

**2011 Jr1 DRAFTING REQUEST**

**Senate Amendment (SA-AB8)**

Received: **02/09/2011**

Received By: **gmalaise**

Wanted: **Today**

Companion to LRB:

For: **Jim Holperin (608) 266-2509**

By/Representing: **Brandon Strand**

May Contact:

Drafter: **gmalaise**

Subject: **Administrative Law**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Holperin@legis.wisconsin.gov**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Proposed rules; economic impact analysis; consultation with affected persons; exception for rle considered by Wisconsin conservation congress

---

**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>
/?	gmalaise 02/09/2011	nmatzke 02/09/2011		_____			
	gmalaise 02/09/2011	nmatzke 02/09/2011		_____			
/1			phenry 02/09/2011	_____	cduerst 02/09/2011	cduerst 02/09/2011	

FE Sent For:

<END>

**2011 Jr1 DRAFTING REQUEST**

**Senate Amendment (SA-AB8)**

Received: 02/09/2011

Received By: **gmalaise**

Wanted: **Today**

Companion to LRB:

For: **Jim Holperin (608) 266-2509**

By/Representing: **Brandon Strand**

May Contact:

Drafter: **gmalaise**

Subject: **Administrative Law**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Holperin@legis.wisconsin.gov**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Proposed rules; economic impact analysis; consultation with affected persons; exception for rle considered by Wisconsin conservation congress

---

**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>
/?	gmalaise 02/09/2011 gmalaise	nnatzke 02/09/2011 /i nwm 2/9	2/9 ph	2/9 ph			

FE Sent For:

<END>

**Malaise, Gordon**

---

**From:** Strand, Brandon  
**Sent:** Tuesday, February 08, 2011 4:10 PM  
**To:** Malaise, Gordon  
**Subject:** Amendment to SSSB 8  
**Importance:** High  
**Attachments:** 20110208160330771.pdf

Gordon:

It's me again, contacting you about, what else, Special Session bill 8.

Attached is a letter we received from the Wisconsin Wildlife Federation, outlining a "unintended consequence for the adoption of hunting, fishing and trapping regulations." I'm not sure if any other offices contacted you on this issue yet, since I'm assuming they met with a lot of offices, but if not, Senator Holperin would like an amendment drafted on this topic. I'm not sure how to mix it in but we want to make sure there's an exemption or modification for hunting fishing and trapping rules. The attachment is pretty thorough but let me know if I can help you with any more details or can be of any assistance. Thanks Gordon!

**Brandon Strand**  
Senator Holperin  
(608) 266-2509

# Wisconsin Wildlife Federation

February 8, 2011

To Senate Economic Development and Veterans and Military Affairs Committee  
From: George Meyer, Executive Director, Wisconsin Wildlife Federation  
Subject: Negative Impacts of SSSB 8 on Adoption of Hunting, Fishing and Trapping Regulations

Special Session Bill AB 8 will have serious unintended consequences for the adoption of hunting, fishing and trapping regulations. Under state law virtually every hunting, fishing and trapping regulation is adopted as a rule. As an example, the thousands of Wisconsin lakes have varied bag limits and size limits for all the different types of fish in the lake. Currently any time a hunting, fishing and trapping rule is adopted it goes through the Conservation Congress Spring hearing process which includes a public hearing in EVERY county in the state. It is the most publicly inclusive rule process in state government.

Assembly Bill 8 would add the following requirements which make adoption or modification of hunting, fishing and trapping rules virtually impossible. The new section 227.137 (2) states: "An agency shall prepare an economic analysis for a proposed rule before submitting the proposed rule...". Proposed subsection 227.137 (3) (e) requires that the economic analysis must contain: "A determination made in consultation with the businesses and individuals that may be affected by the proposed rule as to whether the proposed rule would adversely affect in a material way the economy, a sector of the economy, productivity, jobs, or the overall economic competitiveness of this state".

*(a representative group of)*

It is this mandatory consultation requirement that causes the problem. It is impossible for DNR to consult with all businesses and individuals that "may be affected by the proposed rule". Please consider how this would apply to changing a size limit for walleye on any lake, much less the thousands of Wisconsin's lakes and streams. Even more dramatically, please consider the mandatory consultation process for every deer hunter in the state if the a statewide deer hunting regulation is repealed. Most of the DNR's hunting, fishing and trapping regulations are minor and voted on by sportsmen and women at the Conservation Congress spring hearings. Under the proposed new law, DNR must consult "...with the businesses, local units of government and individuals that may be affected by the proposed rules...". As written that would include ALL businesses, local units of governments and Individuals. This is an impossible task for all of the state's hunting, fishing and trapping regulations.

This problem could be corrected by exempting from this requirement any hunting, fishing and trapping rules that has gone through the Conservation Congress spring hearing process whereby public hearings are held in every county of the state. These hearings provide the needed access for businesses, local units of government and individuals..

# Wisconsin Wildlife Federation

February 9, 2011

**Contact:** George Meyer, Executive Director, Wisconsin Wildlife Federation

## Special Session Senate Bill 8 or Subsequent Legislation Needs to Address Impact on the Adoption of Hunting, Fishing and Trapping Regulations.

**Poynette:** As currently drafted, Special Session Senate Bill 8 will have a major impact on the adoption of future hunting, fishing and trapping regulations in Wisconsin. There are literally thousands of rules regulating hunting, fishing and trapping in the state. These rules set the specific bag limits, seasons, size limits and methods of hunting, fishing and trapping for the wide range of game fish and wildlife abundant in the state. These regulations are routinely adopted and modified after being voted on by thousands of Wisconsin sportsmen and women and other interested individuals during the annual Conservation Congress Spring Hearings held in every county of the state on the first Monday in April. The Conservation Congress hearing process is the most publicly inclusive process for the adoption of rules in state government.

Special Session Senate Bill 8 would require that every routine hunting, fishing and trapping rule change must undergo an “economic analysis”. This “economic analysis” has eight detailed economic requirements including a provision that requires: “A determination made in consultation with the businesses, local units of government and individuals that may be affected by the proposed rule as to whether the proposed rule would adversely affect in a material way the economy, a sector of the economy, productivity, jobs, or the overall economic competitiveness of this state.” **This requirement to consult businesses, local units of governments and individuals that “may be affected” makes the adoption or changing of the many hunting, fishing and trapping regulations virtually impossible.**

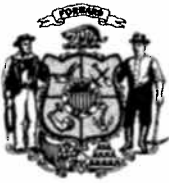
Local Example: Let’s say that the walleye size limit is raised for biological reasons for a lake in a typical northern Wisconsin community. There may be two resorts on the lake, a campground, there are four motels in town, three gas stations, five restaurants; the lake is partially in a township and partially in the city, there is a bait shop and a boat dealer. There are thirty-five property owners on the lake and approximately 350 anglers other than property owners fish the lake each year. It is reasonable to believe that each of these individuals will or “may” be affected by the proposed walleye size limit change. According to SSSB 8 each of these people, business and units of government need to be “consulted” before the walleye size limit can be changed. This process would have to be replicated for each local hunting, fishing and trapping rule change that occurs on an annual basis.

Statewide example: A state-wide regulation raises even more difficult logistical challenges for rule adoption. One of the more unpopular deer hunting regulations in the state is the Earn-a-Buck requirement. If there was a proposal to end the EAB requirement after SSSB 8 were adopted, the economic analysis "consultation" requirement of SSSB 8 would require DNR to consult with over 600,000 gun deer hunters, over 200,000 archery deer hunters, thousands of motels, restaurants, gas stations, sports shops and virtually every local unit of government. They all will or "may be affected" by such a rule change.

Of special concern is that this "consultation" requirement could be used by anti-hunting, fishing and trapping groups to bottleneck and legally change the adoption of future hunting, fishing and trapping legislation. This has been a commonly used tactic of such groups on a national and state basis.

As a result, the Wisconsin Wildlife Federation is asking State Senators and Representatives to recognize the unique, highly public nature of the current process to adopt hunting, fishing and trapping regulations and modify the proposed requirements of SSSB 8 or through follow-up legislation to remove the overly onerous "consultation" requirement of SSSB 8 for hunting, fishing and trapping rules.

The Wisconsin Wildlife Federation is the states largest conservation organization comprised of over 160 hunting, fishing, trapping and forestry related organizations with a total membership in excess of 100,000 sportsmen and women. The Federation is dedicated to conservation education and the advancement of sound conservation policies.



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRBa0508/7

GMM.....f:....

nwn

**SENATE AMENDMENT ,  
TO 2011 ASSEMBLY BILL 8**

In 219  
today

January 2011 Special Session

1 At the locations indicated, amend the bill, as shown by assembly substitute  
2 amendment 1, as follows:

3 1. Page 13, line 4: after "state." insert "This paragraph does not apply to a  
4 proposed rule relating to hunting, fishing, or trapping that has been considered at  
5 the joint annual spring fish and wildlife rule hearing of the department of natural  
6 resources and county meeting of the Wisconsin conservation congress."

7 (END)