2003 ASSEMBLY JOINT RESOLUTION 9

January 28, 2003 – Introduced by Representatives BLACK, SHERMAN, LASSA, HUBER, BALOW, TURNER, POPE–ROBERTS, PLOUFF, COGGS, SHILLING, J. LEHMAN, ZIEGELBAUER and VRUWINK, cosponsored by Senators DECKER, BRESKE, ERPENBACH, HANSEN and WIRCH. Referred to Committee on Natural Resources.

1   ***To create*** section 26 of article I of the constitution; **relating to:** the right to fish,

2   hunt, trap, and take game (2nd consideration).

Analysis by the Legislative Reference Bureau

EXPLANATION OF PROPOSAL

This proposed constitutional amendment, to be given 2nd consideration by the 2003 legislature for submittal to the voters in April 2003, was first considered by the 2001 legislature in 2001 Senate Joint Resolution 2, which became 2001 Enrolled Joint Resolution 16.

PROCEDURE FOR 2ND CONSIDERATION

When a proposed constitutional amendment is before the legislature on 2nd consideration, any change in the text approved by the preceding legislature causes the proposed constitutional amendment to revert to first consideration status so that 2nd consideration approval would have to be given by the next legislature before the proposal may be submitted to the people for ratification [see joint rule 57 (2)].

If the legislature approves a proposed constitutional amendment on 2nd consideration, it must also set the date for submitting the proposed constitutional amendment to the people for ratification and must determine the question or questions to appear on the ballot.

SUBMITTAL TO PEOPLE

Section 8.37, stats., provides that this joint resolution must be filed with the

elections board no later than February 18, 2003, in order for the question of ratification to be submitted at the April 2003 spring election.

1   Whereas, the 2001 legislature in regular session considered a proposed

2   amendment to the constitution in 2001 Senate Joint Resolution 2, which became

3   2001 Enrolled Resolution 16, and agreed to it by a majority of the members elected

4   to each of the 2 houses, which proposed amendment reads as follows:

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

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

Section 2. Numbering of new provision. The new section 26 of article I of the constitution created in this joint resolution shall be designated by the next higher open whole section number in that article if, before the ratification by the people of the amendment proposed in this joint resolution, any other ratified amendment has created a section 26 of article I of the constitution of this state. If one or more joint resolutions create a section 26 of article I simultaneously with the ratification by the people of the amendment proposed in this joint resolution, the sections created shall be numbered and placed in a sequence so that the sections created by the joint resolution having the lowest enrolled joint resolution number have the numbers designated in that joint resolution and the sections created by the other joint resolutions have numbers that are in the same ascending order as are the numbers of the enrolled joint resolutions creating the sections.

5   ***Now, therefore, be it resolved by the assembly, the senate concurring,***

6   ***That*** the foregoing proposed amendment to the constitution is agreed to by the 2003

7   legislature; and, be it further

8   ***Resolved, That*** the foregoing proposed amendment to the constitution be

9   submitted to a vote of the people at the spring election to be held on April 1, 2003;

10   and, be it further

11   ***Resolved, That*** the question concerning ratification of the foregoing proposed

12   amendment to the constitution be stated on the ballot as follows:

1   **QUESTION 1:**   "**Right to fish, hunt, trap, and take game.**   Shall section 26

2   of article I of the constitution be created to provide that the people have the right to

3   fish, hunt, trap, and take game subject only to reasonable restrictions as prescribed

4   by law?"

5   **(END)**