



2013 ASSEMBLY BILL 380

September 19, 2013 – Introduced by Representatives STEINEKE, JACQUE, KAUFERT, MILROY, A. OTT, THIESFELDT and TITTL, cosponsored by Senators ELLIS, COWLES and GUDEx. Referred to Committee on Natural Resources and Sporting Heritage.

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.

ASSEMBLY BILL 380

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.** 29.179 (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

ASSEMBLY BILL 380

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

ASSEMBLY BILL 380

SECTION 4

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)