

2009 DRAFTING REQUEST

Bill

Received: **06/01/2009**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Amy Sue Vruwink (608) 266-8366**

By/Representing: **Jon Mielke**

This file may be shown to any legislator: **NO**

Drafter: **rkite**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Vruwink@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Hunting by persons who are terminally ill

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>
/?				_____			State
/1	rkite 06/03/2009	wjackson 06/08/2009	phenry 06/08/2009	_____	sbasford 06/08/2009		State
/2	rkite 09/17/2009	wjackson 09/24/2009	rschluet 09/25/2009	_____	cduerst 09/25/2009	mbarman 11/05/2009	

FE Sent For:

*at
intro*

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1/2 WLj 9/24




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/?	rkite		6/8/07	Dh			
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Dh

<END>

FE Sent For:

Kite, Robin

From: Mielke, Jon
Sent: Monday, June 01, 2009 2:44 PM
To: Kite, Robin
Subject: Email from LRB Website

Attachments: Handicapped Hunting 6-1-09.doc



Handicapped
Hunting 6-1-09.doc..

Hi Robin,

Rep. Vruwink would like to get this drafted. The memo should explain what she wants, if you have any questions please call me at 266-8366

Thanks,

Jon Mielke



State of Wisconsin
2009 - 2010 LEGISLATURE

RM 1
LRB-2964/8
RNK:.....
Wlj

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

In 6/3

Gen Cat

1 AN ACT ...; relating to: hunting permits issued to persons who are terminally ill.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources (DNR) is authorized to issue Class A hunting permits to an applicant who is permanently disabled. A Class A permit extends certain hunting privileges to a holder of a hunting license that are otherwise not granted under the license. Among those privileges is the privilege to use a crossbow while hunting or to hunt from a stationary vehicle. This bill requires DNR, in addition to issuing Class A permits to persons who are permanently disabled, to issue Class A permits to applicants who are terminally ill. The bill also requires DNR to define the term "terminally ill" by rule.

FE-S


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

2 SECTION 1. 29.053 (3) of the statutes is amended to read:
3 29.053 (3) The department may modify any requirement of this chapter or
4 rules promulgated under it, establish special seasons, authorize the use of special
5 equipment or take any other action in order to provide additional hunting and fishing
6 opportunities for persons who are physically disabled, terminally ill, or visually
7 handicapped and may limit the number of persons involved.

Kite, Robin

From: Plata, Christian
Sent: Wednesday, September 16, 2009 11:14 AM
To: Kite, Robin
Subject: FW: Terminal hunting bill follow-up

9/16/09
Redraft instructions
per Christian ;)



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

From: Konopacki, Larry
Sent: Wednesday, September 16, 2009 10:47 AM
To: Maloney, Eric
Cc: Plata, Christian
Subject: RE: Terminal hunting bill follow-up

Hi Eric, based on my discussions with Christian about Amy Sue's intent, it appears that she wants to require DNR to issue a disabled hunting permit to a person if the person presents the requisite documentation from his or her health care professional, instead of having the DNR evaluate the person's health situation.

Therefore, I suggested that you ask the drafter to revise the bill to reflect that intent, using the existing statutory provisions that govern the issuance of disabled placards and license plates as a model. I would also suggest that this be accomplished through changes within the "Class B" hunting permit provisions instead of "Class A" because the former already includes permitting of people with mobility or ambulation that is restricted due to illness.

Thanks,

Larry

Larry A. Konopacki
Wisconsin Legislative Council
(608) 267-0683
larry.konopacki@legis.wisconsin.gov

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

From: Maloney, Eric
Sent: Tuesday, September 15, 2009 3:15 PM
To: Konopacki, Larry
Subject: Terminal hunting bill follow-up

Hey Larry,

I just gave your office a buzz, but maybe this will be easier. Plata lost the recommendations you gave him regarding the terminal hunting bill and Amy Sue's intent for the bill. If you could shoot that over here, Plata and I would both be very grateful.

Thanks much,

Eric Maloney
Legislative Intern
Office of State Representative Amy Sue Vruwink emaloney@legis.wi.gov
Office: (608) 266-8366

9/16/09

Per Larry Konopacki -

Provide that DNR must issue a Class B permit for a terminal illness that restricts mobility + ambulation -

DNR must give the permit upon statement issued by a physician

DNR cannot examine medical records or otherwise investigate the illness

Kite, Robin

From: Konopacki, Larry
Sent: Wednesday, September 16, 2009 3:58 PM
To: Kite, Robin
Subject: Disabled hunting bill

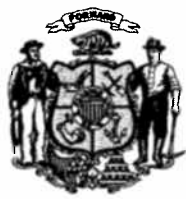
Hi Robin,

An example of the model that I was referring to is s. 343.51. Of the health care professionals listed in sub. (1), a licensed physician is an obvious person who should be allowed to make this determination, although I cannot speak to whether it would be appropriate to add any of the other listed professionals. Maybe this would be best addressed with a drafters note?

Thanks!

Larry

Larry A. Konopacki
Wisconsin Legislative Council
(608) 267-0683
larry.konopacki@legis.wisconsin.gov



State of Wisconsin
2009 - 2010 LEGISLATURE

(soon)

RM run

LRB-296411

RNK:wlj:ph

↑
stays

2009 BILL

regen. cat.

1 AN ACT to amend 29.053 (3), 29.184 (5) (b), 29.193 (2) (b) 2., 29.193 (2) (b) 3. and
2 29.193 (2) (c) 1. (intro.) of the statutes; relating to: hunting permits issued to
3 persons who are terminally ill.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources (DNR) is authorized to issue Class A hunting permits to an applicant who is permanently disabled. A Class A permit extends certain hunting privileges to a holder of a hunting license that are otherwise not granted under the license. Among those privileges is the privilege to use a crossbow while hunting or to hunt from a stationary vehicle. This bill requires DNR, in addition to issuing Class A permits to persons who are permanently disabled, to issue Class A permits to applicants who are terminally ill. The bill also requires DNR to define the term "terminally ill" by rule.

Insect Analysis

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:

4 SECTION 1. 29.053 (3) of the statutes is amended to read:
5 29.053 (3) The department may modify any requirement of this chapter or
6 rules promulgated under it, establish special seasons, authorize the use of special

BILL

~~equipment or take any other action in order to provide additional hunting and fishing opportunities for persons who are physically disabled, terminally ill, or visually handicapped and may limit the number of persons involved.~~

SECTION 2. 29.184 (5) (b) of the statutes is amended to read:

~~29.184 (5) (b) If a disabled or terminally ill person holds either a Class A or a Class B bear license, a person who accompanies and assists the disabled or terminally ill person may engage in the activities authorized under sub. (3) (br) 1. to 3. without holding a Class B bear license.~~

SECTION 3. 29.193 (2) (b) 2. of the statutes is amended to read:

10 ~~An~~ applicant shall submit an application on a form prepared and furnished by the department, which shall include a written statement or report prepared and signed by a licensed physician or licensed chiropractor, prepared no more than 6 months preceding the application and verifying that the applicant is physically disabled or terminally ill.

SECTION 4. 29.193 (2) (b) 3. of the statutes is amended to read:

16 ~~As~~ part of the application for a Class A or Class B permit under this subsection, the applicant shall authorize the department by written release to examine all medical records regarding the applicant's physical disability or terminal illness.

SECTION 5. 29.193 (2) (c) 1. (intro.) of the statutes is amended to read:

~~29.193 (2) (c) 1. (intro.) The department shall issue a Class A permit under this subsection to an applicant who is terminally ill, as defined by the department by rule, or who is permanently disabled, as determined by the department, in any of the following ways:~~

(END)

in sect 2-24

INSERT ANALYSIS

Under current law, the Department of Natural Resources (DNR) is authorized to issue a Class A hunting permit to an applicant who is permanently disabled or a Class B hunting permit to a person who has a temporary disability. Current law specifies the types of disabilities that qualify an applicant for a Class A or Class B permit. The permits extend certain hunting privileges to a holder of a hunting license that are otherwise not granted under the license. Among those privileges is the privilege to use a crossbow while hunting or to hunt from a stationary vehicle. When an applicant applies for a Class A or Class B permit, the applicant must authorize DNR by written release to examine all medical records regarding the applicant's physical disability in order for DNR to determine whether the applicant qualifies for the permit.

This bill requires DNR to issue a Class B permit to an applicant who submits a statement from a licensed physician that the applicant has a physical disability that restricts mobility or ambulation due to a terminal illness. The bill prohibits DNR from requiring the applicant to authorize DNR to examine the applicant's medical records regarding the applicant's physical disability or terminal illness.

INSERT 2-24

1 **SECTION 1.** 29.193 (2) (c) ^{e 2g} ~~2m~~ of the statutes is created to read:

2 29.193 (2) (c) ^{e 2g} ~~2m~~ The department shall issue a Class B permit to an applicant

3 under this subsection upon submission by the applicant of a statement from a

4 licensed physician that the applicant has a physical disability that restricts mobility

5 or ambulation due to a terminal illness. The department may not require a written

6 release from the applicant authorizing the department to examine the applicant's

7 medical records regarding the applicant's physical disability or terminal illness.

8 Notwithstanding par. (b) 1., the department is not required ^{to} conduct an investigation

9 before issuing a Class B permit under this subdivision.

Barman, Mike

From: Rep.Vruwink
Sent: Thursday, November 05, 2009 12:40 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-2964/2 Topic: Hunting by persons who are terminally ill

Please Jacket LRB 09-2964/2 for the ASSEMBLY.