



2011 SENATE BILL 411

January 31, 2012 - Introduced by Senators MOULTON, HOLPERIN and LASEE, cosponsored by Representatives SUDER, RIVARD, LEMAHIEU, KRUG, BIES, PRIDEMORE, BALLWEG, TAUCHEN, VRUWINK, WILLIAMS, SEVERSON, MURTHA, STEINEKE, TIFFANY, NYGREN, ENDSLEY, A. OTT and SPANBAUER. Referred to Committee on Natural Resources and Environment.

1 **AN ACT** *to renumber and amend* 167.31 (4) (e); *to amend* 29.024 (2) (d), 29.171
2 (4) (b) (intro.), 29.314 (4) (b) 2., 29.314 (5) (b) 2., 29.337 (1) (intro.), 29.563 (14)
3 (a) 3., 29.563 (14) (c) 3., 29.977 (1) (d) and 29.983 (1) (b) 4.; and **to create** 20.370
4 (5) (fv), 29.179 (1) (a) 10m., 29.180 (1) (a) 10m., 29.185, 29.337 (1) (c), 29.553 (1)
5 (hr), 29.563 (4) (a) 3., 29.563 (4) (b) 3., 29.888 and 167.31 (4) (e) 2. of the statutes;
6 **relating to:** hunting and trapping of wolves, providing an exemption from
7 emergency rule procedures, extending the time limit for emergency rule
8 procedures, and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Natural Resources (DNR) to issue wolf harvesting licenses if the wolf is removed from the U.S. and Wisconsin lists of endangered and threatened species. Under the bill, both state residents and nonresidents may be issued a license. The license authorizes both the hunting and trapping of wolves. The bill requires that there be a single annual season for wolf hunting and trapping from October 15 through the end of February. Under the bill, DNR may limit the number of licenses issued and the number of wolves to be harvested. The bill requires DNR to divide the state into up to four wolf harvesting zones. A wolf harvesting license authorizes the license holder to hunt or trap or both only in the zone that is specified on the license.

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Under the bill, if the number of persons applying for a wolf harvesting license exceeds the number of licenses that will be issued, DNR shall issue the licenses based on a cumulative preference system. The system shall establish preference categories for those applicants who applied for, but who were not issued, a wolf harvesting license in previous seasons, with higher preference given to those applicants with more preference points. Under the preference system, a person may elect to apply for a preference point instead of a license in a given year. Each person receiving a license will receive one tag. The bill also allows the transfer of licenses and preference points under certain circumstances.

The bill specifies the types of firearms that may be used for wolf hunting and also allows the use of bows and arrows and crossbows for wolf hunting. A crossbow may be used by any person holding a wolf harvesting license. For hunting wolves, the bill allows the use of dogs for part of the season and allows the baiting of wolves with bait other than animal byproducts except for liquid scents. Hunting wolves at night is also authorized for part of the season. Under the bill, the types of traps that may be used for trapping wolves must include cable restraints. A cable restraint is a type of trap using a noose made of cables.

The bill requires DNR to administer a program under which payments may be made to persons for death or injury caused by wolves to livestock, to hunting dogs other than those being used in the hunting of wolves, and to pets. Under current law, DNR has promulgated rules establishing such a program. Under the bill, the moneys collected as fees for wolf harvesting licenses are to be used to make payments under this program. If, after making these payments, there are any moneys remaining, DNR may use the moneys for wolf management and control activities conducted by DNR.

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

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

1 **SECTION 1.** 20.370 (5) (fv) of the statutes is created to read:
2 20.370 (5) (fv) *Wolf depredation program.* All moneys received from the
3 issuance of wolf harvesting licenses under s. 29.185 and all processing fees received
4 as authorized under s. 29.553 (1) (hr) to be used for the wolf depredation program
5 under s. 29.888.

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

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1 29.024 (2) (d) Except as provided under s. 29.179, 29.180, 29.182 (4), 29.185 (4),
2 or 29.519 (2) (d) or by rule, no person may transfer his or her approval or permit the
3 use of any approval by any other person.

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

5 29.171 (4) (b) (intro.) Except as provided in par. (bc), crossbows used in hunting
6 as authorized by a Class A, Class B or Class C permit issued under s. 29.193 (2) or
7 under this subsection or as authorized under sub. (2m) or s. 29.161 (2), 29.164 (2) (b),
8 29.182 (3) (a), 29.184 (3) (c), 29.185 (6), 29.204 (2), 29.207 (2), 29.213 (2), or 29.216
9 (2) shall meet all of the following specifications:

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

11 29.179 (1) (a) 10m. Wolf harvesting license.

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

13 29.180 (1) (a) 10m. Wolf harvesting license.

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

15 **29.185 Wolf harvesting licenses. (1) DEPARTMENT AUTHORITY.** If the wolf is
16 not on the U.S. list of endangered and threatened species, as it applies to this state,
17 and is not on the list of endangered and threatened Wisconsin species that is
18 established under s. 29.604 (3) (a), the department shall regulate the hunting and
19 trapping of wolves as provided in this section. In regulating wolf hunting and
20 trapping, the department may limit the number of wolf hunters and trappers and the
21 number of wolves that may be taken by issuing wolf harvesting licenses.

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

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

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

10 (b) *Cumulative preference system.* In issuing wolf harvesting licenses under
11 this subsection, the department shall determine the number of licenses that will be
12 available for a given year. If the number of qualified applications for wolf harvesting
13 licenses exceeds the number of licenses that are available, the department shall
14 select the applicants to be issued the license based on a cumulative preference
15 system. The system shall establish preference categories for those applicants who
16 applied for but who were not issued a wolf harvesting license in previous seasons,
17 with higher preference given to those applicants with more preference points. If the
18 number of applicants within a preference category exceeds the number of wolf
19 harvesting licenses available in the category, the department shall select at random
20 within the category the applicants to be issued the licenses. For each season, the
21 department shall allow each applicant to apply for a preference point or for a license.
22 The department shall give a preference point to each applicant who applies for a
23 preference point and to each applicant who applies for license but who is not selected.
24 An applicant who applies for either a preference point or a license at least once during
25 any 3 consecutive years shall not lose his or her acquired preference points under the

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1 system. A person applying under the system shall pay the processing fee at the time
2 of application.

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

8 **(4) TRANSFER OF LICENSE.** (a) Upon application by a holder of a wolf harvesting
9 license to the department to transfer the license to another person and upon payment
10 of any fee required under par. (b), the department shall transfer the license if the
11 application is made no later than the 15 days immediately preceding the first day of
12 the wolf harvesting season if the person to whom the license is transferred is at least
13 18 years of age and is otherwise eligible to use the license. The accompanying carcass
14 tag shall also be transferred.

15 (b) If the holder of the wolf harvesting license is a resident and the holder
16 applies to transfer the license to a nonresident, the holder shall pay, at the time of
17 application, any difference between the fee for issuing the license to a resident and
18 the fee for issuing the license to a nonresident.

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

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

24 (b) The department shall divide the entire state into wolf harvesting zones. The
25 total number of zones may not exceed 4. Each zone shall be open to both hunting and

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1 trapping, except as provided in par. (c). A wolf harvesting license authorizes its
2 holder to hunt or trap or both only in the zone specified on the license.

3 (c) The department may close a wolf harvesting zone to both hunting and
4 trapping of wolves, if the department determines that the closure is necessary to
5 effectively manage the state's wolf population. Notwithstanding ss. 29.014 and
6 227.10 (1) such closure need not be promulgated as a rule under ch. 227. Closure of
7 a wolf harvesting zone under this paragraph may not take effect until at least 24
8 hours after the department has done all of the following:

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

12 (d) The department may close a wolf harvesting zone to hunting of coyotes
13 during a season that authorizes hunting of deer with firearms if the department
14 determines that the closure is necessary to effectively manage the state's wolf
15 population.

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

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

24 (b) *Firearms and ammunition.* A wolf harvesting license authorizes hunting
25 with a rifle, a muzzle-loading firearm, a handgun, a shotgun that fires slugs or

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1 shotshells, and any other firearm that is loaded with a single slug or ball. A wolf
2 harvesting license authorizes hunting with shot that is larger than size BB.

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

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

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

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

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

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

21 **(7) TAGS; REGISTRATION.** (a) The department shall issue one wolf carcass tag to
22 each person who is issued a wolf harvesting license under sub. (3). Each holder of
23 a wolf harvesting license who kills a wolf shall immediately validate and attach the
24 carcass tag to the wolf. No person may possess, control, store, or transport a wolf
25 carcass unless it is tagged as required under this paragraph. The carcass tag shall

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1 be attached and validated in the manner required by the department. A person who
2 kills a wolf shall register the carcass with the department on a telephone registration
3 system or through an electronic notification system established by the department.
4 The carcass tag may not be removed before registration. The removal of a carcass
5 tag from a wolf before registration results in the wolf being untagged.

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

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

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

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

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

19 **SECTION 9.** 29.337 (1) (intro.) of the statutes is amended to read:

20 29.337 (1) (intro.) The owner or occupant of any land, and any member of his
21 or her family, may hunt or trap beaver, coyotes, wolves, foxes, raccoons, woodchucks,
22 rabbits, and squirrels on the land without a license issued under this chapter or ch.
23 169 at any time, except as follows:

24 **SECTION 10.** 29.337 (1) (c) of the statutes is created to read:

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1 29.337 (1) (c) Such persons may hunt wolves only during the month of February
2 and only on land that is located in a wolf harvesting zone that is not closed to hunting
3 under s. 29.185 (4) (c). Such persons shall register the carcass of any wolf killed with
4 the department on a telephone registration system or through an electronic
5 notification system established by the department.

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

7 29.553 (1) (hr) Wolf harvesting license.

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

9 29.563 (4) (a) 3. Wolf harvesting: \$99.25.

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

11 29.563 (4) (b) 3. Wolf harvesting: \$499.25.

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

13 29.563 (14) (a) 3. The processing fee for applications for elk hunting licenses
14 and wolf harvesting licenses: \$9.75.

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

16 29.563 (14) (c) 3. Each application for a hunter's choice permit, bonus deer
17 hunting permit, elk hunting license, wild turkey hunting license, wolf harvesting
18 license, Canada goose hunting permit, sharp-tailed grouse hunting permit, bobcat
19 hunting and trapping permit, otter trapping permit, fisher trapping permit, or
20 sturgeon fishing permit: 25 cents.

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

22 **29.888 Wolf depredation program. (1)** The department shall administer
23 a wolf depredation program under which payments may be made to persons who
24 apply for reimbursement for death or injury caused by wolves to livestock, to hunting
25 dogs other than those being actively used in the hunting of wolves, and to pets and

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1 for management and control activities conducted by the department for the purpose
2 of reducing such damage caused by wolves.

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

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

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

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

20 29.977 (1) (d) Any bobcat, fox, wolf, beaver, or otter, \$87.50.

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

22 29.983 (1) (b) 4. For any bobcat, fox, wolf, beaver, or otter, \$87.50.

23 **SECTION 19.** 167.31 (4) (e) of the statutes is renumbered 167.31 (4) (e) (intro.)

24 and amended to read:

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1 167.31 (4) (e) (intro.) Subsection (2) (d) does not apply to a if the highway or
2 roadway is surfaced with some material other than concrete or blacktop and if any
3 of the following applies:

4 1. The person who is legally hunting small game with a muzzle-loading firearm
5 or with a shotgun loaded with shotshell or chilled shot number BB or smaller, if the
6 surface of the highway or roadway is anything other than concrete or blacktop.

7 **SECTION 20.** 167.31 (4) (e) 2. of the statutes is created to read:

8 167.31 (4) (e) 2. The person is legally hunting wolves.

9 **SECTION 21. Nonstatutory provisions.**

10 (1) RULES.

11 (a) The department of natural resources shall submit in proposed form any
12 rules that are necessary to implement or interpret sections 29.185 and 29.888 of the
13 statutes, as created by this act, to the legislative council staff under section 227.15
14 (1) of the statutes no later than the first day of the 4th month beginning after the
15 effective date of this paragraph.

16 (b) Using the procedure under section 227.24 of the statutes, the department
17 of natural resources shall promulgate any rules necessary to implement or interpret
18 sections 29.185 and 29.888 of the statutes, as created by this act, for the period before
19 the effective date of the permanent rules that are submitted under subsection (1).
20 Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules
21 promulgated under this paragraph remain in effect until the date on which the
22 permanent rules take effect. Notwithstanding section 227.24 (1) (a), (2) (b), and (3)
23 of the statutes, the department of natural resources is not required to provide
24 evidence that promulgating rules under this paragraph as emergency rules is
25 necessary for the preservation of the public peace, health, safety, or welfare and is

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1 not required to provide a finding of emergency for rules promulgated under this
2 paragraph.

3 (END)