

1999 DRAFTING REQUEST

Bill

Received: 01/14/99

Received By: gibsom

Wanted: As time permits

Identical to LRB:

For: DuWayne Johnsrud (608) 266-3534

By/Representing: Scott Loomans

This file may be shown to any legislator: YES

Drafter: gibsom

May Contact:

Alt. Drafters:

Subject: Nat. Res. - fish and game

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Bag limits for certain fish

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>
/1	gibsom 03/5/99	ygeller 03/5/99	ismith 03/8/99	_____	lrb_docadmin 03/8/99		State
/2	gibsom 03/30/99	ygeller 03/30/99	ismith 03/31/99	_____	lrb_docadmin 03/31/99		State
/3	gibsom 04/6/99	ygeller 04/6/99	jfrantze 04/6/99	_____	lrb_docadmin 04/6/99	lrb_docadmin	State 04/7/99

FE Sent For:

<END>

G 07-27-99

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13 4/6 jlg Jb 4/6 Jb | hh
4 6
<END>

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1/2 3/30 Jg IS 3/31/99 IS/WLJ 3/31/99

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By/Representing: **Scott Loomans**

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May Contact:

Alt. Drafters:

Subject: **Nat. Res. - fish and game**

Extra Copies:

Topic:

Bag limits for certain fish

Instructions:

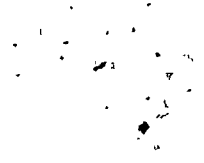
See Attached

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1?	gibsom	1 3/5 jlg	25 3/8/99	25/DF 3/8/99			

FE Sent For:

<END>



**BILL
REQUEST FORM**

M66

LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street

Use of this form is optional. It is often better to talk directly with the LRB attorney who will draft the bill.

Use this form only for **BILL** drafts. Attach more pages if necessary.

Legislator, agency or other body requesting this draft: Dwight Wayne Johnson M66

Date: 1/11/98 Person submitting request (name, phone number): Scott Loomans

Persons to contact for questions about this draft (names, phone numbers): Scott Loomans

Describe the problem, including any helpful examples.

How do you want to solve the problem?

See attachment

Please attach a copy of any correspondence or other material that may help us.

If you know of any statute sections that might be affected, list them or provide a marked-up (not retyped) copy. None, long limits are normally established by DWR rule

You may attach a marked-up (not retyped) copy of any LRB draft, or provide its number (e.g., 1997 LRB-2345/1 or 1995 AB-67): _____

Requests are confidential unless stated otherwise.

- May we tell others that we are working on this for you? Yes No
- If yes: Anyone who asks? Yes No Any legislator? Yes No Only the following persons: _____

Do you consider this request urgent? Yes No If yes, please indicate why: _____

Should we give this request priority over any other pending request of this legislator, agency or body? Yes No If yes, sign your name here: _____

Yes No





DuWayne Johnsrud

State Representative

Problem:

The bag limit on bluegill, pumpkinseed (sunfish), and crappie is 25 on all Wisconsin waters except Wisconsin/Iowa boundary waters. Having a bag limit that is so drastically different and for such a small area places undue stress on the fishery on WI/IO boundary waters.

Solution:

Draft a bill that requires bag limits for bluegill, pumpkinseed (sunfish), and crappie to be the same as the bag limit for those species on inland waters.

22.

Wis Iowa boundary waters
none

23.05 (b) (a) ^{all} Daily bag limit of
 includes peck + yellow + white bass
 in Wis/Iowa boundary waters
 or ~~in all boundary waters~~
 (1) (conflict)
 see 20.03 (k) non boundary waters
 includes yellow peck
 ranges from 10 to 25



State of Wisconsin
1999 - 2000 LEGISLATURE

RMR

LRB-1776/1

MGG...:.....

D-Note

JLg

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

gen cat

1

AN ACT ...; relating to: bag limits for bluegill, sunfish and crappie. ✓

Analysis by the Legislative Reference Bureau

Under current law, the department of natural resources (DNR) ✓ may establish bag limits for different types of fish, and the bag limits may vary throughout the state. Under this bill, any bag limit for bluegill, sunfish or crappie, or a combined bag limit that includes one or more of these types of fish, must be the same throughout the state.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

2
3
4
5
6

SECTION 1. 29.014 (1) ^{✓X} of the statutes is amended to read:

29.014 (1) The department shall establish and maintain open and closed seasons for fish and game and. The department ✓ shall also establish and maintain any bag limits, subject to sub. (1m) ✓, size limits, rest days and ✓ other conditions governing the taking of fish and game that will conserve the fish and game supply

1 and ensure the citizens of this state continued opportunities for good fishing, hunting
2 and trapping.

History: 1997 a. 248 ss. 77 to 79, 383, 397, 399.

3 **SECTION 2.** 29.014 (1m) of the statutes is created to read:

4 29.014 (1m) Any bag limit for bluegill, sunfish or crappie established by the
5 department under sub. (1) shall be the same throughout the state. Any combined bag
6 limit established by the department under sub. (1) that includes one or more of these
7 types of fish, ~~the combined bag limit~~ shall be the same throughout the state.

8 **SECTION 3. Effective date.**

9 (1) This act takes effect on the first day of the 10th month beginning after
10 publication.

11 (END)

D-Note

DNR created a delayed effective date to allow
DNR to change their rules to comply with this new
provision.

Mol

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

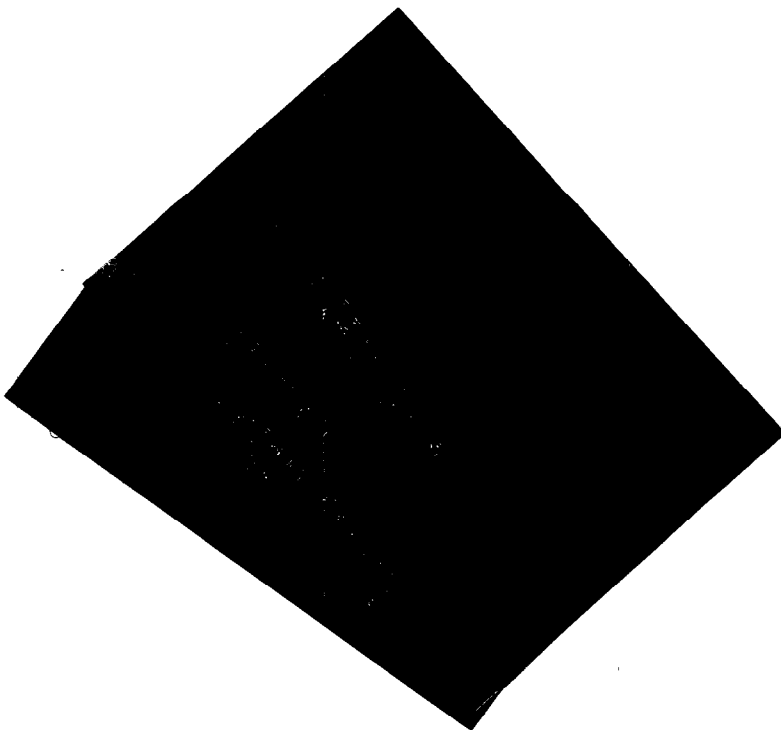
LRB-1776/1dn
MGG:jl:g:ijs

March 8, 1999

I created a delayed effective date to allow DNR to change their rules to comply with this new provision.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

100



**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 3/8/99

To: Representative Johnsrud

Relating to LRB drafting number: LRB-1776

Topic

Bag limits for certain fish

Subject(s)

Nat. Res. - fish and game

1. **JACKET** the draft for introduction _____

in the **Senate** ____ or the **Assembly** ____ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached X Scott Leonard _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Mary Gibson-Glass, Senior Legislative Attorney
Telephone: (608) 267-3215



M66
2

DuWayne Johnsrud

State Representative

Mary Dilsen-Glass,

On occasion, the DNR will set a bag limit for panfish on individual waters that is different than on most other waters. DuWayne does not want to prohibit that from being done for biological or social/fishery related reasons. In the case that we are concerned about, DNR is just not paying attention to IO/WI boundary waters, there are no social or biological reasons for the lack of a bag limit in this area.

I think it would be best to say specifically that panfish bag limits on IO/WI boundary waters must be the same as the normal statewide bag limit for panfish. That way, we wouldn't prohibit those local cases where DNR decides to set a different bag limit for a fisheries related purpose.

Scott

Mark, what do you think of this suggestion?

can't have different
limit for WI/IO waters
based on specific research +
winter funding -
5 fish (limit)



D-Note

1999 BILL

in the boundary waters
between Iowa and
this state

Regen

1 AN ACT ^{and possession} to amend 29.014 (1); and to create 29.014 (1m) of the statutes; relating
2 to: bag limits for bluegill, sunfish and crappie ^{plain} panfish

^{and possession} **Analysis by the Legislative Reference Bureau** ^{these limits}

Under current law, the department of natural resources (DNR) may establish bag limits for different types of fish, and the bag limits may vary throughout the state. Under this bill, any bag limit for bluegill, sunfish or crappie, or a combined bag limit that includes one or more of these types of fish, must be the same throughout the state.

IWS
ANL

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

3 SECTION 1. 29.014 (1) of the statutes is amended to read:
4 29.014 (1) The department shall establish and maintain open and closed
5 seasons for fish and game and. The department shall also establish and maintain
6 any bag limits, subject to sub. (1m), ^{possession limits} size limits, rest days and other conditions
7 governing the taking of fish and game that will conserve the fish and game supply

OVER
↓

BILL

1 and ensure the citizens of this state continued opportunities for good fishing, hunting
2 and trapping.

3 **SECTION 2.** 29.014 (1m) of the statutes is created to read:

4 ~~29.014 (1m) Any bag limit for bluegill, sunfish or crappie established by the~~
5 ~~department under sub. (1) shall be the same throughout the state. Any combined bag~~
6 ~~limit established by the department under sub. (1) that includes one or more of these~~
7 ~~types of fish shall be the same throughout the state.~~

← INS 2-7

8 **SECTION 3. Effective date.**

9 (1) This act takes effect on the first day of the 10th month beginning after
10 publication.

11 (END)

INSERT ANL

~~NO~~
~~IP~~ Under this bill, DNR may not set a ~~different~~
bag or possession limit for pan (fish) for the boundary
waters between Iowa and this state that is different
from ~~the~~ statewide limit unless ~~the~~ DNR makes
written findings to justify the difference. ↑

(end ins anl)

1

6

7

8

9

1

Typed

MCP:ksm;wu

3/19/99

^{NO P} (a) In this subsection, "panfish" means bluegill, sunfish or crappie or any combination thereof.

INS 2-7

~~AMENDMENT,
TO LRB-1776/1~~

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

2 ~~Page 2, line 4: delete the material on lines 4 to 7 and substitute:~~

3 ~~§ 29.014 (1m)~~ ^{P(b)} The department may not ^{establish} set a bag limit or possession limit for [✓] panfish
4 in the boundary waters between this state and Iowa that differs from ^a ~~the~~ statewide bag limit
5 and possession limit for panfish ^{established for the department} unless the department makes written findings, supported by
6 substantial evidence, to justify the different limit.

Shall contain a provision that it

7 ^C (b) If the department has in effect a rule that ^{establishes} ~~sets~~ a bag limit or possession limit for
8 panfish in the boundary waters between this state and Iowa that is subject to the requirement
9 of written findings under par. (a), ^{b the d} ~~that~~ rules ^{expires} ~~expire~~ on March 1 of any year unless the
10 department, between January 1 and March 1 of that year, reviews the written findings and
11 determines that the written findings continue to be supported by substantial evidence. ^Q

~~END~~

(end ins 2-7)

D-Note

1. ~~As per your a precise term~~ I defined "panfish"
because I do not think the term, ~~is~~ without
definition, is ^{re} precise enough. ~~It may be that~~
~~totally different definitions of panfish~~ I expect
that you will want to make changes to the definition,
but I think one is necessary.

2. Do you want to limit the types of ^{evidence,} justifications
that DNR may use?

MOB

Such as biological or ~~ecological~~
environment evidence;

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

LRB-1776/2dn
MGG:jl:g:ijs

March 31, 1999

1. I defined "panfish" because I do not think the term, without definition, is precise enough. I expect that you will want to make changes to the definition, but I think one is necessary.

2. Do you want to limit the types of evidence, such as biological or environment evidence, that DNR may use?

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

soon

1999 BILL

Regen

1 AN ACT *to amend* 29.014 (1); and *to create* 29.014 (1m) of the statutes; relating
 2 to: bag and possession limits for panfish in the boundary waters between Iowa
 3 and this state.

Analysis by the Legislative Reference Bureau

Under current law, the department of natural resources (DNR) may establish bag and possession limits for different types of fish, and these limits may vary throughout the state. Under this bill, DNR may not set a bag or possession limit for panfish for the boundary waters between Iowa and this state that is different from a statewide limit unless DNR makes written findings to justify the difference.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

4 SECTION 1. 29.014 (1) of the statutes is amended to read:
 5 29.014 (1) The department shall establish and maintain open and closed
 6 seasons for fish and game and. The department shall also establish and maintain
 7 any bag limits, subject to sub. (1m), possession limits, size limits, rest days and other

BILL

1 conditions governing the taking of fish and game that will conserve the fish and game
2 supply and ensure the citizens of this state continued opportunities for good fishing,
3 hunting and trapping.

4 SECTION 2. 29.014 (1m) of the statutes is created to read:

5 29.014 (1m) (a) In this subsection, "panfish" means bluegill, sunfish or crappie
6 *by the department or any combination thereof.* *means any fish defined as such*

7 (b) The department may not establish a bag limit or possession limit for panfish
8 in the boundary waters between this state and Iowa that differs from a statewide bag
9 limit and possession limit for panfish established for the department unless the
10 department makes written findings, supported by substantial evidence, to justify the
11 different limit.

12 (c) If the department has in effect a rule that establishes a bag limit or
13 possession limit for panfish in the boundary waters between this state and Iowa that
14 is subject to the requirement of written findings under par. (b), the rule shall contain
15 a provision that it expires on March 1 of any year unless the department, between
16 January 1 and March 1 of that year, reviews the written findings and determines
17 that the written findings continue to be supported by substantial evidence.

18 **SECTION 3. Effective date.**

19 (1) This act takes effect on the first day of the 10th month beginning after
20 publication.

21 (END)

AM
(c) The department

**SUBMITTAL
FORM**

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5th Floor, 100 N. Hamilton Street**

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Telephone: (608) 267-3215

11/11/11