

1999 DRAFTING REQUEST

Bill

Received: **01/9/99**

Received By: **rkite**

Wanted: **Soon**

Identical to LRB:

For: **Dean Kaufert (608) 2664719**

By/Representing: **Misha**

This file may be shown to any legislator: NO

Drafter: **gibsom**

May Contact: **Sen. Ellis**

Alt. Drafters:

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

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Limits on sturgeon fishing

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>Reauired</u>
/1	rkite 01/29/99	j geller 01/29/99	jfrantze 01/29/99	_____	gretskl 01/29/99		S&L
/2	gibsom 02/5/99	j geller 02/6/99	j frantze 02/8/99	_____	lrb_docadmin 02/8/99	lrb_docadminS&L 02/17/99	

FE Sent For: 3/16/99

<END>

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/2	gibsom 02/5/99	j geller 02/6/99	jfrantze 02/8/99	_____	lrb_docadmin 02/8/99		S&L

FE Sent For:

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/1	rkite 01/29/99	jgeller 01/29/99	jfrantze 01/29/99	_____	gretskl 01/29/99		S&L

FE Sent For:

12 3/6 jlg
 2/8
 2/8
 <END>

1999 DRAFTING REQUEST

Bill

Received: 01/9/99

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: Dean Kaufert (608) 2664719

By/Representing: Misha

This file may be shown to any legislator: NO

Drafter: rkite gibson

May Contact: Sen. Ellis

Alt. Drafters:

Subject: Nat. Res. - fish and game

Extra Copies:

Topic:

Limits on sturgeon fishing

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>
I?	rkite	1/20 jlg	Jb/29	Jb/hh 4/29			

FE Sent For:

<END>

LEGISLATIVE REFERENCE BUREAU

BILL REQUEST FORM

Legal Section, 5th Floor, 100 N. Hamilton St.
(608) 266-3561

RNK
2

Use of this form is optional. It is often helpful to talk directly with the LRB attorney who will draft the bill.
Use this form only for BILL drafts. Attach more pages if necessary.

Date of request: <i>Jan. 7, 1999</i>	Legislator or agency requesting this draft: <i>Rep. Dean Faufert</i>
Name/phone number of person submitting request: <i>Rep. Faufert, 6-5719</i>	
Persons to contact for questions about this draft (names and phone numbers please): <i>Misha, 6-5719</i>	
Describe the problem, including any helpful examples. How do you want to solve the problem?	
If you know of any statute sections that might be affected, please list them or provide a marked (not re-typed) copy.	

Please attach a copy of any correspondence or material that may help us. You may also attach a marked (not re-typed) copy of any LRB draft, or provide its number (e.g., 1997 LRB-234511 or 1995 AB-67):

Requests are confidential unless stated otherwise.

May we tell others that we are working on this for you? YES NO

If yes, anyone who asks? YES NO

Any legislator? YES NO ONLY the following persons:

Sen. Ellis

Do you consider this urgent? YES NO If yes, please indicate why:

Is this request of higher priority than other pending request(s) you have made?

YES NO If yes, please sign your name here:



Ellis/Kanfer 7

DRAFT

29 June 98

Ron Bruch

1999 BILL

AN ACT to **amend** 29.093(3)(h), 29.148(1m)(intro.), 29.148(3) relating to setting a new deadline for purchasing a sturgeon spearing license.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources (DNR) may impose restrictions on issuance of sturgeon spearing licenses during the open season. Under this bill, DNR would not allow sturgeon spearing license to be purchased after October 1 prior to the February Winnebago System Spearing season.

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

SECTION 1. 29.093 (3)(h) of the statutes is amended to read:

29.569(3)(b)
29.093(3)(h) ***Restrictions on issuance of sturgeon spearing licenses during the open season.*** No sturgeon spearing license may be issued during ~~the open season for the spearing of rock or lake sturgeon~~ after October 1 prior to the open lake or rock sturgeon spearing season.

SECTION 2. 29.148(1m)(intro.) of the statutes is amended to read:

29.148(1m)(intro.) A Subject to s 29.09 and any limit imposed under s. 29174(2)(eg).
a sturgeon spearing license shall be issued subject to s. 29.09 by the department or by a county clerk to any person applying for this license who:

SECTION 3. 29.148(3) of the statutes is amended to read:

29.148(3) A sturgeon spearing license authorizes the spearing of rock or lake sturgeon subject to any limit imposed under s.29.174(2)(eg) and only during the open season for spearing these sturgeon established by the department. No person may fish for sturgeon by means of a spear *unless* the person is issued a conservation patron license or unless the person is issued a sturgeon spearing license. The conservation patron license or the sturgeon spearing license shall be carried on the person of the licensee at all times while fishing for sturgeon by means of a spear.

already in current law

SECTION 4. 29.174(2)(eg) of the statutes is created to read:

29.174(2)(eg) The department may limit the maximum harvest of sturgeon in any area.

Resolution

The problem:

We have been overharvesting our sturgeon population of the Lake Winnebago System, especially adult females, because of an increase in sturgeon spearers, more vacation time, power ice saws, four wheel drive vehicles, electronics and several years of good water clarity. We have only 10 year classes in the spawning stock and we should have 40. Currently, we can safely harvest 5% of the adult females (400), and 5% of the juvenile females (400), and 5% of the males (2150) each year.

In the past public hearings and in our Sturgeon Advisory Committee, one of the problems that was noted is that when clear water is known to the public "extra" tags are purchased by friends, neighbors, - relation, etc. to be used as an "extra" tag. Group bagging is not a legal practice for sturgeon but it is being done.

In an effort to stop this we are asking to stop the sale of sturgeon tags after October 1 prior to the open season for rock or lake sturgeon spearing season which is the second Saturday in February.

Whereas:

To help control over harvesting of the Lake Winnebago adult female' sturgeon and

Whereas:

The adult female sturgeon is the fish of choice by the veteran spearers and

Whereas:

If approved by the Natural Resources Board at their January 1999 meeting, a harvest cap will be in place this coming season 1999, whereby the harvest of 5% of the adult females will be 400 fish; juvenile females, 400 fish and males 2150 fish.

Whereas:

The fish of choice will be the larger females and when these numbers are reached the season will be closed and

Whereas:

The 1998 the season would have been closed in 2 days using the harvest cap system and

Whereas:

The extra tags being used with visitors or visual codes or cell phones would only help some spearers get more than the legal limit of 1 fish per season and the majority of the spearers would end up without a fish as the harvest cap may be reached in 2 to 4 days in the clear water year and

Whereas:

The past 10 years have seen 6 clear water years and with the discovery of zebra mussels in Lake Winnebago in 1998 we can expect **future years** of clear water as the zebra mussel eat the algae and cleans the water. so, therefore,

Be it resolved:

That we, the member organizations of the Sturgeon Advisory Committee, (23 clubs) around Lake Winnebago, including the four chapters of Sturgeon For Tomorrow (approximately 3000 members), support this effort to help prevent overharvest of our adult female sturgeon by requiring the purchase of a sturgeon spearing license by October 1, prior to the sturgeon spearing season on Lake Winnebago.

100

Page Two

And further be it resolved:

that this resolution be forwarded to the legislature, DNR and the DNR Board to make this statute change of stopping the sale of sturgeon tags October 1 prior to the open season for lake sturgeon. Also note we already have other seasons whereby you must apply for a tag or license well in advance of the season.

Example: All licenses expire March 31 and you must send for:

- * Hunter's choice deer by July 20 for the November hunt.
- * Early September Canada goose - Deadline August 1.
- * Regular Canada goose (Oct.Nov.Dec.) Deadline August 21
- * Fall Turkey (October) Deadline August 10
- * Spring Turkey (April-May) Deadline December 10.
- * Fall Elk, Antelope-Deer out West Deadline-Jan-Feb for the October hunt.

Prepared and submitted on December 15, 1998 by:

Dick Koerner
540 Sunrise Bay Road
Neenah, WI 54956

Member of the Sturgeon Advisory Committee

Vote on the resolution:

In Favor _____

Opposed _____

DATE _____

MAIL **RESULTS** TO:
DICK **KOERNER**
540 SUNRISE BAY ROAD
NEENAH, WI 54956

Handwritten marks or scribbles in the top right corner.

1-15-99

Mitcha - Kaufert's office

wants to modify request

exception for armed services members

" except any Wisconsin armed forces member who exhibits proof that he or she is a resident is an active servicemember by the armed forces outside this state or is on furlough or leave may purchase a license at a DNR office or County Clerk Office after Oct. 1 "

to keep consistent w/ other licenses

" also any person who reaches age 14 between Oct 1 and 12 a.m. of the opening day of the next hunting season may purchase a license at a DNR office or County Clerk's office.



Fri
if possible
possible

State of Wisconsin
1999 - 2000 LEGISLATURE

Very soon

D-Note

RMR
LRB-1674/P 1
MGG.....
JLg

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the period of time during which sturgeon spearing
2 licenses may not be issued.

the
during the period beginning with
Gen cat
this prohibition on
and ending the day before
that
The open season

Analysis by the Legislative Reference Bureau

Under current law, a sturgeon spearing license may not be used during the open season for the spearing of rock or lake sturgeon (nonissuance period) which is currently set by rule promulgated by the department of natural resources (DNR) to begin the second Saturday in February and to continue for 16 consecutive days.

This bill changes this nonissuance period so that it begins on the October 1 preceding the open season and ends on the last day of the season. The bill also ^{two} ~~excepts~~ groups of persons from not being issued licenses during this period. Residents who turn 14 years old after October 1 but before the first day of the season may be issued a license during the nonissuance period. Also, residents who are in the armed forces outside this state and who are on furlough or leave may ~~also~~ be issued a license during this nonissuance period.

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:

3 SECTION 1. 29.569 (3) (b) ^X of the statutes is renumbered 29.569 (3) (b) 1. and
4 amended to read:

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

LRB-1674/3¹dn
MGG.....

JG

1. Note that ~~14-year-olds~~[✓] may not get their licenses during the open season, but armed forces members may OK?
2. I put a delayed effective date of September 15 because if the bill is published after September 15 but before October 1, DNR may not have enough time to administratively implement the changes in this bill. However, the choice of September 15 is arbitrary so let me know if you want any changes.

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

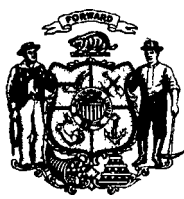
DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1674/1dn
MGG:jlj:jf

January 29, 1999

1. Note that 14-year-olds may not get their licenses during the open season, but armed forces members may. OK?
2. I put a delayed effective date of September 15 because if the bill is published after September 15 but before October 1, DNR may not have enough time to administratively implement the changes in this bill. However, the choice of September 15 is arbitrary so let me know if you want any changes.

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



soon

1999 BILL

Regen

1 AN ACT to renumber and amend 29.569 (3) (b); and to create 29.569 (3) (b) 2.
2 and 29.569 (3) (b) 3. of the statutes; relating to: the period of time during which
3 sturgeon spearing licenses may not be issued.

~~the nonissuance~~

during the nonissuance period

Analysis by the Legislative Reference Bureau issued

Under current law, a sturgeon spearing license may not be used during the open season for the spearing of rock or lake sturgeon (nonissuance period). The open season is currently set by rule promulgated by the department of natural resources (DNR) to begin the second Saturday in February and to continue for 16 consecutive days.

This bill changes this nonissuance period so that it begins on the October 1 preceding the open season and ends on the last day of the season. The bill also excepts two groups of persons from this prohibition on being issued licenses during this period. Residents who turn 14 years old during the period beginning with ~~October 1 and ending the day before the first day of the season~~ may be issued a license during that period. Also, residents who are in the armed forces outside this state and who are on furlough or leave may be issued a license during the nonissuance period.

plain

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:

BILL Restrictions on issuance of sturgeon spearing licenses during the open season.

Fix component
1

SECTION 1. 29.569 (3) (b) of the statutes is ~~renumbered 29.569 (3) (b) 1.~~

amended to read:

29.569 (3) (b) ^{par. (b) ✓} ~~1~~ No ~~Except as provided in subsections 2 and 3.~~ no sturgeon spearing license may be issued during a period beginning with October 1 and ending on the last day of the open season for the spearing of rock or lake sturgeon that follows that October 1.

any of the following: § 1. A

SECTION 2. 29.569 (3) ~~(b) 1~~ ^{x (b) ✓} of the statutes is created to read:

29.569 (3) ~~(b) 1~~ ^{(b) ✓} A sturgeon spearing license may be issued during a period beginning with October 1 and ending on the last day of the open season for the spearing of rock or lake sturgeon that follows that October 1, to a person who is a member of the U.S. armed forces who exhibits proof that he or she is a resident, is in active service with the armed forces outside this state and is on furlough or leave.

SECTION 3. 29.569 (3) (b) 3. of the statutes is created to read:

29.569 (3) (b) 3. A sturgeon spearing license may be issued during a period beginning with October 1 and ending on the day immediately preceding the first day of the open season for the spearing of rock or lake sturgeon that follows that October 1 to a person who is a resident and who has attained the age of 14 [✓] during that period.

SECTION 4. Effective date.

(1) This act takes effect on the September ~~15~~ ¹⁵ after publication.

(END) ✓

1

§ 2.

Exceptions. I

**SUBMITTAL
F & M**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 2/8/99

To: Representative Kaufert

Relating to LRB drafting number: LRB- 1674

Topic

Limits on sturgeon fishing

Subject(s)

Nat. Res. - fish and game

1. **JACKET** the draft for introduction _____

in the Senate ____ **or the Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Mary Gibson-Glass, Senior Legislative Attorney
Telephone: (608) 267-32 15

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ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

FISCAL ESTIMATE

A-2048 N(R10/94)

Subject

Lake Winnebago Sturgeon Spearing License Sales Deadline

Fiscal Effect

State: No State Fiscal Effect

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

- Increase Existing Appropriation
- Decrease Existing Appropriation
- Create New Appropriation
- Increase Existing Revenues
- Decrease Existing Revenues

- Increase Costs - May be possible to Absorb Within Agency's Budget Yes No
- Decrease Costs

Local: No local government costs

- | | | |
|--|---|---|
| 1. <input type="checkbox"/> Increase Costs
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory

2. <input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 3. <input type="checkbox"/> Increase Revenues
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory

4. <input type="checkbox"/> Decrease Revenues
<input checked="" type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 5. Types of Local Government Units Affected:
<input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities
<input type="checkbox"/> Counties <input type="checkbox"/> WTCS Districts
<input checked="" type="checkbox"/> School Districts <input type="checkbox"/> Others |
|--|---|---|

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

SUMMARY OF BILL -Assembly Bill 2 10 revises the sales deadline for the purchase of a sturgeon spearing license. Under current law, a sturgeon spearing license may be purchased up until the first day of the spearing season-which runs sixteen consecutive days from the first Saturday in February. The period during which licenses are not sold is known as the nonissuance period. In an effort to better anticipate spearing pressure, based on the number of licenses sold, this bill would extend the nonissuance period so that it runs from October 1 through the end of the spearmg season.

bill provides two exceptions from the prohibition on being issued a license during the nonissuance period: 1) residents who turn 14 years old during the nonissuance period, and 2) residents who are in the Armed Forces outside the state and who are on furlough or leave.

FISCAL IMPACT - A state fiscal impact of approximately \$6,500 is anticipated.

1. Based on prior years' data, the Department estimates that, under current law, it will sell approximately 7000 sturgeon spearing licenses annually (excluding Patron licenses).
2. Traditionally, those persons interested in sturgeon spearing licenses would purchase their licenses as close to opening day as possible so that spearing conditions would be known (ice quality, water clarity, etc.) and they could improve their chances of harvest. Consequently, there may be a slight decline in license sales-which the Department estimates at 10%--due to the requirement that licenses be purchased before October 1.
3. Under current law, a sturgeon spearing license costs \$9.25.
4. A 10% decrease in license sales results in approximately \$6,500 less revenue to the Fish & Wildlife Account of the Conservation Fund.

Long-Range Fiscal implications

anticipated

Agency	Prepared By	Phone No.	Authorized Signature	Phone No.	Date
DNR	Joe Polasek	(608) 266-2794	<i>Joe Polasek</i>	(608) 266-2794	03/31/1999

FISCAL ESTIMATE WORKSHEET

1999 Session

Detailed Estimate of Annual Fiscal Effect
DOA-2047 (R10/94)

ORIGINAL
CORRECTED

UPDATED
SUPPLEMENTAL A B 210

LRB or Bill No /Adm. Rule No

Amendment No

Subject
Lake Winnebago Sturgeon Spearing License Sales Deadline

I. **One-Time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):**

II. Annualized Costs:	Annualized Fiscal impact on State funds from::	
	Increased Costs	Decreased Costs
A. State Costs by Category		
State Operations - Salaries and Fringes		
(FTE Position Changes)		
State Operations - Other Costs		
Local Assistance		
Aids to Individuals or Organizations		

TOTAL State Costs by Category

B. State Costs by Source of Funds	Increased Costs	Decreased Costs
GPR		
FED		
PRO/PRS		
SEGISSEG-S		

III. State Revenues:	Increased Rev.	Decreased Rev.
Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)		
GPR Taxes		
GPR Earned		
FED		
PRO/PRS		
SEGISSEG-S		(\$6,500)
TOTAL State Revenues		(\$6,500)

NET ANNUALIZED IMPACT

	STATE	LOCAL
NET CHANGE IN COSTS		\$0
NET CHANGE IN REVENUES	(\$6,500)	\$0

Agency: DNR Prepared By: Joe Polasek Phone No.: (608) 266-2794 Authorized Signature: *Joe Polasek* Phone No.: (608) 266-2794 Date: 03/31/1999