

Legislative Fiscal Bureau

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October 26, 2011

TO: Members

Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Assembly Substitute Amendment 1 to Assembly Bill 311: Sporting Heritage

Council, Sportsmen Recruiting Incentives, Reduced License Fees and Special

Events, Hunter Education, and Stewardship Access Requirements

Assembly Substitute Amendment 1 to AB 311, hereafter "the bill", would create a 16-member Sporting Heritage Council chaired by the Secretary of the Department of Natural Resources (DNR). The Council would be required to study ways to improve the recruitment and retention of hunters, trappers, and anglers, improve natural resources management, increase public access to public and private land and to lakes, and increase the availability of public shooting ranges (the original bill would have created a 15-member council and required only the study of sportsmen recruitment and retention). It would also require DNR to establish an incentive program to recognize people who recruit others as hunters, trappers, and anglers. Further, the bill would require DNR to issue certain hunting, trapping, and fishing approvals at a reduced fee to persons who have not been issued that type of approval, or a conservation patron or sports license, in any of the preceding 10 years. (Under the original bill, the incentive program and reduced fees would have applied only to hunting and trapping approvals.) It also would reduce the minimum age for issuance of a sturgeon spearing license from 14 to 12, and create a youth trapping approval for persons under 16 years of age at a fee of \$10 (\$9.25 plus a 75¢ issuing fee).

The bill also would require DNR to, by rule, designate the third full weekend in January as an additional weekend event for ice fishing, during which a person may engage in ice fishing without holding or paying a fee for a fishing license. In addition, the bill would require DNR to offer an online course under the hunter education program for persons age 18 and older; and, if DNR requires field testing or completion of a written test for completion of the online course, DNR must make that testing available at each DNR service center at least bimonthly for online course participants. The bill also allows a school board to award 0.5 high school credits to a pupil who successfully completes a hunter, bow hunter, or trapper education course while in high school.

Finally, the bill would prohibit DNR from awarding a grant under the stewardship program unless the Department first considers whether the grant will benefit local businesses and the economy of Wisconsin; and, except for acquisition of an easement for the primary purpose of providing public access to a navigable water on which public fishing is allowed, it would prohibit DNR from acquiring land under the stewardship program unless hunting, fishing, trapping, hiking, and cross-country skiing will be allowed on the land acquired or unless five or more members of the seven-member Natural Resources Board approve the land acquisition.

The bill was introduced on October 6, 2011, and referred to the Assembly Committee on Natural Resources. Assembly Substitute Amendment 1 (ASA 1) was offered on October 20, 2011 and Assembly Amendment 1 to ASA 1, Assembly Amendment 2 to ASA 1, Assembly Amendment 3 to ASA 1, and Assembly Amendment 4 to ASA 1 were offered on the same date. On October 20, 2011 the Committee recommended adoption of Assembly Amendment 1 to ASA 1 on a vote of Ayes 16; Noes, 0; recommended adoption of Assembly Amendment 2 to ASA 1 on a vote of Ayes 14; Noes, 2; recommended adoption of Assembly Amendment 3 to ASA 1 on a vote of Ayes 12; Noes, 4; and recommended adoption of Assembly Amendment 4 to ASA 1 on a vote of Ayes 16; Noes 0. The Committee then recommended adoption of ASA 1, as amended, on a vote of Ayes, 15; Noes, 1, and passage of Assembly Bill 311, as amended, on a vote of Ayes, 14; Noes, 2. On October 24, 2011, the bill was referred to the Joint Committee on Finance.

CURRENT LAW

Under current law, the Department of Natural Resources (DNR) is responsible for administering the laws regulating hunting, fishing, and trapping in Wisconsin. There are a wide variety of licenses authorizing residents and nonresidents to hunt, fish and trap. These approvals vary according to the type of species that may be pursued, the method of pursuit, the number of people for whom the license is valid and the time period for which the license is valid. Most licenses may be purchased directly from DNR or from sales agents appointed by the Department (such as sporting goods stores, discount stores, and bait shops). Generally, fees for nonresident approvals are higher than those for resident approvals. In addition, DNR offers certain reduced fee approvals for youth hunting and fishing, as well as for senior citizens, active duty military personnel, and disabled persons. The Department is currently required to, by rule, for one weekend per year, waive the requirement that persons be issued fishing licenses and pay the applicable fees in order to fish in the waters of this state.

Current law requires DNR to establish hunter education and bow hunter education courses as well as a trapper education program. The hunter education program addresses safety in handling firearms and bows used in hunting, while the bow hunter education program covers only hunting with bows and arrows. The hunter education and bow hunter education courses both provide instruction to students in the responsibilities of hunters to: (1) wildlife, the environment, landowners, and others; (2) how to recognize threatened and endangered species; (3) the principles of wildlife management and conservation. The trapper education course provides instruction in: trapping history in wildlife conservation; principles of wildlife management; furbearer management; biology and disease; trapping laws and ethics; trap preparation, adjustment setting and safety; humane trapping methods; and pelt preparation, skinning, grading, and marketing. With certain exceptions, no person born on or after January 1, 1973, can obtain a hunting or trapping license unless the person is issued a certificate of

accomplishment from the appropriate hunter, bow hunter, or trapper education program. The current fee, established in administrative rule, for hunter or bow hunter education courses is \$10 and the current fee for trapper education is \$12 (instructors are currently allowed to retain \$5 of the hunter and bow hunter education fee and 50% of the trapper education fee and remit the rest to the Department). To administer the hunter and bow hunter education programs, current law allows DNR to appoint county, regional and statewide directors and categories of hunter education instructors necessary for the hunter education program and the bow hunter education program. These appointees are responsible to the Department and serve on a voluntary basis without compensation. For the trapper education program, DNR is required to establish and supervise the administration of the program, and is required to enter into an agreement with an organization that has demonstrated ability and experience in the field of trapper education to assist in the establishment and administration of the program. Further, the trapper education program must use certified instructors when providing the instruction on techniques of trapping fur-bearing animals, and DNR is responsible for establishing the criteria and standards for certifying these instructors.

Also, under current law, DNR administers the Warren Knowles-Gaylord Nelson Stewardship program, under which the Department acquires land and provides grants to local units of government and non-profit organizations for land acquisition and property development activities. Current law specifies that land acquired by DNR or acquired through a stewardship program grant in fee simple, or acquired by an easement or other conveyance that was withdrawn from the managed forest land program on or after October 27, 2007, must be open to the public for hunting, fishing, trapping, hiking, cross-country skiing, unless the Natural Resources Board determines that a closure is necessary to protect public safety or to protect a unique plant or animal.

SUMMARY OF ASSEMBLY SUBSTITUTE AMENDMENT 1 TO AB 311

Sporting Heritage Council

The bill would create a 16-member Sporting Heritage Council. The Council would consist of: (a) the Secretary of the Department of Natural Resources, or his or her designee, who would serve as the chairperson; (b) two members appointed by the Governor; (c) two members, appointed by the Speaker of the Assembly who are not members of the same political party; (d) two members, appointed by the Senate Majority Leader, who are not members of the same party; (e) five members, appointed by the DNR Secretary from nominations provided by sporting organizations that have as their primary objective the promotion of hunting or trapping including one of each of the following: (1) a representative of the interests of deer hunters, (1) a representative of the interests of bear hunters, (3) a representative of the interests of waterfowl hunters, (4) a representative of the interests of upland game hunters, and (5) a representative of the interests of furbearing animal hunters and trappers; (f) one member, appointed by the DNR Secretary from nominations provided by a sporting organization that has as its primary objective the promotion of fishing; (g) two members, appointed by the DNR Secretary, each of whom has held a conservation patron license for two of the three license years preceding the date of the member's appointment to the Council; and (h) one member, appointed by the executive committee of the Wisconsin Conservation Congress, who is a member of the congress. With the exception of the Secretary, each member of the Council would be appointed for three year terms,

with four of the initial members appointed for terms expiring on July 1, 2013, four of the initial members appointed for terms expiring on July 1, 2014, four of the initial members appointed for terms expiring on July 1, 2015, and three of the initial members appointed for terms expiring on July 1, 2016. The Council would be required to meet at least four times each year.

In addition, the bill would require the Sporting Heritage Council to study, and provide advice and make recommendations to the Governor, the Natural Resources Board, and the Legislature about issues relating to hunting, trapping, fishing, and other types of outdoor recreation activities including all of the following: (a) ways to improve the recruitment and retention of hunters, trappers, and anglers; (b) ways to improve the management and protection of the natural resources of Wisconsin for the purpose of hunting, trapping, fishing, and other types of outdoor recreation activities; (c) ways to encourage youths to participate in outdoor recreation activities including ways to implement outdoor recreation programs for youth; (d) ways to improve access to public and private land for hunting, trapping, fishing, and other types of outdoor recreation activities; (e) ways to improve public access to lakes; and (f) ways to increase the availability of public shooting ranges. Under the bill, the Council would be required to prepare a biennial report on the status of the recruitment and retention of hunters, trappers, and anglers in Wisconsin with its initial report to be submitted no later than July 1, 2014 and subsequent reports no later than July 1, of each even-numbered year thereafter. The report would be submitted to the Governor, the chairperson of the Natural Resources Board, and to the chief clerk of the Legislature for distribution to the appropriate standing committees of the Legislature. In addition, before June 30, 2014, the bill would require the sporting heritage council to study each of the following: (a) options and recommendations for increasing access to land for hunting, trapping, and other types of outdoor recreation activities especially in all of the following areas of this state: (1) areas with a high population density; (2) areas with a percentage of land open for public hunting that is lower than the statewide average; and (b) options and recommendations for simplifying hunting and trapping rules promulgated by DNR.

Sportsmen Recruiting Incentives

The bill would require DNR to establish a program to recognize people who recruit others as hunters, trappers, and anglers. The program would be required to include a component under which a person who is issued his or her first hunting, trapping, or fishing approval may designate one resident as the person who encouraged the applicant to obtain the approval. The Department would be required to establish a method for maintaining a record of residents designated as encouraging a new applicant and a method for issuing a credit toward future approval fees, to a resident who is designated by first-time applicants a specified number of times during a license year. However, the bill specifies that DNR may not require a resident to be designated more than five times in a license year in order to be eligible for such a credit. The bill specifies that the credit would be applied at one-half of the fee that would otherwise apply to the approval, rounded up to the nearest dollar, for certain specified resident approvals. Based on the current statutory fees, and including the 75¢ issuing fee and \$2 wildlife damage surcharge where applicable, this provision would result in the following fees after the credit was applied: (a) small game \$9; (b) senior small game \$4; (c) youth small game \$4; (d) deer \$12; (e) youth deer (12 to 17 years of age) \$10; (f) class B bear \$7; (g) archery \$12; (h) youth archery \$10; (i) wild turkey \$7; (j) annual fishing \$10; and (k) trapping \$10. Further, the bill specifies that the credit would reduce the fee for a residents sports license by \$20, to \$40 (including the issuing fee and surcharge) and for a resident conservation patron license by \$60, to \$105 (including the issuing fee and surcharge). In addition, DNR would be required to establish a method under which a resident designated by more than 20 different people may be entered into a drawing for prizes awarded by the Department, which, under the bill, may be donated to the Department for use as such prizes.

Reduced Fee Approvals and Special Events

The bill would require DNR to charge a reduced fee for certain hunting, fishing, and trapping approvals, issued to a person who has not received that type of approval, or a sports license or conservation patron license, in any of the 10 years preceding the date of the application. For residents, the reduced fee established by the bill is \$5 (\$4.25 plus a 75¢ issuing fee) for the following licenses: (a) small game; (b) senior small game; (c) youth small game; (d) deer; (e) youth deer; (f) class B bear (g) archery; (h) youth archery; (i) wild turkey; (j) annual fishing; and (k) trapping. For non-residents, the fee would be one-half of the fee listed for the respective approval, rounded up to the nearest dollar, for the following approvals: (a) annual small game; (b) deer; (c) class B bear; (d) archery; (e) fur-bearing animal; (f) wild-turkey; (g) annual fishing; and (h) trapping. The following table shows the fees for these approvals under current law and under the bill for qualifying first-time licensees.

Fees for Qualifying First-Time Licensees

Approval Type	Statutory Fee	Issuing <u>Fee</u>	Wildlife Damage Surcharge	Total Fee Current Law	Total Fee Bill*
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Resident					
Small Game	\$15.25	\$0.75	\$2.00	\$18.00	\$5.00
Senior Small Game	6.25	0.75	2.00	9.00	5.00
Youth Small Game	6.25	0.75	2.00	9.00	5.00
Deer	21.25	0.75	2.00	24.00	5.00
Youth Deer	17.25	0.75	2.00	20.00	5.00
Class B Bear	11.25	0.75	2.00	14.00	5.00
Archery	21.25	0.75	2.00	24.00	5.00
Youth Archery	17.25	0.75	2.00	20.00	5.00
Wild Turkey	12.25	0.75	2.00	15.00	5.00
Annual Fishing	19.25	0.75	0.00	20.00	5.00
Youth Fishing	6.25	0.75	0.00	7.00	7.00**
Trapping	19.25	0.75	0.00	20.00	5.00
Non Resident					
Annual Small Game	\$82.25	\$0.75	\$2.00	\$85.00	\$42.75
Deer	157.25	0.75	2.00	160.00	77.75
Class B Bear	107.25	0.75	2.00	110.00	54.75
Archery	157.25	0.75	2.00	160.00	79.75
Fur-Bearing Animal	157.25	0.75	2.00	160.00	79.75
Wild Turkey	57.25	0.75	2.00	60.00	29.75
Annual Fishing	49.25	0.75	0.00	50.00	25.75
Trapping	149.25	0.75	0.00	150.00	75.75

^{*}Under the bill, the reduced fees would not include a wildlife damage surcharge.

The bill would also reduce the minimum age for issuance of a sturgeon spearing license from 14 to 12, and create a youth trapping approval for persons under 16 years of age at a fee of \$10 (\$9.25 plus a 75¢ issuing fee). In addition, the bill also would require DNR to, by rule,

^{**}Not affected by the bill.

designate the third full weekend in January as an additional weekend event for ice fishing, during which a person may engage in ice fishing without holding or paying a fee for a fishing license.

Hunter Education

The bill would require DNR to offer an online course of instruction under the hunter and trapper education programs for persons ages 18 and older in addition to the hunter, bow hunter, and trapper education courses offered under current law. Under the bill, if the online course of instruction under the hunter or trapper education program requires field testing for a person to demonstrate successful completion of the course, DNR would be required to make field testing available through each Department service center at least bimonthly. The bill would exempt the online courses from the current law provisions that DNR appoint county, regional and statewide directors and categories of hunter education instructors necessary for the hunter education program and from the current law requirement that DNR enter into an agreement with an organization that has demonstrated ability and experience in the field of trapper education to assist in the establishment and administration of the trapper education program. Further, the online trapper education course would not be required to use certified instructors, as is required under current law. In addition, the bill would allow school districts to award 0.5 high school credits to a student who successfully completes a course of instruction under the hunter education, bow hunter education, or trapper education program while in high school. Under the bill, a school board may award such credit to the student for completion of only one of these programs. This would first apply to courses taken in the hunter, bow hunter, or trapper education programs during the first school year after the effective date of the bill.

Stewardship Program

The bill would specify that DNR may not obligate moneys from the Knowles-Nelson Stewardship Program to award a grant under the land acquisition or the property development and local assistance subprograms unless the Department first considers whether the grant will benefit local businesses and the economy of Wisconsin. Under the bill, grants provided under the recreational boating aids subprogram would not be subject to this requirement.

In addition, the bill would alter the requirements regarding approval of stewardship acquisitions involving public access restrictions. Under current law, land acquired by DNR or acquired through a stewardship program grant in fee simple, or acquired by an easement or other conveyance that was withdrawn from the managed forest land program on or after October 27, 2007, must be open to the public for hunting, fishing, trapping, hiking, and cross-country skiing, unless the Natural Resources Board determines that a closure is necessary to protect public safety or to protect a unique plant or animal. Under the substitute amendment, with the exception of an easement acquired for the primary purpose of providing public access to a navigable water on which public fishing is allowed, five or more members of the seven-member Natural Resources Board would be required to concur in the determination that a closure is necessary in order for the closure to be permitted.

Effective Dates

The bill would be effective on the day after publication except that the provisions

regarding reduced license fees would take effect on March 1, 2012, unless the day after publication of the act is after October 31, 2011, in which case these sections would be effective on March 1, 2013. These dates correspond with the beginning of DNR license year 2012 and license year 2013.

ASSEMBLY AMENDMENT 1 TO ASSEMBLY SUBSTITUTE AMENDMENT 1

Assembly Amendment 1 to ASA 1 would require DNR to issue a disabled veteran recreation card to any person who produces evidence that shows that he or she is a veteran, as defined under federal law, and is receiving certain disability compensation benefits for a disability rating that is 50% or greater under federal law. The disabled veteran recreation card would entitle the card holder to the rights and privileges of a resident small game hunting license, and a resident fishing license, and would exempt a motor vehicle (except a motor bus) in which an occupant is a disabled veteran recreational card holder from entrance fees to state parks and state trails. Under the amendment, the fee established by DNR for issuance of the disabled recreation card may not be more than the amount necessary to cover the administrative costs of issuing the card, and the fee for a duplicate disabled veteran recreation card would be \$2. Further, the amendment would specify that no issuing fee would apply for a disabled veteran recreation card. The disabled veteran recreation card would be valid from the date of issuance as long as the person is a Wisconsin resident.

Under current law, a vehicle (except a motor bus) carrying an occupant who can demonstrate that he or she is a veteran under federal law and is receiving certain disability compensation benefits under federal law (generally with a 70% or greater disability rating), is exempt from entrance fees to state parks and state trails. In addition, a disabled veteran (generally with a 70% or greater disability rating) is also currently eligible for an annual fishing license at a reduced fee of \$3. Disabled veterans are not currently eligible for reduced fee small game licenses.

In addition, the amendment would authorize a Class A permit holder to hunt waterfowl from a boat or from a waterfowl blind in open water. A Class A permit is issued to a person who is permanently disabled as determined by DNR under s. 29.192(2)(c) of the statutes at a cost not to exceed the cost of review of the permit. Open water would be defined as any portion of a navigable water body that does not contain a naturally occurring growth of emergent vegetation that is rooted to the bottom and that is of sufficient height and density to conceal at least 50 percent of a person who is hunting waterfowl from a boat or from a waterfowl blind. Further, the amendment would allow a Class A permit holder to be accompanied by up to two persons who may hunt waterfowl with the Class A permit holder only if they hold the appropriate approvals.

ASSEMBLY AMENDMENT 2 TO ASSEMBLY SUBSTITUTE AMENDMENT 1

Assembly Amendment 2 to ASA 1 would require that, any open fishing season that DNR establishes for a type of game fish that applies to both the northern and southern zones, have an ending date in the northern zone that is seven days later than the ending date for that open season in the southern zone. The amendment defines the "Northern zone" as the geographic area north of US Highway 10 and the "Southern zone" as the geographic area south of US Highway 10. Game fish are defined under current law as including "all varieties of fish except rough fish and

minnows."

ASSEMBLY AMENDMENT 3 TO ASA 1

Assembly Amendment 3 to ASA 1 would change the vote requirement for Natural Resources Board approval of a restriction or prohibition of public access on stewardship land from a five vote requirement to a four vote requirement. As a result, at least four of the NRB members would have to concur in the agreement that the restriction or prohibition of a nature-based outdoor recreational activity is necessary in order to protect public safety or protect a unique plant or animal community. The board consists of seven members. The provision would require a simple majority vote if all seven members are present at the meeting.

ASSEMBLY AMENDMENT 4 TO ASA I

Assembly Amendment 4 to ASA 1 would specify that beginning January 1, 2013, state parks shall be open to hunting, fishing, and trapping by persons who hold the appropriate hunting, fishing, or trapping approval, except that the Department may prohibit hunting, fishing, or trapping in a state park or a portion of a state park if the Natural Resources Board determines that prohibiting that activity is necessary to protect public safety or to protect a unique animal or plant community. Under the amendment, a determination to prohibit hunting, fishing, or trapping in a state park or a portion of a state park would require four or more members of the Natural Resources Board to concur in the determination. The current restriction would remain that specifies no person may hunt or trap on land located in state fish hatcheries, and that no person may have in his or her possession or under his or her control a firearm, subject to specific exceptions, on land located in state fish hatcheries unless the firearm is unloaded and enclosed within a carrying case.

Currently, s. 29.089 of the statues prohibits hunting or trapping in state parks (which includes state trails) and state fish hatcheries unless specifically opened by DNR administrative rule (such as for hunting in a chronic wasting disease management zone). In addition, current law prohibits the possession of a firearm, subject to specific exceptions, on land located in state parks or state fish hatcheries unless the firearm is unloaded and enclosed within a carrying case. The amendment would remove the specific reference to state parks (which would include state trails). The current types of allowable hunted species as well as the hunting seasons allowed in the state parks vary significantly by property. Currently, there are no DNR state parks or trails that are open to trapping.

FISCAL EFFECT

A fiscal note submitted by DNR for ASA 1 to AB 311 estimates that state revenues to the fish and wildlife account of the segregated conservation fund might decline by approximately \$700 annually. Although no data is available, the Department estimate is based on the assumption that the bill would result in an approximately 2% increase in the number of hunters and trappers purchasing licenses under the bill. The revenue estimate includes an estimated \$237,300 increase for qualifying first-time hunters under the bill and \$1,600 for increased youth sturgeon spearing licenses. Revenues would be expected to decline by \$239,600 annually associated with reduced fees for 12-year olds currently buying their first small game, deer or

turkey licenses. However, the analysis does not consider the effect of other hunters or anglers who would purchase a first-time license under current law. In particular, an adult who purchased a first-time deer, small game or fishing license under current law would pay \$18 to \$24, but would pay \$5 under the bill. Therefore, the revenue loss is likely to be greater than estimated by the Department. Further, it is not known whether sales for the applicable licenses would increase by 2% (approximately 30,700 licenses). On the other hand, to the extent new licensees recruited under the bill continued to purchase approvals in future years, the longer-term fiscal impact on the fish and wildlife account would be expected to improve.

It should be noted that the reduced fees apply to a resident who has not received that "type" of license in any of the past 10 years. It may not be clear whether "type" of license would mean each statutorily specified license (for example, youth gun deer and adult gun deer are distinct licenses), or a more general category of licenses (such as a deer license versus small game). If DNR were to interpret the language most narrowly a 17 year-old purchasing a youth gun deer (or small game) license would qualify for a \$5 adult gun deer (or small game) license the next year. Further, the DNR automated licensing system would need to be programmed to make these distinctions. The Department estimates one-time programming costs at \$9,500.

In addition, the DNR fiscal note estimates costs of \$102,300 annually associated with the bill. This includes \$30,000 primarily for DNR staff time associated with implementing a field component of an online trapper education course required by the bill, \$64,200 related to field testing days for a required online hunter education course, and \$8,100 to staff the quarterly meetings of the Sporting Heritage Council. The field day training for the safety education courses relates to each of 30 service centers offering a field day component every other month for the hunter and trapper education online courses required under the bill. Training and support would generally be provided by existing DNR staff. Therefore, agency costs generally would not increase, rather duties that would otherwise be performed by law enforcement, wildlife, or other DNR staff would be devoted to additional field day training or Council support under the bill. Further, the bill makes no appropriation, so any DNR supply or other non-salary related costs would need to be absorbed within existing budget authority.

The DNR fiscal note does not address the disabled veteran recreation card that would be created under AA 1 to ASA 1. For a one-time fee, the license would authorize qualifying disabled veterans small game and fishing privileges, as well as admission into state parks and trails. DNR would be required to charge a fee that covers only the administrative costs of issuing the license. The segregated fish and wildlife account would be expected to lose some level of annual state revenues received under current law. In 2010-11, approximately 3,500 annual disabled veteran \$3 fishing licenses were sold. However, the bill expands eligibility from veterans with a 70% or greater disability rating to veterans with a 50% or greater disability rating. Figures on potential disabled veteran small game licenses were not readily available. Since the card would confer lifetime privileges (as long as the disabled veteran remains a resident of Wisconsin) and the fee would be limited to covering the cost of issuance, it is likely that DNR would also lose federal fish and wildlife revenues associated with these license holders. Federal law requires each state hunting or fishing license to generate net revenue (revenue beyond the costs of producing and issuing the license) of at least \$1 annually in order for the license to be counted for the distribution of federal funds.

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