

2003 Assembly Bill 623

Date of enactment: **April 13, 2004**
Date of publication*: **April 27, 2004**

2003 WISCONSIN ACT 249

AN ACT *to amend* 29.024 (2g) (a) 2. and 29.971 (1) (a); and *to create* 29.403, 29.4035, 29.971 (1) (ag) and 29.971 (1) (ar) of the statutes; **relating to:** regulating fishing tournaments, granting rule-making authority, and providing penalties.

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

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

29.024 (2g) (a) 2. Any permit issued under s. 29.403, 29.537, 29.733, 29.735, or 29.736.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

* Section 991.11, WISCONSIN STATUTES 2001-02 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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

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

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

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

(4) Notwithstanding subs. (2) and (3), the department may not, under the program established under sub. (1), allow a participant in a fishing tournament to engage in any activity in which the department would not allow an angler who is not a participant to engage at the same time on the same body of water. This subsection does not apply to participants in a bass fishing tournament for which a permit has been issued under s. 29.4035.

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

1. Makes a material misrepresentation on a permit application.

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

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

4. Fails to adequately supervise a fishing tournament.

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

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

(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.

SECTION 2m. 29.4035 of the statutes is created to read:

29.4035 Bass fishing tournament pilot program.

(1) In this section, "live well" means a container that is used to hold live fish and that meets standards established by the department by rule.

(2) The department shall establish a bass fishing tournament pilot program under which the department shall issue 4 permits per year. The department shall issue at least one permit per year under this section for a bass fishing tournament that authorizes participants to fish for, and cull, both largemouth and smallmouth bass. The remaining permits issued under this section shall autho-

rize participants to fish for both largemouth bass and smallmouth bass, but to cull only largemouth bass. The department shall confer with the advisory board appointed under 2003 Wisconsin Act (this act), section 6, to determine who shall be issued a permit under this section.

(3) Notwithstanding s. 29.055, a permit issued under this section authorizes a person to conduct a bass fishing tournament in which participants may take bass in excess of the daily bag limit if all of the following apply:

(a) Each boat in the tournament is equipped with a live well.

(b) A participant either immediately releases the bass into the water from which it was taken or holds the bass in a live well.

(c) The bass held in a live well by a participant at any one time does not exceed the daily bag limit.

(d) Each bass when released by a participant into the water from which it was taken is able to swim away in a healthy condition.

(4) The department, in cooperation with the Wisconsin Bass Federation, shall conduct research and collect data for the purpose of evaluating the pilot program under this section. The department shall report its findings to the appropriate standing committees of the legislature under s. 13.172 (3) on or before December 31, 2006.

(5) This section does not apply after December 31, 2006.

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

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

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

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

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

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

SECTION 6. Nonstatutory provisions.

(1) The department of natural resources shall appoint an advisory committee for the purpose of advising the department in promulgating rules under section 29.403 of the statutes, as created by this act, and for the purpose of advising the department in determining to whom the department shall issue permits under section 29.4035 of the statutes, as created by this act. The advisory committee shall include members representing the following groups or interests:

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- (a) Fishing tournament sponsors.
- (b) The conservation congress.

- (c) Sport fishing organizations.
 - (d) Users of lakes and streams in this state.
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