



---

---

## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

---

---

<b>2003 Wisconsin Act 249</b> [2003 Assembly Bill 623]	<b>Fishing Tournament Regulations</b>
2003 Acts: <a href="http://www.legis.state.wi.us/2003/data/acts/">www.legis.state.wi.us/2003/data/acts/</a>	Act Memos: <a href="http://www.legis.state.wi.us/lc/act_memo/act_memo.htm">www.legis.state.wi.us/lc/act_memo/act_memo.htm</a>

Prior to the enactment of 2003 Wisconsin Act 249, the Department of Natural Resources (DNR) adopted administrative rules to provide regulations for fishing tournaments. [See s. NR 20.40, Wis. Adm. Code.] The DNR adopted these administrative rules under its general authority to regulate hunting and fishing.

Act 249 creates an express statutory mandate for the DNR to promulgate rules to authorize and regulate fishing tournaments. Act 249 authorizes the DNR to require a permit to conduct a fishing tournament and to impose terms and conditions on individual permits, including terms and conditions that may vary from the requirements imposed under the administrative rules. Act 249 specifies a variety of issues regarding fishing tournaments that the DNR may address in the rules. For example, the rules may specify the number of fishing tournaments that may be held on a body of water, regulations to control crowding and prevent conflicts among users of the body of water on which fishing tournaments are held or at public access sites, and bag and size limits for fish that are caught during fishing tournaments. Act 249 also specifies when the DNR may deny an application for a fishing tournament permit or suspend or revoke a fishing tournament permit, and prohibits the DNR from issuing a fishing tournament permit to a person for a period of two years after denial or revocation.

The rules for fishing tournaments in s. NR 20.40 are consistent with Act 249, and are not superceded by the Act.

Current fishing regulations require an angler to count against the daily bag limit any fish taken into possession. A fish must be released immediately if it is not to count against the daily bag limit. This regulation prohibits the practice known as “culling,” in which an angler keeps fish until the daily bag limit is reached, and then releases a fish in order to replace it with another. The reason for the prohibition against culling is reduce fish mortality.

---

---

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents.

Act 249 requires the DNR to establish a pilot program for bass fishing tournaments in which the DNR must issue four permits per year for the next three fishing seasons. These permits will allow those who participate in the tournaments to cull bass. One of the tournaments must allow culling both largemouth and smallmouth bass, and the remaining three must allow culling of only largemouth bass. The Act requires that each boat in the tournament must be equipped with a live well, the total number of fish held in the live well may not exceed the daily bag limit, and a bass must be capable of swimming away in a healthy condition when released. DNR is directed to cooperate with the Bass Federation to conduct research and collect data in order to evaluate the pilot program, and to report its findings to the Legislature. The pilot program does not apply after December 31, 2006.

The Act requires the DNR to appoint an advisory committee to advise the DNR on rule promulgation and the decision as to whom the DNR will issue permits under the pilot program.

***Effective Date:*** April 28, 2004

***Prepared by:*** Mark C. Patronsky, Senior Staff Attorney

May 3, 2004

MCP:wu:tlu