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noon D-Note

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

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

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.~~

INS ✓
ANL

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.

**** Bud note /

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~~ means deer, moose, elk, bear, rabbits,
6 squirrels, 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).

OK ~~***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. *insert 3-15*

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)~~ ^{and (d)} if the department
20 ~~requires~~ ^{issues} 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~~ ^S resident elk hunting license exceeds the
24 number of resident elk hunting licenses available, ~~or if the number of applicants for~~

and the elk hunting license shall be valid for only ^{one} elk hunting seasons

1 ~~a nonresident elk hunting license exceeds the number of nonresident elk hunting~~
2 ~~licenses available,~~ the department shall select at random the ~~persons~~ ^{Residents} to be issued the
3 licenses. *INSERT 4-3J*

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). *Always one*
9 *(d) A person may be issued only one elk hunting license*

10 (5) FEES. Fees received from the issuance of licenses under this section shall
11 be credited to the appropriation account under s. 20.370 (1) (hq). *in his or her lifetime*

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

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

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

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

WJ **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:

↓
← INSERT 6-19

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:
14 \$9.75.

15 **SECTION 32.** 29.563 (14) (c) 3. of the statutes is amended to read:

16 29.563 (14) (c) 3. Each application for a hunter's choice permit, bonus deer
17 hunting permit, elk hunting license, wild turkey hunting license, Canada goose
18 hunting permit, sharp-tailed grouse hunting permit, bobcat hunting and trapping
19 permit, otter trapping permit, fisher trapping permit, or sturgeon fishing permit: 25
20 cents.

21 **SECTION 33.** 29.565 of the statutes is created to read:

22 **29.565 Voluntary contributions: elk research.** (1) Any applicant for an
23 elk hunting license under s. 29.182 may, in addition to paying any fee charged for the
24 license, elect to make a voluntary ^{contribution of at least} \$1 ~~contribution~~ to be used for elk research.

— INSERT 8-11^d

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

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

3 SECTION 34. 29.595 of the statutes is created to read:

4 29.595 Elk hunter education program. (1) ESTABLISHMENT. The
5 department shall establish ^{and conduct} an elk hunter education program.

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

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

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

19 ^{except as provided in par. (c)} (b) No person may be issued an elk hunting license unless he or she holds a valid
20 certificate of accomplishment issued under this subsection.

← INSERT 9-20

****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 charge a fee for the course of instruction and, if so, establish the fee by rule? Do you want DNR to

PROHIBITED

NO FEE

for the course of instruction or the certificate of accomplishment

No fee

authorize the instructor to retain a percentage of the fee, similar to the trapper education program?

INSERT 10-1

~~SECTION 35. 29.871 (1m) of the statutes is repealed.~~

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

29.875 (title) Disposal of escaped deer or elk.

SECTION 37. 29.875 (1) of the statutes is renumbered 29.875 (1r).

SECTION 38. 29.875 (1g) of the statutes is created to read:

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

SECTION 39. 29.875 (2) of the statutes is amended to read:

29.875 (2) Notwithstanding sub. (1) (1r), 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.

~~SECTION 40. 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.~~

***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.

INSERT 10-16

SECTION 41. 29.889 (1) (f) of the statutes is created to read:

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

SECTION 42. 29.921 (7) of the statutes is amended to read:

1 29.921 (7) DOGS INJURING WILDLIFE. A warden may kill a dog found running, ^{or elk}
 2 injuring, causing injury to, or killing, any deer, ~~other than farm-raised deer~~ ^{or} ~~or~~ ^{plain}
 3 destroying game birds, their eggs or nests, if immediate action is necessary to protect
 4 the deer, ^{or elk} or game birds, their nests or eggs, from injury or death.

5 SECTION ~~46~~ [#] 29.927 (8) of the statutes is amended to read:

6 29.927 (8) Any dog found running deer, ~~except farm-raised deer~~, ^{or elk} at any time,
 7 or used in violation of this chapter.

8 SECTION ~~44~~ [#] 29.934 (1) (e) of the statutes is amended to read:

9 29.934 (1) (e) This subsection does not apply to a deer killed, or so injured that
 10 it must be killed, by a collision with a motor vehicle on a highway. ~~For purposes of~~
 11 ~~this subsection, "deer" does not include farm-raised deer.~~ *AMENDMENT*

12 SECTION ~~45~~ [#] 29.971 (3m) of the statutes is amended to read:

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

19 SECTION ~~169~~ [#] 29.971 (11g) of the statutes is created to read:

20 29.971 (11g) (a) For hunting elk without a valid elk hunting license, for
 21 possessing an elk that does not have an elk carcass tag attached, for possessing an
 22 elk during the closed season, by a fine of not less than \$300 ^{\$1,000} nor more than \$15,000
 23 or by imprisonment for not more than 6 months or both for the first violation, or by
 24 a fine of not more than \$20,000 or imprisonment for not more than one year or both
 25 for any subsequent violation. In addition, the court shall revoke all hunting and

1 trapping approvals issued to the person under this chapter and shall prohibit the
2 issuance of any new hunting and trapping approvals under this chapter to the person
3 for 5 years.

4 (b) Except as provided under par. (a), for the violation of any provision of this
5 chapter or rules promulgated under this chapter relating to elk hunting or to the
6 violation of an elk carcass tag or registration of an elk, by a forfeiture of not more than
7 \$5,000.

8 (END)

↓
← [INSERT
12-6

Insert ANL

NATURAL RESOURCES ✓

FISH, GAME, AND WILDLIFE ✓

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 nonresidents may be issued these licenses, with nonresidents paying a higher fee. ✓ 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 processing fee for a license that is nonrefundable ✓ 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.

Current law requires that fees paid for elk hunting licenses and voluntary contributions made by applicants for these licenses ^{to} be used for issuing the licenses and for elk management and research.

The bill specifically bans the keeping of elk on game farms, on deer farms, and in wildlife exhibits. ✓

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

Insert 3-15

^{not} or with a crossbow, if the resident has a Class A, Class B or Class C permit issued under s. 29.193 (2) ✓ that authorizes hunting with a crossbow, ^{if the resident} or has a crossbow permit issued under s. 29.171 (4) (a). ✓

Insert 4-3

^{not} If the number of applicants for nonresident elk hunting licenses exceeds ^s the ✗ number of non resident elk hunting licenses available, the department shall select at random the nonresidents to be issued the licenses.

Insert 6-19

~~SECTION 29.347~~ [#] SECTION 29.347 (title) of the statutes is amended to read:

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

History: 1975 c. 97, 199; 1983 a. 546; 1991 a. 269, 316; 1995 a. 79, 126; 1997 a. 248 s. 504; Stats. 1997 s. 29.347; 1999 a. 9.

~~SECTION 29.347 (2)~~ [#] SECTION 29.347 (2) of the statutes is amended to read:

29.347 (2) DEER OR ELK CARCASS TAGS. Except as provided under sub. (5) and s. 29.324 (3), any person who kills a deer shall immediately attach to the ear or antler of the deer a current validated deer carcass tag which is authorized for use on the type of deer killed. Any person who kills an elk shall immediately attach to the ear or antler of the elk and ^g current validated elk carcass tag. Except as provided under sub. (2m) or s. 29.871 (7), (8) or (14) or 29.89 (6), no person may possess, control, store, or transport a deer carcass unless it is tagged as required under this subsection. Except as provided under sub. (2m), no person may possess, control, store or transport an elk carcass unless it is tagged as required under this ^{sub} section. A person who kills a deer or elk shall register the deer or elk in the manner required by the department. The carcass tag may not be removed before registration. The removal of a carcass tag from a deer or elk before registration renders the deer or elk untagged.

History: 1975 c. 97, 199; 1983 a. 546; 1991 a. 269, 316; 1995 a. 79, 126; 1997 a. 248 s. 504; Stats. 1997 s. 29.347; 1999 a. 9.

~~SECTION 29.347 (2m) (a)~~ [#] SECTION 29.347 (2m) (a) of the statutes is amended to read:

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

History: 1975 c. 97, 199; 1983 a. 546; 1991 a. 269, 316; 1995 a. 79, 126; 1997 a. 248 s. 504; Stats. 1997 s. 29.347; 1999 a. 9.

~~SECTION 29.347 (2m) (b)~~ [#] SECTION 29.347 (2m) (b) of the statutes is amended to read:

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

History: 1975 c. 97, 199; 1983 a. 346; 1991 a. 269, 316; 1995 a. 79, 126; 1997 a. 248 s. 504; Stats. 1997 s. 29.347; 1999 a. 9.

SECTION 29.347 (3) of the statutes is amended to read:

29.347 (3) HEADS AND SKINS. The head and skin of any deer or elk lawfully killed, when severed from the rest of the carcass, are not subject to this chapter; but no person shall may have possession or control of the green head or green skin of a deer ^{plain space} or elk during the period beginning 30 days after the close of the ^{plain space} open deer applicable season and the opening of the succeeding applicable season, ^{QAA} or No person may at any time [^] have possession or control of a deer or elk head in the velvet, or a deer or elk skin in the red, blue [^] or spotted coat.

History: 1975 c. 97, 199; 1983 a. 346; 1991 a. 269, 316; 1995 a. 79, 126; 1997 a. 248 s. 504; Stats. 1997 s. 29.347; 1999 a. 9.

SECTION 29.347 (4) of the statutes is amended to read:

29.347 (4) ANTLERS REMOVED OR BROKEN. Any deer ~~taken during an open season for hunting antlered deer only or for hunting antlerless deer only~~ from which the antlers have been removed, broken, shed [^] or altered so as to make determination of the legality of the deer impossible is an illegal deer if the deer is taken during an open season for hunting only antlered deer or during an open season for hunting only antlerless deer. Any elk from which the antlers have been removed, broken, shed [^] or altered so as to make determination of the legality of the elk impossible is an illegal elk if the elk is taken during an open season for hunting only antlered elk or during an open season for hunting antlerless elk. ^{plain period}

History: 1975 c. 97, 199; 1983 a. 346; 1991 a. 269, 316; 1995 a. 79, 126; 1997 a. 248 s. 504; Stats. 1997 s. 29.347; 1999 a. 9.

SECTION 29.347 (6) of the statutes is repealed.

Insert 8-11

SECTION 29.563 (12) (a) 5. of the statutes is created to read:

29.563 (12) (a) 5. Elk: \$24.25.

Insert 9-20

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

Insert 10-1

SECTION ~~9~~ 29.867 (1b) of the statutes is created to read:

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

SECTION ~~10~~ 29.867 (1) of the statutes is renumbered 29.867 (1g) and amended to read:

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

History: 1975 c. 94 s. 91 (11); 1975 c. 199, 322, 365, 422; 1983 a. 27; 1985 a. 332 s. 251 (1); 1991 a. 269, 316; 1995 a. 79, 114; 1997 a. 191, 237; 1997 a. 248 ss. 617, 703; Stats. 1997 s. 29.867; 1999 a. 32.

SECTION ~~10A~~ 29.867 (2m) of the statutes is amended to read:

29.867 (2m) If the applicant is the owner or lessee of the ~~lands~~ ^{land}, the land is suitable for the breeding and propagating of game birds and game animals, and the applicant intends in good faith to establish and maintain a game bird and animal farm, the department shall issue a license to the applicant. The license shall describe

Initializing...
Moved 29.867 (1)
1 action section(s) moved
Sort Complete.

the ~~lands~~ ^{land} and shall authorize the licensee to breed, propagate, kill and sell the game birds and game animals that are on the ~~lands~~ ^{land} described in the license.

History: 1975 c. 94 s. 91 (11); 1975 c. 199, 322, 365, 422; 1983 a. 27; 1985 a. 332 s. 251 (1); 1991 a. 269, 316; 1995 a. 79, 114; 1997 a. 191, 237; 1997 a. 248 ss. 617, 703; Stats. 1997 s. 29.867; 1999 a. 32.

~~SECTION 12~~ 29.867 (3) of the statutes is amended to read:

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

History: 1975 c. 94 s. 91 (11); 1975 c. 199, 322, 365, 422; 1983 a. 27; 1985 a. 332 s. 251 (1); 1991 a. 269, 316; 1995 a. 79, 114; 1997 a. 191, 237; 1997 a. 248 ss. 617, 703; Stats. 1997 s. 29.867; 1999 a. 32.

~~SECTION 13~~ 29.867 (3g) of the statutes is amended to read:

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

History: 1975 c. 94 s. 91 (11); 1975 c. 199, 322, 365, 422; 1983 a. 27; 1985 a. 332 s. 251 (1); 1991 a. 269, 316; 1995 a. 79, 114; 1997 a. 191, 237; 1997 a. 248 ss. 617, 703; Stats. 1997 s. 29.867; 1999 a. 32.

~~SECTION 14~~ 29.867 (5) of the statutes is amended to read:

29.867 (5) A game bird and animal farm license is prima facie evidence of the right of the licensee or the licensee's successors or assigns, during the term of the license, to establish and maintain a game bird and animal farm on the licensed premises, and entitles the licensee, or the licensee's successors or assigns, during the

term of the license, to the exclusive right to breed and propagate game birds and game animals on the licensed premises, and to the exclusive ownership of game birds and game animals taken on the licensed premises.

History: 1975 c. 94 s. 91 (11); 1975 c. 199, 322, 365, 422; 1983 a. 27; 1985 a. 332 s. 251 (1); 1991 a. 269, 316; 1995 a. 79, 114; 1997 a. 191, 237; 1997 a. 248 ss. 617, 703; Stats. 1997 s. 29.867; 1999 a. 32.

~~SECTION 16,~~ 29.867 (6) (a) of the statutes is amended to read:

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

History: 1975 c. 94 s. 91 (11); 1975 c. 199, 322, 365, 422; 1983 a. 27; 1985 a. 332 s. 251 (1); 1991 a. 269, 316; 1995 a. 79, 114; 1997 a. 191, 237; 1997 a. 248 ss. 617, 703; Stats. 1997 s. 29.867; 1999 a. 32.

~~SECTION 16,~~ 29.867 (6) (b) of the statutes is amended to read:

29.867 (6) (b) No game bird or game animal or mallards killed on the licensed premises and no live game bird or game animal or mallards to be consumed as food

may be removed from the premises until there has been securely fastened to each game bird or game animal a band or tag furnished by the department to the licensee at cost. The band or tag shall remain attached to the game bird or game animal until prepared for consumption. Live game birds and game animals may be sold or transported. Each container carrying such live game birds or game animals shall have attached to it a band or tag furnished by the department. Live game birds or game animals acquired from the licensee to be consumed as food may not be kept alive by any person beyond 48 hours from the time that the game birds or game animals were acquired from the licensee.

History: 1975 c. 94 s. 91 (11); 1975 c. 199, 322, 365, 422; 1983 a. 27; 1985 a. 332 s. 251 (1); 1991 a. 269, 316; 1995 a. 79, 114; 1997 a. 191, 237; 1997 a. 248 ss. 617, 703; Stats. 1997 s. 29.867; 1999 a. 32.

SECTION 17A 29.867 (6) (c) of the statutes is amended to read:

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

History: 1975 c. 94 s. 91 (11); 1975 c. 199, 322, 365, 422; 1983 a. 27; 1985 a. 332 s. 251 (1); 1991 a. 269, 316; 1995 a. 79, 114; 1997 a. 191, 237; 1997 a. 248 ss. 617, 703; Stats. 1997 s. 29.867; 1999 a. 32.

SECTION 18 29.867 (7) of the statutes is amended to read:

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

History: 1975 c. 94 s. 91 (11); 1975 c. 199, 322, 365, 422; 1983 a. 27; 1985 a. 332 s. 251 (1); 1991 a. 269, 316; 1995 a. 79, 114; 1997 a. 191, 237; 1997 a. 248 ss. 617, 703; Stats. 1997 s. 29.867; 1999 a. 32.

SECTION 19 29.871 (1) of the statutes is renumbered 29.871 (1g).

SECTION 20 29.871 (1b) of the statutes is created to read:

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

~~SECTION 21A~~ [#] 29.871 (1m)[✓] of the statutes is repealed.

Insert 10-16

~~SECTION 22A~~ [#] 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 farm-raised 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.

~~SECTION 23A~~ [#] 29.877 (2g)[✓] of the statutes is created to read:

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

~~SECTION 24A~~ [#] 29.877 (5m) of the statutes is created to read:

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

Insert 12-6

~~SECTION 25A~~ [#] 29.977 (1) (am)[✓] of the statutes is created to read:

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

~~SECTION 26A~~ [#] 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.

History: 1975 c. 365; 1977 c. 386; 1979 c. 34; 1985 a. 332 s. 251 (1); 1995 a. 376; 1997 a. 27; 1997 a. 248 ss. 691 to 698; Stats. 1997 s. 29.977.

~~SECTION 27A~~ [#] 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.

History: 1975 c. 365; 1977 c. 386; 1979 c. 34; 1985 a. 332 s. 251 (1); 1995 a. 376; 1997 a. 27; 1997 a. 248 ss. 691 to 698; Stats. 1997 s. 29.977.

~~SECTION 28A~~ [#] 29.983 (1) (b) 1[✓] of the statutes is created to read:

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

~~SECTION 29A~~ [#] 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.

History: 1991 a. 39; 1995 a. 201, 376; 1997 a. 248 s. 725; Stats. 1997 s. 29.983.

~~SECTION 30~~ SECTION 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.

History: 1991 a. 39; 1995 a. 201, 376; 1997 a. 248 s. 725; Stats. 1997 s. 29.983.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1025/1dn
MGG:wlj:jf

January 8, 2001

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 authorizes 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 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.

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 ss. 29.977 and 29.983. OK?

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

Gibson-Glass, Mary

From: Thompson, Eric R
Sent: Wednesday, January 10, 2001 1:58 PM
To: Gibson-Glass, Mary
Cc: Grinde, Kirsten
Subject: LRB-1025/1 - Elk Management draft

Mary,

There's several changes we would like to recommend for the Elk Management statutory language draft, LRB-1025/1. These do not directly address your questions that accompanied the draft. With the exception of these changes, everything in the draft is OK.

1. We agree with your question #3 that the elk hunter education program should be included in appropriation 20.370 (1) (hq). We would recommend adding "elk education courses" after the phrase "elk hunting licenses" in Section 1, line 4, p.2. ✓
2. We suggest deleting the entire Section 14 on page 6 of the draft dealing with Blaze Orange clothing during an elk hunting season. Our reasoning is that for quite a few years, there will not be very many elk hunters, and it would not be acceptable to require all the bow hunters in what could be an entire county to wear blaze orange for a few elk hunters. If the number of elk hunting licenses issued increases to a significant number, we will add a blaze orange requirement for other hunters in the vicinity at that time. Our Chief Warden agrees with this change. ✓
3. We would recommend adding a phrase to Section 21, p. 8, line 10 to deal with the legal possession of elk. We would recommend beginning the last sentence of Section 21 (s. 29.347 (3) that begins on line 10 with "Unless authorized by the Department," no person may at any time.... ✓
4. We would like to allow a limited opportunity for non-residents to acquire elk hunting licenses, but we would like to ensure that most of the licenses go to residents. To do this, we would suggest adding the following sentence to the end of s.29.182 (4)(b) in Section 9, p.4, line 18. "The Department may annually reserve up to 99% of the available licenses for residents." ✓

*go ahead & redraft per Kirsten
do not send to DNR*



soon

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

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

Not
The bill allows DNR to make available only to state residents up to 99% of all the elk hunting licenses available in each year.

DO NOT GEN

1

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

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

FISH, GAME, AND WILDLIFE

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 nonresidents may be issued these licenses, with nonresidents paying a higher fee. 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 processing fee for a license that is nonrefundable 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.

Current law 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.

The bill specifically bans the keeping of elk on game farms, on deer farms, and in wildlife exhibits.

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

2 20.370 (1) (hq) *Elk hunting fees.* All moneys received from the sale of elk
3 hunting licenses under s. 29.182 and from voluntary contributions under s. 29.565
4 to be used for administering elk hunting licenses, ^{for} and for elk management and
5 research activities. ^{and for the elk hunter education program}
_{under s. 29.595}

****NOTE. This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

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

7 29.001 (20) "Deer" means white-tailed deer and does not include farm-raised
8 deer.

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

10 29.001 (22) "Elk" means elk that is present in the wild and that does not have
11 an ear tag or other mark identifying it as being raised on a farm.

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

13 29.001 (36) "Game animals" ~~includes~~ means deer, moose, elk, bear, rabbits,
14 squirrels, fox ~~and~~, raccoon, and any other wild animals specified by the department.

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

16 29.047 (1m) Unless prohibited by the laws of an adjoining state, any person
17 who has lawfully killed a deer or an elk in this state may take the deer or elk or its
18 carcass into the adjoining state and ship the deer or elk or carcass from any point in
19 the adjoining state to any point in this state.

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

1 29.089 (3) A person may hunt deer, elk, wild turkeys, or small game in a state
2 park, or in a portion of a state park, if the department has authorized by rule the
3 hunting of that type of game in the state park, or in the portion of the state park, and
4 if the person holds the approvals required under this chapter for hunting that type
5 of game.

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

7 **29.161 Resident small game hunting license.** A resident small game
8 hunting license shall be issued subject to s. 29.024 by the department to any resident
9 applying for this license. The resident small game hunting license does not authorize
10 the hunting of bear, deer, elk, or wild turkey.

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

12 29.171 (2) A resident archer hunting license authorizes the hunting of all
13 game, except bear, elk, and wild turkey, during the open seasons for hunting that
14 game with bow and arrow established by the department. This license authorizes
15 hunting with a bow and arrow only, unless hunting with a crossbow is authorized by
16 a Class A, Class B, or Class C permit issued under s. 29.193 (2) or a permit issued
17 under sub. (4).

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

19 **29.182 Elk hunting licenses. (1) DEPARTMENT AUTHORITY.** The department
20 may issue elk hunting licenses and may limit the number of elk hunters and elk
21 harvested in any area of the state. The department may establish by rule closed
22 zones where elk hunting is prohibited.

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

1 (3) 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 bow and arrow,
3 or with a crossbow, if the resident has a Class A, Class B, or Class C permit issued
4 under s. 29.193 (2) that authorizes hunting with a crossbow, or if the resident has a
5 crossbow permit issued under s. 29.171 (4) (a).

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

9 (4) ISSUANCE. (a) Except as provided in pars. (b), (c), and (d), if the department
10 issues elk hunting licenses, the department shall issue a resident or nonresident elk
11 hunting license to any person who applies for such a license, and who pays the fees
12 required for the license, subject to s. 29.024 (2g). *The department may give*

13 (b) If the number of applicants for resident elk hunting licenses exceeds the
14 number of resident elk hunting licenses available, the department shall select at
15 random the residents to be issued the licenses. If the number of applicants for
16 nonresident elk hunting licenses exceeds the number of nonresident elk hunting
17 licenses available, the department shall select at random the nonresidents to be
18 issued the licenses. *(make available only to residents)*
The department may assign up to 99% of all
elk hunting licenses that are available in a given year.

19 (c) The department shall issue a notice of approval to each person who is
20 selected at random under par. (b) to be issued an elk hunting license. The
21 department shall issue a license to each person who receives a notice of approval
22 under this paragraph and who pays the fees required for the license, subject to s.
23 29.024 (2g).

24 (d) A person may be issued only one elk hunting license in his or her lifetime,
25 and the elk hunting license shall be valid for only one elk hunting season.

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

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

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

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

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

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

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

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

24 **SECTION 12.** 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 **SECTION 13.** 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.
14 29.193 (2).

15 **SECTION 14.** 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
20 color commonly referred to as hunter orange, blaze orange, fluorescent orange, flame
21 orange, or fluorescent blaze orange. Any person violating this subsection shall forfeit
22 not more than \$10.

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

24 **29.314 (3) (title) SHINING DEER, ELK, OR BEAR WHILE HUNTING OR POSSESSING**
25 **WEAPONS PROHIBITED.**

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

2 29.314 (3) (a) *Prohibition.* No person may use or possess with intent to use a
3 light for shining deer, elk, or bear while the person is hunting deer, elk, or bear or in
4 possession of a firearm, bow and arrow, or crossbow.

5 **SECTION 17.** 29.347 (title) of the statutes is amended to read:

6 **29.347 (title) Possession of deer and elk; heads and skins.**

7 **SECTION 18.** 29.347 (2) of the statutes is amended to read:

8 29.347 (2) DEER OR ELK CARCASS TAGS. Except as provided under sub. (5) and s.
9 29.324 (3), any person who kills a deer shall immediately attach to the ear or antler
10 of the deer a current validated deer carcass tag which is authorized for use on the
11 type of deer killed. Any person who kills an elk shall immediately attach to the ear
12 or antler of the elk a current validated elk carcass tag. Except as provided under sub.
13 (2m) or s. 29.871 (7), (8), or (14) or 29.89 (6), no person may possess, control, store,
14 or transport a deer carcass unless it is tagged as required under this subsection.
15 Except as provided under sub. (2m), no person may possess, control, store, or
16 transport an elk carcass unless it is tagged as required under this subsection. A
17 person who kills a deer or elk shall register the deer or elk in the manner required
18 by the department. The carcass tag may not be removed before registration. The
19 removal of a carcass tag from a deer or elk before registration renders the deer or elk
20 untagged.

21 **SECTION 19.** 29.347 (2m) (a) of the statutes is amended to read:

22 29.347 (2m) (a) A deer carcass tag attached under sub. (2) and a registration
23 tag attached by the department or a car kill tag attached under sub. (5) may be
24 removed from a gutted carcass at the time of butchering, but the person who killed
25 or obtained the deer or elk shall retain all tags until the meat is consumed.

1 **SECTION 20.** 29.347 (2m) (b) of the statutes is amended to read:

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

5 **SECTION 21.** 29.347 (3) of the statutes is amended to read:

6 29.347 (3) HEADS AND SKINS. The head and skin of any deer or elk lawfully
7 killed, when severed from the rest of the carcass, are not subject to this chapter; but
8 no person shall may have possession or control of the green head or green skin of a
9 deer or elk during the period beginning 30 days after the close of the open deer
10 applicable season and the opening of the succeeding applicable season, or, No person
11 may at any time have possession or control of a deer or elk head in the velvet, or a
12 deer or elk skin in the red, blue, or spotted coat.

13 **SECTION 22.** 29.347 (4) of the statutes is amended to read:

14 29.347 (4) ANTLERS REMOVED OR BROKEN. Any deer ~~taken during an open season~~
15 ~~for hunting antlered deer only or for hunting antlerless deer only~~ from which the
16 antlers have been removed, broken, shed, or altered so as to make determination of
17 the legality of the deer impossible is an illegal deer if the deer is taken during an open
18 season for hunting only antlered deer or during an open season for hunting only
19 antlerless deer. Any elk from which the antlers have been removed, broken, shed,
20 or altered so as to make determination of the legality of the elk impossible is an illegal
21 elk if the elk is taken during an open season for hunting only antlered elk or during
22 an open season for hunting antlerless elk.

23 **SECTION 23.** 29.347 (6) of the statutes is repealed.

24 **SECTION 24.** 29.361 (title) of the statutes is amended to read:

25 **29.361 (title) Transportation of deer or elk.**

1 **SECTION 25.** 29.361 (1) of the statutes is amended to read:

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

5 **SECTION 26.** 29.361 (2) of the statutes is amended to read:

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

9 **SECTION 27.** 29.361 (2m) of the statutes is amended to read:

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

15 **SECTION 28.** 29.361 (5) of the statutes is amended to read:

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

19 **SECTION 29.** 29.361 (6) of the statutes is repealed.

20 **SECTION 30.** 29.539 (1) (a) 1. of the statutes is amended to read:

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

23 **SECTION 31.** 29.541 (1) (a) 1. of the statutes is amended to read:

24 29.541 (1) (a) 1. The meat of any deer, elk, bear, squirrel, game bird, or game
25 fish taken from inland waters at any time.

1 **SECTION 32.** 29.553 (1) (hm) of the statutes is created to read:

2 29.553 (1) (hm) Elk hunting license.

3 **SECTION 33.** 29.563 (2) (a) 5m. of the statutes is created to read:

4 29.563 (2) (a) 5m. Elk: \$98.25.

5 **SECTION 34.** 29.563 (2) (b) 3m. of the statutes is created to read:

6 29.563 (2) (b) 3m. Elk: \$498.25.

7 **SECTION 35.** 29.563 (12) (a) 5. of the statutes is created to read:

8 29.563 (12) (a) 5. Elk: \$24.25.

9 **SECTION 36.** 29.563 (14) (a) 3. of the statutes is created to read:

10 29.563 (14) (a) 3. The processing fee for applications for elk hunting licenses:
11 \$9.75.

12 **SECTION 37.** 29.563 (14) (c) 3. of the statutes is amended to read:

13 29.563 (14) (c) 3. Each application for a hunter's choice permit, bonus deer
14 hunting permit, elk hunting license, wild turkey hunting license, Canada goose
15 hunting permit, sharp-tailed grouse hunting permit, bobcat hunting and trapping
16 permit, otter trapping permit, fisher trapping permit, or sturgeon fishing permit: 25
17 cents.

18 **SECTION 38.** 29.565 of the statutes is created to read:

19 **29.565 Voluntary contributions: elk research.** (1) Any applicant for an
20 elk hunting license under s. 29.182 may, in addition to paying any fee charged for the
21 license, elect to make a voluntary contribution of at least \$1 to be used for elk
22 research.

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

25 **SECTION 39.** 29.595 of the statutes is created to read:

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

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

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

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

7 (c) Elk biology and disease prevention.

8 (d) Elk hunting techniques and hunter ethics.

9 (e) Elk hunting zones.

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

11 (g) Native American hunting.

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

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

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

23 (4) FEE PROHIBITED. The department may not charge a fee for the course of
24 instruction or the certificate of accomplishment.

1 **SECTION 40.** 29.867 (1) of the statutes is renumbered 29.867 (1g) and amended
2 to read:

3 **29.867 (1g)** The owner or lessee of lands suitable for the breeding and
4 propagating of game, birds or game animals may, upon complying with this section,
5 establish and maintain a game bird and animal farm for the purpose of breeding,
6 propagating, killing, and selling game birds and game animals. All waterfowl bred,
7 propagated, or held on a game bird and animal farm shall be enclosed within a
8 covered enclosure by the licensee throughout the open season for hunting waterfowl
9 in the state as required by the department.

10 **SECTION 41.** 29.867 (1b) of the statutes is created to read:

11 **29.867 (1b)** “Game animal” does not include elk.

12 **SECTION 42.** 29.867 (2m) of the statutes is amended to read:

13 **29.867 (2m)** If the applicant is the owner or lessee of the ~~lands~~ land, the land
14 is suitable for the breeding and propagating of game birds and game animals, and
15 the applicant intends in good faith to establish and maintain a game bird and animal
16 farm, the department shall issue a license to the applicant. The license shall describe
17 the ~~lands~~ land and shall authorize the licensee to breed, propagate, kill, and sell the
18 game birds and game animals that are on the ~~lands~~ land described in the license.

19 **SECTION 43.** 29.867 (3) of the statutes is amended to read:

20 **29.867 (3)** Upon issuance, subject to s. 29.024 (2g) and (2r), of the license, the
21 department shall appoint one person, the licensee shall appoint one person, and
22 these 2 appointees shall select a 3rd person, to determine as accurately as possible
23 the number of ~~wild~~ game birds and game animals of the desired species on the land
24 at the time of the issuing of the license. The necessary expenses of these persons shall
25 be paid by the licensee. Within 30 days after the date of the determination as

1 approved by the department, the licensee shall pay to the department a specified sum
2 determined by the department for those species of ~~wild~~ game birds and game animals
3 on the licensed premises that are desired for propagation purposes, the title of which
4 is in the state.

5 **SECTION 44.** 29.867 (3g) of the statutes is amended to read:

6 29.867 (3g) When the payment under sub. (3g) has been made, the licensee
7 shall become the owner of all game birds or game animals of the species licensed and
8 of all of their offspring actually produced and remaining on the licensed premises,
9 subject to the jurisdiction of the department over all game bird and animals.

10 **SECTION 45.** 29.867 (5) of the statutes is amended to read:

11 29.867 (5) A game bird and animal farm license is prima facie evidence of the
12 right of the licensee or the licensee's successors or assigns, during the term of the
13 license, to establish and maintain a game bird and animal farm on the licensed
14 premises, and entitles the licensee, or the licensee's successors or assigns, during the
15 term of the license, to the exclusive right to breed and propagate game birds and
16 game animals on the licensed premises, and to the exclusive ownership of game birds
17 and game animals taken on the licensed premises.

18 **SECTION 46.** 29.867 (6) (a) of the statutes is amended to read:

19 29.867 (6) (a) The game animals and game birds ~~and animals~~, except
20 waterfowl, may be taken at any time in any manner, subject to s. 29.314, by any
21 person who is lawfully entitled to hunt on the licensed premises, except that such a
22 person hunting on the licensed premises is not required to hold a hunting license.
23 Waterfowl may only be taken under rules promulgated by the department governing
24 the hunting of waterfowl, except that upon written application the department may
25 authorize the taking of hand-reared mallards at any time within the boundaries of

1 a licensed game bird and animal farm in numbers not to exceed those liberated or
2 propagated when the department determines that only mallards liberated or
3 propagated by the licensee will be taken on licensed premises. The applicant shall
4 certify to the department that mallards liberated or propagated for hunting were
5 produced and reared in captivity and are more than 2 generations removed from the
6 wild. Hand-reared mallards may not be released for hunting purposes unless the
7 mallards have first been identified as the department directs. Mallards confined to
8 wholly enclosed pens or buildings may be taken within such pens or buildings at any
9 time and in any numbers.

10 **SECTION 47.** 29.867 (6) (b) of the statutes is amended to read:

11 29.867 (6) (b) No game bird or game animal or mallards killed on the licensed
12 premises and no live game bird or game animal or mallards to be consumed as food
13 may be removed from the premises until there has been securely fastened to each
14 game bird or game animal a band or tag furnished by the department to the licensee
15 at cost. The band or tag shall remain attached to the game bird or game animal until
16 prepared for consumption. Live game birds and game animals may be sold or
17 transported. Each container carrying such live game birds or game animals shall
18 have attached to it a band or tag furnished by the department. Live game birds or
19 game animals acquired from the licensee to be consumed as food may not be kept
20 alive by any person beyond 48 hours from the time that the game birds or game
21 animals were acquired from the licensee.

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

23 29.867 (6) (c) Whenever any game bird or game animal from a game bird and
24 animal farm is consumed for food, the band or tag attached to the game bird or game
25 animal shall be kept until the bird or animal is consumed.

1 **SECTION 49.** 29.867 (7) of the statutes is amended to read:

2 29.867 (7) Any person other than the licensee, or a person authorized by the
3 licensee, who hunts game birds or game animals on the licensed premises is liable
4 to the licensee in the sum of \$100, in addition to all damage which the person does
5 to the game birds or game animals, but any action to recover damages shall be
6 brought by the licensee.

7 **SECTION 50.** 29.871 (1) of the statutes is renumbered 29.871 (1g).

8 **SECTION 51.** 29.871 (1b) of the statutes is created to read:

9 29.871 (1b) In this section, “deer” means any type of deer except for elk and
10 farm-raised deer.

11 **SECTION 52.** 29.871 (1m) of the statutes is repealed.

12 **SECTION 53.** 29.875 (title) of the statutes is amended to read:

13 **29.875 (title) Disposal of escaped deer or elk.**

14 **SECTION 54.** 29.875 (1) of the statutes is renumbered 29.875 (1r).

15 **SECTION 55.** 29.875 (1g) of the statutes is created to read:

16 29.875 (1g) In this section, “deer” means any species of deer.

17 **SECTION 56.** 29.875 (2) of the statutes is amended to read:

18 29.875 (2) Notwithstanding sub. (1) ~~(1r)~~, the department may dispose of the
19 deer immediately if the department of agriculture, trade and consumer protection
20 determines that the deer poses a risk to public safety or to the health of other
21 domestic or wild animals.

22 **SECTION 57.** 29.877 (2) (a) of the statutes is amended to read:

23 29.877 (2) (a) “Wild animal” means any mammal, fish, or bird of a wild nature
24 as distinguished from domestic animals under the common law or under the statutes

1 whether or not the mammal, fish, or bird was bred or reared in captivity, but does not
2 include ~~farm-raised deer of the genus dama, cervus or rangifer~~ or farm-raised fish.

3 **SECTION 58.** 29.877 (2g) of the statutes is created to read:

4 29.877 (2g) This section does not apply to farm-raised deer.

5 **SECTION 59.** 29.877 (5m) of the statutes is created to read:

6 29.877 (5m) No person may exhibit an elk in a wildlife exhibit.

7 **SECTION 60.** 29.889 (1) (f) of the statutes is created to read:

8 29.889 (1) (f) Elk, if hunting of elk is authorized by the department.

9 **SECTION 61.** 29.921 (7) of the statutes is amended to read:

10 29.921 (7) DOGS INJURING WILDLIFE. A warden may kill a dog found running,
11 injuring, causing injury to, or killing, any deer, ~~other than farm-raised deer or elk,~~
12 or destroying game birds, their eggs, or nests, if immediate action is necessary to
13 protect the deer, elk, or game birds, their nests or eggs, from injury or death.

14 **SECTION 62.** 29.927 (8) of the statutes is amended to read:

15 29.927 (8) Any dog found running deer, ~~except farm-raised deer, or elk~~ at any
16 time, or used in violation of this chapter.

17 **SECTION 63.** 29.934 (1) (e) of the statutes is amended to read:

18 29.934 (1) (e) This subsection does not apply to a deer killed, or so injured that
19 it must be killed, by a collision with a motor vehicle on a highway. For purposes of
20 this subsection, ~~“deer” does not include farm-raised deer.~~

21 **SECTION 64.** 29.971 (3m) of the statutes is amended to read:

22 29.971 (3m) For unlawfully hunting a moose ~~or an elk~~, by a forfeiture of not
23 less than \$1,000 nor more than \$2,000 and the mandatory revocation of all hunting
24 approvals issued to the person. In addition, no hunting approval may be issued to
25 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.

3 **SECTION 65.** 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 an elk carcass tag attached, for possessing an
6 elk during the closed season, by a fine of not less than \$1,000 nor more than \$15,000
7 or by imprisonment for not more than 6 months or both for the first violation, or by
8 a fine of not more than \$20,000 or imprisonment for not more than one year or both
9 for any subsequent violation. 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), 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 **SECTION 66.** 29.977 (1) (am) of the statutes is created to read:

18 29.977 (1) (am) Any elk, \$2,000.

19 **SECTION 67.** 29.977 (1) (b) of the statutes is amended to read:

20 29.977 (1) (b) Any moose, ~~elk~~, fisher, prairie chicken or sand hill crane, \$262.50.

21 **SECTION 68.** 29.977 (1) (m) of the statutes is amended to read:

22 29.977 (1) (m) Any game or fur-bearing animal or bird not mentioned in pars.
23 ~~(b)~~ (am) to (h), \$17.50.

24 **SECTION 69.** 29.983 (1) (b) 1m. of the statutes is created to read:

25 29.983 (1) (b) 1m. Any elk, \$2,000.

