



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-4731/8
MGG&RPN:jld/kf/wj:jf

2005 ASSEMBLY BILL 1129

March 21, 2006 – Introduced by Representatives GUNDERSON, MOULTON, PETTIS, MUSSER, BIES, KRAWCZYK, MURSAU, PETROWSKI and M. WILLIAMS. Referred to Committee on Natural Resources.

1 **AN ACT** *to amend* 29.171 (3), 29.173 (2) (a), 29.173 (3), 29.211 (2), 29.211 (3),
2 29.216 (3), 29.231 (4), 29.235 (4), 29.361 (2m), 29.563 (12) (a) 2. and 29.889 (7)
3 (d) 2.; and **to create** 20.370 (5) (fv), 29.053 (4), (5) and (6), 29.054, 29.171 (3m),
4 29.173 (4), 29.175, 29.192 (6), 29.211 (4), 29.212, 29.216 (4), 29.325, 29.563 (2)
5 (a) 5j., 29.563 (2) (a) 5k., 29.563 (2) (b) 3g., 29.563 (12) (a) 1m., 29.563 (15) and
6 29.566 (1v) of the statutes; **relating to:** creating a license that authorizes the
7 hunting of deer by muzzle-loading firearms, deer hunting seasons during the
8 months of October and November for hunting deer on the Apostle Islands and
9 under certain other circumstances, an annual 9-day deer hunting season
10 beginning in November, a muzzle-loading firearm only deer hunting season,
11 establishing a deer hunting event for participants under the age of 16 years,
12 deer carcass tags issued with licenses authorizing the hunting of deer, funding

ASSEMBLY BILL 1129

- 1 for wildlife damage claim payments, providing an exemption from rule-making
2 procedures, and making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources (DNR) issues resident and nonresident deer hunting licenses. Both a resident and a nonresident deer hunting license authorizes the hunting of deer with firearms, including muzzle-loading firearms. Under this bill, a resident or nonresident must hold a deer muzzle-loading license in order to hunt deer with a muzzle-loading firearm unless he or she is hunting during the regular deer hunting season. The fee for this license is the same as the applicable deer hunting license under current law. The bill requires that these fees be used to make damage claim payments under the wildlife damage claim program for damage done by deer, elk, bear, geese, or turkey to agricultural crops.

Under current law, with each license that DNR issues that authorizes hunting of deer, DNR must issue one deer carcass tag and one back tag. These licenses include resident and nonresident deer hunting licenses, and resident and nonresident archer licenses. In the case of deer hunting licenses and deer muzzle-loading licenses, under the bill, DNR must issue to each license holder, one deer carcass tag that authorizes the taking of a buck deer, and two additional carcass tags that authorize the taking of antlerless deer. The two additional tags may be used only in areas of the state where DNR has determined that the size of the deer population require additional or special types of deer to be taken for proper game management. In the case of archer hunting licenses, under the bill DNR must issue to each license holder one deer carcass tag that authorizes the taking of a buck deer and three additional carcass tags that authorize the taking of three additional antlerless deer. Two of the three additional tags may be used only in areas of the state where DNR has determined that the size and characteristics of the deer population require additional or special types of deer to be taken for proper game management. Administrative rules promulgated by DNR define a “buck deer” to be any deer with an antler not less than three inches in length and an “antlerless deer” to be any deer without antlers or with both antlers less than three inches in length. The bill prohibits DNR from requiring for the purposes of any deer hunting season that a hunter take a buck deer before taking an antlerless deer except in chronic wasting disease eradication zones. The bill requires DNR to establish a system under which DNR pays each issuing agent 50 cents each time that the agent uses the statewide automated issuing system to issue to a hunter the deer carcass tags that accompany a hunting license. A similar system exists under current law for paying issuing agents 50 cents each time that an agent issues one or more special deer hunting permits to an individual.

The bill also prohibits DNR from establishing any season that authorizes deer hunting for the period starting on October 1 and ending on the Friday before Thanksgiving except for a hunting season for muzzle-loading firearms on the

ASSEMBLY BILL 1129

Apostle Islands, one annual hunting season limited to muzzle-loading firearms, a hunting event for youth, as described below, and hunting seasons established for the purpose of controlling the spread of disease in the deer population.

Under current rules promulgated by DNR, the annual deer hunting season for hunting with firearms begins on the Saturday immediately preceding Thanksgiving and is for a period of nine days. This bill requires that DNR allow hunters to use muzzle-loading firearms and any other types of authorized firearms and to hunt by bow and arrow. However, to participate in this annual season, a person must hold a resident or nonresident deer hunting license and may not hunt under the authority of a resident or nonresident archer hunting license or a resident or nonresident deer muzzle-loading license. The bill also requires DNR to establish a ten-day season for the hunting of deer only with muzzle-loading firearms, starting on the Monday after Thanksgiving.

Under administrative rules promulgated by DNR, a special deer hunt is held for young hunters who are at least 12 years old and not more than 15 years old. For this hunt, a hunter need not have a deer hunting license but must have a certificate of accomplishment showing that he or she successfully completed the course of instruction under the hunter education program in this state or a similar certificate from another state or province. A hunter participating in this hunt may take one antlerless deer.

Under the bill, a special deer hunt for young hunters in this age range is statutorily required. Under the bill, a young hunter participating in the hunt is issued one deer carcass tag to take one antlerless deer. The bill requires that a young hunter participating in the event be accompanied by an adult. An adult may not accompany more than two young hunters at a time.

All of the provisions in this bill are no longer applicable on March 31, 2008, except for the provision that funds the wildlife damage program. Under the bill, that funding ends on June 30, 2008.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

- 1 **SECTION 1.** 20.370 (5) (fv) of the statutes is created to read:
- 2 20.370 (5) (fv) *Wildlife damage claims.* All moneys received under s. 29.563 (2)
- 3 (a) 5j. and k. and (b) 3g. and (12) (a) 1m. to provide state aid for the wildlife damage
- 4 claim program under s. 29.889 (7) (d). No moneys may be encumbered from the
- 5 appropriation under s. 20.370 (5) (fq) for these payments after June 30, 2008.
- 6 **SECTION 2.** 29.053 (4), (5) and (6) of the statutes are created to read:

ASSEMBLY BILL 1129

1 29.053 (4) (a) The department may not establish any open season for the
2 hunting of deer with firearms at any time during the period beginning on October
3 1 and ending on the Friday immediately before Thanksgiving Day unless one of the
4 following applies:

5 1. The deer hunting season is established for a hunting event for youth, as
6 authorized under s. 29.325.

7 2. The deer hunting season is established as required under sub. (5).

8 3. The deer hunting season is established for the purpose of controlling the
9 spread of disease in the deer population.

10 4. The deer hunting season is established for the hunting of deer with
11 muzzle-loading firearms on the Apostle Islands.

12 (b) This subsection does not apply after March 31, 2008.

13 (5) In addition to any other open seasons established by the department for the
14 hunting of deer with muzzle-loading firearms, the department shall establish an
15 annual open season for the hunting of antlerless deer only with muzzle-loading
16 firearms. The season shall be for 4 days beginning on Thursday and ending on
17 Sunday and shall include the 2nd full weekend in October. This subsection does not
18 apply after March 31, 2008.

19 (6) In addition to any other open seasons established by the department for the
20 hunting of deer with muzzle-loading firearms, the department shall establish an
21 annual open season for the hunting of deer only with muzzle-loading firearms. This
22 open season shall begin on the Monday immediately following Thanksgiving Day
23 and shall continue for 10 consecutive days. The department may only exclude from
24 this season lands that the department designates by rule within state parks,

ASSEMBLY BILL 1129

1 metropolitan deer management areas, and chronic wasting disease control or
2 eradication zones. This subsection does not apply after March 31, 2008.

3 **SECTION 3.** 29.054 of the statutes is created to read:

4 **29.054 Regular deer hunting season. (1)** In this section, “regular deer
5 hunting season” means an open season for the hunting of deer established by the
6 department that begins on the Saturday immediately preceding Thanksgiving Day
7 and that continues for 9 consecutive days.

8 **(2)** Notwithstanding ss. 29.171 (2), 29.173 (2) (a), 29.175 (2), 29.211 (2), 29.212
9 (2), and 29.216 (2), a resident deer hunting license and a nonresident deer hunting
10 license authorize the hunting of deer with firearms, including muzzle-loading
11 firearms, and with bows and arrows, including crossbows used by any persons
12 authorized to hunt with a crossbow under s. 29.171, during the regular deer hunting
13 season.

14 **(3)** Notwithstanding ss. 29.171 (2), 29.173 (2) (a), 29.175 (2), 29.211 (2), 29.212
15 (2), and 29.216 (2), a person may not hunt deer under the authority of a resident deer
16 muzzle-loading license, a nonresident deer muzzle-loading license, a resident
17 archer hunting license, or a nonresident archer hunting license during the regular
18 deer hunting season.

19 **(4)** This section does not apply after March 31, 2008.

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

21 29.171 **(3)** The department shall issue to each person who is issued a resident
22 archer hunting license a deer carcass tag and a back tag.

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

24 29.171 **(3m)** Beginning on the effective date of this subsection [revisor
25 inserts date], and ending on March 31, 2008, the department shall issue to each

ASSEMBLY BILL 1129

1 person who is issued a resident archer hunting license a back tag, one deer carcass
2 tag that authorizes the taking of a buck deer, and 3 additional deer carcass tags that
3 authorize the taking of 3 antlerless deer. The person issued the tags may use 2 of the
4 additional tags only in deer management areas that are established by the
5 department for the purpose of allowing the taking of additional or special types of
6 deer in order to control the deer population in the state, except that these 2 additional
7 tags may not be used in a deer management area that is designated by the
8 department for which a resident would otherwise have to pay a fee under s. 29.563
9 (2) (c) 1.

10 **SECTION 6.** 29.173 (2) (a) of the statutes is amended to read:

11 29.173 (2) (a) A resident deer hunting license authorizes the hunting of deer
12 with firearms only. Beginning on the effective date of this paragraph ... [revisor
13 inserts date], and ending on March 31, 2008, a resident deer hunting license
14 authorizes the hunting of deer only with firearms that are not muzzle-loading
15 firearms.

16 **SECTION 7.** 29.173 (3) of the statutes is amended to read:

17 29.173 (3) ~~DEER TAG CARCASS TAGS AND BACK TAG TAGS.~~ The department shall
18 issue to each person who is issued a resident deer hunting license a deer carcass tag
19 and a back tag.

20 **SECTION 8.** 29.173 (4) of the statutes is created to read:

21 29.173 (4) **ADDITIONAL CARCASS TAGS.** Notwithstanding sub. (3), beginning on
22 the effective date of this subsection ... [revisor inserts date], and ending on March
23 31, 2008, the department shall issue to each person who is issued a resident deer
24 hunting license a back tag, one deer carcass tag that authorizes the taking of a buck
25 deer, and 2 deer carcass tags that authorize the taking of 2 antlerless deer. The

ASSEMBLY BILL 1129

1 person issued the tags may use the additional 2 tags only in deer management areas
2 that are established by the department for the purpose of allowing the taking of
3 additional or special types of deer in order to control the deer population in the state,
4 except that these 2 additional tags may not be used in a deer management area that
5 is designated by the department for which a resident would otherwise have to pay
6 a fee under s. 29.563 (2) (c) 1.

7 **SECTION 9.** 29.175 of the statutes is created to read:

8 **29.175 Resident deer muzzle-loading license. (1) ISSUANCE.** A resident
9 deer muzzle-loading license shall be issued subject to s. 29.024 to any person
10 applying for this license.

11 **(2) AUTHORIZATION.** A resident deer muzzle-loading license authorizes the
12 hunting of deer with muzzle-loading firearms only during any open season for the
13 hunting of deer with such firearms.

14 **(3) DEER CARCASS TAGS AND BACK TAGS.** The department shall issue to each
15 person who is issued a resident deer muzzle-loading license a back tag, one deer
16 carcass tag that authorizes the taking of a buck deer, and 2 deer carcass tags that
17 authorize the taking of 2 antlerless deer. The person issued the tags may use the
18 additional 2 tags only in deer management areas that are established by the
19 department for the purpose of allowing the taking of additional or special types of
20 deer in order to control the deer population in the state, except that these 2 additional
21 tags may not be used in a deer management area that is designated by the
22 department for which a resident would otherwise have to pay a fee under s. 29.563
23 (2) (c) 1.

24 **(4) APPLICABILITY.** This section does not apply after March 31, 2008.

25 **SECTION 10.** 29.192 (6) of the statutes is created to read:

ASSEMBLY BILL 1129

1 29.192 (6) During a given season authorizing the hunting of deer in which the
2 taking of more than one deer is authorized, the department may not require that a
3 person take and tag an antlerless deer as a prerequisite to taking and tagging a buck
4 deer. This limitation does not apply to the hunting of deer in an area designated by
5 the department as a chronic wasting disease eradication zone. This subsection does
6 not apply after March 31, 2008.

7 **SECTION 11.** 29.211 (2) of the statutes is amended to read:

8 29.211 (2) AUTHORIZATION. A nonresident deer hunting license authorizes the
9 hunting of deer with firearms only. Beginning on the effective date of this paragraph
10 ... [revisor inserts date], and ending on March 31, 2008, a nonresident deer hunting
11 license authorizes the hunting of deer only with firearms that are not
12 muzzle-loading firearms.

13 **SECTION 12.** 29.211 (3) of the statutes is amended to read:

14 29.211 (3) DEER TAG CARCASS TAGS AND BACK TAG TAGS. The department shall
15 issue to each person who is issued a nonresident deer hunting license a deer carcass
16 tag and a back tag.

17 **SECTION 13.** 29.211 (4) of the statutes is created to read:

18 29.211 (4) ADDITIONAL CARCASS TAGS. Notwithstanding sub. (3), beginning on
19 the effective date of this subsection ... [revisor inserts date], and ending on March
20 31, 2008, the department shall issue to each person who is issued a nonresident deer
21 hunting license a back tag, one deer carcass tag that authorizes the taking of a buck
22 deer, and 2 deer carcass tags that authorize the taking of 2 antlerless deer. The
23 person issued the tags may use the additional 2 tags only in deer management areas
24 that are established by the department for the purpose of allowing the taking of
25 additional or special types of deer in order to control the deer population in the state,

ASSEMBLY BILL 1129

1 except that these 2 additional tags may not be used in a deer management area that
2 is designated by the department for which a resident would otherwise have to pay
3 a fee under s. 29.563 (2) (d).

4 **SECTION 14.** 29.212 of the statutes is created to read:

5 **29.212 Nonresident deer muzzle-loading license. (1) ISSUANCE.** A
6 nonresident deer muzzle-loading license shall be issued subject to s. 29.024 by the
7 department to any nonresident applying for this license during any open season for
8 the hunting of deer with such firearms.

9 **(2) AUTHORIZATION.** A nonresident deer muzzle-loading license authorizes the
10 hunting of deer with muzzle-loading firearms only during any open season for the
11 hunting of deer with such firearms.

12 **(3) DEER CARCASS TAGS AND BACK TAGS.** The department shall issue to each
13 person who is issued a nonresident deer muzzle-loading license a back tag, one deer
14 carcass tag that authorizes the taking of a buck deer, and 2 deer carcass tags that
15 authorize the taking of 2 antlerless deer. The person issued the tags may use the
16 additional 2 tags only in deer management areas that are established by the
17 department for the purpose of allowing the taking of additional or special types of
18 deer in order to control the deer population in the state, except that these 2 additional
19 tags may not be used in a deer management area that is designated by the
20 department for which a resident would otherwise have to pay a fee under s. 29.563
21 (2) (d).

22 **(4) APPLICABILITY.** This section does not apply after March 31, 2008.

23 **SECTION 15.** 29.216 (3) of the statutes is amended to read:

ASSEMBLY BILL 1129

1 29.216 (3) DEER TAG CARCASS TAGS AND BACK TAG TAGS. The department shall
2 issue to each person who is issued a nonresident archer hunting license a deer
3 carcass tag and a back tag.

4 **SECTION 16.** 29.216 (4) of the statutes is created to read:

5 29.216 (4) ADDITIONAL CARCASS TAGS. Notwithstanding sub. (3), beginning on
6 the effective date of this subsection ... [revisor inserts date], and ending on March
7 31, 2008, the department shall issue to each person who is issued a nonresident
8 archer hunting license a back tag, one deer carcass tag that authorizes the taking of
9 a buck deer, and 3 additional deer carcass tags that authorize the taking of 3
10 antlerless deer. The person issued the tags may use the additional 2 tags only in deer
11 management areas that are established by the department for the purpose of
12 allowing the taking of additional or special types of deer in order to control the deer
13 population in the state, except that these 2 additional tags may not be used in a deer
14 management area that is designated by the department for which a resident would
15 otherwise have to pay a fee under s. 29.563 (2) (d).

16 **SECTION 17.** 29.231 (4) of the statutes is amended to read:

17 29.231 (4) The department shall issue to each person who is issued a sports
18 license a deer carcass tag and back tag.

19 **SECTION 18.** 29.235 (4) of the statutes is amended to read:

20 29.235 (4) DEER CARCASS TAG AND BACK TAG. The department shall issue to each
21 person who is issued a conservation patron license a deer carcass tag and back tag.

22 **SECTION 19.** 29.325 of the statutes is created to read:

23 **29.325 Youth hunting event. (1)** In this section:

24 (a) "Adult" means a person who is at least 18 years old.

25 (b) "Youth" means a person who is under the age of 16.

ASSEMBLY BILL 1129

1 (2) The department shall establish an annual hunting event for the hunting
2 of antlerless deer in which only youth may participate. In order to participate, a
3 youth is exempt from holding a license that authorizes the hunting of deer but shall
4 hold a certificate of accomplishment that states that he or she successfully completed
5 the course of instruction under the hunter education program in this state or shall
6 have a similar certificate issued by another state or province.

7 (3) Each youth participating in the hunting event established under this
8 section must be accompanied by an adult. No adult may participate in the hunting
9 event and each adult may accompany no more than 2 participating youth at a time.

10 (4) The department shall issue to each youth who is participating in the event
11 a back tag and one deer carcass tag that authorizes the taking of antlerless deer.

12 (5) The season for the event shall last for 2 days and shall begin on the 2nd
13 Saturday during the month of October and shall end on the following Sunday.

14 (6) The department shall specify the areas of the state in which this event will
15 take place and shall specify the types of firearms that may be used by youth during
16 the event. The department need not promulgate as rules under ch. 227 the areas of
17 the state or the types of firearms specified under this subsection.

18 (7) This section does not apply after March 31, 2008.

19 **SECTION 20.** 29.361 (2m) of the statutes is amended to read:

20 29.361 (2m) Any person may transport on any highway, as defined in s. 340.01
21 (22), an antlerless deer killed under the authority of his or her hunter's choice, bonus,
22 or other deer hunting permit on any highway, as defined s. 340.01 (22), in order to
23 register hunting approval that authorizes the taking of an antlerless deer if the deer
24 is being transferred for the purpose of registering the deer in the deer management
25 area where the deer was killed or in an adjoining management area.

ASSEMBLY BILL 1129

1 **SECTION 21.** 29.563 (2) (a) 5j. of the statutes is created to read:

2 29.563 (2) (a) 5j. Deer muzzle-loading: \$21.25.

3 **SECTION 22.** 29.563 (2) (a) 5k. of the statutes is created to read:

4 29.563 (2) (a) 5k. Deer muzzle-loading issued to 12-year-olds to 17-year-olds:
5 \$17.25.

6 **SECTION 23.** 29.563 (2) (b) 3g. of the statutes is created to read:

7 29.563 (2) (b) 3g. Deer muzzle-loading: \$157.25.

8 **SECTION 24.** 29.563 (12) (a) 1m. of the statutes is created to read:

9 29.563 (12) (a) 1m. Deer muzzle-loading: \$14.25.

10 **SECTION 25.** 29.563 (12) (a) 2. of the statutes, as affected by 2005 Wisconsin Act
11 25, is amended to read:

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

14 **SECTION 26.** 29.563 (15) of the statutes is created to read:

15 29.563 (15) APPLICABILITY OF CERTAIN FEES. Subsection (2) (a) 5j. and k. and (b)
16 3g. and (12) (a) 1m. do not apply after March 31, 2008.

17 **SECTION 27.** 29.566 (1v) of the statutes is created to read:

18 29.566 (1v) ISSUING PAYMENT FOR DEER HUNTING TAGS. The department shall
19 establish a system under which the department pays each agent appointed under s.
20 29.024 (6) (a) 2. or 3. a payment of 50 cents each time that the agent uses the
21 statewide automated system contracted for under s. 29.024 (6) (a) 4. to issue to an
22 individual the deer carcass tags under s. 29.171 (3m), 29.173 (4), 29.175 (3), 29.211
23 (4), 29.212 (3), or 29.216 (4). The department shall make these payments in the
24 manner specified under s. 29.566 (1r). This subsection does not apply after March
25 31, 2008.

