

2003 SENATE BILL 118

April 16, 2003 – Introduced by Senators SCHULTZ, JAUCH, HANSEN and BRESKE, cosponsored by Representatives GRONEMUS, FREESE, MUSSER, KESTELL, AINSWORTH, J. WOOD, SUDER, LOEFFELHOLZ, VAN ROY, ALBERS, PETTIS, HAHN, OTT and GUNDERSON. Referred to Committee on Agriculture, Financial Institutions and Insurance.

1 **AN ACT** *to amend* 59.25 (3) (f) 2. and 59.40 (2) (m); and *to create* 20.115 (2) (i),
2 95.62 and 814.63 (3) (h) of the statutes; **relating to:** bringing bait or
3 farm-raised fish into this state, selling farm-raised fish or bait in this state,
4 granting rule-making authority, making an appropriation, and providing a
5 penalty.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources (DNR) issues bait dealer licenses that authorize persons to sell minnows, frogs, and crayfish for fishing purposes. The Department of Agriculture, Trade and Consumer Protection (DATCP) issues registrations to persons operating fish farms. A person may not bring fish or fish eggs into this state for the purpose of introduction into the waters of the state, of use as bait, or of rearing in a fish farm unless the person has an annual permit issued by DATCP. A person may not bring fish or fish eggs of a species that is not native to this state into this state for those purposes without a permit from DNR.

Under this bill, if the laws of another jurisdiction prohibit a bait dealer licensed by DNR or a fish farmer registered by DATCP from bringing a type of bait into that jurisdiction from this state for sale for fishing purposes or prohibit a person from using for fishing purposes in that jurisdiction a type of bait obtained from a registered fish farmer or licensed bait dealer, then bait dealers and fish farmers from that jurisdiction may not bring that type of bait into Wisconsin for sale for fishing purposes and no person may bring into Wisconsin for fishing purposes that type of bait obtained from a bait dealer or fish farmer from that jurisdiction.

SENATE BILL 118

Also under this bill, if another jurisdiction imposes restrictions on bait dealers licensed by DNR or fish farmers registered by DATCP as a condition of transporting or selling bait or farm-raised fish in that jurisdiction that differ from the requirements that this state imposes on bringing fish or fish eggs into this state, then DATCP may promulgate rules imposing similar requirements on that jurisdiction's bait dealers and fish farmers as a condition of transporting or selling bait or farm-raised fish in this state.

A person who violates a prohibition or requirement established under this bill is subject to a forfeiture (a civil penalty) of not more than \$1,000 and an assessment equal to 50% of the forfeiture. The assessment is appropriated to DATCP for fish health activities.

For further information see the *state* 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.** 20.115 (2) (i) of the statutes is created to read:

2 20.115 **(2)** (i) *Fish health activities.* All moneys received from the bait and fish
3 reciprocity assessment under s. 95.62 (5) for activities related to fish health.

4 **SECTION 2.** 59.25 (3) (f) 2. of the statutes is amended to read:

5 59.25 **(3)** (f) 2. For all court imposed fines and forfeitures required by law to be
6 deposited in the state treasury, the amounts required by s. 757.05 for the penalty
7 assessment surcharge, the amounts required by s. 165.755 for the crime laboratories
8 and drug law enforcement assessment, the amounts required by s. 167.31 (5) for the
9 weapons assessment, the amounts required by s. 973.045 for the crime victim and
10 witness assistance surcharge, the amounts required by s. 938.34 (8d) for the
11 delinquency victim and witness assistance surcharge, the amounts required by s.
12 973.046 for the deoxyribonucleic acid analysis surcharge, the amounts required by
13 s. 961.41 (5) for the drug abuse program improvement surcharge, the amounts
14 required by s. 100.261 for the consumer protection assessment, the amounts
15 authorized by s. 971.37 (1m) (c) 1. or required by s. 973.055 (1) for the domestic abuse

SENATE BILL 118

1 assessment, the amounts required by s. 253.06 (4) (c) for the enforcement assessment
2 under the supplemental food program for women, infants and children, the amounts
3 required by s. 349.04 for the truck driver education assessment, the amounts
4 required by ss. 346.177, 346.495 and 346.65 (4r) for the railroad crossing
5 improvement assessment, the amounts required by s. 346.655 (2) (a) and (b) for the
6 driver improvement surcharge, the amounts required by s. 102.85 (4) for the
7 uninsured employer assessment, the amounts required by s. 299.93 for the
8 environmental assessment, the amounts required by s. 29.983 for the wild animal
9 protection assessment, the amounts required by ss. 29.987 and 169.46 (1) for the
10 natural resources assessment surcharge, the amounts required by s. 29.985 for the
11 fishing shelter removal assessment, the amounts required by s. 350.115 for the
12 snowmobile registration restitution payment, the amounts required by s. 95.62 (5)
13 for the bait and fish reciprocity assessment, and the amounts required by ss. 29.989
14 and 169.46 (2) for natural resources restitution payments, transmit to the state
15 treasurer a statement of all moneys required by law to be paid on the actions entered
16 during the preceding month on or before the first day of the next succeeding month,
17 certified by the county treasurer's personal signature affixed or attached thereto,
18 and at the same time pay to the state treasurer the amount thereof.

19 **SECTION 3.** 59.40 (2) (m) of the statutes is amended to read:

20 59.40 (2) (m) Pay monthly to the treasurer for the use of the state the state's
21 percentage of the fees required to be paid on each civil action, criminal action and
22 special proceeding filed during the preceding month and pay monthly to the
23 treasurer for the use of the state the percentage of court imposed fines and forfeitures
24 required by law to be deposited in the state treasury, the amounts required by s.
25 757.05 for the penalty assessment surcharge, the amounts required by s. 165.755 for

SENATE BILL 118**SECTION 3**

1 the crime laboratories and drug law enforcement assessment, the amounts required
2 by s. 167.31 (5) for the weapons assessment, the amounts required by s. 973.045 for
3 the crime victim and witness assistance surcharge, the amounts required by s.
4 938.34 (8d) for the delinquency victim and witness assistance surcharge, the
5 amounts required by s. 973.046 for the deoxyribonucleic acid analysis surcharge, the
6 amounts required by s. 961.41 (5) for the drug abuse program improvement
7 surcharge, the amounts required by s. 100.261 for the consumer protection
8 assessment, the amounts authorized by s. 971.37 (1m) (c) 1. or required by s. 973.055
9 for the domestic abuse assessment surcharge, the amounts required by s. 253.06 (4)
10 (c) for the enforcement assessment under the supplemental food program for women,
11 infants and children, the amounts required by s. 349.04 for the truck driver
12 education assessment, the amounts required by ss. 346.177, 346.495 and 346.65 (4r)
13 for the railroad crossing improvement assessment, the amounts required by s.
14 346.655 for the driver improvement surcharge, the amounts required by s. 102.85 (4)
15 for the uninsured employer assessment, the amounts required by s. 299.93 for the
16 environmental assessment, the amounts required under s. 29.983 for the wild
17 animal protection assessment, the amounts required under ss. 29.987 (1) (d) and
18 169.46 (1) (d) for the natural resources assessment surcharge, the amounts required
19 by s. 29.985 for the fishing shelter removal assessment, the amounts required by s.
20 350.115 for the snowmobile registration restitution payment, the amounts required
21 by s. 95.62 (5) for the bait and fish reciprocity assessment, and the amounts required
22 under ss. 29.989 (1) (d) and 169.46 (2) (d) for the natural resources restitution
23 payments. The payments shall be made by the 15th day of the month following
24 receipt thereof.

25 **SECTION 4.** 95.62 of the statutes is created to read:

SENATE BILL 118

1 **95.62 Bait and fish reciprocity. (1) DEFINITIONS.** In this section:

2 (a) “Bait” means any species of minnow, rough fish, frog, crayfish, shrimp,
3 worm, grub, leech, or insect or insect larva, whether alive or dead.

4 (b) “Licensed bait dealer” means a person licensed under s. 29.509.

5 (c) “Minnow” has the meaning given in s. 29.001 (54).

6 (d) “Registered fish farmer” means a person registered under s. 95.60 (3m).

7 (e) “Rough fish” has the meaning given in s. 29.001 (74).

8 **(2) PROHIBITION.** If the laws of another jurisdiction prohibit a registered fish
9 farmer or licensed bait dealer from bringing a type of bait into that jurisdiction from
10 this state for sale for fishing purposes or prohibit a person from using for fishing
11 purposes in that jurisdiction a type of bait obtained from a registered fish farmer or
12 licensed bait dealer, no person authorized by that jurisdiction to raise or sell bait may
13 bring that type of bait into this state for sale for fishing purposes and no person may
14 bring into this state for fishing purposes that type of bait obtained from a person
15 authorized by that jurisdiction to raise or sell bait.

16 **(3) RULES.** If the laws of another jurisdiction require a registered fish farmer
17 or licensed bait dealer to post securities or impose other requirements that differ
18 from those in s. 29.735 (1) or 95.60 (2) (a) as a condition of transporting or selling bait
19 or farm-raised fish in that jurisdiction, the department may promulgate rules
20 imposing similar requirements on a person authorized by that jurisdiction to raise
21 or sell bait or farm-raised fish as a condition of transporting or selling bait or
22 farm-raised fish in this state.

23 **(4) PENALTY.** Any person who violates this section may be required to forfeit not
24 more than \$1,000.

