

**SENATE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES**

**MOTION ON ASSEMBLY BILL 200**

Moved by **Senator Kedzie** that the Senate Committee on Environment and Natural Resources recommends concurrence of Assembly Bill 200, relating to:

Restrictions on promulgating or enforcing certain rules regulating the sighting of a firearm.

VOTE ON MOTION:

YES

NO

Signed: *Andy Stegg*

Date: 10/20/2003

**SENATE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES**

**MOTION ON ASSEMBLY BILL 200**

Moved by **Senator Kedzie** that the Senate Committee on Environment and Natural Resources recommends concurrence of Assembly Bill 200, relating to:

Restrictions on promulgating or enforcing certain rules regulating the sighting of a firearm.

VOTE ON MOTION:

YES   
NO

Signed: *Neelg. Kedzie*  
Date: *10/20/03*



**SENATE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES**

**MOTION ON ASSEMBLY BILL 200**

Moved by **Senator Kedzie** that the Senate Committee on Environment and Natural Resources recommends concurrence of Assembly Bill 200, relating to:

Restrictions on promulgating or enforcing certain rules regulating the sighting of a firearm.

VOTE ON MOTION:

YES

NO

Signed: \_\_\_\_\_

*Robert W. Mirek*

Date: \_\_\_\_\_

*10-21-03*

**SENATE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES**

**MOTION ON ASSEMBLY BILL 200**

Moved by **Senator Kedzie** that the Senate Committee on Environment and Natural Resources recommends concurrence of Assembly Bill 200, relating to:

Restrictions on promulgating or enforcing certain rules regulating the sighting of a firearm.

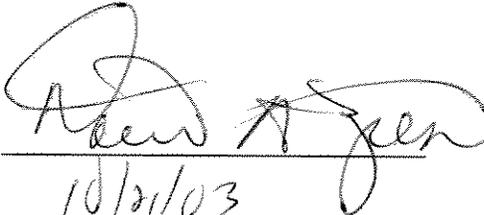
VOTE ON MOTION:

YES

NO

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

  
10/21/03

Wisconsin Department of Natural Resources

Testimony on 2003 AB 200

POSSESSION OF FIREARMS - 24 HR. PERIOD PRIOR TO GUN DEER SEASON

Testimony by: Tom Van Haren  
Date of Testimony: October 20, 2003  
Department Position: Opposed

Mr. Chairman and members of the Natural Resources Committee, Thank You for the opportunity to testify today on AB 200 which regulates the possession of firearms during the 24 hour period before the opening of the regular gun deer season.

I am Tom Van Haren, a Conservation Warden with the DNR, and I am here to testify in opposition to this bill.

Current rules generally prohibit a person, during the 24-hour period prior to the opening of the season for hunting deer with guns, from possessing a gun unless the gun is unloaded and enclosed within a carrying case.

This rule does contain several exceptions to this prohibition. These exceptions are for:

1. Persons engaged waterfowl hunting,
2. Persons hunting on a licensed game farm, and
3. For target shooting at an established range.

★ This bill would prohibit DNR from promulgating or enforcing a rule that prohibits a person from sighting a firearm on land owned or leased by that person or a member of that person's immediate family during that same 24-hour period. *(Anyone could lease the right to sight in their firearm on this day from any landowner, so what is accomplished by trying to restrict it to just landowners and family members?)*

While there is merit to providing as much opportunity as we can for a person to sight in a firearm prior to going hunting. The department, through its hunter education and safety program, tries to teach that proper planning for a hunt should take place including making sure your firearm is sighted in well before the season opens.

There are 364 other days of the year that a person can sight in their firearm. And if one can not get it done in those 364 days, they can still go to a shooting range on this one restricted day and sight in their firearm.

In addition, a private landowner that wants to have this opportunity can establish a simple shooting range on their property, which would then allow them and any one else (not just family members) to do just what this proposal is trying to accomplish. This bill appears to be written to only allow the owner and family members and would not place any restrictions on where they shoot. The current rule is designed to restrict target shooting activities to an area that has the primary purpose of target shooting.

This bill will likely create new enforcement problems for law enforcement.

A person would be able to simply walk around randomly, sit deep in the woods, in a tree or deer stand with a loaded firearm on the day before the gun deer season opens. If and when contacted, they would need only say that they are sighting in their firearm.

By allowing this new provision for landowners and their family members, it will not be possible for the public, neighbors, or our wardens to know if the shooter is in fact a landowner or family member. Wardens will very likely get a lot more calls and complaints that will have to be investigated.

The current rule is a tool that protects the resource and levels the playing field. We understand that those who are inclined to get an early start will do so regardless of the law. But this is one tool which is useful in locating those individuals.

This rule was created when there was only one gun deer season. This season which is now referred to as the regular gun deer season, is still the season that by far draws most of the hunting pressure. The department has not looked to expand this rule to apply to all the other special deer hunts (October Zone-T, December Zone-T, One day Youth Hunt or the CWD hunts).

Wardens do make cases on people hunting prior to the season. Some of those are in response to complaints received about shots being heard. The fact that most individuals are unable to shoot that day eliminates a lot of complaints and wardens running around on "shots fired" complaints.

Landowners and their family members already have the best opportunities to sight in their firearms prior to the Friday before the regular deer gun opener. It is the non-land owning public that have the hardest time finding a place to sight in a firearm. The Department is working with groups and organizations to establish more public shooting ranges in the state to help assure everyone has a place to go.

The department feels this change should be pursued through the Administrative Rule Process instead of by legislation. There are pros and cons to this rule and the concerns of hunters should be fully considered before removing or modifying this rule.

The sporting public should be given the opportunity to consider this proposal through Spring DNR and Conservation Congress rule hearing process. If this rule must be changed, it should be done through a modification to the rule and not by passing a statute that could create new enforcement difficulties.

If you have any questions, I would be happy to try and answer them.

---

Arrest History Data:

Violation	FY75	FY76	FY77	FY78	FY79	FY80	FY81	FY82	FY83	FY84	FY85	FY86	FY87	FY88
Possess firearms	23	10	7	13	6	20	16	10	11	27	7	27	23	21

during 24 hour period  
before regular gun deer season

FY89	FY90	FY91	FY92	FY93	FY94	FY95	FY96	FY97	FY98	FY99	FY00	FY01	FY02
46	30	29	31	17	23	14	19	13	17	23	14	8	18

523 total

28 yrs

Ave. 18.7 per yr

6 in 1979

46 in 1989

23 in 1999

8 in 2001

18 in 2002

**NR 10.09(2)**

**(2) SPECIAL ONE-DAY RESTRICTION.**

During the 24-hour period prior to the opening date for hunting deer with guns, no person shall possess a gun wherein there is an open season for deer with guns unless the gun is unloaded and enclosed within a carrying case. Exceptions:

- (a) Target shooting at established ranges.
- (b) Hunting on licensed game farms and shooting preserves.
- (c) Hunting waterfowl during the open season.

---

**DIT: 98-021 (DNR enforcement guidance to field staff)**

- An established range means a shooting facility that was in existence prior to engaging in the activity of shooting, whether on private or public land.
- Shooting must also be the major purpose.
- Major is defined as "larger, greater or superior in importance".
- Facility means "something that is built, constructed, installed or established to perform some particular function".
- If the activity that most often occurs at a location is target shooting, it would qualify.
- If collection of gravel and stone is the major activity then it's a quarry, not an established range.
- If nothing happens at the location where there's a simple berm except shooting at a target twice a year, then it's a range.

AB B. FRISKE (TIM CARL)

EXPANSION OF BNR AUTHORITY TO ALL  
LAND TO INCLUDE SNOW, HAIL, ICE, INSECT  
INFESTATION

CURRENT LAW INCLUDES ONLY FIRE WINDS

DNR: JEFF BARKLEY

SUPPORT

COUNTY FOREST ASSOC:

SUPPORT

COMMITTEE MADE UP OF 5

ELECTED MEMBERS

AB 200

PETROWSKI: SUPPORT

CURRENT RESTRICTIONS DO NOT PREVENT

BUNCHERS POACHERS WILL POACH NO MATTER

WHAT RESTRICTIONS ARE IN PLACE

BNR: AGAINST

AB 200

- DNR doesn't like

the word "license"

Feel people may

assume this is an  
as a loophole.

- Feel they will

get more telephone

calls thinking

people are poaching