

### 2001 DRAFTING REQUEST

#### Bill

Received: 11/15/2000

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: Administration-Budget

By/Representing: Grinde

This file may be shown to any legislator: NO

Drafter: rkite

May Contact:

Alt. Drafters: gibsom

Subject: Nat. Res. - fish and game

Extra Copies:

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#### Pre Topic:

DOA:.....Grinde -

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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>
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		1/2 WLj 12/13					
			12/14	12/14			

FE Sent For:

12/14 **END** 12/14



## **2001-2003 Statutory Language Proposals**

Division: LAND

Bureau: WILDLIFE MANAGEMENT

Issue/Topic: ELK MANAGEMENT

Proposed Change: Statutory language will need to be created in Chapter 29 to provide for the potential of a hunting season for elk, including permits, fees, harvest quotas, season dates, and adding elk to the Wildlife Damage program. Specific, recommended language is currently being developed by the Department.

Explanatory Note: This proposal will allow the Department to establish in advance the regulatory framework for elk population control hunts at desired population goals, and to add elk to the Wildlife Damage Program. The Clam Lake herd will reach population levels by 2003 that would allow for limited bull-only hunting seasons, and may require population control hunts within 10 years.

Desired Effective Date: The effective date of the 2001 - 2003 biennial budget.

Contact Person: Eric Thompson, Bureau of Management & Budget, 266-8251, or Todd Peterson, Bureau of Wildlife Management, 267-2948.

## Gibson-Glass, Mary

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**From:** Thompson, Eric R  
**Sent:** Monday, November 13, 2000 9:11 AM  
**To:** Gibson-Glass, Mary  
**Cc:** Grinde, Kirsten; Felker-Donsing, Susan  
**Subject:** Elk Management Statutory Language proposal

Mary,

Attached is more specific guidance for the Department's 01-03 statutory language proposal for Elk Management, DI 5112. I hope this helps you prepare the requested draft language. If you have any questions, please let me know.



Stat Lan 01-03 Elk  
Mgmt 2.doc

Draft Statutory Changes Needed for Implementation of an Elk Hunting Season.

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

✓ **29.089 Hunting on land in state parks and state fish**

**hatcheries.** (1) Except as provided in sub. (3), no person may hunt or trap on land located in state parks or state fish hatcheries.

(2) Except as provided in sub. (3), no person may have in his or her possession or under his or her control a firearm on land located in state parks or state fish hatcheries unless the firearm is unloaded and enclosed within a carrying case.

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

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

*D-Note* **29.182 Elk licenses.** (1) DEFINITION. Notwithstanding s. 29.001 (42), in this section "hunt elk" means to shoot, shoot at, take, catch or kill an elk or pursue an elk for the purpose of shooting, shooting at, taking, catching or killing the elk. *Eric to check this is like def. re. bear why is it needed?*

(2) DEPARTMENT AUTHORITY. The department may regulate and limit the number of elk hunters and elk harvested in any area of the state.

(3) LICENSES REQUIRED. (a) No person may hunt elk in any area of the state unless they are a resident or non resident who has obtained an elk license, or they have obtained a removal permit under s.29.885. *leave out?*

*elsewhere* (b). No person may hunt elk in any area of the state without obtaining a certificate of accomplishment for successfully completing an elk education course under s. 29.595. *not cross referenced elsewhere*

*3* (c). No person may apply for an elk license without paying the elk license application fee under s. 29.653(15). *removal*

(4) License Issuance. (a). If the number of qualified applications for elk licenses exceeds the number of available licenses, minus licenses set aside under par. (c) the department shall select applicants to be issued elk licenses based upon a random drawing system. A person who successfully draws a bull license will be limited to the one license for as long as they live. A person who draws a cow license will be restricted from drawing either a bull or cow license for 5 years. *prod / elk cert. is addl. requirement no exempt.*

(b). The department shall issue a notice of approval to those qualified applicants selected to receive a elk license. A person who receives a notice of approval and who pays the required license fee shall be issued a elk license. *explain*

*wants new  
approval.*

✓ (5) Use of Fees. All fees received by the department under this section shall be credited to the appropriation under (xxxxxxxxxxxxxxxx)

✓ (6) Carcass Tag and Registration. (a). The department shall issue a elk carcass tag to each person who is issued an elk license. A person who kills an elk shall immediately validate and attach the carcass tag to the elk in the manner described by the department.

✓ (b). A person who kills an elk, shall transport and register the elk with the department in the manner described by department rule.

✓ (7) Back Tag. The department shall issue a back tag to each person who is issued an elk license. No person may hunt or pursue elk unless there is attached to the center of the person's coat, shirt, jacket or similar outermost garment where it can be clearly seen the back tag issued to the person under par. (a),

2. 29.563(15). Elk license. (a). License: \$100.00 (b). Application fee: \$10.00 ?

29.595 Elk Education Program. (1) Establishment Contents. (a) the department shall establish a elk hunter education program.

- ✓ (b). The elk education program shall proceed a course of instruction that includes the following:
1. History and recovery of elk in Wisconsin and the Eastern United States.
  2. Wisconsin's elk census methods and population estimation.
  3. Elk biology and disease prevention programs
  4. Elk hunting techniques and hunter ethics
  5. Wisconsin's elk hunting zones and rules and regulations.
  6. Guide requirements and native american hunting.

29.971.(11s) is created to read:

✓ 29.971 (11s). (a). Hunting , shooting, shooting at, taking, catching or possessing a elk without a valid elk license, or possessing a elk which does not have a carcass tag attached or possessing a elk during the closed season, by a fine of not less than \$3000.00 or more than \$15,000.00 or by imprisonment not more than 6 months or both for the first violation, and by a fine of not more than \$20,000.00 or imprisonment not more than one year or both for the any subsequent violation, and in addition, the court shall revoke all hunting and trapping approvals issued to the person under this chapter and shall prohibit issuance of any new hunting and trapping approvals under this chapter to the person for 5 years.

✓ (b). Except as provided under par. (a), for the violation of any provision of this chapter or rules promulgated under it relating to elk hunting or to the violation of a elk carcass tag or registration of a elk, by a forfeiture of not more than \$5,000.00.

**29.192 Regulation of takings of certain wild animals.**

✓ (4) The department may establish by rule closed zones where elk hunting is prohibited. The department may regulate and limit the number of hunters and the maximum harvest of elk in any elk hunting zone or any other area.

**29.216 Nonresident archer hunting license.**

✓ (1) **ISSUANCE.** A nonresident archer hunting license shall be issued subject to s. 29.024 by the department to any nonresident applying for this license.

(2) **AUTHORIZATION.** The nonresident archer hunting license authorizes the hunting of all game, except bear, elk, wild turkey 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 unless hunting with a crossbow is authorized by a Class A, Class B or Class C permit issued under s. 29.193 (2).

✓ **29.212 Nonresident elk hunting license. (1) ISSUANCE.** A nonresident elk hunting license shall be issued subject to s.29.024 by the department to any nonresident applying for this license.

(2) **AUTHORIZATION.** A nonresident elk hunting license authorizes the hunting of elk with gun or bow.

(3) **ELK TAG AND BACK TAG.** The department shall issue to each person who is issued a nonresident elk hunting license an elk tag and a back tag.

**29.301 General restrictions on hunting. (1) HUNTING**

✓ (2) **COLOR OF CLOTHING.** In the areas in which there is a season for the hunting of deer or elk with firearms, no person may hunt any game except waterfowl during that season unless at least 50% of each article of the person's outer clothing above the waist, including a cap, hat or other head covering, is of a highly visible color commonly referred to as hunter orange, blaze orange, fluorescent orange, flame orange or fluorescent blaze orange. Any person violating this subsection shall forfeit not more than \$10.

✓ (3) **BACK TAG, DISPLAY.** No person may hunt deer or elk unless the back tag issued to the person with the license authorizing deer hunting is attached to the center of the person's coat, shirt, jacket or similar outermost garment where it can clearly be seen.

*D-Note*  
*elk?*  
**29.314 Shining animals. (1) DEFINITION**

3) **SHINING DEER, ELK, OR BEAR WHILE HUNTING OR POSSESSING WEAPONS PROHIBITED.** (a) *Prohibition.* No person may use or possess with intent to use a light for shining deer or bear while the person is hunting deer, elk or bear or in possession of a firearm, bow and arrow or crossbow.

✓ **29.361 Transportation of deer or elk.** (1) No common carrier may receive for transportation or transport or attempt to transport any deer or elk or carcass except as provided in this section.

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

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

(3) The place of delivery of any shipment authorized under this section by a resident shall be within the state and by a nonresident shall be either within the state or at his or her residence outside the state.

(4) This section does not apply to a bona fide public zoo.

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

(6) This section does not apply to the transportation of farm raised deer.

**29.539 Sale of game or fish. (1) (a)** Except as otherwise expressly provided under this chapter, no person may sell, buy, barter or trade, or offer to sell, buy, barter or trade or have in possession or under control for the purpose of sale, barter or trade any of the following:

1. Deer, bear, elk squirrel, game bird, game fish or the carcass of any of these wild animals at any time.

2. Any other wild animal or its carcass during the closed season for that wild animal.

(b) This subsection applies whether the wild animals listed under par. (a) were lawfully or unlawfully taken within or without the state.

(1m) Subsection (1) does not apply to farm raised deer or elk or farm-raised elk

don't need if elk is part of def. of white-tailed deer

**29.541 Serving of game to guests. (1) PROHIBITION. (a)** No innkeeper, manager or steward of any restaurant, club, hotel, boarding house, tavern, logging camp or mining camp may sell, barter, serve or give, or cause to be sold, bartered, served or given, to its guests or boarders any of the following:

1. The meat of any deer, bear, elk, squirrel, game bird or game fish taken from inland waters at any time.

**29.563 Fee schedule. (1) GENERAL.** Unless specifically provided otherwise in this chapter, a person who applies for an approval shall pay the applicable fees specified in subs. (2) to (14).

(2) HUNTING APPROVALS. The fees for hunting approvals are as follows:

(a) *Resident licenses.* 1. Small game: \$12.25.

2. Small game issued to a resident senior citizen: \$5.25.

3. Small game issued to a member of the armed forces under s. 29.194 (3): \$0.

4. Small game issued to 12-year-olds to 17-year-olds: \$6.25

5. Deer: \$18.25.

6. Class A bear: \$39.25.

7. Class B bear: \$6.25.

8. Archer: \$18.25.

9. Wild turkey: \$9.25.

10. Elk: \$100.00

(b) *Nonresident licenses.* 1. Annual small game: \$73.25.

2. Five-day small game: \$41.25.

3. Deer: \$133.25.

4. Class A bear: \$199.25.

5. Class B bear: \$98.25.

6. Archer: \$133.25.

7. Fur-bearing animal: \$148.25.

8. Wild turkey: \$53.25.

9. Elk: \$500.00

(14) (a) *Processing fee.* 1. The processing fee for applications for approvals under the cumulative preference systems for the hunter's choice deer hunting permit, bonus deer hunting permit, wild

turkey hunting license, Class A bear license, Canada goose hunting permit, sharp-tailed grouse hunting permit, bobcat hunting and trapping permit, otter trapping permit, fisher trapping permit or sturgeon fishing permit: \$2.75.

✓ 2. Joint application for a hunters choice deer hunting permit and a bonus deer hunting permit: \$2.75.

3. The processing fee for applications for approvals under the elk hunting license: \$10.00

**29.565 Voluntary contributions; Elk research.**

✓ (1) Any applicant for a elk hunting license under s. 29.563 (3) (a) to (c) may, in addition to paying any fee charged for the license, elect to make a voluntary \$1 contribution to be used for elk research.

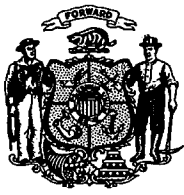
✓ (2) All moneys collected under sub. (1) shall be deposited into the account under s. 20.370 (3) (is). (Check this number) 7  
0

✓ **29.875 Disposal of escaped deer or elk.** (1) The department may seize and dispose of or may authorize the disposal of any deer or elk that has escaped from land licensed under s. 29.867 or 29.871 or owned by a person registered under s. 95.55 if the escaped deer has traveled more than 3 miles from the land or if the licensee or person has not had the deer or elk returned to the land within 72 hours of the discovery of the escape.

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

**29.889 (f) is created to read:**

✓ (f) elk if hunting of elk is authorized by the department.



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-1025/P1

RNK.../.....  
Wlj

D-Note (Tues noon)

DOA:.....Grinde - Regulation of elk hunting

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

DO NOT  
GEN CAT

1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

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

3 20.370 (1) (hq) *Elk hunting fees*. All moneys received from the sale of elk  
4 hunting licenses under s. 29.182 and from voluntary contributions under s. 29.565  
5 to be used for administering elk hunting licenses and for elk management and research  
6 activities.

7 SECTION 2. 29.001 (20) of the statutes is created to read:

8 29.001 (20) "Deer" means white-tailed deer and does not include farm-raised  
9 deer.

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1 SECTION 3. 29.047 (1m)<sup>1</sup> of the statutes is amended to read:

2 29.047 (1m) Unless prohibited by the laws of an adjoining state, any person  
3 who has lawfully killed a deer or an elk in this state may take the deer or elk or its  
4 carcass into the adjoining state and ship the deer or elk or carcass from any point in  
5 the adjoining state to any point in this state.

History: 1985 a. 29; 1991 a. 269, 316; 1995 a. 79; 1997 a. 21; 1997 a. 248 ss. 95, 96, 518 to 521; Stats. 1997 s. 29.047.

6 SECTION 4. 29.089 (3)<sup>1</sup> of the statutes is amended to read:

7 29.089 (3) A person may hunt deer, elk, wild turkeys or small game in a state  
8 park, or in a portion of a state park, if the department has authorized by rule the  
9 hunting of that type of game in the state park, or in the portion of the state park, and  
10 if the person holds the approvals required under this chapter for hunting that type  
11 of game.

History: 1989 a. 214; 1997 a. 237; 1997 a. 248 s. 599; Stats. 1997 s. 29.089.

12 SECTION 5. 29.161<sup>1</sup> of the statutes is amended to read:

13 29.161 Resident small game hunting license. A resident small game  
14 hunting license shall be issued subject to s. 29.024 by the department to any resident  
15 applying for this license. The resident small game hunting license does not authorize  
16 the hunting of bear, deer, elk, or wild turkey.

History: 1973 c. 90 s. 538; 1973 c. 315; 1979 c. 34; 1983 a. 27; 1991 a. 39; 1997 a. 27; 1997 a. 248 s. 193; Stats. 1997 s. 29.161.

17 SECTION 6. 29.182 of the statutes is created to read:

18 29.182 Elk hunting licenses. (1) DEPARTMENT AUTHORITY. The department  
19 may regulate <sup>and issue elk hunting licenses and may</sup> ~~and~~ limit the number of elk hunters and elk harvested in any area of  
20 the state <sup>IF the department regulates elk hunting, it may require</sup> ~~and~~ may establish by rule closed zones where elk hunting is prohibited.  
<sup>The department</sup>

21 (2) LICENSE. No person may hunt elk in this state unless the person has been  
22 issued a resident or nonresident elk hunting license by the department.

23 <sup>who applies for under this section</sup> APPLICATION. A person ~~seeking to obtain~~ an elk hunting license shall ~~submit~~  
24 ~~an application to the department together with the applicable fees under s. 29.553~~ <sup>submit</sup>  
~~an application to the department together with the applicable fees under s. 29.553~~  
<sup>shall pay the processing fee</sup>

Ⓟ(3)

1 AUTHORIZATION. (a) *Resident elk hunting license.* A resident elk hunting  
2 license authorizes a resident of this state to hunt elk with a firearm or with a bow  
3 and arrow.

4 (b) *Nonresident elk hunting license.* A nonresident elk hunting license  
5 authorizes a nonresident of this state to hunt elk with a firearm or with a bow and  
6 arrow.

*Subject to S.29.024(2g)*  
*who meets the requirements of this section*  
7 (5) ISSUANCE. (a) (The department shall issue to an applicant for a resident or  
8 nonresident elk hunting license either a bull license or a cow license. A person may receive  
9 only one ~~license~~ license in that person's lifetime. (A person who receives a cow license may not  
10 be issued either a bull license or another cow license until the expiration of 5 years from the  
11 date of the issuance of a previous ~~bull license or cow license.~~)

Insert  
3-11

12 (b) If the number of applicants for a resident elk hunting license exceeds the number  
13 of resident elk hunting licenses available, or if the number of applicants for a nonresident  
14 elk hunting license exceeds the number of nonresident elk hunting licenses available, the  
15 department shall select at random the ~~applicants~~ <sup>persons</sup> to be issued the licenses.

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16 (c) The department shall ~~notify~~ <sup>issue a notice of approval to</sup> each ~~applicant~~ <sup>person</sup> who is selected at random under par.  
17 (b) <sup>an elk hunting</sup> to be issued a license. The department shall issue a license to each ~~applicant~~ <sup>person</sup> who receives  
18 a notice <sup>of approval under this paragraph</sup> and who pays the ~~applicable~~ <sup>required for the license, subject to S.29.024</sup> fees.

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

21 (6) CARCASS TAG, REGISTRATION AND TRANSPORTATION. (a) The department shall  
22 issue an elk carcass tag to each person who is issued an elk hunting license under  
23 this section. A person who kills an elk shall immediately validate and attach the  
24 carcass tag to the elk in the manner required by the department.

1 (b) A person who kills an elk shall register and transport the elk in the manner  
2 required by the department.

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

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

\*\*\*\*NOTE: The elk hunting licenses under this draft authorize hunting with a  
firearm or with a bow and arrow. Do you also want to authorize a licensee to hunt with  
a crossbow? Also, please look closely at the language in proposed sub. (a). Is it  
consistent with your intent? 4

8 SECTION 7. 29.204 of the statutes is amended to read:

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

History: 1983 a. 27; 1991 a. 39; 1997 a. 27; 1997 a. 248 s. 270; Stats. 1997 s. 29.204.

15 SECTION 8. 29.207 of the statutes is amended to read:

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

History: 1983 a. 27; 1991 a. 39; 1997 a. 27; 1997 a. 248 s. 271; Stats. 1997 s. 29.207.

22 SECTION 9. 29.213 of the statutes is amended to read:

1           **29.213 Nonresident fur-bearing animal hunting license.** A nonresident  
2 fur-bearing animal hunting license shall be issued subject to s. 29.024 by the  
3 department to any nonresident applying for this license. The nonresident  
4 fur-bearing animal hunting license authorizes the hunting of skunk, raccoon, fox,  
5 weasel, opossum, coyote, bobcat and cougar during the appropriate open season but  
6 does not authorize the hunting of other fur-bearing animals, other small game, deer,  
7 elk, or bear.

8 History: 1983 a. 27; 1997 a. 27; 1997 a. 248 s. 276; Stats. 1997 s. 29.213.

8           **SECTION 10.** 29.216 (2) of the statutes is amended to read:

9           **29.216 (2) AUTHORIZATION.** The nonresident archer hunting license authorizes  
10 the hunting of all game, except bear, elk, wild turkey, and fur-bearing animals,  
11 during the open season for the hunting of that game with a bow and arrow. This  
12 license authorizes hunting with a bow and arrow only unless hunting with a  
13 crossbow is authorized by a Class A, Class B, or Class C permit issued under s. 29.193  
14 (2).

History: 1983 a. 27; 1985 a. 270; 1991 a. 39; 1997 a. 27; 1997 a. 248 ss. 277 to 280; Stats. 1997 s. 29.216; 1997 a. 249 s. 33; 1999 a. 32.

\*\*\*\*NOTE: Because this draft creates resident and nonresident elk hunting licenses which authorize a person to hunt elk with a firearm or with a bow and arrow, I have excluded elk from those animals that a person is authorized to hunt with a nonresident archer hunting license. Is this consistent with your intent?

*resident or a*

15           **SECTION 11.** 29.301 (2) of the statutes is amended to read:

16           **29.301 (2) COLOR OF CLOTHING.** In the areas in which there is a season for the  
17 hunting of deer or elk with firearms, no person may hunt any game except waterfowl  
18 during that season unless at least 50% of each article of the person's outer clothing  
19 above the waist, including a cap, hat, or other head covering, is of a highly visible color  
20 commonly referred to as hunter orange, blaze orange, fluorescent orange, flame

1 orange or fluorescent blaze orange. Any person violating this subsection shall forfeit  
2 not more than \$10.

History: 1975 c. 360, 365, 421; 1979 c. 39; 1997 a. 151; 1997 a. 248 s. 412; Stats. 1997 s. 29.301; 1999 a. 32.

3 SECTION 12. 29.314 (3) (title) of the statutes is amended to read:

4 29.314 (3) (title) SHINING DEER, ELK, OR BEAR WHILE HUNTING OR POSSESSING  
5 WEAPONS PROHIBITED.

History: 1979 c. 190; 1983 a. 27, 419, 538; 1987 a. 399; 1997 a. 1; 1997 a. 248 s. 438; Stats. 1997 s. 29.314; 1997 a. 249.

6 SECTION 13. 29.314 (3) (a) of the statutes is amended to read:

7 29.314 (3) (a) *Prohibition.* No person may use or possess with intent to use a  
8 light for shining deer, elk, or bear while the person is hunting deer, elk, or bear or in  
9 possession of a firearm, bow and arrow or crossbow.

Insert  
6-9

History: 1979 c. 190; 1983 a. 27, 419, 538; 1987 a. 399; 1997 a. 1; 1997 a. 248 s. 438; Stats. 1997 s. 29.314; 1997 a. 249.

10 SECTION 14. 29.361 (title) of the statutes is amended to read:

11 29.361 (title) **Transportation of deer or elk.**

History: 1979 c. 34; 1981 c. 111; 1985 a. 29; 1991 a. 269; 1995 a. 79; 1997 a. 248 s. 522; Stats. 1997 s. 29.361; 1997 a. 249 s. 37.

12 SECTION 15. 29.361 (1) of the statutes is amended to read:

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

History: 1979 c. 34; 1981 c. 111; 1985 a. 29; 1991 a. 269; 1995 a. 79; 1997 a. 248 s. 522; Stats. 1997 s. 29.361; 1997 a. 249 s. 37.

16 SECTION 16. 29.361 (2) of the statutes is amended to read:

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

History: 1979 c. 34; 1981 c. 111; 1985 a. 29; 1991 a. 269; 1995 a. 79; 1997 a. 248 s. 522; Stats. 1997 s. 29.361; 1997 a. 249 s. 37.

20 SECTION 17. 29.361 (2m) of the statutes is amended to read:

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

1 management area where the deer deer was killed or in an adjoining management  
2 area.

History: 1979 c. 34; 1981 c. 111; 1985 a. 29; 1991 a. 269; 1995 a. 79; 1997 a. 248 s. 522; Stats. 1997 s. 29.361; 1997 a. 249 s. 37.

3 SECTION 18. 29.361 (5) of the statutes is amended to read:

4 29.361 (5) This section does not apply to a person who has a valid taxidermist  
5 permit and who is transporting, attempting to transport or receiving the carcass of  
6 a deer or elk in connection with his or her business.

History: 1979 c. 34; 1981 c. 111; 1985 a. 29; 1991 a. 269; 1995 a. 79; 1997 a. 248 s. 522; Stats. 1997 s. 29.361; 1997 a. 249 s. 37.

7 SECTION 19. 29.539 (1) (a) 1. of the statutes is amended to read:

8 29.539 (1) (a) 1. Deer, elk, bear, squirrel, game bird, game fish or the carcass  
9 of any of these wild animals at any time.

History: 1973 c. 315, 333; 1975 c. 360; 1977 c. 418; 1985 a. 29, 272; 1987 a. 27, 42, 114; 1991 a. 39, 269; 1995 a. 79; 1997 a. 27; 1997 a. 248 ss. 539 to 545; Stats. 1997 s. 29.539.

10 SECTION 20. 29.541 (1) (a) 1. of the statutes is amended to read:

11 29.541 (1) (a) 1. The meat of any deer, elk, bear, squirrel, game bird or game  
12 fish taken from inland waters at any time.

History: 1975 c. 360; 1991 a. 269; 1995 a. 79; 1997 a. 27; 1997 a. 248 ss. 546 to 553; Stats. 1997 s. 29.541.

13 SECTION 21. 29.553 (1) (hm) of the statutes is created to read:

14 29.553 (1) (hm) Elk hunting license.

15 SECTION 22. 29.563 (2) (a) 5m. of the statutes is created to read:

16 29.563 (2) (a) 5m. Elk: ~~\$100~~ \$98.25

17 SECTION 23. 29.563 (2) (b) 3m. of the statutes is created to read:

18 29.563 (2) (b) 3m. Elk: ~~\$500~~ \$498.25

19 SECTION 24. 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 ~~\$10.00~~ \$9.25

22 SECTION 25. 29.565 of the statutes is created to read:

*Note: flow requested a processing fee of \$10.00. Instead, draft provides for a processing fee of \$9.25 so that with the 75 cent marking fee under 5.29.563 (c), state, the combined fee total \$10.00. Is this O.K.?*

Insert 7-6

Insert 7-9

Insert 7-12

1           **29.565 Voluntary contributions: elk research.** (1) Any applicant for an  
2 elk hunting license under s. 29.182<sup>↓</sup> may, in addition to paying any fee charged for the  
3 license, elect to make a voluntary \$1 contribution to be used for elk research.

4           (2) All moneys collected under sub. (1) shall be deposited in the appropriation  
5 account under s. 20.370 (1) (hq).<sup>↓</sup>

      \*\*\*\*NOTE: Please confirm that the correct appropriation is cross-referenced in this  
provision.

6           **SECTION 26.** 29.595<sup>↓</sup> of the statutes is created to read:

7           **29.595 Elk hunter education program.** (1) **ESTABLISHMENT.** The  
8 department shall establish an elk hunter education program.

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

11           (a) History and recovery of elk in this state and the eastern United States.

12           (b) Elk census and population estimation methods used in this state.

13           (c) Elk biology and disease prevention.

14           (d) Elk hunting techniques and hunter ethics.

15           (e) Elk hunting zones.

16           (f) Rules promulgated by the department concerning elk hunting.

17           (g) Guide requirements.

18           (h) Native American hunting.

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

22           (b) No person may be issued an elk hunting license unless he or she holds a valid  
23 certificate of accomplishment <sup>issued</sup> under this <sup>sub</sup> section.

\*\*\*\*NOTE: Proposed s. 29.595 (2) (g) needs clarification. <sup>To</sup> What type of guides and guide requirements does that provision refer to? Does the provision only apply to guides licensed under s. 29.512, stats, or to other guides? Also, how will the entire elk hunting education program be administered? Do you intend that the department provide the instruction? Do you want to authorize the department to enter into an agreement with anyone else to administer the program? Do you want the department to establish by rule a fee for the course of instruction? Do you want DNR to authorize the instructor to retain a percentage of the fee similar to the trapper education program?

Insert 9-1 →

1 SECTION 27. 29.875 (title) of the statutes is amended to read:

2 29.875 (title) **Disposal of escaped deer or elk.**

3 History: 1991 a. 269; 1995 a. 79; 1997 a. 248 s. 631; Stats. 1997 s. 29.875.

3 SECTION 28. 29.875 (1) of the statutes is amended to read:

4 29.875 (1) The department may seize and dispose of or may authorize the  
5 disposal of any deer or elk that has escaped from land licensed under s. 29.867 or  
6 deer that has escaped from land licensed under  
7 29.871 or owned by a person registered under s. 95.55 if the escaped deer or elk has  
8 traveled more than 3 miles from the land or if the licensee or person has not had the  
9 deer or elk returned to the land within 72 hours of the discovery of the escape.

9 History: 1991 a. 269; 1995 a. 79; 1997 a. 248 s. 631; Stats. 1997 s. 29.875.

9 SECTION 29. 29.875 (2) of the statutes is amended to read:

10 29.875 (2) Notwithstanding sub. (1), the department may dispose of the deer  
11 or elk immediately if the department of agriculture, trade and consumer protection  
12 determines that the deer or elk poses a risk to public safety or to the health of other  
13 domestic or wild animals.

Insert 9-13 →

14 History: 1991 a. 269; 1995 a. 79; 1997 a. 248 s. 631; Stats. 1997 s. 29.875.

14 SECTION 30. 29.889 (1) (f) of the statutes is created to read:

15 29.889 (1) (f) Elk.

Insert 9-15 →

16 SECTION 31. 29.971 (3m) of the statutes is amended to read:

17 29.971 (3m) For unlawfully hunting a moose or an elk, by a forfeiture of not  
18 less than \$1,000 nor more than \$2,000 and the mandatory revocation of all hunting  
19 approvals issued to the person. In addition, no hunting approval may be issued to  
20 the person for the time period specified by the court. The time period specified shall



1 be not less than 3 years nor more than 5 years following the date of conviction under  
2 this subsection.

History: 1975 c. 365 ss. 45, 50; 1979 c. 34, 150, 175, 190, 355; 1981 c. 20, 236, 243, 391; 1983 a. 27; 1983 a. 80 s. 9; 1983 a. 114 s. 9; 1983 a. 192, 209, 419, 520, 538; 1985 a. 29, 36, 270, 271, 272, 289, 332; 1987 a. 379; 1989 a. 190, 336; 1991 a. 39, 269; 1993 a. 137; 1995 a. 59, 79; 1997 a. 1, 27; 1997 a. 248 ss. 714 to 722; Stats. 1997 s. 29.971; 1997 a. 283 ss. 20 to 23; 1999 a. 9, 32.

3 **SECTION 32. 29.971 (11g)** of the statutes is created to read:

4 29.971 (11g) (a) For hunting elk without a valid elk hunting license, for  
5 possessing an elk that does not have <sup>an elk</sup> a carcass tag attached, for possessing an elk  
6 during the closed season, by a fine of not less than \$300<sup>n</sup> or more than \$15,000 or by  
7 imprisonment for not more than 6 months or both for the first violation, or by a fine  
8 of not more than \$20,000 or imprisonment for not more than one year or both for any  
9 subsequent violation, ~~and~~ in addition, the court shall revoke all hunting and  
10 trapping approvals issued to the person under this chapter and shall prohibit the  
11 issuance of any new hunting and trapping approvals under this chapter to the person  
12 for 5 years.

13 (b) Except as provided under par. (a),<sup>✓</sup> for the violation of any provision of this  
14 chapter or rules promulgated under this chapter relating to elk hunting or to the  
15 violation of an elk carcass tag or registration of an elk, by a forfeiture of not more than  
16 \$5,000.

17 (END)

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1025/Plins  
RNK.....

Insert 1-9

SECTION ~~1~~<sup>#</sup> 29.001 (22) of the statutes is created to read:

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

SECTION ~~2~~<sup>#</sup> 29.001 (36) of the statutes is amended to read:

29.001 (36) "Game animals" includes deer, moose, elk, bear, rabbits, squirrels, fox and ~~raccoon~~, and any other <sup>wild</sup> animals specified by the department.

History: 1997 a. 248 ss. 39 to 47, ~~48~~ to 75, 84; 1999 a. 9

SECTION ~~3~~<sup>#</sup> 29.171 (2) of the statutes is amended to read:

29.171 (2) A resident archer hunting license authorizes the hunting of all game, except bear, elk, and wild turkey, 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 by a Class A, Class B, or Class C permit issued under s. 29.193 (2) or a permit issued under sub. (4).

History: 1973 c. 90 s. 538; 1977 c. 232; 1979 c. 34; 1983 a. 27; 1985 a. 270; 1987 a. 353; 1989 a. 31; 1991 a. 39, 77; 1995 a. 293; 1997 a. 27, 168; 1997 a. 248 ss. 231 to 235; Stats. 1997 s. 29.171; 1997 a. 249 s. 25; 1999 a. 32.

\*\*\*NOTE: Please see note following s. 29.216 (2) as amended in this draft. ✓

~~SECTION 4~~<sup>#</sup> 29.182 (4) of the statutes is created to read:

~~29.182~~ (4) ISSUANCE (a) Except as provided in pars. (b) and (c), if the department requires elk hunting licenses, the department shall issue a resident or nonresident elk hunting license to any person who applies for such a license, and who pays the fees required for the license, subject to s. 29.024 (2g). ✓

SECTION ~~5~~<sup>#</sup> 29.347 (6) of the statutes is repealed.

SECTION ~~6~~<sup>#</sup> 29.361 (6) of the statutes is repealed.

SECTION ~~7~~<sup>#</sup> 29.539 (1m) of the statutes is amended to read:

Insert 2-16

Insert 3-11

Insert 6-9

Insert 7-6

Insert 7-9

29.539 (1m) Subsection (1) does not apply to ~~farm-raised deer or farm-raised~~ fish.

History: 1973 c. 315, 333; 1975 c. 360; 1977 c. 418; 1985 a. 29, 272; 1987 a. 27, 42, 114; 1991 a. 39, 269; 1995 a. 79; 1997 a. 27; 1997 a. 248 ss. 539 to 545; Stats. 1997 s. 29.539.

~~SECTION 9.~~ 29.541 (3) of the statutes is amended to read:

29.541 (3) EXEMPTION. This section does not apply to the meat from ~~farm-raised deer or from farm-raised~~ fish.

History: 1975 c. 360; 1991 a. 269; 1995 a. 79; 1997 a. 27; 1997 a. 248 ss. 546 to 553; Stats. 1997 s. 29.541.

~~SECTION 9.~~ 29.871 (1m) of the statutes is repealed.

~~SECTION 10.~~ 29.877 (2) (a) of the statutes is amended to read:

\* 29.877 (2) (a) "Wild animal" means any mammal, fish or bird of a wild nature as distinguished from domestic animals under the common law or under the statutes  
\* whether or not the mammal, fish or bird was bred or reared in captivity, but does not include any of the following:

\* 1. White-tailed deer or deer or elk of the genus dama, cervus or rangifer that are raised on a farm for the purpose of using the carcasses of the deer or elk to produce food for human consumption ~~or farm-raised~~ *move*

2. Farm-raised fish.

History: 1979 c. 142; 1983 a. 27; 1989 a. 359; 1991 a. 269; 1995 a. 79; 1997 a. 27, 191; 1997 a. 248 ss. 632 to 635; Stats. 1997 s. 29.877; 1999 a. 32.

~~SECTION 11.~~ 29.921 (7) of the statutes is amended to read:

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

History: 1997 a. 248 ss. 98 to 102; 708 to 710.

~~SECTION 12.~~ 29.927 (8) of the statutes is amended to read:

Insert  
9-15



continued  
↓

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

History: 1977 c. 443; 1983 a. 192 s. 303 (6); 1985 a. 36; 1993 a. 169; 1995 a. 79; 1997 a. 248 s. 93; Stats. 1997 s. 29.927.

~~SECTION 13~~ SECTION 29.934 (1) (e) of the statutes is amended to read:

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

History: 1975 c. 97, 199; 1981 c. 98 s. 3; 1993 a. 169; 1995 a. 79, 126, 225; 1997 a. 35; 1997 a. 248 ss. 113 to 115; Stats. 1997 s. 29.934; 1997 a. 285 s. 1; 1999 a. 32.

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

LRB-1025/P1dn

RNK.../.....

WJ

Kirsten Grinde:

*here and*

1. I have prepared this draft in preliminary form because there are a number of unresolved issues that must be addressed before the draft can be prepared in final form. Those issues are explained in the notes contained in the draft. Please keep in mind as you review the draft that elk that are raised on a farm are encompassed within the definition of farm-raised deer under current law in s. 29.001 (24), stats. Also, because the term "deer" is not currently defined in the statutes, and because elk are a type of deer, I have created a definition of the term "deer" in this draft to clarify that in ch. 29, stats., "deer" (other than "farm-raised deer") means white-tailed deer and not elk. *I have also created a definition of the term "elk".*

2. ~~In addition to the issues raised in the notes in the draft~~ I have identified the following list of provisions in current law that require review and that may require amending depending on the overall intent of the request for this draft. Accordingly, I ask that the appropriate person or persons at DNR review this list to determine whether elk are intended to be covered by the language in the listed provision:

- a. <sup>Section</sup> 29.024 (6) (am) (reserving deer hunting back tag numbers).
- b. ~~29.079~~ 29.079 (1) and (2) (deer hunting by practitioners of Ho-Chunk religion).
- ~~29.171~~ 29.171 (resident archer hunting license)
- c. ~~29.193~~ 29.193 (hunting permits for disabled persons).
- d. ~~29.194~~ 29.194 (1) (hunting licenses for students and members of the armed forces).
- e. ~~29.231~~ 29.231 (sports licenses).
- f. ~~29.235~~ 29.235 (conservation patron licenses).
- g. ~~29.324~~ 29.324 (group deer hunting).
- ~~29.347~~ 29.347 (possession of deer heads and skins)
- h. ~~29.553~~ 29.553 (3) (waiver of processing fee for certain approvals).

After you have had an opportunity to review the issues raised in the notes contained in the draft and in this drafter's note, please contact me and I will prepare a redraft as required. If you have any other questions, do not hesitate to give me a call.

Robin N. Kite  
Legislative Attorney  
Phone: (608) 266-7291  
E-mail: robin.kite@legis.state.wi.us

Section  
Insert D-Note

Insert D-Note

Q3. How much do you want DNR to charge for "duplicate approvals under s. 29.563(12)?"

Q4. Are there any deer that are not white-tailed deer and that do not fall within the definition of "farm-raised deer" that have <sup>but that maybe</sup> found on game farms under s. 29.867, stats., wildlife exhibits under s. 29.877, stats., or on deer farms under s. 29.871, stats.? If so, certain provisions of this draft may require redrafting.

Q5. Given that a person may be issued only one elk hunting license in a lifetime, ~~the~~ you want it may be advisable to specify ~~that~~ the validity period for the license.



State of Wisconsin  
2001 - 2002 LEGISLATURE

RMR  
LRB-1025/PA  
RNK:wlj:jf

Soon  
D-Note

DOA:.....Grinde - Regulation of elk hunting

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

LPS: Inserts  
are out of  
order.

DO NOT GEN

1 AN ACT ...; relating to: the budget.

**Analysis by the Legislative Reference Bureau**

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

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

3 20.370 (1) (hq) *Elk hunting fees.* All moneys received from the sale of elk  
4 hunting licenses under s. 29.182 and from voluntary contributions under s. 29.565  
5 to be used for administering elk hunting licenses and for elk management and  
6 research activities.

7 SECTION 2. 29.001 (20) of the statutes is created to read:

8 29.001 (20) "Deer" means white-tailed deer and does not include farm-raised  
9 deer.

1           **SECTION 3.** 29.001 (22) of the statutes is created to read:

2           29.001 (22) “Elk” means elk that is present in the wild and that does not have  
3 an ear tag or other mark identifying it as being raised on a farm.

4           **SECTION 4.** 29.001 (36) of the statutes is amended to read:

5           29.001 (36) “Game animals” includes <sup>meant</sup> deer, moose, elk, bear, rabbits, squirrels,  
6 fox and, raccoon, and any other wild animals specified by the department.

7           **SECTION 5.** 29.047 (1m) of the statutes is amended to read:

8           29.047 (1m) Unless prohibited by the laws of an adjoining state, any person  
9 who has lawfully killed a deer or an elk in this state may take the deer or elk or its  
10 carcass into the adjoining state and ship the deer or elk or carcass from any point in  
11 the adjoining state to any point in this state.

12           **SECTION 6.** 29.089 (3) of the statutes is amended to read:

13           29.089 (3) A person may hunt deer, elk, wild turkeys, or small game in a state  
14 park, or in a portion of a state park, if the department has authorized by rule the  
15 hunting of that type of game in the state park, or in the portion of the state park, and  
16 if the person holds the approvals required under this chapter for hunting that type  
17 of game.

18           **SECTION 7.** 29.161 of the statutes is amended to read:

19           **29.161 Resident small game hunting license.** A resident small game  
20 hunting license shall be issued subject to s. 29.024 by the department to any resident  
21 applying for this license. The resident small game hunting license does not authorize  
22 the hunting of bear, deer, elk, or wild turkey.

23           **SECTION 8.** 29.171 (2) of the statutes is amended to read:

24           29.171 (2) A resident archer hunting license authorizes the hunting of all  
25 game, except bear, elk, and wild turkey, during the open seasons for hunting that



1 game with bow and arrow established by the department. This license authorizes  
2 hunting with a bow and arrow only, unless hunting with a crossbow is authorized by  
3 a Class A, Class B, or Class C permit issued under s. 29.193 (2) or a permit issued  
4 under sub. (4).

\*\*\*\*NOTE: Please see note following s. 29.216 (2) as amended in this draft.

5 **SECTION 9.** 29.182 of the statutes is created to read:

6 **29.182 Elk hunting licenses.** (1) DEPARTMENT AUTHORITY. The department  
7 may regulate elk hunting. If the department regulates elk hunting, it may require  
8 and issue elk hunting licenses and may limit the number of elk hunters and elk  
9 harvested in any area of the state. The department may establish by rule closed  
10 zones where elk hunting is prohibited.

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

13 (3) AUTHORIZATION. (a) *Resident elk hunting license.* A resident elk hunting  
14 license authorizes a resident of this state to hunt elk with a firearm or with a bow  
15 and arrow.

16 (b) *Nonresident elk hunting license.* A nonresident elk hunting license  
17 authorizes a nonresident of this state to hunt elk with a firearm or with a bow and  
18 arrow.

19 (4) ISSUANCE. (a) Except as provided in pars. (b) and (c), if the department  
20 requires elk hunting licenses, the department shall issue a resident or nonresident  
21 elk hunting license to any person who applies for such a license, and who pays the  
22 fees required for the license, subject to s. 29.024 (2g).

23 (b) If the number of applicants for a resident elk hunting license exceeds the  
24 number of resident elk hunting licenses available, or if the number of applicants for

1 a nonresident elk hunting license exceeds the number of nonresident elk hunting  
2 licenses available, the department shall select at random the persons to be issued the  
3 licenses.

4 (c) The department shall issue a notice of approval to each person who is  
5 selected at random under par. (b) to be issued an elk hunting license. The  
6 department shall issue a license to each person who receives a notice of approval  
7 under this paragraph and who pays the fees required for the license, subject to s.  
8 29.024 (2g).

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

11 (6) CARCASS TAG, REGISTRATION, AND TRANSPORTATION. (a) The department shall  
12 issue an elk carcass tag to each person who is issued an elk hunting license under  
13 this section. A person who kills an elk shall immediately validate and attach the  
14 carcass tag to the elk in the manner required by the department.

15 (b) A person who kills an elk shall register and transport the elk in the manner  
16 required by the department.

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

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

\*\*\*\*NOTE: The elk hunting licenses under this draft authorize hunting with a  
firearm or with a bow and arrow. Do you also want to authorize a licensee to hunt with  
a crossbow? Also, please look closely at the language in proposed sub. (4) (a). Is it  
consistent with your intent?

22 **SECTION 10.** 29.204 of the statutes is amended to read:

1           **29.204 Nonresident annual small game hunting license.** A nonresident  
2 annual small game hunting license shall be issued subject to s. 29.024 by the  
3 department to any nonresident applying for this license. The nonresident annual  
4 small game hunting license authorizes the hunting of small game during the  
5 appropriate open season but does not authorize the hunting of deer, elk, bear, wild  
6 turkey, or fur-bearing animals.

7           **SECTION 11.** 29.207 of the statutes is amended to read:

8           **29.207 Nonresident 5-day small game hunting license.** A nonresident  
9 5-day small game hunting license shall be issued subject to s. 29.024 by the  
10 department to any nonresident applying for this license. The nonresident 5-day  
11 small game hunting license authorizes the hunting of small game for which there is  
12 an open season during the 5-day period for which it is issued but does not authorize  
13 the hunting of deer, elk, bear, wild turkey, or fur-bearing animals.

14           **SECTION 12.** 29.213 of the statutes is amended to read:

15           **29.213 Nonresident fur-bearing animal hunting license.** A nonresident  
16 fur-bearing animal hunting license shall be issued subject to s. 29.024 by the  
17 department to any nonresident applying for this license. The nonresident  
18 fur-bearing animal hunting license authorizes the hunting of skunk, raccoon, fox,  
19 weasel, opossum, coyote, bobcat and cougar during the appropriate open season but  
20 does not authorize the hunting of other fur-bearing animals, other small game, deer,  
21 elk, or bear.

22           **SECTION 13.** 29.216 (2) of the statutes is amended to read:

23           **29.216 (2) AUTHORIZATION.** The nonresident archer hunting license authorizes  
24 the hunting of all game, except bear, elk, wild turkey, and fur-bearing animals,  
25 during the open season for the hunting of that game with a bow and arrow. This

1 license authorizes hunting with a bow and arrow only unless hunting with a  
2 crossbow is authorized by a Class A, Class B, or Class C permit issued under s.  
3 29.193 (2).

\*\*\*\*NOTE: Because this draft creates resident and nonresident elk hunting licenses which authorize a person to hunt elk with a firearm or with a bow and arrow, I have excluded elk from those animals that a person is authorized to hunt with a resident or a nonresident archer hunting license. Is this consistent with your intent?

4 **SECTION 14.** 29.301 (2) of the statutes is amended to read:

5 29.301 (2) **COLOR OF CLOTHING.** In the areas in which there is a season for the  
6 hunting of deer or elk with firearms, no person may hunt any game except waterfowl  
7 during that season unless at least 50% of each article of the person's outer clothing  
8 above the waist, including a cap, hat, or other head covering, is of a highly visible  
9 color commonly referred to as hunter orange, blaze orange, fluorescent orange, flame  
10 orange, or fluorescent blaze orange. Any person violating this subsection shall forfeit  
11 not more than \$10.

12 **SECTION 15.** 29.314 (3) (title) of the statutes is amended to read:

13 29.314 (3) (title) **SHINING DEER, ELK, OR BEAR WHILE HUNTING OR POSSESSING**  
14 **WEAPONS PROHIBITED.**

15 **SECTION 16.** 29.314 (3) (a) of the statutes is amended to read:

16 29.314 (3) (a) *Prohibition.* No person may use or possess with intent to use a  
17 light for shining deer, elk, or bear while the person is hunting deer, elk, or bear or in  
18 possession of a firearm, bow and arrow, or crossbow.

19 **SECTION 17.** 29.347 (6) of the statutes is repealed.

20 **SECTION 18.** 29.361 (title) of the statutes is amended to read:

21 **29.361 (title) Transportation of deer or elk.**

22 **SECTION 19.** 29.361 (1) of the statutes is amended to read:

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

4           **SECTION 20.** 29.361 (2) of the statutes is amended to read:

5           29.361 (2) Any person may transport a lawfully taken deer or elk if it is properly  
6 tagged and registered, except as otherwise provided by rule during the open season  
7 for deer or elk and for 3 days thereafter.

8           **SECTION 21.** 29.361 (2m) of the statutes is amended to read:

9           29.361 (2m) Any person may transport an antlerless deer killed under the  
10 authority of his or her hunter's choice, bonus, or other deer hunting permit on any  
11 highway, as defined s. 340.01 (22), in order to register the deer in the deer  
12 management area where the ~~deer~~ deer was killed or in an adjoining management  
13 area.

14           **SECTION 22.** 29.361 (5) of the statutes is amended to read:

15           29.361 (5) This section does not apply to a person who has a valid taxidermist  
16 permit and who is transporting, attempting to transport, or receiving the carcass of  
17 a deer or elk in connection with his or her business.

18           **SECTION 23.** 29.361 (6) of the statutes is repealed.

19           **SECTION 24.** 29.539 (1) (a) 1. of the statutes is amended to read:

20           29.539 (1) (a) 1. Deer, elk, bear, squirrel, game bird, game fish or the carcass  
21 of any of these wild animals at any time.

22           **SECTION 25.** 29.539 (1m) of the statutes is amended to read:

23           29.539 (1m) Subsection (1) does not apply to ~~farm-raised deer or farm-raised~~  
24 fish.

25           **SECTION 26.** 29.541 (1) (a) 1. of the statutes is amended to read:

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

3 SECTION 27. 29.541 (3) of the statutes is amended to read:

4 29.541 (3) EXEMPTION. This section does not apply to the meat from  
5 ~~farm-raised deer or from~~ farm-raised fish.

6 SECTION 28. 29.553 (1) (hm) of the statutes is created to read:

7 29.553 (1) (hm) Elk hunting license.

8 SECTION 29. 29.563 (2) (a) 5m. of the statutes is created to read:

9 29.563 (2) (a) 5m. Elk: \$98.25.

10 SECTION 30. 29.563 (2) (b) 3m. of the statutes is created to read:

11 29.563 (2) (b) 3m. Elk: \$498.25.

12 SECTION 31. 29.563 (14) (a) 3. of the statutes is created to read:

13 29.563 (14) (a) 3. The processing fee for applications for elk hunting licenses:

~~\$9.25~~ \$9.75

Insert B  
8-14-15

14 SECTION 32. 29.565 of the statutes is created to read:

15  
16 29.565 Voluntary contributions: elk research. (1) Any applicant for an  
17 elk hunting license under s. 29.182 may, in addition to paying any fee charged for the  
18 license, elect to make a voluntary \$1 contribution to be used for elk research.

19 (2) All moneys collected under sub. (1) shall be <sup>Credited to</sup> deposited in the appropriation  
20 account under s. 20.370 (1) (hq).

\*\*\*\*NOTE: Please confirm that the correct appropriation is cross-referenced in this provision.

21 SECTION 33. 29.595 of the statutes is created to read:

22 29.595 Elk hunter education program. (1) ESTABLISHMENT. The  
23 department shall establish an elk hunter education program.

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

- 3 (a) History and recovery of elk in this state and the eastern United States.
- 4 (b) Elk census and population estimation methods used in this state.
- 5 (c) Elk biology and disease prevention.
- 6 (d) Elk hunting techniques and hunter ethics.
- 7 (e) Elk hunting zones.
- 8 (f) Rules promulgated by the department concerning elk hunting.
- 9 (g) Guide requirements.
- 10 (h) Native American hunting.

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

14 (b) No person may be issued an elk hunting license unless he or she holds a valid  
15 certificate of accomplishment issued under this subsection.

\*\*\*\*NOTE: Proposed s. 29.595 (2) (g) needs clarification. To what type of guides and  
guide requirements does that provision refer? Does the provision only apply to guides  
licensed under s. 29.512, stats., or to other guides? Also, how will the entire elk hunting  
education program be administered? Do you intend that the department provide the  
instruction? Do you want to authorize the department to enter into an agreement with  
anyone else to administer the program? Do you want the department to establish  
~~also for the course of instruction?~~ Do you want DNR to authorize the instructor to retain  
a percentage of the fee, similar to the trapper education program?

*change a fee for the  
course of instruction and  
if so,*

*the fee*

16 SECTION 34. 29.871 (1m) of the statutes is repealed.

17 SECTION 35. 29.875 (title) of the statutes is amended to read:

18 29.875 (title) **Disposal of escaped deer or elk.**

*renumbered 29.875(1r)*

19 SECTION 36. 29.875 (1) of the statutes is amended to read:

20 29.875 (1) The department may seize and dispose of or may authorize the  
21 disposal of any deer or elk that has escaped from land licensed under s. 29.867 or deer

LPS:  
Please  
Fix  
Component

*change def. to any species of deer*

1 ~~that has escaped from land licensed under 29.871 or farm-raised deer that is owned~~  
 2 ~~by a person registered under s. 95.55 if the escaped deer or elk has traveled more than~~  
 3 ~~3 miles from the land or if the licensee or person has not had the deer or elk returned~~  
 4 ~~to the land within 72 hours of the discovery of the escape.~~

5 **SECTION 37.** 29.875 (2) of the statutes is amended to read:

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

10 **SECTION 38.** 29.877 (2) (a) of the statutes is amended to read:

11 ~~29.877 (2) (a) "Wild animal" means any mammal, fish, or bird of a wild nature~~  
 12 ~~as distinguished from domestic animals under the common law or under the statutes~~  
 13 ~~whether or not the mammal, fish, or bird was bred or reared in captivity, but does not~~  
 14 ~~include any of the following:~~

15 ~~1. White-tailed deer or deer or elk of the genus dama, cervus, or rangifer or~~  
 16 ~~farm-raised that are raised on a farm for the purpose of using the carcasses of the~~  
 17 ~~deer or elk to produce food for human consumption.~~

18 ~~2. Farm-raised fish.~~

19 **SECTION 39.** 29.889 (1) (f) of the statutes is created to read:

20 29.889 (1) (f) Elk, *if hunting of elk is authorized by the department*

21 **SECTION 40.** 29.921 (7) of the statutes is amended to read:

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

Insert  
10-4

Insert B  
10-18 B19  
and  
Insert C  
10-18c



1           **SECTION 41.** 29.927 (8) of the statutes is amended to read:

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

4           **SECTION 42.** 29.934 (1) (e) of the statutes is amended to read:

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

8           **SECTION 43.** 29.971 (3m) of the statutes is amended to read:

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

15           **SECTION 44.** 29.971 (11g) of the statutes is created to read:

16           29.971 (11g) (a) For hunting elk without a valid elk hunting license, for  
17 possessing an elk that does not have an elk carcass tag attached, for possessing an  
18 elk during the closed season, by a fine of not less than \$300 nor more than \$15,000  
19 or by imprisonment for not more than 6 months or both for the first violation, or by  
20 a fine of not more than \$20,000 or imprisonment for not more than one year or both  
21 for any subsequent violation. In addition, the court shall revoke all hunting and  
22 trapping approvals issued to the person under this chapter and shall prohibit the  
23 issuance of any new hunting and trapping approvals under this chapter to the person  
24 for 5 years.



2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1025/P1ins.B  
RNK.....

Insert B  
8-14 B

SECTION ~~29~~ 29.563 (14) (c) 3. of the statutes is amended to read:

29.563 (14) (c) 3. Each application for a hunter's choice permit, bonus deer hunting permit, elk hunting license, wild turkey hunting license, Canada goose hunting permit, sharp-tailed grouse hunting permit, bobcat hunting and trapping permit, otter trapping permit, fisher trapping permit, or sturgeon fishing permit: 25 cents.

History: 1997 a. 248; 1999 a. 9, 32, 47, 63, 186.

SECTION ~~29~~ 29.875 (2) of the statutes is amended to read:

29.875 (2) Notwithstanding sub. (1) ~~(1)~~ <sup>(1c)</sup>, the department may dispose of the deer immediately if the department of agriculture, trade and consumer protection determines that the deer poses a risk to public safety or to the health of other domestic or wild animals.

History: 1991 a. 269; 1995 a. 79; 1997 a. 248 s. 631; Stats. 1997 s. 29.875.

Insert B  
10-18 B

Insert 10-4

SECTION #, CR; 29.875 (1g) ✓

29.875 (1g) <sup>(B)</sup> In this section, "deer" means  
any species of deer.

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1025/P1ins.C  
RNK.....

Insert C 10-18c

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

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

History: 1979 c. 142; 1983 a. 27; 1989 a. 359; 1991 a. 269; 1995 a. 79; 1997 a. 27, 191; 1997 a. 248 ss. 632 to 635; Stats. 1997 s. 29.877; 1999 a. 32.

\*\*\*\*NOTE: In reviewing this provision in current law, I was unable to determine whether the current exceptions in the law are valid. Consequently, the draft deletes all the animals excluded under current law so that we may start from the beginning in determining what animals are intended to be covered under wildlife exhibits. Once that determination is made, we can decide if the provision must be amended to include (or exclude) elk. Consequently, please review this provision and let me know whether s. 29.877 should include any exceptions.

DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1025/P1dn  
RNK:wlj:jf

22dn

December 12, 2000

→ h. Section 29.347 (possession of deer; heads and skins) ⊙

Please have Mike Litty at DNR review this draft, given that he has expertise in the area of captive wildlife. ⊙  
# In your review,

Kirsten Grinde:

1. I have prepared this draft in preliminary form because there are a number of unresolved issues that must be addressed before the draft can be prepared in final form. Those issues are explained here and in the notes contained in the draft. Please keep in mind ~~that elk that are raised on a farm are encompassed within the definition of farm-raised deer under current law in s. 29.001 (24), stats.~~ Also, because the term "deer" is not currently defined in the statutes, and because elk are a type of deer, I have created a definition of the term "deer" in this draft to clarify that in ch. 29, stats., "deer" (other than "farm-raised deer") means white-tailed deer and not elk. I have also created a definition of the term "elk."

2. I have identified the following list of provisions in current law that require review and that may require amending depending on the overall intent of the request for this draft. Accordingly, I ask that the appropriate person or persons at DNR review this list to determine whether elk are intended to be covered by the language in the listed provision:

- a. Section 29.024 (6) (am) (reserving deer hunting back tag numbers).
- b. Section 29.079 (1) and (2) (deer hunting by practitioners of Ho-Chunk religion).
- c. Section 29.193 (hunting permits for disabled persons).
- d. Section 29.194 (1) (hunting licenses for students and members of the armed forces).
- e. Section 29.231 (sports licenses).
- f. Section 29.235 (conservation patron licenses).
- g. Section 29.324 (group deer hunting).

~~Section 29.553 (3) (waiver of processing fee for certain approvals).~~

3. How much do you want DNR to charge for duplicate approvals under s. 29.563 (12)?

4. Are there any deer that are not white-tailed deer and that do not fall within the definition of "farm-raised deer" but that may be found on ~~game farms under s. 29.867, stats.~~ ~~wildlife exhibits under s. 29.871, stats.~~ on deer farms under s. 29.871, stats.? If so, certain provisions of this draft may require redrafting.

5. Given that a person may be issued only one elk hunting license in a lifetime, it may be advisable to specify the validity period for the license.

Insert D-Note

→ j. Section 29.934 (1)(e) (deer killed in a motor vehicle collision) ⊙

After you have had an opportunity to review the issues raised in the notes contained in the draft and in this drafter's note, please contact me and I will prepare a redraft as required. If you have any other questions, do not hesitate to give me a call.

Robin N. Kite  
Legislative Attorney  
Phone: (608) 266-7291  
E-mail: robin.kite@legis.state.wi.us

10/25/12 dn

## Insert D-Note

6. Under this draft, an applicant for an elk hunting license must pay ~~an application processing fee~~ in addition to an application processing fee of ~~the~~ ~~center~~ ~~add~~ \$9.75 and an ~~issuing~~ application issuing fee of 25 cents for a total application fee of \$10.00, regardless of whether the license is issued on a random basis. Is this what was intended?

7. Should elk be covered under s. 29.977, <sup>state,</sup> concerning civil actions for damages or s. 29.983, <sup>state,</sup> concerning wild animal protection assessments?



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

LRB-1025/P2dn  
RNK:wlj:jf

December 14, 2000

Kirsten Grinde:

1. I have prepared this draft in preliminary form because there are a number of unresolved issues that must be addressed before the draft can be prepared in final form. Those issues are explained here and in the notes contained in the draft. Please have Mike Lutz at DNR review this draft, given that he has expertise in the area of captive wildlife.

In your review, please keep in mind that elk that are raised on a farm are encompassed within the definition of farm-raised deer under current law in s. 29.001 (24), stats. Also, because the term "deer" is not currently defined in the statutes, and because elk are a type of deer, I have created a definition of the term "deer" in this draft to clarify that in ch. 29, stats., "deer" (other than "farm-raised deer") means white-tailed deer and not elk. I have also created a definition of the term "elk."

2. I have identified the following list of provisions in current law that require review and that may require amending depending on the overall intent of the request for this draft. Accordingly, I ask that the appropriate person or persons at DNR review this list to determine whether elk are intended to be covered by the language in the listed provision:

- a. Section 29.024 (6) (am) (reserving deer hunting back tag numbers).
- b. Section 29.079 (1) and (2) (deer hunting by practitioners of Ho-Chunk religion).
- c. Section 29.193 (hunting permits for disabled persons).
- d. Section 29.194 (1) (hunting licenses for students and members of the armed forces).
- e. Section 29.231 (sports licenses).
- f. Section 29.235 (conservation patron licenses).
- g. Section 29.324 (group deer hunting).
- h. Section 29.347 (Possession of deer; heads and skins).
- i. Section 29.553 (3) (waiver of processing fee for certain approvals).
- j. Section 29.934 (1) (e) (deer killed in a motor vehicle collision).

3. How much do you want DNR to charge for duplicate approvals under s. 29.563 (12)?

4. Are there any deer that are not white-tailed deer and that do not fall within the definition of "farm-raised deer" but that may be found on deer farms under s. 29.871, stats.? If so, certain provisions of this draft may require redrafting.

5. Given that a person may be issued only one elk hunting license in a lifetime, it may be advisable to specify the validity period for the license.

6. Under this draft, an applicant for an elk hunting license must pay an application processing fee of \$9.75 and an application issuing fee of 25 cents for a total application fee of \$10.00, regardless of whether the license is issued on a random basis. Is this what was intended?

7. Should elk be covered under s. 29.977, stats., concerning civil actions for damages or s. 29.983, stats., concerning wild animal protection assessments?

After you have had an opportunity to review the issues raised in the notes contained in the draft and in this drafter's note, please contact me and I will prepare a redraft as required. If you have any other questions, do not hesitate to give me a call.

Robin N. Kite  
Legislative Attorney  
Phone: (608) 266-7291  
E-mail: robin.kite@legis.state.wi.us

## Kite, Robin

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**From:** Thompson, Eric R  
**Sent:** Tuesday, January 02, 2001 4:16 PM  
**To:** Kite, Robin  
**Cc:** Grinde, Kirsten  
**Subject:** FW: 01-1025/P2 - Elk Draft

Robin,

These are some additional comments from Mike Lutz on the Elk statutory language draft from the perspective of captive wildlife. He put these together rather quickly, and did not have a chance to discuss them with Tom Solin, but felt they were OK to provide you at this time for a 2nd draft. If we have further comments later this week, we'll provide them to you.

ET

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**From:** Lutz, Michael  
**Sent:** Tuesday, January 02, 2001 4:05 PM  
**To:** Thompson, Eric R  
**Cc:** Solin, Thomas C  
**Subject:** RE: 01-1025/P2 - Elk Draft

29.182(6) on page 4 line 14. Currently the deer tagging language of 29.347(2) has language dealing with possession of untagged deer. e.g. No person may possess, store or transport a deer carcass unless it is tagged as required under this subsection. Similar language is needed for elk.

? 29.539(1m) on page 7 line 23. I can see why the reference to farm raised deer was dropped. If it's not illegal to sell them in (1) then why do you need an exemption. However even though farm raised elk are not elk for ch 29 purposes they are still other wild animals under 29.539(1)(a)2 for which there is arguably a closed season. (Our hunting regs operate on an everything is closed unless we open it basis.) To avoid the argument that farm raised deer can't be sold due to the prohibition in 29.539(1)(a)2, I would leave in the exemption for farm raised deer that's currently in 29.539(1m).

? 29.541(3) on page 8 line 4. Same logic as above. see reference to wild animals in 29.541(1)(a)2.

29.877(2)(a) on page 10 line 13. Has anyone responded to Robin's question? My initial reaction is that changes to current law are not necessary.

29.921(7) on page 11 line 1. If a dog is chasing an elk, wardens should have the ability to protect it. Same logic for 29.927(8)

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**From:** Thompson, Eric R  
**Sent:** Tuesday, January 02, 2001 1:46 PM  
**To:** Lutz, Michael  
**Subject:** FW: 01-1025/P2 - Elk Draft

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**From:** Barman, Mike  
**Sent:** Thursday, December 14, 2000 10:37 AM  
**To:** Elizabeth Kluesner; Susan Felker-Donsing  
**Subject:** 01-1025/P2

<<File: 01-1025P.pdf>><<File: 01-10250.pdf>>

*Mike Barman*

Mike Barman - Senior Program Asst. (PH. 608-266-3561)  
(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin  
Legislative Reference Bureau - Legal Section - Front Office  
100 N. Hamilton Street - 5th Floor  
Madison, WI 53703

## Kite, Robin

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**From:** Solin, Thomas C  
**Sent:** Friday, December 22, 2000 7:39 AM  
**To:** Kite, Robin; Lutz, Michael  
**Subject:** More on the Elk legislation

Robin. The new wild elk regulations should not effect any of the Farm Raised deer statutes. DATCP licenses Farm raised deer that includes elk. DATCP regulations allow for the possession and selling of elk products like antler and meat.

Also under chapter 29 deer farm regulations we regulate all deer (cervids that are not farm raised deer. These include mule deer, Chinese water deer and a host of other less common cervids. That is why the Farm raised deer definition in 29 and chapter 95 is so specific.

Hope this helps. I can be reached at home at 836-7341. Back in the office after January 2nd.

*Thomas Solin*

**Supervisor, Special Operation Section**  
DNR  
P.O. Box 7921, Madison, WI 53707  
Office: 608-266-8574 Fax: 608-266-3696  
solint@dnr.state.wi.us

## Kite, Robin

**From:** Grinde, Kirsten  
**Sent:** Tuesday, January 02, 2001 6:26 PM  
**To:** Kite, Robin  
**Subject:** FW: LRB-1025/P2 - Elk Management - Comments

Robin,

Could you send me a copy of this draft (LRB-1025)? I don't think I've received one yet.

Thanks,

Kirsten

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

**From:** Thompson, Eric R  
**Sent:** Tuesday, January 02, 2001 2:21 PM  
**To:** Kite, Robin  
**Cc:** Grinde, Kirsten  
**Subject:** LRB-1025/P2 - Elk Management - Comments

Robin,

Here are some comments on the Elk Management statutory language draft, LRB-1025/P2.

Responses to the list of questions provided by you with the draft.

1. Tom Solin of DNR's Law Enforcement bureau who deals with farm-raised deer has some concerns about these provisions. Did he get back to you directly? If not, this should be considered to still be an area of concern. Mike Lutz is going to try to review in the next couple of days.

2. a), No. No reserve of back tag numbers.  
 b). No  
 c.) No  
 d.) No  
 e.) No  
 f.) No  
 g.) No  
 h.) Yes - add "elk" to possession list.  
 i.) No  
 j.) We think "No", but we want to make sure an elk killed in a motor vehicle collision re-verts to the Department. We think it does that if the statute is silent on it. We don't want to allow permits to motor vehicle operators to take possession of the carcass.
3. Yes, we want to charge for duplicate approvals. We suggest a charge of \$25.
4. Hopefully, Tom Solin commented directly to you on this question. If not, it's still an area of concern.
5. Yes, specify the year or hunting season that the license is valid for.
6. Yes, that is what was intended.
7. Wouldn't elk already be covered under 29.977? Yes, elk should be covered under 29.983, and we suggest a value of \$2,000 per animal (the approximate cost of importing one).

*See D-Note  
itself*

Other comments:

*Question*

Section 7 - Response to drafter's note - Yes, we want to authorize the licensee to hunt with a crossbow, but we want no special treatment for licensing for people authorized to use a crossbow. If they meet the definition of a handicapped hunter, and are authorized to use a crossbow, then the elk license also authorizes them to use a crossbow to hunt elk.

Section 8 - drafter's note at end - we're OK with that. ✓

Section 13 - response to drafter's note at end - Yes, it was our intent to exclude elk from archer's license. ✓

Section 17 - we wondered why the repeal, but hopefully, comments from Tom Solin will address this provision.

Section 33 - We would like the \$1 contribution to be a "minimum" to leave the option open for more. (Insert the word "minimum" in front of "\$1".)

Section 33 - Response to drafter's note at end <sup>response</sup> we think we need an appropriation in Program 3 to allow for enforcement activities related to elk.  ICG + DNR

Section 34 - response to drafter's note - we suggest dropping part 2(g), reference to guide requirements. It's too complex to figure out at this time. Also, we intend for the Department to conduct the Elk Hunter Education program, with no fees.

Section 40 - Hopefully, Tom Solin's comments will address this section, but we have concerns. The part of the definition proposed to be stricken had been included as a legislative recommendation, and there may be some opposition to taking it out.

Section 46, line 22 - we suggest the "\$300" minimum fine be changed to \$1,000.

That's it for now. Again, the provisions relating to captive wildlife, and farm-raised deer are still an area of concern. Thank you for the opportunity to comment.

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

LRB-1025/P2dn  
RNK:wlj:jf

December 14, 2000

Kirsten Grinde:

1. I have prepared this draft in preliminary form because there are a number of unresolved issues that must be addressed before the draft can be prepared in final form. Those issues are explained here and in the notes contained in the draft. Please have Mike Lutz at DNR review this draft, given that he has expertise in the area of captive wildlife.

In your review, please keep in mind that elk that are raised on a farm are encompassed within the definition of farm-raised deer under current law in s. 29.001 (24), stats. Also, because the term "deer" is not currently defined in the statutes, and because elk are a type of deer, I have created a definition of the term "deer" in this draft to clarify that in ch. 29, stats., "deer" (other than "farm-raised deer") means white-tailed deer and not elk. I have also created a definition of the term "elk."

2. I have identified the following list of provisions in current law that require review and that may require amending depending on the overall intent of the request for this draft. Accordingly, I ask that the appropriate person or persons at DNR review this list to determine whether elk are intended to be covered by the language in the listed provision:

- OK a. Section 29.024 (6) (am) (reserving deer hunting back tag numbers).
  - OK b. Section 29.079 (1) and (2) (deer hunting by practitioners of Ho-Chunk religion).
  - " c. Section 29.193 (hunting permits for disabled persons).
  - " d. Section 29.194 (1) (hunting licenses for students and members of the armed forces).
  - " e. Section 29.231 (sports licenses).
  - " f. Section 29. 235 (conservation patron licenses).
  - " g. Section 29.324 (group deer hunting).
  - h. Section 29.347 (Possession of deer; heads and skins).
  - " i. Section 29.553 (3) (waiver of processing fee for certain approvals).
  - j. Section 29.934 (1) (e) (deer killed in a motor vehicle collision).
3. How much do you want DNR to charge for duplicate approvals under s. 29.563 (12)?
4. Are there any deer that are not white-tailed deer and that do not fall within the definition of "farm-raised deer" but that may be found on deer farms under s. 29.871, stats.? If so, certain provisions of this draft may require redrafting.

5. Given that a person may be issued only one elk hunting license in a lifetime, it may be advisable to specify the validity period for the license.

OK  6. Under this draft, an applicant for an elk hunting license must pay an application processing fee of \$9.75 and an application issuing fee of 25 cents for a total application fee of \$10.00, regardless of whether the license is issued on a random basis. Is this what was intended?

7. Should elk be covered under s. 29.977, stats., concerning civil actions for damages or s. 29.983, stats., concerning wild animal protection assessments?

After you have had an opportunity to review the issues raised in the notes contained in the draft and in this drafter's note, please contact me and I will prepare a redraft as required. If you have any other questions, do not hesitate to give me a call.

Robin N. Kite  
Legislative Attorney  
Phone: (608) 266-7291  
E-mail: robin.kite@legis.state.wi.us



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

LRB-1025/1dn

MGG./.....

WJ

Attention: Eric Thompson and Mike Lutz

1. I took out most of the provisions in s. 29.182 (6) (a) and (b) dealing with elk carcass tags and registration and transportation of elk and put them in s. 29.347 to make the draft more consistent in how elk and deer will be treated once this legislation is enacted.

Please review the treatment of s. 29.347 carefully. Do elk have spotted, red, or blue coats? Will there ever be an antlerless elk hunting season? Do you want s. 29.347 (2m) (b) to apply to elk meat? Let me know if you want any changes.

As drafted, there are no special provisions for car-kill elk. They will be treated like any wild animal, except white-tailed deer.

Section s. 29.347 (6) is repealed because by definition, we are only talking about white-tailed deer and "wild" elk. See the definitions in this draft for "deer" and "elk".

2. I do not think you need an appropriation under s. 20.370 (3). Elk hunting is included in the cross-reference to ch. 29 under s. 20.370 (3) (mu).

3. Does the appropriation under s. 20.370 (1) (hq) need to include the elk hunter education program since DNR is not charging a fee for the program? Otherwise, the program will have to be funded under the general program operations appropriations under s. 20.370 (1) (mu). Also, note the new language in s. 29.595 (4).

4. Note s. 29.595 (3) (c). Is this consistent with your intent? Otherwise, nonresidents will have to take this state's course.

5. The bill requires DNR to establish the education course, rather than just authorizing DNR to do so. OK?

6. I drafted the references to elk and farm-raised deer in ss. 29.867, 29.871, and 29.877 differently than what I had discussed with Mike Lutz. I think a distinction needs to be made between members of the deer family that are totally outside of the jurisdiction of DNR, that is farm-raised deer, and wild elk. Wild elk are not outside DNR's jurisdiction, but they are just not allowed to be kept on game bird and animal farms or deer farms, or to be exhibited in wildlife exhibits. Mike, if you find any problems with this drafting, please call me as soon as possible.

authorizes

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7. Hunting with a crossbow is only allowed for state residents. OK?
8. The previous draft neglected to include a provision limiting the elk hunting license to one per lifetime. Please note the language in this draft found under s. 29.182 (4) (d). ✓
9. This draft values an elk at \$2,000 for purposes of both ~~s~~<sup>g</sup> 29.977 and ~~s~~ 29.983. OK?

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