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2003 AB-25

Joint Committee for Review of Administrative Rules

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• **CR 00-154**

Report to the Legislature Clearinghouse Rule CR 00-154 The Joint Committee for Review of Administrative Rules

Produced pursuant to s. 227.19(6), Stats.

Clearinghouse Rule 00-154, submitted by the Department of Natural Resources (DNR), is a proposed rule that relates to deer hunting and the wildlife damage abatement and claims program.

Description of the Problem

On November 7, 2001 the Assembly Committee on Natural Resources met in executive session and voted 12-0 to object in part to CR 00-154. The Assembly committee objected to a portion of the rule, proposed s. NR 10.01(3) (ez) 1 (a) in SECTION 9 of Clearinghouse Rule 00-154. The objected to portion of the rule set a 4-day bow and gun, antlerless deer hunt, in deer control zones, on the Thursday nearest October 22. This period does not coincide with the teacher convention weekend taking place in most areas of the state during the month of October. As a result of the partial objection, DNR would be allowed to authorize such a hunt any time in October.

Because of the committee's action, JCRAR was required to concur or non-concur in the standing committee's partial objection.

Arguments in Favor of Objection

- *The proposed rule would prevent the youth of the state from being able to participate fully in the entire October hunt because most of the public schools' teacher conferences take place during the last Thursday and Friday of the month of October.*
- *Numerous hunters and the Assembly Committee on Natural Resources want the October hunt to occur when the maximum number of people can participate.*

Arguments Against Objection

- *The objected to portion of the rule represents one of a series of compromises designed to meet the concerns of numerous outdoor groups. A continued objection undermines the overall compromise contained in Clearinghouse Rule 00-154.*
- *The teachers' convention will fall on these dates only for some of the schools of the state.*
- *Hunters indicate they would like the hunt to occur on the Saturday following the pheasant season opener.*
- *The bow hunters want the October hunt to be conducted earlier than the last Thursday and Friday in October in order to reduce the conflict with gun hunters during the rut.*

Action by Joint Committee for Review of Administrative Rules

The committee held a public hearing and executive session on January 10, 2002 and concurred with the standing committee's objection. The committee's action resulted in the following language remaining in section NR 10.01 (3) (ez) 1 a. of the proposed rule: "A 4-day antlerless only deer season allowing the use of bows and guns in October."

On February 6, 2002 the Joint Committee voted 10-0 to introduce the bill in each of house of the legislature. The bill prohibits DNR from promulgating a rule establishing a four-day deer herd control season in October during which a person is authorized to hunt antlerless deer with a firearm or with a bow and arrow, unless the rule requires that season to begin on the Thursday that immediately precedes the last Friday in October. These dates coincide with the statewide teachers' convention.