

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1428/P1dn

EHS:sac:jf

February 20, 2013

Derek:

Your request proposed that a purple heart recipient who is not a resident be eligible for hunting, fishing, and trapping licenses at the resident rate. However, in some instances stamps, tags, or permits are required in addition to licenses. The term "approval" is used in chapter 29 to mean any license, permit, certificate, card, stamp, or tag issued to grant hunting, fishing, or trapping permission (see s. 29.001 (12)). Therefore, the draft refers to hunting, fishing, and trapping "approvals" instead of licenses. Let me know if this is not consistent with your intent.

You requested a prohibition on a purple heart recipient transferring a conservation patron license to another person upon the license holder's death. The general rule is that hunting, fishing, and trapping approvals may not be transferred to another person (see s. 29.024 (2) (d)). There are exceptions to this, but not for a conservation patron license. Therefore, the purple heart conservation patron license will not be transferrable during the holder's lifetime or upon his or her death and no drafting regarding transfers is necessary.

Under current law, at the time an applicant is issued a conservation patron license, he or she is also issued a Wisconsin Natural Resources magazine annual subscription, deer and back tags, and an annual vehicle admission receipt that allows free vehicle admission to state parks and other areas. To ensure that a resident purple heart recipient gets these benefits annually, I added language allowing the license holder to request these benefits each year after the first year the license is issued.

You requested that the draft provide that DNR can verify an applicant's purple heart status by using form DD 214 or amended DD 215. However, we typically don't specify the type of proof necessary for license eligibility in the statutes because this may change over time. For example, s. 29.194 (1) (b) requires DNR to treat a qualified member of the armed forces, a qualified member of a reserve unit of the armed forces, or a qualified member of the national guard as a resident for purposes of determining eligibility for a hunting, trapping, or fishing approval. However, that section simply requires the applicant to "exhibit proof" that he or she is a member of the armed forces, reserve unit, or national guard, and the type of proof required is left up to DNR. The verification requirement in the draft uses similar language.

Let me know if you have any questions, or if anything in the draft does not reflect your intent.

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