

**2001 DRAFTING REQUEST**

**Bill**

Received: **05/25/2001**

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:

Addl. Drafters:

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

Extra Copies:

Submit via email: **NO**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Regulating 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>
/?	rkite 09/05/2001	hhagen 10/08/2001		_____			S&L
/1			kfollet 10/10/2001	_____	lrb_docadmin 10/10/2001	lrb_docadmin 12/12/2001	

FE Sent For:

<END>

↳ At Intro.

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*Jacketed S&L  
per  
RPN  
for  
Assembly*

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1/?	rkite	11 hmk 10/8/01	Kyl 10/10	Kjf/pg 10/10			

FE Sent For:

<END>

MCG  
2

**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: Johnson

Date: 5/24 Person submitting request (name, phone number): Scott Lomans  
Andrew Kopp (6-3534)

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

**Describe the problem, including any helpful examples.**  
**How do you want to solve the problem?**

Would like to re-introduce <sup>1999</sup> AB 423 as it passed in the Assembly.

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.

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): 1999

**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?   If yes, sign your name here:  
Yes No

OLD DRAFT DUE 10-12

Rm met run

3363/1

1999 - 2000 LEGISLATURE

LRB: 02/3/11

RNK: *hmk*

*D-Note*

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1999 ASSEMBLY BILL 423**

*Bill*

January 19, 2000 - Offered by COMMITTEE ON NATURAL RESOURCES.

*Regenerate*

1 AN ACT *to amend* 29.024 (2g) (a) 2. and 29.971 (1) (a); and *to create* 29.403,  
2 29.971 (1) (ag) and 29.971 (1) (ar) of the statutes; **relating to:** regulating  
3 fishing tournaments, granting rule-making authority, and providing penalties.

*Insert Anal.* →

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

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

5 29.024 (2g) (a) 2. Any permit issued under s. ~~29.38, 29.521, 29.525, 29.53 or~~  
6 ~~29.403,~~ 29.403, 29.537, 29.733, 29.735, 29.736 or 29.871. *plain*

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

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

11 (2) The department may require a permit under the program to conduct a  
12 fishing tournament and may impose terms and conditions that apply to a specific

1 permit. The department may issue a specific permit under terms and conditions that  
2 vary from the requirements of the rules promulgated by the department under sub.  
3 (1).

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

6 (a) Rules governing the circumstances under which a waiver for a permit may  
7 be granted under s. 29.197.

8 (b) Rules establishing training or educational requirements for persons who  
9 seek a permit under sub. (2).

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

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

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

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

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

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

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

24 (j) Rules specifying the location of the bodies of water on which fishing  
25 tournaments may be held.

1 (k) Rules specifying the species of fish that may be targeted by fishing  
2 tournaments.

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

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

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

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

9 (p) Rules specifying fees for fishing tournament permits and for training or  
10 educational programs including rules specifying reduced fees in appropriate  
11 circumstances.

12 (4) Notwithstanding subs. (2) and (3), the department may not, under the  
13 program established under sub. (1), allow a participant in a fishing tournament to  
14 engage in any activity in which the department would not allow an angler who is not  
15 a participant to engage at the same time on the same body of water.

16 (5) (a) The department shall deny an application for a fishing tournament  
17 permit or suspend or revoke a fishing tournament permit if the permit applicant or  
18 holder does any of the following:

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

(20) 2. Violates this section, a rule promulgated under this section or a term or  
21 condition of a permit.

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

24 4. Fails to adequately supervise a fishing tournament.

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

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

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

8 29.971 (1) (a) For the violation of any requirement of this chapter relating to  
9 fishing or fish dealing, by a forfeiture of not more than \$1,000 except as provided  
10 under pars. (ag), (ar), (b) and (c) and sub. (5m).

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

12 29.971 (1) (ag) For conducting a fishing tournament without a permit as  
13 required by the department, by a forfeiture of not less than \$1,000 nor more than  
14 \$2,000.  
15

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

17 29.971 (1) (ar) For participating in a fishing tournament and failing to comply  
18 with a term or condition imposed by a permit issued for that fishing tournament  
19 under s. 29.403, by a forfeiture of not more than \$500.

20 **SECTION 6. Nonstatutory provisions.**

21 (1) The department of natural resources shall appoint an advisory committee  
22 under section 227.13 of the statutes for the purpose of advising the department in  
23 promulgating rules under section 29.403 of the statutes, as created by this act. The  
24 advisory committee shall include members representing the following groups or  
25 interests:

Insert  
4-7





**ASSEMBLY AMENDMENT 1,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1999 ASSEMBLY BILL 423**

March 9, 2000 - Offered by Representatives ALBERS and JOHNSRUD.

Insert 4-7

At the locations indicated, amend the substitute amendment as follows:

1. Page 4, line 7. after that line insert:

(7) This section does not apply to any fishing tournament that is conducted on a body of water where persons who are normally required to have fishing approvals are exempt from having such approvals.

END

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

LRB-3363/1dn

RNK *mark*

DATE

This is a redraft of 1999 Assembly Bill 423 as it passed the assembly last session. As with last session's proposal, 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.

If you have any other questions concerning this draft, please feel free to contact me.

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

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3363/1  
RNK:.....

*Insert Anal.*

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***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. Under the bill, DNR is authorized to require a person to obtain a permit to conduct a fishing tournament. The bill specifies certain rules that DNR may promulgate regulating fishing tournaments including rules that specify the circumstances under which a waiver for a permit may be granted, rules establishing training requirements for persons who seek a permit, and rules specifying the location of the bodies of water on which fishing tournaments may be held. The bill provides that DNR may not allow a fishing tournament participant to engage in an activity if it would not allow an angler who is not a tournament participant to engage in that activity. The bill requires DNR to deny an application for a fishing tournament permit or suspend or revoke such a permit if the applicant engages in certain conduct such as making a misrepresentation on a permit application or failing to adequately supervise a fishing tournament. The bill requires DNR to appoint an advisory committee to advise DNR in promulgating rules regulating fishing tournaments.

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

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

LRB-3363/1dn  
RNK:hmh:kjf

October 10, 2001

This is a redraft of 1999 Assembly Bill 423 as it passed the assembly last session. As with last session's proposal, 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.

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