

**1999 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB423)**

Received: 01/07/2000

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: NO

Drafter: rkite

May Contact:

Alt. Drafters:

Subject: Nat. Res. - fish and game

Extra Copies:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Regulation of fishing tournaments

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**Instructions:**

See Attached

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**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>
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FE Sent For:

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**B I L L**  
**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: Johnsrud

Date: 1/4/00 Person submitting request (name, phone number): Scott Loomans

Persons to contact for questions about this draft (names, phone numbers): Mark Patransky 6-9280  
Scott Loomans 6-3534

**Describe the problem, including any helpful examples.**

**How do you want to solve the problem?**

*Please draft this as a sub to our AB 423*

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. AB 423 is attached

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: deeply, we would

like to provide committee on Jan 19 (have held 2 hearings on AB 423 so far.)  
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

**ASSEMBLY SUBSTITUTE AMENDMENT ,  
TO 1999 ASSEMBLY BILL 423**

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

*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.** (1) The department shall promulgate rules to establish  
5             a program to authorize and regulate fishing tournaments. The rules shall establish the scope  
6             and applicability of the program.

7             (2) The department may require a permit to conduct a fishing tournament and may  
8             impose conditions in individual permits.

9             (3) The rules or conditions in individual permits may include provisions applicable to  
10            all of the following:

11            (a) Permits and permit conditions.

12            (b) The applicability of s. 29.197.

13            (c) Training or educational programs for persons who operate a fishing tournament.

14            (d) Restrictions necessary to control crowding, unsafe conditions or user conflicts on  
15            any body of water or at facilities for public access to a body of water, including boat ramps  
16            and parking lots.

17            (e) Prevention of waste of a natural resource.

1 (f) Protection of fish, the body of water and other aquatic resources, including  
2 conditions applicable throughout the state or to individual permits related to the number of  
3 participants, the number of tournaments on a body of water, the frequency or timing of  
4 tournaments, the number of practice or tournament days, hours of the tournament, location of  
5 the body of water in the state, the species targeted by the tournament, bag limits, size limits,  
6 the time of year or the qualities of the body of water.

7 (g) Reporting the results of the tournament.

8 (h) Fees for permits and training or educational programs and provisions for reduced  
9 fees in appropriate circumstances.

10 (4) The department may not allow any activity by a participant in a fishing tournament  
11 that would not be allowed by an angler who is not a participant at the same time on the same  
12 body of water.

13 (5) (a) The department shall deny the application or suspend or revoke a permit for a  
14 fishing tournament if the permit applicant does any of the following:

15 1. Makes a material misrepresentation on a permit application.

16 2. Violates this section, rules promulgated under this section or the conditions of a  
17 permit.

18 3. Violates any statutes or rules related to fishing in connection with a fishing  
19 tournament.

20 4. Fails to maintain adequate supervision of a fishing tournament.

21 (b) If a person's application is denied or permit is revoked under par. (a), the department  
22 may not issue a permit to that person for a period of 2 years after the denial or revocation.

1 (6) (a) Any person who conducts a fishing tournament without a permit under this  
2 section, unless the department determines that a permit is not required for the tournament,  
3 shall forfeit not less than \$1,000 and not more than \$2,000.

4 (b) Any person who holds a permit for a fishing tournament and violates this section,  
5 rules promulgated under this section or the conditions of a permit shall forfeit not more than  
6 \$1,000.

7 (c) Any person who participates in a fishing tournament and violates a condition of the  
8 permit that applies to tournament participants shall forfeit not more than \$500.

9 **SECTION 2. Nonstatutory provisions; natural resources.**

10 (1) The department of natural resources shall appoint an advisory committee under  
11 section 227.13 of the statutes for the purpose of advising the department in drafting rules under  
12 section 29.403 of the statutes, as created by this act. The advisory committee shall include  
13 members representing the following groups or interests:

14 (a) Fishing tournament sponsors.

15 (b) The conservation congress.

16 (c) Sport fishing organizations.

17 (d) Users of lakes and streams.

18 (END)



D-Note

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

**ASSEMBLY SUBSTITUTE AMENDMENT ,  
TO 1999 ASSEMBLY BILL 423**

1 **AN ACT** <sup>✓</sup>; **relating to:** regulating fishing tournaments, granting rule-making <sup>✓</sup>  
2 authority and providing penalties.

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

3 **SECTION 1.** 29.024 (2g) (a) 2. of the statutes is amended to read:

4 29.024 (2g) (a) 2. Any permit issued under s. ~~29.38,~~ 29.403, ~~29.521, 29.525,~~  
5 ~~29.53 or 29.578~~ ~~29.537, 29.733, 29.735, 29.736 or 29.871.~~

NOTE: NOTE: The bracketed language indicates the correct cross-references. Corrective legislation is pending. NOTE:

History: 1997 a. 248 ss. 90, 91, 123 to 134, 161; 1997 a. 249 ss. 1, 2; s. 13.93 (1) (b), (2) (c).

6 **SECTION 2.** 29.403 of the statutes is created to read:

7 **29.403 Fishing tournaments.** (1) The department shall promulgate rules  
8 to establish a program to authorize and regulate fishing tournaments. The rules  
9 shall establish the scope and applicability of the program.

1           (2) The department may require a permit under the program to conduct a  
 2 fishing tournament and may impose terms and conditions that apply to a specific  
 3 permit. The department may issue a specific permit under terms and conditions that  
 4 vary from the requirements of the rules promulgated by the department under sub.  
 5 (1).

6           (3) The rules promulgated by the department under sub. (1) may include any  
 7 of the following:

8           (a) *Rules governing the* ~~the~~ circumstances under which a waiver for a permit may be granted under  
 9 s. 29.197. ✓

10           (b) *Rules establishing* Training or educational requirements for persons who seek a permit under  
 11 sub. (2). ✓

12           (c) Rules for controlling crowding, preventing unsafe conditions or preventing  
 13 conflicts among the users of the body of water on which fishing tournaments are held  
 14 or at facilities for public access to those bodies of water, including boat ramps and  
 15 parking lots.

16           (d) Rules relating to the prevention of the waste of a natural resource.

17           (e) Rules relating to the protection of the bodies of water of this state, fish and  
 18 other aquatic resources in those bodies of water.

19           (f) Rules specifying the number of fishing tournaments that may be held on a  
 20 body of water.

21           (g) Rules governing the frequency with which fishing tournaments may be held  
 22 and the dates on which they may be held.

23           (h) Rules specifying the number of days over which fishing tournaments, or  
 24 practices for fishing tournaments, may be held.

25           (i) Rules governing the hours during which fishing tournaments may be held.



1 (j) Rules specifying <sup>the</sup> location of the bodies of water on which fishing  
2 tournaments may be held.

3 (k) Rules specifying <sup>the</sup> species of fish that may be targeted by fishing  
4 tournaments.

5 (L) Rules specifying bag and size limits for fish that are caught at fishing  
6 tournaments.

7 (m) Rules governing the time of year when fishing tournaments may be held.

8 (n) Rules specifying the qualities that the bodies of water on which fishing  
9 tournaments may be held must have.

10 (o) Rules governing the reporting of the results of fishing tournaments.

11 (p) Rules specifying fees for fishing tournament permits and <sup>for</sup> training or  
12 educational programs including rules specifying reduced fees in appropriate  
13 circumstances.

14 ~~(4) Notwithstanding sub. (3), the department may issue a permit under the~~  
15 ~~program established under sub. (1) under terms and conditions that vary from the~~  
16 ~~requirements of the rules promulgated by the department under sub. (1).~~

17 ~~(5)~~ <sup>(4)</sup> Notwithstanding subs. <sup>(2) and</sup> (3) ~~and (4)~~, the department may not, under the  
18 program established under sub. (1), allow a participant in a fishing tournament to  
19 engage in any activity in which the department would not allow an angler who is not  
20 a participant <sup>(5)</sup> to engage at the same time on the same body of water.

21 <sup>(6)</sup> (a) The department shall deny an application for a fishing tournament  
22 permit or suspend or revoke a fishing tournament permit if the permit applicant or  
23 holder does any of the following:

24 1. Makes a material misrepresentation on a permit application.

1           2. Violates this section, a rule promulgated under this section or a term or  
2 condition of a permit.

3           3. Violates this chapter as it relates to fishing in connection with a fishing  
4 tournament.

5           4. Fails to adequately supervise a fishing tournament.

6           (b) If the department denies a person's application for a fishing tournament  
7 permit or if the permit is revoked under par. (a), the department may not issue a  
8 fishing tournament permit to that person for a period of 2 years after the denial or  
9 revocation.

10           (1) Any person who participates in a fishing tournament shall comply with the  
11 terms and conditions imposed by any permit issued for that fishing tournament  
12 under sub. (2).

13           **SECTION 3.** 29.971 (1) (a) of the statutes is amended to read:

14           29.971 (1) (a) For the violation of any requirement of this chapter relating to  
15 fishing or fish dealing, by a forfeiture of not more than \$1,000 except as provided  
16 under pars. (ag), (ar), (b) and (c) and sub. (5m).

History: 1975 c. 365 ss. 45, 50; 1979 c. 34, 150, 175, 190, 355; 1981 c. 20, 236, 243, 391; 1983 a. 27; 1983 a. 80 s. 9; 1983 a. 114 s. 9; 1983 a. 192, 209, 419, 520, 538; 1985 a. 29, 36, 270, 271, 272, 289, 332; 1987 a. 379; 1989 a. 190, 336; 1991 a. 39, 269; 1993 a. 137; 1995 a. 59, 79; 1997 a. 1, 27; 1997 a. 248 ss. 714 to 722; Stats. 1997 s. 29.971; 1997 a. 283 ss. 20 to 23; s. 13.93 (2) (c).

17           **SECTION 4.** 29.971 (1) (ag) of the statutes is created to read:

18           29.971 (1) (ag) For conducting a fishing tournament without a permit as  
19 required by the department, by a forfeiture of not less than \$1,000 nor more than  
20 \$2,000.

21           **SECTION 5.** 29.971 (1) (ar) of the statutes is created to read:

22           29.971 (1) (ar) For participating in a fishing tournament and failing to comply  
23 with a term or condition imposed by a permit issued for that fishing tournament  
24 under s. 29.403, by a forfeiture of not more than \$500.

1           **SECTION 6. Nonstatutory provisions.**

2           ✓(1) The department of natural resources shall appoint an advisory committee  
3 under section 227.13 ✓ of the statutes for the purpose of advising the department in  
4 promulgating rules under section 29.403 ✓ of the statutes, as created ✓ by this act. The  
5 advisory committee shall include members representing the following groups or  
6 interests:

- 7           (a) Fishing tournament sponsors.
- 8           (b) The conservation congress. ✓
- 9           (c) Sport fishing organizations.
- 10          (d) Users of lakes and streams in this state.

11

(END)

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

LRBs0233/Adm  
RNK.....

11  
9/15

1. In accordance with the draft language provided with the instructions for this draft, this draft identifies the types of rules that the department of natural resources may promulgate concerning fishing tournaments. There is always a risk, when setting out a list of possible rules such as the one in this draft, that this language could be interpreted to imply that these are the only rules that the department may promulgate concerning fishing tournaments. For this reason, you may wish to consider having this draft redrafted so that the language simply gives the department general authority to promulgate rules regulating fishing tournaments. This would give the department authority to promulgate the kinds of rules identified in the draft but would not limit the department to the promulgation of rules regulating only certain conduct or activities.

2. As with <sup>fishing tournament</sup> other applicants for approvals issued by DNR, under this draft, an applicant for a ~~permit for a fishing approval~~ must provide his or her social security number under s. 29.024 (2g) for the purpose of determining if the applicant is delinquent in making child support payments. The draft does not require, however, that the applicant provide a social security number or federal employer identification number as is required for certain approvals under s. 29.024 (2r) for the purpose of determining if the applicant is liable for delinquent taxes. If you intended to include this requirement for applicants for fishing tournament permits, please let me know and I will re-draft accordingly.

3. The draft language provided for this proposal included a penalty of, among others, a forfeiture of not more than \$1,000 for violating the fishing tournament statutes or rules or the conditions of a particular permit. Because s. 29.971 (1) (a) provides for such a forfeiture for a violation of any requirement of ch. 29 relating to fishing or fish dealing, I did not draft separate language for this penalty.

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**

LRBs0233/1dn  
RNK:cjs:km

January 14, 2000

1. In accordance with the draft language provided with the instructions for this draft, this draft identifies the types of rules that the department of natural resources may promulgate concerning fishing tournaments. There is always a risk, when setting out a list of possible rules such as the one in this draft, that this language could be interpreted to imply that these are the only rules that the department may promulgate concerning fishing tournaments. For this reason, you may wish to consider having this draft redrafted so that the language simply gives the department general authority to promulgate rules regulating fishing tournaments. This would give the department authority to promulgate the kinds of rules identified in the draft but would not limit the department to the promulgation of rules regulating only certain conduct or activities.

2. As with other applicants for approvals issued by DNR, under this draft, an applicant for a fishing tournament permit must provide his or her social security number under s. 29.024 (2g) for the purpose of determining if the applicant is delinquent in making child support payments. The draft does not require, however, that the applicant provide a social security number or federal employer identification number as is required for certain approvals under s. 29.024 (2r) for the purpose of determining if the applicant is liable for delinquent taxes. If you intended to include this requirement for applicants for fishing tournament permits, please let me know and I will re-draft accordingly.

3. The draft language provided for this proposal included a penalty of, among others, a forfeiture of not more than \$1,000 for violating the fishing tournament statutes or rules or the conditions of a particular permit. Because s. 29.971 (1) (a) provides for such a forfeiture for a violation of any requirement of ch. 29 relating to fishing or fish dealing, I did not draft separate language for this penalty.

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