

2013 DRAFTING REQUEST

Senate Substitute Amendment (SSA-AB194)

Received: 8/21/2013 Received By: rkite
Wanted: As time permits Same as LRB:
For: Paul Farrow (608) 266-9174 By/Representing: Scott Rausch
May Contact: Drafter: rkite
Subject: Nat. Res. - fish and game Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.Farrow@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Emergency rule authority and concurrent bow and crossbow seasons

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>
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FE Sent For:

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FE Sent For:

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State of Wisconsin
2013 - 2014 LEGISLATURE

Now

Rm not run



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Keep

SENATE SUBSTITUTE AMENDMENT,
TO ASSEMBLY BILL 194

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Regen

1 AN ACT *to repeal* 29.171 (2m), 29.171 (4) (a), 29.171 (4) (c) and 29.216 (2m); *to*
2 *renumber and amend* 29.171 (3), 29.193 (1m) (a), 29.193 (2) (cr) 2. and 29.216
3 (3); *to amend* 29.014 (1m) (b), 29.171 (2), 29.177 (3m), 29.185 (2) (b), 29.216 (2),
4 29.563 (6m), 29.563 (12) (a) 2., 29.563 (12m), 29.592 (3), 29.593 (1) (b) and
5 29.593 (2m); and *to create* 29.171 (3) (b), 29.172, 29.193 (1m) (a) 1., 29.193 (1m)
6 (a) 2., 29.216 (3) (b), 29.217, 29.235 (2) (dm), 29.235 (2m) (dm), 29.346, 29.563
7 (2) (a) 8r., 29.563 (2) (a) 8t., 29.563 (2) (b) 6m. and 29.563 (2g) of the statutes;
8 **relating to:** the authority to hunt certain animals with a crossbow,
9 establishing open seasons for hunting with a crossbow, information required to
10 be recorded at the time of carcass registration, deer management rule
11 requirements, and providing an exemption from emergency rule procedures.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources (DNR) issues hunting licenses and establishes open hunting seasons that allow the hunting of specified

game animals. Among the licenses that DNR issues are resident and nonresident archer hunting licenses. An archer hunting license allows the holder to hunt all game, except bear, elk, wolf, and wild turkey, with a bow and arrow during the relevant open season established by DNR. An archer hunting license allows a person to hunt only with a bow and arrow and not with a crossbow unless the person is disabled and holds a permit from DNR that authorizes the use of a crossbow or unless the person is at least 65 years old. This substitute amendment eliminates the age and disability requirements for using a crossbow. Instead, the substitute amendment establishes a new resident crossbow hunting license and a new nonresident crossbow hunting license.

The crossbow hunting licenses established in this substitute amendment allow a license holder to use a crossbow to hunt the same game animals that may be hunted under current law with an archer hunting license. The substitute amendment also allows the holder of an archer hunting license to obtain a crossbow hunting license at a substantially reduced fee and allows the holder of a crossbow hunting license to obtain an archer hunting license at a substantially reduced fee. As with other hunting licenses under current law, a person may not obtain a crossbow hunting license unless the person completes a course of instruction in hunter education or bow hunter education.

Current law provides that, if DNR establishes an open season for hunting deer, elk, small game, wild turkey, or bear with a bow and arrow but not with a firearm (bow and arrow season), DNR may not open that season for hunting with a crossbow unless the hunter is at least 65 years old or is disabled and holds a permit from DNR. This substitute amendment provides that, if DNR establishes an open season for hunting any of those animals with a bow and arrow but not with a firearm, DNR must also establish an open season that allows a person to hunt the respective animal with a crossbow (crossbow season) regardless of the age of the hunter or whether the hunter has a disability. The bill provides that, during the 2014–15 and 2015–16 open seasons, the bow and arrow season and the crossbow season must run concurrently.

Under current law, DNR may issue special deer hunting permits that authorize or require the permit holder to take deer of a sex or type not authorized by a regular deer hunting license. Current law requires that DNR specify by rule the type and number of deer that may be taken, the deer management areas where these permits are valid, the number of permits to be issued, and other restrictions and conditions concerning these permits. This substitute amendment also requires DNR to specify by rule the open seasons during which these permits are valid and the types of weapons authorized to be used under these permits.

The substitute amendment also provides that, if DNR requires a person who kills an animal to register the animal with DNR, then DNR must make a record of the type of weapon that was used to kill the animal.

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

1 **SECTION 1.** 29.014 (1m) (b) of the statutes is amended to read:

2 29.014 (1m) (b) If the department establishes an open season for hunting deer,
3 elk, small game, wild turkey, or bear with a bow and arrow but not with a firearm,
4 the department ~~may not~~ shall also establish an open that season for hunting the
5 respective game with a crossbow ~~except by a person who has attained the age of 65~~
6 ~~or by a person who is authorized to hunt with a crossbow by a permit issued under~~
7 ~~s. 29.171 (4) (a) or 29.193 (2).~~

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

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

15 **SECTION 3.** 29.171 (2m) of the statutes is repealed.

16 **SECTION 4.** 29.171 (3) of the statutes is renumbered 29.171 (3) (a) and amended
17 to read:

18 29.171 (3) (a) ~~The~~ Except as provided under par. (b), the department shall issue
19 to each person who is issued a resident archer hunting license a deer tag and a back
20 tag.

21 **SECTION 5.** 29.171 (3) (b) of the statutes is created to read:

22 29.171 (3) (b) The department may not issue a deer tag or back tag to a person
23 who is issued a resident archer hunting license at the reduced fee under s. 29.563
24 (2g).

25 **SECTION 6.** 29.171 (4) (a) of the statutes is repealed.

1 **SECTION 7.** 29.171 (4) (c) of the statutes is repealed.

2 **SECTION 8.** 29.172 of the statutes is created to read:

3 **29.172 Resident crossbow hunting license.** (1) A resident crossbow
4 hunting license shall be issued subject to ss. 29.024 and 54.25 (2) (c) 1. d. by the
5 department to any resident applying for this license.

6 (2) A resident crossbow hunting license authorizes the hunting of all game,
7 except bear, elk, and wild turkey, during the open seasons for hunting that game with
8 a crossbow established by the department. This license authorizes hunting with a
9 crossbow only.

10 (3) (a) Except as provided under par. (b), the department shall issue to each
11 person who is issued a resident crossbow hunting license a deer tag and a back tag.

12 (b) The department may not issue a deer tag or back tag to a person who is
13 issued a resident crossbow hunting license at the reduced fee under s. 29.563 (2g).

14 **SECTION 9.** 29.177 (3m) of the statutes is amended to read:

15 **29.177 (3m) DEER MANAGEMENT RULES.** For the purposes of permits issued
16 under this section and s. 29.181, the department shall specify by rule the type and
17 number of deer which may be taken, the deer management areas where these
18 permits are valid, the number of permits to be issued, the open seasons during which
19 the permits are valid, the types of weapons authorized to be used under the permits,
20 and other restrictions and conditions concerning these permits.

21 **SECTION 10.** 29.185 (2) (b) of the statutes is amended to read:

22 29.185 (2) (b) ~~Resident archer Archer licenses, crossbow licenses, and trapping~~
23 ~~licenses.~~ Notwithstanding ss. 29.171 (2), 29.172 (2), 29.216 (2), 29.217 (2), and 29.241
24 (3), a resident archer hunting license, a nonresident archer hunting license, a

1 resident crossbow hunting license, a nonresident crossbow hunting license, or a
2 trapping license does not authorize the hunting or trapping of wolves.

3 **SECTION 11.** 29.193 (1m) (a) of the statutes is renumbered 29.193 (1m) (a)
4 (intro.) and amended to read:

5 29.193 (1m) (a) The department shall, after an investigation and without
6 charging a fee, issue a trolling permit to any person who meets ~~the~~ any of the
7 following requirements under s. 29.171 (4) (a) 2. or 4.:

8 **SECTION 12.** 29.193 (1m) (a) 1. of the statutes is created to read:

9 29.193 (1m) (a) 1. Has an amputation or other loss of one or more arms above
10 the wrist.

11 **SECTION 13.** 29.193 (1m) (a) 2. of the statutes is created to read:

12 29.193 (1m) (a) 2. Has a permanent substantial loss of function in one or both
13 arms or one or both hands and fails to meet the minimum standards of any one of the
14 following standard tests, administered under the direction of a licensed physician or
15 a licensed chiropractor:

16 a. Upper extremity pinch.

17 b. Grip.

18 c. Nine-hole peg.

19 **SECTION 14.** 29.193 (2) (cr) 2. of the statutes is renumbered 29.193 (2) (cr) 2.
20 (intro.) and amended to read:

21 29.193 (2) (cr) 2. (intro.) A Class A permit authorizes the holder to shoot do all
22 of the following:

23 a. Shoot or hunt from a stationary vehicle, ~~to fish.~~

24 b. Fish or troll as authorized under sub. (1m) (b) and ~~to hunt certain game with~~
25 ~~a crossbow as authorized under ss. 29.171 (2) and 29.216 (2).~~

1 **SECTION 15.** 29.216 (2) of the statutes is amended to read:

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

7 **SECTION 16.** 29.216 (2m) of the statutes is repealed.

8 **SECTION 17.** 29.216 (3) of the statutes is renumbered 29.216 (3) (a) and
9 amended to read:

10 **29.216 (3) (a) DEER TAG AND BACK TAG.** The Except as provided under par. (b),
11 the department shall issue to each person who is issued a nonresident archer
12 hunting license a deer tag and a back tag.

13 **SECTION 18.** 29.216 (3) (b) of the statutes is created to read:

14 **29.216 (3) (b)** The department may not issue a deer tag or back tag to a person
15 who is issued a nonresident archer hunting license if the department issues the
16 nonresident archer hunting license at the reduced fee under s. 29.563 (2g).

17 **SECTION 19.** 29.217 of the statutes is created to read:

18 **29.217 Nonresident crossbow hunting license. (1) ISSUANCE.** A
19 nonresident crossbow hunting license shall be issued subject to s. 29.024 by the
20 department to any nonresident applying for this license.

21 **(2) AUTHORIZATION.** The nonresident crossbow hunting license authorizes the
22 hunting of all game, except bear, elk, wild turkey, and fur-bearing animals, during
23 the open season for the hunting of that game with a crossbow.

24 **(3) DEER TAG AND BACK TAG. (a)** The department shall issue to each person who
25 is issued a nonresident crossbow hunting license a deer tag and a back tag.

1 (b) The department may not issue a deer tag or back tag to a person who is
2 issued a nonresident crossbow hunting license at the reduced fee under s. 29.563
3 (2g).

4 **SECTION 20.** 29.235 (2) (dm) of the statutes is created to read:

5 29.235 (2) (dm) A resident crossbow hunting license.

6 **SECTION 21.** 29.235 (2m) (dm) of the statutes is created to read:

7 29.235 (2m) (dm) A nonresident crossbow hunting license.

8 **SECTION 22.** 29.346 of the statutes is created to read:

9 **29.346 Registration information.** If the department requires a person who
10 kills an animal to register that animal with the department, the department shall,
11 at the time of registration, make a record of the type of weapon that was used to kill
12 the animal.

13 **SECTION 23.** 29.563 (2) (a) 8r. of the statutes is created to read:

14 29.563 (2) (a) 8r. Crossbow: \$21.25.

15 **SECTION 24.** 29.563 (2) (a) 8t. of the statutes is created to read:

16 29.563 (2) (a) 8t. Crossbow issued to persons who are under 18 years of age:
17 \$17.25.

18 **SECTION 25.** 29.563 (2) (b) 6m. of the statutes is created to read:

19 29.563 (2) (b) 6m. Crossbow: \$157.25.

20 **SECTION 26.** 29.563 (2g) of the statutes is created to read:

21 29.563 (2g) **REDUCED FEES FOR CERTAIN ARCHER AND CROSSBOW LICENSES.**
22 Notwithstanding the fees under sub. (2) (a) 8. and 8r. and (b) 6. and 6m., the fee is
23 \$2.25 for any of the following licenses:

24 (a) A resident archer hunting license issued to a person who holds a resident
25 crossbow hunting license, provided that the resident archer hunting license and the

1 resident crossbow hunting license authorize hunting during the same hunting
2 season.

3 (b) A nonresident archer hunting license issued to a person who holds a
4 nonresident crossbow hunting license, provided that the nonresident archer hunting
5 license and the nonresident crossbow hunting license authorize hunting during the
6 same hunting seasons.

7 (c) A resident crossbow hunting license issued to a person who holds a resident
8 archer hunting license, provided that the resident crossbow hunting license and the
9 resident archer hunting license authorize hunting during the same hunting season.

10 (d) A nonresident crossbow hunting license issued to a person who holds a
11 nonresident archer hunting license, provided that the nonresident crossbow hunting
12 license and the nonresident archer hunting license authorize hunting during the
13 same hunting seasons.

14 **SECTION 27.** 29.563 (6m) of the statutes is amended to read:

15 29.563 (6m) REDUCED FEES FOR CERTAIN FIRST-TIME APPROVALS. (a) The fee for
16 an approval that is listed under sub. (2) (a) 1., 2., 4. to 5g., ~~or 7. to 9.~~ 8m., or 9., (3)
17 (a) 1., or (6) (a) 1. is \$4.25 if the approval is issued to a person who has not received
18 that type of approval, or has not been conferred the privileges of that type of approval
19 under a license issued under s. 29.231 or 29.235, in any of the 10 years preceding the
20 date of application.

21 (b) The fee for an approval listed under sub. (2) (b) 1., 3., ~~or 5. to 6., 7., 8.~~, (3)
22 (b) 1., or (6) (am) is one-half of the fee listed for the respective approval, rounded up
23 to the nearest dollar, if the approval is issued to a person who has not received that
24 type of approval by the department, or has not been conferred the privileges of that

1 type of approval under a license issued under s. 29.231 or 29.235, in any of the 10
2 years preceding the date of application.

3 **SECTION 28.** 29.563 (12) (a) 2. of the statutes is amended to read:

4 29.563 (12) (a) 2. Archer, crossbow, sports, or conservation patron: \$14.25 if
5 deer tags are included; \$11.25 after open season and deer tags are not included.

6 **SECTION 29.** 29.563 (12m) of the statutes is amended to read:

7 29.563 (12m) DUPLICATES OF REDUCED FEE APPROVALS. Notwithstanding the fees
8 specified under sub. (12) (a) and (b), a person who was issued an approval and
9 charged the reduced fee specified under sub. (2g) or (6m) may not be charged a fee
10 for a duplicate of that approval that exceeds the fee specified for the approval under
11 sub. (2g) or (6m).

12 **SECTION 30.** 29.592 (3) of the statutes is amended to read:

13 29.592 (3) A person who is authorized to hunt with a mentor under this section
14 and a mentor under this section with whom that person hunts may jointly have only
15 one firearm, only one bow, or ~~if hunting with a~~ only one crossbow ~~is authorized under~~
16 ~~s. 29.171 (4) or 29.193 (2), only one crossbow~~ in their possession or control while
17 hunting.

18 **SECTION 31.** 29.593 (1) (b) of the statutes is amended to read:

19 29.593 (1) (b) A certificate of accomplishment issued to a person for successfully
20 completing the course under the bow hunter education program only authorizes the
21 person to obtain a resident ~~or~~ archer hunting license, a nonresident archer hunting
22 license, a resident crossbow hunting license, or a nonresident crossbow hunting
23 license.

24 **SECTION 32.** 29.593 (2m) of the statutes is amended to read:

1 29.593 (2m) A person who has a certificate, license, or other evidence that is
2 satisfactory to the department indicating that he or she has successfully completed
3 in another state, country, or province a bow hunter education course recognized by
4 the department may obtain an archer hunting license or crossbow hunting license.

5 **SECTION 33. Nonstatutory provisions.**

6 (1) (a) In this subsection:

7 1. “Bow and arrow season” means the open season established by the
8 department for hunting with a bow and arrow but not with a firearm.

9 2. “Crossbow season” means the open season established by the department for
10 hunting with a crossbow.

11 3. “Department” means the department of natural resources.

12 (b) A crossbow season established by the department under section 29.014 (1m)
13 (b) of the statutes, as affected by this act, for hunting deer, elk, small game, wild
14 turkey, or bear shall run concurrently with the bow and arrow season for hunting the
15 respective animal. The requirement under this subsection that the crossbow season
16 and the bow and arrow season run concurrently applies only for the period beginning
17 with the 2014–15 hunting season and ending with the 2015–16 hunting season.

18 (2) The department may promulgate emergency rules under section 227.24 of
19 the statutes that are necessary for the purpose of establishing crossbow seasons
20 under section 29.014 (1m) (b) of the statutes, as affected by this act. Notwithstanding
21 section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this
22 subsection remain in effect until June 30, 2016, or the date on which permanent rules
23 take effect, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the
24 statutes, the department is not required to provide evidence that promulgating a rule
25 under this subsection as an emergency rule is necessary for the preservation of the

1 public peace, health, safety, or welfare and is not required to provide a finding of
2 emergency for a rule promulgated under this subsection.

3 (END)