



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2013 Assembly Bill 8	Assembly Amendments 1 & 3
<i>Memo published: June 4, 2013</i>	<i>Contact: Michael Queensland, Staff Attorney (266-3810)</i>

Current Law

Under current law, a local governmental unit¹ may not enact any ordinance or adopt any regulation, resolution, or other restriction for the purpose of regulating the hunting, fishing, trapping, or management of wild animals. [s. 29.038 (2) (intro.), Stats.] However, current law authorizes a local governmental unit to enact an ordinance or adopt a regulation, resolution, or other restriction that restricts or prohibits access for hunting, fishing, or trapping, if the primary purpose of the restriction is to further public health or safety. [s. 29.038 (3), Stats.] In addition, a local governmental unit is authorized to enact an ordinance or adopt a regulation, resolution, or other restriction that restricts or prohibits access for hunting, fishing, or trapping in any portion of land that it owns or leases. [s. 29.038 (2) (b), Stats.]

Also under current law, a person is prohibited from hunting within 1,700 feet of any hospital, sanatorium, or the grounds of any school. An exception exists for hunting in a school forest if the local school board allows hunting under s. 120.13 (38), Stats.

2013 Assembly Bill 8

Assembly Bill 8 (“the bill”) generally prohibits a local governmental unit from enacting or adopting a restriction² that prohibits hunting with a bow and arrow or crossbow within the jurisdiction of that local governmental unit. The bill provides an exception that permits a local governmental unit to

¹ A local government unit is defined under s. 16.97 (7), Stats., as “a political subdivision of this state, a special purpose district in this state, an instrumentality or corporation of such a political subdivision or special purpose district, a combination or subunit of any of the foregoing or an instrumentality of the state and any of the foregoing.”

² “Restriction” means an ordinance, regulation, resolution, or other restriction enacted or adopted by a local governmental unit.

enact or adopt a restriction prohibiting hunting with a bow and arrow or crossbow within 100 yards of a building.³ Such a restriction must provide that it does not apply if the person who owns the land on which the building is located allows the hunter to hunt within the specified distance of the building. The bill does not affect the ability of a local governmental unit to restrict or prohibit access for hunting on land that the local governmental unit owns or leases. Furthermore, the bill does not affect the ability of a property owner to restrict or prohibit access for hunting on land that the individual owns.

The bill also limits the applicability of the general prohibition against hunting within 1,700 feet of any hospital, sanatorium, or the grounds of a school so that it only applies to hunting with a firearm.⁴

Assembly Amendment 1

Assembly Amendment 1 removes the provision in the bill related to hunting within 1,700 feet of any hospital sanatorium or the grounds of a school.

Assembly Amendment 3

Assembly Amendment 3 allows a local governmental unit to also enact or adopt a restriction that requires a person who hunts with a bow and arrow or crossbow to discharge the arrow or bolt from the respective weapon toward the ground.

Bill History

Assembly Amendment 1 was offered by Representative Kleefisch and Assembly Amendment 3 was offered by Representatives Milroy and Kleefisch. On May 22, 2013, the Assembly Committee on Natural Resources and Sporting Heritage recommended adoption of Assembly Amendments 1 and 3 on a vote of Ayes, 14; Noes, 0, and passage of the bill, as amended, on a vote of Ayes, 11; Noes, 3.

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³ “Building” means a permanent structure used for human occupancy and includes a manufactured home, as defined in s. 101.91 (2), Stats.

⁴ “Firearm” is generally defined under s. 167.31 (1) (c), Stats., as “a weapon that acts by force of gunpowder.”