

2009 DRAFTING REQUEST

Bill

Received: **01/15/2009**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Jim Holperin (608) 266-2509**

By/Representing: **Liz**

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: **Sen.Holperin@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Lower hunting age and create hunting mentorship program

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>
/?	rkite 01/27/2009	jdyer 02/05/2009		_____			State
	rkite 02/05/2009	kfollett 02/18/2009		_____			
/1	rkite 03/26/2009	bkraft 03/26/2009	jfrantze 02/20/2009	_____	sbasford 02/20/2009		State
/2			phenry 03/26/2009	_____	lparisi 03/26/2009	cduerst 03/27/2009	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

*at
intro*

<END>

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/1			jfrantze 02/20/2009	3 _____ jxc	sbasford 02/20/2009		

12 bjk 3/26

3
ph

bi

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Lower hunting age and create hunting mentorship program

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/?	rkite	1/15/09 2/18/09	md 2/18	JL/RZ 2/18			

FE Sent For:

<END>

Start w/ 50284

make age 10 instead of 12

take out weapons ^{in vehicles} provisions

allow DNR to lower age as in draft

add in target provision from SB 529

take out requirement that mentor +
other hunter can only have one bow or
crossbow

can only have one firearm between mentor +
hunter

don't apply the mentorship program to bow
hunting at all

2/5/09

Per Sig - add restriction so that if DNR
promulgates a rule lowering the hunting
age under the mentorship program, it may
not take effect for 6 years

PWF

by 2/20

Rm not run

1558/1

2007 - 2008 LEGISLATURE

LRB-3612/H

RNK:wj:pg

EF

D-Note

2007 SENATE BILL 472

2009 BILL

In
1/27

February 12, 2008 - Introduced by Senators WIRCH, DECKER, LEHMAN and BRESKE.
Referred to Committee on Environment and Natural Resources.

regen. cat.

1 AN ACT *to renumber* 29.304 (5); *to amend* 29.184 (1) (b), 29.184 (6) (b) 1., 29.235
 2 (1), 29.563 (2) (a) 4., 29.563 (2) (a) 5g., 29.563 (2) (a) 8m., 29.563 (2m), 29.563
 3 (4) (a) 1m., 29.563 (4) (a) 2m., 29.563 (4) (b) 1m., 29.563 (4) (b) 2m., 29.593 (1)
 4 (a), 169.20 (1) (a), 169.20 (2) (a) and 169.33 (2) (d); *to repeal and recreate*
 5 29.304 (5) (title); and *to create* 29.304 (4m), 29.304 (5) (b) and 29.592 of the
 6 statutes; **relating to:** age-specific restrictions on hunting and possessing a
 7 firearm; requirements for obtaining a hunting certificate of accomplishment;
 8 establishing a hunting mentorship program; and granting rule-making
 9 authority.

Analysis by the Legislative Reference Bureau

X Current law generally prohibits hunting and firearm possession by any person under the age of 12. Current law allows persons who are at least 12 years old but under the age of 16 to hunt and possess a firearm but imposes certain restrictions that vary depending on the person's age. Current law also requires, with certain exceptions, that every person who obtains a hunting approval must have a certificate of accomplishment issued by the Department of Natural Resources (DNR) indicating that he or she has successfully completed the hunter education program or bow hunter education program established by DNR.

gis

SENATE BILL 472

but prohibits that rule from taking effect for at least 6 years after this bill takes effect

This bill establishes a hunting mentorship program that creates an exception to the general requirement that a person obtain a certificate of accomplishment to obtain a hunting approval. The bill authorizes a person who is at least 12 years of age to hunt without obtaining a certificate of accomplishment and to possess or control a firearm while hunting if the person has a valid hunting approval and is hunting with a qualified mentor. The bill also authorizes DNR to promulgate rules lowering the minimum age at which a person may hunt with a qualifying mentor.

10

Under the hunting mentorship program established in the bill, to qualify as a mentor, a person must be 18 years of age or older and be the parent or guardian of the person for whom he or she is serving as a mentor or be authorized by the parent or guardian to serve as the mentor. The bill provides that at all times when serving as a mentor, the mentor must be within arm's reach of the person for whom he or she is serving as a mentor, must have a current valid hunting approval, and must have obtained a certificate of accomplishment or be exempt from the requirement to obtain a certificate of accomplishment. The bill provides that a mentor may take only one person hunting at a time. The bill also requires DNR to issue to each person to whom DNR issues a hunting approval a pamphlet that contains hunter safety information if the person is not required to obtain a certificate of accomplishment and is authorized to hunt with a mentor.

This bill creates a target practice exception to the restrictions that apply to firearm possession by persons who are under a specified age. The bill provides that those age restrictions do not apply to a person who uses a firearm in target practice if the person is accompanied by his or her parent or guardian or by a person who is at least 18 years of age who is designated by the parent or guardian.

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:

Insert 2-1

1 SECTION 1. 29.184 (1) (b) of the statutes is amended to read:
2 29.184 (1) (b) "Minor" means a person who is at least 12 years of age, or the age
3 specified by the department by rule under s. 29.592 (5), whichever age is lower, but
4 under 18 years of age.

5 SECTION 2. 29.184 (6) (b) 1. of the statutes is amended to read:
6 29.184 (6) (b) 1. The applicant is at least 12 years old, or the age specified by
7 the department by rule under s. 29.592 (5), whichever age is lower.

Insert 2-7

8 SECTION 3. 29.235 (1) of the statutes is amended to read:

and specifies that a mentor and a person who is hunting with a mentor may jointly have only one firearm while hunting

SENATE BILL 472

1 29.235 (1) ISSUANCE. A resident conservation patron license shall be issued
 2 subject to ss. 29.024 and 54.25 (2) (c) 1. d. by the department to any resident ~~12~~¹⁰ years
 3 old or older, or the age specified by the department by rule under s. 29.592 (5) ⁽⁶⁾
 4 whichever age is lower, and who applies for the license. A nonresident conservation
 5 patron license shall be issued subject to s. 29.024 by the department to any person
 6 ~~12~~¹⁰ years old or older, or the age specified by the department by rule under s. 29.592
 7 ⁽⁶⁾ (5) whichever age is lower, who is not a resident, and who applies for the license. Insert
3-7

8 **SECTION 4.** 29.304 (4m) of the statutes is created to read:

9 29.304 (4m) HUNTING MENTORSHIP PROGRAM. The prohibition specified in sub.
 10 (1) (a) and the restrictions specified in subs. (1) (b) to (d), (2), and (3) do not apply to
 11 a person who is hunting with a mentor and who complies with the requirements
 12 specified under s. 29.592.

13 **SECTION 5.** 29.304 (5) (title) of the statutes is repealed and recreated to read:

14 29.304 (5) (title) EXCEPTIONS.

15 **SECTION 6.** 29.304 (5) of the statutes is renumbered 29.304 (5) (a).

16 **SECTION 7.** 29.304 (5) (b) of the statutes is created to read:

17 29.304 (5) (b) The restrictions on the possession or control of a firearm under
 18 sub. (1) do not apply to a person using a firearm in target practice if he or she is
 19 accompanied by his or her parent or guardian or by a person at least 18 years of age
 20 who is designated by the parent or guardian.

21 **SECTION 8.** 29.563 (2) (a) 4. of the statutes is amended to read:

22 29.563 (2) (a) 4. Small game issued to ~~12-year-olds to 17-year-olds~~ persons
 23 who are younger than 18 years of age: \$6.25.

24 **SECTION 9.** 29.563 (2) (a) 5g. of the statutes is amended to read:

SENATE BILL 472

1 29.563 (2) (a) 5g. Deer issued to ~~12-year-olds to 17-year-olds~~ persons who are
2 younger than 18 years of age: \$17.25.

3 SECTION 10. 29.563 (2) (a) 8m. of the statutes is amended to read:

4 29.563 (2) (a) 8m. Archer issued to ~~12-year-olds to 17-year-olds~~ persons who
5 are younger than 18 years of age: \$17.25.

6 SECTION 11. 29.563 (2m) of the statutes is amended to read:

7 29.563 (2m) HUNTING APPROVALS FOR CERTAIN NONRESIDENTS. The fees for
8 hunting approvals for a ~~12 to 17-year-old~~ person who is younger than 18 years of age,
9 who is not a resident, and who exhibits proof that his or her parent is a resident shall
10 be the same as the fees for hunting approvals for residents under sub. (2) (a) and (c).

11 SECTION 12. 29.563 (4) (a) 1m. of the statutes is amended to read:

12 29.563 (4) (a) 1m. Sports issued to ~~12-year-olds to 17-year-olds~~ persons who
13 are younger than 18 years of age: \$32.25 or a greater amount at the applicant's
14 option.

15 SECTION 13. 29.563 (4) (a) 2m. of the statutes is amended to read:

16 29.563 (4) (a) 2m. Conservation patron issued to ~~12-year-olds to 17-year-olds~~
17 persons who are younger than 18 years of age: \$70.25 or a greater amount at the
18 applicant's option.

19 SECTION 14. 29.563 (4) (b) 1m. of the statutes is amended to read:

20 29.563 (4) (b) 1m. Sports issued to ~~12-year-olds to 17-year-olds~~ persons who
21 are younger than 18 years of age: \$33.25 or a greater amount at the applicant's
22 option.

23 SECTION 15. 29.563 (4) (b) 2m. of the statutes is amended to read:

SENATE BILL 472

1 29.563 (4) (b) 2m. Conservation patron issued to ~~12-year-olds to 17-year-olds~~
2 persons who are younger than 18 years of age: \$72.25 or a greater amount at the
3 applicant's option.

4 SECTION 16. 29.592 of the statutes is created to read:

5 **29.592 Hunting mentorship program. (1)** A person who is at least 12 years
6 of age, or the age specified by the department by rule under sub. (5), whichever age
7 is lower, may hunt in this state without obtaining a certificate of accomplishment
8 under s. 29.591 and may, while hunting, possess or control a firearm if all of the
9 following apply:

10 (a) At all times when hunting, the person is within arm's reach of a mentor who
11 meets the qualifications under sub. (2).

12 (b) The person holds a hunting approval.

13 (2) No person may serve as a qualified mentor for a hunter unless the person
14 meets all of the following requirements:

15 (a) The person is 18 years of age or older.

16 (b) The person is the parent or guardian of the person for whom he or she is
17 serving as a mentor or is authorized by the parent or guardian to serve as a mentor.
18 This requirement does not apply to a person serving as a mentor for a person who
19 is 18 years of age or older.

20 (c) At all times when serving as a mentor, the person is within arm's reach of
21 the person for whom he or she is serving as a mentor.

22 (d) The person has been issued a certificate of accomplishment under s. 29.591,
23 or under s. 29.595 if the person is serving as a mentor for hunting elk, unless the
24 person was born before January 1, 1973, and is not required to obtain a certificate
25 of accomplishment.

SENATE BILL 472

(e) The person holds a current valid hunting approval.

(3) A mentor under this section may take only one person, for whom he or she is serving as a mentor, hunting at a time.

(4) The department shall issue to each person to whom the department issues a hunting approval a pamphlet, developed by the department, that contains hunter safety information if the person is not required to obtain a certificate of accomplishment under s. 29.591 and is authorized to hunt with a mentor under this section.

(5) The department may promulgate rules lowering the minimum age specified in sub. (1) for purposes of this section.

SECTION 17. 29.593 (1) (a) of the statutes is amended to read:

29.593 (1) (a) Except as provided under subs. (2), (2m) and (3) and s. 29.592 (1), no person born on or after January 1, 1973, may obtain any approval authorizing hunting unless the person is issued a certificate of accomplishment under s. 29.591.

SECTION 18. 169.20 (1) (a) of the statutes is amended to read:

169.20 (1) (a) The department shall issue a bird dog training license to any individual who is at least 12 years of age, or the age specified by the department by rule under s. 29.592 (5), whichever age is lower, and who files a proper application and who pays the applicable fee.

SECTION 19. 169.20 (2) (a) of the statutes is amended to read:

169.20 (2) (a) The department shall issue a hound dog training license to any individual who is at least 12 years of age, or the age specified by the department by rule under s. 29.592 (5), whichever age is lower, and who files a proper application and who pays the applicable fee.

SECTION 20. 169.33 (2) (d) of the statutes is amended to read:

insert 6-3

Insert 6-19

Insert 6-23

strike

A rule promulgated under this subsection may not take effect before the first day of the 73rd month beginning after the effective date of this subsection. [LRB inserts date].

SENATE BILL 472

1 169.33 (2) (d) An individual who applies for a bird dog training license or a
 2 hound dog training license shall be at least 12 years of age, or the age specified by
 3 the department by rule under s. 29.592 (5), whichever age is lower.

(END)

Insert
7-3

O-Note

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1558/lins
RNK:.....

INSERT 2-1

1 **SECTION 1.** 29.063 (5) of the statutes is amended to read:

2 29.063 (5) The department may exempt deer hunters from obtaining a license
3 under this chapter for the hunting of deer in an area that the department has
4 designated by rule as a chronic wasting disease control zone. Deer hunters that are
5 exempted under this subsection shall be at least ~~12~~ 10 years of age, or the age
6 specified by the department by rule under s. 29.592 (6), whichever is lower, except
7 that a person born on or after January 1, 1973, may not hunt deer under this
8 subsection unless he or she complies with ss. 29.304 and 29.593. The department
9 shall by rule establish eligibility criteria and application procedures for receipt of an
10 exemption under this subsection, including a method for obtaining a permit to hunt
11 deer without a license under this subsection. A deer hunter who is exempted under
12 this subsection and who is under 12 years of age is subject to the restrictions specified
13 under s. 29.592.

History: 2001 a. 108; 2005 a. 286.

INSERT 2-7

14 ~~Not~~ . If the applicant is under 12 years of age, the applicant is subject to the
15 restrictions specified under s. 29.592.

INSERT 3-7

16 A conservation patron license issued to a person who is under 12 years of age,
17 is subject to the restrictions specified under s. 29.592.

INSERT 6-3

1 (4) A person who is authorized to hunt with a mentor under this section[✓] and[✓]
2 a mentor under this section[✓] with whom that person hunts may jointly have only one
3 firearm in their possession or control while hunting.

INSERT 6-19

4 ~~not~~ If the department issues a bird dog training license to an individual who is[✓]
5 under 12 years of age, the individual is subject to the restrictions specified under s.
6 29.592.

INSERT 6-23

7 ~~not~~ If the department issues a hound dog training license to an individual who is[✓]
8 under 12 years of age, the individual is subject to the restrictions specified under s.
9 29.592.

INSERT 7-3

10 ~~not~~ . If the applicant is under 12 years of age, the applicant is subject to the
11 restrictions specified under s. 29.592

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

LRB-1558/1dn

RNK:...

gf

Date

As requested, this draft is based upon the hunting mentorship provisions included in last session's budget bill. In addition to the changes that you requested, I have made a few additional minor changes in this version of the draft for purposes of clarity. This draft includes an amendment to s. 29.063 (5) which concerns hunting in chronic wasting disease zones. If you do not want to let mentored youth hunt in these zones, please let me know and I will take out this provision. Also, in the treatment of ss. 29.063 (5), 29.184 (6) (b) 1., 29.235 (1), 169.20 (1) (a) and (2) (a), and 169.33 (2) (d), I have added language to make clear that if DNR issues a license under any of those provisions to a person under 12 years of age, the person must comply with the requirements of the mentorship program.

Please also note that I have changed the minimum age for issuing licenses under ss. 169.20 (1) (a) and (2) (a) and 169.33 (2) (d) to 10 years of age. This change was not made in the draft incorporated in last session's budget bill. I think that this change is necessary to be consistent with other provisions of the draft that lower the licensing age for those persons hunting under the mentorship program. Do you agree?

Finally, you might want to consider having a delayed effective date for this draft to give DNR time to print the required pamphlet under this draft and to make any necessary changes to their license application and other forms.

Please review this entire draft closely to ensure that all of the provisions in the draft are consistent with your intent. Please feel free to contact me if you have questions with regard to this draft.

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1558/1dn
RNK:kjf:jf

February 20, 2009

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Finally, you might want to consider having a delayed effective date for this draft to give DNR time to print the required pamphlet under this draft and to make any necessary changes to their license application and other forms.

Please review this entire draft closely to ensure that all of the provisions in the draft are consistent with your intent. Please feel free to contact me if you have questions with regard to this draft.

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



2009 BILL

1 **AN ACT to renumber** 29.304 (5); **to amend** 29.063 (5), 29.184 (6) (b) 1., 29.235
2 (1), 29.563 (2) (a) 4., 29.563 (2) (a) 5g., 29.563 (2) (a) 8m., 29.563 (2m), 29.563
3 (4) (a) 1m., 29.563 (4) (a) 2m., 29.563 (4) (b) 1m., 29.563 (4) (b) 2m., 29.593 (1)
4 (a), 169.20 (1) (a), 169.20 (2) (a) and 169.33 (2) (d); **to repeal and recreate**
5 29.304 (5) (title); and **to create** 29.304 (4m), 29.304 (5) (b) and 29.592 of the
6 statutes; **relating to:** age-specific restrictions on hunting and possessing a
7 firearm; requirements for obtaining a hunting certificate of accomplishment;
8 establishing a hunting mentorship program; and granting rule-making
9 authority.

Analysis by the Legislative Reference Bureau

Current law generally prohibits hunting and firearm possession by any person under the age of 12. Current law allows a person who is at least 12 years old but under the age of 16 to hunt and possess a firearm but imposes certain restrictions that vary depending on the person's age. Current law also requires, with certain exceptions, that every person who obtains a hunting approval must have a certificate of accomplishment issued by the Department of Natural Resources (DNR) indicating that he or she has successfully completed the hunter education program or bow hunter education program established by DNR.

BILL

This bill establishes a hunting mentorship program that creates an exception to the general requirement that a person obtain a certificate of accomplishment to obtain a hunting approval. The bill authorizes a person who is at least 10 years of age to hunt without obtaining a certificate of accomplishment and to possess or control a firearm while hunting if the person has a valid hunting approval and is hunting with a qualified mentor. The bill also authorizes DNR to promulgate a rule lowering the minimum age at which a person may hunt with a qualifying mentor but prohibits that rule from taking effect for at least six years after this bill takes effect.

Under the hunting mentorship program established in the bill, to qualify as a mentor, a person must be 18 years of age or older and be the parent or guardian of the person for whom he or she is serving as a mentor or be authorized by the parent or guardian to serve as the mentor. The bill provides that at all times when serving as a mentor, the mentor must be within arm's reach of the person for whom he or she is serving as a mentor, must have a current valid hunting approval, and must have obtained a certificate of accomplishment or be exempt from the requirement to obtain a certificate of accomplishment. The bill provides that a mentor may take only one person hunting at a time and specifies that a mentor and a person who is hunting with a mentor may jointly have only one firearm while hunting. The bill also requires DNR to issue to each person to whom DNR issues a hunting approval a pamphlet that contains hunter safety information if the person is not required to obtain a certificate of accomplishment and is authorized to hunt with a mentor.

This bill creates a target practice exception to the restrictions that apply to firearm possession by persons who are under a specified age. The bill provides that those age restrictions do not apply to a person who uses a firearm in target practice if the person is accompanied by his or her parent or guardian or by a person who is at least 18 years of age who is designated by the parent or guardian.

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.** 29.063 (5) of the statutes is amended to read:
2 29.063 (5) The department may exempt deer hunters from obtaining a license
3 under this chapter for the hunting of deer in an area that the department has
4 designated by rule as a chronic wasting disease control zone. Deer hunters that are
5 exempted under this subsection shall be at least ~~12~~ 10 years of age, or the age
6 specified by the department by rule under s. 29.592 (6), whichever is lower, except
7 that a person born on or after January 1, 1973, may not hunt deer under this

BILL

1 subsection unless he or she complies with ss. 29.304 and 29.593. The department
2 shall by rule establish eligibility criteria and application procedures for receipt of an
3 exemption under this subsection, including a method for obtaining a permit to hunt
4 deer without a license under this subsection. A deer hunter who is exempted under
5 this subsection and who is under 12 years of age is subject to the restrictions specified
6 under s. 29.592.

7 **SECTION 2.** 29.184 (6) (b) 1. of the statutes is amended to read:

8 29.184 (6) (b) 1. The applicant is at least ~~12~~ 10 years old, or the age specified
9 by the department by rule under s. 29.592 (6), whichever age is lower. If the applicant
10 is under 12 years of age, the applicant is subject to the restrictions specified under
11 s. 29.592.

12 **SECTION 3.** 29.235 (1) of the statutes is amended to read:

13 29.235 (1) ISSUANCE. A resident conservation patron license shall be issued
14 subject to ss. 29.024 and 54.25 (2) (c) 1. d. by the department to any resident ~~12~~ 10
15 years old or older, or the age specified by the department by rule under s. 29.592 (6),
16 whichever age is lower, and who applies for the license. A nonresident conservation
17 patron license shall be issued subject to s. 29.024 by the department to any person
18 ~~12~~ 10 years old or older, or the age specified by the department by rule under s. 29.592
19 (6), whichever age is lower, who is not a resident, and who applies for the license.
20 A conservation patron license issued to a person who is under 12 years of age is
21 subject to the restrictions specified under s. 29.592.

22 **SECTION 4.** 29.304 (4m) of the statutes is created to read:

23 29.304 (4m) HUNTING MENTORSHIP PROGRAM. The prohibition specified in sub.
24 (1) (a) and the restrictions specified in subs. (1) (b) to (d), (2), and (3) do not apply to

BILL

1 a person who is hunting with a mentor and who complies with the requirements
2 specified under s. 29.592.

3 **SECTION 5.** 29.304 (5) (title) of the statutes is repealed and recreated to read:

4 29.304 (5) (title) EXCEPTIONS.

5 **SECTION 6.** 29.304 (5) of the statutes is renumbered 29.304 (5) (a).

6 **SECTION 7.** 29.304 (5) (b) of the statutes is created to read:

7 29.304 (5) (b) The restrictions on the possession or control of a firearm under
8 sub. (1) do not apply to a person using a firearm in target practice if he or she is
9 accompanied by his or her parent or guardian or by a person at least 18 years of age
10 who is designated by the parent or guardian.

11 **SECTION 8.** 29.563 (2) (a) 4. of the statutes is amended to read:

12 29.563 (2) (a) 4. Small game issued to ~~12-year-olds to 17-year-olds~~ persons
13 who are younger than 18 years of age: \$6.25.

14 **SECTION 9.** 29.563 (2) (a) 5g. of the statutes is amended to read:

15 29.563 (2) (a) 5g. Deer issued to ~~12-year-olds to 17-year-olds~~ persons who are
16 younger than 18 years of age: \$17.25.

17 **SECTION 10.** 29.563 (2) (a) 8m. of the statutes is amended to read:

18 29.563 (2) (a) 8m. Archer issued to ~~12-year-olds to 17-year-olds~~ persons who
19 are younger than 18 years of age: \$17.25.

20 **SECTION 11.** 29.563 (2m) of the statutes is amended to read:

21 29.563 (2m) HUNTING APPROVALS FOR CERTAIN NONRESIDENTS. The fees for
22 hunting approvals for a ~~12 to 17 year-old~~ person who is younger than 18 years of age,
23 who is not a resident, and who exhibits proof that his or her parent is a resident shall
24 be the same as the fees for hunting approvals for residents under sub. (2) (a) and (c).

25 **SECTION 12.** 29.563 (4) (a) 1m. of the statutes is amended to read:

BILL

1 29.563 (4) (a) 1m. Sports issued to ~~12-year-olds to 17-year-olds~~ persons who
2 are younger than 18 years of age: \$32.25 or a greater amount at the applicant's
3 option.

4 **SECTION 13.** 29.563 (4) (a) 2m. of the statutes is amended to read:

5 29.563 (4) (a) 2m. Conservation patron issued to ~~12-year-olds to 17-year-olds~~
6 persons who are younger than 18 years of age: \$70.25 or a greater amount at the
7 applicant's option.

8 **SECTION 14.** 29.563 (4) (b) 1m. of the statutes is amended to read:

9 29.563 (4) (b) 1m. Sports issued to ~~12-year-olds to 17-year-olds~~ persons who
10 are younger than 18 years of age: \$33.25 or a greater amount at the applicant's
11 option.

12 **SECTION 15.** 29.563 (4) (b) 2m. of the statutes is amended to read:

13 29.563 (4) (b) 2m. Conservation patron issued to ~~12-year-olds to 17-year-olds~~
14 persons who are younger than 18 years of age: \$72.25 or a greater amount at the
15 applicant's option.

16 **SECTION 16.** 29.592 of the statutes is created to read:

17 **29.592 Hunting mentorship program.** (1) A person who is at least 10 years
18 of age, or the age specified by the department by rule under sub. (6), whichever age
19 is lower, may hunt in this state without obtaining a certificate of accomplishment
20 under s. 29.591 and may, while hunting, possess or control a firearm if all of the
21 following apply:

22 (a) At all times when hunting, the person is within arm's reach of a mentor who
23 meets the qualifications under sub. (2).

24 (b) The person holds a hunting approval.

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1 (2) No person may serve as a qualified mentor for a hunter unless the person
2 meets all of the following requirements:

3 (a) The person is 18 years of age or older.

4 (b) The person is the parent or guardian of the person for whom he or she is
5 serving as a mentor or is authorized by the parent or guardian to serve as a mentor.
6 This requirement does not apply to a person serving as a mentor for a person who
7 is 18 years of age or older.

8 (c) At all times when serving as a mentor, the person is within arm's reach of
9 the person for whom he or she is serving as a mentor.

10 (d) The person has been issued a certificate of accomplishment under s. 29.591,
11 or under s. 29.595 if the person is serving as a mentor for hunting elk, unless the
12 person was born before January 1, 1973, and is not required to obtain a certificate
13 of accomplishment.

14 (e) The person holds a current valid hunting approval.

15 (3) A mentor under this section may take only one person, for whom he or she
16 is serving as a mentor, hunting at a time.

17 (4) A person who is authorized to hunt with a mentor under this section, and
18 a mentor under this section with whom that person hunts may jointly have only one
19 firearm in their possession or control while hunting.

20 (5) The department shall issue to each person to whom the department issues
21 a hunting approval a pamphlet, developed by the department, that contains hunter
22 safety information if the person is not required to obtain a certificate of
23 accomplishment under s. 29.591 and is authorized to hunt with a mentor under this
24 section.

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1 (6) The department may promulgate a rule lowering the minimum age
2 specified in sub. (1) for purposes of this section. A rule promulgated under this
3 subsection may not take effect before the first day of the 73rd month beginning after
4 the effective date of this subsection [LRB inserts date].

5 **SECTION 17.** 29.593 (1) (a) of the statutes is amended to read:

6 29.593 (1) (a) Except as provided under subs. (2), (2m) and (3) and s. 29.592 (1),
7 no person born on or after January 1, 1973, may obtain any approval authorizing
8 hunting unless the person is issued a certificate of accomplishment under s. 29.591.

9 **SECTION 18.** 169.20 (1) (a) of the statutes is amended to read:

10 169.20 (1) (a) The department shall issue a bird dog training license to any
11 individual who is at least 12 years of age, or the age specified by the department by
12 rule under s. 29.592 (6), whichever age is lower, and who files a proper application
13 and who pays the applicable fee. If the department issues a bird dog training license
14 to an individual who is under 12 years of age, the individual is subject to the
15 restrictions specified under s. 29.592.

16 **SECTION 19.** 169.20 (2) (a) of the statutes is amended to read:

17 169.20 (2) (a) The department shall issue a hound dog training license to any
18 individual who is at least 12 years of age, or the age specified by the department by
19 rule under s. 29.592 (6), whichever age is lower, and who files a proper application
20 and who pays the applicable fee. If the department issues a hound dog training
21 license to an individual who is under 12 years of age, the individual is subject to the
22 restrictions specified under s. 29.592.

23 **SECTION 20.** 169.33 (2) (d) of the statutes is amended to read:

24 169.33 (2) (d) An individual who applies for a bird dog training license or a
25 hound dog training license shall be at least 12 years of age, or the age specified by

BILL

1 the department by rule under s. 29.592 (6), whichever age is lower. If the applicant
2 is under 12 years of age, the applicant is subject to the restrictions specified under
3 s. 29.592.

4 (END)

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

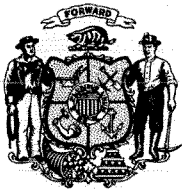
Library (608-266-7040)

Legal (608-266-3561)

LRB

3/25/09

Per file in Sen. Holperin's office
redraft LRB-1558 so it is the same
as LRB-2170/3 (Rep. Hraychuck's draft)



[soon]

State of Wisconsin
2009 - 2010 LEGISLATURE

RM not run
1558/2

LRB-2120/3
RNK:bjk:rs

FROM
2120/3

2009 BILL

In
3/26
SA

- regen.

1 **AN ACT** *to renumber and amend* 29.304 (5); *to amend* 29.063 (5), 29.184 (6)
2 (b) 1., 29.235 (1), 29.304 (1) (b), 29.304 (2) (a), 29.304 (2) (b) 1., 29.304 (3) (a) 1.,
3 29.304 (3) (b) 1., 29.563 (2) (a) 4., 29.563 (2) (a) 5g., 29.563 (2) (a) 8m., 29.563
4 (2m), 29.563 (4) (a) 1m., 29.563 (4) (a) 2m., 29.563 (4) (b) 1m., 29.563 (4) (b) 2m.,
5 29.593 (1) (a), 169.20 (1) (a), 169.20 (2) (a) and 169.33 (2) (d); and **to create**
6 29.304 (4m), 29.304 (5) (b) and 29.592 of the statutes; **relating to:** the
7 minimum age for hunting and for possessing a firearm, restrictions on hunting
8 and on possessing a firearm while hunting, establishing a hunting mentorship
9 program, and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill makes various changes to the laws relating to restrictions on hunting and firearm possession and establishes a hunting mentorship program.

Accompaniment by parent or guardian

Under current law, a person who is the minimum hunting age but under the age of 16 may hunt or have a firearm in his or her possession or control if the person is accompanied by a parent or guardian and if he or she meets certain other requirements. This bill specifies that such a person may also hunt or have a firearm

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in his or her possession or control if the person is accompanied by an individual who is at least 18 years old and who has been designated by the person's parent or guardian.

Mentorship program

Current law requires, with certain exceptions, that every person who obtains a hunting approval must have a certificate of accomplishment issued by the Department of Natural Resources (DNR) indicating that he or she has successfully completed the hunter education program or bow hunter education program established by DNR. Current law also generally prohibits hunting and firearm possession by any person under the age of 12. For persons who are at least 12 years old, but under the age of 16, current law allows hunting and firearm possession but imposes certain restrictions that vary depending on the person's age.

This bill creates a new exception to the general requirement that a person obtain a certificate of accomplishment in order to obtain a hunting approval. The bill also lowers the minimum hunting age from 12 years of age to ten years of age for persons who hunt under the hunting mentorship program established in this bill. The bill authorizes a person who is at least ten years of age to hunt without obtaining a certificate of accomplishment and to possess or control a firearm while hunting if the person has a valid hunting approval and is hunting with a qualified mentor.

Under the hunting mentorship program, to qualify as a mentor, a person must be 18 years of age or older and be the parent or guardian of the person for whom he or she is serving as a mentor or be authorized by the parent or guardian to serve as the mentor. The bill provides that at all times when serving as a mentor, the mentor must be within arm's reach of the person for whom he or she is serving as a mentor, must have a current valid hunting approval, and must have obtained a certificate of accomplishment or be exempt from the requirement to obtain a certificate of accomplishment. The bill provides that a mentor may take only one person hunting at a time and specifies that a mentor and a person who is hunting with the mentor may jointly have only one firearm or crossbow while hunting.

Other provisions

Under current law, a person who is 12 years of age or older may possess or control a firearm and may hunt with a firearm or bow and arrow on that person's land or on land owned by his or her family if no license is required and if the firing of firearms is permitted on that land. This bill allows such a person also to hunt with a crossbow on that land.

The bill also creates a new exception to the general restrictions that apply to firearm possession by persons who are under a specified age. The bill provides that those age restrictions do not apply to a person who uses a firearm in target practice if the person is accompanied by his or her parent or guardian or by a person who is at least 18 years of age who is designated by the parent or guardian.

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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.** 29.063 (5) of the statutes is amended to read:

2 29.063 (5) The department may exempt deer hunters from obtaining a license
3 under this chapter for the hunting of deer in an area that the department has
4 designated by rule as a chronic wasting disease control zone. Deer hunters that are
5 exempted under this subsection shall be at least ~~12~~ 10 years of age, except that a
6 person born on or after January 1, 1973, may not hunt deer under this subsection
7 unless he or she complies with ss. 29.304 and 29.593. A deer hunter exempted under
8 this subsection who is under 12 years of age is subject to the restrictions specified
9 under s. 29.592. The department shall by rule establish eligibility criteria and
10 application procedures for receipt of an exemption under this subsection, including
11 a method for obtaining a permit to hunt deer without a license under this subsection.

12 **SECTION 2.** 29.184 (6) (b) 1. of the statutes is amended to read:

13 29.184 (6) (b) 1. The applicant is at least ~~12~~ 10 years old. If the applicant is
14 under 12 years of age, the applicant is subject to the restrictions specified under s.
15 29.592.

16 **SECTION 3.** 29.235 (1) of the statutes is amended to read:

17 29.235 (1) ISSUANCE. A resident conservation patron license shall be issued
18 subject to ss. 29.024 and 54.25 (2) (c) 1. d. by the department to any resident ~~12~~ 10
19 years old or older who applies for the license. A nonresident conservation patron
20 license shall be issued subject to s. 29.024 by the department to any person ~~12~~ 10
21 years old or older who is not a resident, and who applies for the license. A

BILL**SECTION 3**

1 conservation patron license issued to a person who is under 12 years of age is subject
2 to the restrictions specified under s. 29.592.

3 **SECTION 4.** 29.304 (1) (b) of the statutes is amended to read:

4 29.304 (1) (b) *Restrictions on possession or control of a firearm.* No person
5 under 12 years of age may have in his or her possession or control any firearm unless
6 he or she is enrolled in the course of instruction under the hunter education program
7 and he or she is carrying the firearm in a case and unloaded to or from that class
8 under the supervision of ~~a~~ his or her parent or guardian, or by a person at least 18
9 years of age who is designated by the parent or guardian, or is handling or operating
10 the firearm during that class under the supervision of an instructor.

11 **SECTION 5.** 29.304 (2) (a) of the statutes is amended to read:

12 29.304 (2) (a) *Restrictions on hunting.* No person 12 years of age or older but
13 under 14 years of age may hunt unless he or she is accompanied by ~~a~~ his or her
14 parent or guardian, or by a person at least 18 years of age who is designated by the
15 parent or guardian.

16 **SECTION 6.** 29.304 (2) (b) 1. of the statutes is amended to read:

17 29.304 (2) (b) 1. Is accompanied by ~~a~~ his or her parent or guardian or by a
18 person at least 18 years of age who is designated by the parent or guardian; or

19 **SECTION 7.** 29.304 (3) (a) 1. of the statutes is amended to read:

20 29.304 (3) (a) 1. Is accompanied by ~~a~~ his or her parent or guardian or by a
21 person at least 18 years of age who is designated by the parent or guardian;

22 **SECTION 8.** 29.304 (3) (b) 1. of the statutes is amended to read:

23 29.304 (3) (b) 1. Is accompanied by ~~a~~ his or her parent or guardian or by a
24 person at least 18 years of age who is designated by the parent or guardian;

25 **SECTION 9.** 29.304 (4m) of the statutes is created to read:

BILL

1 29.304 (4m) HUNTING MENTORSHIP PROGRAM. The prohibition specified in sub.
2 (1) (a) and the restrictions specified in subs. (1) (b) to (d), (2), and (3) do not apply to
3 a person who is hunting with a mentor and who complies with the requirements
4 specified under s. 29.592.

5 **SECTION 10.** 29.304 (5) of the statutes is renumbered 29.304 (5) (a) and
6 amended to read:

7 29.304 (5) (a) Notwithstanding subs. (1) to (3), a person 12 years of age or older
8 may possess or control a firearm and may hunt with a firearm ~~or~~, bow and arrow, or
9 crossbow on land under the ownership of the person or the person's family if no
10 license is required and if the firing of firearms is permitted on that land.

11 **SECTION 11.** 29.304 (5) (b) of the statutes is created to read:

12 29.304 (5) (b) The restrictions on the possession and control of a firearm under
13 sub. (1) do not apply to a person using a firearm in target practice if he or she is
14 accompanied by his or her parent or guardian or by a person at least 18 years of age
15 who is designated by the parent or guardian.

16 **SECTION 12.** 29.563 (2) (a) 4. of the statutes is amended to read:

17 29.563 (2) (a) 4. Small game issued to ~~12-year-olds to 17-year-olds~~ persons
18 who are under 18 years of age: \$6.25.

19 **SECTION 13.** 29.563 (2) (a) 5g. of the statutes is amended to read:

20 29.563 (2) (a) 5g. Deer issued to ~~12-year-olds to 17-year-olds~~ persons who are
21 under 18 years of age: \$17.25.

22 **SECTION 14.** 29.563 (2) (a) 8m. of the statutes is amended to read:

23 29.563 (2) (a) 8m. Archer issued to ~~12-year-olds to 17-year-olds~~ persons who
24 are under 18 years of age: \$17.25.

25 **SECTION 15.** 29.563 (2m) of the statutes is amended to read:

BILL**SECTION 15**

1 29.563 (2m) HUNTING APPROVALS FOR CERTAIN NONRESIDENTS. The fees for
2 hunting approvals for a ~~12 to 17 year old~~ person who is under 18 years of age, who
3 is not a resident, and who exhibits proof that his or her parent is a resident shall be
4 the same as the fees for hunting approvals for residents under sub. (2) (a) and (c).

5 **SECTION 16.** 29.563 (4) (a) 1m. of the statutes is amended to read:

6 29.563 (4) (a) 1m. Sports issued to ~~12-year-olds to 17-year-olds~~ persons who
7 are under 18 years of age: \$32.25 or a greater amount at the applicant's option.

8 **SECTION 17.** 29.563 (4) (a) 2m. of the statutes is amended to read:

9 29.563 (4) (a) 2m. Conservation patron issued to ~~12-year-olds to 17-year-olds~~
10 persons who are under 18 years of age: \$70.25 or a greater amount at the applicant's
11 option.

12 **SECTION 18.** 29.563 (4) (b) 1m. of the statutes is amended to read:

13 29.563 (4) (b) 1m. Sports issued to ~~12-year-olds to 17-year-olds~~ persons who
14 are under 18 years of age: \$33.25 or a greater amount at the applicant's option.

15 **SECTION 19.** 29.563 (4) (b) 2m. of the statutes is amended to read:

16 29.563 (4) (b) 2m. Conservation patron issued to ~~12-year-olds to 17-year-olds~~
17 persons who under than 18 years of age: \$72.25 or a greater amount at the
18 applicant's option.

19 **SECTION 20.** 29.592 of the statutes is created to read:

20 **29.592 Hunting mentorship program.** (1) A person who is at least 10 years
21 of age may hunt in this state without obtaining a certificate of accomplishment under
22 s. 29.591 and may, while hunting, possess or control a firearm if all of the following
23 apply:

24 (a) At all times when hunting, the person is within arm's reach of a mentor who
25 meets the qualifications under sub. (2).

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1 (b) The person holds a hunting approval.

2 (2) No person may serve as a qualified mentor for a hunter unless the person
3 meets all of the following requirements:

4 (a) The person is 18 years of age or older.

5 (b) The person is the parent or guardian of the person for whom he or she is
6 serving as a mentor or is authorized by the parent or guardian to serve as a mentor.
7 This requirement does not apply to a person serving as a mentor for a person who
8 is 18 years of age or older.

9 (c) At all times when serving as a mentor, the person is within arm's reach of
10 the person for whom he or she is serving as a mentor.

11 (d) The person has been issued a certificate of accomplishment under s. 29.591
12 or, if serving as a mentor for hunting elk, under s. 29.595 unless the person was born
13 before January 1, 1973, and is not required to obtain a certificate of accomplishment.

14 (e) The person holds a current valid hunting approval.

15 (3) A person who is authorized to hunt with a mentor under this section and
16 a mentor under this section with whom that person hunts may jointly have only one
17 firearm, or if hunting with a crossbow is authorized under s. 29.171 (4) or 29.193 (2),
18 only one crossbow in their possession or control while hunting.

19 (4) A mentor under this section may take only one person hunting at a time for
20 whom he or she is serving as a mentor.

21 (5) The requirements under subs. (1) (b) and (2) (e) do not apply to a person who
22 is authorized to hunt without a hunting approval under s. 29.337 (1), 95.55 (5), or
23 169.19 (5).

24 **SECTION 21.** 29.593 (1) (a) of the statutes is amended to read:

BILL**SECTION 21**

1 29.593 (1) (a) Except as provided under subs. (2), (2m) and (3), and s. 29.592
 2 (1), no person born on or after January 1, 1973, may obtain any approval authorizing
 3 hunting unless the person is issued a certificate of accomplishment under s. 29.591.

4 **SECTION 22.** 169.20 (1) (a) of the statutes is amended to read:

5 169.20 (1) (a) The department shall issue a bird dog training license to any
 6 individual who is at least ~~12~~ 10 years of age who files a proper application and ~~who~~
 7 pays the applicable fee. If the department issues a bird dog training license to an
 8 individual who is under 12 years of age, the individual is subject to the restrictions
 9 specified under s. 29.592.

10 **SECTION 23.** 169.20 (2) (a) of the statutes is amended to read:

11 169.20 (2) (a) The department shall issue a hound dog training license to any
 12 individual who is at least ~~12~~ 10 years of age who files a proper application and ~~who~~
 13 pays the applicable fee. If the department issues a hound dog training license to an
 14 individual who is under 12 years of age, the individual is subject to the restrictions
 15 specified under s. 29.592.

16 **SECTION 24.** 169.33 (2) (d) of the statutes is amended to read:

17 169.33 (2) (d) An individual who applies for a bird dog training license or a
 18 hound dog training license shall be at least ~~12~~ 10 years of age. If the applicant is
 19 under 12 years of age, the applicant is subject to the restrictions specified under s.
 20 29.592.

21 **(END)**

Duerst, Christina

From: Meinholz, Susan
Sent: Thursday, March 26, 2009 4:53 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-1558/2 Topic: Lower hunting age and create hunting mentorship program

Please Jacket LRB 09-1558/2 for the SENATE.