

2001 DRAFTING REQUEST

Bill

Received: 11/16/2000

Received By: **gibsom**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget 67973**

By/Representing: **Grinde**

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

Drafter: **gibsom**

May Contact:

Alt. Drafters:

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

Extra Copies:

Pre Topic:

DOA:.....Grinde -

Topic:

Use of license fees by the department of natural resources

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 11/28/2000	gilfokm 11/28/2000	rschluet 11/29/2000	_____	lrb_docadmin 11/29/2000		State
/2	gibsom 12/28/2000	gilfokm 12/28/2000	rschluet 01/04/2001	_____	lrb_docadmin 01/04/2001		State

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<END>

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/1	gibsom 11/28/2000	gilfokm 11/28/2000	rschluet 11/29/2000		lrb_docadmin 11/29/2000		State

FE Sent For:

12-12/kmg
28

12-29-00

1-3-01

<END>

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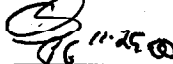
Topic:

Use of ~~approval~~ ^{license} fees by the department of natural resources

Instructions:

See Attached

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/?	gibsom	1-11/280 King	 11-28-00	 11-25-00			

FE Sent For:

<END>

DATE: November 7, 2000
TO: George E. Meyer - Secretary
FROM: Jim Christenson - LS/5
SUBJECT: Modification of Legislation - Federal Aid Audit Request

In our response to the Federal Aid Audit, we agreed to seek modification of legislation respecting the use of fish and wildlife license funds when the opportunity arose.

It is my understanding that the concerns may be adequately addressed with the following statutory modifications:

1. Section 29.037, Stats., is amended to read:

“The state assents to the provisions of the acts of congress entitled “An act to provide that the United States shall aid the states in wildlife-restoration projects, and for other purposes, “approved September 2, 1937 (Public No. 415, 75th Congress), and “An act to provide that the United States shall aid the states in fish restoration management projects, and for other purposes,” approved August 9, 1950 (Public no. 681, 81st Congress), and the department is authorized, empowered and directed to perform such acts as may be necessary to the conduct and establishment of cooperative wildlife-restoration and cooperative fish restoration projects, as defined in said acts of congress, in compliance with said acts and with rules and regulations promulgated by the secretary of the interior thereunder and no funds accruing to this state from licenses fees paid by hunters and from sport and recreation fishing license fees shall be diverted for any other purpose than ~~those provided by the department~~ administration of the fish and wildlife agency when exercising the responsibilities specific to the management of the fish and wildlife resources of the state.”

2. Section 25.29(3)(a), Stats., is repealed.

I suggest that our best opportunity to address this issue is when the next budget cycle avails the opportunity to propose a statutory amendment and repeal. The current budget deliberations are very unlikely to allow further amendments since the Budget Bill is due now. However, we may have an opportunity next summer or with the new budget deliberations in the Spring of 2001.

Thank you.

- c. Steve W. Miller – Ad/5
Tom Niebauer – CF/8
Tom Hauge – WM/4





State of Wisconsin
2001 - 2002 LEGISLATURE

RMR
LRB-10448 1
MGG: King

noon
11/28

license

DOA:.....Grinde - Use of ~~approval~~ fees by the department of natural resources

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

could not print w/ line #5

→ Trip request sheet

D-NOTE

Don't GEN. CAT.

AN ACT relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

FISH, GAME, AND WILDLIFE

The 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 ~~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 game department, which in this state is DNR. This bill makes changes in current law to bring state law into conformance with eligibility requirement. ~~the~~

⊙

conformity

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:

SECTION 1. 20.002 (11) (d) 7. of the statutes is amended to read:

20.002 (11) (d) 7. The fish and wildlife account within the conservation fund ~~under s. 25.29 (3).~~

History: 1971 c. 125; 1973 c. 90, 333; 1975 c. 39 s. 732 (1); 1975 c. 164, 198; 1977 c. 29, 196, 373, 418, 447; 1979 c. 34; 1981 c. 14, 20, 61, 93, 314; 1983 a. 3, 27, 192; 1985 a. 29, 120; 1985 a. 135 s. 85; 1985 a. 332 s. 253; 1987 a. 4, 27, 186; 1987 a. 312 s. 17; 1987 a. 399; 1989 a. 31; 1991 a. 39, 51, 269; 1993 a. 16, 437; 1997 a. 237; 1999 a. 9.

SECTION 2. 25.29 (3) (intro.) of the statutes is renumbered 25.29 (3) and amended to read:

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 engaged in activities relating to the management of the fish and wildlife resources in this state.~~

History: 1971 c. 125; 1973 c. 90; 1977 c. 29; 1977 c. 418 ss. 244, 245, 929 (37); 1979 c. 34 ss. 707v, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1983 a. 27 ss. 636m, 637, 2202 (38); 1985 a. 29 ss. 638g, 3202 (39); 1985 a. 135; 1987 a. 27; 1987 a. 312 s. 17; 1989 a. 31; 1991 a. 39, 269; 1995 a. 27; 1995 a. 257 s. 3; 1997 a. 1, 27, 248; 1999 a. 9.

SECTION 3. 25.29 (3) (a) of the statutes is repealed.

SECTION 4. 25.29 (3) (b) of the statutes is repealed.

SECTION 5. 25.29 (3) (c) of the statutes is repealed.

SECTION 6. 25.29 (4m) of the statutes is amended to read:

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.

History: 1971 c. 125; 1973 c. 90; 1977 c. 29; 1977 c. 418 ss. 244, 245, 929 (37); 1979 c. 34 ss. 707v, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1983 a. 27 ss. 636m, 637, 2202 (38); 1985 a. 29 ss. 638g, 3202 (39); 1985 a. 135; 1987 a. 27; 1987 a. 312 s. 17; 1989 a. 31; 1991 a. 39, 269; 1995 a. 27; 1995 a. 257 s. 3; 1997 a. 1, 27, 248; 1999 a. 9.

SECTION 7. 25.29 (6) of the statutes is amended to read:

25.29 (6) All moneys received from the United States for fire prevention and control, forest planting^v and other forestry activities, and for wildlife restoration projects and fish restoration and management projects, and for other purposes, ~~and~~

as provided in s. 29.037, shall be devoted to the purposes for which these moneys are received.

History: 1971 c. 125; 1973 c. 90; 1977 c. 29; 1977 c. 418 ss. 244, 245, 929 (37); 1979 c. 34 ss. 707v, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1983 a. 27 ss. 636m, 637, 2202 (38); 1985 a. 29 ss. 638g, 3202 (39); 1985 a. 135; 1987 a. 27; 1987 a. 312 s. 17; 1989 a. 31; 1991 a. 39, 269; 1995 a. 27; 1995 a. 257 s. 3; 1997 a. 1, 27, 248; 1999 a. 9.

SECTION 8. 29.037 of the statutes is amended to read:

29.037 Fish and wildlife restoration. This state assents to the provisions of the acts of congress entitled "~~An act to provide that the United States shall aid the states in wildlife restoration projects, and for other purposes,~~" approved September 2, 1937 (Public Law No. 415, 75th Congress), and "~~An act to provide that the United States shall aid the states in fish restoration management projects, and for other purposes,~~" approved August 9, 1950 (Public Law No. 681, 81st Congress) 16 USC 669^(to)669i and 777^(to)777L. The department is authorized and directed to perform any acts necessary to establish cooperative wildlife restoration cooperative wildlife restoration ^{plain} projects and cooperative fish restoration and management projects, as defined in the acts of congress, in compliance with the acts these ^(Federal) provisions and with regulations promulgated by the secretary of the interior. No funds accruing to this state from license fees paid by hunters and from sport and recreation fishing license fees may be diverted for any other purpose than those provided by the department the administration of the department when it is engaged in activities relating to the management of the fish and wildlife resources in this state.

WFO please remove (I could do)

I

Turn off Rev. Secs.

History: 1997 a. 248 s. 402.

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1044/3¹dn

MCC: King

I have updated the federal law references (which are to the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act) to the United States Code citations. You may wish to have a DNR attorney review them for accuracy.

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1044/1dn
MGG:kmg:rs

November 28, 2000

I have updated the federal law references (which are to the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act) to the United States Code citations. You may wish to have a DNR attorney review them for accuracy.

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



State of Wisconsin
2001 - 2002 LEGISLATURE

RMR
LRB-1044/2
MGG:kmg:rs

D-N
soon

DOA:.....Grinde - Use of license fees by the department of natural resources

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

that part of
that ~~exercise~~ is responsible
for the management of the state's
fish and wildlife resources
the fish and
wildlife agency
1 AN ACT <sup>DON'T
GEN. CAT.</sup> relating to: the budget. wild life agency

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

FISH, GAME, AND WILDLIFE

The 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 game department, which in this state, is DNR. This bill makes changes in current law to bring state law into conformity with the eligibility requirement.

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 SECTION 1. 20.002 (11) (d) 7. of the statutes is amended to read:

1 20.002 (11) (d) 7. The fish and wildlife account within the conservation fund
2 under s. 25.29 (3).

3 **SECTION 2.** 25.29 (3) (intro.) of the statutes is renumbered 25.29 (3) and
4 amended to read:

5 25.29 (3) Funds accruing to the conservation fund from license fees paid by
6 hunters and from sport and recreation fishing license fees shall not be diverted for
7 any other purpose than those provided by the department, except: the
8 administration of the ^{State} fish and wildlife agency when it is engaged in activities relating to the
9 management of the fish and wildlife resources ^{of} this state.

*excusing
from its
responsibilities
that are specific*

10 **SECTION 3.** 25.29 (3) (a) of the statutes is repealed.

11 **SECTION 4.** 25.29 (3) (b) of the statutes is repealed.

12 **SECTION 5.** 25.29 (3) (c) of the statutes is repealed.

13 **SECTION 6.** 25.29 (4m) of the statutes is amended to read:

14 25.29 (4m) ~~Notwithstanding sub. (3), no~~ No moneys that accrue to the state for
15 or in behalf of the department under ch. 29 may be expended or paid for the
16 enforcement of the treaty-based, off-reservation rights to fish held by members of
17 federally recognized American Indian tribes or bands domiciled in Wisconsin.

18 **SECTION 7.** 25.29 (6) of the statutes is amended to read:

19 25.29 (6) All moneys received from the United States for fire prevention and
20 control, forest planting, and other forestry activities, and for wildlife restoration
21 projects and fish restoration and management projects, and for other purposes, ~~and~~
22 ~~as provided in s. 29.037~~, shall be devoted to the purposes for which these moneys are
23 received.

24 **SECTION 8.** 29.037 of the statutes is amended to read:

1 **29.037 Fish and wildlife restoration.** This state assents to the provisions
 2 of the acts of congress entitled "~~An act to provide that the United States shall aid the~~
 3 ~~states in wildlife restoration projects, and for other purposes,~~" approved
 4 September 2, 1937 (Public Law No. 415, 75th Congress), and "~~An act to provide that~~
 5 ~~the United States shall aid the states in fish restoration management projects, and~~
 6 ~~for other purposes,~~" approved August 9, 1950 (Public Law No. 681, 81st Congress)
 7 16 USC 669 to 669i and 777 to 777L. The department is authorized and directed to
 8 perform any acts necessary to establish ~~cooperative wildlife~~ cooperative wildlife
 9 restoration projects and cooperative fish restoration and management projects, as
 10 ~~defined in the acts of congress, in compliance with the acts~~ these federal provisions
 11 and with regulations promulgated by the secretary of the interior. No funds accruing
 12 to this state from license fees paid by hunters and from sport and recreation fishing
 13 license fees may be diverted for any other purpose than those ~~provided by the~~
 14 ~~department~~ the administration of the department when it is engaged in activities
 15 relating to the management of the fish and wildlife resources in this state.

(END)

of

exercising its responsibilities that are specific
to

D-N

: King:

I have used the language found in 50 CFR § 80.1 (c) to describe the "fish and wildlife agency". We cannot use "fish and wildlife agency" in our statutes because we do not have such a state governmental unit.

MBG

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

LRB-1044/2dn
MGG:kmg:rs

December 29, 2000

I have used the language found in 50 CFR 80.1 (c) to describe the "fish and wildlife agency." We cannot use "fish and wildlife agency" in our statutes because we do not have such a state governmental unit.

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



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-1044/2

MGG:kmg:rs

DOA:.....Grinde – Use of license fees by the department of natural resources

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

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

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8 administration of the department when it is exercising its responsibilities that are
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