

2003 DRAFTING REQUEST

Senate Joint Resolution

Received: **12/05/2002**

Received By: **pdykman**

Wanted: **Soon**

Identical to LRB:

For: **Russell Decker (608) 266-2502**

By/Representing: **Paul**

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

Drafter: **pdykman**

May Contact:

Addl. Drafters:

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

Extra Copies: **MGG
RNK**

Submit via email: **YES**

Requester's email: **Sen.Decker@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Right to hunt and fish (second consideration)

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>
/?	pdykman 12/05/2002	kgilfoy 12/05/2002		_____			
/P1			rschluet 12/05/2002	_____	amentkow 12/05/2002		
/1	pdykman	kgilfoy	jfrantze	_____	lemery	lemery	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	12/17/2002	12/17/2002	12/18/2002	_____	12/18/2002	12/18/2002	

FE Sent For:

<END>

2003 DRAFTING REQUEST

Senate Joint Resolution

Received: **12/05/2002**

Received By: **pdykman**

Wanted: **Soon**

Identical to LRB:

For: **Russell Decker (608) 266-2502**

By/Representing: **Paul**

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

Drafter: **pdykman**

May Contact:

Addl. Drafters:

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

Extra Copies: **MGG
RNK**

Submit via email: **YES**

Requester's email: **Sen.Decker@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Right to hunt and fish (second consideration)

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>
/?	pdykman 12/05/2002	kgilfoy 12/05/2002				<i>Handwritten signature</i>	
/P1		<i>Handwritten signature</i> 12/17	rschluet 12/05/2002		amentkow 12/05/2002		
			<i>Handwritten signature</i> 12/18	<i>Handwritten signature</i> 12/18			

12/05/2002 03:49:34 PM

Page 2

FE Sent For:

<END>

2003 DRAFTING REQUEST

Senate Joint Resolution

Received: 12/05/2002

Received By: pdykman

Wanted: Soon

Identical to LRB:

For: Russell Decker (608) 266-2502

By/Representing: Paul

This file may be shown to any legislator: NO

Drafter: pdykman

May Contact:

Addl. Drafters:

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

Extra Copies: MGG
RNK

Submit via email: YES

Requester's email: Sen.Decker@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Right to hunt and fish (second consideration)

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>
		AP1-12/5 Kmg					

FE Sent For:

<END>

12-5-2

-1056/P1
↑

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
2003 SENATE JOINT RESOLUTION

Soon

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

Analysis by the Legislative Reference Bureau

April 2003

EXPLANATION OF PROPOSAL

This proposed constitutional amendment, to be given 2nd consideration by the 2003 legislature for submittal to the voters in ~~November 2004~~, 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.

→ INS. KA

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 senate, the assembly 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} general election to be held on ~~November 2~~
10 ~~2003~~ ²⁰⁰⁴; and, be it further *April 1*

11 *Resolved, That* the question concerning ratification of the foregoing proposed
12 amendment to the constitution be stated on the ballot as follows:

**2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1056/P1ins
PJD:.....

Ins. "KA"

SUBMITTAL TO PEOPLE

Because of the time required for publication of election notices and distribution of election supplies, the elections board estimates that this joint resolution would have to be adopted by both houses no later than February 27, 2003, to be placed on the ballot for the April 2003 spring election.

18

Gilfoy, Karen

From: Dykman, Peter
Sent: Thursday, December 05, 2002 3:13 PM
To: Gilfoy, Karen
Subject: FW: what date should we put in this 2nd consideration constitutional amendment?

-----Original Message-----

From: Kennedy, Kevin
Sent: Thursday, December 05, 2002 3:11 PM
To: Dykman, Peter
Cc: Kuesel, Jeffery
Subject: RE: what date should we put in this 2nd consideration constitutional amendment?

I believe that 8.37 requires that the joint resolution be passed and filed with the Elections Board no later than February 18, 2003.

-----Original Message-----

From: Dykman, Peter
Sent: Thursday, December 05, 2002 2:55 PM
To: Kennedy, Kevin
Cc: Kuesel, Jeffery
Subject: FW: what date should we put in this 2nd consideration constitutional amendment?

What date should be inserted into the LRB analysis of any 2003-2004 joint resolution on second consideration placing the question on the April 1 ballot?

SUBMITTAL TO PEOPLE

Because of the time required for publication of election notices and distribution of election supplies, the elections board estimates that this joint resolution would have to be adopted by both houses no later than February ??, 2003, to be placed on the ballot for the April 2003 spring election.

-----Original Message-----

From: Kuesel, Jeffery
Sent: Thursday, December 05, 2002 2:39 PM
To: Dykman, Peter
Subject: RE: what date should we put in this 2nd consideration constitutional amendment?

Peter,

I would say Friday, February 21 would be an appropriate cutoff. However, since this is an elections board estimate, I think you need to ask Kevin Kennedy for his view.

Jeff

-----Original Message-----

From: Dykman, Peter
Sent: Thursday, December 05, 2002 12:42 PM
To: Kuesel, Jeffery
Subject: what date should we put in this 2nd consideration constitutional amendment?

<< File: 03-1056/P1ins >> what date should we put in this 2nd consideration constitutional amendment?

Dykman, Peter

From: Gilfoy, Karen
Sent: Friday, December 06, 2002 11:54 AM
To: Dykman, Peter
Subject: RE: what date should we put in this 2nd consideration constitutional amendment?

I assume that they will add the new language; I only changed the date yesterday.

-----Original Message-----

From: Dykman, Peter
Sent: Friday, December 06, 2002 11:48 AM
To: Gilfoy, Karen
Subject: FW: what date should we put in this 2nd consideration constitutional amendment?

I assume that Kevin and Jeff will come up with new language for the next draft.

-----Original Message-----

From: Kuesel, Jeffery
Sent: Friday, December 06, 2002 8:45 AM
To: Dykman, Peter; Kennedy, Kevin
Subject: FW: what date should we put in this 2nd consideration constitutional amendment?

Peter/Kevin:

I had forgotten that s. 8.37, stats. applies to the state. This statute was created in 2000. Although I don't think it can be enforced in court, I think the proper thing to do, given the statute, is to say in the analyses that s. 8.37, stats. provides that the 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 2003 spring election. I would then remove the old language regarding the elections board estimates and the reason for those estimates.

Jeff

-----Original Message-----

From: Kennedy, Kevin
Sent: Thursday, December 05, 2002 3:11 PM
To: Dykman, Peter
Cc: Kuesel, Jeffery
Subject: RE: what date should we put in this 2nd consideration constitutional amendment?

I believe that 8.37 requires that the joint resolution be passed and filed with the Elections Board no later than February 18, 2003.

-----Original Message-----

From: Dykman, Peter
Sent: Thursday, December 05, 2002 2:55 PM
To: Kennedy, Kevin
Cc: Kuesel, Jeffery
Subject: FW: what date should we put in this 2nd consideration constitutional amendment?

What date should be inserted into the LRB analysis of any 2003-2004 joint resolution on second consideration placing the question on the April 1 ballot?

SUBMITTAL TO PEOPLE

Because of the time required for publication of election notices and distribution of election supplies, the elections board estimates that this joint resolution would

have to be adopted by both houses no later than February ??, 2003, to be placed on the ballot for the April 2003 spring election.

-----Original Message-----

From: Kuesel, Jeffery
Sent: Thursday, December 05, 2002 2:39 PM
To: Dykman, Peter
Subject: RE: what date should we put in this 2nd consideration constitutional amendment?

Peter,

I would say Friday, February 21 would be an appropriate cutoff. However, since this is an elections board estimate, I think you need to ask Kevin Kennedy for his view.

Jeff

-----Original Message-----

From: Dykman, Peter
Sent: Thursday, December 05, 2002 12:42 PM
To: Kuesel, Jeffery
Subject: what date should we put in this 2nd consideration constitutional amendment?

<< File: 03-1056/P1ins >> what date should we put in this 2nd consideration constitutional amendment?

1
credit
fun

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

2003 SENATE JOINT RESOLUTION

Today
wed. a.m.

Project
for
Senate

End

- 1 **To create** section 26 of article I of the constitution; **relating to:** the right to fish,
- 2 hunt, trap, and take game (~~section~~ 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

~~Because of the time required for publication of election notices and distribution~~

Section 8.37, states that provides that

~~of election supplies, the elections board estimates that this joint resolution would have to be adopted by both houses no later than February 18, 2003, to be placed on the ballot for the April 2003 spring election.~~

in order for the question of ratification

must be filed with the elections board

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:

submitted at

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 senate, the assembly 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:

