

2011 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB234)

Received: **09/13/2011**

Received By: **rkite**

Wanted: **As time permits**

Companion to LRB:

For: **Joel Kleefisch (608) 266-8551**

By/Representing: **Scott Loomans**

May Contact:

Drafter: **rkite**

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

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Kleefisch@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Various changes on the use of bows and crossbows for hunting

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>
/?							
/P1	rkite 09/20/2011	kfollett 09/27/2011	phenry 09/27/2011	_____	mbarman 09/27/2011		
/1	rkite 09/27/2011	kfollett 09/28/2011	jfrantze 09/28/2011	_____	lparisi 09/28/2011	lparisi 09/28/2011	

FE Sent For:

<END>

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FE Sent For:

1/16/11
9/28
Jb
9/28
<END>

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/?	rkite	1P115f 9/27	9/ 27 ph	9/ 27 ph/ff			

FE Sent For: <END>

Kite, Robin

From: Loomans, Scott D - DNR [Scott.Loomans@wisconsin.gov]
Sent: Friday, September 09, 2011 3:11 PM
To: Kite, Robin
Cc: Kundert, Stephanie; Bruhn, Michael L - DNR
Subject: FW: Requested amendment to AB 234
Attachments: AB234AmendmentNotes.doc

Uh oh, my email is telling me the message below didn't go through to Robin, but the other two recipients did get it. Stephanie, could you forward this to Robin again just in case. I'm guessing her email address has changed and my computer is automatically remembering an old address.

From: Loomans, Scott D - DNR
Sent: Friday, September 09, 2011 3:07 PM
To: 'Kite, Robin - LEGIS'
Cc: Bruhn, Michael L - DNR; Kundert, Stephanie - LEGIS
Subject: Requested amendment to AB 234

Robin, attached are some drafting notes for an amendment to AB 234 that the department has discussed with Rep. Kleefisch and which I am sending over at his request. Thank you for working on this bill. Feel free give any of us a call if you have questions.

 *Scott Loomans*

Wildlife Regulations Policy Specialist
Bureau of Wildlife Management
Wisconsin Department of Natural Resources

(☎) phone: (608) 267-2452
(☎) fax: (608) 267-7857
(✉) e-mail: scott.loomans@wisconsin.gov

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Bethany - Kleefisch - 6-8552
Mike Blaker / or Scott Lomans
LRB-0729 -
OK for them to give redraft instr.

09

Amendment notes prepared by:

Scott Loomans
Wildlife Regulations Policy Specialist
Bureau of Wildlife Management
Wisconsin Department of Natural Resources
phone: (608) 267-2452
fax: (608) 267-7857
e-mail: scott.loomans@wisconsin.gov

Dear Robin Kite, at the request of Representative Kleefisch, we are requesting the following provisions be drafted as an amendment to Assembly Bill 234, LRB 0729/1

- ✓ • Amend the bill to establish a 100 yard maximum (a local unit could use a shorter distance for their ordinance) distance instead of 150, for consistency with s. 941.20(1)(d) Stats., and more leeway for archery hunters.
- We would like to establish more specificity about what a building is for purposes of this section by borrowing the existing language in 941.20. "building devoted to human occupancy situated on and attached to the lands of another," and, "Building' as used in this paragraph does not include any tent, bus, truck, vehicle or similar portable unit." As I understand this wording, and our intent is that, it would allow a landowner or person with the landowner's permission to hunt near their own building regardless of how far away they are – something AB 234 does not currently allow.
- Crossbows should be treated the same as regular archery gear under the amendment, except that they could only be used by people age 65 or older or who possess a permit to hunt with a crossbow under chapter 29, consistent with current law.
- To clear up a potential conflict with intent of AB 234, the amendment should modify s. 29.301 stats. to allow archery hunting. This could be done either by specifically allowing hunting with archery gear or limiting the restrictions to just firearms, whichever makes the most sense from a drafting perspective.

29.301 General restrictions on hunting. (1) Hunting restricted areas.

(a) In this subsection, "school" means a public or private elementary or secondary school, including a charter school, a tribal school, as defined in s. 115.001 (15m), or a technical college.

(b) No person may hunt within 1,700 feet of any hospital, sanatorium or the grounds of any school except by the use of archery gear. The department may designate the form for or furnish signs designating the restricted area. No person may be convicted of a violation of this paragraph unless the restricted area is designated by the signs.

(c) Notwithstanding par. (b), this subsection does not prohibit hunting in a school forest if the school board allows hunting under s. 120.13 (38).



Mon 9/26
State of Wisconsin
2011 - 2012 LEGISLATURE



LRBs0179/P
RNK:...

Rm
PI
kjf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY SUBSTITUTE AMENDMENT ,
TO 2011 ASSEMBLY BILL 234

In 9/20

D-Note

Gen

1 AN ACT ...; relating to: restrictions on hunting within a specified distance of
2 hospitals, sanatoriums, or school grounds and restrictions imposed by local
3 governmental units on hunting with a bow and arrow or crossbow.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 SECTION 1. 29.038 (3) of the statutes is renumbered 29.038 (3) (a) and amended
5 to read:

6 29.038 (3) (a) ~~A~~ Except as provided in par. (b), a local governmental unit may
7 enact an ordinance or adopt a regulation, resolution or other restriction that has an
8 incidental effect on hunting, fishing or trapping, but only if the primary purpose is
9 to further public health or safety.

History: 1997 a. 170; 1999 a. 32 s. 42; Stats. 1997 s. 29.038; 2001 a. 16; 2003 a. 33.

10 SECTION 2. 29.033 (3) (b) of the statutes is created to read:

1 29.083 (3) (b) 1. In this paragraph:

2 a. "Authorized crossbow user" means a person who has a Class A, Class B, or
3 Class C permit issued under s. 29.193 (2) that authorizes hunting with a crossbow,
4 has a crossbow permit issued under s. 29.171 (4) (a), or has attained the age of 65
5 years.

6 b. "Building" means a permanent structure used for human occupancy and
7 includes a manufactured home, as defined in s. 101.91 (2).

8 2. Except as provided in subd. 3., a local governmental unit may not enact or
9 enforce an ordinance or adopt or enforce a regulation, resolution, or other restriction
10 that prohibits a person from hunting within the jurisdiction of that local
11 governmental unit with a bow and arrow, or if the person is an authorized crossbow
12 user, with a crossbow.

13 3. A local governmental unit may enact or enforce an ordinance or adopt or
14 enforce a regulation, resolution, or other restriction that prohibits a person from
15 hunting with a bow and arrow or crossbow within 100 yards of a building located on
16 another person's land.

17 SECTION 3. 29.301 (1) (b) of the statutes is amended to read:

18 29.301 (1) (b) No person may hunt with a firearm within 1,700 feet of any
19 hospital, sanatorium or the grounds of any school. The department may designate
20 the form for or furnish signs designating the restricted area. No person may be
21 convicted of a violation of this paragraph unless the restricted area is designated by
22 the signs.

History: 1975 c. 360, 365, 421; 1979 c. 39; 1997 a. 151; 1997 a. 248 s. 412; Stats. 1997 s. 29.301; 1999 a. 32; 2005 a. 117, 290; 2009 a. 302.

23 SECTION 4. 29.301 (1) (c) of the statutes is amended to read:

1 29.301 (1) (c) Notwithstanding par. (b), this subsection does not prohibit
2 hunting with a firearm in a school forest if the school board allows hunting with a
3 firearm under s. 120.13 (38).

4 History: 1975 c. 360, 365, 421; 1979 c. 39; 1997 a. 151; 1997 a. 248 s. 412; Stats. 1997 s. 29.301; 1999 a. 32; 2005 a. 117, 290; 2009 a. 302.

(END)

D-Note

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

LRBs0179/?dn

RNK: *kgf*

Date

I have prepared this substitute amendment draft in preliminary form to facilitate any necessary redrafting. Once the draft meets with your approval, I will prepare it in final form.

You will note that the definition of "building" in the draft is somewhat different than the definition that was suggested. I think that the definition captures your intent, but if not, please let me know and I will redraft accordingly.

Please feel free to contact me if you have any questions about this draft.

Robin N. Kite
Senior Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

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

LRBs0179/P1dn
RNK:kjf:ph

September 27, 2011

I have prepared this substitute amendment draft in preliminary form to facilitate any necessary redrafting. Once the draft meets with your approval, I will prepare it in final form.

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Robin N. Kite
Senior Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

9/27/11

Per Stephanie in Rep. Kleefus's office -
redraft to a / 1 - no changes needed



(som)
State of Wisconsin
2011 - 2012 LEGISLATURE

RM
run
1

LRBs0179/PI
RNK:kjf:ph

PRELIMINARY DRAFT NOT READY FOR INTRODUCTION
ASSEMBLY SUBSTITUTE AMENDMENT,

TO 2011 ASSEMBLY BILL 234

IR
9/27

ReGen

1 **AN ACT to renumber and amend 29.038 (3); to amend 29.301 (1) (b) and 29.301**
2 **(1) (c); and to create 29.038 (3) (b) of the statutes; relating to: restrictions on**
3 **hunting within a specified distance of hospitals, sanatoriums, or school grounds**
4 **and restrictions imposed by local governmental units on hunting with a bow**
5 **and arrow or crossbow.**

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

6 **SECTION 1.** 29.038 (3) of the statutes is renumbered 29.038 (3) (a) and amended
7 to read:

8 29.038 (3) (a) ~~A~~ Except as provided in par. (b), a local governmental unit may
9 enact an ordinance or adopt a regulation, resolution or other restriction that has an
10 incidental effect on hunting, fishing or trapping, but only if the primary purpose is
11 to further public health or safety.

1 **SECTION 2.** 29.038 (3) (b) of the statutes is created to read:

2 29.038 (3) (b) 1. In this paragraph:

3 a. "Authorized crossbow user" means a person who has a Class A, Class B, or
4 Class C permit issued under s. 29.193 (2) that authorizes hunting with a crossbow,
5 has a crossbow permit issued under s. 29.171 (4) (a), or has attained the age of 65
6 years.

7 b. "Building" means a permanent structure used for human occupancy and
8 includes a manufactured home, as defined in s. 101.91 (2).

9 2. Except as provided in subd. 3., a local governmental unit may not enact or
10 enforce an ordinance or adopt or enforce a regulation, resolution, or other restriction
11 that prohibits a person from hunting within the jurisdiction of that local
12 governmental unit with a bow and arrow or, if the person is an authorized crossbow
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17 another person's land.

18 **SECTION 3.** 29.301 (1) (b) of the statutes is amended to read:

19 29.301 (1) (b) No person may hunt with a firearm within 1,700 feet of any
20 hospital, sanatorium or the grounds of any school. The department may designate
21 the form for or furnish signs designating the restricted area. No person may be
22 convicted of a violation of this paragraph unless the restricted area is designated by
23 the signs.

24 **SECTION 4.** 29.301 (1) (c) of the statutes is amended to read:

