

2003 DRAFTING REQUEST

Bill

Received: **10/14/2002**

Received By: **rnelson2**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Wagner**

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

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Wagner - BB0147,

Topic:

Spending authority for falconry fees

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>
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/P1	rnelson2 10/16/2002	kgilfoy 10/16/2002	pgreensl 10/16/2002	_____	lemery 10/16/2002		

FE Sent For:

<END>

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FE Sent For:		PI-10/16 Kmg	10/14 ps	10/16 <END>	10/16 /R		

2003-05 Statutory Language Proposals:

Tanya Wagner
BB01411

DIVISION:	Land
BUREAU:	Endangered Resources
ISSUE/TOPIC:	Spending Authority for Falconry Fees
PROPOSED CHANGE:	<p>s.29.319 (2) Any fees collected by the department under this section shall be deposited in the Conservation Fund to be used for department activities relating to fish and wildlife for the purposes of the endangered resources program, as defined under ss. 71.10 (5) (a) 2. And 71.30 (10) (a) (2)</p> <p>s. 20.370 (1) (fs) <i>Endangered resources – voluntary payments; sales, leases and fees.</i> (add <u>29.319 (2)</u> “....ss.23.27 (3) (b), <u>29.319 (2)</u>, 29.563 (10).”)</p>
EXPLANATORY NOTE:	<p>The 2001-03 biennial budget included authority for the Department to charge a fee for the issuance of falconry permits but did not specify the fees be used for the Endangered Resources Program, which administers endangered resources programs including the falconry permit program. Revised state statute ch. 29.319 provides authority for the Department to establish a permit fee by rule.</p>
DESIRED EFFECTIVE DATE:	July 1, 2003 or the effective date of the 2003-05 Biennial Budget
CONTACT PERSON:	Eric Thompson, Management & Budget, 266-8251

Fish & Game



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0459/P1

RPN.....
King

D-N

DOA:.....Wagner – BB0147, Spending authority for falconry fees

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT <sup>Don't
GEN. CAT.</sup> relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

FISH, GAME, AND WILDLIFE

Under current law, DNR may charge a fee for the issuance of a permit to a person to take raptors for use in falconry. Current law requires that the fee be used by DNR for ~~Department~~ activities relating to fish and wildlife. This bill allows DNR to use the fee for the endangered resources program instead of activities related to fish and wildlife. DNR

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

2 SECTION 1. 20.370 (1) (fs) of the statutes is amended to read:

3 20.370 (1) (fs) *Endangered resources — voluntary payments; sales, leases, and*
4 *fees.* As a continuing appropriation, from moneys received as amounts designated
5 under ss. 71.10 (5) (b) and 71.30 (10) (b), the net amounts certified under ss. 71.10

1 (5) (h) 4. and 71.30 (10) (h) 3., all moneys received from the sale or lease of resources
 2 derived from the land in the state natural areas system, and all moneys received from
 3 fees collected under ss. 23.27 (3) (b), 29.319 (2), 29.563 (10), and 341.14 (6r) (b) 5., for
 4 the purposes of the endangered resources program, as defined under ss. 71.10 (5) (a)
 5 2. and 71.30 (10) (a) 2. Three percent of the moneys certified under ss. 71.10 (5) (h)
 6 4. and 71.30 (10) (h) 3. in each fiscal year and 3% of the fees received under s. 341.14
 7 (6r) (b) 5. in each fiscal year shall be allocated for wildlife damage control and
 8 payment of claims for damage associated with endangered or threatened species,
 9 except that this combined allocation may not exceed \$100,000 per fiscal year.

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109.

10 SECTION 2. 29.319 (2) of the statutes is amended to read:

11 29.319 (2) Any fees collected by the department under this section shall be
 12 deposited in the conservation fund to be used for department activities relating to
 13 ~~fish and wildlife~~ and credited to the appropriation for the endangered resources
 14 program under s. 20.370 (1) (fs).

15 History: 1999 a. 9; 2001 a. 56.



(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0459/P1dn

RPN: King

The request leaves the language "used for department activities" but then includes two definitions of the endangered resources program, one of which (s. 71.10 (5) (a) 2.) includes a reference to repaying the general fund for amounts expended in fiscal year 1984-85. I think that a court could find these two changes confusing, if not actually in conflict. How does repaying the general fund involve department activities? I suggest that the reference be made only to s. 71.30 (10) (a) 2., which does not include that "general fund" language if we use your requested language.

In the alternative, I would prefer the language that I have drafted in this preliminary draft.

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.state.wi.us

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

LRB-0459/P1dn
RPN:kmg:pg

October 16, 2002

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15 (END)