

2013 DRAFTING REQUEST

Assembly Amendment (AA-AB40)

Received: **5/31/2013** Received By: **mglass**
Wanted: **As time permits** Same as LRB:
For: **Legislative Fiscal Bureau** By/Representing: **Probst**
May Contact: Drafter: **mglass**
Subject: **Nat. Res. - fish and game** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Legislative Fiscal Bureau**
Carbon copy (CC) to:

Pre Topic:

LFB:.....Probst -

Topic:

Training dogs to hunt bear

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>
/?	mglass 6/3/2013			_____			
/1	mglass 6/4/2013	evinz 6/3/2013	rschluet 6/3/2013	_____	sbasford 6/3/2013		
/2		csicilia 6/5/2013	jfrantze 6/5/2013	_____	mbarman 6/5/2013		
/3				_____	srose		

Vers. Drafted

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6/5/2013

FE Sent For:

<END>

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/2		evinz 6/4/2013	jmurphy 6/4/2013	_____	mbarman 6/5/2013		

FE Sent For:

13 gjs 6/5/13 [Handwritten signatures and initials]

<END>

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FE Sent For: *12 eev 6/4/13* *jm 6/3* *jm+rs 6/3*
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/?	mglass	1 eeV 6/3/13		_____			
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FE Sent For:

<END>

NATURAL RESOURCES -- FISH, WILDLIFE, AND RECREATION

Bear Dog Training

02

Motion:

Move to specify that, except where prohibited by DNR by administrative rule, an individual may use dogs to pursue wild bear without a leash from July 1 to August 31 provided the individual possesses a Class A or Class B bear license, or is exempt from holding such a license, and: (a) each dog is uniquely tattooed or wears a collar with the owner's name and address attached; and (b) no more than six dogs in a single pack may be used to pursue bear regardless of the number of persons assisting the bear hunting licensee and regardless of the dog ownership.

Note:

The motion would codify in state statutes section NR. 17.08(3)(c) of the administrative code. Currently, section NR 45.06 of the administrative code specifies, in part, that no person may allow a dog, cat, or other pet in any building or certain other structures (Department rental tent, tepee or yurt), or on any swimming beach or on any Great Lakes shoreline zone as posted, picnic area, playground, fish hatchery ground, or Paradise Springs area in the southern unit Kettle Moraine state forest. Dogs, cats and other pets shall be kept on a leash not more than eight feet long and under control at all times in all other state park areas, headquarters areas, ranger stations, campgrounds, state natural areas, in Point Beach state forest, in designated use areas in other state forests and the intensive use zone within the Richard Bong state recreation area. No person may allow his or her dog, cat or other pet to interfere in any manner with the enjoyment of the area by others.

In addition, it should be noted that, a hound dog trial license is not required to trial on free roaming bear during the July 1 to August 31 bear dog training period. A Class A or Class B bear hunting license is required to participate in a trial during this period. Bear may be hunted with the aid of dogs during the seasons described in section NR. 10.01(3)(g)[with the aid of dogs only, beginning on the first Wednesday following Labor Day and continuing for 28 consecutive days in odd-numbered years and beginning on the second Wednesday following Labor Day for 27 days in even-numbered years].



Leev

D-N

LFB:.....Probst - Training dogs to hunt bear

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY BILL 40

1 At the locations indicated, amend the bill as follows:

2 1. Page 414, line 3: after that line insert:

3 "SECTION 560r. 29.184 (4) of the statutes is renumbered 29.184 (4) (b).

4 SECTION 560t. 29.184 (4) (a) of the statutes is created to read:

5 29.184 (4) (a) No person may train a dog as authorized under sub. (3) (bg) or
6 (br) except during the months of July and August. The department may by rule limit
7 the locations where the training may occur. A person may train a dog during those
8 months without keeping it on a leash if all of the following apply:

9 1. The dog is uniquely tattooed or wears a collar with the dog owner's name and
10 address attached.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0292/1dn
MGG:.....

1
Leev

(date)

Erin:

This looks a lot different from the administrative rule for various reasons, including the following:

1. Section NR 10.101 (2) (b) needs to be incorporated into the statutes because that provision is the one that limits the training of dogs to the months of July and August.

2. Section NR 45.06 prohibits dogs and other pets in certain locations. I thought this authority needed to be more specifically stated in the new provision. The word "where" could be interpreted to mean anywhere in the rules.

3. A person cannot train a dog to hunt wild bear without having a Class A or Class B bear license or being exempt from having a license. See s. 29.184 (3) (a) 4., (b) 4., (br) 4., and (5). Therefore, it is not necessary to state that in this new provision.

4. I also did not think it was necessary to include the language relating to the ownership of the dogs or the number of persons assisting the bear hunting licensee. The pack either has 6 dogs or less or it doesn't.

Note that the penalty provision in s. 29.971(11m)(c) will apply. OK?

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215
E-mail: mary.gibson-glass@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0292/1dn
MGG:eev:rs

June 3, 2013

Erin:

This looks a lot different from the administrative rule for various reasons, including the following:

1. Section NR 10.101 (2) (b) needs to be incorporated into the statutes because that provision is the one that limits the training of dogs to the months of July and August.
2. Section NR 45.06 prohibits dogs and other pets in certain locations. I thought this authority needed to be more specifically stated in the new provision. The word "where" could be interpreted to mean anywhere in the rules.
3. A person cannot train a dog to hunt wild bear without having a Class A or Class B bear license or being exempt from having a license. See s. 29.184 (3) (a) 4., (bg), (br) 3., and (5). Therefore, it is not necessary to state that in this new provision.
4. I also did not think it was necessary to include the language relating to the ownership of the dogs or the number of persons assisting the bear hunting licensee. The pack either has 6 dogs or fewer or it doesn't.

Note that the penalty provision in s. 29.971 (11m) (c) will apply. OK?

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215
E-mail: mary.gibson-glass@legis.wisconsin.gov

Gibson-Glass, Mary

From: Probst, Erin
Sent: Monday, June 03, 2013 4:26 PM
To: Gibson-Glass, Mary
Subject: RE: LRB Draft: 13b0292/1 Training dogs to hunt bear
Importance: High

Mary- After talking to Daryl, here's how I think we need to draft it to get it much tighter to the motion/rule:

Except where prohibited by DNR by administrative rule, an individual may use dogs to pursue wild bear without a leash from July 1 to August 31 provided the individual possesses a class A or B bear license issued under s. 29.184, Stats., or is exempt under s. 29.184 (5), Stats., and:

1. Each dog is uniquely tattooed or wears a collar with the owner's name and address attached.
NR 17.08(3)(c)2.
2. No more than 6 dogs in a single pack may be used to pursue bear regardless of the number of persons assisting the bear hunting licensee and regardless of the dog ownership.

That's pretty much the rule verbatim with the exception of the cross-reference to NR 45.06 that you said you can't do. Let me know if this is a problem. Thanks,
Erin

Erin K. (Rushmer) Probst

Legislative Fiscal Analyst
Wisconsin Legislative Fiscal Bureau
ph. (608) 266-3847
fax (608)267-6873
Erin.Probst@legis.wisconsin.gov

*Wants it to conform
to motion re: pack
size a requirement
regarding leash*

From: Schlueter, Ron
Sent: Monday, June 03, 2013 3:02 PM
To: Probst, Erin
Cc: Hinz, Daryl; Hanaman, Cathlene; Holten, Vicki
Subject: LRB Draft: 13b0292/1 Training dogs to hunt bear

Following is the PDF version of draft 13b0292/1.

<< File: 13b0292/1 >> << File: 13b0292/1dn >>



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBb0292/1 2

MGG:eev:rs

Stuy

LFB:.....Probst – Training dogs to hunt bear

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY BILL 40

1 At the locations indicated, amend the bill as follows:

2 1. Page 414, line 3: after that line insert:

3 “SECTION 560r. 29.184 (4) of the statutes is renumbered 29.184 (4) (b).

4 SECTION 560t. 29.184 (4) (a) of the statutes is created to read:

5 29.184 (4) (a) No person may train a dog as authorized under sub. (3) (bg) or
6 (br) except during the months of July and August. The department may by rule limit
7 the locations where the training may occur. A person may train a dog during those
8 months without keeping it on a leash if all of the following apply:

9 1. The dog is uniquely tattooed or wears a collar with the dog owner’s name and
10 address attached.

1

2. The dog is being trained by itself or in a pack that has not more than 6 dogs.”

2

(END)

INS 2-1

INS 2-1 a

1

29.184 (4) (b) No person may train a dog as authorized under sub (3) (b) or (br)

except during the period from July 1st through August 30th or each year. Except

3

where prohibited by ~~DNR~~ ^{the department} by administrative rule, a person may engage in the

4

training of the dog without keeping it on a leash during that period if all of the

5

following apply:

6

1. The dog is uniquely tattooed or wears a collar with the owner's name and

7

address attached.

8

2. The person holds a class A or B bear license issued under this section or is
exempt from holding such a license under sub. (5).

10

3. The dog is being trained in a single pack of dogs that complies with the size

11

requirement under par. (c).

12

SECTION 560v. 29.184 (4) (c) of the statutes is created to read:

13

29.184 (4) (c) No more than 6 dogs may be in a single pack regardless of the

14

number of individuals involved in the training and regardless of whether there is

15

more than one owner of the dogs." 0

Gibson-Glass, Mary

From: Probst, Erin
Sent: Wednesday, June 05, 2013 9:52 AM
To: Gibson-Glass, Mary
Subject: bear dogs draft 0292/2

Mary – Here's yet another change to the bear dog training draft. Hopefully this will do it:

On page 1, line 5:

29.184(4)(a) Except where prohibited by the department by administrative rule, a person may engage in the training of a dog without keeping it on a leash as authorized under sub. (3)(bg) or (br) during the period from July 1st through August 30th of each year if all of the following apply:

I think that should do it.

Erin

Erin K. (Rushmer) Probst

*Legislative Fiscal Analyst
Wisconsin Legislative Fiscal Bureau
ph. (608) 266-3847
fax (608)267-6873
Erin.Probst@legis.wisconsin.gov*



D-N



tg's

LFB:.....Probst - Training dogs to hunt bear

FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 40

as authorized under sub. (3) (bg) or (br) (from July 1st through August 31st)

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- 5 29.184 (4) (a) No person may train a dog as authorized under sub. (3) (bg) or (br)
- 6 except during the period from July 1st through August 30th of each year. Except
- 7 where prohibited by the department by administrative rule, a person may engage in
- 8 the training of the dog without keeping it on a leash during that period if all of the
- 9 following apply: *na*
- 10 1. The dog is uniquely tattooed or wears a collar with the owner's name and
- 11 address attached.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb0292/2dn
MGG:ccv:jm

3
2
gs

late

Redrafting this provision to eliminate the first sentence creates a strong inference that dogs may be trained during the other 10 months of the year if they are on leash. This inference conflicts with the prohibition against training dogs during those months that is found in NR 10.101 (2) (b).

10
1

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215
E-mail: mary.gibson-glass@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0292/3dn
MGG:cjs:jf

June 5, 2013

Redrafting this provision to eliminate the first sentence creates a strong inference that dogs may be trained during the other 10 months of the year if they are on leash. This inference conflicts with the prohibition against training dogs during those 10 months that is found in NR 10.101 (2) (b).

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7 or (br) without keeping it on a leash during the period from July 1st through August
8 31st if all of the following apply:

9 1. The dog is uniquely tattooed or wears a collar with the owner’s name and
10 address attached.

