

2003 ASSEMBLY BILL 623

October 27, 2003 – Introduced by Representatives JOHNSRUD, OTT, ALBERS, HINES, LEMAHIEU, AINSWORTH, HAHN and SCHNEIDER, cosponsored by Senators SCHULTZ and M. MEYER. Referred to Committee on Natural Resources.

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
4 penalties.

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 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 specifying 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.

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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:

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

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

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

5 **29.403 Fishing tournaments. (1)** The department shall promulgate rules
6 to establish a program to authorize and regulate fishing tournaments. The rules
7 shall establish the scope and applicability of the program.

8 **(2)** The department may require a permit under the program to conduct a
9 fishing tournament and may impose terms and conditions that apply to a specific
10 permit. The department may issue a specific permit under terms and conditions that
11 vary from the requirements of the rules promulgated by the department under sub.
12 (1).

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

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

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

19 (c) Rules for controlling crowding, preventing unsafe conditions, or preventing
20 conflicts among the users of the body of water on which fishing tournaments are held

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1 or at facilities for public access to those bodies of water, including boat ramps and
2 parking lots.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 4. Fails to adequately supervise a fishing tournament.

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

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

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

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

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

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

5 29.971 (1) (ag) For conducting a fishing tournament without a permit as
6 required by the department, by a forfeiture of not less than \$1,000 nor more than
7 \$2,000.

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

9 29.971 (1) (ar) For participating in a fishing tournament and failing to comply
10 with a term or condition imposed by a permit issued for that fishing tournament
11 under s. 29.403, by a forfeiture of not more than \$500.

12 **SECTION 6. Nonstatutory provisions.**

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

18 (a) Fishing tournament sponsors.

19 (b) The conservation congress.

20 (c) Sport fishing organizations.

21 (d) Users of lakes and streams in this state.

22 (END)