

2011 DRAFTING REQUEST

Bill

Received: **09/02/2011**

Received By: **rkite**

Wanted: **As time permits**

Companion to LRB:

For: **David Craig (608) 266-3363**

By/Representing: **Amy**

May Contact:

Drafter: **rkite**

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

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Allow fishing with a crossbow

Instructions:

Allow a person to use a crossbow to fish whenever fishing with a bow and arrow is allowed. Do not require a person who fishes with a crossbow to have a crossbow permit or to be disabled or to be restricted by age.

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>
/?							
/1	rkite 09/08/2011	kfollett 09/15/2011	jfrantze 09/16/2011	_____	sbasford 09/16/2011		
/2	rkite 09/16/2011 rkite 09/22/2011	kfollett 09/19/2011 kfollett 09/29/2011	jfrantze 09/29/2011	_____ _____ _____	lparisi 09/29/2011		
/3	rkite	kfollett	phenry	_____	mbarman		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	10/25/2011	10/27/2011	10/28/2011	_____	10/28/2011		
/4	rkite 10/28/2011	kfollett 10/28/2011	jfrantze 10/28/2011	_____	sbasford 10/28/2011		
/5	rkite 10/28/2011	kfollett 10/31/2011	jfrantze 10/31/2011	_____	lparisi 10/31/2011	sbasford 11/01/2011	

FE Sent For:

None

<END>

2011 DRAFTING REQUEST

Bill

Received: 09/02/2011

Received By: rkite

Wanted: As time permits

Companion to LRB:

For: David Craig (608) 266-3363

By/Representing: Amy

May Contact:

Drafter: rkite

Subject: Nat. Res. - fish and game

Addl. Drafters:

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Allow fishing with a crossbow

Instructions:

Allow a person to use a crossbow to fish whenever fishing with a bow and arrow is allowed. Do not require a person who fishes with a crossbow to have a crossbow permit or to be disabled or to be restricted by age.

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>
/?							
/1	rkite 09/08/2011	kfollett 09/15/2011	jfrantze 09/16/2011	_____	sbasford 09/16/2011		
/2	rkite 09/16/2011	kfollett 09/19/2011	jfrantze 09/29/2011	_____	lparisi 09/29/2011		
	rkite 09/22/2011	kfollett 09/29/2011		_____			
/3	rkite	kfollett	phenry	_____	mbarman		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	10/25/2011	10/27/2011	10/28/2011	_____	10/28/2011		
/4	rkite 10/28/2011	kfollett 10/28/2011	jfrantze 10/28/2011	_____ _____	sbasford 10/28/2011		
/5	rkite 10/28/2011	kfollett 10/31/2011	jfrantze 10/31/2011	_____ _____	lparisi 10/31/2011		

FE Sent For:

<END>

2011 DRAFTING REQUEST

Bill

Received: **09/02/2011**

Received By: **rkite**

Wanted: **As time permits**

Companion to LRB:

For: **David Craig (608) 266-3363**

By/Representing: **Amy**

May Contact:

Drafter: **rkite**

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

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Allow fishing with a crossbow

Instructions:

Allow a person to use a crossbow to fish whenever fishing with a bow and arrow is allowed. Do not require a person who fishes with a crossbow to have a crossbow permit or to be disabled or to be restricted by age.

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>
/?							
/1	rkite 09/08/2011	kfollett 09/15/2011	jfrantze 09/16/2011	_____	sbasford 09/16/2011		
/2	rkite 09/16/2011 rkite 09/22/2011	kfollett 09/19/2011 kfollett 09/29/2011	jfrantze 09/29/2011	_____ _____ _____	lparisi 09/29/2011		
/3	rkite	kfollett 15/15f 10/31	phenry 10/31	_____	mbarman		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	10/25/2011	10/27/2011	10/28/2011	_____	10/28/2011		
/4	rkite	kfollett	jfrantze	_____	sbasford		
	10/28/2011	10/28/2011	10/28/2011	_____	10/28/2011		

FE Sent For:

<END>

2011 DRAFTING REQUEST

Bill

Received: 09/02/2011

Received By: rkite

Wanted: As time permits

Companion to LRB:

For: David Craig (608) 266-3363

By/Representing: Amy

May Contact:

Drafter: rkite

Subject: Nat. Res. - fish and game

Addl. Drafters:

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Allow fishing with a crossbow

Instructions:

Allow a person to use a crossbow to fish whenever fishing with a bow and arrow is allowed. Do not require a person who fishes with a crossbow to have a crossbow permit or to be disabled or to be restricted by age.

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>
/?							
/1	rkite 09/08/2011	kfollett 09/15/2011	jfrantze 09/16/2011	_____	sbasford 09/16/2011		
/2	rkite 09/16/2011	kfollett 09/19/2011	jfrantze 09/29/2011	_____	lparisi 09/29/2011		
	rkite 09/22/2011	kfollett 09/29/2011		_____			
/3	rkite	kfollett 146f 10/28	phenry	_____	mbarman		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	10/25/2011	10/27/2011	10/28/2011	_____	10/28/2011		

FE Sent For:

<END>

2011 DRAFTING REQUEST

Bill

Received: **09/02/2011**

Received By: **rkite**

Wanted: **As time permits**

Companion to LRB:

For: **David Craig (608) 266-3363**

By/Representing: **Amy**

May Contact:

Drafter: **rkite**

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

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Allow fishing with a crossbow

Instructions:

Allow a person to use a crossbow to fish whenever fishing with a bow and arrow is allowed. Do not require a person who fishes with a crossbow to have a crossbow permit or to be disabled or to be restricted by age.

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>
/?							
/1	rkite 09/08/2011	kfollett 09/15/2011	jfrantze 09/16/2011	_____	sbasford 09/16/2011		
/2	rkite 09/16/2011	kfollett 09/19/2011	jfrantze 09/29/2011	_____	lparisi 09/29/2011		
	rkite 09/22/2011	kfollett 09/29/2011	198 on	_____			
		13/5 f 10/27					

FE Sent For:

<END>

2011 DRAFTING REQUEST

Bill

Received: **09/02/2011**

Received By: **rkite**

Wanted: **As time permits**

Companion to LRB:

For: **David Craig (608) 266-3363**

By/Representing: **Amy**

May Contact:

Drafter: **rkite**

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

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Allow fishing with a crossbow

Instructions:

Allow a person to use a crossbow to fish whenever fishing with a bow and arrow is allowed. Do not require a person who fishes with a crossbow to have a crossbow permit or to be disabled or to be restricted by age.

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>
/?							
/1	rkite 09/08/2011	kfollett 09/15/2011	jfrantze 09/16/2011	_____	sbasford 09/16/2011		

FE Sent For:

12/29
9/29

Ob 9/29

<END>

2011 DRAFTING REQUEST

Bill

Received: 09/02/2011

Received By: rkite

Wanted: As time permits

Companion to LRB:

For: David Craig (608) 266-3363

By/Representing: Amy

May Contact:

Drafter: rkite

Subject: Nat. Res. - fish and game

Addl. Drafters:

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given


Topic:

Allow fishing with a crossbow

Instructions:

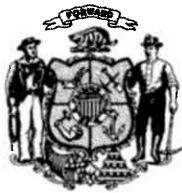
Allow a person to use a crossbow to fish whenever fishing with a bow and arrow is allowed. Do not require a person who fishes with a crossbow to have a crossbow permit or to be disabled or to be restricted by age.

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>
1?	rkite	11/5 f 9/15	9/14				

FE Sent For:

<END>



Fri. 9/16
State of Wisconsin
2011 - 2012 LEGISLATURE



Rm
num

LRB-2806

RNK: *gf*

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2011 BILL

In
9/8

Gen

D-N

1 **AN ACT ...; relating to: taking rough fish with a crossbow.**

Analysis by the Legislative Reference Bureau

Under current law, no person may hunt with a crossbow unless the person is disabled and holds a permit that authorizes hunting with a crossbow or unless the person is at least 65 years old. Current law does not authorize a person to fish with a crossbow but does allow a person to fish for rough fish with a bow and arrow.

X This bill authorizes a person to fish for rough fish with a crossbow under the same circumstances as a person may fish for rough fish with a bow and arrow. The bill does not require a person to hold a disabled hunting permit to use a crossbow to fish for rough fish. As under current law regulating fishing for rough fish with a bow and arrow, this bill prohibits a person who takes rough fish with a crossbow from releasing the fish back to the waters of this state or leaving the fish on the ice or banks of any waters of this state. The person who takes rough fish with a crossbow must remove the fish from the waters where taken and use or dispose of the fish in an appropriate manner.

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

2 **SECTION 1.** 29.405 (title) of the statutes is amended to read:

3 **29.405 (title) Fishing with bow and arrow or crossbow.**

1 SECTION 2. 29.405 (1) (b) of the statutes is amended to read:

2 29.405 (1) (b) Release or return any rough fish taken with a bow and arrow or
3 crossbow, whether dead or alive, to the waters of this state.

4 History: 2005 a. 291; 2007 a. 97.
5 SECTION 3. 29.405 (1) (c) of the statutes is amended to read:

6 29.405 (1) (c) Leave any rough fish taken with a bow and arrow or crossbow,
7 whether dead or alive, on the ice or banks of any waters of this state.

8 History: 2005 a. 291; 2007 a. 97.
9 SECTION 4. 29.405 (2) of the statutes is amended to read:

10 29.405 (2) Any person who takes rough fish with a bow and arrow or crossbow
11 in any waters of this state shall remove the fish from those waters and use or dispose
12 of the fish in an appropriate manner as determined by the department.

13 History: 2005 a. 291; 2007 a. 97.
14 SECTION 5. 29.405 (3) of the statutes is amended to read:

15 29.405 (3) If the department establishes an open season for taking rough fish
16 with a bow and arrow or crossbow on a particular body of water, the department shall
allow the taking of rough fish with a bow and arrow or crossbow on that body of water
from sunset to sunrise during that open season.

History: 2005 a. 291; 2007 a. 97.

(END)

D-Note

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

LRB-2806/?dn
RNK:...

1
kjf

Date

3 2 This bill allows a person to fish for rough fish with a crossbow in the same manner as a person may fish with a bow and arrow under s. 29.405. There are two other statutes in current law that refer to the use of a bow and arrow for fishing. Under the general law that prohibits shining of wild animals, there is an exception under s. 29.314 (4) (b) 2., stats., for a person who possesses or uses a light while using a bow and arrow for taking rough fish. Do you want this exception to also apply to a person who possesses or uses a light while fishing with a crossbow?

X Also, current law generally prohibits a person from shooting a bolt or an arrow from a bow or crossbow within 50 feet of the center of a roadway, but the prohibition does not apply to a person who is fishing with a bow and arrow if the person does not shoot the arrow from the roadway or across a highway. See s. 167.31 (4) (g), stats. Should this exception also apply to a person fishing with a crossbow?

If you would like to extend either of these exceptions so that they also apply to a person who is fishing with a crossbow, please let me know and I will redraft accordingly.

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

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

LRB-2806/1dn
RNK:kjf:jf

September 16, 2011

This bill allows a person to fish for rough fish with a crossbow in the same manner as a person may fish with a bow and arrow under s. 29.405. There are two other statutes in current law that refer to the use of a bow and arrow for fishing. Under the general law that prohibits shooting of wild animals, there is an exception under s. 29.314 (4) (b) 3., stats., for a person who possesses or uses a light while using a bow and arrow for taking rough fish. Do you want this exception to also apply to a person who possesses or uses a light while fishing with a crossbow?

Also, current law generally prohibits a person from shooting a bolt or an arrow from a bow or crossbow within 50 feet of the center of a roadway, but the prohibition does not apply to a person who is fishing with a bow and arrow if the person does not shoot the arrow from the roadway or across a highway. See s. 167.31 (4) (g), stats. Should this exception also apply to a person fishing with a crossbow?

If you would like to extend either of these exceptions so that they also apply to a person who is fishing with a crossbow, please let me know and I will redraft accordingly.

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

9/16

Per Amy in Rep. Craig's office

Redraft to amend provisions referred
to in draft's note

Kite, Robin

From: Lewis, Amy
Sent: Monday, September 19, 2011 1:27 PM
To: Kite, Robin
Subject: FW: Crossbow Fishing

Robin,

The DNR had some technical clarifications for adding in crossbows to this section. Please see below and let me know if you have any questions or concerns.

Thank you,

Amy Lewis
Office of Rep. David Craig
83rd Assembly District
amy.lewis@legis.wisconsin.gov
608-266-3363

*9-21
called Tom -
left message*

- ✓ 1. A reference to crossbow should also be made as shown below to **s. 29.405(1)(a)**. It was added in the draft to (1)(b) & (c), but not also to (1)(a).

The addition of the reference to crossbow in **s. 29.405(1)(a)**, is need to assure that a person using a crossbow to shot/spear rough fish is using a metal barbed tip and that the arrow/bolt is tethered to the crossbow with a line to allow for retrieval of the fish

- ✓ 2. A reference to crossbow should also be made as shown below to **s. 29.314(5)(b)2m**.

Without this change a person using a crossbow to spear rough fish at night with a light could not do so after 10pm from Sept. 15 - Dec. 31st, which is allowed if using a bow & arrow.

- 3. For consistency with language used in s. 167.31(2), (3) & (4), I would also recommend adding the references to a "bolt", which is the common term used for the arrow like projectile shot from a crossbow.

The following are the 2 additional sections that should be amended in this bill:

29.405(1)(a)
✓ (a) Take rough fish with a bow and arrow or crossbow unless the arrow or bolt is equipped with a metal barbed tip that is attached to the bow or crossbow with a tethered line that allows for the retrieval of the arrow or bolt and the fish.

29.314(5)(b)2m.
✓ 2m. To a person who possesses or uses a light while using a bow and arrow or crossbow for taking rough fish.

The following are the 2 sections that Robin asked if we wanted the exceptions also extended to:

29.314(4)(b)
✓ 3. To a person who possesses or uses a light while using a bow and arrow or crossbow for taking rough fish.

✓ **167.31(4)**

(g) A person who is fishing with a bow and arrow or crossbow may shoot an arrow or bolt from a bow or crossbow within 50 feet of the center of a roadway if the person does not shoot the arrow or bolt from the roadway or across a highway.

Thomas Van Haren

Conservation Warden & NR Policy Officer
Bureau of Law Enforcement
Wisconsin Department of Natural Resources
(☎) phone: (608) 266-3244



2011 BILL

In
9-22

Reger

- 1 **AN ACT to amend** 29.405 (title), 29.405 (1) (b), 29.405 (1) (c), 29.405 (2) and 29.405
- 2 (3) of the statutes; **relating to:** taking rough fish with a crossbow.

Analysis by the Legislative Reference Bureau

Under current law, no person may hunt with a crossbow unless the person is disabled and holds a permit that authorizes hunting with a crossbow or unless the person is at least 65 years old. Current law does not authorize a person to fish with a crossbow but does allow a person to fish for rough fish with a bow and arrow.

This bill authorizes a person to fish for rough fish with a crossbow under the same circumstances as a person may fish for rough fish with a bow and arrow. The bill does not require a person to hold a disabled hunting permit to use a crossbow to fish for rough fish. As under current law regulating fishing for rough fish with a bow and arrow, this bill prohibits a person who takes rough fish with a crossbow from releasing the fish back to the waters of this state or leaving the fish on the ice or banks of any waters of this state. The person who takes rough fish with a crossbow must remove the fish from the waters where taken and use or dispose of the fish in an appropriate manner.

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

INS.
1-3

3

SECTION 1. 29.405 (title) of the statutes is amended to read:

BILL

INS.
2-1

1 **29.405 (title) Fishing with bow and arrow or crossbow.**

2 **SECTION 2.** 29.405 (1) (b) of the statutes is amended to read:

3 29.405 (1) (b) Release or return any rough fish taken with a bow and arrow or
4 crossbow, whether dead or alive, to the waters of this state.

5 **SECTION 3.** 29.405 (1) (c) of the statutes is amended to read:

6 29.405 (1) (c) Leave any rough fish taken with a bow and arrow or crossbow,
7 whether dead or alive, on the ice or banks of any waters of this state.

8 **SECTION 4.** 29.405 (2) of the statutes is amended to read:

9 29.405 (2) Any person who takes rough fish with a bow and arrow or crossbow
10 in any waters of this state shall remove the fish from those waters and use or dispose
11 of the fish in an appropriate manner as determined by the department.

12 **SECTION 5.** 29.405 (3) of the statutes is amended to read:

13 29.405 (3) If the department establishes an open season for taking rough fish
14 with a bow and arrow or crossbow on a particular body of water, the department shall
15 allow the taking of rough fish with a bow and arrow or crossbow on that body of water
16 from sunset to sunrise during that open season.

INS.
2-16

17 (END)

**2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2806/2ins.
RNK:.....

INSERT 1-3

1 **SECTION 1.** 29.314 (4) (b) 3. of the statutes is amended to read:

2 29.314 (4) (b) 3. To a person who possesses or uses a light while using a bow
3 and arrow or crossbow for taking rough fish.

4 History: 1979 c. 190; 1983 a. 27, 419, 538; 1987 a. 399; 1997 a. 1; 1997 a. 248 s. 438; Stats. 1997 s. 29.314; 1997 a. 249; 2001 a. 109; 2003 a. 75; 2005 a. 57, 291.

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

5 29.314 (5) (b) 2m. To a person who possesses or uses a light while using a bow
6 and arrow or crossbow for taking rough fish.

History: 1979 c. 190; 1983 a. 27, 419, 538; 1987 a. 399; 1997 a. 1; 1997 a. 248 s. 438; Stats. 1997 s. 29.314; 1997 a. 249; 2001 a. 109; 2003 a. 75; 2005 a. 57, 291.

INSERT 2-1

7 **SECTION 3.** 29.405 (1) (a) of the statutes is amended to read:

8 29.405 (1) (a) Take rough fish with a bow and arrow or take rough fish with a
9 bolt from a crossbow unless the arrow or bolt is equipped with a metal barbed tip that
10 is attached to the bow or crossbow with a tethered line that allows for the retrieval
11 of the arrow or bolt and the fish.

History: 2005 a. 291; 2007 a. 97.

INSERT 2-16

12 **SECTION 4.** 167.31 (4) (g) of the statutes is amended to read:

13 167.31 (4) (g) A person who is fishing with a bow and arrow may shoot an arrow
14 from a bow, and a person who is fishing with a crossbow may shoot a bolt from a
15 crossbow, within 50 feet of the center of a roadway if the person does not shoot the
16 arrow or bolt from the roadway or across a highway.

History: 1985 a. 36; 1987 a. 27, 353; 1991 a. 77; 1993 a. 147; 1995 a. 122, 201; 1997 a. 248, 249; 1999 a. 32, 158; 2001 a. 8, 56, 90, 108; 2003 a. 33, 139, 326; 2005 a. 169, 253, 286, 345; 2007 a. 97; 2009 a. 246; 2011 a. 32, 35.

Kite, Robin

From: Lewis, Amy
Sent: Thursday, October 20, 2011 11:32 AM
To: Kite, Robin
Subject: LRB 2806 Edits

Attachments: Amended Draft of Rep Craigs X-Bow bill_2.doc

Robin:

Per our conversation, I've attached a document with DRN edits (in red) and tracked changes. Let me know if you have any questions.

Thank you,
~Amy



Amended Draft
of Rep Craigs X...

Amy Lewis
Office of Rep. David Craig
83rd Assembly District
amy.lewis@legis.wisconsin.gov
608-266-3363

SECTION O. 29.001(74) of the statutes is amended to read:

29.001(74) "Rough fish" includes suckers, not listed as endangered or threatened under s. 29.604 (3), common carp, goldfish, freshwater drum, burbot, bowfin, garfish, sea lamprey, alewife, gizzard shad, rainbow smelt, and mooneye and all species of Asian carp, including bighead, silver, grass and black carp.

SECTION 1. 29.314 (4) (b) 3. of the statutes is amended to read:

29.314 (4) (b) 3. To a person who possesses or uses a light while using a bow and arrow or crossbow and bolt for taking rough fish.

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

29.314 (5) (b) 2m. To a person who possesses or uses a light while using a bow and arrow or crossbow and bolt for taking rough fish.

SECTION 3. 29.405 (title) of the statutes is amended to read:

29.405 (title) **Fishing with bow and arrow or crossbow and bolt.**

SECTION 4. 29.405 (1) (a) of the statutes is amended to read:

29.405 (1) (a) Take rough fish with a bow and arrow or take rough fish with a bolt from a crossbow unless the arrow or bolt is equipped with a metal barbed tip and the arrow or bolt is attached to the bow or crossbow with a tethered line that allows for the retrieval of the arrow or bolt and the fish.

Deleted: that

Deleted: ¶

Deleted: ¶

SECTION 5. 29.405 (1) (b) of the statutes is amended to read:

29.405 (1) (b) Release or return any rough fish taken with a bow and arrow or crossbow and bolt, whether dead or alive, to the waters of this state.

SECTION 6. 29.405 (1) (c) of the statutes is amended to read:

29.405 (1) (c) Leave any rough fish taken with a bow and arrow or crossbow and bolt, whether dead or alive, on the ice or banks of any waters of this state.

SECTION 7. 29.405 (2) of the statutes is amended to read:

29.405 (2) Any person who takes rough fish with a bow and arrow or crossbow and bolt in any waters of this state shall remove the fish from those waters and use or dispose of the fish in an appropriate manner as determined by the department.

SECTION 8. 29.405 (3) of the statutes is amended to read:

29.405 (3) If the department establishes an open season for taking rough fish with a bow and arrow or crossbow and bolt on a particular body of water, the department shall allow the taking of rough fish with a bow and arrow or crossbow and bolt on that body of water from sunset to sunrise during that open season.

Deleted: ¶

Deleted: ¶

SECTION 8m. 29.405 (4) of the statutes is created to read:

29.405 (4) If the department establishes an open season for taking rough fish with a bow and arrow on a particular body of water, the department shall

allow the taking of rough fish with a crossbow and bolt on that body of water under the same restrictions that apply to taking rough fish with a bow and arrow.

SECTION 9. 167.31 (4) (g) of the statutes is amended to read:

167.31 (4) (g) A person who is fishing with a bow and arrow may shoot an arrow from a bow, **and a person who is fishing with a crossbow may shoot a bolt from a crossbow,** within 50 feet of the center of a roadway if the person does not shoot the arrow **or bolt** from the roadway or across a highway.

(END)



Soon
State of Wisconsin
2011 - 2012 LEGISLATURE



run
run

LRB-2806/23
RNK:kjf:jf

Friday

2011 BILL

In
10/25

D-Note

regen cat definition
The definition of rough fish
and

1 AN ACT to amend 29.314 (4) (b) 3., 29.314 (5) (b) 2m., 29.405 (title), 29.405 (1)
2 (a), 29.405 (1) (b), 29.405 (1) (c), 29.405 (2), 29.405 (3) and 167.31 (4) (g) of the
3 statutes; relating to: taking rough fish with a crossbow and bolt.

INS Analysis
A/B

Analysis by the Legislative Reference Bureau that regulates

Under current law, no person may hunt with a crossbow unless the person is disabled and holds a permit that authorizes hunting with a crossbow or unless the person is at least 65 years old. Current law does not authorize a person to fish with a crossbow but does allow a person to fish for rough fish with a bow and arrow. This bill authorizes a person to fish for rough fish with a crossbow under the same circumstances as a person may fish for rough fish with a bow and arrow. The bill does not require a person to hold a disabled hunting permit to use a crossbow to fish for rough fish. As under current law regulating fishing for rough fish with a bow and arrow, this bill prohibits a person who takes rough fish with a crossbow from releasing the fish back to the waters of this state or leaving the fish on the ice or banks of any waters of this state. The person who takes rough fish with a crossbow must remove the fish from the waters where taken and use or dispose of the fish in an appropriate manner.

INS ANALYSIS
use 4
and bolt

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

BILL

INS. 2-1

1 SECTION 1. 29.314 (4) (b) 3. of the statutes is amended to read:

2 29.314 (4) (b) 3. To a person who possesses or uses a light while using a bow
3 and arrow or crossbow ^{and bolt} for taking rough fish.

INS. 2-3

4 SECTION 2. 29.314 (5) (b) 2m. of the statutes is amended to read:

5 29.314 (5) (b) 2m. To a person who possesses or uses a light while using a bow
6 and arrow or crossbow ^{and bolt} for taking rough fish.

INS. 2-6

7 SECTION 3. 29.405 (title) of the statutes is amended to read:

8 29.405 (title) **Fishing with bow and arrow or crossbow** ^{and bolt}

9 SECTION 4. 29.405 (1) (a) of the statutes is amended to read:

10 29.405 (1) (a) Take rough fish with a bow and arrow or take rough fish with a
11 bolt from a crossbow unless the arrow or bolt is equipped with a metal barbed tip ^{that}
12 ^{and} is attached to the bow or crossbow with a tethered line that allows for the retrieval
13 of the arrow or bolt and the fish.

14 SECTION 5. 29.405 (1) (b) of the statutes is amended to read:

15 29.405 (1) (b) Release or return any rough fish taken with a bow and arrow or
16 crossbow ^{and bolt} whether dead or alive, to the waters of this state.

17 SECTION 6. 29.405 (1) (c) of the statutes is amended to read:

18 29.405 (1) (c) Leave any rough fish taken with a bow and arrow or crossbow ^{and bolt}
19 whether dead or alive, on the ice or banks of any waters of this state.

20 SECTION 7. 29.405 (2) of the statutes is amended to read:

21 29.405 (2) Any person who takes rough fish with a bow and arrow or crossbow ^{and bolt}
22 in any waters of this state shall remove the fish from those waters and use or dispose
23 of the fish in an appropriate manner as determined by the department.

24 SECTION 8. 29.405 (3) of the statutes is amended to read:

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2806/3ins.
RNK:.....

INSERT ANALYSIS A

no of Current law defines the term "rough fish" to include such fish as common carp, goldfish, alewife, and rainbow smelt. This bill adds asian carp to the definition of "rough fish."

INSERT ANALYSIS B

This bill also amends current law to specify that the laws regulating crossbow hunting apply to crossbow hunting with the use of a bolt. In addition, the

INSERT 2-1

1 **SECTION 1.** 29.001 (74) of the statutes is amended to read:

2 29.001 (74) "Rough fish" includes suckers, not listed as endangered or
3 threatened under s. 29.604 (3), common carp, asian carp, goldfish, freshwater drum,
4 burbot, bowfin, garfish, sea lamprey, alewife, gizzard shad, rainbow smelt and
5 mooneye.

6 *History:* 1997 a. 248 ss. 39 to 47, 49 to 75, 84; 1999 a. 9; 2001 a. 56, 90, 109; 2005 a. 286, 288.

6 **SECTION 2.** 29.161 (2) of the statutes is amended to read:

7 29.161 (2) A resident small game hunting license authorizes hunting with a
8 firearm, airgun, or bow and arrow or with a crossbow and bolt if the holder of the
9 license has a Class A, Class B, or Class C permit issued under s. 29.193 (2) that
10 authorizes hunting with a crossbow, has a crossbow permit issued under s. 29.171
11 (4) (a), or has attained the age of 65 years.

12 *History:* 1973 c. 90 s. 538; 1973 c. 315; 1979 c. 34; 1983 a. 27; 1991 a. 39; 1997 a. 27; 1997 a. 248 s. 193; Stats. 1997 s. 29.161; 2001 a. 109; 2005 a. 387; 2009 a. 119.

12 **SECTION 3.** 29.164 (2) (b) of the statutes is amended to read:

13 29.164 (2) (b) *Type of hunting authorized.* A license issued under this section
14 authorizes hunting with a firearm or bow and arrow or with a crossbow and bolt if
15 the holder of the license has a Class A, Class B, or Class C permit issued under s.

1 29.193 (2) that authorizes hunting with a crossbow or has a crossbow permit issued
2 under s. 29.171 (4) (a), or has attained the age of 65 years.

History: 1981 c. 262; 1983 a. 27, 192; 1985 a. 332 s. 253; 1987 a. 399; 1989 a. 31, 73; 1991 a. 39, 77, 269; 1995 a. 27; 1997 a. 27, 168; 1997 a. 248 ss. 212 to 230; Stats. 1997 s. 29.164; 1997 a. 249 s. 21; 1999 a. 9, 32; 2001 a. 18; 2003 a. 67; 2005 a. 25, 108, 387; 2007 a. 24; 2009 a. 119.

3 **SECTION 4. 29.171 (2) of the statutes is amended to read:**

4 ~~29.171 (2) A resident archer hunting license authorizes the hunting of all
5 game, except bear, elk, and wild turkey, during the open seasons for hunting that
6 game with bow and arrow established by the department. This license authorizes
7 hunting with a bow and arrow only, unless hunting with a crossbow and bolt is
8 authorized by a Class A, Class B, or Class C permit issued under s. 29.193 (2) or a
9 permit issued under sub. (4).~~

History: 1973 c. 90 s. 538; 1977 c. 232; 1979 c. 34; 1983 a. 27; 1985 a. 270; 1987 a. 353; 1989 a. 31; 1991 a. 39, 77; 1995 a. 293; 1997 a. 27, 168; 1997 a. 248 ss. 231 to 235; Stats. 1997 s. 29.171; 1997 a. 249 s. 25; 1999 a. 32; 2001 a. 18, 109; 2005 a. 285, 387; 2009 a. 119; s. 35.17 correction in (4) (b) (intro.).

10 **SECTION 5. 29.171 (2m) of the statutes is amended to read:**

11 29.171 (2m) Notwithstanding sub. (2), a resident archer hunting license
12 authorizes hunting with a bow and arrow or with a crossbow and bolt if the licensee
13 is a resident senior citizen. A resident senior citizen is not required to hold a permit
14 from the department to hunt with a crossbow and bolt if the resident senior citizen
15 holds a license under this section.

History: 1973 c. 90 s. 538; 1977 c. 232; 1979 c. 34; 1983 a. 27; 1985 a. 270; 1987 a. 353; 1989 a. 31; 1991 a. 39, 77; 1995 a. 293; 1997 a. 27, 168; 1997 a. 248 ss. 231 to 235; Stats. 1997 s. 29.171; 1997 a. 249 s. 25; 1999 a. 32; 2001 a. 18, 109; 2005 a. 285, 387; 2009 a. 119; s. 35.17 correction in (4) (b) (intro.).

16 **SECTION 6. 29.182 (3) (a) of the statutes is amended to read:**

17 29.182 (3) (a) A resident elk hunting license authorizes a resident of this state
18 to hunt elk with a firearm or bow and arrow, or with a crossbow and bolt, if the
19 resident has a Class A, Class B, or Class C permit issued under s. 29.193 (2) that
20 authorizes hunting with a crossbow and bolt or if the resident has a crossbow permit
21 issued under s. 29.171 (4) (a).

History: 2001 a. 109; 2003 a. 321; 2005 a. 387.

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

1 29.184 (3) (c) *Type of hunting authorized.* A Class A bear license authorizes
2 hunting with a firearm or bow and arrow or with a crossbow and bolt if the holder
3 of the license has a Class A, Class B, or Class C permit issued under s. 29.193 (2) that
4 authorizes hunting with a crossbow and bolt or has attained the age of 65 years.

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, 119; 2011 a. 28; s. 13.92 (1) (bm) 2.

5 **SECTION 8.** 29.204 (2) of the statutes is amended to read:

6 29.204 (2) A nonresident annual small game hunting license authorizes
7 hunting with a firearm, airgun, or bow and arrow or with a crossbow and bolt if the
8 holder of the license has a Class A, Class B, or Class C permit issued under s. 29.193
9 (2) that authorizes hunting with a crossbow and bolt or has attained the age of 65
10 years.

History: 1983 a. 27; 1991 a. 39; 1997 a. 27; 1997 a. 248 s. 270; Stats. 1997 s. 29.204; 2001 a. 109; 2009 a. 119.

11 **SECTION 9.** 29.207 (2) of the statutes is amended to read:

12 29.207 (2) A nonresident 5-day small game hunting license authorizes hunting
13 with a firearm, airgun, or bow and arrow or with a crossbow and bolt if the holder
14 of the license has a Class A, Class B, or Class C permit issued under s. 29.193 (2) that
15 authorizes hunting with a crossbow and bolt or has attained the age of 65 years.

History: 1983 a. 27; 1991 a. 39; 1997 a. 27; 1997 a. 248 s. 271; Stats. 1997 s. 29.207; 2001 a. 109; 2009 a. 119.

16 **SECTION 10.** 29.213 (2) of the statutes is amended to read:

17 29.213 (2) A nonresident fur-bearing animal hunting license authorizes
18 hunting with a firearm, airgun, or bow and arrow or with a crossbow and bolt if the
19 holder of the license has a Class A, Class B, or Class C permit issued under s. 29.193
20 (2) that authorizes hunting with a crossbow and bolt or has attained the age of 65
21 years.

History: 1983 a. 27; 1997 a. 27; 1997 a. 248 s. 276; Stats. 1997 s. 29.213; 2001 a. 109; 2009 a. 119.

22 **SECTION 11.** 29.216 (2) of the statutes is amended to read:

1 ~~29.216 (2) AUTHORIZATION. The nonresident archer hunting license authorizes~~
 2 ~~the hunting of all game, except bear, elk, wild turkey, and fur-bearing animals,~~
 3 ~~during the open season for the hunting of that game with a bow and arrow. This~~
 4 ~~license authorizes hunting with a bow and arrow only unless hunting with a~~
 5 ~~crossbow and bolt is authorized by a Class A, Class B, or Class C permit issued under~~
 6 ~~s. 29.193 (2).~~

7 History: 1983 a. 27; 1985 a. 270; 1991 a. 39; 1997 a. 27; 1997 a. 248 ss. 277 to 280; Stats. 1997 s. 29.216; 1997 a. 249 s. 33; 1999 a. 32; 2001 a. 109; 2009 a. 48, 119.

7 **SECTION 12.** 29.216 (2m) of the statutes is amended to read:

8 29.216 (2m) PERSONS 65 YEARS OF AGE OR OLDER. Notwithstanding sub. (2), a
 9 nonresident archer hunting license authorizes hunting with a bow and arrow or with
 10 a crossbow and bolt if the licensee is a person who has attained the age of 65. A person
 11 who has attained the age of 65 is not required to hold a permit from the department
 12 to hunt with a crossbow and bolt if he or she holds a license under this section.

13 History: 1983 a. 27; 1985 a. 270; 1991 a. 39; 1997 a. 27; 1997 a. 248 ss. 277 to 280; Stats. 1997 s. 29.216; 1997 a. 249 s. 33; 1999 a. 32; 2001 a. 109; 2009 a. 48, 119.

13 **SECTION 13.** 29.304 (5) (a) of the statutes is amended to read:

14 29.304 (5) (a) Notwithstanding subs. (1) to (3), a person 12 years of age or older
 15 may possess or control a firearm and may hunt with a firearm, bow and arrow, or
 16 crossbow and bolt on land under the ownership of the person or the person's family
 17 if no license is required and if the firing of firearms is permitted on that land.

18 History: 1983 a. 420; 1997 a. 197; 1997 a. 248 s. 431; Stats. 1997 s. 29.304; 2005 a. 289; 2009 a. 39.

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

19 29.314 (3) (a) *Prohibition.* No person may use or possess with intent to use a
 20 light for shining deer, elk, or bear while the person is hunting deer, elk, or bear or in
 21 possession of a firearm, bow and arrow, or crossbow and bolt.

22 History: 1979 c. 190; 1983 a. 27, 419, 538; 1987 a. 399; 1997 a. 1; 1997 a. 248 s. 438; Stats. 1997 s. 29.314; 1997 a. 249; 2001 a. 109; 2003 a. 75; 2005 a. 57, 291.

22 **SECTION 15.** 29.314 (3) (b) 4. of the statutes is amended to read:

1 29.314 (3) (b) 4. To the holder of a Class C permit issued under s. 29.193 (2) (c)
2 4. who uses a laser sighting device while hunting with a firearm, bow and arrow, or
3 crossbow and bolt.

4 **History:** 1979 c. 190; 1983 a. 27, 419, 538; 1987 a. 399; 1997 a. 1; 1997 a. 248 s. 438; Stats. 1997 s. 29.314; 1997 a. 249; 2001 a. 109; 2003 a. 75; 2005 a. 57, 291.

4 **SECTION 16.** 29.314 (4) (a) of the statutes is amended to read:

5 29.314 (4) (a) *Prohibition.* No person may use or possess with intent to use a
6 light for shining wild animals while the person is hunting or in possession of a
7 firearm, bow and arrow, or crossbow and bolt.

History: 1979 c. 190; 1983 a. 27, 419, 538; 1987 a. 399; 1997 a. 1; 1997 a. 248 s. 438; Stats. 1997 s. 29.314; 1997 a. 249; 2001 a. 109; 2003 a. 75; 2005 a. 57, 291.

INSERT 2-3

8 **SECTION 17.** 29.314 (4) (b) 4. of the statutes is amended to read:

9 29.314 (4) (b) 4. To the holder of a Class C permit issued under s. 29.193 (2) (c)
10 4. who uses a laser sighting device while hunting with a firearm, bow and arrow, or
11 crossbow and bolt.

History: 1979 c. 190; 1983 a. 27, 419, 538; 1987 a. 399; 1997 a. 1; 1997 a. 248 s. 438; Stats. 1997 s. 29.314; 1997 a. 249; 2001 a. 109; 2003 a. 75; 2005 a. 57, 291.

INSERT 2-6

12 **SECTION 18.** 29.314 (5) (b) 3m. of the statutes is amended to read:

13 29.314 (5) (b) 3m. To the holder of a Class C permit issued under s. 29.193 (2)
14 (c) 4. who uses a laser sighting device while hunting with a firearm, bow and arrow,
15 or crossbow and bolt.

History: 1979 c. 190; 1983 a. 27, 419, 538; 1987 a. 399; 1997 a. 1; 1997 a. 248 s. 438; Stats. 1997 s. 29.314; 1997 a. 249; 2001 a. 109; 2003 a. 75; 2005 a. 57, 291.

INSERT 3-4

16 **SECTION 19.** 29.927 (6g) of the statutes is amended to read:

1 29.927 (6g) Any lamp, light, gun, firearm, ammunition, bow, bolt, crossbow, or
2 arrow used in violation of this chapter or s. 167.31 or any rules promulgated under
3 s. 167.31.

History: 1977 c. 443; 1983 a. 192 s. 303 (6); 1985 a. 36; 1993 a. 169; 1995 a. 79; 1997 a. 248 s. 93; Stats. 1997 s. 29.927; 2001 a. 56, 109; 2005 a. 161.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2806/3dn
RNK:.....

gf

Date

✓ ✓

This redraft amends current law to add a reference to a "bolt" in ch. 29 wherever both the term "crossbow" and "bow and arrow" are used in the same provision of the statutes. I did not limit that change to only those statutes that concern fishing for rough fish because of the potential for confusion if some statutes refer to a "crossbow" and others refer to a "crossbow and bolt". Historically, I think that the reason that "bow and arrow" is used in the statutes, rather than simply "bow", is to distinguish hunting with a "traditional" bow from hunting with a crossbow. If so, you may want to consider whether the addition of the reference to a bolt is necessary in any of these statutes unless you are trying to limit the type of projectile that can be shot from a crossbow.

Please also note that in amending the definition of "rough fish" under s. 29.001 (74), I added "asian carp" rather than "all species of asian carp" as requested. This is because the definition of rough fish under current law includes specific fish, rather than "all species" of those fish. If the definition of "rough fish" is amended to include "all species of asian carp" then this implies that the other listed fish in the definition do not include "all species" of those listed fish. For the same reason, I did not incorporate the additional language specifying the species that are "included" in the term "asian carp". Please let me know if this does not accomplish your objective.

Feel free to contact me if you have any questions with regard to this draft.

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2806/3dn
RNK:kjf:ph

October 28, 2011

This redraft amends current law to add a reference to a "bolt" in ch. 29 wherever both the term "crossbow" and "bow and arrow" are used in the same provision of the statutes. I did not limit that change to only those statutes that concern fishing for rough fish because of the potential for confusion if some statutes refer to a "crossbow" and others refer to a "crossbow and bolt." Historically, I think that the reason that "bow and arrow" is used in the statutes, rather than simply "bow," is to distinguish hunting with a "traditional" bow from hunting with a crossbow. If so, you may want to consider whether the addition of the reference to a bolt is necessary in any of these statutes unless you are trying to limit the type of projectile that can be shot from a crossbow.

Please also note that in amending the definition of "rough fish" under s. 29.001 (74), I added "asian carp" rather than "all species of asian carp" as requested. This is because the definition of rough fish under current law includes specific fish, rather than "all species" of those fish. If the definition of "rough fish" is amended to include "all species of asian carp," then this implies that the other listed fish in the definition do not include "all species" of those listed fish. For the same reason, I did not incorporate the additional language specifying the species that are "included" in the term "asian carp." Please let me know if this does not accomplish your objective.

Feel free to contact me if you have any questions with regard to this draft.

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

10/28/11

Amy from Rep. Craig called with redraft instructions:

Take out all changes in the bill that add "bolt" in the hunting statutes.

Rep. Craig just wants to affect the statutes about using a crossbow to fish for rough fish.

I told Amy that this could be confusing in the statutes because most of the statutes refer to crossbows without reference to bolts and there will be inconsistencies in the statutes if some statutes refer to a crossbow and others to a crossbow and bolt.

Amy confirmed that the only projectile that is used in fishing for rough fish is a projectile. I told Amy that in that case, there seems no reason to refer to a bolt. I told her that the only reason why the statutes refer to a "bow and arrow", I believe, is to distinguish a traditional bow from a crossbow. Amy said that Mike Staggs, Bureau of Fisheries, told her that the statute about rough fish must use the term bolt. She referred me to him at 267-0796. I called him and left a message.

10/28/11

Called Tom Van Naren per Amy's suggestion -
He agreed that the draft should not
refer to a bolt except where the
statute concerns the use of the bolt

Called Amy - she concurred w/ Tom +
said to redraft accordingly



Ran
run
f

LRB-2806/3
RNK:kjf:ph

2011 BILL

reger
cat

1 **AN ACT to amend** 29.001 (74), 29.161 (2), 29.164 (2) (b), 29.171 (2m), 29.182 (3)
 2 (a), 29.184 (3) (c), 29.204 (2), 29.207 (2), 29.213 (2), 29.216 (2m), 29.304 (5) (a),
 3 29.314 (3) (a), 29.314 (3) (b) 4., 29.314 (4) (a), 29.314 (4) (b) 3., 29.314 (4) (b) 4.,
 4 29.314 (5) (b) 2m., 29.314 (5) (b) 3m., 29.405 (title), 29.405 (1) (a), 29.405 (1) (b),
 5 29.405 (1) (c), 29.405 (2), 29.405 (3), 29.927 (6g) and 167.31 (4) (g) of the statutes;
 6 **relating to:** the definition of rough fish and taking rough fish with a crossbow
 7 and bolt.

Analysis by the Legislative Reference Bureau

Under current law, no person may hunt with a crossbow unless the person is disabled and holds a permit that authorizes hunting with a crossbow or unless the person is at least 65 years old. Current law does not authorize a person to fish with a crossbow but does allow a person to fish for rough fish with a bow and arrow. Current law defines the term "rough fish" to include such fish as common carp, goldfish, alewife, and rainbow smelt. This bill adds asian carp to the definition of "rough fish."

~~This bill also amends current law to specify that the laws regulating crossbow hunting apply to crossbow hunting with the use of a bolt. In addition, the bill~~ authorizes a person to fish for rough fish with a crossbow and bolt under the same circumstances as a person may fish for rough fish with a bow and arrow. The bill does

also

BILL

not require a person to hold a disabled hunting permit to use a crossbow and bolt to fish for rough fish. As under current law that regulates fishing for rough fish, this bill prohibits a person who takes rough fish with a crossbow and bolt from releasing the fish back to the waters of this state or leaving the fish on the ice or banks of any waters of this state. The person who takes rough fish with a crossbow and bolt must remove the fish from the waters where taken and use or dispose of the fish in an appropriate manner.

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

1 **SECTION 1.** 29.001 (74) of the statutes is amended to read:

2 29.001 (74) "Rough fish" includes suckers, not listed as endangered or
3 threatened under s. 29.604 (3), common carp, asian carp, goldfish, freshwater drum,
4 burbot, bowfin, garfish, sea lamprey, alewife, gizzard shad, rainbow smelt and
5 mooneye.

6 **SECTION 2.** 29.161 (2) of the statutes is amended to read:

7 29.161 (2) A resident small game hunting license authorizes hunting with a
8 firearm, ~~airgun~~, or bow and arrow or with a crossbow and bolt if the holder of the
9 license has a Class A, Class B, or Class C permit issued under s. 29.193 (2) that
10 authorizes hunting with a crossbow, has a crossbow permit issued under s. 29.171
11 (4) (a), or has attained the age of 65 years.

12 **SECTION 3.** 29.164 (2) (b) of the statutes is amended to read:

13 29.164 (2) (b) *Type of hunting authorized.* A license issued under this section
14 authorizes hunting with a firearm or bow and arrow or with a crossbow and bolt if
15 the holder of the license has a Class A, Class B, or Class C permit issued under s.
16 29.193 (2) that authorizes hunting with a crossbow or has a crossbow permit issued
17 under s. 29.171 (4) (a), or has attained the age of 65 years.

18 **SECTION 4.** 29.171 (2m) of the statutes is amended to read:

BILL

1 29.171 (2m) Notwithstanding sub. (2), a resident archer hunting license
2 authorizes hunting with a bow and arrow or with a crossbow and bolt if the licensee
3 is a resident senior citizen. A resident senior citizen is not required to hold a permit
4 from the department to hunt with a crossbow and bolt if the resident senior citizen
5 holds a license under this section.

6 **SECTION 5.** 29.182 (3) (a) of the statutes is amended to read:

7 29.182 (3) (a) A resident elk hunting license authorizes a resident of this state
8 to hunt elk with a firearm or bow and arrow, or with a crossbow and bolt, if the
9 resident has a Class A, Class B, or Class C permit issued under s. 29.193 (2) that
10 authorizes hunting with a crossbow, or if the resident has a crossbow permit issued
11 under s. 29.171 (4) (a).

12 **SECTION 6.** 29.184 (3) (c) of the statutes is amended to read:

13 29.184 (3) (c) *Type of hunting authorized.* A Class A bear license authorizes
14 hunting with a firearm or bow and arrow or with a crossbow and bolt if the holder
15 of the license has a Class A, Class B, or Class C permit issued under s. 29.193 (2) that
16 authorizes hunting with a crossbow or has attained the age of 65 years.

17 **SECTION 7.** 29.204 (2) of the statutes is amended to read:

18 29.204 (2) A nonresident annual small game hunting license authorizes
19 hunting with a firearm, airgun, or bow and arrow or with a crossbow and bolt if the
20 holder of the license has a Class A, Class B, or Class C permit issued under s. 29.193
21 (2) that authorizes hunting with a crossbow or has attained the age of 65 years.

22 **SECTION 8.** 29.207 (2) of the statutes is amended to read:

23 29.207 (2) A nonresident 5-day small game hunting license authorizes hunting
24 with a firearm, airgun, or bow and arrow or with a crossbow and bolt if the holder

BILL

1 of the license has a Class A, Class B, or Class C permit issued under s. 29.193 (2) that
2 authorizes hunting with a crossbow or has attained the age of 65 years.

3 **SECTION 9.** 29.213 (2) of the statutes is amended to read:

4 29.213 (2) A nonresident fur-bearing animal hunting license authorizes
5 hunting with a firearm, airgun, or bow and arrow or with a crossbow and bolt if the
6 holder of the license has a Class A, Class B, or Class C permit issued under s. 29.193
7 (2) that authorizes hunting with a crossbow or has attained the age of 65 years.

8 **SECTION 10.** 29.216 (2m) of the statutes is amended to read:

9 29.216 (2m) PERSONS 65 YEARS OF AGE OR OLDER. Notwithstanding sub. (2), a
10 nonresident archer hunting license authorizes hunting with a bow and arrow or with
11 a crossbow and bolt if the licensee is a person who has attained the age of 65. A person
12 who has attained the age of 65 is not required to hold a permit from the department
13 to hunt with a crossbow and bolt if he or she holds a license under this section.

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

15 29.304 (5) (a) Notwithstanding subs. (1) to (3), a person 12 years of age or older
16 may possess or control a firearm and may hunt with a firearm, bow and arrow, or
17 crossbow and bolt on land under the ownership of the person or the person's family
18 if no license is required and if the firing of firearms is permitted on that land.

19 **SECTION 12.** 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 and bolt.

23 **SECTION 13.** 29.314 (3) (b) 4. of the statutes is amended to read:

BILL

1 29.314 (3) (b) 4. To the holder of a Class C permit issued under s. 29.193 (2) (c)
2 4. who uses a laser sighting device while hunting with a firearm, bow and arrow, or
3 crossbow and bolt.

4 **SECTION 14.** 29.314 (4) (a) of the statutes is amended to read:

5 29.314 (4) (a) *Prohibition.* No person may use or possess with intent to use a
6 light for shining wild animals while the person is hunting or in possession of a
7 firearm, bow and arrow, or crossbow and bolt.

8 **SECTION 15.** 29.314 (4) (b) 3. of the statutes is amended to read:

9 29.314 (4) (b) 3. To a person who possesses or uses a light while using a bow
10 and arrow or crossbow and bolt for taking rough fish.

11 ~~**SECTION 16.** 29.314 (4) (b) 4. of the statutes is amended to read:~~

12 ~~29.314 (4) (b) 4. To the holder of a Class C permit issued under s. 29.193 (2) (c)~~
13 ~~4. who uses a laser sighting device while hunting with a firearm, bow and arrow, or~~
14 ~~crossbow and bolt.~~

15 **SECTION 17.** 29.314 (5) (b) 2m. of the statutes is amended to read:

16 29.314 (5) (b) 2m. To a person who possesses or uses a light while using a bow
17 and arrow or crossbow and bolt for taking rough fish.

18 ~~**SECTION 18.** 29.314 (5) (b) 3m. of the statutes is amended to read:~~

19 ~~29.314 (5) (b) 3m. To the holder of a Class C permit issued under s. 29.193 (2)~~
20 ~~(c) 4. who uses a laser sighting device while hunting with a firearm, bow and arrow,~~
21 ~~or crossbow and bolt.~~

22 **SECTION 19.** 29.405 (title) of the statutes is amended to read:

23 **29.405 (title) Fishing with bow and arrow or crossbow and bolt.**

24 **SECTION 20.** 29.405 (1) (a) of the statutes is amended to read:

BILL

1 29.405 (1) (a) Take rough fish with a bow and arrow or take rough fish with a
2 bolt from a crossbow unless the arrow or bolt is equipped with a metal barbed tip ~~that~~
3 and is attached to the bow or crossbow with a tethered line that allows for the
4 retrieval of the arrow or bolt and the fish.

5 **SECTION 21.** 29.405 (1) (b) of the statutes is amended to read:

6 29.405 (1) (b) Release or return any rough fish taken with a bow and arrow or
7 crossbow and bolt, whether dead or alive, to the waters of this state.

8 **SECTION 22.** 29.405 (1) (c) of the statutes is amended to read:

9 29.405 (1) (c) Leave any rough fish taken with a bow and arrow or crossbow and
10 bolt, whether dead or alive, on the ice or banks of any waters of this state.

11 **SECTION 23.** 29.405 (2) of the statutes is amended to read:

12 29.405 (2) Any person who takes rough fish with a bow and arrow or crossbow
13 and bolt in any waters of this state shall remove the fish from those waters and use
14 or dispose of the fish in an appropriate manner as determined by the department.

15 **SECTION 24.** 29.405 (3) of the statutes is amended to read:

16 29.405 (3) If the department establishes an open season for taking rough fish
17 with a bow and arrow or crossbow and bolt on a particular body of water, the
18 department shall allow the taking of rough fish with a bow and arrow or crossbow
19 and bolt on that body of water from sunset to sunrise during that open season.

20 ~~**SECTION 25.** 29.927 (6g) of the statutes is amended to read:~~

21 ~~29.927 (6g) Any lamp, light, gun, firearm, ammunition, bow, bolt, crossbow, or~~
22 ~~arrow used in violation of this chapter or s. 167.31 or any rules promulgated under~~
23 ~~s. 167.31.~~

24 **SECTION 26.** 167.31 (4) (g) of the statutes is amended to read:



Wanted 10/31 (Mon)
State of Wisconsin
2011 - 2012 LEGISLATURE



Rm
run
5
LRB-2806/0
RNK:kjf:jf

2011 BILL

In
10/28

Regen

1 AN ACT *to amend* 29.001 (74), 29.314 (4) (b) 3., 29.314 (5) (b) 2m., 29.405 (title),
2 29.405 (1) (a), 29.405 (1) (b), 29.405 (1) (c), 29.405 (2), 29.405 (3) and 167.31 (4)
3 (g) of the statutes; **relating to:** the definition of rough fish and taking rough
4 fish with a crossbow ~~and bolt.~~

Analysis by the Legislative Reference Bureau

Under current law, no person may hunt with a crossbow unless the person is disabled and holds a permit that authorizes hunting with a crossbow or unless the person is at least 65 years old. Current law does not authorize a person to fish with a crossbow but does allow a person to fish for rough fish with a bow and arrow. Current law defines the term "rough fish" to include such fish as common carp, goldfish, alewife, and rainbow smelt. This bill adds asian carp to the definition of "rough fish."

X This bill also authorizes a person to fish for rough fish with a crossbow ~~and bolt~~
under the same circumstances as a person may fish for rough fish with a bow and arrow. This bill does not require a person to hold a disabled hunting permit to use a crossbow ~~and bolt~~ to fish for rough fish. As under current law that regulates fishing for rough fish, this bill prohibits a person who takes rough fish with a crossbow ~~and bolt~~ from releasing the fish back to the waters of this state or leaving the fish on the ice or banks of any waters of this state. The person who takes rough fish with a

BILL

crossbow ~~and bolt~~ must remove the fish from the waters where taken and use or dispose of the fish in an appropriate manner.

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

1 **SECTION 1.** 29.001 (74) of the statutes is amended to read:

2 29.001 (74) "Rough fish" includes suckers, not listed as endangered or
3 threatened under s. 29.604 (3), common carp, asian carp, goldfish, freshwater drum,
4 burbot, bowfin, garfish, sea lamprey, alewife, gizzard shad, rainbow smelt and
5 mooneye.

6 **SECTION 2.** 29.314 (4) (b) 3. of the statutes is amended to read:

7 29.314 (4) (b) 3. To a person who possesses or uses a light while using a bow
8 and arrow or crossbow ~~and bolt~~ for taking rough fish.

9 **SECTION 3.** 29.314 (5) (b) 2m. of the statutes is amended to read:

10 29.314 (5) (b) 2m. To a person who possesses or uses a light while using a bow
11 and arrow or crossbow ~~and bolt~~ for taking rough fish.

12 **SECTION 4.** 29.405 (title) of the statutes is amended to read:

13 **29.405 (title) Fishing with bow and arrow or crossbow ~~and bolt~~.**

14 **SECTION 5.** 29.405 (1) (a) of the statutes is amended to read:

15 29.405 (1) (a) Take rough fish with a bow and arrow or take rough fish with a
16 bolt from a crossbow unless the arrow or bolt is equipped with a metal barbed tip that
17 and is attached to the bow or crossbow with a tethered line that allows for the
18 retrieval of the arrow or bolt and the fish.

19 **SECTION 6.** 29.405 (1) (b) of the statutes is amended to read:

20 29.405 (1) (b) Release or return any rough fish taken with a bow and arrow or
21 crossbow ~~and bolt~~, whether dead or alive, to the waters of this state.

BILL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

SECTION 7. 29.405 (1) (c) of the statutes is amended to read:

29.405 (1) (c) Leave any rough fish taken with a bow and arrow or crossbow and bolt, whether dead or alive, on the ice or banks of any waters of this state.

SECTION 8. 29.405 (2) of the statutes is amended to read:

29.405 (2) Any person who takes rough fish with a bow and arrow or crossbow and bolt in any waters of this state shall remove the fish from those waters and use or dispose of the fish in an appropriate manner as determined by the department.

SECTION 9. 29.405 (3) of the statutes is amended to read:

29.405 (3) If the department establishes an open season for taking rough fish with a bow and arrow or crossbow and bolt on a particular body of water, the department shall allow the taking of rough fish with a bow and arrow or crossbow and bolt on that body of water from sunset to sunrise during that open season.

SECTION 10. 167.31 (4) (g) of the statutes is amended to read:

167.31 (4) (g) A person who is fishing with a bow and arrow may shoot an arrow from a bow, and a person who is fishing with a crossbow may shoot a bolt from a crossbow, within 50 feet of the center of a roadway if the person does not shoot the arrow or bolt from the roadway or across a highway.

(END)

INS.
3-12

**2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2806/5ins.
RNK:.....

INSERT 3-12

1 **SECTION 1.** 29.405 (4) of the statutes is created to read:

2 29.405 (4) If the department[✓] establishes an open season for taking rough fish
3 with a bow and arrow on a particular body of water, the department shall also allow
4 the use of a crossbow to take rough fish on that body of water under the same
5 conditions that apply to the use of a bow and arrow to take rough fish on that body
6 of water.

7 **SECTION 2.** 29.927 (6g) of the statutes is amended to read:

8 29.927 (6g) Any lamp, light, gun, firearm, ammunition, bow, crossbow, bolt, or
9 arrow used in violation of this chapter or s. 167.31 or any rules promulgated under
10 s. 167.31.

History: 1977 c. 443; 1983 a. 192 s. 303 (6); 1985 a. 36; 1993 a. 169; 1995 a. 79; 1997 a. 248 s. 93; Stats. 1997 s. 29.927; 2001 a. 56, 109; 2005 a. 161.

Barman, Mike

From: Lewis, Amy
Sent: Monday, October 31, 2011 2:46 PM
To: LRB.Legal
Subject: Draft Review: LRB 11-2806/5 Topic: Allow fishing with a crossbow

Please Jacket LRB 11-2806/5 for the ASSEMBLY.