



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-3626/1
ZDW:skw

2021 SENATE BILL 438

June 24, 2021 - Introduced by Senators PETROWSKI, LARSON and L. TAYLOR, cosponsored by Representatives BILLINGS, MURSAU, ANDERSON, CABRERA, CONSIDINE, EDMING, HORLACHER, L. MYERS, ROZAR, SHANKLAND, SINICKI, SPIROS, SPREITZER, STUBBS, SUBECK, TRANEL and WICHGERS. Referred to Committee on Sporting Heritage, Small Business and Rural Issues.

1 **AN ACT to amend** 29.193 (1m) (a) 2. (intro.), 29.193 (1m) (a) 3., 29.193 (2) (b) 2.,
2 29.193 (2) (c) 3., 29.193 (2) (cd) 2. b., 29.193 (2) (cd) 2. c., 29.193 (2) (e) and 29.193
3 (3) (a) of the statutes; **relating to:** hunting and fishing approvals for persons
4 with disabilities.

Analysis by the Legislative Reference Bureau

This bill approves licensed physical therapists and licensed occupational therapists to certify the disability of an applicant for a no-cost hunting, trolling, or fishing approval issued by the Department of Natural Resources.

Under current law, DNR issues approvals that authorize the hunting, fishing, and trapping of wild animals for a specified fee. Current law provides that DNR may not charge a fee for issuing certain hunting, fishing, and trolling approvals to individuals with specified disabilities. An application for one of these approvals must be accompanied by a written statement verifying the applicant's disability prepared by a licensed physician, physician assistant, chiropractor, or podiatrist, a certified advanced practice nurse prescriber, or, for certain approvals, a licensed optometrist.

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:

SENATE BILL 438**SECTION 1**

1 **SECTION 1.** 29.193 (1m) (a) 2. (intro.) of the statutes is amended to read:

2 29.193 **(1m)** (a) 2. (intro.) Has a permanent substantial loss of function in one
3 or both arms or one or both hands and fails to meet the minimum standards of any
4 one of the following standard tests, administered under the direction of a licensed
5 physician, a licensed physician assistant, a licensed chiropractor, ~~or~~ a certified
6 advanced practice nurse prescriber, a licensed physical therapist, or a licensed
7 occupational therapist:

8 **SECTION 2.** 29.193 (1m) (a) 3. of the statutes is amended to read:

9 29.193 **(1m)** (a) 3. Produces a certificate from a licensed physician ~~or~~,
10 optometrist, physical therapist, or occupational therapist stating that his or her
11 sight is impaired to the degree that he or she cannot read ordinary newspaper print
12 with or without corrective glasses.

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

14 29.193 **(2)** (b) 2. An applicant shall submit an application on a form prepared
15 and furnished by the department, which shall include a written statement or report
16 prepared and signed by a licensed physician, a licensed physician assistant, a
17 licensed chiropractor, a licensed podiatrist, ~~or~~ a certified advanced practice nurse
18 prescriber, a licensed physical therapist, or a licensed occupational therapist
19 prepared no more than 6 months preceding the application and verifying that the
20 applicant is physically disabled.

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

22 29.193 **(2)** (c) 3. The department may issue a Class B permit to an applicant
23 who is ineligible for a permit under subd. 1., 2. or 2m. or who is denied a permit under
24 subd. 1., 2. or 2m. if, upon review and after considering the physical condition of the
25 applicant and the recommendation of a licensed physician, a licensed physician

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1 assistant, a licensed chiropractor, a licensed podiatrist, or a certified advanced
2 practice nurse prescriber, a licensed physical therapist, or a licensed occupational
3 therapist selected by the applicant from a list of licensed physicians, licensed
4 physician assistants, licensed chiropractors, licensed podiatrists, and certified
5 advanced practice nurse prescribers, licensed physical therapists, and licensed
6 occupational therapists compiled by the department, the department finds that
7 issuance of a permit complies with the intent of this subsection. The use of this
8 review procedure is discretionary with the department and all costs of the review
9 procedure shall be paid by the applicant.

10 **SECTION 5.** 29.193 (2) (cd) 2. b. of the statutes is amended to read:

11 29.193 (2) (cd) 2. b. The person has a permanent substantial loss of function
12 in one or both arms and fails to meet the minimum standards of the standard upper
13 extremity pinch test, the standard grip test, or the standard nine-hole peg test,
14 administered under the direction of a licensed physician, a licensed physician
15 assistant, a licensed chiropractor, or a certified advanced practice nurse prescriber,
16 a licensed physical therapist, or a licensed occupational therapist.

17 **SECTION 6.** 29.193 (2) (cd) 2. c. of the statutes is amended to read:

18 29.193 (2) (cd) 2. c. The person has a permanent substantial loss of function in
19 one or both shoulders and fails to meet the minimum standards of the standard
20 shoulder strength test, administered under the direction of a licensed physician, a
21 licensed physician assistant, a licensed chiropractor, or a certified advanced practice
22 nurse prescriber, a licensed physical therapist, or a licensed occupational therapist.

23 **SECTION 7.** 29.193 (2) (e) of the statutes is amended to read:

24 29.193 (2) (e) *Review of decisions.* An applicant denied a permit under this
25 subsection, except a permit under par. (c) 3., may obtain a review of that decision by

SENATE BILL 438**SECTION 7**

1 a licensed physician, a licensed physician assistant, a licensed chiropractor, a
2 licensed podiatrist, ~~or a certified advanced practice nurse prescriber, a licensed~~
3 physical therapist, or a licensed occupational therapist designated by the
4 department and with an office located in the department district in which the
5 applicant resides. The department shall pay for the cost of a review under this
6 paragraph unless the denied application on its face fails to meet the standards set
7 forth in par. (c) 1. or 2. A review under this paragraph is the only method of review
8 of a decision to deny a permit under this subsection and is not subject to further
9 review under ch. 227.

10 **SECTION 8.** 29.193 (3) (a) of the statutes is amended to read:

11 29.193 (3) (a) Produces a certificate from a licensed physician, a licensed
12 physician assistant, a licensed optometrist, ~~or a certified advanced practice nurse~~
13 prescriber, a licensed physical therapist, or a licensed occupational therapist stating
14 that his or her sight is impaired to the degree that he or she cannot read ordinary
15 newspaper print with or without corrective glasses.

16 (END)