

2005 DRAFTING REQUEST

Bill

Received: 11/23/2004

Received By: rnelson2

Wanted: As time permits

Identical to LRB:

For: Scott Gunderson (608) 266-3363

By/Representing: Mike B

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: YES

Requester's email: Rep.Gunderson@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Loss of hunting privileges if violate hunting laws in another state

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>
/?	rnelson2 11/29/2004	jdye 11/30/2004		_____			S&L
/1			jfrantze 11/30/2004	_____	sbasford 11/30/2004	mbarman 12/14/2004	

FE Sent For:

<END>

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1/?	rnelson2	1 11/30 jld	7 11/30	Self 11/30			

FE Sent For:

<END>

Kite, Robin

From: Bruhn, Mike
Sent: Tuesday, November 23, 2004 10:30 AM
To: Kite, Robin
Subject: drafting

Robin,

Representative Gunderson would like to get legislation drafted for the 2005-2007 Legislative Session, which would allow the Wisconsin Department of Natural Resources to enter into agreements with other states to deny hunting privileges if a hunter has violated hunting laws in another state. If you have any questions, please feel free to contact me at 266-3363.

Thanks,

Mike Bruhn
Rep. Gunderson's office

0962/1
↑
Stays

2005 BILL

Regen

- 1 AN ACT *to create* 29.03 of the statutes; **relating to:** entering into the wildlife
2 violator compact.

Analysis by the Legislative Reference Bureau

This bill allows the state to become a member of the wildlife violator compact, which is currently in effect in 18 states. Under the compact, if a person is arrested for violating a law that protects wildlife while he or she is in a state other than his or her state of residence, the person is given the same procedures to follow to comply with the citation as a resident of the issuing state is afforded. This includes the right to sign a recognizance stating that he or she will comply with the requirements of the citation, without being required to post bond or appear immediately before a court. The compact requires a member state to notify another member state when a resident of that other state has been issued a citation for a wildlife violation and has failed to comply with that citation. Under the compact, when a member state is notified of the noncompliance, the member state is required to notify the violator and initiate action to suspend the violator's license and approval privileges. The compact also requires member states to notify a violator's home state if the violator has been convicted of a wildlife violation, and the home state is required to treat that conviction as if it occurred in the violator's home state. The compact requires member states to make reports to other member states about wildlife convictions and suspension actions.

The bill creates a board to administer the compact; the board is composed of one representative of each state participating in the compact. The board holds meetings, elects officers, adopts bylaws, and may accept gifts, grants, and contracts for

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services. The compact also specifies how a state becomes a member of the compact and how it may withdraw from the compact.

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:

1 **SECTION 1.** 29.03 of the statutes is created to read:

2 **29.03 Wildlife violator compact.** (1) ARTICLE I — FINDINGS, DECLARATION OF
3 POLICY, AND PURPOSE. (a) The participating states find all of the following:

4 1. Wildlife resources are managed by the respective states for the benefit of all
5 residents and visitors.

6 2. The protection of wildlife resources of a state is materially affected by the
7 degree of compliance with state laws, regulations, ordinances, resolutions, and
8 administrative rules relating to the management of those resources.

9 3. The preservation, protection, management, and restoration of wildlife
10 resources contribute immeasurably to the aesthetic, recreational, and economic
11 aspects of those natural resources.

12 4. Wildlife resources are valuable without regard to political boundaries;
13 therefore, every person should be required to comply with wildlife resource
14 preservation, protection, management, and restoration laws, regulations,
15 ordinances, resolutions, and administrative rules of the participating states as a
16 condition precedent to the continuance or issuance of any approval to hunt, fish, trap,
17 or possess wildlife.

18 5. Violation of wildlife resource laws interferes with the management of wildlife
19 resources and may endanger the safety of persons and property.

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1 6. The mobility of many violators necessitates the maintenance of channels of
2 communication among the various states.

3 7. Usually, if a person is cited for a wildlife violation in a state other than the
4 person's home state, one or more of the following occur:

5 a. The violator is required to post collateral or a bond to secure appearance for
6 a trial at a later date.

7 b. The violator is taken into custody until the collateral or bond is posted.

8 c. The violator is taken directly to court for an immediate appearance.

9 8. The purpose of the enforcement practices described in subd. 7. is to ensure
10 compliance with the terms of a wildlife citation by the violator who, if permitted to
11 continue on his or her way after receiving the citation, could return to his or her home
12 state and disregard the terms of the citation.

13 9. Usually, a person receiving a wildlife citation in his or her home state is
14 permitted to accept the citation from the officer at the scene of the violation and
15 immediately continue on his or her way after agreeing or being instructed to comply
16 with the terms of the citation.

17 10. The enforcement practices described in subd. 7. may cause unnecessary
18 inconvenience and hardship for the violator who is unable at the time to post
19 collateral, furnish a bond, stand trial, or pay a penalty, and thus is compelled to
20 remain in custody until some alternative arrangement is made.

21 11. The enforcement practices described in subd. 7. consume an undue amount
22 of law enforcement time.

23 (b) It is the policy of the participating states to do all of the following:

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1 1. Promote compliance with the laws, regulations, ordinances, resolutions, and
2 administrative rules relating to management of wildlife resources in their respective
3 states.

4 2. Recognize the suspension of wildlife license privileges of any person whose
5 license privileges have been suspended by a participating state and treat the
6 suspension as if it had occurred in the home state.

7 3. Allow a violator, except as provided in sub. (3) (b), to accept a wildlife citation
8 and, without delay, proceed on his or her way, whether or not a resident of the state
9 in which the citation was issued, if the violator's home state is party to this compact.

10 4. Report to the appropriate participating state, as provided in the compact
11 manual, any conviction recorded against a violator whose home state was not the
12 issuing state.

13 5. Allow the home state to recognize and treat a conviction recorded against a
14 resident, which occurred in a participating state other than the home state, as
15 though the conviction had occurred in the home state.

16 6. Extend cooperation to its fullest extent among the participating states for
17 enforcing compliance with the terms of a wildlife citation issued in one participating
18 state to a resident of another participating state.

19 7. Maximize effective use of law enforcement personnel and information.

20 8. Assist court systems in the efficient disposition of wildlife violations.

21 (c) The purpose of this compact is to do all of the following:

22 1. Provide a means through which participating states may join in a reciprocal
23 program to effectuate the policies enumerated in par. (b) in a uniform and orderly
24 manner.

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1 2. Provide for the fair and impartial treatment of violators in all participating
2 states in recognition of the violator's right to due process and the sovereign status
3 of a participating state.

4 (2) ARTICLE II — DEFINITIONS. As used in this compact, unless the context
5 requires otherwise:

6 (a) "Citation" means any summons, complaint, summons and complaint, ticket,
7 penalty assessment or other official document that a wildlife officer or other peace
8 officer issues to a person for a wildlife violation that contains an order requiring the
9 person to respond.

10 (b) "Collateral" means any cash or other security deposited to secure an
11 appearance for trial in connection with a citation issued by a wildlife officer or other
12 peace officer for a wildlife violation.

13 (c) "Compliance" with respect to a citation means the act of answering a citation
14 through an appearance in a court or tribunal or through the payment of fines, costs,
15 and surcharges, if any.

16 (d) "Conviction" means a conviction, including any court conviction, for any
17 offense related to the preservation, protection, management, or restoration of
18 wildlife that is prohibited by state law, regulation, ordinance, resolution, or
19 administrative rule. "Conviction" shall also include the forfeiture of any bail, bond,
20 or other security deposited to secure appearance by a person charged with having
21 committed the offense, the payment of a penalty assessment or surcharge, a plea of
22 no contest, and the imposition of a deferred or suspended sentence by a court.

23 (e) "Court" means a court of law, including municipal court.

24 (f) "Home state" means the state of primary residence of a violator.

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1 (g) "Issuing state" means the participating state that issues a wildlife citation
2 to the violator.

3 (h) "License" means any approval, license, permit, or other public document
4 that conveys to a person the privilege of pursuing, possessing, or taking any wildlife
5 regulated by law, regulation, ordinance, resolution, or administrative rule of a
6 participating state.

7 (i) "Licensing authority" means the department or division within each
8 participating state that is authorized by law to issue or approve licenses or permits
9 to hunt, fish, trap, or possess wildlife. In this state, the licensing authority is the
10 department.

11 (j) "Participating state" means any state that enacts legislation to become a
12 member of this wildlife compact.

13 (k) "Personal recognizance" means an agreement a person makes at the time
14 of issuance of the wildlife citation that the person will comply with the terms of the
15 citation.

16 (L) "State" means any state, territory, or possession of the United States, and
17 includes the District of Columbia, the Commonwealth of Puerto Rico, the Provinces
18 of Canada, and all other countries.

19 (m) "Suspension" means any revocation, denial, or withdrawal of any or all
20 license privileges, including the privilege to apply for, purchase, or exercise the
21 benefits conferred by any license.

22 (n) "Terms of the citation" means those conditions and options expressly stated
23 upon the citation.

24 (o) "Violator" means a person who commits a wildlife violation.

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1 (p) "Wildlife" means all species of wild animals that are protected or otherwise
2 regulated by law, regulation, ordinance, resolution, or administrative rule in a
3 participating state. Species included in the definition of "wildlife" vary from state
4 to state and determination of whether a species is "wildlife" for the purposes of this
5 compact shall be based on the law of the participating state.

6 (q) "Wildlife law" means any law, regulation, ordinance, resolution, or
7 administrative rule developed and enacted for the management and use of wildlife
8 resources.

9 (r) "Wildlife officer" means any individual authorized by a participating state
10 to issue a citation for a wildlife violation.

11 (s) "Wildlife violation" means any cited violation of a law, regulation, ordinance,
12 resolution, or administrative rule developed and enacted for the management and
13 use of wildlife resources.

14 (3) ARTICLE III — PROCEDURES FOR ISSUING STATE. (a) When issuing a citation
15 for a wildlife violation, a wildlife officer shall issue a citation to any violator whose
16 primary residence is in a participating state in the same manner as though the
17 violator were a resident of the issuing state and shall not require the violator to post
18 collateral to secure appearance, subject to par. (b), if the officer receives the
19 recognizance of the violator that he or she will comply with the terms of the citation.

20 (b) Personal recognizance is acceptable in the following situations:

- 21 1. If not prohibited by local law or the compact manual.
- 22 2. If the violator provides adequate proof of identification to the wildlife officer.

23 (c) Upon conviction or failure of a violator to comply with the terms of a citation
24 issued for a wildlife violation, the appropriate official shall report the conviction or
25 failure to comply to the licensing authority of the participating state in which the

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1 citation was issued. The report shall be made in accordance with procedures
2 specified by the issuing state and shall contain information as specified in the
3 compact manual as minimum requirements for effective processing by the home
4 state.

5 (d) Upon receipt of the report of conviction or noncompliance under par. (c), the
6 licensing authority of the issuing state shall transmit to the licensing authority of
7 the home state of the violator the information in form and content as prescribed in
8 the compact manual.

9 (4) ARTICLE IV — PROCEDURE FOR HOME STATE. (a) Upon receipt of a report from
10 the licensing authority of the issuing state reporting the failure of a violator to
11 comply with the terms of a citation, the licensing authority of the home state shall
12 notify the violator and shall initiate a suspension action in accordance with the home
13 state's suspension procedures and shall suspend the violator's license privileges
14 until satisfactory evidence of compliance with the terms of the wildlife citation has
15 been furnished by the issuing state to the home state licensing authority. Due
16 process safeguards shall be accorded.

17 (b) Upon receipt of a report of conviction from the licensing authority of the
18 issuing state, the licensing authority of the home state shall enter the conviction in
19 its records and shall treat the conviction as though it occurred in the home state for
20 the purposes of the suspension of license privileges.

21 (c) The licensing authority of the home state shall maintain a record of actions
22 taken and shall make reports to issuing states as provided in the compact manual.

23 (5) ARTICLE V — RECIPROCAL RECOGNITION OF SUSPENSION. (a) Each participating
24 state shall recognize the suspension of license privileges of any violator by any
25 participating state as though the violation resulting in the suspension had occurred

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1 in its own state and could have been the basis for suspension of license privileges in
2 its own state.

3 (b) Each participating state shall communicate suspension information to
4 other participating states in form and content as contained in the compact manual.

5 (6) ARTICLE VI — APPLICABILITY OF OTHER LAWS. Except as expressly required by
6 provisions of this compact, nothing in this compact shall be construed to affect the
7 right of any participating state to apply any of its laws relating to license privileges
8 to any person or circumstance or to invalidate or prevent any agreement or other
9 cooperative arrangement between a participating state and a nonparticipating state
10 concerning wildlife resource law enforcement.

11 (7) ARTICLE VII — COMPACT ADMINISTRATOR PROCEDURES. (a) For the purpose of
12 administering the provisions of this compact and to serve as a governing body for the
13 resolution of all matters relating to the operation of this compact, a board of compact
14 administrators is established. The board shall be composed of one representative
15 from each of the participating states. The head of the licensing authority of each
16 participating state shall appoint the compact administrator. The compact
17 administrator shall serve and be subject to removal in accordance with the laws of
18 the state that he or she represents. A compact administrator may provide an
19 alternate for the discharge of his or her duties and functions as a board member. An
20 alternate may not serve unless written notification of his or her identity has been
21 given to the board.

22 (b) Each member of the board of compact administrators shall be entitled to one
23 vote. No action of the board shall be binding unless taken at a meeting at which a
24 majority of the total number of the board's votes are cast in favor of the action. Board

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1 action shall occur only at a meeting at which a majority of the participating states
2 are represented.

3 (c) The board shall elect annually from its membership a chairperson and vice
4 chairperson.

5 (d) The board shall adopt bylaws consistent with the provisions of this compact
6 or the laws of a participating state for the conduct of its business and shall have the
7 power to amend and rescind its bylaws.

8 (e) The board may accept for any of its purposes and functions under this
9 compact any and all donations and grants of moneys, equipment, supplies,
10 materials, and services from any state, the United States, or any governmental
11 agency, and may receive, utilize, and dispose of those donations and grants.

12 (f) The board may contract with, or accept services or personnel from, any
13 governmental or intergovernmental agency, individual, firm, or corporation, or any
14 private nonprofit organization or institution.

15 (g) The board shall formulate necessary procedures and develop uniform forms
16 and documents for administering the provisions of this compact. All procedures and
17 forms adopted by board action shall be contained in a compact manual.

18 **(8) ARTICLE VIII — ENTRY INTO COMPACT AND WITHDRAWAL.** (a) This compact shall
19 become effective when it is adopted in a substantially similar form by 2 or more
20 states.

21 (b) Entry into the compact shall be made by resolution of ratification executed
22 by the authorized officials of the applying state and submitted to the chairperson of
23 the board. The resolution shall be substantially in the form and content as provided
24 in the compact manual and shall include all of the following:

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1 1. A citation of the authority from which the state is empowered to become a
2 party to this compact.

3 2. An agreement of compliance with the terms and provisions of this compact.

4 3. An agreement that compact entry is with all states participating in the
5 compact and with all additional states legally becoming a party to the compact.

6 (c) The effective date of entry shall be specified by the applying state but shall
7 not be less than 60 days after notice has been given by one of the following:

8 1. The chairperson of the board of the compact administrators.

9 2. The secretary of the board to each participating state that the resolution from
10 the applying state has been received.

11 (d) A participating state may withdraw from participation in this compact by
12 official written notice to each participating state, but withdrawal shall not become
13 effective until 90 days after the notice of withdrawal is given. The notice shall be
14 directed to the compact administrator of each member state. No withdrawal of any
15 state shall affect the validity of this compact as to the remaining participating states.

16 (9) ARTICLE IX — AMENDMENTS TO THE COMPACT. (a) This compact may be
17 amended from time to time. Amendments shall be presented in resolution form to
18 the chairperson of the board of compact administrators and shall be initiated by one
19 or more participating states.

20 (b) Adoption of an amendment shall require endorsement by all participating
21 states and shall become effective 30 days after the date of the last endorsement.

22 (c) A participating state shall respond to the compact chairperson within 120
23 days after receipt of a proposed amendment. Amendments proposed to change local

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1 law by the compact administrators shall be reviewed and approved by the
2 legislature.

3 (END)

Basford, Sarah

From: Bruhn, Mike
Sent: Monday, December 13, 2004 1:18 PM
To: LRB.Legal
Subject: Draft review: LRB 05-0962/1 Topic: Loss of hunting privileges if violate hunting laws in another state

It has been requested by <Bruhn, Mike> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-0962/1 Topic: Loss of hunting privileges if violate hunting laws in another state