



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 384**

May 12, 2005 - Offered by Representative GUNDERSON.

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 substitute amendment allows a person who is selected under one of these random or preference selective systems to designate a person who can 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 a person dies, the designated person may apply for a transfer of the decedent's preference points or preference category to a minor. 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 person may apply to have that license or permit to a minor, who may apply for the permit or license.

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.

1 (b) "Designee" means the decedent's surviving spouse, personal representative,
2 guardian, or trustee that the decedent has designated to transfer his or her
3 preference points, preference categories, or approval to a minor.

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

6 **(2)** (a) When a person dies, the designee may apply to the department to
7 transfer any preference points or preference category related to an approval to a
8 minor. A request to transfer any preference points or preference category authorized
9 under this section shall be submitted on a form provided by the department that
10 contains all of the information requested by the department, including the
11 signatures of both the designee and the minor.

12 (b) An application to transfer preference points or preference category of a
13 deceased person must be submitted within one year of the person's death.

14 (c) A minor shall submit an application for an approval by the established
15 application deadline date for that approval.

16 **(3)** (a) If a person who has been awarded an approval dies before the first day
17 of the season to which the approval is valid, the designee may apply to the
18 department for the transfer of the approval to a minor. A request to transfer an
19 approval authorized under this section shall be submitted on a form provided by the
20 department that contains all of the information requested by the department,
21 including the signatures of both the designee and the minor.

22 (b) If the decedent was a resident at the time of death and the designated minor
23 applying for the transfer of an approval is a nonresident, the designated minor shall
24 pay, at the time of application, the difference between the fee paid by the decedent
25 and the fee required for a nonresident minor.

1 (c) A minor who is transferred an approval retains all preference points or
2 preference categories that he or she has previously accumulated.

3 (4) A designee may not receive any consideration for the transfer of preference
4 points, preference category, or approvals.

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

7 (END)