


2019 DRAFTING REQUEST

Bill

For: **Ron Tusler (608) 266-5831** Drafter: **eshea**
 By: **Evan** Secondary Drafters:
 Date: **2/13/2019** May Contact:

Same as LRB: **-4460** 

Submit via email: **YES**
 Requester's email: **Rep.Tusler@legis.wisconsin.gov**
 Carbon copy (CC) to: **elisabeth.shea@legis.wisconsin.gov**
zachary.wyatt@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Lifetime fishing license

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	eshea 2/15/2019	ccarmich 2/15/2019			
/P1	eshea 3/4/2019	ccarmich 3/6/2019	lparisi 2/15/2019		State
/P2	eshea 5/22/2019	ccarmich 5/24/2019	mbarman 3/6/2019		State
/P3	eshea 7/12/2019	ccarmich 7/15/2019	mbarman 5/24/2019		State
/P4	eshea	ccarmich	mbarman		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	8/21/2019	8/22/2019	7/15/2019		
/P5			dwalker 8/22/2019		State
/1			mbarman 9/25/2019	mbarman 9/25/2019	State

FE Sent For:

At Intro

<END>

Shea, Elisabeth

From: Umpir, Evan
Sent: Wednesday, February 13, 2019 11:16 AM
To: Shea, Elisabeth
Subject: 2017 AB 878

Good morning Lis,

Could you please draft 2017 AB 878 for Rep. Tusler please (as a /p1)? Let me know if you have any questions.

Thank you,
Evan

Evan Umpir
Office of Representative Ron Tusler
3rd District, Wisconsin State Assembly
(608) 266-5831
(888) 534-0003



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-5049/1 2006/P1
EHS:amb
cdc

In 2/13

2017 ASSEMBLY BILL 878

Done 2/15

January 29, 2018 - Introduced by Representatives QUINN, KLEEFISCH, VRUWINK, HORLACHER, DOYLE, BERCEAU and FIELDS, cosponsored by Senator RINGHAND. Referred to Committee on Natural Resources and Sporting Heritage.

sla
x-ref
s/c

(res)

- 1 AN ACT to create 29.219 (2g), 29.229 (2) (gm), 29.2295 (2) (gm) and 29.563 (3) (a)
- 2 4g. and 4h. of the statutes; relating to: a resident lifetime fishing license.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions including an exception for residents under the age of 16, no person may fish in this state unless the person has a valid approval that authorizes fishing. The Department of Natural Resources issues various fishing licenses, such as resident annual fishing licenses, one-day fishing licenses, and two-day sports fishing licenses. This bill requires DNR also to issue lifetime fishing licenses to residents. Under the bill, a resident lifetime fishing license confers the privilege of an annual fishing license. The holder of a resident lifetime fishing license must still be issued a fishing stamp if the type of fishing in which he or she will be engaged requires such a stamp. The bill establishes the fee for a resident lifetime fishing license at 30 times the fee for a resident annual fishing license, which under current law is \$19.25 plus a 75 cent issuing fee. Thus, at the current rate, a resident lifetime fishing license fee under the bill is \$577.50, plus a 75 cent issuing fee. The bill provides that the fee for a resident lifetime fishing license issued to a resident age 62 or older is reduced to five times the annual fishing license fee, which under the current rate is \$96.25, plus a 75 cent issuing fee.

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:



2/25/19 - 2006

Evan - Rep Tustler

Have fees go into an escrow account

Disburse (to normal destination) over X years (30?)

- $\frac{1}{30}$ of each fee each year

(so dept doesn't get entire chunk up front, more like an ~~annual~~ annual fee)



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

In 3/4

Due 3/6

D-NOTE

- 1 AN ACT ^{regen} to create 29.219 (2g), 29.229 (2) (gm), 29.2295 (2) (gm) and 29.563 (3) (a)
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Under current law, with certain exceptions including an exception for residents under the age of 16, no person may fish in this state unless the person has a valid approval that authorizes fishing. The Department of Natural Resources issues various fishing licenses, such as resident annual fishing licenses, one-day fishing licenses, and two-day sports fishing licenses. This bill requires DNR also to issue lifetime fishing licenses to residents. Under the bill, a resident lifetime fishing license confers the privilege of an annual fishing license. The holder of a resident lifetime fishing license must still be issued a fishing stamp if the type of fishing in which he or she will be engaged requires such a stamp. The bill establishes the fee for a resident lifetime fishing license at 30 times the fee for a resident annual fishing license, which under current law is \$19.25 plus a 75 cent issuing fee. Thus, at the current rate, a resident lifetime fishing license fee under the bill is \$577.50, plus a 75 cent issuing fee. The bill provides that the fee for a resident lifetime fishing license issued to a resident age 62 or older is reduced to five times the annual fishing license fee, which under the current rate is \$96.25, plus a 75 cent issuing fee.

INS.A

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:

INS. 2-1

1 SECTION 1. 29.219 (2g) of the statutes is created to read:

2 29.219 (2g) LIFETIME FISHING LICENSE. (a) The department shall issue a
3 resident lifetime fishing license, subject to s. 29.024, to any resident who applies for
4 this license.

5 (b) A resident lifetime fishing license issued to any resident who has attained
6 the age of 62 shall be issued at the reduced fee under s. 29.563 (3) (a) 4h.

7 SECTION 2. 29.229 (2) (gm) of the statutes is created to read:

8 29.229 (2) (gm) Resident lifetime fishing licenses.

9 SECTION 3. 29.2295 (2) (gm) of the statutes is created to read:

10 29.2295 (2) (gm) Resident lifetime fishing licenses.

11 SECTION 4. 29.563 (3) (a) 4g. and 4h. of the statutes are created to read:

12 29.563 (3) (a) 4g. Lifetime fishing: 30 times the fee for an annual fishing license
13 under subd. 1.

14 4h. Lifetime fishing issued to a resident who has attained the age of 62: 5 times
15 the fee for an annual fishing license under subd. 1.

16 SECTION 5. **Effective date.**

17 (1) This act takes effect on the March 1 that occurs during the first year
18 beginning after the day of publication.

19 (END)

1

2

INSERT A

Under current law, all proceeds from hunting and fishing license fees are deposited in the conservation fund and appropriated to DNR for various purposes. Under this bill, fees from the sale of resident lifetime fishing licenses are deposited in the conservation fund but only 1/30th of each fee may be appropriated from that fund during each fiscal year for 30 fiscal years.

3

INSERT 2-1

4

SECTION 1. 20.9045 (3) of the statutes is created to read:

5

20.9045 (3) FEES FROM CERTAIN LICENSES. License fees received from the sale of resident lifetime fishing licenses under s. 29.219 (2g) and deposited in the conservation fund under s. 25.29 (1) (a) may be appropriated under s. 20.370 only as follows: 1/30th of each fee paid under s. 29.563 (3) (a) 4g. or 4h. may be used during each fiscal year, beginning in the fiscal year during which the fee is paid and ending after 30 fiscal years have passed since the fee was paid.

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

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20.370 Natural resources, department of. (intro.) There is appropriated from the conservation fund, except as provided under s. 20.9045 (3), or from other funds if so indicated, to the department of natural resources for the following programs:

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History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290/295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109; 2003 a. 33, 228, 251, 310, 314, 321, 327; 2005 a. 25, 286, 288, 347, 394; 2007 a. 20, 50, 97; 2009 a. 28, 42, 50, 175, 276, 365, 373; 2011 a. 32, 103, 118, 148, 151, 169, 208; 2011 a. 257 s. 56; 2013 a. 1; 2013 a. 20 ss. 214, 217, 218, 219, 220, 221, 276 to 289j; 2013 a. 72, 80; 2013 a. 165 s. 114; 2015 a. 31, 55, 89, 170; 2015 a. 197 s. 51; 2015 a. 250, 260, 358; 2017 a. 59, 134, 183, 348; 2017 a. 365 s. 111; 2017 a. 366.

re-order

appropriated

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

LRB-2006/P2dn
EHS:cdc

[date]

Evan:

You requested that the draft establish an escrow account to accomplish the goal of only allowing the use of 1/30th of each fee in each year. However, because DNR may only expend those amounts that are appropriated to it under the statutes, it made more sense to place limitations on those appropriations in ch. 20. Let me know if you have any questions.

Elisabeth Shea
Senior Legislative Attorney
(608) 504-5885
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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2006/P2dn
EHS:cdc

March 6, 2019

Evan:

You requested that the draft establish an escrow account to accomplish the goal of only allowing the use of 1/30th of each fee in each year. However, because DNR may only expend those amounts that are appropriated to it under the statutes, it made more sense to place limitations on those appropriations in ch. 20. Let me know if you have any questions.

Elisabeth Shea
Senior Legislative Attorney
(608) 504-5885
elisabeth.shea@legis.wisconsin.gov



5/6/19 -2006/P2

Evan - Rep. Tuster

DNR suggested changes

✓ - specify what happens if holder becomes non resident
→ still valid

✓ - specify license is not exchangeable or refundable
and cannot be combined with other license discounts

✓ - 29.231(2) - resident sports license - add "annual" to
differentiate from lifetime (also (1)?)
(and others)

✓ - analysis: reference to stamp - "purchased" not "issued"

- 1/30th annual amount has implications on federal
funding

Shea, Elisabeth

From: Umpir, Evan
Sent: Monday, May 06, 2019 10:13 AM
To: Shea, Elisabeth
Subject: 2006/P2
Attachments: MN Lifetime Fishing License Info.pdf

Hi Lis,

Here's the info on Minnesota I got from DNR. The report looks like it was published in 2000, so I'm not sure if there have been any updates to the program since. As I mentioned, Oklahoma also deposits its license fees into a trust fund, so Okla. might be a good place to check for structure as well.

Also, to provide a little more context, here's what I received from DNR on the federal funding implications:

Federal Sports Fish Restoration (SFR) Grant Implications:

There is currently a proposal at the federal level to revise the approach for license holder calculations under 50 CFR 80 (\$2/year). Based on the total license cost proposed in the bill, the Department could continue to count the license holder in the state's SFR license certifications well beyond anticipated lifespan. Federal law caps the number of year a lifetime license holder can be counted for certification at 80 years

The 1/30 stipulation generates some concern:

- 1. This type of legislative directive regarding how the Department spends license revenue could be interpreted as a violation of the state assent legislation (s. 29.037, Wis. Stats.) which requires control of the use of license revenue to remain with the state fish and game agency. This legislation is required to be maintained in order to remain eligible for Pittman-Robertson (PR) and SFR funding per 50 CFR 80.10. PR and SFR funds account for about \$34 million per year in conservation fund revenue, so the Department is sensitive to changes that would potentially jeopardize Wisconsin's eligibility for those funding sources.*

To be clear, the department's SFR Grant Coordinator is not certain if this limitation would be viewed as possible diversion away from fish and game agency control. They can say, however, that similar proposed legislation limits have been interpreted in this way. If the bill proceeds with this condition, the Department would want to consult with the US Fish and Wildlife Service office in Region 3 to get their read.

- 2. By stating that this revenue will be accounted for only for 30 years, the Department will not be able to meet the \$2/year minimum (in the revised 50 CFR 80) required to include that license holder in our federal certifications for the full anticipated 80-year lifespan. This would effectively reduce the state's federal apportionment for the following 50 years. Per current accounting, each license holder the department certifies brings in \$8.50 in federal SFR revenue. Therefore, the overall impact to SFR alone would be at least \$425 per lifetime license. This is probably less of a concern for the over 62 license, where the number of individuals purchasing licenses after age 62 is likely relatively low.*

From a federal funding impact standpoint, the Department's SFR Grant Coordinator recommends removal the 1/30 stipulation, thus avoiding the potential for a diversion finding, and allowing the state to include those licenses in our annual certifications to their full potential.

We'd still like to keep the idea of the 1/30 dispersal or some sort of trust fund just so that annual fishing license fees are (somewhat) evenly spread over the course of a few decades and not spent lopsided up from. I'll make sure to check in with DNR after our next iteration to see if how we structure it has an adverse effect on the SFR Grant.

Let me know if you have any questions.

Thanks!
Evan

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Shea, Elisabeth

From: Umpir, Evan
Sent: Thursday, May 16, 2019 11:57 AM
To: Shea, Elisabeth
Subject: Lifetime fishing license-state research
Attachments: Lifetime fishing licenses memo.pdf

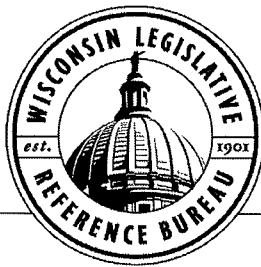
Hi Lis,

Just got this memo from Ryan on other states' lifetime fishing licenses. It looks like at least 7 (11) states have some sort of trust fund or segregated fund for the license fees (CA, FL, ID, (IL), MN, MI, NY, OH, TX, VT, WY).

Hopefully this helps! Let me know if you have any questions. Thank you!

-Evan

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MEMORANDUM

TO: Evan Umpir, Office of Representative Tusler
FROM: Ryan LeCloux, legislative analyst
DATE: May 16, 2019
SUBJECT: Lifetime Fishing License Fees and Revenue Administration

You asked us to provide information on other states' lifetime fishing license fees and how revenue collected from these fees is administered. This memo provides a summary of each state's lifetime fishing licenses programs including the fee structure, how revenue is administered, and links to the relevant state statutes.

14/22 (i)

Summary of lifetime fishing licenses fee structure

At least 22 states provide some type of lifetime fishing license. The vast majority of states only provide these licenses to residents, but several states also offer lifetime licenses for non-residents at a higher rate. A number of states also offer other types of lifetime licenses including combination or sportsman licenses (hunting and fishing), heavily discounted or free licenses for seniors, disabled veterans, or military personnel, and saltwater fishing licenses in coastal states.

Most states charge a range of fees for lifetime licenses based on age. Only a few states charge one price for licenses regardless of age. State fees tend to range from a few hundred dollars to over a thousand dollars for a lifetime license. Some states also provide heavily discounted licenses for senior citizens.

The vast majority of states deposit fees collected from lifetime licenses into a trust or savings account. How the funds in those accounts are used varies. Several states transfer a portion of funds from the trust/savings account into an account used for conservation or natural resources purposes. Some states only allow the interest of those accounts to be used while others allow some portion of the principal to be used. The amount used or transferred is typically linked to the amount of interest accrued in the account or equivalent to the cost of annual licenses.

The following table provides an overview of each state's fees and revenue system for lifetime fishing licenses. Unless labeled otherwise, all fees listed are for resident lifetime fishing licenses.

State	Fee	How revenue is administered	Statutes
<u>Alabama</u>	<ul style="list-style-type: none"> • Under 2: \$171.45 • Ages 2-11: \$228.30 • Ages 12-49: \$285.20 • 50+: \$171.45 	<p>All fees collected from lifetime freshwater fishing and combination hunting and freshwater fishing licenses go into the Game and Fish Fund.</p> <p><i>Income on fund → Game+Fish regular acct</i></p>	<ul style="list-style-type: none"> • <u>9-11-65</u>: Freshwater fishing licenses • <u>9-2-20.1</u>: Game and fish fund
<u>Arizona</u>	<ul style="list-style-type: none"> • Ages 0-13: \$629 • Ages 14-29: \$666 • Ages 30-44: \$592 • Ages 45-61: \$555 • Ages 62+: \$296 	<p>“Dollars derived from the sale of these special licenses will be deposited into the established Arizona Wildlife Endowment Fund from which only the interest accrued will be used for management programs.”</p>	<ul style="list-style-type: none"> • <u>17-355.01</u>: Lifetime licenses • <u>17-271</u>: Wildlife endowment fund
<u>Arkansas</u>	<ul style="list-style-type: none"> • Hunting and fishing Sportsman’s permit: \$1,000 • 65+ fishing: \$10.50 • 65+ combo: \$35.50 	<p>Fees collected from fishing and hunting licenses are deposited into the Game Protection Fund. It is unclear whether this also applies to lifetime licenses. <u>Amendment 35</u> of the Arkansas Constitution gives the Arkansas State Game and Fish Commission authority over the fund.</p> <p><i>vague how used</i></p>	<ul style="list-style-type: none"> • <u>15-42-104</u>: lifetime licenses • <u>15-42-124</u>: Fees collected • <u>19-6-420</u>: Game Protection Fund
<u>California</u>	<ul style="list-style-type: none"> • Ages 0-9: \$550.25 • Ages 10-39: \$899.25 • Ages 40-61: \$810.25 • Ages 62+: \$550.25 	<p>Collected fees go into a Lifetime License Trust Account. The account accrues interest of which the department gets an allocation annually “equal to one license fee for every person holding a lifetime fishing or hunting license.”</p>	<ul style="list-style-type: none"> • <u>7149.2</u>: Lifetime licenses • <u>13005</u>: How fees administered
<u>Florida</u>	<ul style="list-style-type: none"> • Saltwater fishing, ages 13+: \$301.50 • Freshwater fishing, ages 13+: \$301.50 • Gold Sportsman’s license, ages 13+: \$1,001.50 	<p>“The proceeds from the sale of all lifetime licenses authorized in this section shall be deposited into the Lifetime Fish and Wildlife Trust Fund, to be distributed as provided in s. 379.207.”</p> <p><i>only interest used</i></p>	<ul style="list-style-type: none"> • <u>379.354</u>: Fees for lifetime license • <u>379.207</u>: Lifetime fish and wildlife trust fund
<u>Idaho</u>	<ul style="list-style-type: none"> • Ages 0-1: \$601.75 • Ages 2-50: \$841.75 • Ages 50+: \$481.75 	<p>Lifetime license fees are deposited into the fish and game trust account. “All such moneys shall be expended at the direction of the commission to carry out the purposes of the Idaho fish and game code or any law or regulation promulgated for the protection of wildlife, and shall be used for no other purpose.”</p> <p><i>vague</i></p>	<ul style="list-style-type: none"> • <u>36-413</u>: Lifetime license fee
<u>Illinois</u>	<p>\$435 (30 times the current resident fishing license fee)</p>	<p>All fees go into the Fish and Wildlife Endowment Fund. Interest earned from the fund is also deposited into the fund. Money from the fund can be transferred to the Wildlife and Fish Fund, but this amount “shall not exceed the annual interest accrued to the Fish and Wildlife Endowment Fund.”</p>	<ul style="list-style-type: none"> • <u>515 ILCS 5/20-45(f)</u>: Lifetime licenses • <u>30 ILCS 105/8.30</u>: Fish and Wildlife Endowment Fund
<u>Kansas</u>	<ul style="list-style-type: none"> • Fishing: \$502.50 • Combo fish/hunt: \$962.50 • Senior combo hunt/fish: \$42.50 	<p>Fees split between:</p> <ul style="list-style-type: none"> • Wildlife fee fund: Amount transferred is equal to: “the amount obtained by multiplying the number of such lifetime licenses issued by the current fee for an annual ... license.” • Wildlife conservation fund: remaining balance 	<ul style="list-style-type: none"> • <u>32-930</u>: Lifetime licenses • <u>32-988</u>: Fees • <u>32-992</u>: Allocation of fees

<u>Minnesota</u>	<ul style="list-style-type: none"> • Ages 0-3: \$344 • Ages 4-15: \$469 • Ages 16-50: \$574 • Ages 51+: \$379 	All fees go into the Lifetime fish and wildlife trust fund , as well as interest accrued. "Each year the commissioner of management and budget shall transfer from the lifetime fish and wildlife trust fund to the game and fish fund an amount equal to the amount that would otherwise have been collected from annual license fees for each lifetime license."	<ul style="list-style-type: none"> • <u>97A.475</u>: License fees • <u>97A.4742</u>: Lifetime fish and wildlife trust fund
<u>Mississippi</u>	Sportsman's (combination) license <ul style="list-style-type: none"> • Ages 0-12: \$500 • Ages 13+: \$1,000 • Non-resident: \$1,500 	Lifetime license fees are deposited into the Wildlife Endowment fund : "The department shall deposit all proceeds from the sale of lifetime licenses into such fund. The interest obtained from any investment or deposit of monies in such fund shall be deposited by the commission into such fund." <i>only interest used</i>	<ul style="list-style-type: none"> • <u>49-7-153</u>: Lifetime licenses • <u>49-7-155</u>: Wildlife Endowment Fund
<u>Missouri</u>	<ul style="list-style-type: none"> • Ages 0-15: \$275 • Ages 16-29: \$400 • Ages 30-39: \$350 • Ages 40-59: \$300 • Ages 60-64: \$35 • 65+: exempt 	"All monies collected by permit issuing agents and derived from the sale of hunting, fishing, and trapping permits, less and except a service fee to be determined by the Conservation Commission, shall be held in trust for the Conservation Commission. " <i>unclear how used</i>	<ul style="list-style-type: none"> • <u>3 CSR 10-5.225(2)</u>: Fees from permits • <u>3 CSR 10-5.315</u>: Lifetime fishing permit
<u>Nebraska</u>	<ul style="list-style-type: none"> • Resident: <ul style="list-style-type: none"> ○ Ages 0-15: \$616 ○ Ages 16-45: \$710 ○ Ages 46+: \$616 • Non-Resident: <ul style="list-style-type: none"> ○ Ages 0-16: \$949 ○ Ages 17+: \$1,306 	Fees are deposited into the State Game Fund . "Twenty-five percent of the fees for lifetime permits shall not be expended but may be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Income from such investments may be expended by the commission."	<ul style="list-style-type: none"> • <u>37-415</u>: Lifetime license • <u>37-417</u>: Fees to state game fund • <u>37-323</u> and <u>37-324</u>: State game fund
<u>New York</u>	<ul style="list-style-type: none"> • Fishing: <ul style="list-style-type: none"> ○ \$460 (ages 0-69) ○ \$65 (ages 70+) • Combo (hunt/fish): <ul style="list-style-type: none"> ○ Under 5: \$380 ○ Ages 5-11: \$535 ○ Ages 12-69: \$765 ○ Ages 70+: \$65 	"The purchase of a lifetime license goes forever into New York State's Fish and Game Trust Fund . Only the interest from this fund goes into the State's Conservation Fund which is overseen by the Conservation Fund Advisory Board (CFAB) and is dedicated to the support and promotion of fishing, hunting and trapping."	<u>11-0702</u> : Lifetime licenses; state fish and game trust account
<u>North Carolina</u>	<ul style="list-style-type: none"> • 3 infant options • 3 youth options • 12 Adult (12+) options <ul style="list-style-type: none"> ○ Fishing: \$250 ○ Combo: \$500 	Funds from all lifetime licenses go into the Wildlife Endowment Fund . Only accrued interest from the account is spent.	<ul style="list-style-type: none"> • <u>113-270</u>: Licenses • <u>143-250.1</u>: Wildlife Endowment Fund
<u>Ohio</u>	<ul style="list-style-type: none"> • Youth: \$430.56 • Adult: \$468 • Senior: \$84.24 	Fees collected go into the multi-year and lifetime license fund . <ul style="list-style-type: none"> • Every fiscal year, money from each lifetime license is transferred from the fund to the account that fees from single year licenses are deposited, in an amount equaling "the total amount of the fee charged for the license divided by the number of years the license is valid." • Investment earnings from the fund are transferred into the wildlife fund each fiscal year. 	<u>1533.321</u> : Multi-year or lifetime hunting and fishing licenses

(i)

75% expended
25% invested - used

(i)

(i)

(*) DNR determines by rule how to prorate lifetime license fees 3

<u>Oklahoma</u>	<ul style="list-style-type: none"> Fishing: \$225 Senior fishing: \$15 Combo (hunt/fish): \$775 Senior Combo: \$25 	Fees from lifetime licenses go into a savings account , of which only the interest is spent. Purchasers of lifetime licenses must also buy a \$25 Lifetime Oklahoma Wildlife Land Stamp. Stamp fees go into the Oklahoma Wildlife Land Fund . Fees from senior lifetime licenses are deposited into the Wildlife Heritage Fund .	<ul style="list-style-type: none"> 29-4-114: Lifetime licenses 29-3-305: Investment of lifetime license fees 	(i)
<u>South Carolina</u>	<ul style="list-style-type: none"> Ages 16-63: <ul style="list-style-type: none"> Fresh OR saltwater: \$300 Ages 64+ (saltwater and freshwater): \$9 	<p>“Revenue generated from the sale of lifetime privileges shall be deposited in the Wildlife Endowment Fund.”</p> <p><i>only income spent 50-3-740</i></p>	<p>SC 50-9: Hunting and fishing licenses</p> <p><i>50-3-710... Wildlife Endowment Fund</i></p>	(i)
<u>Tennessee</u>	<p>“Lifetime sportsman” (all-inclusive):</p> <ul style="list-style-type: none"> Ages 7-12: \$988 Ages 13-50: \$1,976 Ages 51-64: \$1,153 Ages 65+: \$329 	<p>Fees go into the Wildlife Management Endowment Fund as established in state statute:</p> <ul style="list-style-type: none"> 70-1-501: Establishment of fund 70-1-502: Fund assets 70-1-503: Fund investment Other stipulations: <u>70-1-504</u>; <u>70-1-505</u>; 70-1-506 <p><i>can't spend principal / can't spend princ. or (i) if 210</i></p>	70-2-201: Licenses	(i)
<u>Texas</u>	<ul style="list-style-type: none"> Fishing: \$1,000 Combo (fish/hunt): \$1,800 	Fees go to the Parks and Wildlife Lifetime License Endowment Fund . “Only the interest from the endowment fund will be used to acquire, develop, manage, and repair hunting and fishing areas.”	<ul style="list-style-type: none"> 11.061: Fund 11.062: Fund assets 11.063: Fund uses 11.064: Fund restrictions 	(i)
<u>Vermont</u>	<ul style="list-style-type: none"> Under 1: \$156 1-15: \$416 16-24: \$806 25-66: \$676 66+: \$60 Non-resident licenses: 2x price 	<p>“Proceeds from the lifetime license sales support the Fish and Wildlife Trust Fund.”</p> <p><i>when reaches \$250k can withdraw interest</i></p>	<ul style="list-style-type: none"> 10 V.S.A. § 4279: Lifetime Licenses 10 V.S.A. § 4049: Fish and Wildlife Trust Fund 	(i)
<u>Virginia</u>	<p>Freshwater OR trout:</p> <ul style="list-style-type: none"> Ages 0-44: \$260 Ages 45-50: \$210 Ages 51-55: \$160 Ages 56-60: \$110 Ages 61-64: \$60 Ages 65+: \$20 Non-resident: \$555 	<p>All funds go into the Lifetime Hunting and Fishing Endowment Fund. “The income and principal of this Fund shall be used only for the purposes of administering the lifetime hunting and fishing license program and supporting the wildlife conservation programs of the Department of Game and Inland Fisheries.”</p> <p><i>vague</i></p>	<ul style="list-style-type: none"> 29.1-302.1: Lifetime licenses 29.1-101.1: Lifetime hunting and fishing endowment fund 	
<u>Wyoming</u>	<ul style="list-style-type: none"> Fishing: \$311 Combo (fishing, small game): \$496 	Fees for lifetime licenses go into a separate account within the Game and Fish Fund . A small portion of funds in this account can be transferred to the Game and Fish Fund: “The commission may annually transfer into the fund from the account an amount not to exceed six percent (6%) of the total account balance.”	23-1-501(c): Game and fish fund	%

5/21/19 Mtg w/Rep. Tustler

Go with Ohio model

- money → trust

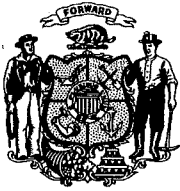
- each yr amount transferred to same account
single year license fees go to

• "total amount of the fee charged for the license divided by the number of years the license is valid" - doesn't work exactly - just "prorate"

• DNR determines by rule how to prorate lifetime license fees

- except :- only one price → 30x resident fishing license fee

- interest stays in trust



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

In 5/22
Done 5/24

D-NOTE

SW
xref
SK

resen

a lifetime fishing trust fund,
granting rulemaking authority, and requiring the exercise of rulemaking authority

1 AN ACT to amend 20.370 (intro.); and to create 20.9045 (3), 29.219 (2g), 29.229
2 (2) (gm), 29.2295 (2) (gm) and 29.563 (3) (a) 4g. and 4h. of the statutes; relating
3 to: a resident lifetime fishing license.

purchase

INS. A1

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions including an exception for residents under the age of 16, no person may fish in this state unless the person has a valid approval that authorizes fishing. The Department of Natural Resources issues various fishing licenses, such as resident annual fishing licenses, one-day fishing licenses, and two-day sports fishing licenses. This bill requires DNR also to issue lifetime fishing licenses to residents. Under the bill, a resident lifetime fishing license confers the privilege of an annual fishing license. The holder of a resident lifetime fishing license must still be issued a fishing stamp if the type of fishing in which he or she will be engaged requires such a stamp. The bill establishes the fee for a resident lifetime fishing license at 30 times the fee for a resident annual fishing license, which under current law is \$19.25 plus a 75 cent issuing fee. Thus, at the current rate, a resident lifetime fishing license fee under the bill is \$577.50, plus a 75 cent issuing fee. The bill provides that the fee for a resident lifetime fishing license issued to a resident age 62 or older is reduced to five times the annual fishing license fee, which under the current rate is \$96.25, plus a 75 cent issuing fee.

INS. A2

Under current law, all proceeds from hunting and fishing license fees are deposited in the conservation fund and appropriated to DNR for various purposes. Under this bill, fees from the sale of resident lifetime fishing licenses are deposited in the conservation fund but only 1/30th of each fee may be appropriated from that fund during each fiscal year for 30 fiscal years.

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.** 20.370 (intro.) of the statutes is amended to read:

2 **20.370 Natural resources, department of.** (intro.) There is appropriated
3 from the conservation fund, except as provided under s. 20.9045 (3), or from other
4 funds if so indicated, to the department of natural resources for the following
5 programs:

6 **SECTION 2.** 20.9045 (3) of the statutes is created to read:

7 **20.9045 (3) FEES FROM CERTAIN LICENSES.** License fees received from the sale of
8 resident lifetime fishing licenses under s. 29.219 (2g) and deposited in the
9 conservation fund under s. 25.29 (1) (a) may be appropriated under s. 20.370 only as
10 follows: 1/30th of each fee paid under s. 29.563 (3) (a) 4g. or 4h. may be appropriated
11 during each fiscal year, beginning in the fiscal year during which the fee is paid and
12 ending after 30 fiscal years have passed since the fee was paid.

13 **SECTION 3.** 29.219 (2g) of the statutes is created to read:

14 **29.219 (2g) LIFETIME FISHING LICENSE.** (a) The department shall issue a
15 resident lifetime fishing license, subject to s. 29.024, to any resident who applies for
16 this license. *ANS. 2-16*

17 (b) A resident lifetime fishing license issued to any resident who has attained
18 the age of 62 shall be issued at the reduced fee under s. 29.563 (3) (a) 4h.

19 **SECTION 4.** 29.229 (2) (gm) of the statutes is created to read:

20 **29.229 (2) (gm) Resident lifetime fishing licenses.**

21 **SECTION 5.** 29.2295 (2) (gm) of the statutes is created to read:

ANS. 2-15

ANS. 2-19

INS. 3-2

1
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29.2295 (2) (gm) Resident lifetime fishing licenses.

SECTION 6. 29.563 (3) (a) 4g. and 4h. of the statutes are created to read:

29.563 (3) (a) 4g. Lifetime fishing: 30 times the fee for an annual fishing license under subd. 1.

4h. Lifetime fishing issued to a resident who has attained the age of 62: 5 times the fee for an annual fishing license under subd. 1.

INS 3-7

SECTION 7. Effective date.

(1) This act takes effect on the March 1 that occurs during the first year beginning after the day of publication.

(END)

1 **INSERT A1**

x This bill creates a resident lifetime fishing license and provides for the
 establishment of a lifetime fishing trust fund.

2
3 **INSERT A2**

 Under current law, all proceeds from hunting and fishing license fees are deposited in the conservation fund and appropriated to DNR for various purposes. This bill creates a lifetime fishing trust fund and provides that all fees from the sale of resident lifetime fishing licenses are deposited in that trust fund. The bill provides that, each fiscal year, a prorated amount of the money from each resident lifetime fishing license fee must be transferred from the lifetime fishing trust fund to the conservation fund. The bill requires DNR to adopt rules establishing a system for prorating resident lifetime fishing license fees for the purposes of this transfer. The bill requires that the system for prorating these fees must comply with the federal rules governing how lifetime licenses may be counted for purposes of this state qualifying for funding under the federal Pittman-Robertson Act.

4 **INSERT 2-13**

5 **SECTION 1.** 25.17 (1) (jf) of the statutes is created to read:

6 25.17 (1) (jf) Lifetime fishing trust fund (s. 25.299);

7 **SECTION 2.** 25.29 (1) (a) of the statutes is amended to read:

8 25.29 (1) (a) Except as provided in ss. 25.293 and, 25.295, and 25.299, all
9 moneys accruing to the state for or in behalf of the department under chs. 26, 27, 28,
10 29, 169, and 350, subchs. I and VI of ch. 77 and ss. 23.09 to 23.31, 23.325, 23.33,
11 23.335, except as provided in s. 25.40 (1) (bt), 23.35 to 23.42, 23.50 to 23.99, 30.50 to
12 30.55, 71.10 (5), 71.30 (10), and 90.21, including grants received from the federal
13 government or any of its agencies except as otherwise provided by law.

History: 1971 c. 125; 1973 c. 90; 1977 c. 29; 1977 c. 418 ss. 244, 245, 929 (37); 1979 c. 34 ss. 707v, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1983 a. 27 ss. 636m, 637, 2202 (38); 1985 a. 29 ss. 638g, 3202 (39); 1985 a. 135; 1987 a. 27; 1987 a. 312 s. 17; 1989 a. 31; 1991 a. 39, 269; 1995 a. 27; 1995 a. 257 s. 3; 1997 a. 1, 27, 248; 1999 a. 9; 2001 a. 16, 56, 105; 2003 a. 166; 2007 a. 204; 2009 a. 28; 2011 a. 208; 2013 a. 20; 2015 a. 170; 2017 a. 59.

14 **SECTION 3.** 25.29 (1) (g) of the statutes is created to read:

1 25.29 (1) (g) Moneys transferred from the lifetime fishing trust fund under s.
2 25.299 (2) (a).

3 **SECTION 4.** 25.299 of the statutes is created to read:

4 **25.299 Lifetime fishing trust fund.** (1) There is established a separate
5 nonlapsible trust fund designated as the lifetime fishing trust fund, to consist of all
6 resident lifetime fishing license fees paid under s. 29.563 (3) (a) 4g. and the income
7 received and accruing from investments of the fund.

8 (2) (a) Each fiscal year, a prorated amount of the money from each resident
9 lifetime fishing license fee shall be transferred from the lifetime fishing trust fund
10 to the conservation fund.

11 (b) The department of natural resources shall adopt rules establishing a system
12 for prorating resident lifetime fishing license fees for purposes of the transfer under
13 par. (a). The system for prorating these fees shall comply with the federal rules
14 governing how lifetime licenses may be counted for purposes of this state qualifying
15 for federal funding under 50 CFR 80.

16 **INSERT 2-16**

17 A resident lifetime fishing license is not transferable, exchangeable, or
18 refundable and cannot be combined with any other discount on approvals. A resident
19 lifetime fishing license issued under this subsection remains valid even if the holder
20 is no longer a resident.

21 **INSERT 3-2**

22 **SECTION 5.** 29.231 (2) of the statutes is amended to read:

23 29.231 (2) A resident sports license confers upon the licensee all of the
24 combined privileges conferred by a resident small game hunting license, resident

1 annual fishing license and resident deer hunting license subject to all of the duties,
2 conditions, limitations, and restrictions of those licenses.

History: 1973 c. 90 ss. 166, 538; 1973 c. 145; 1979 c. 34; 1983 a. 27; 1995 a. 27; 1997 a. 27; 1997 a. 248 ss. 333 to 337; Stats. 1997 s. 29.231; 2005 a. 387; 2015 a. 89, 222; 2017 a. 59.

3 **SECTION 6.** 29.236 (2) of the statutes is amended to read:

4 29.236 (2) An annual disabled veteran recreation card entitles the holder to
5 exercise all of the combined rights and privileges conferred by a resident small game
6 hunting license and a resident annual fishing license, subject to all duties,
7 conditions, limitations, and restrictions of the licenses. A person may operate any
8 motor vehicle, except a motor bus, as defined in s. 340.01 (31), subject to the
9 admission requirements under s. 27.01 (7) in any vehicle admission area under s.
10 27.01 (7) without having an admission receipt affixed to the vehicle or otherwise
11 displayed and without paying a fee if the vehicle has as an occupant a card holder
12 who can exhibit the card upon demand in the vehicle admission area. The card
13 permits a card holder to enter Heritage Hill state park or a state trail without paying
14 an admission fee.

History: 2011 a. 168; 2015 a. 89.

15 **INSERT 3-7**

16 **SECTION 7.** 29.624 (1) of the statutes is amended to read:

17 29.624 (1) A senior citizen recreation card entitles the holder to exercise all of
18 the combined rights and privileges conferred by a resident small game hunting
19 license, a wild turkey hunting license, a wild turkey hunting stamp, and a resident
20 annual fishing license, subject to all duties, conditions, limitations, and restrictions
21 of the licenses and stamp. A person may operate any motor vehicle, except a motor
22 bus, as defined in s. 340.01 (31), subject to the admission requirements under s. 27.01
23 (7) in any vehicle admission area under s. 27.01 (7) without having an admission

1 receipt affixed to the vehicle or otherwise displayed and without paying a fee if the
2 vehicle has as an occupant a card holder who can exhibit the card upon demand in
3 the vehicle admission area. The card permits a card holder to enter Heritage Hill
4 state park or a state trail without paying an admission fee.

History: 1997 a. 248 ss. 189 to 192; Stats. 1997 s. 29.624; 2015 a. 89.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2006/P2dn
EHS:cdc

[date]

As we discussed, the method by which this draft requires moneys to be transferred from the Lifetime Fishing Trust Fund back to the Conservation Fund generally follows how Ohio does this. However, this draft requires interest accrued from investment of the trust fund to be deposited back into the trust fund, whereas Ohio deposits interest into a separate fund.

Also, Ohio's trust fund consists not only of lifetime license fees but also of multi-year license fees. Ohio requires that, each fiscal year, "the total amount of the fee charged for the license divided by the number of years the license is valid" is transferred from the trust fund to the account where fees from single year licenses are deposited. Ohio's law says that "the prorated amount shall equal the total amount of the fee charged for the license divided by the number of years the license is valid." Clearly, this does not work well for lifetime licenses, so Ohio's law says that the DNR chief must "adopt rules establishing a system that prorates lifetime license fees" for purposes of this transfer.

Because this draft only covers lifetime licenses, not multi^oyear licenses, the language regarding "the number of years the license is valid" does not fit. Therefore, this draft only requires the fees to be prorated each fiscal year, and then requires DNR to promulgate rules to establish a system for prorating those fees. The draft also requires this system to comply with regulations under the federal Pittman-Robertson Act regarding how lifetime licenses are counted each year. X

Let me know if you have any questions.

Elisabeth Shea
Senior Legislative Attorney
(608) 504-5885
elisabeth.shea@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2006/P3dn
EHS:cde

May 23, 2019

As we discussed, the method by which this draft requires moneys to be transferred from the Lifetime Fishing Trust Fund back to the Conservation Fund generally follows how Ohio does this. However, this draft requires interest accrued from investment of the trust fund to be deposited back into the trust fund, whereas Ohio deposits interest into a separate fund.

Also, Ohio's trust fund consists not only of lifetime license fees but also of multi-year license fees. Ohio requires that, each fiscal year, "the total amount of the fee charged for the license divided by the number of years the license is valid" is transferred from the trust fund to the account where fees from single year licenses are deposited. Ohio's law says that "the prorated amount shall equal the total amount of the fee charged for the license divided by the number of years the license is valid." Clearly, this does not work well for lifetime licenses, so Ohio's law says that the DNR chief must "adopt rules establishing a system that prorates lifetime license fees" for purposes of this transfer.

Because this draft only covers lifetime licenses, not multi-year licenses, the language regarding "the number of years the license is valid" does not fit. Therefore, this draft only requires the fees to be prorated each fiscal year, and then requires DNR to promulgate rules to establish a system for prorating those fees. The draft also requires this system to comply with regulations under the federal Pittman-Robertson Act regarding how lifetime licenses are counted each year.

Let me know if you have any questions.

Elisabeth Shea
Senior Legislative Attorney
(608) 504-5885
elisabeth.shea@legis.wisconsin.gov

Shea, Elisabeth

From: Umpir, Evan
Sent: Thursday, July 11, 2019 4:51 PM
To: Shea, Elisabeth
Subject: RE: LRB 2006 Lifetime Fishing

Okay! Thanks! I'll keep an eye out for it soon then. I'll take a look at the stuff you commented on below. And I thought the same thing re rulemaking... I know they're down their federal grant program person at DNR, so maybe the people they had reviewing might just not have had the subject-area expertise for a couple of the comment areas??

Once I have the /P4 I'll circle back with DNR on the outstanding issues and get further feedback.

Thanks again,
Evan

From: Shea, Elisabeth <Elisabeth.Shea@legis.wisconsin.gov>
Sent: Thursday, July 11, 2019 16:47
To: Umpir, Evan <Evan.Umpir@legis.wisconsin.gov>
Subject: RE: LRB 2006 Lifetime Fishing

Hi Evan,

Regarding the first item below, I think this comment is based on a misreading of the draft. Page 4 line 1 of LRB-2006/P3 is part of the treatment of s. 29.231 (2), not the newly created s. 25.299 (the lifetime fishing trust fund). Page 3 line 1, on the other hand, is part of s. 25.299, with language relating to what the fund consists of (only resident lifetime fishing license fees). I think the commenter may have mistakenly read page 4 line 1 as a continuation of 25.299, instead of page 3 line 1.

Regarding the third item below, I am not sure I understand what the concern is. I do not believe the federal rules specify how a state must establish the process, so the legislature can either put the process in the statutes or delegate the establishment of the process to an agency. It is not out of the ordinary for this type of program detail to be left to agency rulemaking. Changing "shall" to "may" means DNR has the option to not make these rules, in which case no process would be established.

The other two items should be no problem and I should be able to get a /P4 to you tomorrow or early next week.

Lis

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The information contained in this communication may be confidential and protected by the attorney-client privilege.

From: Umpir, Evan <Evan.Umpir@legis.wisconsin.gov>
Sent: Monday, July 01, 2019 11:58 AM
To: Shea, Elisabeth <Elisabeth.Shea@legis.wisconsin.gov>
Subject: LRB 2006 Lifetime Fishing

Hi Lis,

I hope this email finds you well. I received some feedback from the DNR. I'll italicize it below and provide my comments/questions in sub bullets.

- *Page 4, line 1 of P3 indicates the newly created lifetime fishing trust fund would "consist of all annual fishing license and resident deer hunting license." I believe this is an error and the lifetime trust fund should instead consist of all "resident lifetime fishing license fees".*
 - Unless there's a reason for its current format, can you please make this change?
- *Rulemaking is question for the bill authors. If rulemaking is required prior to implementation, we may suggest adding emergency rule-making authority to allow for quicker implementation.*
 - I don't remember our current effective date, but assuming the bill is enacted before next Spring, we would like the lifetime license available for purchase starting for next fishing season. We can permit emergency rules for initial implementation.
- *On Page 3, line 6, the department is required to promulgate administrative rules. While the USFWS require states have a process consistent with 50CFR80 to remain eligible for SFR grants, it is unknown if that process must be codified within administrative rule. If USFWS does not require administrative rulemaking, the department recommends changing "shall" to "may" on page 3, line 6.*
 - This sounds like something the DNR needs to figure out, but can you shed any light on the situation or provide a recommendation?
- *This draft will likely create interest revenue in the trust fund, but no ability to access/use that revenue.*
 - If authorization is needed for the interest revenue, we can grant it; is interest revenue treated differently than the fund, generally, under current law (either in this instance or other trust funds we have statutorily created)?

Please let me know if you have any questions. There were a few other non-drafting comments I need to follow up with DNR on so if you have anything (or a new draft) I'd be happy to pass that along to DNR for clarification.

Thanks, and if we don't speak again before, have a happy Independence Day!
-Evan

Evan Umpir
Office of Representative Ron Tusler
3rd District, Wisconsin State Assembly
(608) 266-5831
(888) 534-0003



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2006/P3
EHS:cdc

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

In 7/12
Due 7/15

1 **AN ACT to amend** 25.29 (1) (a), 29.231 (2), 29.236 (2) and 29.624 (1); and **to create**
2 25.17 (1) (jf), 25.29 (1) (g), 25.299, 29.219 (2g), 29.229 (2) (gm), 29.2295 (2) (gm)
3 and 29.563 (3) (a) 4g. of the statutes; **relating to:** a resident lifetime fishing
4 license, a lifetime fishing trust fund, granting rule-making authority, and
5 requiring the exercise of rule-making authority.

Analysis by the Legislative Reference Bureau

This bill creates a resident lifetime fishing license and provides for the establishment of a lifetime fishing trust fund.

Under current law, with certain exceptions including an exception for residents under the age of 16, no person may fish in this state unless the person has a valid approval that authorizes fishing. The Department of Natural Resources issues various fishing licenses, such as resident annual fishing licenses, one-day fishing licenses, and two-day sports fishing licenses. This bill requires DNR also to issue lifetime fishing licenses to residents.

Under the bill, a resident lifetime fishing license confers the privilege of an annual fishing license. The holder of a resident lifetime fishing license must still purchase a fishing stamp if the type of fishing in which he or she will be engaged requires such a stamp. The bill establishes the fee for a resident lifetime fishing license at 30 times the fee for a resident annual fishing license, which under current law is \$19.25 plus a 75-cent issuing fee. Thus, at the current rate, a resident lifetime fishing license fee under the bill is \$577.50, plus a 75-cent issuing fee.

*all interest that has accrued in
the lifetime fishing trust fund and*

Under current law, all proceeds from hunting and fishing license fees are deposited in the conservation fund and appropriated to DNR for various purposes. This bill creates a lifetime fishing trust fund and provides that all fees from the sale of resident lifetime fishing licenses are deposited in that trust fund. The bill provides that, each fiscal year, a prorated amount of the money from each resident lifetime fishing license fee must be transferred from the lifetime fishing trust fund to the conservation fund. The bill requires DNR to adopt rules establishing a system for prorating resident lifetime fishing license fees for the purposes of this transfer. The bill requires that the system for prorating these fees must comply with the federal rules governing how lifetime licenses may be counted for purposes of this state qualifying for funding under the federal Pittman-Robertson Act.

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.** 25.17 (1) (jf) of the statutes is created to read:

2 25.17 (1) (jf) Lifetime fishing trust fund (s. 25.299);

3 **SECTION 2.** 25.29 (1) (a) of the statutes is amended to read:

4 25.29 (1) (a) Except as provided in ss. 25.293 and, 25.295, and 25.299, all
5 moneys accruing to the state for or in behalf of the department under chs. 26, 27, 28,
6 29, 169, and 350, subchs. I and VI of ch. 77 and ss. 23.09 to 23.31, 23.325, 23.33,
7 23.335, except as provided in s. 25.40 (1) (bt), 23.35 to 23.42, 23.50 to 23.99, 30.50 to
8 30.55, 71.10 (5), 71.30 (10), and 90.21, including grants received from the federal
9 government or any of its agencies except as otherwise provided by law.

10 **SECTION 3.** 25.29 (1) (g) of the statutes is created to read:

11 25.29 (1) (g) Moneys transferred from the lifetime fishing trust fund under s.
12 25.299 (2) (a).

13 **SECTION 4.** 25.299 of the statutes is created to read:

14 **25.299 Lifetime fishing trust fund.** (1) There is established a separate
15 nonlapsible trust fund designated as the lifetime fishing trust fund, to consist of all

1 resident lifetime fishing license fees paid under s. 29.563 (3) (a) 4g. and the income
2 received and accruing from investments of the fund. ^{that has}
3 (2) (a) Each fiscal year, ^{all interest accrued in the lifetime fishing trust} a prorated amount of the money from each resident
4 lifetime fishing license fee shall be transferred from the lifetime fishing trust fund
5 to the conservation fund.

6 (b) The department of natural resources shall adopt rules establishing a system
7 for prorating resident lifetime fishing license fees for purposes of the transfer under
8 par. (a). The system for prorating these fees shall comply with the federal rules
9 governing how lifetime licenses may be counted for purposes of this state qualifying
10 for federal funding under 50 CFR 80.

11 **SECTION 5.** 29.219 (2g) of the statutes is created to read:

12 29.219 (2g) LIFETIME FISHING LICENSE. The department shall issue a resident
13 lifetime fishing license, subject to s. 29.024, to any resident who applies for this
14 license. A resident lifetime fishing license is not transferable, exchangeable, or
15 refundable and cannot be combined with any other discount on approvals. A resident
16 lifetime fishing license issued under this subsection remains valid even if the holder
17 is no longer a resident.

18 **SECTION 6.** 29.229 (2) (gm) of the statutes is created to read:

19 29.229 (2) (gm) Resident lifetime fishing licenses.

20 **SECTION 7.** 29.2295 (2) (gm) of the statutes is created to read:

21 29.2295 (2) (gm) Resident lifetime fishing licenses.

22 **SECTION 8.** 29.231 (2) of the statutes is amended to read:

23 29.231 (2) A resident sports license confers upon the licensee all of the
24 combined privileges conferred by a resident small game hunting license, resident

1 annual fishing license and resident deer hunting license subject to all of the duties,
2 conditions, limitations, and restrictions of those licenses.

3 **SECTION 9.** 29.236 (2) of the statutes is amended to read:

4 29.236 (2) An annual disabled veteran recreation card entitles the holder to
5 exercise all of the combined rights and privileges conferred by a resident small game
6 hunting license and a resident annual fishing license, subject to all duties,
7 conditions, limitations, and restrictions of the licenses. A person may operate any
8 motor vehicle, except a motor bus, as defined in s. 340.01 (31), subject to the
9 admission requirements under s. 27.01 (7) in any vehicle admission area under s.
10 27.01 (7) without having an admission receipt affixed to the vehicle or otherwise
11 displayed and without paying a fee if the vehicle has as an occupant a card holder
12 who can exhibit the card upon demand in the vehicle admission area. The card
13 permits a card holder to enter Heritage Hill state park or a state trail without paying
14 an admission fee.

15 **SECTION 10.** 29.563 (3) (a) 4g. of the statutes is created to read:

16 29.563 (3) (a) 4g. Lifetime fishing: 30 times the fee for an annual fishing license
17 under subd. 1.

18 **SECTION 11.** 29.624 (1) of the statutes is amended to read:

19 29.624 (1) A senior citizen recreation card entitles the holder to exercise all of
20 the combined rights and privileges conferred by a resident small game hunting
21 license, a wild turkey hunting license, a wild turkey hunting stamp, and a resident
22 annual fishing license, subject to all duties, conditions, limitations, and restrictions
23 of the licenses and stamp. A person may operate any motor vehicle, except a motor
24 bus, as defined in s. 340.01 (31), subject to the admission requirements under s. 27.01
25 (7) in any vehicle admission area under s. 27.01 (7) without having an admission

1 receipt affixed to the vehicle or otherwise displayed and without paying a fee if the
2 vehicle has as an occupant a card holder who can exhibit the card upon demand in
3 the vehicle admission area. The card permits a card holder to enter Heritage Hill
4 state park or a state trail without paying an admission fee.

5 **SECTION 12. Effective date.**

6 (1) This act takes effect on the March 1 that occurs during the first year
7 beginning after the day of publication.

8 (END)

INS
5-5 →

1 **INSERT 5-5**

2 **SECTION 1. Nonstatutory provisions.**

3 (1) The department of natural resources may promulgate emergency rules
4 under s. 227.24 to implement the requirement to issue resident lifetime fishing
5 licenses under s. 29.219 (2g). Notwithstanding s. 227.24 (1) (a) and (3), the
6 department is not required to provide evidence that promulgating a rule under this
7 subsection as an emergency rule is necessary for the preservation of the public peace,
8 health, safety, or welfare and is not required to provide a finding of emergency for a
9 rule promulgated under this subsection.

Shea, Elisabeth

From: Umpir, Evan
Sent: Thursday, August 15, 2019 2:04 PM
To: Shea, Elisabeth
Subject: LRB 2006/P4

Hi Lis,

I think we finally might be there with the fishing bill! Have a couple of changes based on feedback from DNR, a couple are with the analysis section I was hoping you don't mind changing. Please see below:

- ✓ 1. /P4 page 3 ln 8: please change "shall" to "may"
- ✓ 2. *In the LRB analysis on page 2, second line, the end of the line, "various purposes" is concerning. The department does use the fees for fishing and hunting for various purposes, but various purposes related to Fish and wildlife management. We would prefer if it was clear that these fees are used for purposes related to fish and wildlife management.*
- ✓ 3. *Again, in the LRB analysis, last three words: "Pittman-Robertson Act." I believe that this should read "Dingle-Johnson Act." P-R is hunting federal funding and D-J is sport fish restoration funding.*
4. *Our staff attorney for this area dug into this a little more and had the following suggestions (sorry for the awkward formatting):*
 - *I agree that the proposed language should be sufficient to ensure that the spousal fishing discount does not apply to a lifetime resident fishing license. However, to remove any ambiguity, we would suggest modifying s. 29.563(3)(a)3. to read: "Annual fishing license issued to ~~husband and wife~~ spouses: \$30.25."*
 - *OR*
 - *Modified to read: "Annual Spousal fishing license ~~husband and wife~~: \$30.25."*
 - *The statute currently reads:*
 - *(3) FISHING APPROVALS. Except as provided in subs. (3m), (3r), and (6m), the fees for fishing approvals are as follows:*
 - *Resident licenses. 1. Annual: \$19.25.*
 - *2. Annual fishing issued to a resident senior citizen: \$6.25.*
 - *3. Husband and wife: \$30.25.*
 - *If we make this suggestion, note that s. 29.219(4) would also need to be modified:*
 - *(4) ~~HUSBAND-AND-WIFE ANNUAL SPOUSAL RESIDENT LICENSES. An combined husband~~*
 - *~~and wife~~ annual spousal resident fishing license shall be issued subject to s.*
 - *29.024 by the department to residents applying for this license.*
 - *This license confers upon both ~~husband and wife~~ spouses the privileges of*
 - *an annual resident fishing licenses.*

Do you think it would be possible to get a draft back tomorrow (Friday)? Otherwise the earliest next week possible would be greatly appreciated.

Let me know if you have any questions.

Thanks, Lis!
Evan

Evan Umpir
Office of Representative Ron Tusler
3rd District, Wisconsin State Assembly
(608) 266-5831
(888) 534-0003



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2006/P4
EHS:edc

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

In 8/21

Due 8/22

1 **AN ACT to amend** 25.29 (1) (a), 29.231 (2), 29.236 (2) and 29.624 (1); and **to create**
2 25.17 (1) (jf), 25.29 (1) (g), 25.299, 29.219 (2g), 29.229 (2) (gm), 29.2295 (2) (gm)
3 and 29.563 (3) (a) 4g. of the statutes; **relating to:** a resident lifetime fishing
4 license, a lifetime fishing trust fund, ^{and} granting rule-making authority, and
5 requiring the exercise of rule-making authority.

Analysis by the Legislative Reference Bureau

This bill creates a resident lifetime fishing license and provides for the establishment of a lifetime fishing trust fund.

Under current law, with certain exceptions including an exception for residents under the age of 16, no person may fish in this state unless the person has a valid approval that authorizes fishing. The Department of Natural Resources issues various fishing licenses, such as resident annual fishing licenses, one-day fishing licenses, and two-day sports fishing licenses. This bill requires DNR also to issue lifetime fishing licenses to residents.

Under the bill, a resident lifetime fishing license confers the privilege of an annual fishing license. The holder of a resident lifetime fishing license must still purchase a fishing stamp if the type of fishing in which he or she will be engaged requires such a stamp. The bill establishes the fee for a resident lifetime fishing license at 30 times the fee for a resident annual fishing license, which under current law is \$19.25 plus a 75-cent issuing fee. Thus, at the current rate, a resident lifetime fishing license fee under the bill is \$577.50, plus a 75-cent issuing fee.

*relating to fish and
wild life management*

allows

Under current law, all proceeds from hunting and fishing license fees are deposited in the conservation fund and appropriated to DNR for various purposes. This bill creates a lifetime fishing trust fund and provides that all fees from the sale of resident lifetime fishing licenses are deposited in that trust fund. The bill provides that, each fiscal year, all interest that has accrued in the lifetime fishing trust fund and a prorated amount of the money from each resident lifetime fishing license fee must be transferred from the lifetime fishing trust fund to the conservation fund. The bill requires DNR to adopt rules establishing a system for prorating resident lifetime fishing license fees for the purposes of this transfer. The bill requires that the system for prorating these fees must comply with the federal rules governing how lifetime licenses may be counted for purposes of this state qualifying for funding under the federal Pittman-Robertson Act.

Dingle-Johnson Act

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

Dingell

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

1 **SECTION 1.** 25.17 (1) (jf) of the statutes is created to read:

2 25.17 (1) (jf) Lifetime fishing trust fund (s. 25.299);

3 **SECTION 2.** 25.29 (1) (a) of the statutes is amended to read:

4 25.29 (1) (a) Except as provided in ss. 25.293 and, 25.295, and 25.299, all
5 moneys accruing to the state for or in behalf of the department under chs. 26, 27, 28,
6 29, 169, and 350, subchs. I and VI of ch. 77 and ss. 23.09 to 23.31, 23.325, 23.33,
7 23.335, except as provided in s. 25.40 (1) (bt), 23.35 to 23.42, 23.50 to 23.99, 30.50 to
8 30.55, 71.10 (5), 71.30 (10), and 90.21, including grants received from the federal
9 government or any of its agencies except as otherwise provided by law.

10 **SECTION 3.** 25.29 (1) (g) of the statutes is created to read:

11 25.29 (1) (g) Moneys transferred from the lifetime fishing trust fund under s.
12 25.299 (2) (a).

13 **SECTION 4.** 25.299 of the statutes is created to read:

1 **25.299 Lifetime fishing trust fund.** (1) There is established a separate
 2 nonlapsible trust fund designated as the lifetime fishing trust fund, to consist of all
 3 resident lifetime fishing license fees paid under s. 29.563 (3) (a) 4g. and the income
 4 received and accruing from investments of the fund.

5 (2) (a) Each fiscal year, all interest that has accrued in the lifetime fishing trust
 6 fund and a prorated amount of the money from each resident lifetime fishing license
 7 fee shall be transferred from the lifetime fishing trust fund to the conservation fund.

8 (b) The department of natural resources ^{or may} shall adopt rules establishing a system
 9 for prorating resident lifetime fishing license fees for purposes of the transfer under
 10 par. (a). The system for prorating these fees shall comply with the federal rules
 11 governing how lifetime licenses may be counted for purposes of this state qualifying
 12 for federal funding under 50 CFR 80.

13 **SECTION 5.** 29.219 (2g) of the statutes is created to read:

14 **29.219 (2g) LIFETIME FISHING LICENSE.** The department shall issue a resident
 15 lifetime fishing license, subject to s. 29.024, to any resident who applies for this
 16 license. A resident lifetime fishing license is not transferable, exchangeable, or
 17 refundable and cannot be combined with any other discount on approvals. A resident
 18 lifetime fishing license issued under this subsection remains valid even if the holder
 19 is no longer a resident.

INS 3-20

20 **SECTION 6.** 29.229 (2) (gm) of the statutes is created to read:

21 **29.229 (2) (gm) Resident lifetime fishing licenses.**

22 **SECTION 7.** 29.2295 (2) (gm) of the statutes is created to read:

23 **29.2295 (2) (gm) Resident lifetime fishing licenses.**

24 **SECTION 8.** 29.231 (2) of the statutes is amended to read:

INS 3-22

INS 3-24

1 29.231 (2) A resident sports license confers upon the licensee all of the
2 combined privileges conferred by a resident small game hunting license, resident
3 annual fishing license and resident deer hunting license subject to all of the duties,
4 conditions, limitations, and restrictions of those licenses.

5 **SECTION 9.** 29.236 (2) of the statutes is amended to read:

6 29.236 (2) An annual disabled veteran recreation card entitles the holder to
7 exercise all of the combined rights and privileges conferred by a resident small game
8 hunting license and a resident annual fishing license, subject to all duties,
9 conditions, limitations, and restrictions of the licenses. A person may operate any
10 motor vehicle, except a motor bus, as defined in s. 340.01 (31), subject to the
11 admission requirements under s. 27.01 (7) in any vehicle admission area under s.
12 27.01 (7) without having an admission receipt affixed to the vehicle or otherwise
13 displayed and without paying a fee if the vehicle has as an occupant a card holder
14 who can exhibit the card upon demand in the vehicle admission area. The card
15 permits a card holder to enter Heritage Hill state park or a state trail without paying
16 an admission fee.

17 **SECTION 10.** 29.563 (3) (a) 4g. of the statutes is created to read:

18 29.563 (3) (a) 4g. Lifetime fishing: 30 times the fee for an annual fishing license
19 under subd. 1.

20 **SECTION 11.** 29.624 (1) of the statutes is amended to read:

21 29.624 (1) A senior citizen recreation card entitles the holder to exercise all of
22 the combined rights and privileges conferred by a resident small game hunting
23 license, a wild turkey hunting license, a wild turkey hunting stamp, and a resident
24 annual fishing license, subject to all duties, conditions, limitations, and restrictions
25 of the licenses and stamp. A person may operate any motor vehicle, except a motor

INS. 4-17

1 bus, as defined in s. 340.01 (31), subject to the admission requirements under s. 27.01
2 (7) in any vehicle admission area under s. 27.01 (7) without having an admission
3 receipt affixed to the vehicle or otherwise displayed and without paying a fee if the
4 vehicle has as an occupant a card holder who can exhibit the card upon demand in
5 the vehicle admission area. The card permits a card holder to enter Heritage Hill
6 state park or a state trail without paying an admission fee.

7 **SECTION 12. Nonstatutory provisions.**

8 (1) The department of natural resources may promulgate emergency rules
9 under s. 227.24 to implement the requirement to issue resident lifetime fishing
10 licenses under s. 29.219 (2g). Notwithstanding s. 227.24 (1) (a) and (3), the
11 department is not required to provide evidence that promulgating a rule under this
12 subsection as an emergency rule is necessary for the preservation of the public peace,
13 health, safety, or welfare and is not required to provide a finding of emergency for a
14 rule promulgated under this subsection.

15 **SECTION 13. Effective date.**

16 (1) This act takes effect on the March 1 that occurs during the first year
17 beginning after the day of publication.

18 (END)

**2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2006/P5ins
EHS:cdc

1 **INSERT 3-20**

2 **SECTION 1.** 29.219 (4) of the statutes is amended to read:

3 29.219 (4) ~~HUSBAND AND WIFE~~ SPOUSAL RESIDENT LICENSES. A combined husband
4 and wife annual resident fishing license shall be issued to spouses subject to s. 29.024
5 by the department to residents applying for this license. This license confers upon
6 both ~~husband and wife~~ spouses the privileges of resident fishing licenses.

History: 1971 c. 22, 282; 1973 c. 90 s. 538; 1975 c. 39; 1975 c. 189 s. 99 (2); 1975 c. 216, 421; 1977 c. 29, 418; 1979 c. 34, 221; 1981 c. 130; 1983 a. 27 ss. 749 to 761; 1985 a. 326; 1987 a. 27; 1991 a. 39, 269; 1993 a. 16, 153, 217; 1995 a. 27; 1997 a. 1, 27, 191; 1997 a. 248 ss. 318 to 332; Stats. 1997 s. 29.219; 1999 a. 63; 2005 a. 22, 25; 2009 a. 364; 2013 a. 20; 2017 a. 59.

7 **INSERT 3-22**

8 **SECTION 2.** 29.229 (2) (i) of the statutes is amended to read:

9 29.229 (2) (i) ~~Husband and wife~~ Spousal fishing licenses.

History: 1997 a. 27, 191, 237; 1997 a. 248 s. 308; Stats. 1997 s. 29.229; 1999 a. 9, 32, 185; 2001 a. 107; 2005 a. 25, 253; 2007 a. 20.

10 **INSERT 3-24**

11 **SECTION 3.** 29.2295 (2) (i) of the statutes is amended to read:

12 29.2295 (2) (i) ~~Husband and wife~~ Spousal fishing licenses.

History: 1997 a. 27; 1997 a. 248 s. 309; Stats. 1997 s. 29.2295; 1999 a. 9; 2005 a. 25; 2007 a. 20; 2009 a. 28.

13 **INSERT 4-17**

14 **SECTION 4.** 29.563 (3) (a) 3. of the statutes is amended to read:

15 29.563 (3) (a) 3. ~~Husband and wife~~ Annual fishing license issued to spouses:
16 \$30.25.

History: 1997 a. 248; 1999 a. 9, 32, 47, 63, 186; 2001 a. 16, 17, 56, 109; 2003 a. 33; 2005 a. 22, 25, 55, 284, 288; 2007 a. 20; 2009 a. 28, 39, 364; 2011 a. 168, 169, 209; 2013 a. 20, 55, 61, 151; 2013 a. 165 s. 114; 2013 a. 173 s. 33; 2015 a. 55, 89, 222; 2017 a. 59, 343.

Cross-reference: See also s. NR 19.02, Wis. adm. code.

Shea, Elisabeth

From: Umpir, Evan
Sent: Wednesday, September 25, 2019 1:18 PM
To: Shea, Elisabeth
Cc: Schultz, Jeff
Subject: RE: Draft review: LRB -2006/P5

Hello Lis,

Could I please get 2006/p5 converted to a /1, the jacket, and could you please create a companion for Sen. Testin? I've cc'd Jeff from his office if you have any questions.

Thanks,
Evan

From: LRB.Legal <lrblegal@legis.wisconsin.gov>
Sent: Thursday, August 22, 2019 10:22
To: Rep.Tusler <Ron.Tusler@legis.wisconsin.gov>
Subject: Draft review: LRB -2006/P5

Following is the PDF version of draft LRB -2006/P5.



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2006/P5
EHS:cdc

No
change

1

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT to amend** 25.29 (1) (a), 29.219 (4), 29.229 (2) (i), 29.2295 (2) (i), 29.231
2 (2), 29.236 (2), 29.563 (3) (a) 3. and 29.624 (1); and **to create** 25.17 (1) (jf), 25.29
3 (1) (g), 25.299, 29.219 (2g), 29.229 (2) (gm), 29.2295 (2) (gm) and 29.563 (3) (a)
4 4g. of the statutes; **relating to:** a resident lifetime fishing license, a lifetime
5 fishing trust fund, and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill creates a resident lifetime fishing license and provides for the establishment of a lifetime fishing trust fund.

Under current law, with certain exceptions including an exception for residents under the age of 16, no person may fish in this state unless the person has a valid approval that authorizes fishing. The Department of Natural Resources issues various fishing licenses, such as resident annual fishing licenses, one-day fishing licenses, and two-day sports fishing licenses. This bill requires DNR also to issue lifetime fishing licenses to residents.

Under the bill, a resident lifetime fishing license confers the privilege of an annual fishing license. The holder of a resident lifetime fishing license must still purchase a fishing stamp if the type of fishing in which he or she will be engaged requires such a stamp. The bill establishes the fee for a resident lifetime fishing license at 30 times the fee for a resident annual fishing license, which under current law is \$19.25 plus a 75-cent issuing fee. Thus, at the current rate, a resident lifetime fishing license fee under the bill is \$577.50, plus a 75-cent issuing fee.

Barman, Mike

From: LRB.Legal
To: Rep.Tusler@legis.wisconsin.gov
Subject: Draft review: LRB -2006/1
Attachments: 19-2006/1

**State of Wisconsin - Legislative Reference Bureau
One East Main Street - Suite 200 - Madison**

The attached draft was prepared at your request. Please review it carefully to ensure that it satisfies your intent. If you have any questions concerning the draft or would like to have it redrafted, please contact Elisabeth Shea, Senior Legislative Attorney, at (608) 504-5885, at elisabeth.shea@legis.wisconsin.gov, or at One East Main Street, Suite 200.

We will jacket this draft for introduction in the Assembly.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will submit a request to DOA when the draft is introduced. You may obtain a fiscal estimate on the draft prior to introduction by contacting our program assistants at LRB.Legal@legis.wisconsin.gov or at (608) 266-3561. If you requested a fiscal estimate on an earlier version of this draft and would like to obtain a fiscal estimate on the current version before it is introduced, you will need to request a revised fiscal estimate from our program assistants.

Please call our program assistants at (608) 266-3561 if you have any questions regarding this email.