

NATURAL RESOURCES BOARD AGENDA ITEM

SUBJECT: Request authorization to hold public hearings on Board Order LE-07-07, revisions to NR 8, Wis. Adm. Code, pertaining to procedures for implementation of the Wildlife Violator Compact.

FOR: MAY 2007 BOARD MEETING

TO BE PRESENTED BY: Thomas Van Haren

SUMMARY:

The Department of Natural Resources has been authorized by the legislature under 2005 Wis. Act 282 to enter into a Wildlife Violator Compact with other states. Under the compact, convictions of wildlife law and revocation of license privileges and approvals that authorize the pursuing, taking or possession of wildlife that occur in any member state are treated as if they occurred in all member states. Before the Wisconsin DNR can formally become a member state, rules need to be promulgated which establish procedures to:

1. Assure all violators receive notification when their license privileges and approvals have been revoked by this state or any other member state,
2. Assure the exchange of information between the department, the district attorneys and the clerks of court, and
3. Provide an administrative appeal process by which the department can establish if sufficient grounds exist to deny a person's application for an approval or the revocation of their existing approvals.

These new rules are required pursuant to 2005 Wisconsin Act 282 which created s. 29.03, Wis. Stats., titled Wildlife Violators Compact, and s. 29.972, Wis. Stats., which requires the department to revoke all issued hunting, fishing or trapping license privileges and approvals or deny new applications for approvals, by any person who fails to respond to a summons or warrant, fails to appear on their court date without having made a deposit, or fails to appear before the court and is subject to a bench warrant. These rules are also required to ensure that due process is accorded to individuals subject to revocation in this state or who are revoked in another member state. These rules are also necessary to assure records and information on revocations is shared with the clerks of court in the counties where the violation occurs. Once the new rules and procedures are in place, the department will apply to become a member state.

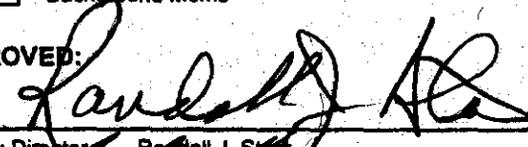
RECOMMENDATION: Authorize public hearings on Board Order LE-07-07, revisions to NR 8, Wis. Adm. Code, pertaining to procedures for implementation of the Wildlife Violator Compact.

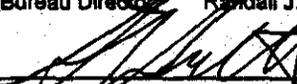
LIST OF ATTACHED MATERIALS:

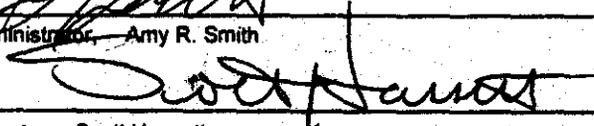
- No Fiscal Estimate Required
 No Environmental Assessment or Impact Statement Required
 No Background Memo

- Yes Attached
 Yes Attached
 Yes Attached

APPROVED:


Bureau Director, Randall J. Stark


Administrator, Amy R. Smith


Secretary, Scott Hassett

Date

5-7-07

Date

5/7/07

Date

5/9/07

- cc: Laurie J. Ross - AD/5
 Amy Smith - AD/5
 Mike Lutz - LS/5
 Carol Turner - LS/5
 Randy Stark - LE/5

- Karl Brooks - LE/5
 Steve Sisbach - LE/5
 Diane Brookbank - CS&L GEF 3
 Kevin Huggins - CS&L GEF 3
 Tom Van Haren - LE/5

Regional LE Supervisors - LE/5 (5)

CORRESPONDENCE/MEMORANDUM

DATE: May 10, 2007

TO: Christine L. Thomas - Chair
Jonathan P. Ela - Vice Chair & Chair (Air, Waste and Water Management/Enforcement Committee)
John W. Welter - Chair (Land Management, Recreation and Fisheries/Wildlife Committee)

FROM: Scott Hassett

Subject: Authorization for a public hearing of Board Order LE-07-07 pertaining to rules for establishing the procedures for implementation of the Wildlife Violators Compact.

I am requesting that the Natural Resources Board authorize the department to hold a public hearing on Board Order LE-07-07, modifications to ch. NR 8, Wis. Adm. Code pertaining to the procedures for implementation of the Wildlife Violators Compact.

Background and Reason for Rule Proposal:

Prior to the authority granted by 2005 Act 282, a person who had their hunting, trapping or fishing privileges suspended in another state could still obtain an approval and engage in those activities in this state. Under Act 282, the department has been authorized to enter into a Wildlife Violator Compact with other states. Doing so will allow the department to treat nonresidents who are from a state which is a member of the compact the same as a resident when they commit a violation in this state.

The mobility of many violators necessitates the maintenance of channels of communication among the various states. Usually, if a person is cited for a wildlife violation in a state other than the person's home state, one or more of the following occur:

- a. The violator is required to post collateral or a bond to secure appearance for a trial at a later date.
- b. The violator is taken into custody until the collateral or bond is posted.
- c. The violator is taken directly to court for an immediate appearance.

The purpose of these enforcement practices is to ensure compliance with the terms of a wildlife citation by the violator who, if permitted to continue on his or her way after receiving the citation, could return to his or her home state and disregard the terms of the citation. These practices may cause inconvenience and hardship for the violator who is unable at the time to post collateral, furnish a bond, stand trial, or pay a penalty, and thus is compelled to remain in custody until some alternative arrangement is made. This practice can consume a substantial amount of law enforcement time.

States that are members of the compact must agree to recognize the suspension of wildlife license privileges of any person whose license privileges have been suspended by a participating state and treat the suspension as if it had occurred in the home state. In addition, each member state must allow a violator to accept a wildlife citation and, without delay, proceed on his or her way, whether or not a resident of the state in which the citation was issued, if the violator's home state is party to this compact.

New rules are required pursuant to Act 282 to assure due process is afforded to individuals subject to administrative suspensions in this state or who are suspended in a member state. When all necessary rules and procedures are in place, the department will apply to become a member state.

The purpose of this rule order package is to develop procedures which will allow the Department of Natural Resources to become a member of the Wildlife Violators Compact. These rules will be located in s. NR 8, Wis. Adm. Code.

Before the department can become a member of the compact, new rules and procedures need to be developed which allow the department to administer a program that will:

1. Assure all residents receive notification when their license has been suspended by this state or any other member state,
2. Assure the exchange of information between the department, the district attorneys and the clerks of court, and
3. Provide an administrative appeal process by which the department can establish if sufficient grounds exist to deny a persons application or suspend their approvals.

Rule Summary:

SECTION 1 repeals the title of Chapter NR 8, Wis. Adm. Code which was "Standards and procedures for the automated license issuance system" and recreates it to read "License and permit procedures".

SECTION 2 and 3 create two subchapters within Chapter NR 8, Wis. Adm. Code. Subchapter I contains the original language and sections found in Chapter NR 8, Wis. Adm. Code related to the standards and procedures for the automated license issuance system. Subchapter II contains the new rules establishing procedures for the revocation of hunting, fishing and trapping approvals as required by the Wildlife Violator Compact and s. 29.972, Stats.

SECTION 4 of the order creates definitions and establishes the procedures to be followed by the clerk of courts and the departments Wildlife Violator Compact Administrator when it is necessary to revoke a persons hunting, fishing and trapping approvals as required by the Wildlife Violator Compact and s. 29.972, Stats. More specifically, these rules establish procedures to be followed by the clerk of courts and the departments Wildlife Violator Compact Administrator when a person who is charged with a violation of a wildlife related law in this state or a state that is a member of the wildlife Violator Compact and fails to pay or appear in court. These rules establish revocation related notification requirements and acknowledgement of compliance notification requirements. This order also establishes the term of a revocation for failure to pay or appear in court and when a person is entitled to the opportunity for and administrative appeal of a revocation made under these rules.

To comply with the due process requirements of s. 29.03(4)(a), Stats., these rules require that when a person violates a wildlife related law and is issued a citation pursuant to s. 23.53, Stats., or served a complaint and summons pursuant s. 23.55, Stats. The issuing officer or the District Attorney issuing the complaint and summons is required to provide the violator with a written notice that informs the violator that Wisconsin is a member of the Wildlife Violator Compact and what the ramifications will be if their hunting, fishing or trapping privileges or approvals are revoked in this state, or if they fail to appear in court, pay the required penalty or otherwise fails to resolve the charges.

Lastly, this order clarifies that any revocations or convictions occurring or imposed in this state prior to the effective date of this rule or the date the state becomes a participant of the wildlife violator compact pursuant to s. 29.03(8)(c), Stats., which ever is later, shall not be subject to the these new rules or the provisions of the Wildlife Violator Compact.

Public Hearing Plan:

The department proposes to hold one hearing on this rule during the month of July or August 2007. The hearing location will be in Madison. It is anticipated that the primary party of interest will be the Clerk of Courts association which the department will work closely with during the public comment period.

Rule Development:

These rules were developed with assistance of the Bureau of Law Enforcement and Legal Services with input from the Clerk of Courts association.

Small Business and Initial Regulatory Flexibility Analysis:

The revisions to ch. NR 8, Wis. Adm. Code, pertain to the revocation of hunting, fishing and trapping privileges and approvals of individuals who violate the Wildlife laws in this state or any other state that is a member of the Wildlife Violators Compact. These rules are applicable to individuals who hunt, fish and trap and do not impose compliance or reporting requirements for small businesses, nor are any design or operational standards contained in the rule for small businesses. Therefore, under s. 227.19(3m), Stats., a final regulatory flexibility analysis is not required.

Environmental Analysis:

The department has determined that these rule revisions are a Type III action under ch. 50, Wis. Adm. Code, and no environmental analysis is required.

Fiscal Estimate — 2007 Session

<input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected <input type="checkbox"/> Supplemental	LRB Number <hr/> Bill Number	Amendment Number if Applicable <hr/> Administrative Rule Number LE-07-07
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Subject

Loss of hunting, fishing & trapping privileges in Wisconsin for failure to appear in court or pay penalties and recognition of revocations from other states that are members of the Wildlife Violator Compact.

Fiscal Effect

State: No State Fiscal Effect
 Indeterminate

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

- | | |
|--|---|
| <input type="checkbox"/> Increase Existing Appropriation | <input type="checkbox"/> Increase Existing Revenues |
| <input type="checkbox"/> Decrease Existing Appropriation | <input type="checkbox"/> Decrease Existing Revenues |
| <input type="checkbox"/> Create New Appropriation | |

Increase Costs — May be possible to absorb within agency's budget.

Yes No

Decrease Costs

Local: No Local Government Costs

Indeterminate

1. Increase Costs
 Permissive Mandatory
2. Decrease Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory
4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:

- Towns Villages Cities
 Counties Others Clerk of Courts
 School Districts WTCS Districts

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Affected Chapter 20 Appropriations

20.370 (3) (mu)

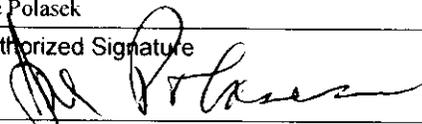
Assumptions Used in Arriving at Fiscal Estimate

Summary: Under 2005 Wis. Act 282, the department has been authorized to become a member of the Wildlife Violator Compact, currently made up of 24 states. This 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 the citation. In addition, the member state is required to notify the violator and initiate an action to suspend the violator's fish and game approvals and privileges, as well as, notifying a violator's home state if the violator has been convicted of a wildlife violation. The home state is required to treat such convictions as if they occurred in the violator's home state. In addition, the compact requires member states to make reports to other member states about wildlife convictions and suspension actions. It is assumed that Wisconsin's admission to the compact is dependent on approval from the Natural Resource Board. In addition, Act 282 requires the department to deny a license or revoke, if already issued, all hunting, trapping, and fishing approvals if a person fails to appear in court, fails to post a deposit in response to a citation, or fails to respond to a summons or warrant issued for a wildlife related violation.

State Fiscal Impact: It is expected that 1 FTE will be required by the department to maintain the data and update the data exchange system, and administration costs for the program would be \$12,000/year, for an annual cost of \$53,000. In addition, data system changes will cost an estimated \$75,000 in one-time expenses.

Based on experience of other states in the compact, and the large number of hunters and anglers in Wisconsin, the department estimates it will take 160 hours per month to administer the compact, at an annual cost of \$38,900 (\$13.28 /hr x 2080hrs = \$27,622 x 48% fringe benefits = \$41,000). In addition, there would be nonsalary costs estimated at \$1,000/month or \$12,000 annually. The \$1,000 per month includes costs associated with maintenance of the system, transfer of the data, and communications with county clerks and other states, including activities related to the multi-state compact Board.

Long-Range Fiscal Implications

Prepared By:	Telephone No.	Agency
Joe Polasek	266-2794	Department of Natural Resources
Authorized Signature	Telephone No.	Date (mm/dd/ccyy)
	266-2794	05-07-07

Fiscal Estimate — 2007 Session

**Page 2 Assumptions Narrative
Continued**

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number LE-07-07

Assumptions Used in Arriving at Fiscal Estimate – Continued

ONE TIME COSTS:

In addition to the above mentioned ongoing annual costs, it is estimates there would be a ONE TIME cost of \$75,000 to cover the cost of information & technology development. These costs are broken down as follows:

1. In order for the Department's Automated License Issuance System (ALIS) to accommodate these new revocations, modifications to the ALIS revocation tables will be needed (3270 ALIS & WOLF screens) at a cost of approx. \$5,000.
2. There would need to be a new nightly batch process to interface this revocation data from the LE citations database. It is anticipated that \$10,000 would be needed for initial development and possibly \$200/month to run the batch process [\$200/month cost is not included in estimate total]. This estimate is based on the fees that DWD pays for this service on a monthly basis.
3. There would be a cost to modify the Department's Oracle/LE Citations Data Base to accommodate the new revocation or suspension information from other states and implementation of a tool for other states to use to update their revocation information. The cost for this modification is estimated to be \$15,000.
4. Modifications will need to be made to provide DNR Court Officers and the County Clerk of Courts access to the Department's citations system so they can add, modify and delete revocation or suspension information in a timely manner. Cost estimate: \$30,000.
5. Finally, the Department would also need to modify the TYME server queries to allow DNR's arrest and revocation records to be available nationwide for other states who are in, or that later enter into, the compact. Cost estimate: \$15,000.

Local Fiscal Impact: There may be some local costs to the Clerks of Courts who are required to provide the department with written or electronic copies of: 1.) notices of noncompliance sent to violators who fail to pay or appear in court; and 2.) hunting, fishing or trapping license revocation orders of the court. These costs may be reduced by using electronic notification or providing postage paid envelopes.

Fiscal Estimate Worksheet — 2007 Session
 Detailed Estimate of Annual Fiscal Effect

Original Updated
 Corrected Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number LE-07-07

Subject

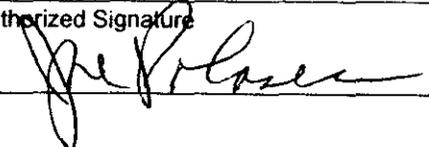
Loss of hunting, fishing & trapping privileges in Wisconsin for failure to appear in court or pay penalties and recognition of revocations from other states that are members of the Wildlife Violator Compact.

One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):
 \$75,000

Annualized Costs:		Annualized Fiscal Impact on State Funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations — Salaries and Fringes		\$ 41,000	\$ -
(FTE Position Changes)		(1.00 FTE)	(- FTE)
State Operations — Other Costs		12,000	-
Local Assistance			-
Aids to Individuals or Organizations			-
Total State Costs by Category		\$ 53,000	\$ -
B. State Costs by Source of Funds			
GPR		\$	\$ -
FED			-
PRO/PRS			-
SEG/SEG-S		53,000	-
State Revenues	<small>Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</small>	Increased Revenue	Decreased Revenue
GPR Taxes		\$	\$ -
GPR Earned			-
FED			-
PRO/PRS			-
SEG/SEG-S			-
Total State Revenues		\$	\$ -

Net Annualized Fiscal Impact

	State	Local
Net Change in Costs	\$ 53,000	\$
Net Change in Revenues	\$	\$

Prepared By: Joe Polasck	Telephone No. 266-2794	Agency Department of Natural Resources
Authorized Signature 	Telephone No. 266-2794	Date (mm/dd/ccyy) 05-07-07

WILDLIFE COMPACT MEMBER STATES



MEMBER STATES	
<input type="checkbox"/> In Process	(10)
<input type="checkbox"/> NO	(11)
<input type="checkbox"/> Passed Legislation	(5)
<input type="checkbox"/> Yes	(24)

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD AMENDING
AND CREATING RULES

The Wisconsin Natural Resources Board proposes an order to amend Ch. NR 8 Title, create subch. I Title of NR 8 and subch. II of NR 8 relating to implementation of the Wildlife Violators Compact.

LE-07-07

Analysis Prepared by the Department of Natural Resources

1. Statutory Authority and Explanation:

Section 29.03, Stats., provides the department with the authority to enter into a Wildlife Violator Compact with other states. Section 29.972, Stats., provides the department with the authority to promulgate rules establishing the procedures to be followed for sharing of information on wildlife related arrests and the revocation of hunting, fishing and trapping license privileges between Wisconsin and other states participating as member of the compact.

2. Statutes Interpreted and Explanation:

Section 29.03, Stats, adopts the current provisions of the Wildlife Violator Compact, which outlines the procedures each state must follow when they become a participant in the compact with regards to sharing of arrest records and the revocation of hunting, fishing or trapping licenses. Rules are needed to establish the procedures necessary to implement the compact. Section 29.972, Stats., created under 2005 Wis. Act 282 requires the department to deny an application to issue or renew, or revoke if already issued, all hunting, fishing, or trapping approvals issued to a person under ch. 29, Stats., if the person is charged with a wildlife related violation in this state and does not take care of the matter by appearing in court or posting the required penalty. This section requires the department to promulgate rules that establish the procedures to be followed for the revocation of hunting, fishing and trapping license privileges and approvals under these circumstances. In addition to establishing procedures for the revocation of license privileges and approvals, the department must establish procedures for:

- exchange of information between the department, the district attorneys, and the clerks of court.
- providing notice to the person who is subject to the revocation and their opportunity for an administrative appeal to the department.

3. Related Statute or Rule: Sections 23.54(3)(k), 23.55(2)(c), 23.63(2), 29.99, 814.76(20), 814.77(16) and 973.05(2m), Stats.

4. Plain Language Rule Analysis:

SECTION 1 repeals the title of Chapter NR 8, Wis. Adm. Code which was "Standards and procedures for the automated license issuance system" and recreates it to read "License and permit procedures".

SECTION 2 and 3 create 2 subchapters with in Chapter NR 8, Wis. Adm. Code. Subchapter I contains the original language and sections found in Chapter NR 8, Wis. Adm. Code related to the standards and procedures for the automated license issuance system. Subchapter II contains the new rules establishing procedures for the revocation of hunting, fishing and trapping approvals as required by the Wildlife Violator Compact and s. 29.972, Stats.

SECTION 4 of the order creates definitions and establishes the procedures to be followed by the clerk of courts and the departments Wildlife Violator Compact Administrator when it is necessary to revoke a persons hunting, fishing and trapping approvals as required by the Wildlife Violator Compact and s. 29.972, Stats. More specifically, these rules establish procedures to be followed by

the clerk of courts and the departments Wildlife Violator Compact Administrator when a person who is charged with a violation of a wildlife related law in this state or a state that is a member of the wildlife Violator Compact and fails to pay or appear in court. These rules establish revocation related notification requirements and acknowledgement of compliance notification requirements. This order also establishes the term of a revocation for failure to pay or appear in court and when a person is entitled to the opportunity for and administrative appeal of a revocation made under these rules.

To comply with the due process requirements of s. 29.03(4)(a), Stats., these rules require that when a person violates a wildlife related law and is issued a citation pursuant to s. 23.53, Stats., or served a complaint and summons pursuant s. 23.55, Stats., the issuing officer or the District Attorney issuing the complaint and summons shall provide the violator with a written notice that informs the violator that Wisconsin is a member of the Wildlife Violator Compact and what the ramifications will be if their hunting, fishing or trapping privileges or approvals are revoked in this state, or if they fail to appear in court, pay the required penalty or otherwise fails to resolve the charges.

Lastly, this order clarifies that any revocations or convictions occurring or imposed in this state prior to the effective date of this rule or the date the state becomes a participant of the wildlife violator compact pursuant to s. 29.03(8)(c), Stats., which ever is later, shall not be subject to the these new rules or the provisions of the Wildlife Violator Compact.

5. Summary of and preliminary comparison with existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule.

There are no existing federal regulations that affect the proposed rules.

6. Comparison of similar rules in adjacent states (Minnesota, Iowa, Illinois and Michigan)

Each of the states of Minnesota, Iowa and Michigan have joined the Wildlife Violators Compact as a participating state, along with 21 other states to date. Illinois, like Arkansas, Mississippi and Wisconsin have passed authorizing legislation and are working toward joining the compact. Most of the member states have adopted the Wildlife Violators Compact Manual under their state statute as Wisconsin has done. Some states, such as Iowa, have also implemented administrative rules to establish procedures for implementing the provisions of the compact.

The administrative rules created by the State of Iowa, like this rule order, created definitions, established a 30 day period from time of notification until the revocation would take effect, created a requirement that violators be advised in writing of revocations and the circumstances which resulted in the revocation, the effective date of the revocation, how to avoid the revocation and what issues are subject to appeal. Iowa's rules also establish reinstatement provisions and uses first class mail sent to the violators last known address as the method of notification. Iowa's rules also require a notice be sent to the violator confirming when the matter has been resolved and impose hunting, trapping or fishing privilege revocation in that state when a person is revoked in any other member state, including the requirement that the revocation information be entered into their departments records.

States that are currently members of the Wildlife Violators Compact include: Alabama, Arizona, California, Colorado, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Maryland, Michigan, Minnesota, Mississippi, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Texas, Utah, Washington and Wyoming.

7. Summary of the factual data and analytical methodologies that the agency used in support of the proposed rule and how any related findings support the regulatory approach chosen for the proposed rule: The department has reviewed the laws and rules in place in the surrounding participating states and will contact the district attorneys and clerks of courts associations.

- 8. Analysis and supporting documentation that the agency used in support of the agency's determination of the rules effect on small businesses under s. 227.114, stats or that was used when the agency prepared an economic impact report:**
This rule does not regulate small business and is not anticipated to have any significant effect on them.
 - 9. Effects on Small Businesses including how rule will be enforced:**
This rule is not anticipated to have any significant effect on small businesses.
 - 10. Agency contact person:**
Tom Van Haren, 101 S. Webster St., PO BOX 7921, Madison, WI 53707 (608)266-3244,
Thomas.VanHaren@wi.gov
 - 11. Place where comments are to be submitted and deadline for submission:**
Tom Van Haren, 101 S. Webster St., PO BOX 7921, Madison, WI 53707 (608)266-3244,
Thomas.VanHaren@wi.gov . The deadline for submission of comments has yet to be determined and will be included in the hearing notice.
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SECTION 1. NR 8 (title) is repealed and recreated to read:

NR 8 (title) LICENSE AND PERMIT PROCEDURES

SECTION 2. NR 8 Subchapter I (title) is created to read:

NR 8 (title) SUBCHAPTER I – STANDARDS AND PROCEDURES FOR THE AUTOMATED LICENSE ISSUANCE SYSTEM

[Note to reviser: Place NR 8 Subchapter I (title) before s. NR 8.01]

SECTION 3. NR 8 subchapter II (title) is created to read:

NR 8 (title) SUBCHAPTER II - PROCEDURES FOR REVOCATION OF HUNTING, FISHING AND TRAPPING APPROVALS

[Note to reviser: Begin numbering of Subchapter II at s. NR 8.50]

SECTION 4. NR 8.50 through 8.55 are created to read:

NR 8.50 Purpose. This subchapter is adopted to establish consistent standards for implementing the provisions of the Wildlife Violator Compact under s. 29.03, Stats., and the revocation requirements of s. 29.972, Stats. The intent is to ensure all violators who have their hunting, fishing or trapping privileges and approvals revoked by a court as the result of a violation or by the department for failure to appear or pay a fine or forfeiture in this or another participating state are notified of their revocation status and of their appeal rights.

NR 8.51 Definitions. For the purpose of this subchapter:

(1) "Citation" has the meaning given in s. 29.03(2)(a), Stats., and includes summons and complaints issued by a district attorney at the request of a wildlife officer or peace officer.

Note: Section 29.03(2)(a), Stats., states that "Citation" means any summons, complaint, summons and complaint, ticket, penalty assessment or other official document that a wildlife officer or other peace officer issues to a person for a wildlife violation that contains an order requiring the person to respond.

(2) "Convicted" or "conviction" has the meaning given under s. 29.03(2)(d), Stats.

Note: Section 29.03(2)(d), Stats., states that "Conviction" means a conviction, including any court conviction, for any offense related to the preservation, protection, management, or restoration of wildlife that is prohibited by state law, regulation, ordinance, resolution, or administrative rule. "Conviction" shall also include the forfeiture of any bail, bond, or other security deposited to secure appearance by a person charged with having committed the offense, the payment of a penalty assessment or surcharge, a plea of no contest, and the imposition of a deferred or suspended sentence by a court.

(3) "Department" means the department of natural resources.

(4) "Issuance" means a letter sent by first class mail to the persons last known address.

(5) "Last known address" means the address provided by the violator to the officer issuing the citation.

(6) "Notice of compliance" means written documentation that a person has complied with or taken action to resolve a citation, summons or complaint through an appearance in court or through the payment of forfeitures, fines, costs and surcharges, if any. The notice shall include the violator's full name, date of birth, last known address, description of violation, statute or rule number violated, date of violation, county of violation, original court date, final disposition including any penalty imposed or additional court ordered revocation still in effect and the term of any court ordered revocation.

(7) "Notice of failure to comply" means written documentation that a person has not complied with or taken action to resolve a citation, summons or complaint through an appearance in court or through the payment of forfeitures, fines, costs and surcharges, if any. The notice shall include the violator's full name, date of birth, last known address, description of violation, statute or rule number violated, date of violation, county of violation, name and address of court with jurisdiction over the matter, original court date and the penalty imposed.

(8) "Notice of revocation" means written confirmation that a person has failed to comply with or take action to resolve a citation, summons or complaint through an appearance in a court or through the payment of forfeitures, fines, costs and surcharges, if any, and that such inaction will result in the revocation of that person's hunting, fishing and trapping licenses, privileges and

approvals in this state and all participating states. The notice shall include the violator's full name, date of birth, last known address, description of violation, statute or rule number violated, date of violation, County of violation, name and address of court with jurisdiction over the matter, original court date and the penalty imposed.

(9) "Participating state" has the meaning given under s. 29.03(2)(j), Stats.

Note: Section 29.03(2)(a), Stats., states that "Participating state" means any state that enacts legislation to become a member of this wildlife compact.

(10) "Privileges" means ability to hunt, fish or trap wild animals in this state, or purchase, obtain or apply for any approval or preference points related to hunting, fishing or trapping of wild animals.

(11) "Resolve" means to come into compliance with all required actions related to a citation, summons or complaint through an appearance in a court or the payment of all forfeitures, fines, costs and surcharges, if any.

(12) "Revocation" or "revoked" means suspension as defined under s. 29.03(2)(m), Stats.

(13) "Violator" means a person who commits a wildlife related violation.

(14) "Wildlife related violation" means any violation of ch. 29, Stats., or chs. NR 10 to 15 and 18 to 28, or a similar violation committed in a participating state.

NR 8.52 Revocations for failure to pay or appear in court. (1) VIOLATIONS OCCURRING IN WISCONSIN. (a) *Clerk of courts.* When a violator fails to respond to a citation, appear before the court, or pay a fine or forfeiture imposed for a violation of a wildlife related law which has occurred in this state, the clerk of courts shall within 5 days of the court date or judgment by the court:

1. Issue a notice of failure to comply to the violator informing them of any warrant or judgment by the court and the potential additional revocation of the violators ch. 29, Stats., hunting, fishing and trapping licenses, privileges and approvals by the department. The notification letter shall inform the violator of all the following:

a. Description and date of the violation, including citation or case number.

b. Action of the court.

c. Procedures to be followed in resolving the matter with the court.

d. Complete information, including the name, address and telephone number of the court.

e. Revocation order of the court, if any, and the potential revocation by the department of all hunting, fishing and trapping licenses, privileges and approvals under s. 29.972, Stats., if the matter is not resolved by the date established by the court.

f. Prior to the effective date of the revocation, the violator may avoid the revocation through an appearance in the court with jurisdiction over the charges or through the payment of all penalties, costs and surcharges associated with the violations.

2. Send a copy of the notice of failure to comply letter issued under subd. 1., to the department's Wildlife Violator Compact Administrator in writing or electronically.

Note: Written notices may be mailed to the: Department of Natural Resources, Wildlife Violator Compact Administrator, 101 S. Webster St., P.O. Box 7921, Madison, WI 53707-7921, or by FAX at (608) 266-3696. An e-mail address for the Compact Administrator may be obtained by calling the departments Bureau of Law Enforcement at (608) 266-2141.

Note: Where default judgments are allowed by law and ordered by the court, the notice would typically be sent to the department upon entry of the default judgment. If a bench warrant is used, the notice would typically be sent upon issuance of the bench warrant.

3. Complete a form provided by the department that provides the parameters of any revocation ordered by the court, including types of licenses, privileges and approvals revoked and term of revocation.

(b) *Wildlife violator compact administrator.* The department's Wildlife Violator Compact Administrator or designee shall keep a file of all notices of failure to comply and resolution notifications regarding matters identified under par. (a) received from the clerk of courts and shall do all of the following:

1. Issue a notice of revocation to a violator who fails to comply with a notice of noncompliance issued by the clerk of courts under par. (a). In addition to any other required information, the notice of revocation shall inform the violator of all the following:

a. Revocation shall take effect 21 days after issuance of the notice of revocation, unless an earlier date has been specified by the court. The date on which the revocation takes effect shall be provided in the notice of failure to comply.

b. Revocation shall remain in effect until the department receives verification that the matter has been resolved. Verification may be written documentation issued by the clerk of courts to the violator or the department, electronic verification from the clerk of courts to the department or verification of records available from the Consolidated Court Automation Program (CCAP) case management system.

c. The conditions provided under s. 29.972, Stats., which the violator may request a hearing to appeal the revocation and the procedures for doing so.

Note: Pursuant to s. 29.972, Stats., the opportunity for an administrative appeal to the department is limited to the issue of whether the violator:

1. Failed to respond to a summons under s. 23.66 (3) or 23.67 (4), Stats., or a warrant or summons under s. 968.04, Stats., or
2. Failed to appear on the court date set under s. 23.72 or 23.75, Stats., unless the person makes a deposit under s. 23.66, Stats., or makes a deposit and stipulation under s. 23.67, Stats., or
3. Failed to appear before the court and is subject to a bench warrant under s. 968.09, Stats.

2. Update the department's Automated License Issuance System (ALIS) as necessary with a violator's revocation status, including the starting date and the ending date when known.

3. Notify all other participating states of the hunting, fishing and trapping revocation status of a violator for any wildlife related violations.

Note: Revocations of ch. 29, Stats., license approvals and privileges for violations of state laws not listed in subd. 3., and revocations imposed under ss. 29.024(2g)(d) or (2r)(d), 938.17(2)(d)1., 938.34(8) or (8d)(d) and 938.343(2) or (6), Stats., or for a violation of s. 167.31(3m)(a), Stats., are not subject to the provisions of the Wildlife Violators Compact under s. 29.03, Stats.

Note: Section 29.972(2)(a), Stats., does not require the administrative revocation by the department if the court has already revoked any or all of the person's hunting, fishing, or trapping approvals under s. 23.79 (4) or 23.795 (2), Stats.

(c) *Wildlife violator compact administrator acknowledgement of compliance.* When the violator has resolved the matter subject to par. (a) with the court and the department has received written notice of compliance in writing or electronically from the clerk of courts, or has verified from the Consolidated Court Automation Program (CCAP) case management system that the violator has resolved the matter, the department's Wildlife Violator Compact Administrator or designee shall:

a. Issue the violator an acknowledgement of receipt of the notice of compliance. The acknowledgement letter shall include the date on which the revocation of the violator's hunting, fishing and trapping licenses, privileges and approvals which resulted from the failure to pay or appear were reinstated by the department.

b. Update the department's Automated License Issuance System (ALIS) as necessary with any change in the violators hunting, fishing and trapping license revocation status.

c. Provide updated information to all other participating states of the change in hunting, fishing and trapping license revocation status of the violator.

Note: A clerk of court and the department shall consider a revocation under s. 29.972(2), Stats., to be resolved when the violator complies with the order of the court, the judgment is satisfied, or the court orders the revocation of the persons ch. 29, Stats., privileges or approvals under the authority of s. 29.971, Stats.

(d) *Alternative revocation.* 1. Notwithstanding the procedures established in par. (a), the department may revoke all hunting, fishing and trapping licenses, privileges and approvals of a

violator pursuant to s. 29.972, Stats., when the department determines that the procedures of par. (a) are applicable, but have not been complied with. If the department revokes the violator's hunting, fishing and trapping license privileges and approvals under this paragraph, the department Wildlife Violator Compact Administrator or designee shall:

- a. Send notices to the violator containing the information required under pars. (a) to (c).
- b. Update the department's Automated License Issuance System (ALIS) as necessary with a violator's revocation status, including the starting date and the ending date when known.
- c. Provide updated information to all other participating states of the hunting, fishing and trapping license revocation status of the violator.

Note: Revocations of ch. 29, Stats., license approvals and privileges for violations of state laws not listed in subd. 3., and revocations imposed under ss. 29.024(2g)(d) or (2r)(d), 938.17(2)(d)1., 938.34(8) or (8d)(d) and 938.343(2) or (6), Stats., or for a violation of s. 167.31(3m)(a), Stats., are not subject to the provisions of the Wildlife Violators Compact under s. 29.03, Stats.

Note: Section 29.972(2)(a), Stats., does not require the administrative revocation by the department if the court has already revoked any or all of the person's hunting, fishing or trapping approvals under s. 23.79 (4) or 23.795 (2), Stats.

2. When the violator has resolved the matter subject to pars. (a) and (b) with the court and the department has received written notice of compliance in writing or electronically from the clerk of courts, or has verified from the Consolidated Court Automation Program (CCAP) case management system that the violator has resolved the matter, the department's Wildlife Violator Compact Administrator or designee shall:

- a. Issue the violator an acknowledgement of receipt of the notice of compliance with the judgment of the court and include the date on which the revocation of the violator's hunting, fishing and trapping licenses, privileges and approvals which resulted from the failure to pay or appear were reinstated by the department.
- b. Update the department's Automated License Issuance System (ALIS) as necessary with any change in the violator's hunting, fishing and trapping license revocation status.
- c. Provide updated information to all other participating states of the change in hunting, fishing and trapping license revocation status of the violator.

Note: A clerk of court and the department shall consider a revocation under s. 29.972(2), Stats., to be resolved when the violator complies with the order of the court, the judgment is satisfied, or the court orders the revocation of the person's ch. 29, Stats., privileges or approvals under the authority of s. 29.971, Stats.

(f) *Appeals and request for a hearing.* 1. The opportunity for an administrative appeal to the department pursuant to s. 29.972, Stats., shall be limited to the issue of whether the violator failed to either:

- a. Respond to a warrant or summons.
- b. Appear on their court date.
- c. Make a deposit or a deposit and stipulation.
- d. Appear before the court and is subject to a bench warrant.

2. The question of guilt or innocence regarding the original charge or good cause for failing to resolve the matter will not be a subject of hearings held under the provisions of this section.

3. If the suspension is upheld, the violator must then proceed to resolve the court case with the revocation remaining in effect.

4. If the revocation is denied for any reason, the matter is terminated and the revocation order vacated.

Note: Appeals shall be subject to the procedures under s. 227.42, Stats., which shall be limited to the issues specified in s. 29.972(1)(a) to (c), Stats.

Note: Pursuant to s. 29.972, Stats., the opportunity for an administrative appeal to the department are limited to the issue of whether the violator:

1. Failed to respond to a summons under s. 23.66 (3) or 23.67 (4), Stats. or a warrant or summons under s. 968.04, Stats., or
2. Failed to appear on the court date set under s. 23.72 or 23.75, Stats., unless the person makes a deposit under s. 23.66, Stats., or makes a deposit and stipulation under s. 23.67, Stats., or
3. Failed to appear before the court and is subject to a bench warrant under s. 968.09, Stats.

(g) *Exemption.* This subsection does not apply to a violator who prior to the effective date of this rule...[Reviser insert date] failed to do either of the following in response to a wildlife related law violation that occurred in this state:

1. Appear before the court or otherwise respond as required to a citation or complaint.
2. Pay the required fine or forfeiture.

(2) VIOLATION OCCURRING IN A PARTICIPATING STATE. (a) *Receipt of notification.* When the department receives a notice of failure to comply from a participating state that a Wisconsin resident has been charged with a wildlife related violation in the participating state and has failed to respond to the citation, summons or complaint, or failed to appear before the court with jurisdiction, or failed to pay the fine or forfeiture imposed for the violation, the Wildlife Compact Administrator or designee shall:

1. Issue the violator a notice of revocation which informs the violator of the department's receipt of a notice of noncompliance from the participating state and of the requirements of the Wildlife Violator Compact pursuant to s. 29.03, Stats. In addition to any other information required, the notice of revocation shall include the following:

- a. Description and date of the violation, including citation or case number.
- b. Explanation of the action taken by the court.
- c. Procedures to be followed in resolving the matter with the court.
- d. Name, address and telephone number of the court.
- e. The revocation includes all hunting, fishing and trapping licenses, privileges and approvals if the matter is not resolved.
- f. That prior to the effective date of the revocation, the violator may avoid the revocation through an appearance in the court with jurisdiction over the charges or through the payment of all penalties, costs and surcharges associated with the violations.

g. Effective date of the revocation, which shall be 21 days after issuance of the notice.

h. That once a revocation has become effective, the revocation may only be lifted upon the department's receipt of a written notice of the compliance from the participating state in which the violation occurred.

(b) *Administrative revocation by the department.* When a violator fails to resolve the matter within 21 days of the date the notice of revocation was issued, the department shall revoke all the violator's hunting, fishing and trapping license privileges and approvals and the department's Wildlife Violator Compact Administrator or designee shall:

1. Forward a copy of the notice of revocation to the participating state. The notice shall include the effective date of the revocation.

2. Enter the person's identifying information and beginning date of the revocation of all hunting, fishing and trapping license, privileges and approvals into the department's Automated License Issuance System (ALIS).

(c) *Denial of applications for approvals.* In addition to the requirements under par. (b), the department, through the Automated License Issuance System (ALIS), shall deny all applications for hunting, fishing and trapping licenses, approvals and preference points to the violator until the department's Wildlife Violator Compact Administrator is notified in writing by the participating state that the matter leading to the revocation has been resolved to the satisfaction of the participating state.

(d) *Appeals and request for a hearing.* 1. The opportunity for an administrative appeal to the department shall be subject to the procedures under s. 227.42, Stats., which shall be limited to the issues specified in s. 29.972(1)(a) to (c), Stats., and the issue of whether the violator failed to either:

- a. Respond to a warrant or summons.
- b. Appear on their court date.
- c. Make a deposit or a deposit and stipulation.
- d. Appear before the court and is subject to a bench warrant.

2. The question of guilt or innocence regarding the original charge or good cause for failing to resolve the matter will not be a subject of hearings held under the provisions of this section.

3. If the suspension is upheld, the violator shall then proceed to resolve the matter with the participating state. The revocation remains in effect until the matter is resolved.

4. If the revocation is denied for any reason, the matter is terminated and the revocation order vacated. In those cases, the issuing state will be informed of the reason for denial.

Note: Appeals shall be subject to the procedures under s. 227.42, Stats., which shall be limited to the issues specified in s. 29.972(1)(a) to (c), Stats.

Note: Pursuant to s. 29.972, Stats., the opportunity for an administrative appeal to the department are limited to the issue of whether the violator:

1. Failed to respond to a summons under s. 23.66 (3) or 23.67 (4), Stats., or a warrant or summons under s. 968.04, Stats., or
2. Failed to appear on the court date set under s. 23.72 or 23.75, Stats., unless the person makes a deposit under s. 23.66, Stats., or makes a deposit and stipulation under s. 23.67, Stats., or
3. Failed to appear before the court and is subject to a bench warrant under s. 968.09, Stats.

(3) TERM OF REVOCATIONS. (a) A revocation imposed pursuant to s. 29.972, Stats., for failure to respond to a citation, summons or complaint, appear before the court or pay a fine or forfeiture related to a wildlife related law violation shall remain in effect until the department receives a notice of compliance in writing or electronically from clerk of courts, or the Wildlife Violator Compact Administrator of designee has verified from the Consolidated Court Automation Program (CCAP) case management system that the judgment or court order has been satisfied.

(b) A revocation imposed pursuant to s. 29.03, Stats., for failure to respond to a citation, summons or complaint, appear before the court or pay a fine or forfeiture for a wildlife related violation in a participating state, shall remain in effect until the department receives a written or electronic notice issued by the participating state that the judgment has been satisfied.

(4) REINSTATEMENT OF LICENSE PRIVILEGES. License privileges or approvals revoked pursuant to this subchapter may be reinstated by the department upon the receipt of an acknowledgement of compliance from the clerk of court, through verification from the Consolidated Court Automation Program (CCAP) case management system or from participating state with jurisdiction.

NR 8.53 Revocation by the court. (1) NOTIFICATION. (a) When the court revokes any of a persons ch. 29, Stats., licenses, privileges or approvals for a wildlife related law violation or for failure to pay a forfeiture as authorized under s. 938.17(2)(d)1., 938.34(8) and (8d)(d) and 938.343(2) and (6), Stats., or for a violation of s. 167.31(3m)(a), Stats., the clerk of courts shall:

1. Notify the violator by issuance of a letter of the judgment by the court. The notification letter shall state the period of revocation and the circumstances that resulted in the revocation.
2. Enter the revocation status into the Consolidated Court Automation Program (CCAP) case management system within 5 days of the revocation order of the court.
3. Send a copy of the notification letter to the department's Wildlife Violator Compact Administrator.
4. Notify the department's Wildlife Violator Compact Administrator if the court later reinstates the violators ch. 29, Stats., license approvals and privileges and the date on which the reinstatement occurs.

Note: Revocations of ch. 29, Stats., license approvals and privileges for violations of state laws that are not wildlife related violations and revocations imposed under ss. 29.024(2g)(d) or (2r)(d), 938.17(2)(d)1., 938.34(8) or (8d)(d) and 938.343(2) or (6), Stats., or for a violation of s. 167.31(3m)(a), Stats., are not subject to the provisions of the Wildlife Violators Compact under s. 29.03, Stats.

Note: Notices may be mailed to the: Department of Natural Resources, Wildlife Violator Compact Administrator, 101 S. Webster St., P.O. Box 7921, Madison, WI 53707-7921.

(b) When a court revokes any hunting, fishing or trapping privileges and approvals for a wildlife related violation pursuant to the penalty provisions allowed or required under s. 29.971, Stats., the clerk of courts shall:

1. Notify the violator by issuance of a letter of the judgment by the court. The notification letter shall inform the violator of all the following:
 - a. Description and date of the violation, including citation or case number.
 - b. Action of the court.
 - c. Starting and ending date of the revocation.
 - d. The licenses, privileges and approval types which have been revoked by the court.

2. Enter the revocation status into the Consolidated Court Automation Program (CCAP) case management system within 5 days of the revocation order of the court.

3. Send a copy of the notification letter to the department's Wildlife Violator Compact Administrator.

4. Notify the department's Wildlife Violator Compact Administrator if the court later reinstates the violators ch. 29, Stats., privileges or approvals and the date on which the revocation ends.

Note: Notices may be mailed to the: Department of Natural Resources, Wildlife Violator Compact Administrator, 101 S. Webster St., P.O. Box 7921, Madison, WI 53707-7921.

Note: Where default judgments are allowed by law, the notice would typically be sent to the department upon entry of the default judgment. If a bench warrant is used, the notice would typically be sent upon issuance of the bench warrant.

(2) TERM OF REVOCATION. Under this section, the term of the revocation is the period specified by the court or required under s. 29.971, Stats.

NR 8.54 Revocation for violations committed in a participating state. (1) RECEIPT OF NOTIFICATION. (a) When the department receives written or electronic notice from a participating state that the participating state has suspended or revoked a violators hunting, fishing or trapping licenses, privileges or approvals in the participating state, the departments Wildlife Violator Compact Administrator or designee shall:

1. Maintain a record of the notification.

2. Enter the violator's identifying information and revocation status into the departments Automated License Issuance System (ALIS) if not already entered into the system.

3. Send a letter to the violator notifying them which ch. 29, Stats., licenses, privileges and approvals have been revoked in this state as a result of their revocation in the participating state.

(b) In addition to the requirements under par. (a), the department, through the Automated License Issuance System (ALIS), shall deny applications for any hunting, fishing and trapping licenses, privileges or approvals subject to the revocation for the term of the revocation.

(c) Written or electronic notice received under this section from a participating state shall not be recognized by the department unless the notice includes the violator's full name, date of birth, last known address, violation description along with statute or rule number violated, date, county and state of violation, penalty imposed and original court date.

(2) TERM OF REVOCATION. A revocation in this state based upon a notice received from a participating state in accordance with s. 29.03, Stats., shall remain in effective until the term of

the revocation expires or until the department receives written or electronic notification from the participating state that the revocation has been terminated, whichever comes first.

NR 8.55 Wildlife violator compact notice to violators. When a person violates a wildlife related law and is issued a citation pursuant to s. 23.53, Stats., or served a complaint and summons pursuant s. 23.55, Stats., the issuing officer or the district attorney issuing the complaint and summons shall provide the violator with a written notice that informs the violator that Wisconsin is a member of the Wildlife Violator Compact and what the ramifications will be if their hunting, fishing or trapping privileges or approvals are revoked in this state, or if they fail to appear in court, pay the required penalty or otherwise fails to resolve the charges.

NR 8.56 Retroactivity. Revocations and convictions occurring or imposed in this state prior to the effective date of this rule... [Reviser insert date] or the date the state becomes a participant of the wildlife violator compact pursuant to s. 29.03(8)(c), Stats., which ever is later, are not subject to the provisions of this subchapter or the Wildlife Violator Compact.

Note: Section 29.03(8)(c), Stats., states the effective date of entry into the compact shall be specified by the applying state but shall not be less than 60 days after notice has been given by one of the following: 1. The chairperson of the board of the compact administrators; 2. The secretary of the board to each participating state that the resolution from the applying state has been received.

Section 5. Effective date. This rule shall take effect January 1, 2008 or the date on which the department officially becomes a participating state under s. 29.03(8), Stats., which ever is later, but not before the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Section 6. Board adoption. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on _____.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By Scott Hassett
Scott Hassett, Secretary for Scott Hassett

(SEAL)