

2001 DRAFTING REQUEST

Assembly Joint Resolution

Received: 11/17/2000

Received By: dykmapj

Wanted: Soon

Identical to LRB:

For: Scott Gunderson (608) 266-3363

By/Representing: Mike Bruhn

This file may be shown to any legislator: NO

Drafter: dykmapj

May Contact:

Alt. Drafters:

Subject: Constitutional Amendments  
Nat. Res. - fish and game

Extra Copies: JTK  
RNK  
MGG

Pre Topic:

No specific pre topic given

Topic:

Right to hunt, fish, take game, and trap

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>
/?	dykmapj 11/17/2000	gilfokm 11/17/2000		_____			
/P1	dykmapj 12/12/2000	gilfokm 12/12/2000	rschluet 11/20/2000	_____	lrb_docadmin 11/20/2000		
/1			pgreensl 12/12/2000	_____	lrb_docadmin 12/12/2000	lrb_docadmin 12/13/2000	

FE Sent For:

<END>

**2001 DRAFTING REQUEST**

**Assembly Joint Resolution**

Received: 11/17/2000

Received By: dykmapj

Wanted: **Soon**

Identical to LRB:

For: **Scott Gunderson (608) 266-3363**

By/Representing: **Mike Bruhn**

This file may be shown to any legislator: **NO**

Drafter: **dykmapj**

May Contact:

Alt. Drafters:

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

Extra Copies: **JTK  
RNK  
MGG**

**Pre Topic:**

No specific pre topic given

**Topic:**

Right to hunt, fish, take game, and trap

**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>
/?	dykmapj 11/17/2000	gilfokm 11/17/2000		12/12			
/P1		1-12/12 King	rschluet 11/20/2000	12/12 12/12 km	lrb_docadmin 11/20/2000		

FE Sent For:

12/12  
12/12  
12/12

<END>

**2001 DRAFTING REQUEST**

**Assembly Joint Resolution**

Received: 11/17/2000

Received By: dykmapj

Wanted: Soon

Identical to LRB:

For: Scott Gunderson (608) 266-3363

By/Representing: Mike Bruhn

This file may be shown to any legislator: NO

Drafter: dykmapj

May Contact:

Alt. Drafters:

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

Extra Copies: **JTK  
RNK  
MGG**

**Pre Topic:**

No specific pre topic given

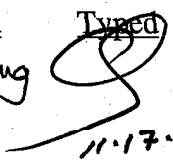
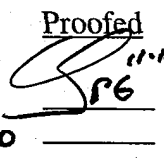
**Topic:**

Right to hunt, fish, take game, and trap

**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>
/?	dykmapj	PI-11/17 King	 11-17-00	 11-17-00			

FE Sent For:

<END>



- 1091/P1

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION  
**2001 ASSEMBLY JOINT RESOLUTION**

SOON

NOTE

1 **To create** section 26 of article I of the constitution; **relating to:** the right of  
2 individuals to fish, hunt, trap, and take game (first consideration).

---

***Analysis by the Legislative Reference Bureau***

This proposed constitutional amendment, proposed to the 2001 legislature on first consideration, provides that individuals have the right to fish, hunt, trap, and take game subject only to reasonable restrictions as prescribed by law.

A constitutional amendment requires adoption by 2 successive legislatures, and ratification by the people, before it can become effective.

---

***Resolved by the assembly, the senate concurring, That:***

3 **SECTION 1.** Section 26 of article I of the constitution is created to read:

4 [Article I] Section 26. Individuals have the right to fish, hunt, trap, and take  
5 game subject only to reasonable restrictions as prescribed by law.

6 **SECTION 2. Numbering of new provision.** The new section 26 of article I of  
7 the constitution created in this joint resolution shall be designated by the next higher  
8 open whole section number in that article if, before the ratification by the people of  
9

1 the amendment proposed in this joint resolution, any other ratified amendment has  
2 created a section 26 of article I of the constitution of this state. If one or more joint  
3 resolutions create a section 26 of article I simultaneously with the ratification by the  
4 people of the amendment proposed in this joint resolution, the sections created shall  
5 be numbered and placed in a sequence so that the sections created by the joint  
6 resolution having the lowest enrolled joint resolution number have the numbers  
7 designated in that joint resolution and the sections created by the other joint  
8 resolutions have numbers that are in the same ascending order as are the numbers  
9 of the enrolled joint resolutions creating the sections.

10 ***Be it further resolved, That*** this proposed amendment be referred to the  
11 legislature to be chosen at the next general election and that it be published for 3  
12 months previous to the time of holding such election.

13 (END)

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

LRB-0063/P1dm

PJD:kmg:rs

September 22, 2000

This is 1997 SJR 36.

Here are the issues that I see with this draft.

1. 1997 AJR 11, relating to the right to keep and bear arms, was ratified by the people. It creates section 25 of article I of the Constitution to provide that the people have the right to keep and bear arms for "...hunting, recreation or any other lawful purpose." Does it conflict with this joint resolution? Do you want this amendment to start out, like that one, "The people have the right"?

2. Does this amendment permit commercial fishing in places and at times and in permitted type and amount of fish that are not today permitted, thereby leaving less for noncommercial fishing?

3. Does this amendment eliminate or reduce any existing fees or prohibit restrictions on lakes that permit keeping only trophy fish?

4. Does this amendment prohibit any existing restrictions on felons' rights to fish, hunt, trap, and take game or on out-of-state residents that are different from those on residents of Wisconsin?

5. Does this amendment prohibit the state from revoking a hunting, fishing, or trapping license for nonpayment of taxes or child support?

6. Does this amendment affect private property rights in regard to trespass and access to fish and game?

7. If the amendment grants rights, who provides them? Individuals, the state, or local governments, or corporations?

8. Does this amendment require the state and local governments to open to fishing, hunting, and trapping parks, wildlife, and natural areas now closed to fishing, hunting, and trapping?

9. Does this amendment override local safety regulations?

10. Does this amendment impact the common law under which the state has title to all wild game until possessed by capture? Does it give property owners rights in wild game on their land?

11. Does this amendment impact Indian fishing and hunting rights obtained under treaty?

12. Does this amendment eliminate DNR's rule-making authority in this area?

Atty. Peter J. Dykman  
General Counsel  
Phone: (608) 266-7098  
E-mail: peter.dykman@legis.state.wi.us

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

LRB-1091/P1dn  
PJD:kmg:rs

November 17, 2000

This is 1997 SJR 36.

Here are the issues that I see with this draft.

1. 1997 AJR 11, relating to the right to keep and bear arms, was ratified by the people. It creates section 25 of article I of the Constitution to provide that the people have the right to keep and bear arms for "...hunting, recreation or any other lawful purpose." Does it conflict with this joint resolution? Do you want this amendment to start out, like that one, "The people have the right"?
2. Does this amendment permit commercial fishing in places and at times and in permitted type and amount of fish that are not today permitted, thereby leaving less for noncommercial fishing?
3. Does this amendment eliminate or reduce any existing fees or prohibit restrictions on lakes that permit keeping only trophy fish?
4. Does this amendment prohibit any existing restrictions on felons' rights to fish, hunt, trap, and take game or on out-of-state residents that are different from those on residents of Wisconsin?
5. Does this amendment prohibit the state from revoking a hunting, fishing, or trapping license for nonpayment of taxes or child support?
6. Does this amendment affect private property rights in regard to trespass and access to fish and game?
7. If the amendment grants rights, who provides them? Individuals, the state, or local governments, or corporations?
8. Does this amendment require the state and local governments to open to fishing, hunting, and trapping parks, wildlife, and natural areas now closed to fishing, hunting, and trapping?
9. Does this amendment override local safety regulations?
10. Does this amendment impact the common law under which the state has title to all wild game until possessed by capture? Does it give property owners rights in wild game on their land?
11. Does this amendment impact Indian fishing and hunting rights obtained under treaty?



12. Does this amendment eliminate DNR's rule-making authority in this area?

Atty. Peter J. Dykman

General Counsel

Phone: (608) 266-7098

E-mail: [peter.dykman@legis.state.wi.us](mailto:peter.dykman@legis.state.wi.us)

# Scott Gunderson



STATE REPRESENTATIVE • 83RD DISTRICT

State Capitol:  
P.O. Box 8952  
Madison, WI 53708  
(608) 266-3363

Toll-Free:  
(888) 534-0083

Fax:  
(608) 282-3663

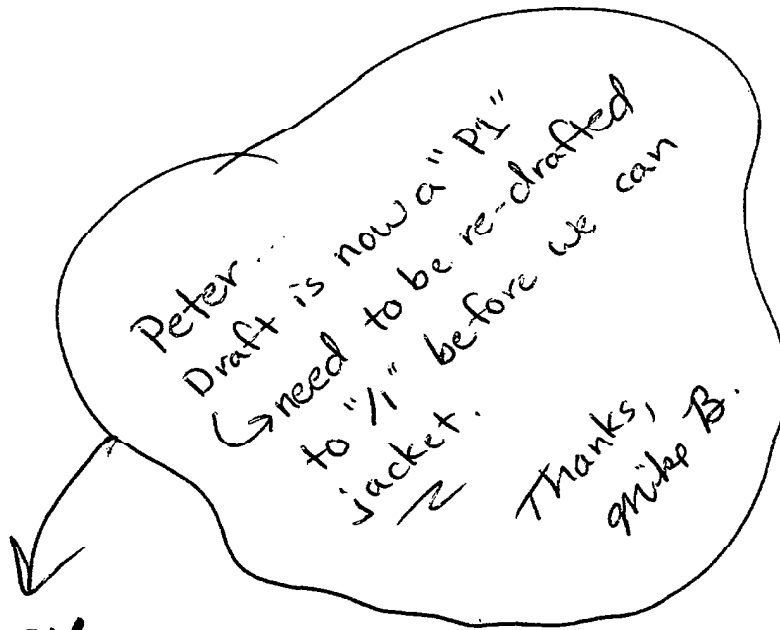
E-Mail:  
Rep.Gunderson@  
legis.state.wi.us

83rd District:  
P.O. Box 7  
Waterford, WI  
53185  
(414) 895-6254

December 11, 2000

Peter Dykman  
LRB-Drafting  
100 N. Hamilton  
Madison, WI 53708

Dear Peter,



1091/1

I would like to get LRB-~~09761~~ jacketed for introduction.

We believe the provision in the draft, which states "reasonable restrictions prescribed by law" should address all of your concerns that you raised. It is our belief that this Amendment is similar to the Right to Keep and Bear Arms Amendment from a few years ago, and that draft had similar questions raised.

Thank you in advance. Should you have any questions, please contact my office at 266-3363.

Sincerely,

Representative Scott Gunderson  
83<sup>rd</sup> Assembly District  
Wisconsin State Assembly



~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

## 2001 ASSEMBLY JOINT RESOLUTION

SOON

1 **To create** section 26 of article I of the constitution; **relating to:** the right of  
2 individuals to fish, hunt, trap, and take game (first consideration).

---

### *Analysis by the Legislative Reference Bureau*

This proposed constitutional amendment, proposed to the 2001 legislature on first consideration, provides that individuals have the right to fish, hunt, trap, and take game subject only to reasonable restrictions as prescribed by law.

A constitutional amendment requires adoption by 2 successive legislatures, and ratification by the people, before it can become effective.

---

### *Resolved by the assembly, the senate concurring, That:*

4 **SECTION 1.** Section 26 of article I of the constitution is created to read:

5 [Article I] Section 26. Individuals have the right to fish, hunt, trap, and take  
6 game subject only to reasonable restrictions as prescribed by law.

7 **SECTION 2. Numbering of new provision.** The new section 26 of article I of  
8 the constitution created in this joint resolution shall be designated by the next higher  
9 open whole section number in that article if, before the ratification by the people of

1 the amendment proposed in this joint resolution, any other ratified amendment has  
2 created a section 26 of article I of the constitution of this state. If one or more joint  
3 resolutions create a section 26 of article I simultaneously with the ratification by the  
4 people of the amendment proposed in this joint resolution, the sections created shall  
5 be numbered and placed in a sequence so that the sections created by the joint  
6 resolution having the lowest enrolled joint resolution number have the numbers  
7 designated in that joint resolution and the sections created by the other joint  
8 resolutions have numbers that are in the same ascending order as are the numbers  
9 of the enrolled joint resolutions creating the sections.

10 ***Be it further resolved, That*** this proposed amendment be referred to the  
11 legislature to be chosen at the next general election and that it be published for 3  
12 months previous to the time of holding such election.

13 (END)