



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.

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*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 non residents may be issued these licenses, with nonresidents paying a higher fee. The bill allows DNR to make available only to state residents up to 99% of all the elk hunting licenses available in each year. The bill authorizes DNR to select at random who will be issued these licenses if the number of applicants exceeds the number of licenses available. The bill requires an applicant to pay a 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.

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***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~~ 29.567  
4 to be used for administering elk hunting licenses, for elk management and research  
5 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 clk 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.

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

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

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

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

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

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

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

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

24           **(2) APPLICATION.** A person who applies for an elk hunting license under this  
25 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).

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. The department may make available only to residents up to 99%  
19 of all elk hunting licenses that are available in a given year.

20           (c) The department shall issue a notice of approval to each person who is  
21 selected at random under par. (b) to be issued an elk hunting license. The  
22 department shall issue a license to each person who receives a notice of approval  
23 under this paragraph and who pays the fees required for the license, subject to s.  
24 29.024 (2g).

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

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

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

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

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

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

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

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

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

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

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

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

10           **29.216 (2) AUTHORIZATION.** The nonresident archer hunting license authorizes  
11 the hunting of all game, except bear, elk, wild turkey, and fur-bearing animals,  
12 during the open season for the hunting of that game with a bow and arrow. This  
13 license authorizes hunting with a bow and arrow only unless hunting with a  
14 crossbow is authorized by a Class A, Class B, or Class C permit issued under s.  
15 29.193 (2).

16           **SECTION 14.** 29.314 (3) (title) of the statutes is amended to read:

17           **29.314 (3) (title) SHINING DEER, ELK, OR BEAR WHILE HUNTING OR POSSESSING**  
18 **WEAPONS PROHIBITED.**

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

20           **29.314 (3) (a) Prohibition.** No person may use or possess with intent to use a  
21 light for shining deer, elk, or bear while the person is hunting deer, elk, or bear or in  
22 possession of a firearm, bow and arrow, or crossbow.

23           **SECTION 16.** 29.347 (title) of the statutes is amended to read:

24           **29.347 (title) Possession of deer and elk; heads and skins.**

25           **SECTION 17.** 29.347 (2) of the statutes is amended to read:

1           29.347 (2) DEER OR ELK CARCASS TAGS. Except as provided under sub. (5) and s.  
2           29.324 (3), any person who kills a deer shall immediately attach to the ear or antler  
3           of the deer a current validated deer carcass tag which is authorized for use on the  
4           type of deer killed. Any person who kills an elk shall immediately attach to the ear  
5           or antler of the elk a current validated elk carcass tag. Except as provided under sub.  
6           (2m) or s. 29.871 (7), (8), or (14) or 29.89 (6), no person may possess, control, store,  
7           or transport a deer carcass unless it is tagged as required under this subsection.  
8           Except as provided under sub. (2m), no person may possess, control, store, or  
9           transport an elk carcass unless it is tagged as required under this subsection. A  
10          person who kills a deer or elk shall register the deer or elk in the manner required  
11          by the department. The carcass tag may not be removed before registration. The  
12          removal of a carcass tag from a deer or elk before registration renders the deer or elk  
13          untagged.

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

15           29.347 (2m) (a) A deer carcass tag attached under sub. (2) and a registration  
16          tag attached by the department or a car kill tag attached under sub. (5) may be  
17          removed from a gutted carcass at the time of butchering, but the person who killed  
18          or obtained the deer or elk shall retain all tags until the meat is consumed.

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

20           29.347 (2m) (b) Any person who retains a tag under par. (a) may give deer or  
21          elk meat to another person. The person who receives the gift of deer or elk meat is  
22          not required to possess a tag.

23           **SECTION 20.** 29.347 (3) of the statutes is amended to read:

24           29.347 (3) **HEADS AND SKINS.** The head and skin of any deer or elk lawfully  
25          killed, when severed from the rest of the carcass, are not subject to this chapter; but

1 no person ~~shall~~ may have possession or control of the green head or green skin of a  
2 deer or elk during the period beginning 30 days after the close of the ~~open deer~~  
3 applicable season and the opening of the succeeding applicable season, ~~or~~. Unless  
4 authorized by the department, no person may at any time have possession or control  
5 of a deer or elk head in the velvet, or a deer or elk skin in the red, blue, or spotted coat.

6 **SECTION 21.** 29.347 (4) of the statutes is amended to read:

7 29.347 (4) ~~ANTLERS REMOVED OR BROKEN. Any deer taken during an open season~~  
8 ~~for hunting antlered deer only or for hunting antlerless deer only~~ from which the  
9 antlers have been removed, broken, shed, or altered so as to make determination of  
10 the legality of the deer impossible is an illegal deer if the deer is taken during an open  
11 season for hunting only antlered deer or during an open season for hunting only  
12 antlerless deer. Any elk from which the antlers have been removed, broken, shed,  
13 or altered so as to make determination of the legality of the elk impossible is an illegal  
14 elk if the elk is taken during an open season for hunting only antlered elk or during  
15 an open season for hunting antlerless elk.

16 **SECTION 22.** 29.347 (6) of the statutes is repealed.

17 **SECTION 23.** 29.361 (title) of the statutes is amended to read:

18 **29.361 (title) Transportation of deer or elk.**

19 **SECTION 24.** 29.361 (1) of the statutes is amended to read:

20 29.361 (1) No common carrier may receive for transportation or transport or  
21 attempt to transport any deer or elk or the carcass of any deer or elk except as  
22 provided in this section.

23 **SECTION 25.** 29.361 (2) of the statutes is amended to read:



1           29.361 (2) Any person may transport a lawfully taken deer or elk if it is properly  
2 tagged and registered, except as otherwise provided by rule during the open season  
3 for deer or elk and for 3 days thereafter.

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

5           29.361 (2m) Any person may transport an antlerless deer killed under the  
6 authority of his or her hunter's choice, bonus, or other deer hunting permit on any  
7 highway, as defined s. 340.01 (22), in order to register the deer in the deer  
8 management area where the deer deer was killed or in an adjoining management  
9 area.

10          **SECTION 27.** 29.361 (5) of the statutes is amended to read:

11          29.361 (5) This section does not apply to a person who has a valid taxidermist  
12 permit and who is transporting, attempting to transport, or receiving the carcass of  
13 a deer or elk in connection with his or her business.

14          **SECTION 28.** 29.361 (6) of the statutes is repealed.

15          **SECTION 29.** 29.539 (1) (a) 1. of the statutes is amended to read:

16          29.539 (1) (a) 1. Deer, elk, bear, squirrel, game bird, game fish or the carcass  
17 of any of these wild animals at any time.

18          **SECTION 30.** 29.541 (1) (a) 1. of the statutes is amended to read:

19          29.541 (1) (a) 1. The meat of any deer, elk, bear, squirrel, game bird, or game  
20 fish taken from inland waters at any time.

21          **SECTION 31.** 29.553 (1) (hm) of the statutes is created to read:

22          29.553 (1) (hm) Elk hunting license.

23          **SECTION 32.** 29.563 (2) (a) 5m. of the statutes is created to read:

24          29.563 (2) (a) 5m. Elk: \$98.25.

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

1 29.563 (2) (b) 3m. Elk: \$498.25.

2 **SECTION 34.** 29.563 (12) (a) 5. of the statutes is created to read:

3 29.563 (12) (a) 5. Elk: \$24.25.

4 **SECTION 35.** 29.563 (14) (a) 3. of the statutes is created to read:

5 29.563 (14) (a) 3. The processing fee for applications for elk hunting licenses:  
6 \$9.75.

7 **SECTION 36.** 29.563 (14) (c) 3. of the statutes is amended to read:

8 29.563 (14) (c) 3. Each application for a hunter's choice permit, bonus deer  
9 hunting permit, elk hunting license, wild turkey hunting license, Canada goose  
10 hunting permit, sharp-tailed grouse hunting permit, bobcat hunting and trapping  
11 permit, otter trapping permit, fisher trapping permit, or sturgeon fishing permit: 25  
12 cents.

13 **SECTION 37.** ~~29.563~~<sup>29.567</sup> of the statutes is created to read:

14 **29.567** ~~29.563~~<sup>29.567</sup> **Voluntary contributions: elk research.** (1) Any applicant for an  
15 elk hunting license under s. 29.182 may, in addition to paying any fee charged for the  
16 license, elect to make a voluntary contribution of at least \$1 to be used for elk  
17 research.

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

20 **SECTION 38.** 29.595 of the statutes is created to read:

21 **29.595 Elk hunter education program.** (1) ESTABLISHMENT. The  
22 department shall establish and conduct an elk hunter education program.

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

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

NO  
CHANGE  
MOVE TO

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

2 (c) Elk biology and disease prevention.

3 (d) Elk hunting techniques and hunter ethics.

4 (e) Elk hunting zones.

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

6 (g) Native American hunting.

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

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

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

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

20 **SECTION 39.** 29.867 (1) of the statutes is renumbered 29.867 (1g) and amended  
21 to read:

22 29.867 (1g) The owner or lessee of lands suitable for the breeding and  
23 propagating of game, birds or game animals may, upon complying with this section,  
24 establish and maintain a game bird and animal farm for the purpose of breeding,  
25 propagating, killing, and selling game birds and game animals. All waterfowl bred,

1 propagated, or held on a game bird and animal farm shall be enclosed within a  
2 covered enclosure by the licensee throughout the open season for hunting waterfowl  
3 in the state as required by the department.

4 **SECTION 40.** 29.867 (1b) of the statutes is created to read:

5 29.867 (1b) "Game animal" does not include elk.

6 **SECTION 41.** 29.867 (2m) of the statutes is amended to read:

7 29.867 (2m) If the applicant is the owner or lessee of the lands land, the land  
8 is suitable for the breeding and propagating of game birds and game animals, and  
9 the applicant intends in good faith to establish and maintain a game bird and animal  
10 farm, the department shall issue a license to the applicant. The license shall describe  
11 the lands land and shall authorize the licensee to brood, propagate, kill, and sell the  
12 game birds and game animals that are on the lands land described in the license.

13 **SECTION 42.** 29.867 (3) of the statutes is amended to read:

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

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

1           29.867 (3g) When the payment under sub. (3g) has been made, the licensee  
2 shall become the owner of all game birds or game animals of the species licensed and  
3 of all of their offspring actually produced and remaining on the licensed premises,  
4 subject to the jurisdiction of the department over all game bird and animals.

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

6           29.867 (5) A game bird and animal farm license is prima facie evidence of the  
7 right of the licensee or the licensee's successors or assigns, during the term of the  
8 license, to establish and maintain a game bird and animal farm on the licensed  
9 premises, and entitles the licensee, or the licensee's successors or assigns, during the  
10 term of the license, to the exclusive right to breed and propagate game birds and  
11 game animals on the licensed premises, and to the exclusive ownership of game birds  
12 and game animals taken on the licensed premises.

13           **SECTION 45.** 29.867 (6) (a) of the statutes is amended to read:

14           29.867 (6) (a) The game animals and game birds ~~and animals~~, except  
15 waterfowl, may be taken at any time in any manner, subject to s. 29.314, by any  
16 person who is lawfully entitled to hunt on the licensed premises, except that such a  
17 person hunting on the licensed premises is not required to hold a hunting license.  
18 Waterfowl may only be taken under rules promulgated by the department governing  
19 the hunting of waterfowl, except that upon written application the department may  
20 authorize the taking of hand-reared mallards at any time within the boundaries of  
21 a licensed game bird and animal farm in numbers not to exceed those liberated or  
22 propagated when the department determines that only mallards liberated or  
23 propagated by the licensee will be taken on licensed premises. The applicant shall  
24 certify to the department that mallards liberated or propagated for hunting were  
25 produced and reared in captivity and are more than 2 generations removed from the

1 wild. Hand-reared mallards may not be released for hunting purposes unless the  
2 mallards have first been identified as the department directs. Mallards confined to  
3 wholly enclosed pens or buildings may be taken within such pens or buildings at any  
4 time and in any numbers.

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

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

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

18 29.867 (6) (c) Whenever any game bird or game animal from a game bird and  
19 animal farm is consumed for food, the band or tag attached to the game bird or game  
20 animal shall be kept until the bird or animal is consumed.

21 **SECTION 48.** 29.867 (7) of the statutes is amended to read:

22 29.867 (7) Any person other than the licensee, or a person authorized by the  
23 licensee, who hunts game birds or game animals on the licensed premises is liable  
24 to the licensee in the sum of \$100, in addition to all damage which the person does

1 to the game birds or game animals, but any action to recover damages shall be  
2 brought by the licensee.

3 **SECTION 49.** 29.871 (1) of the statutes is renumbered 29.871 (1g).

4 **SECTION 50.** 29.871 (1b) of the statutes is created to read:

5 29.871 (1b) In this section, “deer” means any type of deer except for elk and  
6 farm-raised deer.

7 **SECTION 51.** 29.871 (1m) of the statutes is repealed.

8 **SECTION 52.** 29.875 (title) of the statutes is amended to read:

9 **29.875 (title) Disposal of escaped deer or elk.**

10 **SECTION 53.** 29.875 (1) of the statutes is renumbered 29.875 (1r).

11 **SECTION 54.** 29.875 (1g) of the statutes is created to read:

12 29.875 (1g) In this section, “deer” means any species of deer.

13 **SECTION 55.** 29.875 (2) of the statutes is amended to read:

14 29.875 (2) Notwithstanding sub. (1) (1r), the department may dispose of the  
15 deer immediately if the department of agriculture, trade and consumer protection  
16 determines that the deer poses a risk to public safety or to the health of other  
17 domestic or wild animals.

18 **SECTION 56.** 29.877 (2) (a) of the statutes is amended to read:

19 29.877 (2) (a) “Wild animal” means any mammal, fish, or bird of a wild nature  
20 as distinguished from domestic animals under the common law or under the statutes  
21 whether or not the mammal, fish, or bird was bred or reared in captivity, but does not  
22 include farm-raised deer of the genus dama, cervus or rangifer or farm-raised fish.

23 **SECTION 57.** 29.877 (2g) of the statutes is created to read:

24 29.877 (2g) This section does not apply to farm-raised deer.

25 **SECTION 58.** 29.877 (5m) of the statutes is created to read:

1           29.877 (5m) No person may exhibit an elk in a wildlife exhibit.

2           **SECTION 59.** 29.889 (1) (f) of the statutes is created to read:

3           29.889 (1) (f) Elk, if hunting of elk is authorized by the department.

4           **SECTION 60.** 29.921 (7) of the statutes is amended to read:

5           29.921 (7) **DOGS INJURING WILDLIFE.** A warden may kill a dog found running,  
6           injuring, causing injury to, or killing, any deer, ~~other than farm-raised deer or elk,~~  
7           or destroying game birds, their eggs, or nests, if immediate action is necessary to  
8           protect the deer, elk, or game birds, their nests or eggs, from injury or death.

9           **SECTION 61.** 29.927 (8) of the statutes is amended to read:

10          29.927 (8) Any dog found running deer, ~~except farm-raised deer, or elk~~ at any  
11          time, or used in violation of this chapter.

12          **SECTION 62.** 29.934 (1) (e) of the statutes is amended to read:

13          29.934 (1) (e) This subsection does not apply to a deer killed, or so injured that  
14          it must be killed, by a collision with a motor vehicle on a highway. ~~For purposes of~~  
15          ~~this subsection, "deer" does not include farm-raised deer.~~

16          **SECTION 63.** 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  
21          be not less than 3 years nor more than 5 years following the date of conviction under  
22          this subsection.

23          **SECTION 64.** 29.971 (11g) of the statutes is created to read:

24          29.971 (11g) (a) For hunting elk without a valid elk hunting license, for  
25          possessing an elk that does not have an elk carcass tag attached, for possessing an



1 elk during the closed season, by a fine of not less than \$1,000 nor more than \$15,000  
2 or by imprisonment for not more than 6 months or both for the first violation, or by  
3 a fine of not more than \$20,000 or imprisonment for not more than one year or both  
4 for any subsequent violation. In addition, the court shall revoke all hunting and  
5 trapping approvals issued to the person under this chapter and shall prohibit the  
6 issuance of any new hunting and trapping approvals under this chapter to the person  
7 for 5 years.

8 (b) Except as provided under par. (a), for the violation of any provision of this  
9 chapter or rules promulgated under this chapter relating to elk hunting or to the  
10 violation of an elk carcass tag or registration of an elk, by a forfeiture of not more than  
11 \$5,000.

12 **SECTION 65.** 29.977 (1) (am) of the statutes is created to read:

13 29.977 (1) (am) Any elk, \$2,000.

14 **SECTION 66.** 29.977 (1) (b) of the statutes is amended to read:

15 29.977 (1) (b) Any moose, ~~elk~~, fisher, prairie chicken or sand hill crane, \$262.50.

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

17 29.977 (1) (m) Any game or fur-bearing animal or bird not mentioned in pars.  
18 ~~(b) (am)~~ to (h), \$17.50.

19 **SECTION 68.** 29.983 (1) (b) 1m. of the statutes is created to read:

20 29.983 (1) (b) 1m. Any elk, \$2,000.

21 **SECTION 69.** 29.983 (1) (b) 2. of the statutes is amended to read:

22 29.983 (1) (b) 2. For any moose, ~~elk~~, fisher, prairie chicken or sand hill crane,  
23 \$262.50.

24 **SECTION 70.** 29.983 (1) (b) 13. of the statutes is amended to read:

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

3 (END)

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

LRB-1025/3dn

RNK.../.....

WJ

Kirsten Grinde:

This redraft changes the numbering of s. 29.565 to s. 29.567, as created in the draft, to reconcile a conflict with ~~another draft~~. LRB-1046

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

LRB-1025/3dn  
RNK:wlj:pg

February 7, 2001

Kirsten Grinde:

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State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-1025/3  
RNK&MGG:wlj:pg

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

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

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

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*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 non residents may be issued these licenses, with nonresidents paying a higher fee. The bill allows DNR to make available only to state residents up to 99% of all the elk hunting licenses available in each year. The bill authorizes DNR to select at random who will be issued these licenses if the number of applicants exceeds the number of licenses available. The bill requires an applicant to pay a 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.

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***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. 29.567  
4 to be used for administering elk hunting licenses, for elk management and research  
5 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.

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

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

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

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

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

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

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

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

24           **(2) APPLICATION.** A person who applies for an elk hunting license under this  
25 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).

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. The department may make available only to residents up to 99%  
19 of all elk hunting licenses that are available in a given year.

20           (c) The department shall issue a notice of approval to each person who is  
21 selected at random under par. (b) to be issued an elk hunting license. The  
22 department shall issue a license to each person who receives a notice of approval  
23 under this paragraph and who pays the fees required for the license, subject to s.  
24 29.024 (2g).



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

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

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

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

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

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

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

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

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

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

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

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

10           **29.216 (2) AUTHORIZATION.** The nonresident archer hunting license authorizes  
11 the hunting of all game, except bear, elk, wild turkey, and fur-bearing animals,  
12 during the open season for the hunting of that game with a bow and arrow. This  
13 license authorizes hunting with a bow and arrow only unless hunting with a  
14 crossbow is authorized by a Class A, Class B, or Class C permit issued under s.  
15 29.193 (2).

16           **SECTION 14.** 29.314 (3) (title) of the statutes is amended to read:

17           **29.314 (3) (title) SHINING DEER, ELK, OR BEAR WHILE HUNTING OR POSSESSING**  
18 **WEAPONS PROHIBITED.**

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

20           **29.314 (3) (a) Prohibition.** No person may use or possess with intent to use a  
21 light for shining deer, elk, or bear while the person is hunting deer, elk, or bear or in  
22 possession of a firearm, bow and arrow, or crossbow.

23           **SECTION 16.** 29.347 (title) of the statutes is amended to read:

24           **29.347 (title) Possession of deer and elk; heads and skins.**

25           **SECTION 17.** 29.347 (2) of the statutes is amended to read:

1           29.347 (2) DEER OR ELK CARCASS TAGS. Except as provided under sub. (5) and s.  
2           29.324 (3), any person who kills a deer shall immediately attach to the ear or antler  
3           of the deer a current validated deer carcass tag which is authorized for use on the  
4           type of deer killed. Any person who kills an elk shall immediately attach to the ear  
5           or antler of the elk a current validated elk carcass tag. Except as provided under sub.  
6           (2m) or s. 29.871 (7), (8), or (14) or 29.89 (6), no person may possess, control, store,  
7           or transport a deer carcass unless it is tagged as required under this subsection.  
8           Except as provided under sub. (2m), no person may possess, control, store, or  
9           transport an elk carcass unless it is tagged as required under this subsection. A  
10          person who kills a deer or elk shall register the deer or elk in the manner required  
11          by the department. The carcass tag may not be removed before registration. The  
12          removal of a carcass tag from a deer or elk before registration renders the deer or elk  
13          untagged.

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

15           29.347 (2m) (a) A deer carcass tag attached under sub. (2) and a registration  
16           tag attached by the department or a car kill tag attached under sub. (5) may be  
17           removed from a gutted carcass at the time of butchering, but the person who killed  
18           or obtained the deer or elk shall retain all tags until the meat is consumed.

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

20           29.347 (2m) (b) Any person who retains a tag under par. (a) may give deer or  
21           elk meat to another person. The person who receives the gift of deer or elk meat is  
22           not required to possess a tag.

23           **SECTION 20.** 29.347 (3) of the statutes is amended to read:

24           29.347 (3) **HEADS AND SKINS.** The head and skin of any deer or elk lawfully  
25           killed, when severed from the rest of the carcass, are not subject to this chapter; but

1 no person shall may have possession or control of the green head or green skin of a  
2 deer or elk during the period beginning 30 days after the close of the ~~open deer~~  
3 applicable season and the opening of the succeeding applicable season, ~~or~~ Unless  
4 authorized by the department, no person may at any time have possession or control  
5 of a deer or elk head in the velvet, or a deer or elk skin in the red, blue, or spotted coat.

6 **SECTION 21.** 29.347 (4) of the statutes is amended to read:

7 29.347 (4) ANTLERS REMOVED OR BROKEN. Any deer ~~taken during an open season~~  
8 ~~for hunting antlered deer only or for hunting antlerless deer only~~ from which the  
9 antlers have been removed, broken, shed, or altered so as to make determination of  
10 the legality of the deer impossible is an illegal deer if the deer is taken during an open  
11 season for hunting only antlered deer or during an open season for hunting only  
12 antlerless deer. Any elk from which the antlers have been removed, broken, shed,  
13 or altered so as to make determination of the legality of the elk impossible is an illegal  
14 elk if the elk is taken during an open season for hunting only antlered elk or during  
15 an open season for hunting antlerless elk.

16 **SECTION 22.** 29.347 (6) of the statutes is repealed.

17 **SECTION 23.** 29.361 (title) of the statutes is amended to read:

18 **29.361 (title) Transportation of deer or elk.**

19 **SECTION 24.** 29.361 (1) of the statutes is amended to read:

20 29.361 (1) No common carrier may receive for transportation or transport or  
21 attempt to transport any deer or elk or the carcass of any deer or elk except as  
22 provided in this section.

23 **SECTION 25.** 29.361 (2) of the statutes is amended to read:

1           29.361 (2) Any person may transport a lawfully taken deer or elk if it is properly  
2 tagged and registered, except as otherwise provided by rule during the open season  
3 for deer or elk and for 3 days thereafter.

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

5           29.361 (2m) Any person may transport an antlerless deer killed under the  
6 authority of his or her hunter's choice, bonus, or other deer hunting permit on any  
7 highway, as defined s. 340.01 (22), in order to register the deer in the deer  
8 management area where the deer deer was killed or in an adjoining management  
9 area.

10          **SECTION 27.** 29.361 (5) of the statutes is amended to read:

11          29.361 (5) This section does not apply to a person who has a valid taxidermist  
12 permit and who is transporting, attempting to transport, or receiving the carcass of  
13 a deer or elk in connection with his or her business.

14          **SECTION 28.** 29.361 (6) of the statutes is repealed.

15          **SECTION 29.** 29.539 (1) (a) 1. of the statutes is amended to read:

16          29.539 (1) (a) 1. Deer, elk, bear, squirrel, game bird, game fish or the carcass  
17 of any of these wild animals at any time.

18          **SECTION 30.** 29.541 (1) (a) 1. of the statutes is amended to read:

19          29.541 (1) (a) 1. The meat of any deer, elk, bear, squirrel, game bird, or game  
20 fish taken from inland waters at any time.

21          **SECTION 31.** 29.553 (1) (hm) of the statutes is created to read:

22          29.553 (1) (hm) Elk hunting license.

23          **SECTION 32.** 29.563 (2) (a) 5m. of the statutes is created to read:

24          29.563 (2) (a) 5m. Elk: \$98.25.

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

1           29.563 (2) (b) 3m. Elk: \$498.25.

2           **SECTION 34.** 29.563 (12) (a) 5. of the statutes is created to read:

3           29.563 (12) (a) 5. Elk: \$24.25.

4           **SECTION 35.** 29.563 (14) (a) 3. of the statutes is created to read:

5           29.563 (14) (a) 3. The processing fee for applications for elk hunting licenses:  
6           \$9.75.

7           **SECTION 36.** 29.563 (14) (c) 3. of the statutes is amended to read:

8           29.563 (14) (c) 3. Each application for a hunter's choice permit, bonus deer  
9           hunting permit, elk hunting license, wild turkey hunting license, Canada goose  
10          hunting permit, sharp-tailed grouse hunting permit, bobcat hunting and trapping  
11          permit, otter trapping permit, fisher trapping permit, or sturgeon fishing permit: 25  
12          cents.

13          **SECTION 37.** 29.567 of the statutes is created to read:

14          **29.567 Voluntary contributions; elk research.** (1) Any applicant for an  
15          elk hunting license under s. 29.182 may, in addition to paying any fee charged for the  
16          license, elect to make a voluntary contribution of at least \$1 to be used for elk  
17          research.

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

20          **SECTION 38.** 29.595 of the statutes is created to read:

21          **29.595 Elk hunter education program.** (1) ESTABLISHMENT. The  
22          department shall establish and conduct an elk hunter education program.

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

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

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

2 (c) Elk biology and disease prevention.

3 (d) Elk hunting techniques and hunter ethics.

4 (e) Elk hunting zones.

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

6 (g) Native American hunting.

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

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

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

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

20 **SECTION 39.** 29.867 (1) of the statutes is renumbered 29.867 (1g) and amended  
21 to read:

22 29.867 (1g) The owner or lessee of lands suitable for the breeding and  
23 propagating of game, birds or game animals may, upon complying with this section,  
24 establish and maintain a game bird and animal farm for the purpose of breeding,  
25 propagating, killing, and selling game birds and game animals. All waterfowl bred,

1 propagated, or held on a game bird and animal farm shall be enclosed within a  
2 covered enclosure by the licensee throughout the open season for hunting waterfowl  
3 in the state as required by the department.

4 **SECTION 40.** 29.867 (1b) of the statutes is created to read:

5 29.867 (1b) "Game animal" does not include elk.

6 **SECTION 41.** 29.867 (2m) of the statutes is amended to read:

7 29.867 (2m) If the applicant is the owner or lessee of the ~~lands~~ land, the land  
8 is suitable for the breeding and propagating of game birds and game animals, and  
9 the applicant intends in good faith to establish and maintain a game bird and animal  
10 farm, the department shall issue a license to the applicant. The license shall describe  
11 the ~~lands~~ land and shall authorize the licensee to breed, propagate, kill, and sell the  
12 game birds and game animals that are on the ~~lands~~ land described in the license.

13 **SECTION 42.** 29.867 (3) of the statutes is amended to read:

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

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



1           29.867 (3g) When the payment under sub. (3g) has been made, the licensee  
2 shall become the owner of all game birds or game animals of the species licensed and  
3 of all of their offspring actually produced and remaining on the licensed premises,  
4 subject to the jurisdiction of the department over all game bird and animals.

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

6           29.867 (5) A game bird and animal farm license is prima facie evidence of the  
7 right of the licensee or the licensee's successors or assigns, during the term of the  
8 license, to establish and maintain a game bird and animal farm on the licensed  
9 premises, and entitles the licensee, or the licensee's successors or assigns, during the  
10 term of the license, to the exclusive right to breed and propagate game birds and  
11 game animals on the licensed premises, and to the exclusive ownership of game birds  
12 and game animals taken on the licensed premises.

13           **SECTION 45.** 29.867 (6) (a) of the statutes is amended to read:

14           29.867 (6) (a) The game animals and game birds ~~and animals~~, except  
15 waterfowl, may be taken at any time in any manner, subject to s. 29.314, by any  
16 person who is lawfully entitled to hunt on the licensed premises, except that such a  
17 person hunting on the licensed premises is not required to hold a hunting license.  
18 Waterfowl may only be taken under rules promulgated by the department governing  
19 the hunting of waterfowl, except that upon written application the department may  
20 authorize the taking of hand-reared mallards at any time within the boundaries of  
21 a licensed game bird and animal farm in numbers not to exceed those liberated or  
22 propagated when the department determines that only mallards liberated or  
23 propagated by the licensee will be taken on licensed premises. The applicant shall  
24 certify to the department that mallards liberated or propagated for hunting were  
25 produced and reared in captivity and are more than 2 generations removed from the

1 wild. Hand-reared mallards may not be released for hunting purposes unless the  
2 mallards have first been identified as the department directs. Mallards confined to  
3 wholly enclosed pens or buildings may be taken within such pens or buildings at any  
4 time and in any numbers.

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

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

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

18 29.867 (6) (c) Whenever any game bird or game animal from a game bird and  
19 animal farm is consumed for food, the band or tag attached to the game bird or game  
20 animal shall be kept until the bird or animal is consumed.

21 **SECTION 48.** 29.867 (7) of the statutes is amended to read:

22 29.867 (7) Any person other than the licensee, or a person authorized by the  
23 licensee, who hunts game birds or game animals on the licensed premises is liable  
24 to the licensee in the sum of \$100, in addition to all damage which the person does

1 to the game birds or game animals, but any action to recover damages shall be  
2 brought by the licensee.

3 **SECTION 49.** 29.871 (1) of the statutes is renumbered 29.871 (1g).

4 **SECTION 50.** 29.871 (1b) of the statutes is created to read:

5 29.871 (1b) In this section, “deer” means any type of deer except for elk and  
6 farm-raised deer.

7 **SECTION 51.** 29.871 (1m) of the statutes is repealed.

8 **SECTION 52.** 29.875 (title) of the statutes is amended to read:

9 **29.875 (title) Disposal of escaped deer or elk.**

10 **SECTION 53.** 29.875 (1) of the statutes is renumbered 29.875 (1r).

11 **SECTION 54.** 29.875 (1g) of the statutes is created to read:

12 29.875 (1g) In this section, “deer” means any species of deer.

13 **SECTION 55.** 29.875 (2) of the statutes is amended to read:

14 29.875 (2) Notwithstanding sub. (1) (1r), the department may dispose of the  
15 deer immediately if the department of agriculture, trade and consumer protection  
16 determines that the deer poses a risk to public safety or to the health of other  
17 domestic or wild animals.

18 **SECTION 56.** 29.877 (2) (a) of the statutes is amended to read:

19 29.877 (2) (a) “Wild animal” means any mammal, fish, or bird of a wild nature  
20 as distinguished from domestic animals under the common law or under the statutes  
21 whether or not the mammal, fish, or bird was bred or reared in captivity, but does not  
22 include farm-raised deer of the genus ~~dama~~, ~~cervus~~ or ~~rangifer~~ or farm-raised fish.

23 **SECTION 57.** 29.877 (2g) of the statutes is created to read:

24 29.877 (2g) This section does not apply to farm-raised deer.

25 **SECTION 58.** 29.877 (5m) of the statutes is created to read:

1           29.877 (5m) No person may exhibit an elk in a wildlife exhibit.

2           **SECTION 59.** 29.889 (1) (f) of the statutes is created to read:

3           29.889 (1) (f) Elk, if hunting of elk is authorized by the department.

4           **SECTION 60.** 29.921 (7) of the statutes is amended to read:

5           29.921 (7) DOGS INJURING WILDLIFE. A warden may kill a dog found running,  
6           injuring, causing injury to, or killing, any deer, ~~other than farm-raised deer or elk,~~  
7           or destroying game birds, their eggs, or nests, if immediate action is necessary to  
8           protect the deer, elk, or game birds, their nests or eggs, from injury or death.

9           **SECTION 61.** 29.927 (8) of the statutes is amended to read:

10          29.927 (8) Any dog found running deer, ~~except farm-raised deer, or elk~~ at any  
11          time, or used in violation of this chapter.

12          **SECTION 62.** 29.934 (1) (e) of the statutes is amended to read:

13          29.934 (1) (e) This subsection does not apply to a deer killed, or so injured that  
14          it must be killed, by a collision with a motor vehicle on a highway. ~~For purposes of~~  
15          ~~this subsection, "deer" does not include farm-raised deer.~~

16          **SECTION 63.** 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  
21          be not less than 3 years nor more than 5 years following the date of conviction under  
22          this subsection.

23          **SECTION 64.** 29.971 (11g) of the statutes is created to read:

24          29.971 (11g) (a) For hunting elk without a valid elk hunting license, for  
25          possessing an elk that does not have an elk carcass tag attached, for possessing an

1 elk during the closed season, by a fine of not less than \$1,000 nor more than \$15,000  
2 or by imprisonment for not more than 6 months or both for the first violation, or by  
3 a fine of not more than \$20,000 or imprisonment for not more than one year or both  
4 for any subsequent violation. In addition, the court shall revoke all hunting and  
5 trapping approvals issued to the person under this chapter and shall prohibit the  
6 issuance of any new hunting and trapping approvals under this chapter to the person  
7 for 5 years.

8 (b) Except as provided under par. (a), for the violation of any provision of this  
9 chapter or rules promulgated under this chapter relating to elk hunting or to the  
10 violation of an elk carcass tag or registration of an elk, by a forfeiture of not more than  
11 \$5,000.

12 **SECTION 65.** 29.977 (1) (am) of the statutes is created to read:

13 29.977 (1) (am) Any elk, \$2,000.

14 **SECTION 66.** 29.977 (1) (b) of the statutes is amended to read:

15 29.977 (1) (b) Any moose, ~~elk~~, fisher, prairie chicken or sand hill crane, \$262.50.

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

17 29.977 (1) (m) Any game or fur-bearing animal or bird not mentioned in pars.

18 ~~(b)~~ (am) to (h), \$17.50.

19 **SECTION 68.** 29.983 (1) (b) 1m. of the statutes is created to read:

20 29.983 (1) (b) 1m. Any elk, \$2,000.

21 **SECTION 69.** 29.983 (1) (b) 2. of the statutes is amended to read:

22 29.983 (1) (b) 2. For any moose, ~~elk~~, fisher, prairie chicken or sand hill crane,  
23 \$262.50.

24 **SECTION 70.** 29.983 (1) (b) 13. of the statutes is amended to read:

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

3 (END)