

AJR 1 8

# Scott Gunderson

STATE REPRESENTATIVE 83<sup>RD</sup> DISTRICT



-A Column of Personal Opinion-  
State Rep. Scott Gunderson

March 19, 2001

## THE FUTURE OF HUNTING AND FISHING IN WISCONSIN

The protection of Wisconsin's hunting and fishing heritage is an issue that is very important to me. I believe we must protect our sporting traditions to ensure future generations will have the same opportunities to hunt and fish that we had when we were growing up. That is why I have authored Assembly Joint Resolution (AJR) 1, which would amend Article 1 of the Wisconsin state constitution to include, "*Individuals have the right to fish, hunt, trap, and take game subject only to reasonable restrictions as prescribed by law.*"

Currently, there are seven states that have enacted some form of constitutional protection of hunting and fishing rights, similar to AJR 1. Of those seven states, four, Alabama, Minnesota, North Dakota, and Virginia have passed their constitutional amendments in the last five years. The plain truth is the people and groups that disagree with our sporting heritage are becoming more active than ever in their attempts to restrict our hunting and fishing rights. That is why four states have recently passed similar amendments, and why Wisconsin must be proactive in protecting the outdoor traditions that we all believe in.

Recently, the state Senate passed a similar amendment. Their version removed the words "subject only to reasonable restrictions as prescribed by law," and replaced them with "managed by law for the public good." Because there is no definition in state law of "public good" I believe this language would create a loophole, which would unintentionally allow government bureaucrats and the courts to make decisions regarding our hunting and fishing rights. In fact, one state Senator, who has been openly critical of this proposal, went so far as to question whether hunters and anglers would really want this amendment with language that would allow the courts to be able to define what is "public good." That is why I will fight restore the original language of AJR 1 which would connect the rights of hunting and fishing to already enacted laws and rules, rather than the notion of "public good."

This year at the annual Conservation Congress Spring Hearings that are held in every county on the second Monday in April, hunters, anglers, and conservationists will have the opportunity to make their voices heard. My version of the Right to Hunt and Fish Amendment, AJR 1, has been included as an Executive Council Advisory Question. Attendees of the Spring Hearings will be

(more)

asked if they support adding the following amendment to the Wisconsin state constitution: *"individuals have the right to fish, hunt, trap and take game subject only to reasonable restrictions as prescribed by law."*

In addition, the Assembly Natural Resources Committee will be holding public hearing across the state. These hearing will provide you with the opportunity to share with the committee members your views and concerns about the right to hunt, fish and trap. The Committee will be accepting testimony on the both versions of this amendment currently being considered by the state legislature. If you would like to testify or attend these public hearings, they will take place on the following dates, times, and places:

**Wednesday, March 28<sup>th</sup>**  
**Abbotsford High School**  
**307 North 4<sup>th</sup> Avenue**  
**Abbotsford, Wisconsin**  
**1:30 pm**

**Wednesday, April 4<sup>th</sup>**  
**Raymond Town Hall**  
**2255 South 76<sup>th</sup> Street**  
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**11:00 am**

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**Wisconsin State Capitol**  
**Room 417, North**  
**Madison, Wisconsin**  
**10:00 am**

I want to make sure that whatever language we ultimately pass in the state Legislature is in the best interest of everyone in Wisconsin. However, I do believe our version will provide hunters and anglers better protection from unreasonable laws and restrictions on their rights. Because this proposal is a constitutional amendment, it will have to be passed by both the Senate and Assembly in two legislative sessions and then approved by the voters in a statewide referendum. When this proposal finally gets to the people of Wisconsin, I believe it will pass with 80% of the vote. There are that many people in Wisconsin that believe it is their **right** to go out and hunt and fish, and this proposal will provide a legal framework to protect those rights.

If you have any questions or comments or would like more specific information, please feel free to contact my office. You can reach me at (608) 266-3363 or toll free at 1-888-534-0083 or write to me at: P.O. Box 8952, Madison, WI 53708.

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# Racine Journal Times - 04/05/2001 - Story

## Advocates seek constitutional right to hunt and fish

*BY DON KLEIN, April 5, 2001*

RAYMOND - Hunting, fishing and trapping are family activities that need constitutional protection, proponents of an amendment argued during a packed public hearing Wednesday morning at the Raymond Town Hall.

One by one, sportsmen and representatives of area outdoors organizations took to a podium, addressing members of the state Assembly Natural Resources Committee. Its members are considering Assembly Joint Resolution 1, which would allow individuals the right to fish, hunt, trap and take game subject only to "reasonable restrictions as prescribed by law."

"This is a heritage issue," said Kenosha resident Steve McCrary, who recited the entire Pledge of Allegiance as part of his commentary. "If I can stand up for hunting and fishing rights, you bet I will."

"An attack on one sport is an attack on all," said Bob Seitz, president of the Sporting Heritage Coalition Inc., based in Monticello. Seitz urged approval of the Assembly's amendment language, rather than language approved by the Senate last month.

The Senate's language calls for rights "managed by law for the public good." Seitz and others believe "public good" is too vague and would render the amendment meaningless if passed.

The "reasonable restrictions" wording was pushed for by state Rep. Scott Gunderson, R-Norway, who spoke before the panel before taking his seat on it. "I want to stress to you that we must pass the original language," he said.

He said outdoor activities like hunting and fishing enhance family bonding for "the real people out there, the salt of the earth people," in a time when too often families spend little time together.

"These are special times that can never be replaced," he said.

Gunderson said seven states have already approved similar constitutional protections and three others are considering it. He predicted that if put before the voters, more than 80 percent would vote in favor.

Timing is critical, he said, because a push is on by animal-rights activists seeking to curtail sportsmen's activities.

Mike Brien, a Racine resident and delegate to the Conservation Congress, agreed with Gunderson, saying he personally believes that the "public good" wording would "open the door to abuse by people who are not for hunting and fishing."

Tim Andryck, an attorney for the Department of Natural Resources, told the panel his agency equally supports either the Assembly or Senate versions of an amendment. He said legislators cannot control the entire process, since whatever phrase they accept would eventually undergo interpretation by the courts charged to enforce the amendment.

State Rep. John Lehman, D-Racine, a member of the Natural Resources Committee, said Wednesday he was at first skeptical of the need for an amendment. But listening to citizen testimony at this, and a previous hearing in Abbottsford, plus hearing the endorsement of the DNR, changed his mind.

If nothing was approved because of bickering over the two versions, "That would be a shame," he said.

It would lead, said Peter Boscha of Racine, to the situation in his native Netherlands and other European countries

- reserving the right to hunt to privileged classes.

"We've got to be awake and don't let (our rights) slip away," he said.

State Sen. Kim Plache, D-Racine, who wasn't able to attend, issued a statement to the committee, voiced a hope that Senate and Assembly leaders can come to a consensus on the amendment's wording.

Of the more than 100 people attending, 23 were listed as speaking in favor of the Assembly's amendment and 34 registered in favor. Only one spoke against and two registered against. The session took just less than two hours.

Rep. DuWayne Johnsrud, R-Eastman, committee chairman, said his panel will take up the amendment next week in Madison. To become law, both the Senate and the Assembly must approve an identical bill in two consecutive legislative sessions, and voters would have to concur in a statewide referendum.

The last constitutional amendment, denoting a right to bear arms, passed overwhelmingly in 1998.

(END)

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April 7, 2001

Scott R. Jensen, Assembly Speaker  
DuWayne Johnsrud, Chairman Natural Resource Committee  
Scott Gunderson, Assembly Author

RE: AJR1

I support a Constitutional Amendment to guarantee the right to fish, hunt and trap with the **STRONGEST** possible wording to prevent anti-or protectionist factions from getting **UNREASONABLE** restrictions on same.

I do not claim to personally understand the technical legal meanings of every word and must defer to legal experts for that. I trust you will do the same and stand fast on the **strongest wording possible**.

Sincerely,



David E. Withers

CC: Senator Jim Baumgart  
Senator, Alan Lasee  
Representative, Gary Bies

# CONSTITUTIONAL AMENDMENT

## Right To Hunt - Fish - Trap

SJR - 2

Senate Joint Resolution #2

ARJ - 1

Assembly Joint Resolution #1

Letters to the Editor

### The Future of Hunting and Fishing in Wisconsin

The protection of Wisconsin's hunting and fishing heritage is an issue that is very important to me. I believe we must protect our sporting traditions to ensure future generations will have the same opportunities to hunt and fish that we had when we were growing up. That is why I have authored Assembly Joint Resolution (AJR) 1, which would amend Article 1 of the Wisconsin state constitution to include, **"Individuals have the right to fish, hunt, trap, and take game subject only to reasonable restrictions as prescribed by law."**

Currently, there are seven states that have enacted some form of constitutional protection of hunting and fishing rights, similar to AJR 1. Of those seven states, four, Alabama, Minnesota, North Dakota, and Virginia have passed their constitutional amendments in the last five years. The plain truth is the people and groups that disagree with our sporting heritage are becoming more active than ever in their attempts to restrict our hunting and fishing rights. That is why four states have recently passed similar amendments, and why Wisconsin must be proactive in protecting the outdoor traditions that we all believe in.

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**right to fish, hunt, trap and take game subject only to reasonable restrictions as prescribed by law."**

In addition, the Assembly Natural Resources Committee will be holding public hearings across the state. These hearings will provide you with the opportunity to share with the committee members your views and concerns about the right to hunt, fish and trap. The Committee will be accepting testimony on both versions of this amendment currently being considered by the state legislature. If you would like to testify or attend these public hearings, they will take place on the following dates, times, and places:

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*(Editor Comment: Although several of these public hearings took place before this issue circulation, comments are still welcomed.)*

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Representative Scott Gunderson,  
 83rd District

# CONSTITUTIONAL AMENDMENT

## Right To Hunt - Fish - Trap

SJR - 2

Senate Joint Resolution #2

ARJ - 1

Assembly Joint Resolution #1

### Letters to the Editor

#### Sporting Heritage: Constitutional Amendment Passage a "Silver Medal"

**M**adison — Advocates of a state constitutional right to hunt, fish and trap gave qualified praise today, when the State Senate passed Senate Joint Resolution 2, which would guarantee those rights for future generations. The Sporting Heritage Coalition, founded in 1998 to advocate on behalf of sportsmen's rights, hailed the passage of the legislation but expressed "some disappointment" over changes added by Capitol lawyers that made the proposal "overly broad and vague."

"This is a good day for sportsmen and women across Wisconsin, but not a great day," stated Bob Seitz, President and co-founder of Sporting Heritage. "While we're happy the Senate passed SJR 2 on a unanimous vote, the proposal was amended at the last minute and was substantially watered down."

Seitz referred to an 11th hour amendment that changed the joint resolution from "The people have the right to hunt, fish, trap and take game, subject only to reasonable restrictions as prescribed by law" to "The people have the right to fish, hunt, trap and take game which shall be managed by law for the public good."

"The problem with this amendment is that 'for the public good' is an extremely broad standard and could subject the legislation to constitutional challenges in the future," Seitz said. "A judge could interpret 'the public good' to mean virtually anything and could potentially render this protection meaningless."

Seitz said the legislation as it was originally drafted was done to specifically allow the DNR to continue to regulate

hunting, fishing and trapping and manage the state's natural resources. This includes leaving in place all existing gun safety and game management laws and programs. He said that the original version did not attempt to "turn back the clock" on safety and game management, but was intended to preserve the status quo.

"We needed the strongest possible language to protect the rights of sportsmen, but in the end, the lawyers got their way and we got the silver medal. Now we will have to focus our efforts on fixing this in the Assembly."

Seitz said that ultimately, the proposal should serve as a rallying point for the sporting community to act now while support for hunting and fishing is strong, rather than to wait until the threat from animal rights groups to ban hunting and fishing is strong enough to succeed.

Amending the state constitution requires that the proposal pass two consecutive sessions of the Legislature and then be passed in a statewide referendum on the general election ballot. Passage of SJR 2 represents the first of several hurdles to be cleared before the right to hunt and fish becomes a permanent constitutional protection.

Sporting Heritage Coalition is a non-profit corporation that advocates on behalf of sportsman's rights. Formed in 1998 to add the right to keep and bear arms in the Wisconsin constitution, Sporting Heritage is located in Monticello, WI and can be reached at [www.sportingheritage.org](http://www.sportingheritage.org).

Bob Seitz,  
Sporting Heritage Coalition

-> Draft done by next week  
-> Intro. by Jan 3<sup>rd</sup>

**DATE:** December 13, 2000  
**TO:** All Legislators  
**FROM:** Representative Scott Gunderson and Senator Dave Zien  
**RE:** Co-sponsorship of LRB 1091/1 re: the right of individuals to fish, hunt, trap, and take game (first consideration).

*MARK - DRAFT*

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Protecting Wisconsin's hunting and fishing heritage is an issue that is very important to us. We both feel that we need to protect our sporting traditions to ensure that future generations will have the same opportunities to hunt and fish that we had when we were growing up. This legislation, which is similar to language in seven other state's constitutions, will add language to Article 1 of the Wisconsin Constitution protecting hunting and fishing in Wisconsin.

The legislative Analysis is below. If you are interested in co-sponsoring this legislation, please contact Rep. Gunderson's office at 266-3363 by Wednesday, January 3, 2001.

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*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 prescribed by law.

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