

2001 DRAFTING REQUEST

Bill

Received: **09/20/2001**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Scott Jensen (608) 266-3387**

By/Representing: **Brian Dake**

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

Drafter: **rkite**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Determining what constitutes an eligible expense regarding fish and wildlife resource management

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 09/21/2001	wjackson 09/21/2001	pgreensl 09/21/2001	_____	lrb_docadmin 09/21/2001	lrb_docadmin 10/08/2001	

FE Sent For:

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none needed

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for Assm
(send to Rep. Meyer
Per Brian Drake
in Jensen's
office.)

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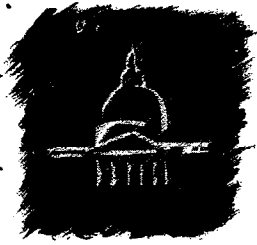
See Attached

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FE Sent For:

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SCOTT R. JENSEN
ASSEMBLY SPEAKER

September 18, 2001

TO: Mary Gibson-Glass
Senior Staff Attorney
Legislative Reference Bureau

FR: Brian Dake
Office of Assembly Speaker Scott Jensen

RE: Background Information and Drafting Instructions – Fish and Wildlife Fees

Per our conversation, Wisconsin Act 16 amended s.25.29 (3) to read:

“Funds accruing to the conservation fund for license fees paid by hunters and from sport and recreation fishing license fees shall not be diverted for any other purpose that the administration of the department when it is exercising its responsibilities that are specific to the management of the fish and wildlife resources of this state.”

The state budget adopted by the Legislature created s.25.29 (3g) to read:

“For purposes of sub.(3) and s.29.037, the joint committee on finance shall determine what constitutes the administration of the department when it is exercising its responsibilities that are specific to the management of the fish and wildlife resources of this state.”

Governor McCallum vetoed the creation of s.25.29 (3g). On behalf of Speaker Jensen, I respectfully request the drafting of separate legislation to create s.25.29 (3g) as specified above. For your information, I have enclosed the Legislative Fiscal Bureau summary of the Legislature’s provision.

If you have further questions or need additional information or clarification, please contact me at 266-3387. Thank you in advance for your prompt attention to this matter.

the fall 2000 deer season, revenues to the fish and wildlife account are expected to decrease by \$325,000 in 2001-02 and by \$350,000 in 2002-03.

22. LAKE SUPERIOR FISHERIES BIOLOGIST

Senate: Provide \$30,000 in 2001-02 and \$40,000 in 2002-03 and 1.0 position from the fish and wildlife account of the conservation fund for a fisheries biologist. The position would be responsible for conducting water quality and fish management activities on Lake Superior.

Assembly/Conference Committee: No change to Joint Finance.

23. HUNTER SAFETY EDUCATION COURSES

Senate: No change to Joint Finance.

Assembly/Conference Committee: Eliminate the student fee requirement for bow and gun hunter safety education courses. Instead, reimburse course instructors for costs associated with teaching the class, up to \$5 per student, at an estimated cost of \$171,200 annually. Currently, instructors are required to collect the course fee from students, retain up to one-half to cover the cost of administering the course, and remit the remaining monies to DNR. A portion of the funds received by DNR from hunter safety courses (\$1.50 per student) are deposited to the fish and wildlife account, with one-half used to support the administration and development of the hunter safety education program. Eliminating the fee for these courses would generate a loss of revenue to the fish and wildlife account of approximately \$51,300 annually. This amount would be transferred from the safety education appropriation to the general enforcement operations appropriation of the fish and wildlife account in order to continue to provide hunter safety education support.

	Chg. to JFC
SEG-REV	-\$102,600
SEG	\$342,400

24. ~~USE OF FISH AND GAME FEES FOR CONSERVATION PURPOSES~~

Senate: No change to Joint Finance.

Assembly/Conference Committee: Specify that the Joint Committee on Finance would be responsible for determining what constitutes an eligible administrative expense in the exercise of responsibilities specific to the management of fish and wildlife resources in the state. The substitute amendment includes a provision prohibiting the use of hunting and recreational fishing license fees for any purpose other than the administration of DNR when it is exercising its responsibilities specific to the management of the state's fish and wildlife resources (rather than prohibiting use for purposes other than "those provided by the Department" currently). This change is intended to maintain the state's compliance with federal requirements for

receiving conservation aids under the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act, under the federal code.

25. DEER MANAGEMENT

Senate/Conference Committee: No change to Joint Finance.

Assembly: Provide \$266,000 in 2001-02 and \$257,900 in 2002-03 from the fish and wildlife account to support the implementation of recommendations for deer herd management developed through the Deer 2000 and Beyond initiative. The four goals of the management initiative would include maintaining a healthy deer herd, providing recreational opportunities for a wide range of user groups, simplifying and making consistent deer management goals and policies, and providing flexibility to adjust management goals. Funding would be used for research and education, including efforts to investigate the impacts of baiting and feeding on the deer herd, the impacts of deer on forestry and native ecosystems, and verification of deer population estimates.

26. DEER GUN SEASON EXTENSION

Senate/Conference Committee: No change to Joint Finance.

Assembly: Specify that the deer gun hunting season begin on the Saturday immediately preceding the Thanksgiving holiday and continue for 16 consecutive days. Under current law, the deer gun hunting season extends for nine consecutive days.

27. DEER GUN ANTLERLESS SEASON

Senate/Conference Committee: No change to Joint Finance.

Assembly: Establish an antlerless-only deer gun hunting season beginning on the Thursday falling on or closest to October 22, and continuing for a total of four consecutive days. In addition, prohibit DNR from establishing an antlerless-only deer gun hunting season beginning or ending during the month of December.

28. VENISON PROCESSING DONATION PROGRAM

Senate: In addition to the Joint Finance provision for voluntary contributions to be used to fund the venison processing and donation program, restore the Governor's recommendation to allow payments for the venison donation program to continue to come from the wildlife damage program, if available after making payments for wildlife damage claims and abatement, and to be prorated if wildlife damage funds are insufficient.

1 Wis. Act 16, s. 1114 - continued



25.29 (3) Funds accruing to the conservation fund from license fees paid by hunters and from sport and recreation fishing license fees shall not be diverted for any other purpose than ~~those provided by the department, except:~~ the administration of the department when it is exercising its responsibilities that are specific to the management of the fish and wildlife resources of this state.

01 Wis. Act 16, s. 1115



Section 1115. 25.29 (3) (a) of the statutes is repealed.

01 Wis. Act 16, s. 1116



Section 1116. 25.29 (3) (b) of the statutes is repealed.

01 Wis. Act 16, s. 1117



Section 1117. 25.29 (3) (c) of the statutes is repealed.

01 Wis. Act 16, s. 1117m



[Redacted]

01 Wis. Act 16, s. 1117m - continued



[Redacted]

01 Wis. Act 16, s. 1118



Section 1118. 25.29 (4m) of the statutes is amended to read:

01 Wis. Act 16, s. 1118 - continued



25.29 (4m) ~~Notwithstanding sub. (3), no~~ No moneys that accrue to the state for or in behalf of the department under ch. 29 may be expended or paid for the enforcement of the treaty-based, off-reservation rights to fish held by members of federally recognized American Indian tribes or bands domiciled in Wisconsin.

01 Wis. Act 16, s. 1119



Section 1119. 25.29 (6) of the statutes is amended to read:

01

I am vetoing this section because I object to the infringement on the executive branch's authority to manage programs. I am requesting the department to follow-up on public complaints against a warden's actions to ensure accountability of the wardens.

73. Determination of Fish and Wildlife Fee Use

Section 1117m

This provision would allow the Joint Committee on Finance to determine what constitutes an eligible administrative expense in regard to the management of fish and wildlife resources in the state.

I am vetoing this provision because I object to legislative interference in executive branch functions. Moreover, federal auditing processes are already in place to ensure that the Department of Natural Resources does not misuse fish and wildlife fee revenues for its administrative functions.

74. Commercial Fishing Suspended License

Section 1184m

This section authorizes a commercial fishing license holder to retain a license without conducting any commercial fishing operations in Green Bay for one period of up to seven years. The section also exempts a commercial fishing license holder from the minimum catch requirements during the seven-year period.

I am vetoing this section because it infringes on the Department of Natural Resources' and the Natural Resources Board's authority to protect and manage the fisheries of the state for the benefit of all residents and visitors. The department and the board are working to address the concerns of commercial fishing license holders and the declining fish populations in Green Bay and other Great Lakes waters. I request the department and the Natural Resources Board to continue working with the commercial fishing license holders and other users of these resources on this issue.

75. Fish Ladder Exemption

Sections 1340r and 1345c

These sections prohibit the Department of Natural Resources from requiring the city of Jefferson to include a fish passage as part of a dam safety project and require the department to provide the city with a grant for the dam safety project.

I am vetoing these sections because they set an undesirable precedent by providing assistance to a project that does not comply with requirements established to protect Wisconsin's aquatic resources. I am requesting the department to continue working with the city of Jefferson to address this issue.



(Soon)

State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-3817

RNR
11
RNK:.....
Wlj

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2001 BILL

GEN

1 AN ACT ^{GEN} relating to: determining what constitutes the administration of the
2 department of natural resources when managing the state's fish and wildlife
3 resources.

Analysis by the Legislative Reference Bureau

This state currently receives federal funding for the conservation of fish and wildlife under the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act. These moneys are used for wildlife restoration projects and fish restoration and management projects. A state is not eligible for these federal moneys unless the state has enacted a prohibition against the use of hunting and recreational fishing license fees for any purpose other than the administration of the state fish and wildlife agency. ~~Current law contains such a prohibition.~~ This state's fish and wildlife agency is that part of the department of natural resources (DNR) that is responsible for the management of the state's fish and wildlife resources. Current law conforms with the federal eligibility requirement. This bill requires the joint committee on finance to determine what constitutes the administration of DNR when DNR is exercising its responsibilities that are specific to the management of the fish and wildlife resources of this state.

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

4 SECTION 1. 25.29 (3g) [✓] of the statutes is created to read:

