph and who pays the fees required for the license.

12 (d) In addition to any other elk hunting license that the department issues  
 13 under this subsection, <sup>during the initial 5 elk</sup> the department shall issue one resident elk hunting license  
 14 to an organization known as the Rocky Mountain Elk Foundation if the organization  
 15 applies for that license and pays the fees required for the license. The organization  
 16 shall do one of the following with the license:

17 1. Award the license as a prize in a raffle conducted by a subunit of the  
 18 organization that is licensed to conduct raffles under ch. 563.

19 ~~2. Auction the license to the highest bidder.~~

20 2. ~~Otherwise use the license as an award or other incentive for raising funds~~  
 21 for the organization. (f)

22 (g) ~~The organization known as the Rocky Mountain Elk Foundation shall~~  
 23 transfer the license awarded, ~~awarded,~~ <sup>auctioned</sup> or used for fund raising under par. ~~(d)~~ <sup>(e)</sup> only  
 24 to a person who is qualified to receive a resident elk hunting license and shall

INSERT  
6-17

## BILL

1 transfer to that person the carcass tag and back tag that was issued by the  
2 department to the organization under subs. (6) and (7).

3 ~~(f)~~ The department shall issue a resident elk hunting license under par. (d) in  
4 each elk hunting season for which the department issues those licenses and for which  
5 to the organization known as the Rocky Mountain Elk Foundation applies for that  
6 license. (g)

7 (g) If the organization known as the Rocky Mountain Elk Foundation fails to  
8 transfer the license under par. (f), the license shall become invalid, and the  
9 department may issue another resident elk hunting license under this subsection.

10 (h) The organization known as the Rocky Mountain Elk Foundation shall use  
11 the proceeds from the ~~auction~~ raffle or other fund-raising activity under par. (d) in  
12 this state to promote elk management, to promote the reintroduction of eastern elk,  
13 ~~and~~ <sup>or</sup> to further elk research. (g)

14 (g) (4m) LIMITATION OF ONE LICENSE. A person may be issued, or transferred under  
15 par. (e), only one resident elk hunting license in his or her lifetime, and the resident  
16 elk hunting license shall be valid for only one elk hunting season. The issuance, or  
17 transfer under par. (e), of the license to the person is subject to s. 29.024 (2g).

18 (5) FEES. Fees received from the issuance of licenses under this section shall  
19 be credited to the appropriation account under s. 20.370 (1) (hq).

20 (6) CARCASS TAG. The department shall issue an elk carcass tag to each person  
21 and organization who is issued an elk hunting license under this section.

22 (7) BACK TAG. (a) The department shall issue a back tag to each person and  
23 organization who is issued an elk hunting license under this section.

**BILL**

1 (b) No person may hunt elk unless there is attached to the center of the person's  
2 coat, shirt, jacket, or similar outermost garment where it can be clearly seen, the  
3 back tag issued to the person under par. (a).

4 <sup>84n</sup> SECTION ~~13~~ 29.204 of the statutes is amended to read:

5 **29.204 Nonresident annual small game hunting license.** A nonresident  
6 annual small game hunting license shall be issued subject to s. 29.024 by the  
7 department to any nonresident applying for this license. The nonresident annual  
8 small game hunting license authorizes the hunting of small game during the  
9 appropriate open season but does not authorize the hunting of deer, elk, bear, wild  
10 turkey, or fur-bearing animals.

11 <sup>84nb</sup> SECTION ~~14~~ 29.207 of the statutes is amended to read:

12 **29.207 Nonresident 5-day small game hunting license.** A nonresident  
13 5-day small game hunting license shall be issued subject to s. 29.024 by the  
14 department to any nonresident applying for this license. The nonresident 5-day  
15 small game hunting license authorizes the hunting of small game for which there is  
16 an open season during the 5-day period for which it is issued but does not authorize  
17 the hunting of deer, elk, bear, wild turkey, or fur-bearing animals.

18 <sup>84nd</sup> SECTION ~~15~~ 29.213 of the statutes is amended to read:

19 **29.213 Nonresident fur-bearing animal hunting license.** A nonresident  
20 fur-bearing animal hunting license shall be issued subject to s. 29.024 by the  
21 department to any nonresident applying for this license. The nonresident  
22 fur-bearing animal hunting license authorizes the hunting of skunk, raccoon, fox,  
23 weasel, opossum, coyote, bobcat and cougar during the appropriate open season but  
24 does not authorize the hunting of other fur-bearing animals, other small game, deer,  
25 elk, or bear.

**BILL**

1                    <sup>§4nf</sup>  
SECTION 16. 29.216 (2) of the statutes is amended to read:

2                    29.216 (2) AUTHORIZATION. The nonresident archer hunting license authorizes  
3 the hunting of all game, except bear, elk, wild turkey, and fur-bearing animals,  
4 during the open season for the hunting of that game with a bow and arrow. This  
5 license authorizes hunting with a bow and arrow only unless hunting with a  
6 crossbow is authorized by a Class A, Class B, or Class C permit issued under s.  
7 29.193 (2).

8                    <sup>§4nh</sup>  
SECTION 17. 29.314 (3) (title) of the statutes is amended to read:

9                    29.314 (3) (title) SHINING DEER, ELK, OR BEAR WHILE HUNTING OR POSSESSING  
10 WEAPONS PROHIBITED.

11                   <sup>§4nj</sup>  
SECTION 18. 29.314 (3) (a) of the statutes is amended to read:

12                    29.314 (3) (a) *Prohibition*. No person may use or possess with intent to use a  
13 light for shining deer, elk, or bear while the person is hunting deer, elk, or bear or in  
14 possession of a firearm, bow and arrow, or crossbow.

15                    <sup>§4nm</sup>  
SECTION 19. 29.347 (title) of the statutes is amended to read:

16                    29.347 (title) **Possession of deer and elk; heads and skins.**

17                   <sup>§4np</sup>  
SECTION 20. 29.347 (2) of the statutes is amended to read:

18                    29.347 (2) DEER OR ELK CARCASS TAGS. Except as provided under sub. (5) and s.  
19 29.324 (3), any person who kills a deer shall immediately attach to the ear or antler  
20 of the deer a current validated deer carcass tag which is authorized for use on the  
21 type of deer killed. Any person who kills an elk shall immediately attach to the ear  
22 or antler of the elk a current validated elk carcass tag. Except as provided under sub.  
23 (2m) or s. 29.871 (7), (8), or (14) or 29.89 (6), no person may possess, control, store,  
24 or transport a deer carcass unless it is tagged as required under this subsection.  
25 Except as provided under sub. (2m), no person may possess, control, store, or

## BILL

1 transport an elk carcass unless it is tagged as required under this subsection. A  
 2 person who kills a deer or elk shall register the deer or elk in the manner required  
 3 by the department. The carcass tag may not be removed before registration. The  
 4 removal of a carcass tag from a deer or elk before registration renders the deer or elk  
 5 untagged.

6 <sup>8Ang</sup> SECTION ~~21~~. 29.347 (2m) (a) of the statutes is amended to read:

7 29.347 (2m) (a) A deer carcass tag attached under sub. (2) and a registration  
 8 tag attached by the department or a car kill tag attached under sub. (5) may be  
 9 removed from a gutted carcass at the time of butchering, but the person who killed  
 10 or obtained the deer or elk shall retain all tags until the meat is consumed.

11 <sup>8Ans</sup> SECTION ~~22~~. 29.347 (2m) (b) of the statutes is amended to read:

12 29.347 (2m) (b) Any person who retains a tag under par. (a) may give deer or  
 13 elk meat to another person. The person who receives the gift of deer or elk meat is  
 14 not required to possess a tag.

15 <sup>8Ant</sup> SECTION ~~23~~. 29.347 (3) of the statutes is amended to read:

16 29.347 (3) HEADS AND SKINS. The head and skin of any deer or elk lawfully  
 17 killed, when severed from the rest of the carcass, are not subject to this chapter; but  
 18 no person shall may have possession or control of the green head or green skin of a  
 19 deer or elk during the period beginning 30 days after the close of the ~~open deer~~  
 20 applicable season and the opening of the succeeding applicable season, ~~or.~~ Unless  
 21 authorized by the department, no person may at any time have possession or control  
 22 of a deer or elk head in the velvet, or a deer or elk skin in the red, blue, or spotted coat.

23 <sup>8Anu</sup> SECTION ~~24~~. 29.347 (4) of the statutes is amended to read:

24 29.347 (4) ANTLERS REMOVED OR BROKEN. Any deer ~~taken during an open season~~  
 25 ~~for hunting antlered deer only or for hunting antlerless deer only~~ from which the



**BILL**

1 antlers have been removed, broken, shed, or altered so as to make determination of  
2 the legality of the deer impossible is an illegal deer if the deer is taken during an open  
3 season for hunting only antlered deer or during an open season for hunting only  
4 antlerless deer. Any elk from which the antlers have been removed, broken, shed,  
5 or altered so as to make determination of the legality of the elk impossible is an illegal  
6 elk if the elk is taken during an open season for hunting only antlered elk or during  
7 an open season for hunting antlerless elk.

8 SECTION <sup>84nv</sup>~~25~~. 29.347 (6) of the statutes is repealed.

9 SECTION <sup>84p</sup>~~26~~. 29.361 (title) of the statutes is amended to read:

10 **29.361 (title) Transportation of deer or elk.**

11 SECTION <sup>84pd</sup>~~27~~. 29.361 (1) of the statutes is amended to read:

12 29.361 (1) No common carrier may receive for transportation or transport or  
13 attempt to transport any deer or elk or the carcass of any deer or elk except as  
14 provided in this section.

15 SECTION <sup>84pr</sup>~~28~~. 29.361 (2) of the statutes is amended to read:

16 29.361 (2) Any person may transport a lawfully taken deer or elk if it is properly  
17 tagged and registered, except as otherwise provided by rule during the open season  
18 for deer or elk and for 3 days thereafter.

19 SECTION <sup>84pt</sup>~~29~~. 29.361 (2m) of the statutes is amended to read:

20 29.361 (2m) Any person may transport an antlerless deer killed under the  
21 authority of his or her hunter's choice, bonus, or other deer hunting permit on any  
22 highway, as defined s. 340.01 (22), in order to register the deer in the deer  
23 management area where the deer deer was killed or in an adjoining management  
24 area.

25 SECTION <sup>84pv</sup>~~30~~. 29.361 (5) of the statutes is amended to read:

## BILL

1 29.361 (5) This section does not apply to a person who has a valid taxidermist  
2 permit and who is transporting, attempting to transport, or receiving the carcass of  
3 a deer or elk in connection with his or her business.

4 SECTION <sup>S4px</sup>31. 29.361 (6) of the statutes is repealed.

5 SECTION <sup>S4rb</sup>32. 29.539 (1) (a) 1. of the statutes is amended to read:

6 29.539 (1) (a) 1. Deer, elk, bear, squirrel, game bird, game fish, or the carcass  
7 of any of these wild animals at any time.

8 SECTION <sup>S4rd</sup>33. 29.541 (1) (a) 1. of the statutes is amended to read:

9 29.541 (1) (a) 1. The meat of any deer, elk, bear, squirrel, game bird, or game  
10 fish taken from inland waters at any time.

11 SECTION <sup>S4rf</sup>34. 29.553 (1) (hm) of the statutes is created to read:

12 29.553 (1) (hm) Elk hunting license.

13 SECTION <sup>S4rh</sup>35. 29.563 (2) (a) 5m. of the statutes is created to read:

14 29.563 (2) (a) 5m. Elk: ~~\$39.25~~ <sup>\$99.25</sup>.

15 SECTION <sup>S4rx</sup>36. 29.563 (2) (b) 3m. of the statutes is created to read:

16 29.563 (2) (b) 3m. Elk: ~~\$498.25~~ <sup>\$199.25</sup>.

17 SECTION <sup>S4rm</sup>37. 29.563 (12) (a) 5. of the statutes is created to read:

18 29.563 (12) (a) 5. Elk: ~~\$24.25~~ <sup>\$12.25</sup>.

19 SECTION <sup>S4rp</sup>38. 29.563 (14) (a) 3. of the statutes is created to read:

20 29.563 (14) (a) 3. The processing fee for applications for elk hunting licenses:

21 ~~\$2.75~~  
~~\$9.75.~~

22 SECTION <sup>S4rr</sup>39. 29.563 (14) (c) 3. of the statutes is amended to read:

23 29.563 (14) (c) 3. Each application for a hunter's choice permit, bonus deer  
24 hunting permit, elk hunting license, wild turkey hunting license, Canada goose  
25 hunting permit, sharp-tailed grouse hunting permit, bobcat hunting and trapping

**BILL**

1 permit, otter trapping permit, fisher trapping permit, or sturgeon fishing permit: 25  
2 cents.

3 *SART*  
SECTION 40. 29.567 of the statutes is created to read:

4 **29.567 Voluntary contributions; elk research.** (1) Any applicant for an  
5 elk hunting license under s. 29.182 may, in addition to paying any fee charged for the  
6 license, elect to make a voluntary contribution of at least \$1 to be used for elk  
7 research.

8 (2) All moneys collected under sub. (1) shall be credited to the appropriation  
9 account under s. 20.370 (1) (hq).

10 *Steb*  
SECTION 41. 29.595 of the statutes is created to read:

11 **29.595 Elk hunter education program.** (1) **ESTABLISHMENT.** The  
12 department shall establish and conduct an elk hunter education program.

13 (2) **INSTRUCTION.** The elk hunter education program shall provide a course of  
14 instruction that includes all of the following:

- 15 (a) History and recovery of elk in this state and the eastern United States.  
16 (b) Elk census and population estimation methods used in this state.  
17 (c) Elk biology and disease prevention.  
18 (d) Elk hunting techniques and hunter ethics.  
19 (e) Elk hunting zones.  
20 (f) Rules promulgated by the department concerning elk hunting.  
21 (g) Native American hunting.

22 (3) **CERTIFICATE OF ACCOMPLISHMENT.** (a) The department shall issue a  
23 certificate of accomplishment to a person who successfully completes the course of  
24 instruction under the elk hunter education program.

**BILL**

1 (b) Except as provided in par. (c), no person may be issued an elk hunting license  
2 unless he or she holds a valid certificate of accomplishment issued under this  
3 subsection.

4 (c) A person may be issued an elk hunting license if the person holds evidence  
5 that demonstrates to the satisfaction of the department that he or she has  
6 successfully completed in another state or province an elk hunter education course  
7 and if the course is recognized by the department under a reciprocity agreement with  
8 that state or province.

9 (4) FEE PROHIBITED. The department may not charge a fee for the course of  
10 instruction or the certificate of accomplishment. ~~✗~~

11 ~~SECTION 42. 29.867 (1) of the statutes is renumbered 29.867 (1g) and amended~~  
12 ~~to read:~~

13 ~~29.867 (1g) The owner or lessee of lands suitable for the breeding and~~  
14 ~~propagating of game, birds or game animals may, upon complying with this section,~~  
15 ~~establish and maintain a game bird and animal farm for the purpose of breeding,~~  
16 ~~propagating, killing, and selling game birds and game animals. All waterfowl bred,~~  
17 ~~propagated, or held on a game bird and animal farm shall be enclosed within a~~  
18 ~~covered enclosure by the licensee throughout the open season for hunting waterfowl~~  
19 ~~in the state as required by the department.~~

20 ~~SECTION 43. 29.867 (1b) of the statutes is created to read:~~

21 ~~29.867 (1b) "Game animal" does not include elk.~~

22 ~~SECTION 44. 29.867 (2m) of the statutes is amended to read:~~

23 ~~29.867 (2m) If the applicant is the owner or lessee of the lands land, the land~~  
24 ~~is suitable for the breeding and propagating of game birds and game animals, and~~  
25 ~~the applicant intends in good faith to establish and maintain a game bird and animal~~

**BILL**

1 farm, the department shall issue a license to the applicant. The license shall describe  
2 the ~~lands~~ land and shall authorize the licensee to breed, propagate, kill, and sell the  
3 game birds and game animals that are on the ~~lands~~ land described in the license.

4 **SECTION 45.** 29.867 (3) of the statutes is amended to read:

5 29.867 (3) Upon issuance, subject to s. 29.024 (2g) and (2r), of the license, the  
6 department shall appoint one person, the licensee shall appoint one person, and  
7 these 2 appointees shall select a 3rd person, to determine as accurately as possible  
8 the number of ~~wild~~ game birds and game animals of the desired species on the land  
9 at the time of the issuing of the license. The necessary expenses of these persons shall  
10 be paid by the licensee. Within 30 days after the date of the determination as  
11 approved by the department, the licensee shall pay to the department a specified sum  
12 determined by the department for those species of ~~wild~~ game birds and game animals  
13 on the licensed premises that are desired for propagation purposes, the title of which  
14 is in the state.

15 **SECTION 46.** 29.867 (3g) of the statutes is amended to read:

16 29.867 (3g) When the payment under sub. (3g) has been made, the licensee  
17 shall become the owner of all game birds or game animals of the species licensed and  
18 of all of their offspring actually produced and remaining on the licensed premises,  
19 subject to the jurisdiction of the department over all game bird and animals.

20 **SECTION 47.** 29.867 (5) of the statutes is amended to read:

21 29.867 (5) A game bird and animal farm license is prima facie evidence of the  
22 right of the licensee or the licensee's successors or assigns, during the term of the  
23 license, to establish and maintain a game bird and animal farm on the licensed  
24 premises, and entitles the licensee, or the licensee's successors or assigns, during the  
25 term of the license, to the exclusive right to breed and propagate game birds and

**BILL**

1 game animals on the licensed premises, and to the exclusive ownership of game birds  
2 and game animals taken on the licensed premises.

3 **SECTION 48.** 29.867 (6) (a) of the statutes is amended to read:

4 29.867 (6) (a) The game animals and game birds and ~~animals~~, except  
5 waterfowl, may be taken at any time in any manner, subject to s. 29.314, by any  
6 person who is lawfully entitled to hunt on the licensed premises, except that such a  
7 person hunting on the licensed premises is not required to hold a hunting license.  
8 Waterfowl may only be taken under rules promulgated by the department governing  
9 the hunting of waterfowl, except that upon written application the department may  
10 authorize the taking of hand-reared mallards at any time within the boundaries of  
11 a licensed game bird and animal farm in numbers not to exceed those liberated or  
12 propagated when the department determines that only mallards liberated or  
13 propagated by the licensee will be taken on licensed premises. The applicant shall  
14 certify to the department that mallards liberated or propagated for hunting were  
15 produced and reared in captivity and are more than 2 generations removed from the  
16 wild. Hand-reared mallards may not be released for hunting purposes unless the  
17 mallards have first been identified as the department directs. Mallards confined to  
18 wholly enclosed pens or buildings may be taken within such pens or buildings at any  
19 time and in any numbers.

20 **SECTION 49.** 29.867 (6) (b) of the statutes is amended to read:

21 29.867 (6) (b) No game bird or game animal or mallards killed on the licensed  
22 premises and no live game bird or game animal or mallards to be consumed as food  
23 may be removed from the premises until there has been securely fastened to each  
24 game bird or game animal a band or tag furnished by the department to the licensee  
25 at cost. The band or tag shall remain attached to the game bird or game animal until

**BILL**

1 prepared for consumption. Live game birds and game animals may be sold or  
 2 transported. Each container carrying such live game birds or game animals shall  
 3 have attached to it a band or tag furnished by the department. Live game birds or  
 4 game animals acquired from the licensee to be consumed as food may not be kept  
 5 alive by any person beyond 48 hours from the time that the game birds or game  
 6 animals were acquired from the licensee.

7 **SECTION 50.** 29.867 (6) (c) of the statutes is amended to read:

8 29.867 (6) (c) Whenever any game bird or game animal from a game bird and  
 9 animal farm is consumed for food, the band or tag attached to the game bird or game  
 10 animal shall be kept until the bird or animal is consumed.

11 **SECTION 51.** 29.867 (7) of the statutes is amended to read:

12 29.867 (7) Any person other than the licensee, or a person authorized by the  
 13 licensee, who hunts game birds or game animals on the licensed premises is liable  
 14 to the licensee in the sum of \$100, in addition to all damage which the person does  
 15 to the game birds or game animals, but any action to recover damages shall be  
 16 brought by the licensee.

17 **SECTION 52.** 29.871 (1) of the statutes is renumbered 29.871 (1g).

18 **SECTION 53.** 29.871 (1b) of the statutes is created to read:

19 29.871 (1b) In this section, "deer" means any type of deer except for elk and  
 20 farm-raised deer.

21 ~~**SECTION 54.** 29.871 (1m) of the statutes is repealed.~~

22 <sup>845d</sup>  
**SECTION 55.** 29.875 (title) of the statutes is amended to read:

23 **29.875 (title) Disposal of escaped deer or elk.**

24 <sup>845f</sup>  
**SECTION 56.** 29.875 (1) of the statutes is renumbered 29.875 (1r).

25 <sup>845g</sup>  
**SECTION 57.** 29.875 (1g) of the statutes is created to read:

## BILL

1 29.875 (1g) In this section, "deer" means any species of deer.

2 <sup>§45x</sup> SECTION 58. 29.875 (2) of the statutes is amended to read:

3 29.875 (2) Notwithstanding sub. (1) (1r), the department may dispose of the  
4 deer immediately if the department of agriculture, trade and consumer protection  
5 determines that the deer poses a risk to public safety or to the health of other  
6 domestic or wild animals.

7 SECTION 59. 29.877 (2) (a) of the statutes is amended to read:

8 29.877 (2) (a) "Wild animal" means any mammal, fish, or bird of a wild nature  
9 as distinguished from domestic animals under the common law or under the statutes  
10 whether or not the mammal, fish, or bird was bred or reared in captivity, but does not  
11 include farm-raised deer of the genus dama, cervus or rangifer or farm-raised fish.

12 SECTION 60. 29.877 (2g) of the statutes is created to read:

13 29.877 (2g) This section does not apply to farm-raised deer.

14 SECTION 61. 29.877 (5m) of the statutes is created to read:

15 29.877 (5m) No person may exhibit an elk in a wildlife exhibit.

16 <sup>§45m</sup> SECTION 62. 29.889 (1) (f) of the statutes is created to read:

17 29.889 (1) (f) Elk, if the department has promulgated a rule that establishes  
18 a season for hunting elk.

19 <sup>§45p</sup> SECTION 63. 29.921 (7) of the statutes is amended to read:

20 29.921 (7) DOGS INJURING WILDLIFE. A warden may kill a dog found running,  
21 injuring, causing injury to, or killing, any deer, other than farm-raised deer or elk,  
22 or destroying game birds, their eggs, or nests, if immediate action is necessary to  
23 protect the deer, elk, or game birds, their nests or eggs, from injury or death.

24 <sup>§45r</sup> SECTION 64. 29.927 (8) of the statutes is amended to read:



## BILL

1           29.927 (8) Any dog found running deer, ~~except farm-raised deer, or elk~~ at any  
2 time, or used in violation of this chapter.

3           <sup>84 ST</sup> SECTION ~~65~~ 29.934 (1) (e) of the statutes is amended to read:

4           29.934 (1) (e) This subsection does not apply to a deer killed, or so injured that  
5 it must be killed, by a collision with a motor vehicle on a highway. ~~For purposes of~~  
6 ~~this subsection, "deer" does not include farm-raised deer.~~ "

# Page 30, line 3 after that line insert:  
7           \1 SECTION ~~66~~ 29.971 (3m) of the statutes is amended to read:

8           <sup>86g</sup> 29.971 (3m) For unlawfully hunting a moose ~~or an elk~~, by a forfeiture of not  
9 less than \$1,000 nor more than \$2,000 and the mandatory revocation of all hunting  
10 approvals issued to the person. In addition, no hunting approval may be issued to  
11 the person for the time period specified by the court. The time period specified shall  
12 be not less than 3 years nor more than 5 years following the date of conviction under  
13 this subsection.

14           <sup>86r</sup> SECTION ~~67~~ 29.971 (11g) of the statutes is created to read:

15           29.971 (11g) (a) For hunting elk without a valid elk hunting license, for  
16 possessing an elk that does not have an elk carcass tag attached, for possessing an  
17 elk during the closed season, by a fine of not less than \$1,000 nor more than \$15,000  
18 or by imprisonment for not more than 6 months or both for the first violation, or by  
19 a fine of not more than \$20,000 or imprisonment for not more than one year or both  
20 for any subsequent violation. In addition, the court shall revoke all hunting and  
21 trapping approvals issued to the person under this chapter and shall prohibit the  
22 issuance of any new hunting and trapping approvals under this chapter to the person  
23 for 5 years.

24           (b) Except as provided under par. (a), for the violation of any provision of this  
25 chapter or rules promulgated under this chapter relating to elk hunting or to the

**BILL**

1 violation of an elk carcass tag or registration of an elk, by a forfeiture of not more than  
2 \$5,000.

*#* *Page 30, line 17: after that line insert:*

*88b*  
SECTION ~~68~~ 29.977 (1) (am) of the statutes is created to read:

29.977 (1) (am) Any elk, \$2,000.

*88c*  
SECTION ~~69~~ 29.977 (1) (b) of the statutes is amended to read:

29.977 (1) (b) Any moose, elk, fisher, prairie chicken, or sand hill crane,  
\$262.50.

*88d*  
SECTION ~~70~~ 29.977 (1) (m) of the statutes is amended to read:

29.977 (1) (m) Any game or fur-bearing animal or bird not mentioned in pars.  
(b) (am) to (h), \$17.50.

*88m*  
SECTION ~~71~~ 29.983 (1) (b) 1m. of the statutes is created to read:

29.983 (1) (b) 1m. Any elk, \$2,000.

*88n*  
SECTION ~~72~~ 29.983 (1) (b) 2. of the statutes is amended to read:

29.983 (1) (b) 2. For any moose, elk, fisher, prairie chicken, or sand hill crane,  
\$262.50.

*88p*  
SECTION ~~73~~ 29.983 (1) (b) 13. of the statutes is amended to read:

29.983 (1) (b) 13. For any game or fur-bearing animal or bird not mentioned  
in subds. ~~2.~~ 1m. to 8., \$17.50. *"*

(END)

**2001-2002 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBb2460/lins  
MCG:.....

**Insert 6-17**

(b) In issuing resident elk hunting licenses and nonresident elk hunting licenses under this section, the department shall determine the number of licenses it will issue in a given elk hunting season and shall allocate the licenses to residents and nonresidents in the following manner:

1. If the total number of licenses to be issued is 100 licenses or less, the licenses shall be allocated for issuance only as resident elk hunting licenses.

2. If the number of licenses to be issued is more than 100 licenses, the first 100 licenses and 50% of the amount over 100 shall be allocated for issuance as resident elk hunting licenses and the remaining licenses shall be allocated for issuance as nonresident elk hunting licenses.

(c) If the number of applicants for resident elk hunting licenses exceeds the number of resident elk hunting licenses that are available under par. (b), the department shall select at random the residents to be issued the licenses. If the number of applicants for resident elk hunting licenses is less than the number of resident elk hunting licenses available under par. (b), the department shall reallocate the unissued licenses to be issued as nonresident elk hunting licenses under par. (d).

(d) If the number of applicants for nonresident elk hunting licenses exceeds the number of nonresident elk hunting licenses that are available under par. (b), the department shall select at random the nonresidents to be issued the licenses. If the number of applicants for nonresident elk hunting licenses is less than the number

of nonresident elk hunting licenses available under par. (b), the department shall reallocate the unissued licenses to be issued as resident elk hunting licenses.

(e) In addition to any other elk hunting license that the department issues under this subsection, the department shall issue one resident elk hunting license in an elk hunting season to an organization known as the Rocky Mountain Elk Foundation if the organization applies for the license for that season and pays the required fees for the license. The organization may apply for the license only during the first 5 elk hunting seasons for which licenses are issued under this section.

(f) The organization known as the Rocky Mountain Elk Foundation shall do one of the following with a license that is issued under par. (e):

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBb2460/1dn  
MGG:Amh

*Date*

1. Do you want to make the fee for a duplicate elk license the same as the fee for a duplicate bear license? See s. 29.563 (12) (a) 4.
2. Please review s. 29.182 (4) (f) to make sure it complies with the caucus' intent.
3. Under s. 29.182 (4) (b), (c), and (d), the total number of elk hunting licenses are made available for issuance except in the case where there are 100 or less licenses being issued and they are not all applied for by residents. As drafted, the licenses not applied for by residents would not be available for issuance to nonresidents. OK?

Mary Gibson-Glass  
Senior Legislative Attorney  
Phone: (608) 267-3215

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBb2460/1dn  
MCG:hmh:pg

March 12, 2002

1. Do you want to make the fee for a duplicate elk license the same as the fee for a duplicate bear license? See s. 29.563 (12) (a) 4.
2. Please review s. 29.182 (4) (f) to make sure it complies with the caucus' intent.
3. Under s. 29.182 (4) (b), (c), and (d), the total number of elk hunting licenses are made available for issuance except in the case where there are 100 or less licenses being issued and they are not all applied for by residents. As drafted, the licenses not applied for by residents would not be available for issuance to nonresidents. OK?

Mary Gibson-Glass  
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Phone: (608) 267-3215