

State of Wisconsin



2011 Senate Bill 411

Date of enactment: April 2, 2012
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2011 WISCONSIN ACT 169

AN ACT to repeal 71.10 (5) (am); to amend 29.024 (2) (d), 29.171 (4) (b) (intro.), 29.314 (4) (b) 2., 29.314 (5) (b) 2., 29.563 (14) (a) 3., 29.563 (14) (c) 3., 29.977 (1) (d) and 29.983 (1) (b) 4.; and to create 20.370 (5) (fv), 29.179 (1) (a) 10m., 29.180 (1) (a) 10m., 29.185, 29.553 (1) (hr), 29.563 (4) (a) 3., 29.563 (4) (b) 3., 29.563 (12) (c) 3g., 29.563 (12) (c) 3r. and 29.888 of the statutes; relating to: hunting and trapping of wolves, providing an exemption from emergency rule procedures, extending the time limit for emergency rule procedures, and making an appropriation.

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

SECTION 1. 20.370 (5) (fv) of the statutes is created to read:

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

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

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

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

29.171 (4) (b) (intro.) Except as provided in par. (bc), crossbows used in hunting as authorized by a Class A, Class B or Class C permit issued under s. 29.193 (2) or under this subsection or as authorized under sub. (2m) or s. 29.161 (2), 29.164 (2) (b), 29.182 (3) (a), 29.184 (3)

(c), 29.185 (6), 29.204 (2), 29.207 (2), 29.213 (2), or 29.216 (2) shall meet all of the following specifications:

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

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

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

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

SECTION 6. 29.185 of the statutes is created to read:
29.185 Wolf harvesting licenses. (1b) DEFINITIONS.
In this section:

(a) "Federal endangered list" means the U.S. list of endangered and threatened species, as it applies to this state.

(b) "State endangered list" means the list of endangered and threatened Wisconsin species that is established under s. 29.604 (3) (a).

(1m) DEPARTMENT AUTHORITY. If the wolf is not listed on the federal endangered list and is not listed on the state endangered list, the department shall allow the hunting and trapping of wolves and shall regulate such hunting and trapping as provided in this section and shall implement a wolf management plan. In regulating wolf

* Section 991.11, WISCONSIN STATUTES 2009-10: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

hunting and trapping, the department may limit the number of wolf hunters and trappers and the number of wolves that may be taken by issuing wolf harvesting licenses.

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

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

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

(bn) *Issuance system.* 1. In issuing wolf harvesting licenses under this subsection, the department shall determine the number of licenses that will be available for a given year. The number of licenses to be issued shall equal an even number.

2. If the number of qualified applications for wolf harvesting licenses exceeds the number of licenses that are available, the department shall issue 50 percent of the licenses by selecting at random the applicants to be issued the licenses.

3. The department shall issue the remaining 50 percent of the wolf harvesting 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. If the number of applicants within a preference category exceeds the number of wolf harvesting licenses available in the category, the department shall select at random within the category the applicants to be issued the licenses. For each season, the department shall allow each applicant to apply for a preference point or for a license. The department shall give a preference point to each applicant who applies for a preference point and to each applicant who applies for a license but who is not selected. An applicant who applies for either a preference point or a license at least once during any 3 consecutive years shall not lose his or her acquired preference points under the system.

4. The department shall establish a method for dividing the applications into those that will be included in the at-random system and those that will be included in the cumulative preference system.

5. A person applying for a wolf harvesting license shall pay the processing fee at the time of application.

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

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

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

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

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

(b) The department shall divide the entire state into wolf harvesting zones and shall identify the zones in its wolf management plan. Each zone shall be open to both hunting and trapping, except as provided in par. (c). A wolf harvesting license authorizes its holder to hunt or trap or both only in the zone specified on the license.

(c) The department may close a wolf harvesting zone to both hunting and trapping of wolves, if the department determines that the closure is necessary to effectively manage the state's wolf population. Closure of a wolf harvesting zone under this paragraph may not take effect until at least 24 hours after the department has done all of the following:

1. Posted notice of the closure on its Internet Web site.

2. Announced the closure on its telephone registration system.

3. Issued a press release announcing the closure.

(d) If the department closes a wolf harvesting zone to the hunting of coyotes during a season that authorizes hunting of deer with firearms, the department may reopen the zone to the hunting of coyotes if the department determines that the closure is no longer necessary to effectively manage the state's wolf population.

(e) Notwithstanding ss. 29.014 and 227.10 (1), the opening and closing of wolf harvesting zones as authorized under pars. (c) and (d) need not be promulgated as rules under ch. 227.

(6) AUTHORIZED HUNTING AND TRAPPING ACTIVITIES.

(a) *Authorization; hunting.* A wolf harvesting license authorizes the hunting of wolves by using any of the following:

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

(b) *Firearms and ammunition.* A wolf harvesting license authorizes hunting with a rifle, a muzzle-loading firearm, a handgun, a shotgun that fires slugs or shotshells, and any other firearm that is loaded with a single slug or ball. A wolf harvesting license authorizes hunting with shot that is larger than size BB.

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

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

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

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

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

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

(7) TAGS; REGISTRATION. (a) The department shall issue one wolf carcass tag to each person who is issued a wolf harvesting license under sub. (3). Each holder of a wolf harvesting license who kills a wolf shall immediately validate and attach the carcass tag to the wolf. No person may possess, control, store, or transport a wolf carcass unless it is tagged as required under this paragraph. The carcass tag shall be attached and validated in the manner required by the department. A person who kills a wolf shall register the carcass with the department on a telephone registration system or through an elec-

tronic notification system established by the department, except as provided in par. (am). The carcass tag may not be removed before registration. The removal of a carcass tag from a wolf before registration results in the wolf being untagged.

(am) In lieu of registering carcasses by telephone or through an electronic notification system, the department may require that the person who kills a wolf physically present the entire carcass to the department for registration.

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

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

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

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

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

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

29.553 (1) (hr) Wolf harvesting license.

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

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

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

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

SECTION 13g. 29.563 (12) (c) 3g. of the statutes is created to read:

29.563 (12) (c) 3g. Wolf harvesting issued to a resident: \$50.

SECTION 13r. 29.563 (12) (c) 3r. of the statutes is created to read:

29.563 (12) (c) 3r. Wolf harvesting issued to a non-resident: \$250.

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

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

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

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

SECTION 16. 29.888 of the statutes is created to read:
29.888 Wolf depredation program. (1b) In this section:

(a) "Federal endangered list" has the meaning given in s. 29.185 (1b) (a).

(b) "State endangered list" has the meaning given in s. 29.185 (1b) (b).

(1m) The department shall administer a wolf depredation program under which payments may be made to persons who apply for reimbursement for death or injury caused by wolves to livestock, to hunting dogs other than those being actively used in the hunting of wolves, and to pets and for management and control activities conducted by the department for the purpose of reducing such damage caused by wolves. The department may make payments for death or injury caused by wolves under this program only if the death or injury occurs during a period of time when the wolf is not listed on the federal endangered list and is not listed on the state endangered list. The department may expend moneys under this program for its management and control activities only during a period of time when the wolf is not listed on the federal endangered list and is not listed on the state endangered list.

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

(3) If, after making the payments under sub. (2), there are moneys remaining in the appropriation under s. 20.370 (5) (fv) for a given fiscal year, the department may use all or part of the remaining moneys in the following

fiscal year for management and control of the wolf population activities conducted by the department.

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

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

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

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

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

SECTION 18m. 71.10 (5) (am) of the statutes is repealed.

SECTION 21. Nonstatutory provisions.

(1) RULES.

(a) The department of natural resources shall submit in proposed form any rules that are necessary to implement or interpret sections 29.185 and 29.888 of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 8th month beginning after the effective date of this paragraph.

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