

**2007 DRAFTING REQUEST****Assembly Substitute Amendment (ASA-AB296)**Received: **07/13/2007**Received By: **mglass**Wanted: **As time permits**

Identical to LRB:

For: **Scott Gunderson (608) 266-3363**By/Representing: **Mark Patronsky**This file may be shown to any legislator: **NO**Drafter: **mglass**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - fish and game**

Extra Copies:

Submit via email: **YES**Requester's email: **Rep.Gunderson@legis.wisconsin.gov**Carbon copy (CC:) to: **mark.patronsky@legis.wisconsin.gov****Pre Topic:**

No specific pre topic given

**Topic:**

Fish and game approvals for military; reconcile with AB 130

**Instructions:**

Reconcile AB 130 and AB 296

**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>
/?							
/1	mglass 07/13/2007	lkunkel 07/13/2007	sherritz 07/13/2007	_____	cduerst 07/13/2007	cduerst 07/13/2007	
/2	mglass 07/16/2007	lkunkel 07/16/2007	nnatzke 07/16/2007	_____	lparisi 07/16/2007	lparisi 07/16/2007	

FE Sent For:

&lt;END&gt;

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/?							
/1	mglass 07/13/2007	lkunkel 07/13/2007	sherritz 07/13/2007	_____	cdurst 07/13/2007	cdurst 07/13/2007	

FE Sent For:

*1/2/mk 7/16*      *nwn 7/16*      *nwn 7/16*  
<END>

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Fish and game approvals for military; reconcile with AB 130

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**Instructions:**

Reconcile AB 130 and AB 296

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mglass	h/mk 7/13	sh 7/13	sh/mn 7/13			

FE Sent For:

<END>

## 2007 ASSEMBLY BILL 296

April 30, 2007 – Introduced by Representatives GUNDERSON, MUSSER, ALBERS, BERCEAU, BIES, GRONEMUS, HAHN, HRAYCHUCK, HUBLER, KLEEFISCH, JORGENSEN, MONTGOMERY, MURSAU, MURTHA, NERISON, PETROWSKI, SUDER, TURNER and VOS, cosponsored by Senators KREITLOW, GROTHMAN, BRESKE, A. LASEE, LASSA, OLSEN, ROESSLER, SCHULTZ and SULLIVAN. Referred to Committee on Natural Resources.

1     **AN ACT** *to renumber* 29.194 (1) (a); *to renumber and amend* 29.173 (2) (b),  
2           29.194 (1) (b), 29.569 (2) (c) and 29.569 (3) (bm) 1.; *to amend* 29.194 (1) (title);  
3           and *to create* 29.173 (2) (b) 1., 29.173 (2) (b) 2., 29.194 (1m) (title), 29.194 (1m)  
4           (a) 2., 29.194 (1m) (b), 29.569 (2) (c) 3., 29.569 (3) (bm) 1. a. and 29.569 (3) (bm)  
5           1. b. of the statutes; **relating to:** issuing hunting and fishing approvals to  
6           members of the U.S. armed forces who are former residents of this state.

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

Under current law, Department of Natural Resources (DNR) must consider a person who is not a resident of this state but who is in the military and stationed in this state a resident for the purpose of issuing him or her a hunting, fishing, or trapping approval. This includes stamps and permits as well as licenses. Under the fee schedule for fish and game approvals, with limited exceptions, a resident pays less for the same or equivalent approval as does a nonresident.

Under this bill, DNR must consider a person who is currently not a resident of this state but who was a resident of this state at the time he or she entered the military a resident for the purpose of issuing him or her hunting or fishing approval. The bill also treats a former resident who is on furlough or leave in the state like a current resident on furlough or leave for purposes of being able to hunt deer of either sex during the open season for hunting deer with firearms.

**ASSEMBLY BILL 296**

For further information see the *state and local* 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.** 29.173 (2) (b) of the statutes is renumbered 29.173 (2) (b) (intro.)  
2 and amended to read:

3           29.173 (2) (b) (intro.) A qualified service member holding a current resident  
4 deer hunting license may hunt deer of either sex with a firearm during any season  
5 open to hunting of deer with firearms that is established by the department. In this  
6 paragraph, “qualified service member” means For purposes of this paragraph, a  
7 qualified service member is a member of the armed forces who exhibits proof that he  
8 or she is a resident, is in active service with the armed forces outside this state and  
9 is on furlough or leave. proof of one of the following:

10           **SECTION 2.** 29.173 (2) (b) 1. of the statutes is created to read:

11           29.173 (2) (b) 1. That he or she is a resident who is on furlough or leave.

12           **SECTION 3.** 29.173 (2) (b) 2. of the statutes is created to read:

13           29.173 (2) (b) 2. That he or she was a resident at the time he or she entered  
14 active service and that he or she is on furlough or leave.

15           **SECTION 4.** 29.194 (1) (title) of the statutes is amended to read:

16           29.194 (1) (title) ~~CERTAIN RESIDENT~~ RESIDENT LICENSES MAY BE ISSUED TO FOR  
17 STUDENTS AND MEMBERS OF THE ARMED FORCES.

18           **SECTION 5.** 29.194 (1) (a) of the statutes is renumbered 29.194 (1).

19           **SECTION 6.** 29.194 (1) (b) of the statutes is renumbered 29.194 (1m) (a) and  
20 amended to read:

ASSEMBLY BILL 296

1           29.194 (1m) (a) *Hunting and fishing approvals.* The department shall treat  
 2 a qualified member of the armed forces <sup>or</sup> ~~who is not a resident of this state~~ <sup>or</sup> as a resident  
 3 for purposes of determining the member's eligibility for and cost of obtaining a  
 4 hunting, ~~trapping,~~ or fishing approval under this subchapter. ~~A~~ For purposes of this  
 5 paragraph, a qualified member of the armed forces is a person who exhibits proof that  
 6 he or she is in active service in the U.S. armed forces or in forces incorporated in the  
 7 U.S. armed forces and ~~that~~ proof of one of the following:

8           1. That he or she is stationed in this state. *A qualified member of the*  
 9           SECTION 7. 29.194 (1m) (title) of the statutes is created to read: *renumbered*  
 10           29.194 (1m) (title) RESIDENT APPROVALS FOR NONRESIDENTS. *A qualified*

11           SECTION 8. 29.194 (1m) (a) 2. of the statutes is created to read:  
 12           [ 29.194 (1m) (a) 2. That he or she was a resident at the time he or she entered  
 13 active service.]

14           SECTION 9. 29.194 (1m) (b) of the statutes is created to read:  
 15           29.194 (1m) (b) *Trapping approvals.* The department shall treat a qualified  
 16 member of the armed forces who is not a resident of this state as a resident for  
 17 purposes of determining the member's eligibility for and cost of obtaining a trapping  
 18 approval under this subchapter. For purposes of this paragraph, a qualified member  
 19 of the armed forces is a person who exhibits proof that he or she is in active service  
 20 in the U.S. armed forces or in forces incorporated in the U.S. armed forces and that  
 21 he or she is stationed in this state.

22           SECTION 10. 29.569 (2) (c) of the statutes is renumbered 29.569 (2) (c) (intro.)  
 23 amended to read:

24           29.569 (2) (c) (intro.) A resident archer hunting license or a resident  
 25 conservation patron license issued during the open season for hunting deer with a

**ASSEMBLY BILL 296****SECTION 10**

1 bow and arrow authorizes hunting beginning on the date of issuance if issued to a  
2 person who is a member of the U.S. armed forces who exhibits proof that he or she  
3 is in active service with the armed forces and ~~that he or she is stationed~~ proof of one  
4 of the following:

5 1. That he or she is stationed in this state ~~or is a~~,

6 2. That he or she is a resident who is on furlough or leave.

7 **SECTION 11.** 29.569 (2) (c) 3. of the statutes is created to read:

8 29.569 (2) (c) 3. That he or she was a resident at the time he or she entered  
9 active service and that he or she is on furlough or leave.

10 **SECTION 12.** 29.569 (3) (bm) 1. of the statutes is renumbered 29.569 (3) (bm)

11 1. (intro.) and amended to read:

12 29.569 (3) (bm) 1. (intro.) A person who is a member of the U.S. armed forces  
13 and who exhibits proof that he or she is ~~a resident~~, is in active service with the armed  
14 forces outside this state, ~~and is on furlough or leave.~~ and proof of one of the following:

15 **SECTION 13.** 29.569 (3) (bm) 1. a. of the statutes is created to read:

16 29.569 (3) (bm) 1. a. That he or she is resident who is on furlough or leave.

17 **SECTION 14.** 29.569 (3) (bm) 1. b. of the statutes is created to read:

18 29.569 (3) (bm) 1. b. That he or she was a resident at the time he or she entered  
19 active service and that he or she is on furlough or leave.

20 **SECTION 15. Effective date.**

21 (1) This act takes effect on the first day of the 3rd month beginning after  
22 publication.

23 (END)

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2007 ASSEMBLY BILL 130**

April 5, 2007 - Offered by Representative HUBLER.

1 AN ACT *to amend* 29.194 (title), 29.194 (1) (title) and 29.194 (1) (b) of the statutes;  
2 relating to: issuing fish and game approvals to members of the Wisconsin  
3 national guard.

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

4 SECTION 1. 29.194 (title) of the statutes is amended to read:

5 **29.194 (title) Approvals for students and members of the armed forces**  
6 **or national guard.**

7 SECTION 2. 29.194 (1) (title) of the statutes is amended to read:

8 29.194 (1) (title) CERTAIN RESIDENT LICENSES MAY BE ISSUED TO STUDENTS AND  
9 MEMBERS OF THE ARMED FORCES <sup>RESERVES,</sup> OR NATIONAL GUARD.

10 SECTION 3. 29.194 (1) (b) of the statutes is amended to read:

11 29.194 (1) (b) The department shall treat a qualified member of the armed  
12 forces <sup>29.1945</sup> or a qualified member of the national guard as a resident for purposes of



1 determining the member's eligibility for and cost of obtaining a hunting, trapping,  
2 or fishing approval under this subchapter. A qualified member of the armed forces  
3 is a person who exhibits proof that he or she is in active service in the U.S. armed  
4 forces or in forces incorporated in the U.S. armed forces and that he or she is  
5 stationed in this state. A qualified member of the national guard is a person who  
6 exhibits proof that he or she is a member of the Wisconsin national guard.

7

(END)

**ASSEMBLY AMENDMENT 1,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2007 ASSEMBLY BILL 130**

April 24, 2007 – Offered by Representative GUNDRUM.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1, line 3: after “guard” insert “and to members of reserve units of the  
3 U.S. armed forces”.

4 **2.** Page 1, line 5: after “forces” insert “, reserves”.

5 **3.** Page 1, line 9: after “FORCES” insert “, RESERVES”.

6 **4.** Page 1, line 12: after “forces” insert “, a qualified member of a reserve unit  
7 of the U.S. armed forces”.

8 **5.** Page 2, line 5: after “state.” insert “A qualified member of a reserve unit of  
9 the U.S. armed forces is a person who exhibits proof that he or she is a member of  
10 a reserve unit of the U.S. armed forces located in this state.”.

11

(END)



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRBs0116/?  
MGG:.....

RMR  
1  
lnk

Mon. 10:00AM  
D-Note

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

ASSEMBLY SUBSTITUTE AMENDMENT,

TO 2007 ASSEMBLY BILL 296

GenCat

vt

1 AN ACT ...; relating to: issuing of hunting and fishing approvals to members of  
2 the U.S. armed forces who are former residents of this state. ✓

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

3 SECTION 1. 29.173 (2) (b) of the statutes is renumbered 29.173 (2) (b) (intro.)  
4 and amended to read:

5 29.173 (2) (b) (intro.) A qualified service member holding a current resident  
6 deer hunting license may hunt deer of either sex with a firearm during any season  
7 open to hunting of deer with firearms that is established by the department. In this  
8 paragraph, "qualified service member" means For purposes of this paragraph, a  
9 qualified service member is a member of the armed forces ~~of of a reserve unit of the~~  
10 U.S. armed forces who exhibits proof that he or she is a resident, is in active service

1 with the armed forces outside this state and <sup>plain</sup> ~~is on furlough or leave.~~ proof of one of  
2 the following: ✓

3 SECTION 2. 29.173 (2) (b) 1. of the statutes is created to read:

4 29.173 (2) (b) 1. That he or she is a resident who is on furlough or leave. ✓

5 SECTION 3. 29.173 (2) (b) 2. of the statutes is created to read:

6 29.173 (2) (b) 2. That he or she was a resident at the time he or she entered ✓  
7 active service and that he or she is on furlough or leave. ✓

8 SECTION 4. 29.194 (title) of the statutes is amended to read:

9 29.194 (title) **Approvals for students and members of the armed forces**  
10 **or reserves.** ✓

11 History: 1997 a. 248 ss. 158 to 160, 411; 2005 a. 243, 283; s. 13.93 (2) (c).

11 SECTION 5. 29.194 (1) (title) of the statutes is amended to read:

12 29.194 (1) (title) CERTAIN RESIDENT LICENSES MAY BE ISSUED TO STUDENTS AND  
13 MEMBERS OF THE ARMED FORCES <sup>plain</sup> OR RESERVES.

14 History: 1997 a. 248 ss. 158 to 160, 411; 2005 a. 243, 283; s. 13.93 (2) (c).

14 SECTION 6. 29.194 (1) (b) of the statutes is amended to read:

15 29.194 (1) (b) The department shall treat a qualified member of the armed  
16 forces or a qualified member of a reserve unit of the U.S. armed forces ✓ as a resident  
17 for purposes of determining the member's eligibility for and cost of obtaining a  
18 hunting, trapping, or fishing approval under this subchapter. A qualified member  
19 of the armed forces is a person who exhibits proof that he or she is in active service  
20 in the U.S. armed forces or in forces incorporated in the U.S. armed forces and that  
21 he or she is stationed in this state. A qualified member of a reserve unit of the U.S.  
22 armed forces is a person who exhibits proof that he or she is a member of a reserve  
23 unit of the U.S. armed forces located in this state. ✓

NOTE: NOTE: Sub. (1) is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c).NOTE:

History: 1997 a. 248 ss. 158 to 160, 411; 2005 a. 243, 283; s. 13.93 (2) (c).

1           **SECTION 7.** 29.194 (1) (c) of the statutes is created to read:

2           29.194 (1) (c) In addition to being able to qualify under par. (b), for purposes  
3 of qualifying for a resident hunting or fishing approval, a member of the armed forces  
4 not stationed this state or a member of a reserve unit of the U.S. armed forces not  
5 located in this state shall be treated as a resident if the member was a resident at  
6 the time he or she entered active service. ✓

7           **SECTION 8. Effective date.**

8           (1) This act takes effect on the first day of the 3rd month beginning after  
9 publication. ✓

10

(END)

dn

DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBs0116/?dn

MGG:.....

lmt

(date)

Attention: Mark Patronsky

1. Assembly Bill 296 takes the approach of amending each provision in ch. 29 that deals with residency and being a member of the armed forces. See the treatment of ss. 29.194 (1) (b), 29.569 (2) (c) 3. and (3) (bm) 1. Note that the treatment of s. 29.194 (1) (b) in AB 296 adds the language "for purpose of this paragraph". In this substitute amendment, I have taken the "former resident" concept and have inserted in s. 29.194 (1) (b) so that it applies chapterwide. Then the treatment of s. 29.569 (2) (c) 3. and (3) (bm) for purposes of residency of former residents is not necessary.

2. The creation of s. 29.194 (1) (c) is necessary because the expansion of being qualified as a resident to a former resident applies only to hunting and fishing licenses, not trapping licenses.

3. The phrase "at the time he or she entered active service" applies both to active members and reservists because one has to be in active service before going into the reserves.

Mary Gibson-Glass  
Senior Legislative Attorney  
Phone: (608) 267-3215

4. ~~reservists~~ <sup>reservists</sup> are not included in s. 29.173(2)(b) or 29.569 (2)(c) 3. or (3)(bm) 1. because ~~reservists are never on active duty~~ the provisions are limited to those on active duty, regardless of whether they are in the reserves.

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

LRBs0116/1dn  
MGG:lmk:sh

July 13, 2007

Attention: Mark Patronsky

1. Assembly Bill 296 takes the approach of amending each provision in ch. 29 that deals with residency and being a member of the armed forces. See the treatment of ss. 29.194 (1) (b) and 29.569 (2) (c) 3. and (3) (bm) 1. Note that the treatment of s. 29.194 (1) (b) in AB 296 adds the language "for purposes of this paragraph." In this substitute amendment, I have taken the "former resident" concept and have inserted in s. 29.194 (1) (b) so that it applies chapterwide. Then the treatment of s. 29.569 (2) (c) 3. and (3) (bm) for purposes of residency of former residents is not necessary.
2. The creation of s. 29.194 (1) (c) is necessary because the expansion of being qualified as a resident to a former resident applies only to hunting and fishing licenses, not trapping licenses.
3. The phrase "at the time he or she entered active service" applies both to active members and reservists because one has to be in active service before going into the reserves.
4. Under this substitute amendment, reservists are not included in s. 29.173 (2) (b) or 29.569 (2) (c) 3. or (3) (bm) 1. because the provisions apply to those on active duty, regardless of whether they are in the reserves.

Mary Gibson-Glass  
Senior Legislative Attorney  
Phone: (608) 267-3215



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRBs0116/A  
MGG:lmk:sh

2 RME

today 2:30 p.m

✓ stays

ASSEMBLY SUBSTITUTE AMENDMENT ,  
TO 2007 ASSEMBLY BILL 296

strapping

1 AN ACT to renumber and amend 29.173 (2) (b); to amend 29.194 (title), 29.194  
2 (1) (title) and 29.194 (1) (b); and to create 29.173 (2) (b) 1., 29.173 (2) (b) 2. and  
3 29.194 (1) (c) of the statutes; relating to: issuing hunting and fishing approvals  
4 to <sup>certain</sup> members of the U.S. armed forces who are former residents of this state.

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

5 SECTION 1. 29.173 (2) (b) of the statutes is renumbered 29.173 (2) (b) (intro.)  
6 and amended to read:

7 29.173 (2) (b) (intro.) A qualified service member holding a current resident  
8 deer hunting license may hunt deer of either sex with a firearm during any season  
9 open to hunting of deer with firearms that is established by the department. In this  
10 paragraph, "~~qualified service member~~" means For purposes of this paragraph, a  
11 qualified service member is a member of the armed forces who exhibits proof that he



1 or she is ~~a resident~~, is in active service with the armed forces outside this state and  
2 is ~~on furlough or leave~~. proof of one of the following:

3 SECTION 2. 29.173 (2) (b) 1. of the statutes is created to read:

4 29.173 (2) (b) 1. That he or she is a resident who is on furlough or leave.

5 SECTION 3. 29.173 (2) (b) 2. of the statutes is created to read:

6 29.173 (2) (b) 2. That he or she was a resident at the time he or she entered  
7 active service and that he or she is on furlough or leave.

8 SECTION 4. 29.194 (title) of the statutes is amended to read:

9 29.194 (title) **Approvals for students and members of the armed forces**  
10 **or reserves.**

11 SECTION 5. 29.194 (1) (title) of the statutes is amended to read:

12 29.194 (1) (title) CERTAIN RESIDENT LICENSES MAY BE ISSUED TO STUDENTS AND  
13 MEMBERS OF THE ARMED FORCES OR RESERVES.

14 SECTION 6. 29.194 (1) (b) of the statutes is amended to read:

15 29.194 (1) (b) The department shall treat a qualified member of the armed  
16 forces or a qualified member of a reserve unit of the U.S. armed forces as a resident  
17 for purposes of determining the member's eligibility for and cost of obtaining a  
18 hunting, trapping, or fishing approval under this ~~subchapter~~ <sup>chapter</sup>. A qualified member  
19 of the armed forces is a person who exhibits proof that he or she is in active service  
20 in the U.S. armed forces or in forces incorporated in the U.S. armed forces and that  
21 he or she is stationed in this state. A qualified member of a reserve unit of the U.S.  
22 armed forces is a person who exhibits proof that he or she is a member of a reserve  
23 unit of the U.S. armed forces located in this state.

24 SECTION 7. 29.194 (1) (c) of the statutes is created to read:

1           29.194 (1) (c) In addition to being able to qualify under par. (b), for purposes  
2 of qualifying for a resident hunting or fishing approval, a member of the armed forces  
3 not stationed this state or a member of a reserve unit of the U.S. armed forces not  
4 located in this state shall be treated as a resident if the member was a resident at  
5 the time he or she entered active service.

6           **SECTION 8. Effective date.**

7           (1) This act takes effect on the first day of the 3rd month beginning after  
8 publication.

9           (END)