



## 2011 SENATE BILL 411

1     **AN ACT** *to repeal* 71.10 (5) (am); *to amend* 29.024 (2) (d), 29.171 (4) (b) (intro.),  
2           29.314 (4) (b) 2., 29.314 (5) (b) 2., 29.563 (14) (a) 3., 29.563 (14) (c) 3., 29.977 (1)  
3           (d) and 29.983 (1) (b) 4.; and *to create* 20.370 (5) (fv), 29.179 (1) (a) 10m., 29.180  
4           (1) (a) 10m., 29.185, 29.553 (1) (hr), 29.563 (4) (a) 3., 29.563 (4) (b) 3., 29.563 (12)  
5           (c) 3g., 29.563 (12) (c) 3r. and 29.888 of the statutes; **relating to:** hunting and  
6           trapping of wolves, providing an exemption from emergency rule procedures,  
7           extending the time limit for emergency rule procedures, and making an  
8           appropriation.

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*Analysis by the Legislative Reference Bureau*

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

9           **SECTION 1.** 20.370 (5) (fv) of the statutes is created to read:  
10           20.370 (5) (fv) *Wolf depredation program.* All moneys received from the  
11           issuance of wolf harvesting licenses under s. 29.185 and all processing fees received

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1 as authorized under s. 29.553 (1) (hr) to be used for the wolf depredation program  
2 under s. 29.888.

3 **SECTION 2.** 29.024 (2) (d) of the statutes is amended to read:

4 29.024 (2) (d) Except as provided under s. 29.179, 29.180, 29.182 (4), 29.185 (4),  
5 or 29.519 (2) (d) or by rule, no person may transfer his or her approval or permit the  
6 use of any approval by any other person.

7 **SECTION 3.** 29.171 (4) (b) (intro.) of the statutes is amended to read:

8 29.171 (4) (b) (intro.) Except as provided in par. (bc), crossbows used in hunting  
9 as authorized by a Class A, Class B or Class C permit issued under s. 29.193 (2) or  
10 under this subsection or as authorized under sub. (2m) or s. 29.161 (2), 29.164 (2) (b),  
11 29.182 (3) (a), 29.184 (3) (c), 29.185 (6), 29.204 (2), 29.207 (2), 29.213 (2), or 29.216  
12 (2) shall meet all of the following specifications:

13 **SECTION 4.** 29.179 (1) (a) 10m. of the statutes is created to read:

14 29.179 (1) (a) 10m. Wolf harvesting license.

15 **SECTION 5.** 29.180 (1) (a) 10m. of the statutes is created to read:

16 29.180 (1) (a) 10m. Wolf harvesting license.

17 **SECTION 6.** 29.185 of the statutes is created to read:

18 **29.185 Wolf harvesting licenses. (1b) DEFINITIONS.** In this section:

19 (a) “Federal endangered list” means the U.S. list of endangered and threatened  
20 species, as it applies to this state.

21 (b) “State endangered list” means the list of endangered and threatened  
22 Wisconsin species that is established under s. 29.604 (3) (a).

23 **(1m) DEPARTMENT AUTHORITY.** If the wolf is not listed on the federal endangered  
24 list and is not listed on the state endangered list, the department shall allow the  
25 hunting and trapping of wolves and shall regulate such hunting and trapping as

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1 provided in this section and shall implement a wolf management plan. In regulating  
2 wolf hunting and trapping, the department may limit the number of wolf hunters  
3 and trappers and the number of wolves that may be taken by issuing wolf harvesting  
4 licenses.

5 **(2) LICENSES REQUIRED.** (a) *Prohibition.* Except as authorized under a wolf  
6 harvesting license, no person may hunt or trap a wolf. Both residents and  
7 nonresidents are eligible for wolf harvesting licenses.

8 (b) *Resident archer licenses and trapping licenses.* Notwithstanding ss. 29.171  
9 (2), 29.216 (2), and 29.241 (3), a resident archer hunting license, a nonresident archer  
10 hunting license, or a trapping license does not authorize the hunting or trapping of  
11 wolves.

12 **(3) ISSUANCE OF LICENSES.** (a) *Issuance; generally.* Except as provided in par.  
13 (bn), if the department establishes an open season as provided under sub. (5), the  
14 department, subject to ss. 29.024 and 54.25 (2) (c) 1. d., shall issue a wolf harvesting  
15 license to each person who applies for the license, and who pays the required fees for  
16 the license.

17 (bn) *Issuance system.* 1. In issuing wolf harvesting licenses under this  
18 subsection, the department shall determine the number of licenses that will be  
19 available for a given year. The number of licenses to be issued shall equal an even  
20 number.

21 2. If the number of qualified applications for wolf harvesting licenses exceeds  
22 the number of licenses that are available, the department shall issue 50 percent of  
23 the licenses by selecting at random the applicants to be issued the licenses.

24 3. The department shall issue the remaining 50 percent of the wolf harvesting  
25 licenses based on a cumulative preference system. The system shall establish

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1 preference categories for those applicants who applied for but who were not issued  
2 a wolf harvesting license in previous seasons, with higher preference given to those  
3 applicants with more preference points. If the number of applicants within a  
4 preference category exceeds the number of wolf harvesting licenses available in the  
5 category, the department shall select at random within the category the applicants  
6 to be issued the licenses. For each season, the department shall allow each applicant  
7 to apply for a preference point or for a license. The department shall give a preference  
8 point to each applicant who applies for a preference point and to each applicant who  
9 applies for license but who is not selected. An applicant who applies for either a  
10 preference point or a license at least once during any 3 consecutive years shall not  
11 lose his or her acquired preference points under the system.

12 4. The department shall establish a method for dividing the applications into  
13 those that will be included in the at-random system and those that will be included  
14 in the cumulative preference system.

15 5. A person applying for a wolf harvesting license shall pay the processing fee  
16 at the time of application.

17 (c) *Preference system; on receipt of license.* A applicant who is selected to receive  
18 a wolf harvesting license under the cumulative preference system established under  
19 par. (bn) 3. may elect to receive a preference point instead of a license if he or she  
20 serving on active duty in the U.S. armed forces or national guard during all or part  
21 of the wolf harvesting season for which the license is issued.

22 **(4) TRANSFER OF LICENSE.** (a) Upon application by a holder of a wolf harvesting  
23 license to the department to transfer the license to another person and upon payment  
24 of any fee required under par. (b), the department shall transfer the license if the  
25 application is made no later than the 15 days immediately preceding the first day of

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1 the wolf harvesting season if the person to whom the license is transferred is at least  
2 18 years of age and is otherwise eligible to use the license. The accompanying carcass  
3 tag shall also be transferred.

4 (b) If the holder of the wolf harvesting license is a resident and the holder  
5 applies to transfer the license to a nonresident, the holder shall pay, at the time of  
6 application, any difference between the fee for issuing the license to a resident and  
7 the fee for issuing the license to a nonresident.

8 (c) A holder of a license being transferred under this section may not receive  
9 any consideration for the transfer of the license.

10 **(5) SEASONS; ZONES.** (a) The department shall establish a single annual open  
11 season for both hunting and trapping wolves that begins on October 15th of each year  
12 and ends on the last day of February of the following year.

13 (b) The department shall divide the entire state into wolf harvesting zones and  
14 shall identify the zones in its wolf management plan. Each zone shall be open to both  
15 hunting and trapping, except as provided in par. (c). A wolf harvesting license  
16 authorizes its holder to hunt or trap or both only in the zone specified on the license.

17 (c) The department may close a wolf harvesting zone to both hunting and  
18 trapping of wolves, if the department determines that the closure is necessary to  
19 effectively manage the state's wolf population. Closure of a wolf harvesting zone  
20 under this paragraph may not take effect until at least 24 hours after the department  
21 has done all of the following:

- 22 1. Posted notice of the closure on its Internet Web site.
- 23 2. Announced the closure on its telephone registration system.
- 24 3. Issued a press release announcing the closure.

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1 (d) If the department closes a wolf harvesting zone to the hunting of coyotes  
2 during a season that authorizes hunting of deer with firearms, the department may  
3 reopen the zone to the hunting of coyotes if the department determines that the  
4 closure is no longer necessary to effectively manage the state's wolf population.

5 (e) Notwithstanding ss. 29.014 and 227.10 (1), the opening and closing of wolf  
6 harvesting zones as authorized under pars. (c) and (d) need not be promulgated as  
7 rules under ch. 227.

8 **(6) AUTHORIZED HUNTING AND TRAPPING ACTIVITIES.** (a) *Authorization; hunting.*  
9 A wolf harvesting license authorizes the hunting of wolves by using any of the  
10 following:

- 11 1. A firearm, as authorized under par. (b), a bow and arrow, or a crossbow.
- 12 2. Dogs to track or trail wolves, subject to par. (c).
- 13 3. Predator calls, including electronic calls.
- 14 4. Bait that does not involve animal parts or animal byproducts, other than  
15 liquid scents.

16 (b) *Firearms and ammunition.* A wolf harvesting license authorizes hunting  
17 with a rifle, a muzzle-loading firearm, a handgun, a shotgun that fires slugs or  
18 shotshells, and any other firearm that is loaded with a single slug or ball. A wolf  
19 harvesting license authorizes hunting with shot that is larger than size BB.

20 (c) *Use of dogs.* 1. A person may hunt wolves using dogs beginning with the  
21 first Monday that follows the last day of the regular season that is open to hunting  
22 deer with firearms and ending on the last day of February of the following year.

23 2. No more than 6 dogs in a single pack may be used to trail or track a wolf,  
24 regardless of the number of hunters assisting the holder of the wolf harvesting  
25 license.

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1           3. While a person is using a dog to hunt wolf, the person shall keep on his or  
2 her person any tag required for the dog under s. 95.21 (2) (f), 174.053 (2), or 174.07  
3 (1) (e).

4           (d) *Hunting at night.* A person may hunt wolves during nighttime beginning  
5 with the first Monday that follows the last day of the regular season that is open to  
6 hunting deer with firearms and ending on the last day of February of the following  
7 year.

8           (e) *Inapplicability of restrictions.* A person who is hunting as authorized under  
9 a wolf harvesting license is not subject to any restrictions relating to hunting  
10 seasons, zones, or times that the department imposes on the hunting of coyote.

11           (f) *Trapping; types of traps.* The types of traps that shall be authorized by the  
12 department for trapping wolves shall include cable restraints.

13           **(7) TAGS; REGISTRATION.** (a) The department shall issue one wolf carcass tag to  
14 each person who is issued a wolf harvesting license under sub. (3). Each holder of  
15 a wolf harvesting license who kills a wolf shall immediately validate and attach the  
16 carcass tag to the wolf. No person may possess, control, store, or transport a wolf  
17 carcass unless it is tagged as required under this paragraph. The carcass tag shall  
18 be attached and validated in the manner required by the department. A person who  
19 kills a wolf shall register the carcass with the department on a telephone registration  
20 system or through an electronic notification system established by the department,  
21 except as provided in par. (am). The carcass tag may not be removed before  
22 registration. The removal of a carcass tag from a wolf before registration results in  
23 the wolf being untagged.

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1 (am) In lieu of registering carcasses by telephone or through an electronic  
2 notification system, the department may require that the person who kills a wolf  
3 physically present the entire carcass to the department for registration.

4 (b) A person who harvests a wolf that has an attached or implanted radio  
5 telemetry device shall return the device to the department. The department shall  
6 inform the person, upon his or her request, of any information that has been collected  
7 through the telemetry device or otherwise by the department that relates that the  
8 wolf that was harvested.

9 **SECTION 7.** 29.314 (4) (b) 2. of the statutes is amended to read:

10 29.314 (4) (b) 2. To a person who possesses a flashlight or who uses a flashlight  
11 at the point of kill while hunting on foot for wolves or for raccoons, foxes, coyotes, or  
12 other unprotected animals during the open season for the animals hunted.

13 **SECTION 8.** 29.314 (5) (b) 2. of the statutes is amended to read:

14 29.314 (5) (b) 2. To a person who possesses a flashlight or who uses a flashlight  
15 at the point of kill while hunting on foot for wolves or for raccoons, foxes, coyotes, or  
16 other unprotected animals during the open season for the animals hunted.

17 **SECTION 11.** 29.553 (1) (hr) of the statutes is created to read:

18 29.553 (1) (hr) Wolf harvesting license.

19 **SECTION 12.** 29.563 (4) (a) 3. of the statutes is created to read:

20 29.563 (4) (a) 3. Wolf harvesting: \$99.25.

21 **SECTION 13.** 29.563 (4) (b) 3. of the statutes is created to read:

22 29.563 (4) (b) 3. Wolf harvesting: \$499.25.

23 **SECTION 13g.** 29.563 (12) (c) 3g. of the statutes is created to read:

24 29.563 (12) (c) 3g. Wolf harvesting issued to a resident: \$50.

25 **SECTION 13r.** 29.563 (12) (c) 3r. of the statutes is created to read:



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1           29.563 **(12)** (c) 3r. Wolf harvesting issued to a nonresident: \$250.

2           **SECTION 14.** 29.563 (14) (a) 3. of the statutes is amended to read:

3           29.563 **(14)** (a) 3. The processing fee for applications for elk hunting licenses  
4 and wolf harvesting licenses: \$9.75.

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

6           29.563 **(14)** (c) 3. Each application for a hunter’s choice permit, bonus deer  
7 hunting permit, elk hunting license, wild turkey hunting license, wolf harvesting  
8 license, Canada goose hunting permit, sharp-tailed grouse hunting permit, bobcat  
9 hunting and trapping permit, otter trapping permit, fisher trapping permit, or  
10 sturgeon fishing permit: 25 cents.

11           **SECTION 16.** 29.888 of the statutes is created to read:

12           **29.888 Wolf depredation program. (1b)** In this section:

13           (a) “Federal endangered list” has the meaning given in s. 29.185 (1b) (a).

14           (b) “State endangered list” has the meaning given in s. 29.185 (1b) (b).

15           **(1m)** The department shall administer a wolf depredation program under  
16 which payments may be made to persons who apply for reimbursement for death or  
17 injury caused by wolves to livestock, to hunting dogs other than those being actively  
18 used in the hunting of wolves, and to pets and for management and control activities  
19 conducted by the department for the purpose of reducing such damage caused by  
20 wolves. The department may make payments for death or injury caused by wolves  
21 under this program only if the death or injury occurs during a period time when the  
22 wolf is not listed on the federal endangered list and is not listed on the state  
23 endangered list. The department may expend moneys under this program for its  
24 management and control activities only during a period of time when the wolf is not  
25 listed on the federal endangered list and is not listed on the state endangered list.

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1           **(2)** The department shall establish maximum amounts that will be paid under  
2 sub. (1m) depending on the type of animal that suffered the death or injury. If the  
3 department determines that the amount available from the appropriation under s.  
4 20.370 (5) (fv) is insufficient in a given fiscal year for making all of these payments,  
5 the department shall make the payments on a prorated basis.

6           **(3)** If, after making the payments under sub. (2), there are moneys remaining  
7 in the appropriation under s. 20.370 (5) (fv) for a given fiscal year, the department  
8 may use all or part of the remaining moneys in the following fiscal year for  
9 management and control of the wolf population activities conducted by the  
10 department.

11           **(4)** If there are any moneys remaining at the end of a given fiscal year after  
12 making the payments under sub. (2) and paying for activities authorized under sub  
13 (3), these moneys shall lapse into the conservation fund, notwithstanding s. 20.001  
14 (3) (c).

15           **SECTION 17.** 29.977 (1) (d) of the statutes is amended to read:

16           29.977 **(1)** (d) Any bobcat, fox, wolf, beaver, or otter, \$87.50.

17           **SECTION 18.** 29.983 (1) (b) 4. of the statutes is amended to read:

18           29.983 **(1)** (b) 4. For any bobcat, fox, wolf, beaver, or otter, \$87.50.

19           **SECTION 18m.** 71.10 (5) (am) of the statutes is repealed.

20           **SECTION 21. Nonstatutory provisions.**

21           **(1) RULES.**

22           (a) The department of natural resources shall submit in proposed form any  
23 rules that are necessary to implement or interpret sections 29.185 and 29.888 of the  
24 statutes, as created by this act, to the legislative council staff under section 227.15

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1 (1) of the statutes no later than the first day of the 8th month beginning after the  
2 effective date of this paragraph.

3 (b) Using the procedure under section 227.24 of the statutes, the department  
4 of natural resources shall promulgate any rules necessary to implement or interpret  
5 sections 29.185 and 29.888 of the statutes, as created by this act, for the period before  
6 the effective date of the permanent rules that are submitted under paragraph (a).  
7 Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules  
8 promulgated under this paragraph remain in effect until the date on which the  
9 permanent rules take effect. Notwithstanding section 227.24 (1) (a), (2) (b), and (3)  
10 of the statutes, the department of natural resources is not required to provide  
11 evidence that promulgating rules under this paragraph as emergency rules is  
12 necessary for the preservation of the public peace, health, safety, or welfare and is  
13 not required to provide a finding of emergency for rules promulgated under this  
14 paragraph.

15 (END)