

2009 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB595)

Received: 03/25/2010

Received By: **rkite**

Wanted: **As time permits**

Companion to LRB:

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

By/Representing: **Christian**

May Contact:

Drafter: **rkite**

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

Addl. Drafters:

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:

Requirements of terminal illness class B permit

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>
/?	rkite 03/25/2010	nmatzke 03/30/2010		_____			
/1			mduchek 03/30/2010	_____	lparisi 03/30/2010	lparisi 03/30/2010	
/2	rkite 04/13/2010	nmatzke 04/13/2010	mduchek 04/13/2010	_____	sbasford 04/13/2010	sbasford 04/13/2010	

FE Sent For:

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/1		h2 nwn 4/13	mduchek 03/30/2010	_____	lparisi 03/30/2010	lparisi 03/30/2010	

FE Sent For:

 <END>

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/?	rkite	1 nwn 3/30					

FE Sent For:

3/30
<END>

Kite, Robin

From: Plata, Christian
Sent: Wednesday, March 24, 2010 10:52 AM
To: Kite, Robin
Subject: FW: Terminal Illness Class B Permits
Attachments: Terminally Ill Amnedment .pdf

Robin,
Per our conversation

per Christian -
1. Clarify "terminal illness"
2. O.K. to make other
changes except do not take
out the crim. law change
as in the simple amend.

From: Plata, Christian
Sent: Tuesday, February 02, 2010 3:32 PM
To: Van Haren, Thomas - DNR
Subject: RE: Terminal Illness Class B Permits

Tom,
I will share this email with the Representative
Thank You,
Christian

From: Van Haren, Thomas - DNR [mailto:Thomas.VanHaren@Wisconsin.gov]
Sent: Tuesday, February 02, 2010 1:40 PM
To: Plata, Christian
Subject: RE: Terminal Illness Class B Permits

Christian,
I have reviewed the attached amendments to AB 595.

I do not see a big concern on our end with having a maximum 7 working day turn around time for an application for a Class B permit issued to a terminally ill person.

The new Section 4m. will be a helpful clarification, however I am concerned that the bill still does not appropriately identify who all would/should qualify under the terminal illness provision. This was brought up by some committee members as well, in regards to individuals who may have a long term terminal illness and who are very physically capable of walking unaided or shooting a bow for many years to come before their terminal illness prevents them from doing so.

I believe it would be helpful to clarify this further as this permit would be allowing the person to possess loaded uncased firearms in a vehicle, shoot from a vehicle and to hunt and shoot from a highway. I have located a definition in s. 50.90(5), Stats. that I believe would be helpful to add or use as a cross reference for the purposes of s. 29.193(2)(c)2g.

s. 50.90(5) "**Terminal illness**" means a medical prognosis that an individual's life expectancy is less than 12 months.

The new Section 4m. also allows these terminally ill persons to use the same methods that a Class A permit holder may use. We are fine with this. It does not however allow them the privilege of shooting a deer of either sex with their regular gun deer license during any gun deer season. If it is truly important that we provide terminally ill individuals who may not have more than a few months or years to hunt or fish, and who truly need the ability to hunt from a vehicle or highway, use a crossbow and use an electric motor to fish and troll, it would seem to also make sense to allow them to shoot a deer of either-sex to fill the regular gun deer carcass tag. Otherwise, they must still kill or tag an antlerless deer before being allowed to shoot a buck in a CWD EAB zone. They also still may not shoot an antlerless deer to fill their gun buck deer tag like a Class A permit hold can do. They would still need to first obtain a bonus antlerless deer tag (if available). You may want to consider adding the following underlined language to this amendment, which we would be supportive of, provided the terminal illness issue is more clearly defined for the purposes of these permits.

29.193 (2) (cr) 4. A Class B permit issued under par. (c) 2g. to a person with a terminal illness authorizes the holder to use all of the hunting and fishing methods and privileges authorized to be used by a Class A permit holder under subd. 1. and 2.”.

Another concern is that section 3 of this bill still gives the impression that the applicant will not need to use a DNR form to apply for this permit, and need only submit a simple statements from a doctor. It is important that the applications for these permit be made in a standard format for several reasons.

1. First, s. 29.024(3), Stats., requires that the application for any approval to be on a form and contain the information required by the department and no approval may be issued until the applicant complies with these requirements.
2. Certain minimum information is generally required on any application, such as full name, DOB, address, DNR customer ID #, signature of applicant, date of application, etc. This helps assure the department receives all the information we need to issue the permit, and that it is issued to the correct person.
3. A standard application form is also very important to assure that who ever might initially receive the application understands exactly what it is for and who should be forwarded to for review and issuance. Having a 7 day minimum required response time makes this all the more important.

Lastly, I am not so sure you want to include the new section 4r. It would expand the ability to shoot a firearm from a vehicle while on a highway or parking lot open to the public, at or towards another person, or at or toward any building or other vehicle. It is unclear to me why this exception even exists in the first place for Class A permit holders. Trying to expand it to include all Class B permit holders, even those with a temporary injury like a broken leg may raise some concerns from other legislators and the public. Just something to consider.

Thanks for the opportunity to review and comment.

Thomas Van Haren

Conservation Warden & NR Policy Officer
Bureau of Law Enforcement
Wisconsin Department of Natural Resources
(☎) phone: (608) 266-3244

an [mailto:Christian.Plata@legis.wisconsin.gov]
uary 01, 2010 11:35 AM
omas - DNR
al Illness Class B Permits

Tom,

Rep. Vruwink wanted you to see this substitute amendment to AB 595, terminally ill hunting bill. Rep. Gunderson had some concerns regarding swift timing of a license when Rep.Vruwink testified on the bill a couple of weeks ago. We are hopeful that his concerns have been addressed in the sub and that you guys are ok with it.

03/24/2010

Please let me know if you have any questions, we are looking forward to introduce the sub in the near future for an executive session in the Fish & Wildlife committee

Thank you,

Christian

Christian Plata
Office of State Representative Amy Sue Vruwink
Clerk, Assembly Committee on Agriculture
70th Assembly District
112 North State Capitol
Madison WI, 53708
(608) 266-8366
christian.plata1@legis.wisconsin.gov



ASSEMBLY SUBSTITUTE AMENDMENT TO

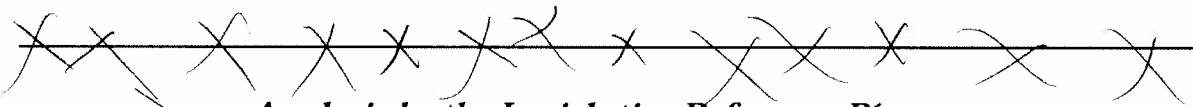
2009 ASSEMBLY BILL 595

In
3/25

November 24, 2009 - Introduced by Representatives VRUWINK, ZIGMUNT, TURNER, DANOU, BERCEAU, SMITH, BALLWEG, MURSAU, RIPP, SUDER and GUNDERSON, cosponsored by Senators TAYLOR, SCHULTZ and COGGS. Referred to Committee on Fish and Wildlife.

SA ✓
x-ref ✓

1 AN ACT ^{regen} to amend 29.193 (2) (b) 2. and 29.193 (2) (b) 3.; and to create 29.193 (2)
2 (c) 2g. of the statutes; relating to: hunting permits issued to persons who are
3 terminally ill.



Analysis by the Legislative Reference Bureau

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 to a holder of a hunting license certain hunting privileges 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.

ASSEMBLY BILL 595

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:

SECTION 1. 29.193 (2) (b) 2. of the statutes is amended to read:

29.193 (2) (b) 2. An ~~Except as provided in par. (c) 2g.~~ ^{as affected by 2009 Wisconsin Act 113,} 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 a licensed podiatrist} or licensed chiropractor, ^{or} prepared no more than 6 months preceding the application and verifying that the applicant is physically disabled.

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

29.193 (2) (b) 3. As ~~Except as provided in par. (c) 2g.~~ ^{lg} 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.

SECTION 3. 29.193 (2) (c) ~~2g.~~ ^{lg} of the statutes is created to read:

~~29.193 (2) (c) 2g. The department shall issue a Class B permit under this subsection to an applicant upon submission ^{by the applicant} of a statement from a licensed physician that the applicant has a physical disability that restricts mobility or ambulation due to a terminal illness. ^{and that the} The department may not require a written release from the applicant authorizing the department to examine the applicant's medical records regarding the applicant's physical disability or terminal illness. Notwithstanding par. (b) 1., the department is not required to conduct an investigation before issuing a Class B permit under this subdivision.~~

(END)

Done

Insert 2-11

Insert 2-20A

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0365/lins2RK
RNK:.....

INSERT 2-11

1 **SECTION 1.** 29.193 (2) (c) 1. (intro.) of the statutes is amended to read:
2 29.193 (2) (c) 1. (intro.) The department shall issue a Class A permit under this
3 subsection to an applicant who meets the requirements under subd. 1g. or who is
4 permanently disabled, as determined by the department, in any of the following
5 ways:

6 **History:** 1997 a. 248 ss. 135 to 142, 323, 410; 1997 a. 249 ss. 3 to 13; 1997 a. 322 ss. 2, 3; 1999 a. 9, 32; 2001 a. 17.

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0365/1ins.
RNK:.....

INSERT 2-20A

1 29.193 (2) (c) ^{lg.} (2)g. The department[✓] shall issue a Class ~~B~~^A permit under this
2 subsection[✓] to an applicant who submits an application on a form prepared and
3 furnished by the department that is accompanied by a statement from a licensed
4 physician[✓] that the applicant ~~has a physical disability that restricts mobility or~~
5 ~~ambulation and that the applicant~~ has a life expectancy of less than 12 months.[✓] The
6 department shall issue a class ~~B~~^A permit under this subdivision[✓] within 7 working days
7 after the department receives the applicant's submission.[✓] The department may not
8 require a written release from the applicant authorizing the department to examine
9 the applicant's medical records regarding the applicant's disability or life expectancy
10 prognosis.[✓] Notwithstanding par. (b) 1.,^x the department is not required to conduct an
11 investigation before issuing a Class ~~B~~^A permit under this subdivision.[✓]

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

LRBs0365/1dn

RNK: f:...

nwn

Date

Please note that this substitute amendment makes the proposed hunting permit for a terminally ill person a Class A rather than a Class B permit. I made this change after discussing the issue with Tom Van Haren at the Department of Natural Resources. The change was made because, under this substitute amendment, a terminally ill person who receives the permit receives all of the privileges of a Class A permit. Is this change O.K.?

Also, Tom Van Haren raised the issue of whether a person who qualifies for this permit should be prohibited from obtaining such a permit more than once in the person's lifetime given that the substitute amendment prohibits DNR from obtaining the person's medical records to verify the person's diagnosis. If you want to add such a prohibition, please let me know and I will redraft accordingly.

Please feel free to contact me if you have any questions with regard to this draft.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

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

LRBs0365/1dn
RNK:nwn:md

March 30, 2010

Please note that this substitute amendment makes the proposed hunting permit for a terminally ill person a Class A rather than a Class B permit. I made this change after discussing the issue with Tom Van Haren at the Department of Natural Resources. The change was made because, under this substitute amendment, a terminally ill person who receives the permit receives all of the privileges of a Class A permit. Is this change O.K.?

Also, Tom Van Haren raised the issue of whether a person who qualifies for this permit should be prohibited from obtaining such a permit more than once in the person's lifetime given that the substitute amendment prohibits DNR from obtaining the person's medical records to verify the person's diagnosis. If you want to add such a prohibition, please let me know and I will redraft accordingly.

Please feel free to contact me if you have any questions with regard to this draft.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

Kite, Robin

From: Plata, Christian
Sent: Tuesday, April 13, 2010 8:45 AM
To: Kite, Robin
Subject: RE: LRB 09s0365 Topic: Requirements of terminal illness class B permit

Excellent, thanks so much!

From: Kite, Robin
Sent: Tuesday, April 13, 2010 8:44 AM
To: Plata, Christian
Subject: RE: LRB 09s0365 Topic: Requirements of terminal illness class B permit

Thanks. Once I get the stripes back, I should be able to get the redraft to you later today.

Robin

From: Plata, Christian
Sent: Tuesday, April 13, 2010 8:43 AM
To: Kite, Robin
Subject: RE: LRB 09s0365 Topic: Requirements of terminal illness class B permit

Ok, thanks!

From: Kite, Robin
Sent: Tuesday, April 13, 2010 8:43 AM
To: Plata, Christian
Subject: RE: LRB 09s0365 Topic: Requirements of terminal illness class B permit

We cannot redraft the sub. unless we get the stripes back. Call me if you want me to explain this further.

Robin

From: Plata, Christian
Sent: Tuesday, April 13, 2010 8:40 AM
To: Kite, Robin
Subject: RE: LRB 09s0365 Topic: Requirements of terminal illness class B permit

My co-worker says as long as I don't give the hard copy to the chairs office, I can just hold onto it?

Any idea on the turn around rate?

I'm really sorry, we had no idea that there was going to be an exec in fish and wildlife tomorrow

Thanks,

Christian

04/13/2010

From: Kite, Robin
Sent: Tuesday, April 13, 2010 8:34 AM
To: Plata, Christian
Subject: RE: LRB 09s0365 Topic: Requirements of terminal illness class B permit

Christian:

Please return the stripes for redrafting.

Thanks.

Robin

From: Plata, Christian
Sent: Tuesday, April 13, 2010 8:32 AM
To: Kite, Robin
Subject: FW: LRB 09s0365 Topic: Requirements of terminal illness class B permit

Robin,

Based on this email from Tom, I believe it's necessary to have this included to the sub: With the addition of an only once in a lifetime application opportunity for a disabled permit due to a life expectancy of <12 months, we would not be opposed to the other provisions of LRBs0365/1.

We are trying to get this bill ready for an executive session for tomorrow morning, so if you could please get this done as quickly as possible that would be greatly appreciated.

Thanks so much for all your work!

Christian

From: Van Haren, Thomas - DNR [mailto:Thomas.VanHaren@Wisconsin.gov]
Sent: Monday, April 12, 2010 9:24 PM
To: Plata, Christian
Subject: FW: LRB 09s0365 Topic: Requirements of terminal illness class B permit

Christian,

I received and reviewed the LRB draft and Drafters note dated March 30, 2010 regarding the Assembly Sub. Amend. to AB 595.

As I mentioned in my Feb. 2nd, e-mail, we I do not have a big concern with a maximum 7 working day turn around time for an application for a permit issued to a person with a short life expectancy. However, the current law [NR 19.01(1)] already requires the department to review and issue a decision on disabled permit applications within 10 business days unless a different period is otherwise provided by statutes or rules. The 3 less days will not likely create a huge issue for staff who review and process these applications, but it should be understood that the 7 days would still not start until we have received a complete application. Applications which are unsigned or missing information must be returned and would not be processed until complete. It is not uncommon for us to receive incomplete applications.

I am glad to see that the other recommendations we had provided were incorporated into this draft.

The two concerns that did come up when had the opportunity to discuss this language with the drafter several weeks ago was what the effective period should be, and whether or not a person who applies because they have a life expectancy of less than 12 months should be eligible to apply more than once under this qualification

04/13/2010

criteria. We want to be sure that the disabled permit issuance process and the public confidence in this permit system is not undermined by having individuals coming back and applying more than once. In light of the fact that this bill does not provide the department the authority to require the applicant to authorize the review their medical records should there be a complaint or some question about an application that needs investigating, we feel it is reasonable and appropriate to limit a persons ability to apply to just once under the <12 months life expectancy qualification criteria.

If the doctors estimate turns out not to be correct or accurate and the applicant is fortunate and lives beyond their life expectancy period, they would still be able to apply under the other existing qualifications if eligible.

With the addition of an only once in a lifetime application opportunity for a disabled permit due to a life expectancy of <12 months, we would not be opposed to the other provisions of LRBs0365/1.

Thanks for the opportunity to comment.

Thomas Van Haren

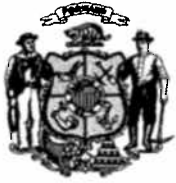
Conservation Warden & NR Policy Officer
Bureau of Law Enforcement
Wisconsin Department of Natural Resources
(☎) phone: (608) 266-3244

an [mailto:Christian.Plata@legis.wisconsin.gov]
12, 2010 2:42 PM
omas - DNR
B 09s0365 Topic: Requirements of terminal illness class B permit

From: Parisi, Lori
Sent: Tuesday, March 30, 2010 3:42 PM
To: Rep.Vruwink
Subject: LRB 09s0365 Topic: Requirements of terminal illness class B permit

The attached proposal has been jacketed for introduction.

A copy has also been sent to:



ASSEMBLY SUBSTITUTE AMENDMENT ,
TO 2009 ASSEMBLY BILL 595

Regen.

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

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

4 SECTION 1. 29.193 (2) (b) 2. of the statutes, as affected by 2009 Wisconsin Act
5 113, is amended to read:

6 29.193 (2) (b) 2. ~~An~~ Except as provided in par. (c) 1g., an applicant shall submit
7 an application on a form prepared and furnished by the department, which shall
8 include a written statement or report prepared and signed by a licensed physician,
9 a licensed chiropractor, or a licensed podiatrist prepared no more than 6 months
10 preceding the application and verifying that the applicant is physically disabled.

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

1 29.193 (2) (b) 3. ~~As~~ Except as provided in par. (c) 1g., as part of the application
2 for a Class A or Class B permit under this subsection, the applicant shall authorize
3 the department by written release to examine all medical records regarding the
4 applicant's physical disability.

5 **SECTION 3.** 29.193 (2) (c) 1. (intro.) of the statutes is amended to read:

6 29.193 (2) (c) 1. (intro.) The department shall issue a Class A permit under this
7 subsection to an applicant who meets the requirements under subd. 1g. or who is
8 permanently disabled, as determined by the department, in any of the following
9 ways:

10 **SECTION 4.** 29.193 (2) (c) 1g. of the statutes is created to read:

11 29.193 (2) (c) 1g. The department shall issue a Class A permit under this
12 subsection to an applicant who submits an application on a form prepared and
13 furnished by the department that is accompanied by a statement from a licensed
14 physician that the applicant has a life expectancy of less than 12 months. The
15 department shall issue a Class A permit under this subdivision within 7 working
16 days after the department receives the applicant's submission. The department may
17 not require a written release from the applicant authorizing the department to
18 examine the applicant's medical records regarding the applicant's disability or life
19 expectancy prognosis. Notwithstanding par. (b) 1., the department is not required
20 to conduct an investigation before issuing a Class A permit under this subdivision.

(END)

Insert
2-20
21

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0365/2ins
RNK:.....

INSERT 2-20

- 1 *no* A person may be issued only one Class A permit under this subdivision *✓* in his
- 2 or her lifetime. *✓*