



2009 SENATE BILL 254

August 11, 2009 - Introduced by Senators HOLPERIN, WIRCH, VINEHOUT, OLSEN, GROTHMAN, HOPPER, SCHULTZ, HANSEN, KREITLOW, TAYLOR and COWLES, cosponsored by Representatives HRAYCHUCK, VRUWINK, BROOKS, GUNDERSON, FRISKE, MURSAU, DANOU and SMITH. Referred to Committee on Transportation, Tourism, Forestry, and Natural Resources.

1 **AN ACT to repeal** 29.184 (9) (b); **to renumber and amend** 29.184 (8) and 29.184
2 (9) (a); **to amend** 29.184 (4), 29.184 (5) (a), 29.184 (5) (b), 29.971 (11m) (a) and
3 29.971 (11m) (b); and **to create** 29.184 (3) (br) 1m., 29.184 (3) (br) 4., 29.184
4 (3m), 29.184 (5) (c) and 29.184 (8) (b) of the statutes; **relating to:** privileges
5 under a Class A or Class B bear hunting license, and bear carcass tag and back
6 tag requirements.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources (DNR) issues two types of bear hunting licenses. A Class A bear license allows the license holder to shoot and kill bear and to exercise the privileges of a Class B bear license. A Class B bear license allows the license holder to assist a Class A license holder in pursuing bear, to bait bear, and to train dogs to pursue bear (dog training); but it does not allow the license holder to actually shoot at or kill bear.

This bill expands the privileges of a Class B bear license. The bill authorizes the holder of a Class B bear license to shoot and kill a bear that was shot, but not killed, by another hunter holding a Class A bear license in the same hunting party if killing the bear is necessary to protect the safety of other members of the hunting party or the public. The bill also allows the holder of a Class B bear license to pursue a bear, provided that the holder of the Class B bear license does not shoot or kill the bear, unless the public safety circumstances for killing a bear shot at by another hunter apply.

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This bill also requires DNR to allow a person who holds a Class B bear license to engage in dog training during any part of an open season in which DNR allows a Class A bear license holder to hunt bear with the use of a dog. The bill also eliminates the requirement that holders of a Class B bear license attach a back tag to their outermost garment when engaging in the activities authorized under that license.

Current law exempts a person who is under the age of 12 years from holding a Class B bear license. This bill expands this exemption by allowing a person who is under the age of 16 years to engage in the activities authorized under a Class B bear license without holding that license. The bill also creates a new exemption that authorizes a person to engage in the activities authorized by a Class B bear license without holding the license during the third Saturday in August and the immediately following Sunday.

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.** 29.184 (3) (br) 1m. of the statutes is created to read:

2 29.184 (3) (br) 1m. Pursue a bear, provided that the licensee does not shoot,
3 shoot at, capture, take, or kill the bear, except as provided under subd. 4.

4 **SECTION 2.** 29.184 (3) (br) 4. of the statutes is created to read:

5 29.184 (3) (br) 4. Shoot, for the purpose of killing, a bear that was shot, but not
6 killed by another hunter holding a Class A bear hunting license in the same hunting
7 party, if the person for whom the bear is killed possesses a current unused bear
8 carcass tag that is authorized for use on the bear killed and if killing the bear is
9 necessary to protect the safety of the members of the hunting party or others.

10 **SECTION 3.** 29.184 (3m) of the statutes is created to read:

11 29.184 (3m) OPEN SEASON REQUIREMENTS. If the department establishes an open
12 season that includes a period during which a Class A bear license holder is allowed
13 to hunt bear with the use of a dog, the department shall allow a Class B bear license
14 holder to engage in the activities specified in sub. (3) (br) 3. during that period.

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1 **SECTION 4.** 29.184 (4) of the statutes is amended to read:

2 29.184 (4) USE OF DOGS. While a person is using a dog to hunt bear or to engage
3 in any of the activities specified in sub. (3) (br) 1. to ~~3.~~ 4., the person shall keep on
4 his or her person any tag required for the dog under s. 95.21 (2) (f), 174.053 (2) or
5 174.07 (1) (e).

6 **SECTION 5.** 29.184 (5) (a) of the statutes is amended to read:

7 29.184 (5) (a) A person under the age of ~~12~~ 16 years may engage in the activities
8 authorized under sub. (3) (br) 1. to ~~3.~~ 4. without holding a Class B bear license.

9 **SECTION 6.** 29.184 (5) (b) of the statutes is amended to read:

10 29.184 (5) (b) If a disabled person holds either a Class A or a Class B bear
11 license, a person who accompanies and assists the disabled person may engage in the
12 activities authorized under sub. (3) (br) 1. to ~~3.~~ 4. without holding a Class B bear
13 license.

14 **SECTION 7.** 29.184 (5) (c) of the statutes is created to read:

15 29.184 (5) (c) Any person may engage in the activities authorized under sub.
16 (3) (br) 1. to 4. during the 3rd Saturday in August and the immediately following
17 Sunday without holding a Class B bear license.

18 **SECTION 8.** 29.184 (8) of the statutes is renumbered 29.184 (8) (a) and amended
19 to read:

20 29.184 (8) (a) CARCASS TAG. The department shall issue a bear carcass tag to
21 each person who is issued a Class A bear license. ~~-A- Except as provided under par.~~
22 (b), a person who kills a bear shall immediately validate and attach the carcass tag
23 to the bear. The carcass tag shall be attached and validated according to rules
24 promulgated by the department.

25 **SECTION 9.** 29.184 (8) (b) of the statutes is created to read:

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1 29.184 (8) (b) A person who kills a bear under sub. (3) (br) 4. shall ensure that
2 the person for whom the bear is killed attaches a current validated bear carcass tag
3 in the manner provided under par. (a).

4 **SECTION 10.** 29.184 (9) (a) of the statutes is renumbered 29.184 (9) and
5 amended to read:

6 29.184 (9) The department shall issue a back tag to each person who is issued
7 a Class A bear license ~~or a Class B bear license.~~

8 **SECTION 11.** 29.184 (9) (b) of the statutes is repealed.

9 **SECTION 12.** 29.971 (11m) (a) of the statutes is amended to read:

10 29.971 (11m) (a) For shooting, shooting at, killing, taking, catching or
11 possessing a bear without a valid Class A bear license, or for possessing a bear which
12 does not have a carcass tag attached or possessing a bear during the closed season,
13 by a fine of not less than \$1,000 nor more than \$2,000 or by imprisonment for not
14 more than 6 months or both for the first violation, or by a fine of not more than
15 \$10,000 or imprisonment for not more than 9 months or both for any subsequent
16 violation, and, in addition, the court shall revoke all hunting approvals issued to the
17 person under this chapter and shall prohibit the issuance of any new hunting
18 approval under this chapter to the person for 3 years. This paragraph does not apply
19 to a person who shoots at or kills a bear as authorized under s. 29.184 (3) (br) 4.

20 **SECTION 13.** 29.971 (11m) (b) of the statutes is amended to read:

21 29.971 (11m) (b) Except as provided under par. (a), for the violation of any
22 provision of this chapter ~~or any~~ relating to bear hunting, to the activities specified
23 in s. 29.184 (3) (br) 1. to ~~3.~~ 4., or to the validation of a bear carcass tag or registration
24 of a bear, by a forfeiture of not more than \$1,000.

25

(END)