

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

LRB-1510/P1dn  
PJD:kmg:jf

December 14, 2000

This is 1997 SJR 36.

Here are the issues that I see with this draft. The basic question is does "subject only to reasonable restrictions as prescribed by law" cover these situations?

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." 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?

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