

2009 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB371)

Received: 10/06/2009

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: Ann Hraychuck (608) 267-2365

By/Representing: Stephanie Hilton

This file may be shown to any legislator: NO

Drafter: rkite

May Contact:

Addl. Drafters:

Subject: Nat. Res. - fish and game

Extra Copies:

Submit via email: YES

Requester's email: Rep.Hraychuck@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Bear hunting license changes

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/P1	rkite 10/13/2009	bkraft 10/13/2009	phenry 10/16/2009	_____	mbarman 10/16/2009	mbarman 10/16/2009	
	rkite 10/15/2009	bkraft 10/15/2009		_____	mbarman 10/16/2009		
/P2	rkite 10/20/2009	bkraft 10/20/2009	rschluet 10/21/2009	_____	mbarman 10/21/2009		
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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	10/30/2009	11/02/2009	11/02/2009 _____		11/02/2009	11/02/2009	

FE Sent For:

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/P1	rkite 10/13/2009	bkraft 10/13/2009	phenry 10/16/2009	_____	mbarman 10/16/2009	_____ _____	
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/P2	rkite 10/20/2009	bkraft 10/20/2009	rschluet 10/21/2009	_____	mbarman 10/21/2009		

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	rkite 10/15/2009	bkraft 10/15/2009		_____	XXXXXXXXXX XXXXXXXXXX		

FE Sent For:

1/P2 bjk 10/20

10/20/09

<END>

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Received: 10/06/2009

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Ann Hraychuck (608) 267-2365**

By/Representing: **Stephanie Hilton**

This file may be shown to any legislator: **NO**

Drafter: **rkite**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - fish and game**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Hraychuck@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

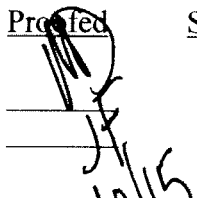
Topic:

Bear hunting license changes

Instructions:

See attached

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FE Sent For:

<END>

Kite, Robin

From: Hilton, Stephanie
Sent: Monday, October 05, 2009 4:37 PM
To: Kite, Robin
Cc: Hilton, Stephanie
Subject: AB 371 amendment

Hi Robin,

There are four basic changes that Rep. Hraychuck would like to make based on the testimony at the public hearing on 8/19/09. If you could draft it as a p-draft, that would be great.

1. The bill should require Class A license holders to wear back tags, and maintain the statutory requirement that dictates where these back tags must be displayed. Class B license holders should not be required to be issued and wear back tags. The testimony we heard suggests that this may need to be clarified in the bill.
2. Specify that you have to be 16 or older to be a back-up shooter. One way to accomplish this might be to only issue Class B permits to those 16 and older, since the bill allows those 16 and under to participate in Class B activities for free.
3. If someone is going to be a back-up shooter, they must have completed hunter safety
4. Instead of only allowing a back-up shooter if a wounded bear poses an immediate threat to a person, allow a back-up shooter to shoot any bear wounded by a shot from the Class A permit holder

Thanks Robin. Please let me know if you have any questions or would like some additional context for these changes.
-Stephanie

Stephanie Hilton
Legislative Assistant
Office of Rep. Ann Hraychuck
608-267-2365 or 1-888-529-0028
Room 6 North State Capitol

10/6/09 -

sent e-mail to Stephanie re: item 3.

Per Larry Konapacki -

DNR takes position that Class B activities,
do not constitute hunting so hunter safety
is not required for a Class B license

Kite, Robin

From: Hilton, Stephanie
Sent: Tuesday, October 13, 2009 2:57 PM
To: Kite, Robin
Subject: Paragraph from Larry Konopacki

- Various people commented on the appropriate age of a "backup shooter." Since the bill allows those under 16 to engage in Class B activities for free, without a Class B license, and since it seems as if there was some consensus that age 16 would be a good age minimum for a backup shooter, you might want to consider amending the bill to **ONLY** allow issuance of a Class B permit to people age 16 or older. This way, no one under that age could be able to take advantage of the backup shooter authority provided under the bill.

Stephanie Hilton
Legislative Assistant
Office of Rep. Ann Hraychuck
608-267-2365 or 1-888-529-0028
Room 6 North State Capitol



**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2009 ASSEMBLY BILL 371**

SA
x-ref

1 AN ACT ^{gen.}...; relating to: privileges under a Class A or Class B bear hunting license,
2 and bear carcass tag and back tag requirements.

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

3

(END)



ASSEMBLY BILL 371

This bill also requires DNR to allow a person who holds a Class B bear license to engage in dog training during any part of an open season in which DNR allows a Class A bear license holder to hunt bear with the use of a dog. The bill also eliminates the requirement that holders of a Class B bear license attach a back tag to their outermost garment when engaging in the activities authorized under that license.

Current law exempts a person who is under the age of 12 years from holding a Class B bear license. This bill expands this exemption by allowing a person who is under the age of 16 years to engage in the activities authorized under a Class B bear license without holding that license. The bill also creates a new exemption that authorizes a person to engage in the activities authorized by a Class B bear license without holding the license during the third Saturday in August and the immediately following Sunday.

For further information see the *state* 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. 29.184 (3) (br) 1m. of the statutes is created to read:

2 29.184 (3) (br) 1m. Pursue a bear, provided that the licensee does not shoot,
3 shoot at, capture, take, or kill the bear, ~~except~~ ^{unless authorized} as provided under subd. 4.

4 SECTION 2. 29.184 (3) (br) 4. of the statutes is created to read:

5 29.184 (3) (br) 4. ~~Shoot, for the purpose of killing, a bear that was shot, but not~~
6 ~~killed by another hunter holding a Class A bear hunting license in the same hunting~~
7 ~~party, if the person for whom the bear is killed possesses a current unused bear~~
8 ~~carcass tag that is authorized for use on the bear killed and if killing the bear is~~
9 ~~necessary to protect the safety of the members of the hunting party or others.~~

10 SECTION 3. 29.184 (3m) of the statutes is created to read:

11 29.184 (3m) OPEN SEASON REQUIREMENTS. If the department establishes an open
12 season that includes a period during which a Class A bear license holder is allowed
13 to hunt bear with the use of a dog, the department shall allow a Class B bear license
14 holder to engage in the activities specified in sub. (3) (br) 3. during that period.

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2-9

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ASSEMBLY BILL 371

1 SECTION 4. 29.184 (4) of the statutes is amended to read:

2 29.184 (4) USE OF DOGS. While a person is using a dog to hunt bear or to engage
3 in any of the activities specified in sub. (3) (br) 1. to ~~3.~~ 4., the person shall keep on
4 his or her person any tag required for the dog under s. 95.21 (2) (f), 174.053 (2), or
5 174.07 (1) (e).

6 SECTION 5. 29.184 (5) (a) of the statutes is amended to read:

7 29.184 (5) (a) A person under the age of ~~12~~ 16 years may engage in the activities
8 authorized under sub. (3) (br) 1. to ~~3.~~ 4. without holding a Class B bear license.

insert
3-8

9 SECTION 6. 29.184 (5) (b) of the statutes is amended to read:

10 29.184 (5) (b) If a disabled person holds either a Class A or a Class B bear
11 license, a person who accompanies and assists the disabled person may engage in the
12 activities authorized under sub. (3) (br) 1. to ~~3.~~ 4. without holding a Class B bear
13 license.

14 SECTION 7. 29.184 (5) (c) of the statutes is created to read:

15 29.184 (5) (c) Any person may engage in the activities authorized under sub.
16 (3) (br) 1. to ~~4.~~ ^{3.} during the 3rd Saturday in August and the immediately following
17 Sunday without holding a Class B bear license.

18 SECTION 8. 29.184 (8) of the statutes is renumbered 29.184 (8) (a) and amended
19 to read:

20 29.184 (8) (a) CARCASS TAG. The department shall issue a bear carcass tag to
21 each person who is issued a Class A bear license. ~~A~~ Except as provided under par.
22 (b). a person who kills a bear shall immediately validate and attach the carcass tag
23 to the bear. The carcass tag shall be attached and validated according to rules
24 promulgated by the department.

25 SECTION 9. 29.184 (8) (b) of the statutes is created to read:

ASSEMBLY BILL 371

1 29.184 (8) (b) A person who kills a bear under sub. (3) (br) 4. shall ensure that
2 the person for whom the bear is killed attaches a current validated bear carcass tag
3 in the manner provided under par. (a).

Please
fix
Component

4 → SECTION 10. 29.184 (9) (a) of the statutes is renumbered 29.184 (9) and
5 amended to read:

6 (6) 29.184 (9) (a) The department shall issue a back tag to each person who is issued
7 a Class A bear license or a Class B bear license.

insert
4-8

8 (8) SECTION 11. 29.184 (9) (b) of the statutes is repealed.

9 SECTION 12. 29.971 (11m) (a) of the statutes is amended to read:

10 (10) 29.971 (11m) (a) For shooting, shooting at, killing, taking, catching, or
11 possessing a bear without a valid Class A bear license, or for possessing a bear which
12 does not have a carcass tag attached or possessing a bear during the closed season,
13 by a fine of not less than \$1,000 nor more than \$2,000 or by imprisonment for not
14 more than 6 months or both for the first violation, or by a fine of not more than
15 \$10,000 or imprisonment for not more than 9 months or both for any subsequent
16 violation, and, in addition, the court shall revoke all hunting approvals issued to the
17 person under this chapter and shall prohibit the issuance of any new hunting
18 approval under this chapter to the person for 3 years. This paragraph does not apply
19 to a person who shoots at or kills a bear as authorized under s. 29.184 (3) (br) 4.

20 SECTION 13. 29.971 (11m) (b) of the statutes is amended to read:

21 29.971 (11m) (b) Except as provided under par. (a), for the violation of any
22 provision of this chapter or any relating to bear hunting, to the activities specified
23 in s. 29.184 (3) (br) 1. to ~~3.~~ 4., or to the validation of a bear carcass tag or registration
24 of a bear, by a forfeiture of not more than \$1,000.

25 (END)

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0142/P1ins.
RNK:.....

INSERT 2-9

- 1 ^{No} Shoot to kill a bear that was shot and wounded but not killed by another hunter
2 in the same hunting party if all of the following apply:
- 3 a. The Class B bear hunting license holder is at least 16 years old.
 - 4 b. The Class B bear hunting license holder has been issued a certificate of
5 accomplishment under s. 29.591 or was born before
January 1, 1973
 - 6 c. The person for whom the bear is killed possesses a valid Class A bear hunting
7 license and a carcass tag that is authorized for use on the bear killed. A

INSERT 3-8

8 **SECTION 1.** 29.184 (5) (a) of the statutes is amended to read:
9 29.184 (5) (a) A person under the age of ~~12~~ 16 years may engage in the activities
10 authorized under sub. (3) (br) 1. to 3. without holding a Class B bear license.

History: 1985 a. 270; 1997 a. 1 ss. 57 to 74, 77; 1997 a. 27, 191; 1997 a. 248 ss. 255 to 269; Stats. 1997 s. 29.184; 1997 a. 249 ss. 28 to 32; 1999 a. 9, 32, 186; 2001 a. 55; 2003 a. 59; 2005 a. 25, 387; 2007 a. 65, 66; 2009 a. 39.

INSERT 4-8

11 **SECTION 2.** 29.184 (9) (b) of the statutes is amended to read:
12 29.184 (9) (b) No person may hunt bear ~~or engage in the activity specified in~~
13 ~~sub. (3) (br) 1. or 3.~~ as authorized under a Class A bear license unless there is
14 attached to the center of the person's coat, shirt, jacket, or similar outermost garment
15 where it can clearly be seen the back tag issued to the person under par. (a).

History: 1985 a. 270; 1997 a. 1 ss. 57 to 74, 77; 1997 a. 27, 191; 1997 a. 248 ss. 255 to 269; Stats. 1997 s. 29.184; 1997 a. 249 ss. 28 to 32; 1999 a. 9, 32, 186; 2001 a. 55; 2003 a. 59; 2005 a. 25, 387; 2007 a. 65, 66; 2009 a. 39.

50147

Redraft instruction from Larry Konopacki

1. Pg 2, lines 1-7 - add requirement that Class B bear holder must be authorized to kill the bear for the Class A bear holder
2. Make clear that the Class A bear holder must tag the bear
3. Strike the word "only" in intro to 29.184(3)(b) to make clear that this doesn't abrogate authority to kill a bear for self defense purposes



State of Wisconsin
2009 - 2010 LEGISLATURE

Soon

RM run

LRBs0142(P1)
RNK:bjk:ph

p2

stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY SUBSTITUTE AMENDMENT ,
TO 2009 ASSEMBLY BILL 371

SA
x-ref
Inserts

In
10/20

D-Note

1 AN ACT *to renumber and amend* 29.184 (8); *to amend* 29.184 (4), 29.184 (5)
2 (a), 29.184 (5) (b), 29.184 (9) (a), 29.184 (9) (b), 29.971 (11m) (a) and 29.971 (11m)
3 (b); and *to create* 29.184 (3) (br) 1m., 29.184 (3) (br) 4., 29.184 (3m), 29.184 (5)
4 (c) and 29.184 (8) (b) of the statutes; **relating to:** privileges under a Class A or
5 Class B bear hunting license, and bear carcass tag and back tag requirements.

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

6 SECTION 1. 29.184 (3) (br) 1m. of the statutes is created to read:
7 29.184 (3) (br) 1m. Pursue a bear, provided that the licensee does not shoot,
8 shoot at, capture, take, or kill the bear, unless authorized as provided under subd.
9 4.

10 SECTION 2. 29.184 (3) (br) 4. of the statutes is created to read:

insert
1-6

1 29.184 (3) (br) 4. Shoot to kill a bear that was shot and wounded but not killed
2 by another hunter in the same hunting party if all of the following apply:

3 a. The Class B bear license holder is at least 16 years old.

4 b. The Class B bear license holder has been issued a certificate of
5 accomplishment under s. 29.591 or was born before January 1, 1973.

6 c. The person for whom the bear is killed possesses a valid Class A bear license
7 and a carcass tag that is authorized for use on the bear killed.

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10 season that includes a period during which a Class A bear license holder is allowed
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12 holder to engage in the activities specified in sub. (3) (br) 3. during that period.

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8 each person who is issued a Class A bear license. ^{plain} ^{step} A. Except as provided under par.

9 (b.) a person who kills a bear shall immediately validate and attach the carcass tag
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15 in the manner provided under par. (a).

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or for whom a bear is killed under sub. (3) (br) 4

2009-2010 DRAFTING INSERT
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LEGISLATIVE REFERENCE BUREAU

LRBs0142/P2ins.
RNK:.....

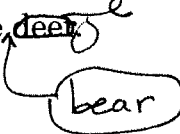
INSERT 1-6

1 **SECTION 1.** 29.184 (3) (br) (intro.) of the statutes is amended to read:
2 29.184 (3) (br) *Authorization; Class B bear license.* (intro.) A Class B bear
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History: 1985 a. 270; 1997 a. 1 ss. 57 to 74, 77; 1997 a. 27, 191; 1997 a. 248 ss. 255 to 269; Stats. 1997 s. 29.184; 1997 a. 249 ss. 28 to 32; 1999 a. 9, 32, 186; 2001 a. 55; 2003 a. 59; 2005 a. 25, 387; 2007 a. 65, 66; 2009 a. 39.

INSERT 2-7

5 d. The Class A bear license holder authorizes the Class B bear license holder

6 to shoot and kill the ~~deer~~^e


DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0142/P2dn

RNK:.....

Lbjk

Date

This redraft incorporates redraft instructions from Legislative Council Attorney Larry Konopacki. It is still in preliminary form to facilitate further redrafting. If this version meets your intent, let me know and I will redraft it in final form. Please feel free to contact me if you have any questions.

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

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

LRBs0142/P2dn
RNK:bjk:rs

October 20, 2009

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

Kite, Robin

From: Hilton, Stephanie
Sent: Thursday, October 29, 2009 5:08 PM
To: Kite, Robin
Subject: LRBs0142

Hi Robin,
The sub amendment for AB 371 is good to go! Please draft a final version.
Thanks!
-Stephanie

Stephanie Hilton
Legislative Assistant
Office of Rep. Ann Hraychuck
608-267-2365 or 1-888-529-0028
Room 6 North State Capitol



State of Wisconsin
2009 - 2010 LEGISLATURE

RM run
LRBs0142/P2
RNK:bjk:rs
Keep

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

ASSEMBLY SUBSTITUTE AMENDMENT ,

TO 2009 ASSEMBLY BILL 371

X Regen

1 AN ACT *to renumber and amend* 29.184 (8); *to amend* 29.184 (3) (br) (intro.),
2 29.184 (4), 29.184 (5) (a), 29.184 (5) (b), 29.184 (9) (a), 29.184 (9) (b), 29.971
3 (11m) (a) and 29.971 (11m) (b); and *to create* 29.184 (3) (br) 1m., 29.184 (3) (br)
4 4., 29.184 (3m), 29.184 (5) (c) and 29.184 (8) (b) of the statutes; **relating to:**
5 privileges under a Class A or Class B bear hunting license, and bear carcass tag
6 and back tag requirements.

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

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8 29.184 (3) (br) *Authorization; Class B bear license.* (intro.) A Class B bear
9 license authorizes a resident or nonresident holder of the license to do ~~only~~ the
10 following:

11 SECTION 2. 29.184 (3) (br) 1m. of the statutes is created to read:

1 29.184 (3) (br) 1m. Pursue a bear, provided that the licensee does not shoot,
2 shoot at, capture, take, or kill the bear, unless authorized as provided under subd.
3 4.

4 **SECTION 3.** 29.184 (3) (br) 4. of the statutes is created to read:

5 29.184 (3) (br) 4. Shoot to kill a bear that was shot and wounded but not killed
6 by a Class A bear license holder in the same hunting party if all of the following apply:

7 a. The Class B bear license holder is at least 16 years old.

8 b. The Class B bear license holder has been issued a certificate of
9 accomplishment under s. 29.591 or was born before January 1, 1973.

10 c. The Class A bear license holder possesses a carcass tag that is authorized for
11 use on the bear.

12 d. The Class A bear license holder authorizes the Class B bear license holder
13 to shoot and kill the bear.

14 **SECTION 4.** 29.184 (3m) of the statutes is created to read:

15 29.184 (3m) OPEN SEASON REQUIREMENTS. If the department establishes an open
16 season that includes a period during which a Class A bear license holder is allowed
17 to hunt bear with the use of a dog, the department shall allow a Class B bear license
18 holder to engage in the activities specified in sub. (3) (br) 3. during that period.

19 **SECTION 5.** 29.184 (4) of the statutes is amended to read:

20 29.184 (4) USE OF DOGS. While a person is using a dog to hunt bear or to engage
21 in any of the activities specified in sub. (3) (br) 1. to ~~3.~~ 4., the person shall keep on
22 his or her person any tag required for the dog under s. 95.21 (2) (f), 174.053 (2), or
23 174.07 (1) (e).

24 **SECTION 6.** 29.184 (5) (a) of the statutes is amended to read:

1 29.184 (5) (a) A person under the age of ~~12~~ 16 years may engage in the activities
2 authorized under sub. (3) (br) 1. to 3. without holding a Class B bear license.

3 **SECTION 7.** 29.184 (5) (b) of the statutes is amended to read:

4 29.184 (5) (b) If a disabled person holds either a Class A or a Class B bear
5 license, a person who accompanies and assists the disabled person may engage in the
6 activities authorized under sub. (3) (br) 1. to ~~3.~~ 4. without holding a Class B bear
7 license.

8 **SECTION 8.** 29.184 (5) (c) of the statutes is created to read:

9 29.184 (5) (c) Any person may engage in the activities authorized under sub.
10 (3) (br) 1. to 3. during the 3rd Saturday in August and the immediately following
11 Sunday without holding a Class B bear license.

12 **SECTION 9.** 29.184 (8) of the statutes is renumbered 29.184 (8) (a) and amended
13 to read:

14 29.184 (8) (a) The department shall issue a bear carcass tag to each person who
15 is issued a Class A bear license. A person who kills a bear, or for whom a bear is killed
16 under sub. (3) (br) 4., shall immediately validate and attach the carcass tag to the
17 bear. The carcass tag shall be attached and validated according to rules promulgated
18 by the department.

19 **SECTION 10.** 29.184 (8) (b) of the statutes is created to read:

20 29.184 (8) (b) A person who kills a bear under sub. (3) (br) 4. shall ensure that
21 the person for whom the bear is killed attaches a current validated bear carcass tag
22 in the manner provided under par. (a).

23 **SECTION 11.** 29.184 (9) (a) of the statutes is amended to read:

24 29.184 (9) (a) The department shall issue a back tag to each person who is
25 issued a Class A bear license ~~or a Class B bear license.~~

1 **SECTION 12.** 29.184 (9) (b) of the statutes is amended to read:

2 29.184 (9) (b) No person may hunt bear ~~or engage in the activity specified in~~
3 ~~sub. (3) (br) 1. or 3.~~ as authorized under a Class A bear license unless there is
4 attached to the center of the person's coat, shirt, jacket, or similar outermost garment
5 where it can clearly be seen the back tag issued to the person under par. (a).

6 **SECTION 13.** 29.971 (11m) (a) of the statutes is amended to read:

7 29.971 (11m) (a) For shooting, shooting at, killing, taking, catching, or
8 possessing a bear without a valid Class A bear license, or for possessing a bear which
9 does not have a carcass tag attached or possessing a bear during the closed season,
10 by a fine of not less than \$1,000 nor more than \$2,000 or by imprisonment for not
11 more than 6 months or both for the first violation, or by a fine of not more than
12 \$10,000 or imprisonment for not more than 9 months or both for any subsequent
13 violation, and, in addition, the court shall revoke all hunting approvals issued to the
14 person under this chapter and shall prohibit the issuance of any new hunting
15 approval under this chapter to the person for 3 years. This paragraph does not apply
16 to a Class B bear license holder who shoots at or kills a bear as authorized under s.
17 29.184 (3) (br) 4.

18 **SECTION 14.** 29.971 (11m) (b) of the statutes is amended to read:

19 29.971 (11m) (b) Except as provided under par. (a), for the violation of any
20 provision of this chapter ~~or any~~ relating to bear hunting, to the activities specified
21 in s. 29.184 (3) (br) 1. to ~~3.~~ 4., or to the validation of a bear carcass tag or registration
22 of a bear, by a forfeiture of not more than \$1,000.

23

(END)