



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2005 Assembly Bill 384

**Assembly Substitute
Amendment 1**

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Current law directs the Department of Natural Resources (DNR) to issue certain hunting, trapping, and spearing licenses and permits on a random or preference selection system. These approvals include a bonus deer hunting permit, a wild turkey hunting license, and a Class A bear license.

Assembly Substitute Amendment 1 allows a person to designate a spouse, personal representative, guardian, or trustee who, upon the death of the person, may request the DNR to transfer the person's preference points, preference categories or approvals under these selection systems to a minor. The designee must request a transfer upon a form provided by the DNR that includes the designee's and minor's signatures.

A request to transfer any preference points or preference category is subject to the following additional requirements:

- The transfer application must be submitted to the DNR within one year of the person's death.
- The minor receiving the preference points or preference category must submit an application for the applicable permit or license by the established application deadline for that approval.

A request to transfer a permit or license under these provisions is subject to the following additional requirements:

- The designee may apply for the transfer only if the person who has been awarded the approval dies before the first day of the season to which the approval is valid.
- If the decedent was a resident at the time of death and the designated minor applying for the transfer is a nonresident, the minor must pay, at the time of application, the difference between the fee paid by the decedent and the fee required for a nonresident minor.

- A minor who is transferred an approval retains all preference points or preference categories that he or she has previously accumulated.

The substitute amendment specifies that a designee may not receive any consideration for the transfer of preference points, a preference category, or an approval. In addition, the substitute amendment authorizes the DNR to promulgate any rules necessary for the administration of these provisions.

The major difference between Assembly Bill 384 and Assembly Substitute Amendment 1 relates to the timing of the designation of the minor and the resulting amount of DNR recordkeeping. The bill authorizes the person holding the specified preference points, preference category, or approval to designate the minor or minors who would then have the right to apply for transfer of preference points, preference category, or approval upon the person's death. The person may make this designation at any time after he or she applies for the applicable permit or license. The substitute amendment authorizes the designee of the person holding the preference points, preference category, or approval to identify the minor and apply for the transfer after the person dies.

Legislative History

Assembly Substitute Amendment 1 was offered by Representative Gunderson on May 12, 2005. The Assembly Committee on Natural Resources recommended adoption of Assembly Substitute Amendment 1 and passage of Assembly Bill 384, as amended, on separate votes of Ayes, 14; Noes, 0 on September 22, 2005. The Assembly adopted Assembly Substitute Amendment 1 and passed Assembly Bill 384, as amended, on voice votes on September 27, 2005.

On October 20, 2005, the Senate Committee on Natural Resources and Transportation recommended concurrence in Assembly Bill 384 on a vote of Ayes, 5; Noes, 0.

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