

**1999 DRAFTING REQUEST**

**Bill**

Received: 0712811999

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **DuWayne Johnsrud (608) 266-3534**

By/Representing: **Emily Dowd**

This file may be shown to any legislator: NO

Drafter: **rkite**

May Contact: **Mark Patrosky**

Alt. Drafters:

Subject: **Nat. Res. - miscellaneous**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Prohibiting nudity on DNR lands

**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	rkite 07/30/1999	gilfokrn 08/04/1999	martykr 08/05/1999	_____	lrb-docadmin 08/05/1999		S&L
/2	rkite 09/02/1999	gilfokm 09/03/1999	martykr 09/08/1999	_____	lrb_docadmin 09/08/1999		S&L
/3	rkite 10/20/1999	gilfokm 10/20/1999	martykr 10/21/1999	_____	lrb-docadmin 10/21/1999	lrb_docadmin 10/21/1999	S&L

FE Sent For:

<END>

1999 DRAFTING REQUEST

Bill

Received: 07/28/1999

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: DuWayne Johnsrud (608) 266-3534

By/Representing: Emily Dowd

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May Contact: Mark Patronsky

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/1	rkite 07/30/1999	gilfokm 08/04/1999	martykr 08/05/1999	_____	lrb_docadmin 08/05/1999		S&L
/2	rkite 09/02/1999	gilfokm 09/03/1999	martykr 09/08/1999	_____	lrb_docadmin 09/08/1999		S&L

FE Sent For:

13-10-20-99 kmg  
 km 10/21  
 JA 10/21  
 <END>

per RNK

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By/Representing: **Emily Dowd**

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/1	rkite 07/30/1999	gilfokm 08/04/1999	martykr 08/05/1999	_____	lrb_docadmin 08/05/1999		S&L

12-9-3-99  
kmg

km 9/8

xs 9/8  
km 9/8

FE Sent For:

<END>

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Wanted: **As time permits**

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By/Representing: **Emily Dowd**

This file may be shown to any legislator: **NO**

Drafter: **rkite**

May Contact: **Mark Patronsky**

Alt. Drafters:

Subject: **Nat. Res. - miscellaneous**

Extra Copies:

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**Pre Topic:**

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**Topic:**

Prohibiting nudity on DNR lands

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**Instructions:**

See Attached

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**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/?	rkite	1-8-4-99 Kmg	AmS	JA 8 AmS			

FE Sent For:

<END>

# BILL REQUEST FORM

## 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: Rep. DuWayne Johnson

Date: 7/23 Person submitting request (name, phone number):  
Emily Dowd 266-3534

Persons to contact for questions about this draft (names, phone numbers):  
Scott Loomans 266-3534 Mark Patrosky 266-9280

**Describe the problem, including any helpful examples.**

**How do you want to solve the problem?**

- See attached. -

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**.

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.**

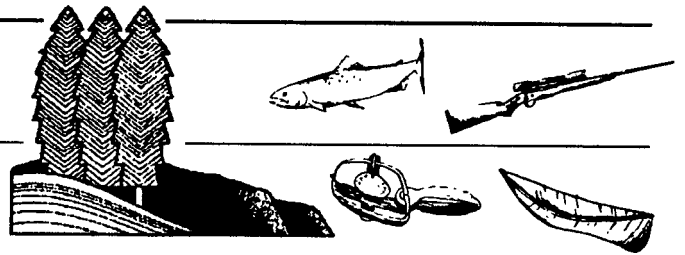
- May we tell others that we are working on this for you?  Yes  No
- If yes: **Anyone** who asks?  Yes  No Any legislator?  Yes  No Only the following persons: \_\_\_\_\_

Do you consider this request urgent?  Yes  No If yes, please indicate why: We're amending a deleted budget provision.

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:  
Emily Dowd

# Natural Resources

State Representative  
DuWayne Johnsrud, Chair



DATE: July 23, 1999

TO: Legislative Reference Bureau

FROM: Rep. DuWayne Johnsrud

RE: Mazo bill request

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Mazomanie beach, owned by the Department of Natural Resource, is a nude beach where large numbers of people have been congregating. My goal is to prohibit such congestion by prohibiting nudity.

After speaking with Mark Patronskey, it was decided that a good way to do this while avoiding a legislative debate over exactly what nudity consists of is as follows: Nudity, as defined by the Department by rule, is only permitted on state property that is under the jurisdiction of the DNR where designated by the Department by rule.

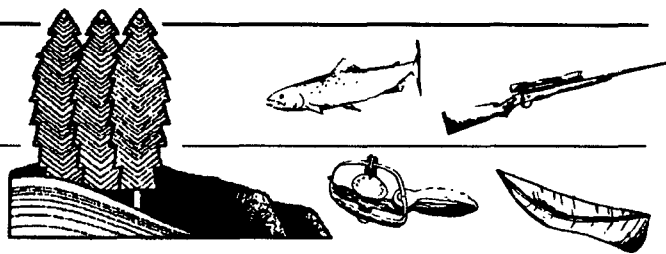
Further in depth information on the beach through two of my press releases is enclosed.

8-30-99 -  
Per Scott -  
Forfeiture of \$100 for  
violation.

Assembly Committee on

# Natural Resources

State Representative  
DuWayne Johnsrud, Chair



## NEWS RELEASE

FOR IMMEDIATE RELEASE

APRIL 27, 1999

FOR INFORMATION CONTACT: Representative DuWayne Johnsrud (608) 266-3534

### **It's Official: Governor and DNR create state-run nude beach in Lower Wisconsin Riverway**

*DNR law enforcement officers to be parking lot attendants*

MADISON - - The DNR's plans for operating the infamous Mazomanie nude beach amount to nothing less than a state-run nude recreation area that is sanctioned by the Governor and his DNR. Plans include use of state park funds to construct an additional 125-vehicle parking lot to accommodate more beach-goers as well as a law enforcement officer to staff the parking lot. Also included are bicycle racks, toilet facilities and regular service for the toilets. I didn't know that the Mazomanie nude beach had become a State Park!

In recent weeks, I asked the DNR to close the beach because of unfairness in how the Lower Wisconsin State Riverway laws are applied. Private homes must be "visually inconspicuous" to riverway users during leaf on conditions, so I find it hard to believe that big, sunburned, bare butts are less conspicuous than homes.

When the Lower Wisconsin State Riverway law was created, DNR assured legislators and people living in the area that the nude beach would not get out of control and would probably just die out. Because the DNR has ignored this situation, which is now out of control, I will seek to have the term "visually inconspicuous" removed from Lower Wisconsin State Riverway law. I don't believe laws that force landowners to use non-reflective glass, mandate certain colors on homes, and limit timber harvest on private land are appropriate considering activities the State encourages in Mazomanie.

-MORE-

Landowners are limited in cutting vegetation and harvesting timber, yet beach-goers in this environmentally sensitive area denude the area of vegetation with thousands of campfires every summer.

Enforcement problems have drained the resources of conservation wardens on the riverway, resulting in little enforcement of fish and game laws on miles of river. According to the DNR, problems with the beach have included vandalism, theft, vehicle break-ins, underage drinking, illegal parking, speeding, drug-use and public sex. This property was purchased by hunters and anglers to be a wildlife management area. DNR certainly is managing some wild living at Mazomanie.

What next, will DNR put in showers for the beach users? How about putting in a convenience store and souvenir shop?

This has gone too far because DNR is listening to a small, vocal group of people. DNR is not hearing of opposition to their plan because the average person doesn't even waste their time calling the DNR. I'm afraid that now, only the Governor can straighten out his agency on this issue, and I hope he does.

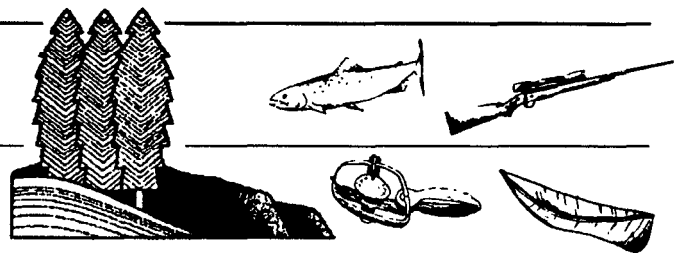
I Chair a Special Committee on Conservation Laws Enforcement. Our committee's finding was that Wisconsin is short on conservation enforcement resources. I never imagined that DNR would use precious enforcement resources to patrol a nude beach and maintain parking lots for beach-goers.

###



# Natural Resources

State Representative  
DuWayne Johnsrud, Chair



## NEWS RELEASE

FOR IMMEDIATE RELEASE

February 10, 1999

FOR FURTHER INFORMATION CONTACT:

Representative DuWayne Johnsrud (608) 266-3534

## Nude beach still problem on Lower Wisconsin Riverway

MADISON - - Citing problems with crowding, long-term camping and indecent public acts, the DNR in February announced plans to convert the Mazomanie Unit of the Lower Wisconsin State Riverway to day-use only. State Representative DuWayne Johnsrud (R-Eastman) is asking why DNR is not closing the nude beach altogether. According to Johnsrud, the common sense laws of fairness are not being applied.

Johnsrud's attention was drawn to the issue when, at the same meeting that the Lower Wisconsin State Riverway Board announced new nude beach rules, the Board also discussed troubles landowners are having cutting timber. "These landowners are being told they can't remove timber that they own because the bare stumps would be visible from the river. Never-the-less, sunburned bare butts are just fine for viewing, in the DNR's eyes," Johnsrud said.

Johnsrud also pointed out that rules require private homes to be "visually inconspicuous" to people on the Lower Wisconsin Riverway during leaf on conditions. He said, "I find it hard to believe that naked people running around on the sand bars are somehow less conspicuous than homes in the valley."

"If homes need to be concealed by leaves because the DNR says people are sensitive to the sight of people's houses, why don't people need to obscure their private parts with leaves?" Johnsrud asked. "Sure, the local oak leaves won't provide as much coverage as the traditional fig leaf did for Adam and Eve, but something would be better than nothing."

Johnsrud says that he doesn't think it is fair that landowners are the only people who need to be inconspicuous on the Lower Wisconsin Riverway.

Chapter 944 of State Statute clearly prohibits people from exposing themselves in public places, Johnsrud said. The Representative believes that local law enforcement agencies are probably the most appropriate people to enforce those laws, but he said that conservation wardens are also able to enforce Chapter 944.

"I can't believe that there are many other busy, public places in Wisconsin where this would be allowed to go on. It's just so ironic that it is ignored on the Lower Wisconsin Riverway, where so many normal aspects of day-to-day life are singled out and banned."



D-Nude

**1999 BILL**

Under the bill,  
a person who  
violates the prohibition  
is subject to a \$100  
forfeiture.

Sen. Cat.

1 AN ACT <sup>Sen. Cat.</sup> relating to: prohibiting nudity on certain land, and granting  
2 rule-making authority and providing a penalty

**Analysis by the Legislative Reference Bureau**

This bill prohibits a person from being nude in public on land that is owned, managed, supervised or controlled by the department of natural resources (DNR). The bill requires DNR to promulgate a rule defining the terms "nude" and "in public". For further information see the **state and local** 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. 23.36 of the statutes is created to read:
- 4 **23.36 Nudity prohibited. (1)** No person may be nude in public on land that
- 5 is owned, managed, supervised or controlled by the department.
- 6 (2) The department shall promulgate a rule defining ~~the terms~~ "nude" and "in
- 7 public" <sup>for the purposes of</sup> ~~under~~ this section.
- 8 (3) A person who violates sub. (1) shall forfeit not more than \$100.

**BILL**

**SECTION 2. Effective date.**

(1) This act takes effect on the first day of the <sup>13<sup>th</sup></sup>~~7<sup>th</sup>~~ month beginning after publication.

**(END)**

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

LRB-3351/1dn

RNK...:k...  
*fmj*

I have included a delayed effective date provision in this ~~draft~~<sup>bill</sup> to give the department of natural resources sufficient time to promulgate the rule that it is required to promulgate under the provisions of this bill. If you wish to provide a deadline by which DNR must submit its proposed rule, please let me know and I will redraft accordingly.

Robin N. Kite  
Legislative Attorney  
Phone: (608) 266-7291  
E-mail: [Robin.Kite@legis.state.wi.us](mailto:Robin.Kite@legis.state.wi.us)

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

LRB-3351/1dn  
RNK:kmg:km

August 'S1999

I have included a delayed effective date provision in this bill to give the department of natural resources sufficient time to promulgate the rule that it is required to promulgate under the provisions of this bill. If you wish to provide a deadline by which DNR must submit its proposed rule, please let me know and I will redraft accordingly.

Robin N. Rite  
Legislative Attorney  
Phone: (608) 266-7291  
E-mail: [Robin.Kite@legis.state.wi.us](mailto:Robin.Kite@legis.state.wi.us)

## Kite, Robin

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**From:** Patron&y, Mark  
**Sent:** Tuesday, August 17, 1999 11:23 AM  
**To:** Kite, Robin  
**Subject:** hi there

we have discussed the draft on DNR-defined nudity [LRB-3351/l]. Rep. Johnsrud prefers to go with a definition of nudity in the bill draft. i'm sending over a draft that i did a couple of months ago, and requesting an LRB draft of it for Rep. Johnsrud.

thanks.

M

1 **AN ACT to create** 23.113 of the statutes; **relating to:** prohibiting nudity on  
 2 state-owned land under the jurisdiction of the department of natural resources, and  
 3 providing a penalty.

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

4 **SECTION 1.** 23.113 of the statutes is created to read:

5 **23.113 Prohibition of nudity on department land.** (1) In this section:

6 (a) "In public" means in a place that is not subject to a reasonable expectation of privacy.

7 (b) "Nude" means the showing of the human male or female genitals, pubic area or  
 8 buttocks with less than a full opaque covering, or the showing of the female breast with less  
 9 than a fully opaque covering of any portion thereof below the top of the nipple.

10 (2) No person may intentionally be nude in public on land that is owned in fee simple  
 11 by the state and under the jurisdiction of the department.

12 (3) A person who violates sub. (2) shall forfeit not more than \$1,000.

13 **(END)**



D-Note

1999 BILL

1 *Jan Cat.* AN ACT to create 23.36 of the statutes; relating to: prohibiting nudity on certain  
2 land ~~granting rule-making authority~~ and providing a penalty.

*intentionally*  
**Analysis by the Legislative Reference Bureau**

This bill prohibits a person from being nude in public on land that is owned, managed, supervised or controlled by the department of natural resources ~~DNR~~. Under the bill, a person who violates the prohibition is subject to a \$100 forfeiture. ~~The bill requires DNR to promulgate a rule defining the terms "nude" and "in public".~~  
For further information see the **state and local** 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. 23.36 of the statutes is created to read:  
4 23.36 Nudity prohibited. ~~(1)~~ *(2) (B)* *intentionally* No person may be nude in public on land that  
5 is owned, managed, supervised or controlled by the department.

6 *(2)* The department shall promulgate a rule defining "nude" and "in public" for  
7 the purposes of this section.



**BILL**

**SECTION 1**

① (3) A person who violates sub. (3) shall forfeit not more than \$100.

2 **SECTION 2. Effective date.**

3 (1) This act takes effect on the first day of the 13th month beginning after  
4 publication.

5 (END)

Insert 1-4 ✓

(B)

(Not) (1) In this section:

(a) "In public" means in a place where a <sup>person</sup> does not have ~~that~~ a reasonable expectation of privacy.

(b) "Nude" means ~~without~~ <sup>not wearing</sup> a fully opaque covering over the genitals, pubic area or buttocks or ~~without~~ <sup>not wearing</sup> a fully opaque covering ~~without~~ <sup>not wearing</sup> over the female breast below the top of the nipple.

LRB-3351/2  
RNK : King :

D-Note

1. Under this bill, a person is subject to a forfeiture for being nude ~~and~~ in public if any portion of the genitals, pubic area or buttocks<sup>s</sup> is not covered by an opaque covering.

Is this consistent with your intent?

2. The bill makes no exception for young children <sup>who are nude.</sup> ~~who may not be publicly exposed in public or the public covered by the bill.~~  
~~Do you wish to create~~  
such an exception?

→ insert D-Note (next page)

RNK

any portion of the breast below the top of the nipple,

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

LRB-335 1/2dn  
RNK:kmg:km

September 8, 1999 ·

1. Under this bill, a person is subject to a forfeiture for being nude in public if any portion of the genitals, pubic area or buttocks, or any portion of the breast below the top of the nipple, is not covered by an opaque covering. Is this consistent with your intent?

2. The bill makes no exception for young children who are nude. Do you wish to create such an exception?

3. The definition of "in public" in this draft is vague and might result in litigation to resolve the precise meaning of the term.

Robin N. Kite  
Legislative Attorney  
Phone: (608) 266-7291  
E-mail: Robin.Kite@legis.state.wi.us

10-20-99

Per Scott in Johnson's office  
redraft to delete delayed eff date.



## 1999 BILL

1 AN ACT to create 23.36 of the statutes; relating to: prohibiting nudity on certain  
2 land and providing a penalty

---

### *Analysis by the Legislative Reference Bureau*

This bill prohibits a person from intentionally being nude in public on land that is owned, managed, supervised or controlled by the department of natural resources. Under the bill, a person who violates the prohibition is subject to a \$100 forfeiture.

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

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

3 SECTION 1. 23.36 of the statutes is created to read:

4 **23.36 Nudity prohibited. (1)** In this section:

5 (a) "In public" means in a place where a person does not have a reasonable  
6 expectation of privacy.

BILL

SECTION 1

1 (b) "Nude" means not wearing a fully opaque covering over the genitals, pubic  
2 area or buttocks or not wearing a fully opaque covering over the female breast below  
3 the top of the nipple.

4 (2) No person may intentionally be nude in public on land that is owned,  
5 managed, supervised or controlled by the department.

6 (3) A person who violates sub. (2) shall forfeit not more than \$100.

7 **SECTION 2. Effective date.**

8 (1) This act takes effect on the first day of the 13th month beginning after  
9 publication.

10 (END)