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Details:

(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2009-10

(session year)

Assembly

(Assembly, Senate or Joint)

**Committee on ... Criminal Justice
(AC-CJ)**

COMMITTEE NOTICES ...

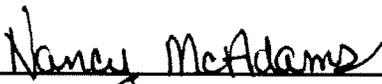
- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

April 22, 2010

Failed to pass pursuant to Senate Joint Resolution 1.



Nancy McAdams
Committee Clerk





APR 06 2010

JIM SOLETSKI

STATE REPRESENTATIVE • 88TH ASSEMBLY DISTRICT

April 6, 2010

Representative Robert Turner, Chair
Assembly Committee on Criminal Justice
223 North State Capitol
Inter-Departmental

Dear Bob:

I am writing to request a public hearing on Assembly Bill 925, relating to discharging a firearm within 100 yards of a building devoted to human occupancy while in waters adjacent to land owned by another person and providing a penalty. As you know, the bill was referred to your committee, last Friday.

Under current law, no person may, while on the land of another, discharge a firearm within 100 yards of any building devoted to human occupancy situated on the land without the express permission of the owner or occupant of the building. This is a reasonable safety protection for residents of our state. However, safety protection is not applied when a firearm is discharged by someone within a body of water. This presents a great concern to residents of my district who live along the bay waters of Green Bay. By adding "or in waters adjacent to the lands" to the statutes, AB 925 would afford all residents of Wisconsin the same comfort of a simple and clear 100 yards safety zone around their residence.

I would like to see a public hearing held on AB 925, so that input can be received regarding this proposal or any other ideas on how we can best address this safety concern.

Thank you for your consideration of my request.

Sincerely yours,

JIM SOLETSKI
State Representative
88th Assembly District

JS:day





April 14, 2010

To: Wisconsin State Representative Jim Soletski

From: ^{SC} Sheilah Cradler, President Nicolet Drive Neighborhood Association, Green Bay

Re: Assembly Public Hearing/ Committee on Criminal Justice Assembly Bill 925

Date: 041410



In reading these remarks I represent one of the formally recognized neighborhood associations within the city of Green Bay; two adjacent associations have voiced similar concerns. We are about 300 private residences bounded by the waters of the Bay of Green Bay and the University of Wisconsin – Green Bay, with Bay Beach Wildlife Sanctuary and Bay Beach Amusement Park nearby. Our major concerns about discharge of firearms in this area are centered on preservation of private property and public safety, for residents who recreate in their yards and youth-centered public park areas, fish off of these areas with their grandchildren, and hike along the shore.

Currently, duck and goose hunters park their cars and trespass onto private property for faster access to the bay. They take shortcuts thru driveways or small green spaces between properties, often with shotgun shells chambered . Some hunters interpret the offshore one hundred yard hunting regulation without regard for the contour of the shoreline. Sometimes hunters arrive in small boats and then continue to hunt from them in the water, with little regard for property or public safety. Other hunters hunt in the water near their own homes with little attention to the configuration of the shoreline. While local law enforcement has been consistently responsive to citizen complaints, they are usually unable to apprehend violators due to time gaps between complaint and arrival.

We feel that it is just a matter of time before a hunter forgets where his weapon is pointed in the heat of the hunt, and a load of buckshot destroys a patio deck window, or worse - turns a family cook-out into a bloody tragedy.

Because the Bay of Green Bay touches municipal, county and state jurisdictions, there is a need for clarification of jurisdiction, laws, and responsibility for enforcement. If these are not available, we request legislation designed to establish legal jurisdiction for the shoreline of the Bay of Green Bay, to create legislation for the protection of public safety and welfare along these shores, and to assign responsibility for the enforcement of these laws.

We three hundred families thank you assembly members, and especially Representative Soletski, for attending to these remarks. Please be assured that we respect the rights of our state's sportsmen. We are only interested in the safety of those families and the security of their homes.



Assembly Bill 925 Testimony
Representative Jim Soletski
Assembly Committee on Criminal Justice
April 14, 2010

Mr. Chairman, thank you for holding this hearing on Assembly Bill 925, relating to: discharging a firearm within 100 yards of a building devoted to human occupancy while in waters adjacent to land owned by another person and providing a penalty.

There has been ongoing controversy in my district regarding when and where hunting can take place within the City of Green Bay, particularly along the shore of Green Bay. The legislation before you, today, deals with one component of the issue. That is does current law, that no person may, while on the land of another, discharge a firearm within 100 yards of any building devoted to human occupancy situated on the land without the express permission of the owner or occupant of the building, also applies once a person is in water. Assembly Bill 925 would bring clarity that has been lacking regarding that question.

I am working, and I will continue to work, with my constituents and other interested parties to resolve the issues. I thank you, Mr. Chairman, for giving us the opportunity for the legislature to take a look at this particular question.



Wisconsin Wildlife Federation Wisconsin Waterfowl Association

Date ?

Good morning Chairman Turner and members of the Criminal Justice Committee. My name is George Meyer and I am Executive Director of the Wisconsin Wildlife Federation. The Federation is comprised of 168 hunting, fishing and trapping groups in the state. Today I am also representing the Wisconsin Waterfowl Association, a statewide organization dedicated to wetland restoration throughout the State of Wisconsin.

The members of these organizations have serious concerns about Assembly Bill 925 and the impacts that it would have on waterfowl hunting in Wisconsin. Duck hunting is a very important part of the heritage of sportsmen and women in this state. For hundreds of years it has been practiced by hunters generally hunting in blinds that legally need to be constructed in the near shore vegetation of Wisconsin's lakes and streams. Assembly Bill 925 would require that in the future a duck hunter would have to obtain the permission of all property owners one hundred yards down the shoreline in each direction for a total distance of 200 yards. This could include many, many landowners. All it would take is one of those landowners saying no to deprive the hunter the opportunity to hunt on that body of water.

Also please think of the practical problems that would be caused to the duck hunter who engages in jump shooting while floating down a stream in a duck skiff. This would require a duck hunter to obtain the permission of landowners for potentially miles of a stream corridor.

Under Wisconsin law, the lakes and streams are owned by the public and are protected by the Public Trust Doctrine that protects public navigation including the incidents of navigation like fishing and hunting. The proposed legislation may well be in conflict with the provision of the Wisconsin Constitution that provides that the waterways of the state shall remain forever free and also the provision of the Constitution that protects the rights of sportsmen and women to hunt, fish and trap.

While this legislation is based on a specific local concern in Lower Green Bay, it would affect duck hunting on hundreds of lakes and streams in the state and adversely affect thousands of duck hunters across the state. Please do not pass Assembly Bill 925.

Thank you very much for the opportunity to testify here today.



Testimony of Dave Swanson (Green Bay, Brown County, WI) to the Assembly Committee on Criminal Justice in opposition to Assembly Bill 925.

Date ?

Chairman Robert Turner and fellow Committee members, thank you for the opportunity to testify on Assembly Bill 925, which if enacted into law, will further, unreasonably restrict waterfowl hunting on public waters throughout the state of Wisconsin. I am testifying as the president and representative of the Green Bay Duck Hunter's Association. Individually and as an organization, we are strongly opposed to Assembly Bill 925 and respectfully ask that the Committee not forward this bill to the Assembly floor for the following reasons:

1. **The proposed legislation is in conflict with Wisconsin's Constitution and the Public Trust Doctrine** - Under Article IX, Section 1 of the Wisconsin Constitution, our lakes and rivers have been declared public resources, owned in common by all Wisconsin citizens under the state's Public Trust Doctrine. Based on the state constitution, this doctrine has been further defined by case law and statute and declares that all navigable waters are "common highways and forever free". Under our Constitution and the Public Trust Doctrine, the courts have repeatedly affirmed that hunting is one of the rights of navigation protected by the state's Constitution and that the navigable waters are open to lawful hunting activities, which includes waterfowl hunting on the Bay of Green Bay.

Furthermore, Article 1, Section 26 of the Constitution states that the people have the right to fish, hunt, trap, and take game subject only to reasonable restrictions as prescribed by law. We strongly believe that extending the 100 yard restriction on the discharge of firearms to include navigable waters is unreasonable and contrary to the Constitution and Public Trust Doctrine.

2. **The bill unreasonably addresses a "perceived" nuisance situation, not a public safety concern.** -Assembly Bill 925 has been drafted without the presence of factual information that would allege that current waterfowl hunting activity has caused injuries or property damage to any degree. It has the appearance in response to the requests of a few individuals who object to the sound of gunshots of waterfowl hunters along southern Green Bay. Their complaints include unfounded claims of on-going problems of hunting and safety law violations. I know for a fact, that local Conservation Wardens routinely patrol the area of concern and find very few violations. The claims of shooting before hours and careless use of firearms are not substantiated by the facts.

There is a long history and tradition of individuals hunting waterfowl along the south shore of Green Bay. The failure of a real estate agent to disclose the adjoining multipurpose resource or an individual's choice to research the uses of this area before they purchased their property should not be held against safe, lawful hunters carrying on a long and honorable tradition. This bill is trying to unreasonably address an issue similar to people purchasing a house in the country and then objecting to the neighbor's traditional farming practices, or near an airport and objecting to low flying planes. The reality is that these complaints will not go away if AB925 becomes law. The shooting and early morning noise will still be there, just a little further out on the bay to be in compliance with the law.

3. **The bill unreasonable addresses a local issue with state-wide ramifications.** Waterfowl hunting goes on along lake and river shorelines throughout Wisconsin including along Lake Winnebago, Shawano Lake, the Fox, Wolf, and Mississippi Rivers and numerous other locations. I have not heard of problems or complaints from those areas. The only conclusion that can be reached is that this is a local issue that should be addressed locally. Don't enact state-wide legislation that takes away hunting opportunities where real problems do not exist.
4. **There are less intrusive alternatives** A couple of weeks ago, a committee of us met with Representative Soletski and Green Bay Alderman Pitton in cooperation to address the concerns of their constituents. While very few of our members hunt this area, Ducks unlimited and the Green Bay Duck Hunters Association offered to work with local law enforcement agencies to reduce the number of complaints coming in from the shoreline property owners. Rather than address a perceived local nuisance situation with a state statutory change, we proposed working as partners with the property owners, conservation wardens and local police to educate both the hunters and local residents in an effort to change perceptions and alleviate the concerns of all parties. That offer still stands as a reasonable alternative to state-wide legislation that will adversely affect waterfowl hunters throughout Wisconsin and stand challenged by the state's Constitution and Public Trust Doctrine.

Presented by: David Swanson, President - Green Bay Duck Hunters Association