

2005 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB384)

Received: 05/06/2005

Received By: rnelson2

Wanted: Soon

Identical to LRB:

For: Scott Gunderson (608) 266-3363

By/Representing: Mike

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Nat. Res. - fish and game

Extra Copies:

Submit via email: YES

Requester's email: Rep.Gunderson@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Transfer of approval upon death

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>
/?	rnelson2 05/06/2005	jdye 05/09/2005		_____			
/1			jfrantze 05/09/2005	_____	lnorthro 05/09/2005	lnorthro 05/09/2005	

FE Sent For:

<END>

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/?	rnelson2	1/5/05	6/5/05	6/5/05			

FE Sent For:

<END>

Nelson, Robert P.

From: Bruhn, Mike
Sent: Thursday, May 05, 2005 4:30 PM
To: Nelson, Robert P.
Subject: FW: AB 384.doc

Hey Bob,

I hate to even bring this bill back up, but after the DNR's Customer Service Division took a look at AB 384, they requested that we make some changes. I have attached their suggestions for simplifying the procedure. Can you draft a Substitute amendment incorporating their changes? We want to hold a hearing on this in two weeks, would it be possible to have something by then? If you have any questions, please feel free to call me at 266-3363.

Thanks,

Mike Bruhn
Rep. Gunderson's office

From: Brookbank, Diane L
Sent: Thursday, May 05, 2005 3:58 PM
To: Bruhn, Mike
Subject: AB 384.doc



AB 384.doc

1 *AN ACT to amend* 29.024 (2) (d); and *to create* 29.180 of the statutes: **relating**
2 **to:** the transfer of natural resources approvals, preference points, and preference
3 categories and granting rule-making authority.

4
5 **SECTION 1.** 29.024 (2)(d) of the statutes is amended to read:

6 29.024 (2) (d) Except as provided under s. 29.180, 29.182 (4), 29.184 (6m), or
7 29.519 (2) (d) or by rule, no person may transfer his or her approval or permit the use of
8 any approval by any other person.

9 **SECTION 2.** 29.180 of the statutes is created to read:

10 **29.180 Transfers upon death. (1) Definitions.** In this section:

11 (a) “Approval” means any of the following approvals that the department issues to
12 the resident or nonresident under a random or preference selection system:

- 13 1. Hunter’s choice deer hunting permit.
- 14 2. Bonus deer hunting permit.
- 15 3. Bobcat hunting or trapping permit.
- 16 4. Otter trapping permit.
- 17 5. Fisher trapping permit.
- 18 6. Canada goose hunting permit.
- 19 7. Wild turkey hunting license.
- 20 8. Sharp-tailed grouse hunting permit.
- 21 9. Class A bear license.
- 22 10. Elk hunting license.
- 23 11. Sturgeon spearing license.

24 (b) “Minor” means a person who is eligible to receive an approval or permit and
25 is under 18 years of age.

26 (c) “Designee” means decedent’s surviving spouse, personal representative,
27 guardian, or trustee.

28 (2) **Transfer of Preference Points and/or Preference Categories.** (a) When a
29 person dies, the designee of a decedent may apply to the department to transfer any
30 preference points and/or preference category related to an approval to any minor. A
31 request to transfer any preference points and/or preference category authorized under

1 this section shall be submitted on a form provided by the department which contains all
2 information requested by the department including the signatures of both the designee
3 and the minor.

4 (b) Application for any approval under sub. (1)(a) must be submitted by the
5 established application deadline date.

6 (c) An application to transfer preference points ~~and~~ or preference category of a
7 deceased person must be submitted within one year of the person's death.

8 (3) **Transfer of Approvals.** (a) If a person who has been awarded an approval
9 dies before the first day of the season to which the approval is valid, the designee of the
10 decedent may apply to the department to transfer the approval to any minor. A request
11 to transfer an approval authorized under this section shall be submitted on a form
12 provided by the department which contains all information requested by the department
13 including the signatures of both the designee and the minor

14 (b) If the decedent was a resident and the designated minor applying for the
15 transfer of an approval is a nonresident, the designated minor shall pay, at the time of
16 application, the difference between the fee paid by the decedent and the fee required for
17 a nonresident minor.

18 (c) The minor who is transferred an approval under this section shall retain all
19 preference points that he or she has previously accumulated.

20 (4) **Designee Obligation.** A designee may not receive payment or any other form
21 of consideration for the transfer of preference points, preference category, or approvals.

22 (5) The department may promulgate any rules necessary for the administration of
23 this section.

24 (END)

25

26

TODAY

2005 - 2006 LEGISLATURE

KEEP 50111/A
LRB 4375/2
RPN:kjf&wlj:jf
KEEP

Assembly Substitute Amendment to

2005 ASSEMBLY BILL 384

JLD/

April 27, 2005 - Introduced by Representatives GUNDERSON, KESTELL, GARD, AINSWORTH, ALBERS, BALLWEG, GRONEMUS, HUNDERTMARK, KRAWCZYK, KREIBICH, LAMB, F. LASEE, LOTHIAN, MCCORMICK, MEYER, MONTGOMERY, MUSSER, OTT, PETROWSKI, PETTIS, PRIDEMORE, SUDER, TOWNS, VAN ROY, VOS, VRUWINK and M. WILLIAMS, cosponsored by Senators LEIBHAM, STEPP, DECKER, A. LASEE and OLSEN, by request of Bill Prening in memory of Brian Prening. Referred to Committee on Natural Resources.

regen

- 1 AN ACT to amend 29.024 (2) (d); and to create 29.180 of the statutes; relating
- 2 to: the transfer of natural resources approvals, preference points, and
- 3 preference categories and granting rule-making authority. ✓

Analysis by the Legislative Reference Bureau

Under current law, certain licenses and permits are issued by the Department of Natural Resources (DNR) based on a random or preference selection system, including otter and fisher trapping permits, bonus deer hunting permits, Canada goose hunting permits, Class A bear licenses, wild turkey hunting licenses, and elk hunting licenses. The preference selective system for a wild turkey hunting license, for example, provides that resident landowners are in the first preference category, residents who applied in a previous season are in the second preference category, all other residents are in the third preference category, qualified nonresident landowners are in the fourth preference category, and all other nonresidents are in the fifth preference category.

This bill allows a person who is selected under one of these random or preference selective systems to designate a minor to exercise the privilege to hunt or trap granted by the permit or license if the person dies before using the license. If the person who has applied for the permit or license dies before receipt of the permit or license, the designated minor may apply for that permit or license and the deceased person's preference would apply. If the person who received a permit or license dies on at least the day prior to the beginning of that hunting or trapping season, the designated minor may apply for the permit or license.

person
 I may apply to have that license or permit to a

person (S) → a transfer of the decedent's preference points or preference category to a minor

substitute amendment
 a person who can designate

Keep

ASSEMBLY BILL 384

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. 29.024 (2) (d) of the statutes is amended to read:

2 29.024 (2) (d) Except as provided under s. 29.180, 29.182 (4), 29.184 (6m), or
3 29.519 (2) (d) or by rule, no person may transfer his or her approval or permit the use
4 of any approval by any other person.

5 SECTION 2. 29.180 of the statutes is created to read:

6 **29.180 Transfers upon death. (1)** In this section:

7 (a) "Approval" means any of the following approvals that the department issues
8 to the resident or nonresident under a random or preference selection system:

- 9 1. Hunter's choice deer hunting permit.
- 10 2. Bonus deer hunting permit.
- 11 3. Bobcat hunting or trapping permit.
- 12 4. Otter trapping permit.
- 13 5. Fisher trapping permit.
- 14 6. Canada goose hunting permit.
- 15 7. Wild turkey hunting license.
- 16 8. Sharp-tailed grouse hunting permit.
- 17 9. Class A bear license.
- 18 10. Elk hunting license.
- 19 11. Sturgeon spearing license.

20 (b) "Family" means the parents and any siblings.

ASSEMBLY BILL 384

✓
Insert 3-1 →

1 (c) "Minor" means a person who is eligible to receive an approval or permit and
2 is under 18 years of age.

3 (2) At the time of application for an approval, or at any time after an application
4 is submitted, the applicant may designate, on a form approved by the department,
5 the primary minor, and alternative minors in order of preference, who shall have the
6 right to apply for a transfer under sub. (3) of an approval, preference points, or
7 preference categories. If the person dies before he or she designates a minor under
8 this subsection, the person's spouse, or if there is no spouse, the oldest member of the
9 person's family, may designate the minor as provided under this subsection.

10 (3) (a) If a person who has applied for an approval dies before receipt of an
11 approval, the minor designated under sub. (2) may apply to the department to have
12 the department transfer the application and any preference points or preference
13 categories related to an approval that the deceased person was entitled to under the
14 preference selective system.

15 (b) An application for the transfer of the preference points or preference
16 categories of a deceased person must be submitted within one year of the person's
17 death, but any transferred preference points or preference categories may only apply
18 to the applicable hunting or trapping season that begins not less than 30 days after
19 the submittal of the application for the transfer of the preference points or preference

✓
Insert 3-20 →

20 categories.
21 (3) (a) *been awarded*
22 (c) If a person who has *received* an approval dies before the first day of the
23 applicable hunting or trapping season, *the designee of* the minor designated under sub. (2) may
24 apply to the department for the transfer of the approval *to a minor*

insert 3-23 ✓

25 (d) An application for the transfer of an approval of a deceased person must be
submitted within one year of the person's death.

✓

ASSEMBLY BILL 384

SECTION 2

1 (4) Upon application by a designated minor, and upon payment of any fee
2 required under sub. (5), the department shall transfer the approval, preference
3 points, or preference categories to the designated minor.

4 (5) If the ~~deceased person~~ ^{(b) ← letter decedent was} is a resident ^{at the time of death} and the designated minor applying for
5 the transfer ^{of an approval} is a nonresident, the designated minor shall pay, at the time of
6 application, the difference between the fee paid by the ~~deceased person~~ ^{decedent} and the fee
7 required for a nonresident minor. ✓

8 (6) A designated minor may receive an approval under this section only once
9 for each animal.

10 (7) A designated minor who is transferred an approval, preference points, or
11 a preference category under this section retains all preference points or preference
12 categories that he or she has previously accumulated.

Insert
4-12

13 (8) The department may promulgate any rules necessary for the
14 administration of this section. ✓

(END)

Inserts

1 AN ACT to amend 29.024 (2) (d); and to create 29.180 of the statutes: relating
2 to: the transfer of natural resources approvals, preference points, and preference
3 categories and granting rule-making authority.

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26 (c) "Designee" means ^{the} decedent's surviving spouse, personal representative,
27 guardian, or trustee. ^{has} that the decedent designated to transfer his or

28 ~~(2) Transfer of Preference Points and/or Preference Categories.~~ (a) When a
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30 preference points and/or preference category related to an approval to any minor. A
31 request to transfer any preference points and/or preference category authorized under

Insert 3-1

Insert 3-20

preference categories, or approval to a minor



1 this section shall be submitted on a form provided by the department ^{that} which contains all ^{of the} information requested by the department, including the signatures of both the designee
2 and the minor.

end of
insert
3-20

3
4 ~~(1)~~ ^{A minor shall submit an} Application for any approval ^{an} under sub. (1)(a) must be submitted by the ^{for that approval}
5 established application deadline date.

6 ~~(2)~~ An application to transfer preference points ~~and~~ ^{or} preference category of a
7 deceased person must be submitted within one year of the person's death.

8 **(3) Transfer of Approvals.** (a) If a person who has been awarded an approval
9 dies before the first day of the season to which the approval is valid, the designee of the
10 decedent may apply to the department to transfer the approval to any minor. ^{not} A request

insert
3-23

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12 provided by the department ^{that} which contains all ^{of the} information requested by the department,
13 including the signatures of both the designee and the minor.

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15 ~~transfer of an approval is a nonresident, the designated minor shall pay, at the time of~~
16 ~~application, the difference between the fee paid by the decedent and the fee required for~~
17 ~~a nonresident minor.~~

18 ~~(c) The minor who is transferred an approval under this section shall retain all~~
19 ~~preference points that he or she has previously accumulated.~~

insert
4-12

20 ~~(4) Designee Obligation.~~ ^(B) A designee may not receive ~~payment or any other form~~
21 ~~of consideration for the transfer of preference points, preference category, or approvals.~~

22 ~~(5) The department may promulgate any rules necessary for the administration of~~
23 ~~this section.~~

(END)

Barman, Mike

From: Barman, Mike
Sent: Wednesday, May 18, 2005 8:33 AM
To: Felker-Donsing, Susan; Bruhn, Mike
Cc: Brookbank, Diane L; 'fes@doa.state.wi.us'
Subject: RE: Fiscal note for substitute amendment

Susan -

Thanks for the heads up. Before I can submit a request for a supplemental fiscal estimate based on ASA1-AB384 (LRBs0111/1) a fiscal estimate needs to be submitted on the original bill. During the 5-day review period, Representative Gunderson's office can then request that the LRB submit a request for a fiscal estimate based on the substitute amendment (see Joint Rule 48 (2) below). After the 5-day review period the request must come from the speakers office (see Joint Rule 41 (3) (b) below). In either case a fiscal estimate must first be submitted based on the original bill. If you have any questions please feel free to contact me.

Thanks,

Mike Barman

Mike Barman - Senior Program Asst. (PH. 608-266-3561)
(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin
Legislative Reference Bureau - Legal Section - Front Office
1 East Main, Suite 200 Madison, WI 53703

-----Original Message-----

From: Felker-Donsing, Susan
Sent: Tuesday, May 17, 2005 2:55 PM
To: Bruhn, Mike
Cc: Brookbank, Diane L; Barman, Mike
Subject: FW: Fiscal note for substitute amendment
Importance: High

Mike, Diane Brookbank has prepared a fiscal note for Rep. Gunderson's substitute amendment to AB 384, related to use of a deceased person's accumulated fish and wildlife preference points. We understand your office will be working with the substitute instead of the original bill, and that a hearing is scheduled for May 25th. However, DOA's fiscal estimate system only requests us to prepare a fiscal note for the original bill; in order for us to enter the fiscal note for the substitute into DOA's fiscal estimate system, we need the Leg. Reference Bureau to request us to prepare the estimate for the substitute (see excerpt from legislative rules below).

To get the LRB to request that, someone from your office needs to e-mail Mike Barman of the Reference Bureau and ask for a supplemental fiscal estimate for the substitute amendment to AB 384. If you can do that, we'll be able to proceed with the fiscal note for the sub. Thanks, and e-mail me back or call me if you have any questions (267-2769). --Susan Felker-Donsing

-----Original Message-----

From: LaBelle, Vicky [mailto:vicky.labelle@doa.state.wi.us]
Sent: Tuesday, May 17, 2005 2:25 PM
To: Felker-Donsing, Susan; LaBelle, Vicky
Cc: Stewart, Joy L.; Fietz, Stacey A.
Subject: RE: Fiscal note for substitute amendment

Susan, I got your voice mail, but have not heard back from you. In the meantime, I found the information

relating to supplemental fiscal estimates.

I cannot set up a fiscal estimate without the formal request (e-mail) from the primary author of the bill.

Here is the information:

Supplemental fiscal estimates. Legislative Joint Rules 41 (3) (a), (b), (c) and (f), 46 (4), and 48 (2) and (3) provide for the preparation and publication of supplemental fiscal estimates.

- (1) *Joint Rule 48 (2)*. During an original fiscal estimate's five-day review period, but not afterwards, the bill's primary author may electronically submit to the Legislative Reference Bureau (lrb.legal@legis.state.wi.us) (Attn: Mike Barman) (phone: 266-3561) a request for an agency to also prepare a supplemental fiscal estimate for the bill as affected by an introduced or un-introduced proposed amendment or substitute amendment. This request is processed the same as the original fiscal estimate except that only one agency is required to prepare the supplemental fiscal estimate instead of the multiple agencies that may have prepared an estimate for the original bill. The Legislative Reference Bureau will electronically forward the request from the author to the Department of Administration and will include an electronic copy of the amendment or substitute amendment.
- (2) *Joint Rule 48 (3)*. The primary author of an introduced bill may request the Legislative Fiscal Bureau or the Department of Administration to prepare a supplemental fiscal estimate on a bill if the primary author disagrees with an estimate prepared by a state agency.
- (3) *Joint Rule 41 (3) (c)*. The Department of Administration may submit a supplemental estimate on its own initiative when the department disagrees with an estimate prepared by a state agency.
- (4) *Joint Rule 41 (3) (b)*. By request of the primary author of an introduced bill, the presiding officer of either house of the Legislature may request (through the Department of Administration) that a state agency prepare a supplemental fiscal estimate on a bill or on a bill as affected by a proposed amendment or substitute amendment. The Department of Administration will notify the Legislative Reference Bureau and inform them of the request.
- (5) *Joint Rule 41 (3) (a)*. The Joint Committee on Finance by a majority of its members or by either co-chairperson may request from a state agency (through the Department of Administration) or from the Legislative Fiscal Bureau a supplemental fiscal estimate on a bill or on a bill as affected by a proposed amendment or substitute amendment, if the committee or co-chairperson believes that the estimate on the bill or the modified bill would be substantially different from the estimate on the original bill.

AB-384

Barman, Mike

From: Barman, Mike
Sent: Wednesday, May 18, 2005 8:36 AM
To: Bruhn, Mike
Subject: RE: Fiscal note for substitute amendment

Mike is soon as we receive a fiscal estimate based on the original bill I will submit your request for a fiscal estimate based on the substitute amendment. Thanks.

Mike Barman

Mike Barman - Senior Program Asst. (PH. 608-266-3561)
(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin
Legislative Reference Bureau - Legal Section - Front Office
1 East Main, Suite 200 Madison, WI 53703

-----Original Message-----

From: Bruhn, Mike
Sent: Wednesday, May 18, 2005 8:34 AM
To: Barman, Mike
Subject: FW: Fiscal note for substitute amendment
Importance: High

Mike,

Representative Gunderson would like a supplemental fiscal estimate for Assembly Substitute Amendment 1 to AB 384 prepared. If you have any questions, please feel free to contact our office at 266-3363.

Thank you,

Michael Bruhn
Rep. Gunderson's office

From: Felker-Donsing, Susan
Sent: Tuesday, May 17, 2005 2:55 PM
To: Bruhn, Mike
Cc: Brookbank, Diane L; Barman, Mike
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To get the LRB to request that, someone from your office needs to e-mail Mike Barman of the Reference Bureau and ask for a supplemental fiscal estimate for the substitute amendment to AB 384. If you can do that, we'll be able to proceed with the fiscal note for the sub. Thanks, and e-mail me back or call me if you have any questions (267-2769). --Susan Felker-Donsing

-----Original Message-----

From: LaBelle, Vicky [<mailto:vicky.labelle@doa.state.wi.us>] <<mailto:vicky.labelle@doa.state.wi.us>>
Sent: Tuesday, May 17, 2005 2:25 PM
To: Felker-Donsing, Susan; LaBelle, Vicky
Cc: Stewart, Joy L.; Fietz, Stacey A.
Subject: RE: Fiscal note for substitute amendment

Susan, I got your voice mail, but have not heard back from you. In the meantime, I found the information relating to supplemental fiscal estimates.

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Barman, Mike

From: Felker-Donsing, Susan
Sent: Wednesday, May 18, 2005 4:19 PM
To: Barman, Mike
Cc: LaBelle, Vicky; Bruhn, Mike
Subject: RE: Fiscal note for substitute amendment

Mike, we're preparing a fiscal note for the original AB 384 and should be entering it into the Fiscal Estimate system tomorrow. Thank you --Susan

-----Original Message-----

From: Barman, Mike [mailto:Mike.Barman@legis.state.wi.us]
Sent: Wednesday, May 18, 2005 8:33 AM
To: Felker-Donsing, Susan; Bruhn, Mike
Cc: Brookbank, Diane L; fes@doa.state.wi.us
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Subject: RE: Fiscal note for substitute amendment

Susan, I got your voice mail, but have not heard back from you. In the meantime, I found the information relating to supplemental fiscal estimates.

I cannot set up a fiscal estimate without the formal request (e-mail) from the primary author of the bill.

Here is the information:

Supplemental fiscal estimates. Legislative Joint Rules 41 (3) (a), (b), (c) and (f), 46 (4), and 48 (2) and (3) provide for the preparation and publication of supplemental fiscal estimates.

(1) *Joint Rule 48 (2)*. During an original fiscal estimate's five-day review period, but not afterwards, the bill's primary author may electronically submit to the Legislative Reference Bureau (lrb.legal@legis.state.wi.us) (Attn: Mike Barman) (phone: 266-3561) a request for an agency to also prepare a supplemental fiscal estimate for the bill as affected by an introduced or un-introduced proposed amendment or substitute amendment. This request is processed the same as the original fiscal estimate except that only one agency is required to prepare the supplemental fiscal estimate instead of the multiple agencies that may have prepared an estimate for the original bill. The Legislative Reference Bureau will electronically forward the request from the author to the Department of Administration and will include an electronic copy of the amendment or substitute amendment. (2) *Joint Rule 48 (3)*. The primary author of an introduced bill may request the Legislative Fiscal Bureau or the Department of Administration to prepare a supplemental fiscal estimate on a bill if the primary author disagrees with an estimate prepared by a state agency.

(3) *Joint Rule 41 (3) (c)*. The Department of Administration may submit a supplemental estimate on its own initiative when the department disagrees with an estimate prepared by a state agency.

(4) *Joint Rule 41 (3) (b)*. By request of the primary author of an introduced bill, the presiding officer of either house of the Legislature may request (through the Department of Administration) that a state agency prepare a supplemental fiscal estimate on a bill or on a bill as affected by a proposed amendment or substitute amendment. The Department of Administration will notify the Legislative Reference Bureau and inform them of the request.

(5) *Joint Rule 41 (3) (a)*. The Joint Committee on Finance by a majority of its members or by either co-chairperson may request from a state agency (through the Department of Administration) or from the Legislative Fiscal Bureau a supplemental fiscal estimate on a bill or on a bill as affected by a proposed amendment or substitute amendment, if the committee or co-chairperson believes that the estimate on the bill or the modified bill would be substantially different from the estimate on the original bill.