

1999 DRAFTING REQUEST

Bill

Received: 01/20/99

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: DuWayne Johnsrud (608) 266-3534

By/Representing: Scott Loomans

This file may be shown to any legislator: YES

Drafter: rkite

May Contact:

Alt. Drafters:

Subject: Nat. Res. - fish and game

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Requiring DNR to change fishing tournament rules

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 02/19/99	ygeller 02/19/99	lpaasch 02/19/99	_____	lrb_docadmin 02/19/99		
/1	rkite 03/12/99	ygeller 03/12/99	lpaasch 03/15/99	_____	lrb_docadmin 03/15/99		S&L
/2	rkite 03/24/99	ygeller 03/24/99	martykr 03/26/99	_____	lrb_docadmin 03/26/99	lrb_docadmin	S&L 03/26/99

FE Sent For:

G 07-27-99

<END>

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/1	rkite 03/12/99	ygeller 03/12/99	lpaasch 03/15/99	_____	lrb_docadmin 03/15/99		S&L

Handwritten notes: 1/2 3/24 jlg, dm 3/26, HH 3/26, dm 3/26

FE Sent For:

<END>

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/P1	rkite 02/19/99	ygeller 02/19/99	lpaasch 02/19/99	_____	lrb_docadmin 02/19/99		

FE Sent For: *1 3/12 jlg* *3-15 L.A.* *3-15 L.P.* *if* **<END>**

10-10-10

1999 DRAFTING REQUEST

Bill

Received: **01/20/99**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **DuWayne Johnsrud (608) 266-3534**

By/Representing: **Scott Loomans**

This file may be shown to any legislator: **YES**

Drafter: **rkite**

May Contact:

Alt. Drafters:

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

Extra Copies:

Topic:

Requiring DNR to change fishing tournament rules

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>
/?	rkite		2-19-99	2-19-99 JF			

FE Sent For:

<END>

*please submit -
RNK*

10/10/10

**BILL
REQUEST FORM**

LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street

Use of this form is optional. It is often better to talk directly with the LRB attorney who will draft the bill.

Use this form only for **BILL** drafts. Attach more pages if necessary.

Legislator, agency or other body requesting this draft: DuWayne Johnson

Date: 1/13/99 Person submitting request (name, phone number): Scott Loomans 1-6452

Persons to contact for questions about this draft (names, phone numbers): Scott Loomans

Describe the problem, including any helpful examples.

How do you want to solve the problem?

See attachment

Please attach a copy of any correspondence or other material that may help us.

If you know of any statute sections that might be affected, list them or provide a marked-up (not retyped) copy. Not aware of statute, just NR 20.08(1)

You may attach a marked-up (not retyped) copy of any LRB draft, or provide its number (e.g., 1997 LRB-2345/1 or 1995 AB-67): _____

Requests are confidential unless stated otherwise.

- May we tell others that we are working on this for you? Yes No
- If yes: Anyone who asks? Yes No Any legislator? Yes No Only the following persons: _____

Do you consider this request urgent? Yes No If yes, please indicate why: _____

Should we give this request priority over any other pending request of this legislator, agency or body? Yes No If yes, sign your name here: _____

Yes No

1. The first part of the document discusses the importance of maintaining accurate records of all transactions.

2. It is essential to ensure that all data is entered correctly and consistently.

3. Regular audits should be conducted to verify the accuracy of the information.

4. The second section covers the various methods used for data collection and analysis.

5. These methods include surveys, interviews, and focus groups.

6. Each method has its own strengths and weaknesses.

7. It is important to choose the most appropriate method for the study.

8. The final part of the document provides a summary of the key findings.

9. These findings are discussed in detail in the following sections.

10. The document concludes with a list of references and a bibliography.



DuWayne Johnsrud

State Representative

1999 – 2000 Session Tournament Fishing Bill

Problem the bill is trying to solve:

In the past, overlapping fishing tournaments have overcrowded individual waters. At one tournament, a large number inedible PCB contaminated walleyes were inadvertently killed through long distance transportation on rough Green Bay waters. At another tournament with wide media coverage, the winner was accused of violating state fishing laws but, even if found guilty, was still eligible for prizes.

DNR rules do a good job of defining tournaments and creating an application, but they don't go far enough to solve some of these problems.

In past press releases, our office had in mind the creation of a tournament board, made up of DNR employees and public citizens. This board would have been charged with making the permit decisions and creating rules. We have, however, gotten away from that idea. I'd still appreciate any thoughts on how a board could fit in, however, since there is interest from the tournament anglers.

To correct the problem, the bill should:

Direct the DNR to review and recommend improvements to existing tournament fishing rules in NR 20.08.

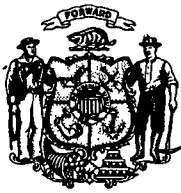
New rules shall, at a minimum, accomplish the following:

1. Give DNR authority to approve or reject an application to conduct a fishing tournament on or based from Wisconsin waters.
2. Specify the appropriate Department Fisheries Biologists to approve or reject an application to hold an organized fishing tournament.
3. The following must be considered when denying or granting a tournament:
 - Potential for crowding of a certain body of water
 - Monopolization of public facilities so that non-participants have difficulty accessing them
 - Biological impacts to a fishery resource
 - Impacts on the fair distribution of a resource between tournament anglers and non-tournament anglers
 - Conditions that will lead to needless waste of a natural resource

4. If the Department deems necessary, establish a fee for permit applications.
5. Prohibit disbursement of prizes to a person who has been issued a citation for a fishing regulation violation while participating in the tournament for which the prize is offered. The prize could be awarded if the citation is overturned in court. I think this should be pretty narrow, relating only to fishing violations and not boating or other violations.
6. New rules shall not be less restrictive than the general fishing regulations established by the Department.

The DNR shall submit proposed rules for public hearings within 12 months of establishment of this law. Final proposals for rule making should be submitted for consideration by the Natural Resources Board within 18 of establishment of the law.

10/10/10



D-Note

JLg

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

gen cat

1 AN ACT ...; relating to: regulating fishing tournaments.

and granting rule-making authority ✓

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version of this draft.

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

2 SECTION 1. 29.403^x of the statutes is created to read:

3 **29.403 Fishing tournaments.** The department shall[✓] establish a program to

promulgate rules to

4 authorize[✓] fishing tournaments ~~and shall promulgate rules regulating fishing~~

and to regulate

5 ~~tournaments.~~ The rules shall require the department to establish an application

6 procedure for persons who operate fishing tournaments and shall require that

7 application decisions be made by a department employe with expertise in the area

8 of fishery resources. The rules shall prohibit the operator of a fishing tournament

9 from distributing a prize to any person to whom the department has issued a citation

1 for the violation of any state law or regulation regulating fishing, unless the citation
2 is for a violation that a court subsequently determines that the person did not
3 commit. The rules shall provide that the following factors be considered by the
4 department in determining if the department should grant a request for a fishing
5 tournament application:

6 (1) The potential for crowding on the body of water on which the fishing
7 tournament will be held.

8 (2) The impact that the fishing tournament will have on the ability of
9 nonparticipants to have access to public facilities near the body of water on which
10 the fishing tournament will be held.

11 (3) The impact that the fishing tournament will have on any fishery resource.

12 (4) The distribution of resources between fishing tournament participants and
13 nonparticipants.

****NOTE: This provision requires the department to consider the distribution of
resources when it considers tournament applications. What kinds of resources do you
want the department to take into consideration?

This provision should identify the

14 (5) The potential for the waste of a natural resource.

15 **SECTION 2. Nonstatutory provisions.**

16 (1) The department of natural resources shall submit in proposed form the rules
17 required under section 29.403 of the statutes, as created by this act, to the legislative
18 council staff under section 227.15 (1) of the statutes no later than the first day of the
19 13th month beginning after the effective date of this subsection.

****NOTE: Your instructions were to require DNR to submit its proposed rules for
public hearing within 12 months of the effective date of the bill. The language in this
nonstatutory provision reflects the requirement that the rules first be submitted to the
legislative council staff under section 227.15 (1). Is this O.K.?

20 (5) (END)

the distribution of

*For example, do you want the department to consider
community resources? fishery resources? public
facility resources?*

D-NOTE

100

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

LRB-1877/P1dn

RNK.....

jlq

Your instructions indicated that the draft should direct the DNR to review and recommend improvements to existing tournament fishing rules in NR 20.08. Those rules were sunset on December 31, 1998 and, therefore, are no longer in effect. Given the expiration of the rules, this draft requires DNR to establish a program to authorize fishing tournaments and to ~~promulgate rules~~ ^{to promulgate rules} regulate those tournaments. I have prepared this draft in preliminary form to give you an opportunity to review it with the expiration of the rules in mind. The draft also contains some NOTES that need to be addressed before the draft can be put into introducible form. If you have any questions about the draft, please feel free to contact me. (CS)

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: Robin.Kite@legis.state.wi.us

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

LRB-1877/P1dn
RNK:jlg:lp

February 19, 1999

Your instructions indicated that the draft should direct the DNR to review and recommend improvements to existing tournament fishing rules in NR 20.08. Those rules were sunset on December 31, 1998, and, therefore, are no longer in effect. Given the expiration of the rules, this draft requires DNR to promulgate rules to establish a program to authorize fishing tournaments and to regulate those tournaments. I have prepared this draft in preliminary form to give you an opportunity to review it with the expiration of the rules in mind. The draft also contains some NOTES that need to be addressed before the draft can be put into introducible form. If you have any questions about the draft, please feel free to contact me.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: Robin.Kite@legis.state.wi.us





PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

- 1 **AN ACT to create** 29.403 of the statutes, **relating to:** regulating fishing
2 tournaments and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version of this draft.

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

- 3 **SECTION 1.** 29.403 of the statutes is created to read:
4 **29.403 Fishing tournaments.** The department shall promulgate rules to
5 establish a program to authorize and to regulate fishing tournaments. The rules
6 shall require the department to establish an application procedure for persons who
7 operate fishing tournaments and shall require that application decisions be made by
8 a department employe with expertise in the area of fishery resources. ~~The rules shall~~
9 ~~prohibit the operator of a fishing tournament from distributing a prize to any person~~

1 ~~to whom the department has issued a citation for the violation of any state law or~~
 2 ~~regulation regulating fishing, unless the citation is for a violation that a court~~
 3 ~~subsequently determines that the person did not commit.~~ The rules shall provide
 4 that the following factors be considered by the department in determining if the
 5 department should grant a request for a fishing tournament application:

6 (1) The potential for crowding on the body of water on which the fishing
 7 tournament will be held.

8 (2) The impact that the fishing tournament will have on the ability of
 9 nonparticipants to have access to public facilities near the body of water on which the
 10 fishing tournament will be held.

11 (3) The impact that the fishing tournament will have on any fishery resource.

12 ~~(4) The distribution of resources between fishing tournament participants and~~
 13 ~~nonparticipants.~~

****NOTE: This provision requires the department to consider the distribution of
 resources when it considers tournament applications. This provision should identify the
 kinds of resources you want the department to take into consideration. For example, do
 you want the department to consider the distribution of community resources? Fishery
 resources? Public facility resources?

14 (5) The potential for the waste of a natural resource.

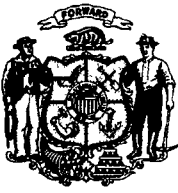
*I was thinking about fishery, but we actually
 have that covered well enough in (3)*

15 SECTION 2. Nonstatutory provisions.

16 (1) The department of natural resources shall submit in proposed form the rules
 17 required under section 29.403 of the statutes, as created by this act, to the legislative
 18 council staff under section 227.15 (1) of the statutes no later than the first day of the
 19 13th month beginning after the effective date of this subsection.

****NOTE: Your instructions were to require DNR to submit its proposed rules for
 public hearing within 12 months of the effective date of the bill. The language in this
 nonstatutory provision reflects the requirement that the rules first be submitted to the
 legislative council staff under s. 227.15 (1). Is this OK?

Yes



1999 BILL

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

D-Note

Regen

1 AN ACT to create 29.403 of the statutes; relating to: regulating fishing
2 tournaments and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version of this draft.

✓ Insert Analysis

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

The rules shall include a procedure for authorizing a person to operate a fishing tournament and

3 SECTION 1. 29.403 of the statutes is created to read:

4 **29.403 Fishing tournaments.** The department shall promulgate rules to
5 establish a program to authorize and to regulate fishing tournaments. ~~The rules~~
6 shall require ~~the department to establish an application procedure for persons who~~
7 ~~operate fishing tournaments and shall require that application decisions be made by~~
8 ~~a department employe with expertise in the area of fishery resources. The rules shall~~
9 prohibit the operator of a fishing tournament from distributing a prize to any person

(NO #) determine whether to authorize a person to operate a fishing tournament

SECTION 1

The department shall promulgate rules regulating the operation of fishing tournaments.

1 ~~to whom the department has issued a citation for the violation of any state law or~~
2 ~~regulation regulating fishing, unless the citation is for a violation that a court~~
3 ~~subsequently determines that the person did not commit.~~ The rules shall provide
4 that the following factors be considered by the department in determining ~~if the~~
5 ~~department should grant a request for a fishing tournament application:~~

6 (1) The potential for crowding on the body of water on which the fishing
7 tournament will be held.

8 (2) The impact that the fishing tournament will have on the ability of
9 nonparticipants to have access to public facilities near the body of water on which the
10 fishing tournament will be held.

11 (3) The impact that the fishing tournament will have on any fishery resource.

12 ~~(4) The distribution of resources between fishing tournament participants and~~
13 ~~nonparticipants.~~

****NOTE: This provision requires the department to consider the distribution of resources when it considers tournament applications. This provision should identify the kinds of resources you want the department to take into consideration. For example, do you want the department to consider the distribution of community resources? Fishery resources? Public facility resources?

14 (4) ~~is~~ The potential for the waste of a natural resource.

15 **SECTION 2. Nonstatutory provisions.**

16 (1) The department of natural resources shall submit in proposed form the rules
17 required under section 29.403 of the statutes, as created by this act, to the legislative
18 council staff under section 227.15 (1) of the statutes no later than the first day of the
19 13th month beginning after the effective date of this subsection.

****NOTE: Your instructions were to require DNR to submit its proposed rules for public hearing within 12 months of the effective date of the bill. The language in this nonstatutory provision reflects the requirement that the rules first be submitted to the legislative council staff under s. 227.15 (1). Is this OK?

(END)

D-note

whether to authorize a person to operate a fishing tournament

Insert Analysis

This bill requires the department of natural resources (DNR) to promulgate rules to establish a program to authorize and to regulate fishing tournaments. The bill requires that DNR, in determining whether or not to ~~grant a request for~~ ^{grant an application} for a fishing tournament application, consider the potential for crowding on the body of water where the tournament will be held, the impact that the tournament will have on access to public facilities near the body of water where the tournament will be held, the impact that the tournament will have on fishery resources and the potential for the waste of a natural resource. Current law does not require DNR to promulgate rules relating to fishing tournaments.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

authorize a person to operate

~~Under current law, DNR is not specifically required to promulgate rules relating to the operation of fishing tournaments.~~

Under the bill, the rules must

NO The bill requires that the rules include a procedure for authorizing a person to operate a fishing tournament. ~~and~~ require that a DNR employee with expertise in the area of fishery resources determine whether to authorize a person to operate a fishing tournament.

100

D-Note

LRB-1877/1

Please review this draft closely. I have changed the language somewhat for the purposes of clarity. Please feel free to call me if you have any questions.

RNK

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 3/15/99

To: Representative Johnsrud

Relating to LRB drafting number: LRB-1877

Topic

Requiring DNR to change fishing tournament rules

Subject(s)

Nat. Res. - fish and game

1. **JACKET** the draft for introduction _____

in the **Senate** _____ or the **Assembly** _____ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT**. See the changes indicated or attached S. Loomard _____

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Robin N. Kite, Legislative Attorney
Telephone: (608) 266-7291



DuWayne Johnsrud

State Representative

To: Robyn Kyte
From: Scott Loomans *Scott*

This looks good, except that we are still concerned about one thing. We do not want the DNR to be able to write rules for tournament anglers that are less restrictive than the normal bag limits. DuWayne does not want the tournament bag to be six, when the bag limit for everyone else is five of something.

*Tournament fisher are not to have more liberal bag limits
(rules*

*wants fisher
than regular fishers*



1999 BILL

1 AN ACT to create 29.403 of the statutes; relating to: regulating fishing
2 tournaments and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill requires the department of natural resources (DNR) to promulgate rules to establish a program to authorize and to regulate fishing tournaments. The bill requires that the rules include a procedure for authorizing a person to operate a fishing tournament. Under the bill, the rules must require that a DNR employe with expertise in the area of fishery resources determine whether to authorize a person to operate a fishing tournament. The bill requires that DNR, in determining whether or not to authorize a person to operate a fishing tournament, consider the potential for crowding on the body of water where the tournament will be held, the impact that the tournament will have on access to public facilities near the body of water where the tournament will be held, the impact that the tournament will have on fishery resources and the potential for the waste of a natural resource. Current law does not require DNR to promulgate rules relating to fishing tournaments.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

3 SECTION 1. 29.403 of the statutes is created to read:



1999 BILL

Regen

1 AN ACT to create 29.403 of the statutes; relating to: regulating fishing
2 tournaments and granting rule-making authority. ✓

Analysis by the Legislative Reference Bureau

This bill requires the department of natural resources (DNR) to promulgate rules to establish a program to authorize and to regulate fishing tournaments. The bill requires that the rules include a procedure for authorizing a person to operate a fishing tournament. Under the bill, the rules must require that a DNR employe with expertise in the area of fishery resources determine whether to authorize a person to operate a fishing tournament. The bill requires that DNR, in determining whether or not to authorize a person to operate a fishing tournament, consider the potential for crowding on the body of water where the tournament will be held, the impact that the tournament will have on access to public facilities near the body of water where the tournament will be held, the impact that the tournament will have on fishery resources and the potential for the waste of a natural resource. Current law does not require DNR to promulgate rules relating to fishing tournaments.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

3 SECTION 1. 29.403 of the statutes is created to read:

BILL

(1) (3)

1 **29.403 Fishing tournaments.** The department shall promulgate rules to
2 establish a program to authorize and to regulate fishing tournaments. The rules
3 shall include a procedure for authorizing a person to operate a fishing tournament
4 and shall require that a department employe with expertise in the area of fishery
5 resources determine whether to authorize a person to operate a fishing tournament.
6 The rules shall provide that the following factors be considered by the department
7 in determining whether to authorize a person to operate a fishing tournament:

8 ~~(a)~~ (a) The potential for crowding on the body of water on which the fishing
9 tournament will be held.

10 ~~(b)~~ (b) The impact that the fishing tournament will have on the ability of
11 nonparticipants to have access to public facilities near the body of water on which the
12 fishing tournament will be held.

13 ~~(c)~~ (c) The impact that the fishing tournament will have on any fishery resource.

14 ~~(d)~~ (d) The potential for the waste of a natural resource.

SECTION 2. Nonstatutory provisions.

(1) The department of natural resources shall submit in proposed form the
rules required under section 29.403[✓] of the statutes, as created by this act, to the
legislative council staff under section 227.15 (1) of the statutes no later than the first
day of the 13th month beginning after the effective date of this subsection.

MOVE

(END) fishing by

(3) If the department promulgates rules under
sub. (1)[✓] that regulate fishing tournament participants,
the rules may not be less restrictive than
the rules that regulate nonparticipants.

**SUBMITTAL
FORM**

LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 3/26/99

To: Representative Johnsrud

Relating to LRB drafting number: LRB-1877

Topic

Requiring DNR to change fishing tournament rules

Subject(s)

Nat. Res. - fish and game

1. **JACKET** the draft for introduction D. Wayne
in the **Senate** ____ or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.
A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.
If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

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