

**2013 DRAFTING REQUEST**

**Bill**

Received: 1/7/2013 Received By: rkite  
 Wanted: As time permits Same as LRB:  
 For: Natural Resources By/Representing: Mike Bruhn  
 May Contact: Drafter: eshea  
 Subject: Nat. Res. - fish and game Addl. Drafters:  
 Extra Copies:

Submit via email: YES  
 Requester's email: michael.bruhn@wisconsin.gov  
 Carbon copy (CC) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Sturgeon spearing preference points and license transfers

**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>
/?	eshea 2/7/2013			_____			
/P1	eshea 3/12/2013	jkauffma 2/21/2013	jmurphy 2/21/2013	_____	srose 2/21/2013		State
/P2	eshea 4/12/2013	jkauffma 3/13/2013	phenry 3/14/2013	_____	lparisi 3/14/2013		State
/1		kfollett	phenry	_____	srose	srose	State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		4/12/2013	4/12/2013	_____	4/12/2013	4/12/2013	

FE Sent For:

*11 at intro  
9/19/13*

<END>

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/?	eshea 2/7/2013			_____			
/P1	eshea 3/12/2013	jkauffma 2/21/2013	jmurphy 2/21/2013	4/13	srose 2/21/2013		State
/P2		jkauffma 3/13/2013	phenry 3/14/2013	_____	lparisi 3/14/2013		State

FE Sent For:

11/5f  
4/12

<END>

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### Topic:

Sturgeon spearing preference points and license transfers

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### Instructions:

See attached

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	eshea 2/7/2013	jek 3/12	3/14 ph	af			
/P1		jkauffma 2/21/2013	jmurphy 2/21/2013	ph	srose 2/21/2013		State

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<END>

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Sturgeon spearing preference points and license transfers

**Instructions:**

See attached

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/?	rkite	1P11GF 2/21		_____			
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FE Sent For:

JK 2/21  
 Jm 2/21

<END>

**Kite, Robin**

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**From:** Tradewell, Becky  
**Sent:** Friday, December 28, 2012 1:23 PM  
**To:** Gibson-Glass, Mary; Kite, Robin  
**Subject:** FW: DNR Drafting Request - Sturgeon Law Changes Package  
**Attachments:** Legislative Proposals 2012 - Sturgeon Spearing.docx

Here is something for one of you or Lis.

---

**From:** Bruhn, Michael L - DNR [<mailto:Michael.Bruhn@wisconsin.gov>]  
**Sent:** Friday, December 28, 2012 1:21 PM  
**To:** Tradewell, Becky  
**Cc:** Bruhn, Michael L - DNR  
**Subject:** RE: DNR Drafting Request - Sturgeon Law Changes Package

Hi Becky,

This Session, the Governor's office has asked the agencies to have their Legislative agenda items drafted, prior to providing them to the legislative authors. Below, is a DNR legislative drafting request.

**Sturgeon Law Changes Package:**

- a. Allows upriver sturgeon spearing license/tag applicants to apply for only a preference point. Other species permits applicants can apply for a license/tag, or apply for just a preference point to keep them in the system. Current law does not allow applicants for a sturgeon license to do so.
- b. Allows sturgeon spearing license holders to transfer an Upriver Lakes License to a youth and then purchase a Lake Winnebago License.

Attached is an issue paper that provides additional information on these issues. Please contact me with any questions or concerns.

Thanks!!

Michael Bruhn  
Legislative Liaison  
Wisconsin Department of Natural Resources  
(☎) phone: (608) 266-5375  
(✉) e-mail: [michael.bruhn@wisconsin.gov](mailto:michael.bruhn@wisconsin.gov)  
Website: [dnr.wi.gov](http://dnr.wi.gov)  
Find us on Facebook: [www.facebook.com/WIDNR](http://www.facebook.com/WIDNR)

**CORRESPONDENCE/MEMORANDUM**

DATE: October 12, 2012

TO: Paul Heinen

FROM: Bureau of Fisheries Management  
Division of Water

SUBJECT: 2013-2014 Legislative Proposal.

NR 20.105(1)

All Information Below Must be Typed.

1. Problem/Issue (Be concise)

a. At the 2012 Fish and Wildlife Spring Hearings, the public supported the following question on a statewide vote of 1,884 in support and 885 opposed.

“Question 66. Sturgeon Spearing Preference Point (#130211)

When a person applies for an upriver sturgeon spearing tag there is no option to apply for a preference point only. Most other programs administered by the DNR that require numerous preference points to draw a harvest tag allow the applicant to apply either for a preference point only or a harvest tag. It currently takes on average about four to five years to draw an upriver sturgeon spearing tag and many times a person will know in advance that they will not be able to use a harvest tag in a given year. By not applying, the person will lose that year in preference status and by applying for the tag, the person runs the risk of getting a tag they cannot use and losing all their preference points.

66. Would you support legislation requiring the DNR change the application process for upriver sturgeon spearing tags to allow the option to apply for a preference point only?”

b. Sturgeon spearkers are not able to transfer an Upriver Lakes license to a youth and afterward purchase a Lake Winnebago license. Spearkers may only retain one license per season. Currently, statute states that transfers of upriver lakes licenses may only be done after November 1 of the year preceding the spearing season, which is after the October 31 deadline to purchase a Lake Winnebago spearing license. The Fisheries Bureau has received inquiries from the public about purchasing a license after making a transfer.

2. Description of Legislation (Provide statute number and a plain English explanation)

Section 29.192(4)(a) amended and (am) created to read:

s. 29.192 Regulation of takings of certain wild animals.

(4)(a) If the department decides to limit the number of persons taking Canada geese, or sharp-tailed grouse, ~~or sturgeon~~ by issuing permits and if the number of persons seeking the permits exceeds the number of available permits, the department shall issue the permits according to a cumulative preference system established by the department. The department shall give a preference point to each applicant for each previous season for which the applicant applied but was not issued a permit. The system shall establish preference categories for these applicants, with higher priority given to those categories with more points than those with fewer points. Applicants who fail to apply at least once during any 3 consecutive years shall lose all previously accumulated preference points. If the number of applicants within a preference category or a subcategory exceeds the number of permits available in the category or

subcategory, the department shall select at random within the category or subcategory the applicants to be issued the permits.

(4)(am) If the department decides to limit the number of persons taking sturgeon by issuing permits and if the number of persons seeking the permits exceeds the number of available permits, the department shall issue the permits according to a cumulative preference system established by the department. For each season, the department shall allow each sturgeon spearing applicant under the system to apply for a preference point or for a license. The department shall give a preference point to each applicant who applies for a preference point and to each applicant who applies for a license but who is not selected. The system shall establish preference categories for these applicants, with higher priority given to those categories with more points than those with fewer points. Applicants who fail to apply at least once during any 3 consecutive years shall lose all previously accumulated preference points. If the number of applicants within a preference category or a subcategory exceeds the number of permits available in the category or subcategory, the department shall select at random within the category or subcategory the applicants to be issued the permits.

29.179 Transfer of approvals to minors.

(2) Application. Upon application by a holder of an approval to transfer the approval to a minor, and upon the payment of any fee required under sub. (3), the department shall transfer the approval to the minor if the application is made no later than the 15 days immediately preceding the first day of the applicable open season and if the minor has not been previously transferred that type of approval under this section and if the minor is otherwise eligible to use the approval. The department may transfer a sturgeon spearing license under this subsection only during the period beginning on the ~~November~~ October 1st of each year and ending on the day that is the 15th day preceding the first day of the open season for the spearing of lake sturgeon that follows that ~~November~~ October 1st.

3. Background (Two paragraphs maximum)

The Fisheries Management Bureau supports allowing upriver sturgeon spearing license/tag applicants to only apply for a preference point. This proposal requires action by the Wisconsin State Legislature in order to offer this option.

The department's Customer Service and Licensing Bureau is able to currently allow those applying for bear hunting tags to only apply for preference points.

4. Past Legislation (Please provide specific bill numbers. If none, leave blank)

5. Fiscal Estimate (Your best estimate – you do not need M&B review)

No fiscal effect expected for Fisheries. Unknown what the effect would be for Customer Service and Licensing. Costs may apply in order to program the license application system to allow applicants to apply for a sturgeon spearing preference point in addition to applying for a tag.

6. Bureau Contact (Name & phone number)

Mike Staggs, Fisheries Management Bureau Director, 267-0796



**Shea, Elisabeth**

---

**From:** Bruhn, Michael L - DNR [Michael.Bruhn@wisconsin.gov]**Sent:** Wednesday, February 06, 2013 7:02 AM**To:** Shea, Elisabeth**Subject:** RE: Sturgeon drafting request

Lis,

I talked with some of our fisheries staff, and they informed me that the intent is only for sturgeon spearing. There are no limits on hook and line angling and anyone can buy a hook and line angling sturgeon permit. There are no limitations on the number of hook and line sturgeon permits issued. We do limit the number of sturgeon spearing licenses or permits.

Thanks!

Michael Bruhn  
 Legislative Liaison  
 Wisconsin Department of Natural Resources  
 (☎) phone: (608) 266-5375  
 (✉) e-mail: [michael.bruhn@wisconsin.gov](mailto:michael.bruhn@wisconsin.gov)  
 Website: [dnr.wi.gov](http://dnr.wi.gov)  
 Find us on Facebook: [www.facebook.com/WIDNR](http://www.facebook.com/WIDNR)

---

**From:** Shea, Elisabeth [<mailto:Elisabeth.Shea@legis.wisconsin.gov>]**Sent:** Tuesday, February 05, 2013 4:50 PM**To:** Bruhn, Michael L - DNR**Subject:** Sturgeon drafting request

Mike:

I'm working on a draft to incorporate DNR's sturgeon law changes package (sturgeon spearing preference point system and transferring sturgeon spearing license to youth), and I have a question:

Section 29.192 (4) (a) allows DNR to establish a cumulative preference system for sturgeon to limit the number of persons taking sturgeon. However, this section does not distinguish between sturgeon spearing and hook and line fishing. In other words, as currently written, the statute allows DNR to establish a cumulative preference system for spearing sturgeon or for hook and line sturgeon fishing. The drafting request proposed a new cumulative preference system only for sturgeon spearing. Is it your intent that the ability to apply for a preference point in addition to applying for a permit should be added only with respect to cumulative preference system for sturgeon spearing, or should this also be allowed under cumulative preference system involving hook and line sturgeon fishing?

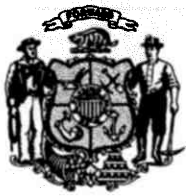
Lis

**Elisabeth H. Shea**  
 Legislative Attorney  
 Wisconsin Legislative Reference Bureau  
 P.O. Box 2037  
 Madison, WI 53701-2037

2/6/2013

(608) 266 - 5446

[elisabeth.shea@legis.wisconsin.gov](mailto:elisabeth.shea@legis.wisconsin.gov)



jek & gf

2/7/13

D-NOTE

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

DWR  
Jm  
2/21

Gen

- 1 AN ACT ...; relating to: a cumulative preference system for sturgeon spearing
- 2 permits and the transfer of a sturgeon spearing license to a minor.

***Analysis by the Legislative Reference Bureau***

x Under current law, if the Department of Natural Resources (DNR) issues permits to limit the number of persons allowed to take sturgeon, either by spear or by hook and line, and if the number of applicants for permits exceed the number of available permits, DNR must issue the permits according to a cumulative preference system. Under this system, each season an applicant for a permit who does not receive a permit is issued one preference point. Applicants fall within a preference category, and a higher priority is given to those categories with more preference points. This bill changes the cumulative preference system DNR may establish for sturgeon spearing permits by giving a person the option either to apply for a sturgeon spearing permit or to apply for a preference point only.

x Under current law, during a period beginning on November 1 each year, the holder of a sturgeon spearing license may transfer the license to a minor by applying to DNR and paying a transfer fee. This bill changes the beginning of the transfer period to October 1 of each year.

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

Check  
Component

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

1 SECTION 1. 29.192 (4) (a) of the statutes is amended to read:

2 29.192 (4) (a) If the department decides to issue permits to limit the number  
 3 of persons taking Canada geese, or sharp-tailed grouse, or taking sturgeon by  
 4 issuing permits hook and line and if the number of persons seeking the permits  
 5 exceeds the number of available permits, the department shall issue the permits  
 6 according to a cumulative preference system established by the department. The  
 7 department shall give a preference point to each applicant for each previous season  
 8 for which the applicant applied for but was not issued a permit. The system shall  
 9 establish preference categories for these applicants, with higher priority given to  
 10 those categories with more points than those with fewer points. Applicants who fail  
 11 to apply at least once during any 3 consecutive years shall lose all previously  
 12 accumulated preference points. If the number of applicants within a preference  
 13 category or a subcategory exceeds the number of permits available in the category  
 14 or subcategory, the department shall select at random within the category or  
 15 subcategory the applicants to be issued the permits.

History: 1997 a. 248 ss. 385 to 387, 403, 409; 2005 a. 25, 284; 2007 a. 24, 66.

16 SECTION 2. 29.192 (4) (c) of the statutes is created to read:

17 29.192 (4) (c) If the department decides to issue permits to limit the number  
 18 of persons taking sturgeon by spear and if the number of persons seeking the permits  
 19 exceeds the number of available permits, the department shall issue the permits  
 20 according to a cumulative preference system established by the department. For  
 21 each season, the department shall allow each applicant for a sturgeon spearing  
 22 license under the system to apply for a preference point or for a permit. The  
 23 department shall give a preference point to each applicant who applies for a  
 24 preference point and to each applicant who applies for but is not issued a permit. The

1 system shall establish preference categories for these applicants, with higher  
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3 Applicants who fail to apply at least once during any 3 consecutive years shall lose  
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5 preference category or subcategory exceeds the number of permits available in the  
6 category or subcategory, the department shall select at random within the category  
7 or subcategory the applicants to be issued permits.

8 **SECTION 3.** 29.179 (2) of the statutes is amended to read:

9 29.179 (2) APPLICATION. Upon application by a holder of an approval to transfer  
10 the approval to a minor, and upon the payment of any fee required under sub. (3), the  
11 department shall transfer the approval to the minor if the application is made no  
12 later than the 15 days immediately preceding the first day of the applicable open  
13 season and if the minor has not been previously transferred that type of approval  
14 under this section and if the minor is otherwise eligible to use the approval. The  
15 department may transfer a sturgeon spearing license under this subsection only  
16 during the period beginning on the ~~November~~ October 1st of each year and ending  
17 on the day that is the 15th day preceding the first day of the open season for the  
18 spearing of lake sturgeon that follows that ~~November~~ October 1st.

19 History: 2007 a. 65 ss. 2 to 5, 10 to 13; 2009 a. 180; 2011 a. 169.

20 **SECTION 4.** 29.237~~(5)~~(5) of the statutes is amended to read:

21 29.237 (5) The department shall deposit receipts from the sale of sturgeon  
22 spearing licenses under this subsection into the conservation fund and shall credit  
23 these receipts to the appropriation account under s. 20.370 (4) (kw) for assessing and  
managing the lake sturgeon stock and fishery in the Lake Winnebago system, for

1 improving and maintaining lake sturgeon habitat in the Lake Winnebago and upper  
2 Fox and Wolf rivers system, and for administering this section.

3 **History:** 1979 c. 34; 1983 a. 27; 1991 a. 269; 1997 a. 27; 1997 a. 248 ss. 345 to 351; Stats. 1997 s. 29.237; 1999 a. 32; 2001 a. 109; 2003 a. 274; 2011 a. 168.

(END)

D-Note

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

LRB-1040/P1dn

EHS: jek + jf

Date

Mike:

As requested, this draft creates a separate cumulative preference system for sturgeon spearing permits. Because current law also gives DNR the authority to establish a cumulative preference system for sturgeon hook and line fishing, the draft maintains this authority in s. 29.192 (4) (a).

Section 29.237 on sturgeon spearing licenses contains a definition of "Lake Winnebago and upper Fox and Wolf rivers system," but the phrase is never used in that section. It is used in s. 20.370 (4) (kw), which appropriates money received from the sale of sturgeon spearing licenses for, in part, improving and maintaining lake sturgeon habitat in the Lake Winnebago and upper Fox and Wolf rivers system. The draft adds language to clarify how this lake and river system is related to s. 29.237.

Let me know if you have any questions.

Elisabeth H. Shea  
Legislative Attorney  
Phone: (608) 266-5446  
E-mail: [elisabeth.shea@legis.wisconsin.gov](mailto:elisabeth.shea@legis.wisconsin.gov)

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

LRB-1040/P1dn  
EHS:jek&kjf:jm

February 21, 2013

Mike:

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Let me know if you have any questions.

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Legislative Attorney  
Phone: (608) 266-5446  
E-mail: [elisabeth.shea@legis.wisconsin.gov](mailto:elisabeth.shea@legis.wisconsin.gov)



LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

2/26/13 Telephone conference with Mike Bruhn and Diane Brookbank, head of customer service and licensing

1. Can eliminate reference to hook + line sturgeon fishing - no intention of issuing permits for that purpose
2. Sturgeon spearing permits - add to 29.192(4)(b) instead of creating new section?
3. Need effective date of April 1, 2014

## Shea, Elisabeth

---

**From:** Bruhn, Michael L - DNR <Michael.Bruhn@wisconsin.gov>  
**Sent:** Tuesday, February 26, 2013 4:12 PM  
**To:** Shea, Elisabeth  
**Subject:** RE: LRB-1040

For consistency, let's make it for both.

Michael Bruhn  
Legislative Liaison  
Wisconsin Department of Natural Resources  
(☎) phone: (608) 266-5375  
(✉) e-mail: [michael.bruhn@wisconsin.gov](mailto:michael.bruhn@wisconsin.gov)  
Website: [dnr.wi.gov](http://dnr.wi.gov)  
Find us on Facebook: [www.facebook.com/WIDNR](http://www.facebook.com/WIDNR)

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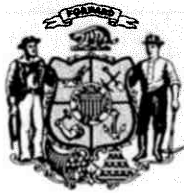
**From:** Shea, Elisabeth [<mailto:Elisabeth.Shea@legis.wisconsin.gov>]  
**Sent:** Tuesday, February 26, 2013 4:02 PM  
**To:** Bruhn, Michael L - DNR  
**Subject:** LRB-1040

Hi Mike,

One question on the sturgeon spearing draft. Diane mentioned the need for an effective date of April 1, 2014. Is that just for the sturgeon spearing permit sections, or also for the license transfer section?

Lis

**Elisabeth H. Shea**  
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State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1040/P1 P2

EHS:jek&kjf:an

Stays RMR

In 3/12/13

Other

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

re-checked SA

GEN

DEF

- 1 AN ACT ...; relating to: a cumulative preference system for sturgeon spearing
- 2 permits and the transfer of a sturgeon spearing license to a minor.

***Analysis by the Legislative Reference Bureau***

X

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Under current law, during a period beginning on November 1 each year, the holder of a sturgeon spearing license may transfer the license to a minor by applying to DNR and paying a transfer fee. This bill changes the beginning of the transfer period to October 1 of each year.

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

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

1           **SECTION 1.** 29.192 (4) (a) of the statutes is amended to read:

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17 spearing of lake sturgeon that follows that ~~November~~ October 1st.

18 INSERT 3-18 → SECTION 4. 29.237 (5) of the statutes is amended to read:

19 29.237 (5) The department shall deposit receipts from the sale of sturgeon  
20 spearing licenses under this subsection into the conservation fund and shall credit  
21 these receipts to the appropriation account under s. 20.370 (4) (kw) for assessing and  
22 managing the lake sturgeon stock and fishery in the Lake Winnebago system, for  
23 improving and maintaining lake sturgeon habitat in the Lake Winnebago and upper  
24 Fox and Wolf rivers system, and for administering this section.

25 INSERT 3-25 → (END)

2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1040/P2ins  
EHS:jek&kjf:jm

1 INSERT 3-18 ✓

2 SECTION 1. 29.192 (4) (a) of the statutes is amended to read:

3 29.192 (4) (a) If the department decides to limit the number of persons taking  
4 <sup>is</sup> ~~Canada geese,~~ <sup>[Strike comma] or</sup> sharp-tailed grouse, ~~or sturgeon~~ by issuing permits and if the number  
5 of persons seeking the permits exceeds the number of available permits, the  
6 department shall issue the permits according to a cumulative preference system  
7 established by the department. The department shall give a preference point to each  
8 applicant for each previous season for which the applicant applied but was not issued  
9 a permit. The system shall establish preference categories for these applicants, with  
10 higher priority given to those categories with more points than those with fewer  
11 points. Applicants who fail to apply at least once during any 3 consecutive years shall  
12 lose all previously accumulated preference points. If the number of applicants within  
13 a preference category or ~~a~~ subcategory exceeds the number of permits available in  
14 the category or subcategory, the department shall select at random within the  
15 category or subcategory the applicants to be issued the permits.

History: 1997 a. 248 ss. 385 to 387, 403, 409; 2005 a. 25, 284; 2007 a. 24, 66.

16 SECTION 2. 29.192 (4) (b) <sup>1.</sup> of the statutes is amended to read:

17 29.192 (4) (b) 1. If the department decides to issue permits to limit the number  
18 of persons taking fishers, otters, <sup>[Strike]</sup> ~~or bobcats~~ by issuing permits, or taking sturgeon  
19 by spear and if the number of persons seeking the permits exceeds the number of  
20 available permits, the department shall issue the permits according to a cumulative  
21 preference system established by the department. The system shall establish  
22 preference categories for those applicants who applied for but were not issued the  
23 applicable permits, with higher priority given to those categories with more points

1 than those with fewer preference points. For each season, the department shall  
 2 allow each applicant under the system to apply for a preference point or for a permit.  
 3 The department shall give a preference point to each applicant who applies for a  
 4 preference point and to each applicant who applies for a permit but who is not  
 5 selected issued a permit. Applicants who fail to apply for either a preference point  
 6 or a permit at least once during any 3 consecutive years shall lose all previously  
 7 accumulated preference points. If the number of applicants within a preference  
 8 category or ~~a~~ subcategory exceeds the number of permits available in the category  
 9 or subcategory, the department shall select at random within the category or  
 10 subcategory the applicants to be issued the permits.

11 2. A person who applies for a preference point or a permit under subd. 1. shall  
 12 pay the processing fee under s. 29.553 at the time of application.

13 3. The department shall issue a permit to those qualified applicants selected  
 14 to receive a permit under subd. 1.

15 History: 1997 a. 248 ss. 385 to 387, 403, 409; 2005 a. 25, 284; 2007 a. 24, 66.

16 INSERT 3-25

17 SECTION 3. Effective date.

18 (1) This act takes effect on April 1, 2014, <sup>or</sup> ~~on~~ <sup>on</sup> the day after publication,  
 whichever is later

**Shea, Elisabeth**

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**From:** Bruhn, Michael L - DNR <Michael.Bruhn@wisconsin.gov>  
**Sent:** Thursday, April 11, 2013 6:10 PM  
**To:** LRB.Legal; Shea, Elisabeth  
**Subject:** RE: Draft review: LRB -1040/P2 Topic: Sturgeon spearing preference points and license transfers

Lis,

Please draft as a /1 and jacked for the Assembly. Please also have it delivered to 101 S. Webster (DNR Bldg) attn.: Michael Bruhn 8th Floor.

Thank you very much!!!!



Michael Bruhn  
Legislative Liaison  
Wisconsin Department of Natural Resources  
(☎) phone: (608) 266-5375  
(✉) e-mail: [michael.bruhn@wisconsin.gov](mailto:michael.bruhn@wisconsin.gov)  
Website: [dnr.wi.gov](http://dnr.wi.gov)  
Find us on Facebook: [www.facebook.com/WIDNR](http://www.facebook.com/WIDNR)

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**From:** LRB.Legal [<mailto:LRB-LegalServices@legis.wisconsin.gov>]  
**Sent:** Thursday, March 14, 2013 12:17 PM  
**To:** Bruhn, Michael L - DNR  
**Subject:** Draft review: LRB -1040/P2 Topic: Sturgeon spearing preference points and license transfers

**Following is the PDF version of draft LRB -1040/P2.**





State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1040 P2 1  
EHS:jek&kjf:js

In 4/12/13

stays RMR

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

No changes

Regen

Regen

1 **AN ACT to amend** 29.179 (2), 29.192 (4) (a), 29.192 (4) (b) 1. and 29.237 (5) of the  
2 statutes; **relating to:** a cumulative preference system for sturgeon spearing  
3 permits and the transfer of a sturgeon spearing license to a minor.

***Analysis by the Legislative Reference Bureau***

Under current law, if the Department of Natural Resources (DNR) issues permits to limit the number of persons allowed to take sturgeon and if the number of applicants for permits exceeds the number of available permits, DNR must issue the permits according to a cumulative preference system. Under this system, each season an applicant for a permit who does not receive a permit is issued one preference point. Applicants fall within a preference category, and a higher priority is given to those categories with more preference points. This bill changes the cumulative preference system DNR may establish for sturgeon spearing permits by giving a person the option either to apply for a sturgeon spearing permit or to apply for a preference point only.

Under current law, during a period beginning on November 1 each year, the holder of a sturgeon spearing license may transfer the license to a minor by applying to DNR and paying a transfer fee. This bill changes the beginning of the transfer period to October 1 of each year.

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

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

1           SECTION 1. 29.179 (2) of the statutes is amended to read:

2           29.179 (2) APPLICATION. Upon application by a holder of an approval to transfer  
3 the approval to a minor, and upon the payment of any fee required under sub. (3), the  
4 department shall transfer the approval to the minor if the application is made no  
5 later than the 15 days immediately preceding the first day of the applicable open  
6 season and if the minor has not been previously transferred that type of approval  
7 under this section and if the minor is otherwise eligible to use the approval. The  
8 department may transfer a sturgeon spearing license under this subsection only  
9 during the period beginning on the ~~November~~ October 1st of each year and ending  
10 on the day that is the 15th day preceding the first day of the open season for the  
11 spearing of lake sturgeon that follows that ~~November~~ October 1st.

12           SECTION 2. 29.192 (4) (a) of the statutes is amended to read:

13           29.192 (4) (a) If the department decides to limit the number of persons taking  
14 Canada geese, or sharp-tailed grouse, ~~or sturgeon~~ by issuing permits and if the  
15 number of persons seeking the permits exceeds the number of available permits, the  
16 department shall issue the permits according to a cumulative preference system  
17 established by the department. The department shall give a preference point to each  
18 applicant for each previous season for which the applicant applied but was not issued  
19 a permit. The system shall establish preference categories for these applicants, with  
20 higher priority given to those categories with more points than those with fewer  
21 points. Applicants who fail to apply at least once during any 3 consecutive years shall

1 lose all previously accumulated preference points. If the number of applicants within  
2 a preference category or ~~a~~ subcategory exceeds the number of permits available in  
3 the category or subcategory, the department shall select at random within the  
4 category or subcategory the applicants to be issued the permits.

5 **SECTION 3.** 29.192 (4) (b) 1. of the statutes is amended to read: ✓

6 29.192 (4) (b) 1. If the department decides to issue permits to limit the number  
7 of persons taking fishers, otters, ~~or bobcats by issuing permits, or sturgeon~~ and if the  
8 number of persons seeking the permits exceeds the number of available permits, the  
9 department shall issue the permits according to a cumulative preference system  
10 established by the department. The system shall establish preference categories for  
11 those applicants who applied for but were not issued the applicable permits, with  
12 higher priority given to those categories with more points than those with fewer  
13 preference points. For each season, the department shall allow each applicant under  
14 the system to apply for a preference point or for a permit. The department shall give  
15 a preference point to each applicant who applies for a preference point and to each  
16 applicant who applies for a permit but who is not selected issued a permit.  
17 Applicants who fail to apply for either a preference point or a permit at least once  
18 during any 3 consecutive years shall lose all previously accumulated preference  
19 points. If the number of applicants within a preference category or ~~a~~ subcategory  
20 exceeds the number of permits available in the category or subcategory, the  
21 department shall select at random within the category or subcategory the applicants  
22 to be issued the permits.

23 **SECTION 4.** 29.237 (5) of the statutes is amended to read: ✓

24 29.237 (5) The department shall deposit receipts from the sale of sturgeon  
25 spearing licenses under this subsection into the conservation fund and shall credit

1 these receipts to the appropriation account under s. 20.370 (4) (kw) for assessing and  
2 managing the lake sturgeon stock and fishery in the Lake Winnebago system, for  
3 improving and maintaining lake sturgeon habitat in the Lake Winnebago and upper  
4 Fox and Wolf rivers system, and for administering this section.

5 **SECTION 5. Effective date.**

6 (1) This act takes effect on April 1, 2014, or on the day after publication,  
7 whichever is later.

8 (END)