

2003 DRAFTING REQUEST

Bill

Received: **09/26/2003**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Judith Robson (608) 266-2253**

By/Representing: **Justin Sargent**

This file may be shown to any legislator: **NO**

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Robson@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Prohibiting the possession of certain exotic fish

Instructions:

See Attached

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 10/03/2003			_____			S&L
/1	rnelson2 10/03/2003	kgilfoy 10/10/2003	rschlue 10/10/2003	_____	sbasford 10/10/2003		S&L
/2	rnelson2	kgilfoy	rschlue	_____	Inorthro		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	10/17/2003	10/21/2003	10/23/2003	_____	10/23/2003		
/3	rnelson2 11/07/2003	kgilfoy 11/12/2003	chaugen 11/13/2003	_____	lemery 11/13/2003		S&L
/4	rnelson2 12/11/2003	kgilfoy 12/11/2003	jfrantze 12/12/2003	_____	mbarman 12/12/2003		S&L
/5	rnelson2 12/12/2003	kgilfoy 12/12/2003	pgreensl 12/12/2003	_____	mbarman 12/12/2003	lnorthro 01/08/2004	S&L

FE Sent For:

<END>

At
intro.

2003 DRAFTING REQUEST

Bill

Received: **09/26/2003**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Judith Robson (608) 266-2253**

By/Representing: **Justin Sargent**

This file may be shown to any legislator: **NO**

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Robson@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Prohibiting the possession of certain exotic fish

Instructions:

See Attached

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 10/03/2003			_____			S&L
/1	rnelson2 10/03/2003	kgilfoy 10/10/2003	rschluet 10/10/2003	_____	sbasford 10/10/2003		S&L
/2	rnelson2	kgilfoy	rschluet	_____	Inorthro		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	10/17/2003	10/21/2003	10/23/2003	_____	10/23/2003		
/3	rnelson2 11/07/2003	kgilfoy 11/12/2003	chaugen 11/13/2003	_____	lemery 11/13/2003		S&L
/4	rnelson2 12/11/2003	kgilfoy 12/11/2003	jfrantze 12/12/2003	_____	mbarman 12/12/2003		S&L
/5	rnelson2 12/12/2003	kgilfoy 12/12/2003	pgreensl 12/12/2003	_____	mbarman 12/12/2003		S&L

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: 09/26/2003

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: Judith Robson (608) 266-2253

By/Representing: Justin Sargent

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Nat. Res. - fish and game

Extra Copies:

Submit via email: YES

Requester's email: Sen.Robson@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Prohibiting the possession of certain exotic fish

Instructions:

See Attached

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 10/03/2003			_____			S&L
/1	rnelson2 10/03/2003	kgilfoy 10/10/2003	rschluet 10/10/2003	_____	sbasford 10/10/2003		S&L
/2	rnelson2	kgilfoy 15-12/12 Kmg	rschluet 1/12 pb	_____	Inorthro		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	10/17/2003	10/21/2003	10/23/2003	_____	10/23/2003		
/3	rnelson2 11/07/2003	kgilfoy 11/12/2003	chaugen 11/13/2003	_____	lemery 11/13/2003		S&L
/4	rnelson2 12/11/2003	kgilfoy 12/11/2003	jfrantze 12/12/2003	_____	mbarman 12/12/2003		S&L

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: **09/26/2003**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Judith Robson (608) 266-2253**

By/Representing: **Justin Sargent**

This file may be shown to any legislator: **NO**

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Robson@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Prohibiting the possession of certain exotic fish

Instructions:

See Attached

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 10/03/2003			_____			S&L
/1	rnelson2 10/03/2003	kgilfoy 10/10/2003	rschluet 10/10/2003	_____	sbasford 10/10/2003		S&L
/2	rnelson2	kgilfoy	rschluet	_____	Inorthro		S&L
		<i>14-12/11 Kmg</i>	<i>J 12/12</i>	<i>J Pg 12/12</i>			

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	10/17/2003	10/21/2003	10/23/2003 _____		10/23/2003		
/3	rnelson2 11/07/2003	kgilfoy 11/12/2003	chaugen 11/13/2003 _____		lemery 11/13/2003		S&L

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: **09/26/2003**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Judith Robson (608) 266-2253**

By/Representing: **Justin Sargent**

This file may be shown to any legislator: **NO**

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Robson@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Prohibiting the possession of certain exotic fish

Instructions:

See Attached

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 10/03/2003			_____			S&L
/1	rnelson2 10/03/2003	kgilfoy 10/10/2003	rschluet 10/10/2003	_____	sbasford 10/10/2003		S&L
/2	rnelson2	kgilfoy 1/3 - 1/12 img	rschluet 11-13	_____	Inorthro		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	10/17/2003	10/21/2003	10/23/2003 _____		10/23/2003		

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: 09/26/2003

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: Judith Robson (608) 266-2253

By/Representing: Justin Sargent

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Nat. Res. - fish and game

Extra Copies:

Submit via email: YES

Requester's email: Sen.Robson@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Prohibiting the possession of certain exotic fish

Instructions:

See Attached

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 10/03/2003			_____			S&L
/1	rnelson2 10/03/2003	kgilfoy 10/10/2003	rschluet 10/10/2003	_____	sbasford 10/10/2003		S&L

FE Sent For:

12-10/21
kmg

[Handwritten signature]
END>

2003 DRAFTING REQUEST

Bill

Received: 09/26/2003

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: Judith Robson (608) 266-2253

By/Representing: Justin Sargent

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: YES

Requester's email: Sen.Robson@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Prohibiting the possession of certain exotic fish

Instructions:

See Attached

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>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

1?	rkite	11-10/16 EMG					
----	-------	-----------------	---	---	--	--	--

JF

FE Sent For:

10-16-03
END

9-26-03

Called Justin Sargent in Robson's office to ask if he want to give DNR broad authority & then have them promulgate a rule or ~~is~~ if he wanted the statute to specify the different species of fish

He wants to give the DNR the authority to promulgate a rule but is concerned that DNR ~~may~~ rules may be so broad as to cover, e.g., goldfish

Authorized me to talk to Mike Stagg at DNR Bureau of Fisheries

Also, he thinks Rep. Richards will be interested in this bill so I ~~can't~~ am authorized to talk to Richards office about the draft

Justin called back

Decided that he wants to list the prohibited species in the draft but give DNR authority to add to list by rule

but before ~~is~~ proceeding, DNR must first get approval from both standing committees for natural resources -

Justin will get back to me re: penalties and enforcement

get list from Mike Stagg at DNR

Kite, Robin

From: Sargent, Justin
Sent: Wednesday, September 24, 2003 4:07 PM
To: Kite, Robin
Cc: Staggs, Mike D; Flury, Kelley
Subject: FW: Exotic Species Legislation Info

Robin,

Senator Robson is interested in this and we have been discussing this issue with the DNR. Senator Robson would like to propose something similar to the Illinois rules. I'm sure that you'll have a ton of questions. Please call when your in.

- Justin

-----Original Message-----

From: Staggs, Mike D
Sent: Wednesday, September 24, 2003 3:16 PM
To: Sargent, Justin
Cc: Ambs, Todd L; Heinen, Paul H; Hewett, Steve W; Hughes, Will DATCP; Kebus, Myron J DATCP; 'Johnson, Ron (WAA)'; 'Gollon, Dave Jr. (WAA)'; 'Robinson, Dave (WFBDA)'
Subject: Exotic Species Legislation Info

Justin: Per our phone discussion, here are some files containing background information on the fish we found in the Rock R and snakeheads in general. From the DNR perspective, we are also concerned about other invasive exotic species that can survive and create problems in Wisconsin waters. Asian carp (grass, silver, bighead and black carps) are a good example. After studying issues like creating public understanding and enforceability, many other states have concluded that the best approach is simply to ban possession and transport of live specimens of potentially harmful exotic species and their hybrids. The list of species could be included in the legislation or if more flexibility to handle future discoveries of new species is needed, it could be promulgated and maintained as an administrative rule by an agency. At a minimum we would include the temperate snakeheads (e.g. northern snakehead), Asian carps, ruffe, gobies, zebra mussels and other European and Asiatic temperate mollusks, rusty crayfish, rainbow smelt, and alewife. Most states also allow permitting in selected situations (e.g. scientific research) which I assume would be OK here. Please note that we here in DNR have been discussing this over the past year with folks in DATCP and the aquaculture and bait industry and they may have some other ideas about what should be on the list as we have not gotten that specific in our discussions to date. The DATCP contacts are Will Hughes (224-5142) and Dr. Myron Kebus (224-4876). The president of the Wisconsin Aquaculture Association is Ron Johnson of Iron River (715-372-4219) and the chairman is Dave Gollon Jr. (608-935-2098). The president of the Wisconsin Fish and Bait Dealers Association is Dave Robinson (262-279-6888). Those folks would be key players in developing a proposal with aquaculture and bait industry buy-in.

Here are links to similar rules in other states:

Illinois:

<http://www.legis.state.il.us/commission/jcar/admincode/017/01700805sections.html>

Michigan:

<http://www.michiganlegislature.org/mileg.asp?page=getObject&objName=2003-SB-0214>

Indiana:

<http://www.in.gov/legislative/register/Vol26/04Jan/06E312020330.PDF>

<http://www.in.gov/legislative/register/Vol26/12Sep/02F312020318.PDF>

Here are some documents relating to the Rock River snakehead:



giant_snakehead.p
df



snakehead_brief.pd
f



Bowfin.jpg



Giant
Snakehead.jpg



snakehead.doc

Please let me know how I can be of further assistance. Thanks.

Michael D. Staggs
Bureau of Fisheries Management and Habitat Protection
PO Box 7921
Madison, WI 53707
608-267-0796
608-266-2244 (FAX)
mike.staggs@dnr.state.wi.us



9004 (10)31
State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-3381/PA
RPN&RNK:.....

D-Note

King

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

1 AN ACT ^{Sen. Cost.} relating to: regulating the possession of certain invasive aquatic
2 species and granting rule-making authority. exotic

^{exotic}
Analysis by the Legislative Reference Bureau

This bill prohibits any person from possessing, controlling, storing, or transporting certain invasive aquatic species, including alewife, Asian carp, Asiatic or European temperate mollusks, northern snakeheads, and zebra mussels. The bill gives the department of natural resources authority to add other invasive exotic aquatic species to that list by rule and the authority to allow the possession, control, storage, or transportation of these species for scientific research.

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:

3 SECTION 1. 29.426 of the statutes is created to read: ^{aquatic}
4 29.426 Possession of certain invasive ^g exotic species of fish. (1) Except
5 as provided in sub. (3), no person may possess, control, store, or transport any of the
6 following invasive exotic aquatic species or their viable eggs or offspring:

SECTION 1

- 1 (a) Alewife.
- 2 (b) Asian carp, including bighead, black, grass, and silver carp.
- 3 (c) Asiatic or European temperate mollusks.
- 4 (d) Gobies.
- 5 (e) Northern snakeheads.
- 6 (f) Rainbow smelt.
- 7 (g) Ruffe.
- 8 (h) Rusty crayfish.
- 9 (i) Zebra mussels.

10 (2) The department may designate by rule other invasive exotic aquatic species
11 that no person may possess, control, store, or transport.

12 (3) A person may possess, control, store, or transport an aquatic (invasive
13 species listed under sub. (1) or its viable eggs or offspring or an aquatic (invasive
14 species designated under sub. (2) for scientific research if permitted by the
15 department.

16 (END)

Handwritten annotations: "exotic" written twice, once under "invasive" in line 12 and once under "invasive" in line 13, with a large circle around the word "exotic" in line 13.

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

LRB-3381/Pdn
RPN&RNK:.....

King

The listing in this draft is based on the list submitted by Mike Staggs of DNR. He also suggested allowing scientific research. OK?

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.state.wi.us

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

LRB-3381/1dn
RPN:kmg:rs

October 10, 2003

The listing in this draft is based on the list submitted by Mike Staggs of DNR. He also suggested allowing scientific research. OK?

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.state.wi.us

these other uses..

We also had talked about being able to add to the list by administrative rules.

Thanks!

Steve

Steven W. Hewett
Fisheries Policy and Operations Section Chief
Wisconsin Department of Natural Resources
Madison, WI
(608) 267-7501
steve.hewett@dnr.state.wi.us



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-3381/1
RPN&RNK:kmg:rs

2003 BILL

1 AN ACT *to create* 29.426 of the statutes; **relating to:** regulating the possession
2 of certain invasive exotic aquatic species and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill prohibits any person from possessing, controlling, storing, or transporting certain invasive exotic aquatic species, including alewife, Asian carp, Asiatic or European temperate mollusks, northern snakeheads, and zebra mussels. The bill gives the Department of Natural Resources authority to add other invasive exotic aquatic species to that list by rule and the authority to allow the possession, control, storage, or transportation of these species for scientific research.

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:

3 SECTION 1. 29.426 of the statutes is created to read:

4 **29.426 Possession of certain invasive exotic aquatic species of fish.** (1)

5 Except as provided in sub. (3), no person may possess, control, store, or transport any
6 of the following ^{local} invasive ^{nonnative} exotic aquatic species or their viable eggs or offspring:
offer for sale,

BILL

- 1 (a) Alewife.
- 2 (b) Asian carp, including bighead, black, grass, and silver carp.
- 3 (c) Asiatic or European temperate mollusks.
- 4 (d) Gobies.
- 5 (e) Northern snakeheads.
- 6 (f) Rainbow smelt.
- 7 (g) Ruffe.
- 8 ~~(h) Rusty crayfish.~~
- 9 (i) Zebra mussels.

10 (2) The department may designate by rule other ^{live}invasive ~~exotic~~ ^{nonnative} aquatic species
 11 that no person may possess, control, store, or transport.

12 (3) A person may possess, control, store, or transport an invasive ^{nonnative} ~~exotic~~ aquatic
 13 species listed under sub. (1) or its viable eggs or offspring or an invasive exotic
 14 aquatic species designated under sub. (2) for scientific research if permitted by the
 15 department.

(END)

Penalty \$ 500 - \$ 5000 Forfeiture

Exception for public museums, research, exhibits

Inspections

Nelson, Robert P.

From: Lovell, David
Sent: Thursday, October 16, 2003 9:05 AM
To: Nelson, Robert P.
Subject: FW: inspection authority

David L. Lovell, Senior Analyst
Wisconsin Legislative Council Staff
608/266-1537

-----Original Message-----

From: Flaherty, Peter D
Sent: Thursday, October 02, 2003 4:21 PM
To: Lovell, David
Cc: Andryk, Tim A
Subject: inspection authority

David - here is something I drafted recently for a DNR proposal to update the bait dealers statute. You may be able to modify it to suit the exotic/invasives bill, perhaps also adding express authority to seize and dispose of banned plants or critters:

Inspection and sampling. Language is added to specify the department's inspection and sampling authority. In addition to inspection of records relating to bait dealing, the department may enter and inspect vehicles, equipment and buildings where bait is kept or processed, and it may collect reasonable samples of bait for biological examination.

(5)(a) For the purpose of enforcing this section, a warden or a representative of the department, upon presentation of his or her credentials to a bait dealer, a person operating a vehicle or boat for a bait dealer or an employee or person acting on behalf of a bait dealer, is authorized to:

1. Enter any building or structure where bait is stored, processed, packed or held, where a bait dealer's records or reports are kept, where vehicles, boats, equipment or materials used in a bait dealer's business are located or where activities related to a bait dealer's business are conducted and to enter any vehicle or boat used to transport or hold bait.

2. Inspect bait stored or in the possession of a bait dealer, records or reports of a bait dealer and buildings, structures, vehicles, boats, equipment and materials related to a bait dealer's business.

3. Take reasonable diagnostic samples of bait for biological examination.

(b) No bait dealer, operator of a vehicle or boat for a bait dealer or employee or person acting on behalf of a bait dealer may prohibit entry, prohibit an inspection to be conducted or fail to produce all

requested records as authorized under this subsection.

Peter D. Flaherty, Attorney
Bureau of Legal Services
Wisconsin Department of Natural Resources
PO Box 7921
Madison, WI 53707-7921
Phone: (608) 266-8254
Fax: (608) 266-6983
E-mail: Peter.Flaherty@dnr.state.wi.us



stays

2003 BILL

bill, DNR is given authority to enter any place where aquatic species are located; to review records regarding vehicles where aquatic species are kept; and to seize and destroy invasive nonnative aquatic species. The bill permits an accredited zoological aquarium to have invasive nonnative aquatic species.

storage, transportation,

Sea Lampreys

1 AN ACT to create 29.426 of the statutes, relating to: regulating the possession, sale, and control of certain invasive ~~exotic~~ ^{nonnative} aquatic species and granting rule-making authority, and providing a penalty

^{live} ^{nonnative} (DNR) ^{selling,}
Analysis by the Legislative Reference Bureau

* This bill prohibits any person from possessing, controlling, storing, or transporting certain ^{live} ^{nonnative} ~~exotic~~ aquatic species, including alewife, Asian carp, ~~Asiatic or European temperate mollusks, northern snakeheads, and zebra mussels.~~ The bill gives the Department of Natural Resources authority to add other ^{live} ^{nonnative} ~~exotic~~ aquatic species to that list by rule and the authority to allow the possession, control, storage, or transportation of these species for scientific research. ^{under the}

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:

- 3 SECTION 1. 29.426 of the statutes is created to read:
- 4 29.426 Possession of certain ^{live} ^{nonnative} ~~exotic~~ aquatic species of fish (1) ^{offer for sale,}
- 5 Except as provided in sub. (3), no person may possess, control, store, or transport any
- 6 of the following ^{live} ^{nonnative} ~~exotic~~ aquatic species or their viable eggs or offspring:

BILL

- 1 (a) Alewife.
- 2 (b) Asian carp, including bighead, black, grass, and silver carp.

~~(c) Asiatic or European temperate mollusks.~~

(d) Gobies.

(e) Northern snakeheads.

(f) Rainbow smelt.

(g) Ruffe.

(h) Rusty crayfish.

(i) Zebra mussels.

✓
Insert
2-9

10 (2) The department may designate by rule other ^{live} invasive ~~exotic~~ aquatic species ^{offer for sale,} that no person may possess, control, store, or transport. ^{nonnative}

11 (3) A person may possess, control, store, or transport ^{offer for sale,} an invasive ~~exotic~~ aquatic ^{live} species listed under sub. (1) ^{or} its viable eggs or offspring ^{or an invasive exotic} aquatic species ^{that is used for} (designated under sub. (2)) for scientific research ^(if approved) permitted by the department ^{or that is located in a zoo or aquarium that is an accredited member of the American Zoo and Aquarium Association}.

16

insert
2-15 a
2-15 b

(END)

Nelson, Robert P.

From: Lovell, David
Sent: Thursday, October 16, 2003 9:05 AM
To: Nelson, Robert P.
Subject: FW: inspection authority

David L. Lovell, Senior Analyst
Wisconsin Legislative Council Staff
608/266-1537

Insert 2-15a

-----Original Message-----

From: Flaherty, Peter D
Sent: Thursday, October 02, 2003 4:21 PM
To: Lovell, David
Cc: Andryk, Tim A
Subject: inspection authority

David - here is something I drafted recently for a DNR proposal to update the bait dealers statute. You may be able to modify it to suit the exotic/invasives bill, perhaps also adding express authority to seize and dispose of banned plants or critters:

plain text

Inspection and sampling. Language is added to specify the department's inspection and sampling authority. In addition to inspection of records relating to bait dealing, the department may enter and inspect vehicles, equipment and buildings where bait is kept or processed, and it may collect reasonable samples of bait for biological examination.

of an aquatic species, including

To enforce

~~(b)(a) For the purpose of enforcing this section, a warden or a representative of the department, a person involved in the possession, control, storage, sale, or transportation upon presentation of his or her credentials to a bait dealer, a person operating a vehicle or boat for that person, agent or an employee or person acting on behalf of a bait dealer, is authorized to:~~

No Under-scoring

1. Enter any building or structure where ~~bait~~ ^{an aquatic species} is stored, processed, packed, or held, where ~~a bait dealer's~~ ^{the person's} records or reports are kept, where ~~vehicles, boats, equipment, or materials used in a bait dealer's~~ ^{the person's} business are located, or where activities related to ~~a bait dealer's~~ ^{the person's} business are conducted and to enter any vehicle or boat used to transport or hold ~~bait~~ ^{an aquatic species}.

3. ~~Inspect bait stored or in the possession of a bait dealer, records or reports of a bait dealer and buildings, structures, vehicles, boats, equipment, and materials related to a bait dealer's business.~~ ^{the person}

4. Take reasonable diagnostic samples of ~~bait~~ ^{an aquatic species} for biological examination.

5. Seize and dispose of any live invasive nonnative aquatic

~~(b) No bait dealer, operator of a vehicle or boat for a bait dealer or employee or person acting on behalf of a bait dealer may prohibit entry, prohibit an inspection to be conducted, or fail to produce all~~

species listed under sub. (1) or designated under sub. (2), or its viable eggs or offspring.

of the or reports requested
~~requested records~~ ~~authorized~~ under this subsection.

(end of insert 2-15a)

Peter D. Flaherty, Attorney
Bureau of Legal Services
Wisconsin Department of Natural Resources
PO Box 7921
Madison, WI 53707-7921
Phone: (608) 266-8254
Fax: (608) 266-6983
E-mail: Peter.Flaherty@dnr.state.wi.us

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3381/2ins
RPN&RNK:kmg:rs

insert 2-9: ✓

- (c) Eastern ~~Mosquitofish~~.
- (d) Rainbow ~~Smelt~~.
- (e) Red ~~Shiner~~.
- (f) Round ~~Goby~~.
- (g) Rudd.
- (h) Ruffe.
- (i) Sea ~~Lamprey~~.
- (j) Snakehead.
- (k) Swamp eel.
- (L) Tench.
- (m) Three-spine ~~Stickleback~~.
- (n) Tubenose ~~Goby~~.
- (o) Western ~~Mosquitofish~~.
- (p) White ~~Perch~~.
- (q) Zander.

insert 2-15b:

SECTION 2. 29.971 (15) of the statutes is created to read:

29.971 (15) For the violation of s. 29.426, [✓]a forfeiture of not less than \$500 nor more than \$5,000.

by

Nelson, Robert P.

From: Sargent, Justin
Sent: Monday, October 13, 2003 1:50 PM
To: Nelson, Robert P.
Subject: FW: Non-indigenous species..

Did you see this list yet?

This is the list that we would like to go with.

-----Original Message-----

From: Hewett, Steve W
Sent: Monday, October 13, 2003 12:47 PM
To: Lovell, David; OBrien, John; Sargent, Justin
Cc: Staggs, Mike D; Heinen, Paul H; Andryk, Tim A
Subject: Non-indigenous species..

Non-Native Species Legislation Comments:
Wisconsin DNR, FH program 10/10/2003

1) Non-Native species to include in a list of banned species:

- ✓ Snakeheads - family (Channidae) ✓
- ✓ Swamp eels - species of the family Synbranchidae, ✓
- ✓ Asian carps - Black, Bighead, Silver, Grass Carps (*Mylopharyngodon piceus*, *Hypophthalmichthys nobilis*, *Hypophthalmichthys molitrix*, *Ctenopharyngodon idella*)
- ✓ zander (*Sander lucioperca*)
- ✓ rudd (*Scardinius erthrophthalmus*)
- ✓ tench (*Tinca tinca*)

exotics in Great Lakes that we want to prevent from spreading inland:

- ✓ Ruffe (*Gymnocephalus cernuus*)
- ✓ Round goby (*Neogobius melanostomus*)
- ✓ Tubenose goby (*Proterorhinus marmoratus*)
- ✓ sea lamprey (*Petromyzon marinus*)
- 3-spine stickleback (*Gasterosteus aculeatus*)
- alewife (*Alosa pseudoharengus*) *
- rainbow smelt (*Osmerus mordax*) *
- white perch (*Morone americana*) *

U.S. Species to be banned in Wisconsin:

- red shiner (*Cyprinella lutrensis*)
- western mosquitofish (*Gambusia affinis*)
- eastern mosquitofish (*Gambusia holbrooki*)

This is the initial list that we would suggest.

*Of these there is some harvest for food or bait of rainbow smelt and harvest for bait of alewives (by individual anglers) and potential commercial harvest of white perch - the ban on possession would be of live fish and that should not impact.

Nelson, Robert P.

From: Lovell, David
Sent: Wednesday, November 05, 2003 10:42 AM
To: Nelson, Robert P.
Subject: FW: Invasive species Proposal (LRB 3381/2)

Bob,
Justin, of Senator Robson's staff, asked me to submit a request on behalf of Senator Robson for a redraft of LRB-3381/2. The specifics of the request are in the e-mails below.

I believe that you have a list of the scientific names of the species in an earlier e-mail--contact me if not.

I have talked with Justin at some length about the unconventional nature of the inspection/enforcement arrangement he is looking to create. We should talk about that before you proceed.

thanks--

David

David L. Lovell, Senior Analyst
Wisconsin Legislative Council Staff
608/266-1537

-----Original Message-----

From: Sargent, Justin
Sent: Monday, November 03, 2003 4:54 PM
To: Lovell, David
Cc: OBrien, John; Andryk, Tim A; Hewett, Steve W; Martin, Ronald H.; Hughes, William; Kebus, Myron J DATCP
Subject: Invasive species Proposal (LRB 3381/2)

David,

Here are some alterations that we would like to see to the Invasive species proposal:

Section 1 (1):

Please add scientific names to species. ✓
Please add the "Ide", (Leuciscus Idus) to the list ✓

Section 1 (3):

Please add "educational purposes" to line 3. So that it could be either for educational purposes or scientific research if permitted by the DNR. ✓
Following the word "department" on line 4, please end the sentence. We do not want to go with the whole Zoo or aquarium assn reference. ✓

Section 1 (4) (a):

There is concern with this section in that we would like this proposal to specify that DATCP have inspection authority for fish farms. DATCP should be able to bring a DNR warden though. This may result in the need to pluralize some of the "Department" terms.

DNR is still to retain primary rule making authority.

Section 2:

Please add "per fish" in line 2 as the ending of the sentence.

Please let us know if you have any thoughts regarding these changes. Thank you!

Justin Sargent
Legislative aide to Senator Robson

-----Original Message-----

From: Sargent, Justin
Sent: Wednesday, November 05, 2003 8:29 AM
To: Lovell, David
Subject: FW: Revisions to Proposed Invasive Species Bill

These are further articulated changes from what I sent you yesterday. more specific, but offers an idea of where we want to go.

Section 1(2) --Add The department may, in consultation with DATCP, designate by ✓
rule.....

Section 1(4)(a) add at the beginning, Except for fish farms registered under section ✓
95.60, to enforce this section, a warden

Add Section 1(5) To enforce this section related to fish farms, DATCP shall exercise its ✓
authorities under section 95.60 to inspect fish farms and in doing so may utilize a warden ✓
or representative of the department to assist with investigation or enforcement.

put in 95-60



2003 BILL

D-NOTE

Gen. Cat.

1
2
③
④

AN ACT *to create* ~~29.426~~ and 29.971 (15) of the statutes; relating to: regulating the possession, storage, transportation, sale, and control of certain invasive nonnative aquatic species, granting rule-making authority, and providing ~~the~~ penalty. ^{ries}

Analysis by the Legislative Reference Bureau

This bill prohibits any person from possessing, controlling, storing, selling, or transporting certain live invasive nonnative aquatic species, including alewife, Asian carp, snakeheads, and sea lampreys. The bill gives the Department of Natural Resources (DNR) authority to add other invasive nonnative aquatic species to that list by rule and the authority to allow the possession, control, storage, or transportation of these species for scientific research. Under the bill, DNR is given authority to enter any place where aquatic species are located; to review records regarding aquatic species; to inspect places, boats, or vehicles where aquatic species are kept; and to seize and destroy invasive nonnative aquatic species. The bill permits an accredited zoo or aquarium to have invasive nonnative aquatic species.

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:

BILL

SECTION 1. 29.426 of the statutes is created to read:

29.426 Possession of certain invasive nonnative aquatic species. (1)

Except as provided in sub. (3), no person may possess, control, store, offer for sale, or transport any of the following live invasive nonnative aquatic species or their viable eggs or offspring:

- (a) Alewife. *Insert "A" "DB"*
- (b) Asian carp, including bighead, black, grass, and silver carp. *"DA" "DD"*
- (c) Eastern mosquitofish. *"EM"*
- (e) ~~Idc~~ (*Leucisus Idus*). *"DC"*
- (d) Rainbow smelt. *"RA"*
- (f) Red shiner. *"RE"*
- (g) Round goby. *"RG"*
- (h) Ruddy. *"RD"*
- (i) Ruffe. *"RF"*
- (j) Sea lamprey. *"S"*
- (k) Snakehead. *"B"*
- (l) Swamp eel. *"C"*
- (m) Tench. *"T"*
- (n) Three-spine stickleback. *"TSS"*
- (o) Tubenose goby. *"TG"*
- (p) Western mosquitofish. *"WM"*
- (q) White perch. *"WP"*
- (r) Zander. *"Z"*

Leucisus
LPS: Add scientific names (see attached)

LPS: put each scientific name in parentheses

(2) The department may, in consultation with the department of agriculture, trade and consumer protection, designate by rule other live invasive nonnative

aquatic species that no person may possess, control, store, offer for sale or transport.

of natural resources

BILL

(3) A person may possess, control, store, offer for sale, or transport a live invasive nonnative aquatic species listed under sub. (1) or designated under sub. (2) or its viable eggs or offspring that is used for *educational purposes or* scientific research if approved by the department ~~or that is located in a zoo or aquarium that is an accredited member of the American Zoo and Aquarium Association~~.

(4) (a) *Except for fish farms registered under s. 95.60 (3m),* To enforce this section, a warden or a representative of the department, upon presentation of his or her credentials to a person involved in the possession, control, storage, sale, or transportation of an aquatic species, including a bait dealer, a person operating a vehicle or boat for that person, or an employee or agent acting on behalf of that person, may do all of the following:

1. Enter any building or structure where an aquatic species is stored, processed, packed, or held, where the person's records or reports are kept, where the vehicles, boats, equipment, or materials used in the person's business are located, or where activities related to the person's business are conducted.

2. Enter any vehicle or boat used to transport or hold the aquatic species.

3. Inspect any aquatic species in the possession of the person, records or reports of the person, and buildings, structures, vehicles, boats, equipment, and materials related to the person's business.

4. Take reasonable diagnostic samples of an aquatic species for biological examination.

5. Seize and dispose of any live invasive nonnative aquatic species listed under sub. (1) or designated under sub. (2), or its viable eggs or offspring.

(b) No person may prohibit entry, prohibit an inspection to be conducted, or fail to produce all of the records or reports requested under this subsection.

SECTION 2. 29.971 (15) of the statutes is created to read:

BILL

1 29.971 (15) For the violation of s. 29.426, by a forfeiture of not less than \$500
2 nor more than \$5,000.

3

(END)

insert 4-2 ✓

Nelson, Robert P.

From: Sargent, Justin
Sent: Monday, October 13, 2003 1:50 PM
To: Nelson, Robert P.
Subject: FW: Non-indigenous species..

Did you see this list yet?

This is the list that we would like to go with.

Scientific names!

-----Original Message-----

From: Hewett, Steve W
Sent: Monday, October 13, 2003 12:47 PM
To: Lovell, David; OBrien, John; Sargent, Justin
Cc: Staggs, Mike D; Heinen, Paul H; Andryk, Tim A
Subject: Non-indigenous species..

**Non-Native Species Legislation Comments:
Wisconsin DNR, FH program 10/10/2003**

1) Non-Native species to include in a list of banned species:

- ✓ Snakeheads - family (Channidae) "B"
- ✓ Swamp eels - species of the family (Synbranchidae) "C"
- ✓ Asian carps - Black, Bighead, Silver, Grass Carps (Mylopharyngodon piceus) (Hypophthalmichthys nobilis) (Ctenopharyngodon idella) "DA" "DB"
- ✓ zander (Sander lucioperca) "Z" "DC" "DD"
- ✓ Rudd (Scardinius erthrophthalmus) "RD"
- ✓ Tench (Tinca tinca) "T"

exotics in Great Lakes that we want to prevent from spreading inland:

- ✓ Ruffe (Gymnocephalus cernuus) "RF"
- ✓ Round goby (Neogobius melanostomus) "RG"
- ✓ Tubenose goby (Proterorhinus marmoratus) "TG"
- ✓ sea lamprey (Petromyzon marinus) "S" "TSS"
- ✓ 3-spine stickleback (Gasterosteus aculeatus) "A"
- ✓ alewife (Alosa pseudoharengus)
- ✓ rainbow smelt (Osmerus mordax)* "RA"
- ✓ white perch (Morone americana)* "WP"

U.S. Species to be banned in Wisconsin:

- ✓ red shiner (Cyprinella lutrensis) "RE"
- ✓ western mosquitofish (Gambusia affinis) "WM"
- ✓ eastern mosquitofish (Gambusia holbrooki) "EM"

This is the initial list that we would suggest.

*Of these there is some harvest for food or bait of rainbow smelt and harvest for bait of alewives (by individual anglers) and potential commercial harvest of white perch - the ban on possession would be of live fish and that should not impact.

Scientific names

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3381/3ins
RPN&RNK:kmg:rs

1 insert 4-2:

2 **SECTION 3.** 95.60 (9) of the statutes is created to read:

3 95.60 (9) (a) To enforce s. 29.426[✓], a representative of the department, upon
4 presentation of his or her credentials to a person involved in the possession, control,
5 storage, sale, or transportation of an aquatic species at a fish farm, to a person
6 operating a vehicle or boat for that person, or to an employee or agent acting on behalf
7 of that person, may do all of the following:

8 1. Enter any building or structure of a fish farm where an aquatic species is
9 stored, processed, packed, or held, where the person's records or reports are kept,
10 where the vehicles, boats, equipment, or materials used in the person's business are
11 located, or where activities related to the person's business are conducted.

12 2. Enter any vehicle or boat used to transport or hold the aquatic species.

13 3. Inspect any aquatic species in the possession of the person, records or reports
14 of the person, and buildings, structures, vehicles, boats, equipment, and materials
15 related to the person's business.

16 4. Take reasonable diagnostic samples of an aquatic species for biological
17 examination.

18 5. Seize and dispose of any live invasive nonnative aquatic species listed under
19 s. 29.426 (1)[✓] or designated under s. 29.426 (2)[✓], or its viable eggs^{other} or offspring.

20 (b) *The department may use a warden or representative*
21 (b) No person may prohibit entry, prohibit an inspection to be conducted, or fail
22 to produce all of the records or reports requested under this subsection.

SECTION 1. 95.99 (4) of the statutes is created to read:

of the department of natural resources to assist with the investigation under this subsection.

D-N LRB - 3321

RPN:KMG:

- Please review this draft
to ensure that the scientific
names are accurate.

RPN

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

LRB-3381/3dn
RPN:kmg:ch

November 13, 2003

Please review this draft to ensure that the scientific names are accurate.

Robert P. Nelson
Senior Legislative Attorney
Phone: (608) 267-7511
E-mail: robert.nelson@legis.state.wi.us

Nelson, Robert P.

From: Sargent, Justin
Sent: Wednesday, December 10, 2003 3:14 PM
To: Nelson, Robert P.
Cc: Emery, Lynn
Subject: Alterations/Changes to LRB-3381/3

Not sure which of you I need to get this to...

Page 3 Line 1 after "resources" Change "may" to "shall".

Reasoning: The idea behind this is that we want the two agencies working together on this issue. The aquaculture folks are more comfortable if there is a broader review.

Page 3 Lines 7 thru 8.

Line 7 after "educational purposes" insert a , (comma) delete "or".

Line 8 after research insert "or other uses as defined by rule".

Reasoning: The "other uses" referenced here relate to the fact that a listed species "Rainbow Smelt" are already in the Great Lakes and apparently are being caught, transported live, and consumed. Similar to the Rusty Crayfish dilemma. This would allow the DNR the ability to include some species on the list while maintaining certain restrictions.

Requested additional provision: Any person stocking a listed species into waters of the state or a registered fish farm is in violation of 95.60 (9) is subject to those penalties and is liable for all costs related to removal of that species and any subsequent losses resulting from efforts to remove that invasive species.

Reasoning: Apparently it is a fairly common practice to dump aquarium fish into ponds that are a part of registered fish farms. (They lease a lot of small outlying freeze out farm ponds) When these ponds are seined those aquarium invasive are found. The issue here is not so much the fish, but any diseases which they may be carrying. Considering all fish from fish farms have to have a health certificate, if they are contaminated by a disease introduced by this dumping of aquarium fish they experience a monetary loss. The farm raised fish have to be destroyed.

Also if someone dumps a fish into a pond or public waters of the state and DNR or someone else seines or poisons to remove them, other fish including game fish and bait become collateral damage. That has a cost.

Page 2 Species name corrections..

- (e) Ide (Leuciscus idus).
- (k) Rudd (Scardinius erythrophthalmus).
- (n) Snakehead (all species of family Channidae).
- (o) Swamp eel (all species of family Synbranchidae).

- Justin Sargent
Senator Robson's Office

Nelson, Robert P.

From: Sargent, Justin
Sent: Wednesday, December 10, 2003 3:14 PM
To: Nelson, Robert P.
Cc: Emery, Lynn
Subject: Alterations/Changes to LRB-3381/3

Insert 3-8

Not sure which of you I need to get this to...

Page 3 Line 1 after "resources" Change "may" to "shall".

Reasoning: The idea behind this is that we want the two agencies working together on this issue. The aquaculture folks are more comfortable if there is a broader review.

Page 3 Lines 7 thru 8.

Line 7 after "educational purposes" insert a , (comma) delete "or".

Line 8 after research insert "or other uses as defined by rule".

Reasoning: The "other uses" referenced here relate to the fact that a listed species "Rainbow Smelt" are already in the Great Lakes and apparently are being caught, transported live, and consumed. Similar to the Rusty Crayfish dilemma. This would allow the DNR the ability to include some species on the list while maintaining certain restrictions.

Requested additional provision: Any person stocking a listed species into waters of the state or a registered fish farm is in violation of 95.60 (9) is subject to those penalties and is liable for all costs related to removal of that species and any subsequent losses resulting from efforts to remove that invasive species.

Reasoning: Apparently it is a fairly common practice to dump aquarium fish into ponds that are a part of registered fish farms. (They lease a lot of small outlying freeze out farm ponds) When these ponds are seined those aquarium invasive are found. The issue here is not so much the fish, but any diseases which they may be carrying. Considering all fish from fish farms have to have a health certificate, if they are contaminated by a disease introduced by this dumping of aquarium fish they experience a monetary loss. The farm raised fish have to be destroyed.

Also if someone dumps a fish into a pond or public waters of the state and DNR or someone else seines or poisons to remove them, other fish including game fish and bait become collateral damage. That has a cost.

Page 2 Species name corrections..

- ✓ (e) Ide (Leuciscus idus).
- ✓ (k) Rudd (Scardinius erythrophthalmus).
- ✓ (n) Snakehead (all species of family Channidae).
- ✓ (o) Swamp eel (all species of family Synbranchidae).

- Justin Sargent
Senator Robson's Office



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-3381/3
RPN&RNK:kmg:ch

2003 BILL

1 AN ACT to create 29.426, 29.971 (15), 95.60 (9) and 95.99 (4) of the statutes;
2 relating to: regulating the ^{release,} possession, storage, transportation, sale, and
3 control of certain invasive nonnative aquatic species, granting rule-making
4 authority, and providing penalties. ^{releasing,} ^{release,}

Analysis by the Legislative Reference Bureau

This bill prohibits any person from possessing, controlling, storing, selling, or transporting certain live invasive nonnative aquatic species, including alewife, Asian carp, snakeheads, and sea lampreys. The bill gives the Department of Natural Resources (DNR) authority to add other invasive nonnative aquatic species to that list by rule and the authority to allow the possession, control, storage, or transportation of these species for ^{educational or} scientific research. Under the bill, DNR is given authority to enter any place where aquatic species are located; to review records regarding aquatic species; to inspect places, boats, or vehicles where aquatic species are kept; and to seize and destroy invasive nonnative aquatic species. ^{or for other purposes as determined by rule} The bill ~~permits an accredited zoo or aquarium to have invasive nonnative aquatic species.~~

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:

BILL

1 SECTION 1. 29.426 of the statutes is created to read:

2 **29.426 Possession of certain invasive nonnative aquatic species. (1)**

3 Except as provided in sub. (2), no person may possess, control, store, offer for sale,
4 or transport any of the following live invasive nonnative aquatic species or their
5 viable eggs or offspring:

6 (a) Alewife (*Alosa pseudoharengus*).

7 (b) Asian carp, including bighead (*Hypophthalmichthys nobilis*), black
8 (*Mylopharyngodon piceus*), grass (*Ctenopharyngodon idella*), and silver carp
9 (*Hypophthalmichthys molitrix*).

10 (c) Eastern mosquitofish (*Gambusia holbrooki*).

11 (e) Ide (*Leuciscus idus*).

12 (h) Rainbow smelt (*Osmerus mordax*).

13 (i) Red shiner (*Cyprinella lutrensis*).

14 (j) Round goby (*Neogobius melanostomus*).

15 (k) Rudd (*Scardinius erythrophthalmus*).

16 (L) Ruffe (*Gymnocephalus cernuus*).

17 (m) Sea lamprey (*Petromyzon marinus*).

18 (n) Snakehead (*Channidae*).

19 (o) Swamp eel (*Synbranchidae*).

20 (p) Tench (*Tinca tinca*).

21 (q) Three-spine stickleback (*Gasterosteus aculeatus*).

22 (v) Tubenose goby (*Proterorhinus marmoratus*).

23 (w) Western mosquitofish (*Gambusia affinis*).

24 (x) White perch (*Morone americana*).

25 (y) Zander (*Sander lucioperca*).

idus

all species of family the
all species of family the

BILL

insert
2-1

→

shall

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

³
~~(2)~~ The department of natural resources ~~may~~, in consultation with the department of agriculture, trade and consumer protection, designate by rule other live invasive nonnative aquatic species that no person may possess, control, store, offer for sale or transport.

⁴
~~(3)~~ A person may possess, control, store, offer for sale, or transport a live invasive nonnative aquatic species listed under sub. (1) or designated under sub. ³~~(2)~~ or its viable eggs or offspring that is used for educational purposes or scientific research if approved by the department, ^{or for other uses as established by rule}

⁵
~~(4)~~ (a) Except for fish farms registered under s. 95.60 (3m), to enforce this section, a warden or a representative of the department, upon presentation of his or her credentials to a person involved in the possession, control, storage, sale, or transportation of an aquatic species, including a bait dealer, a person operating a vehicle or boat for that person, or an employee or agent acting on behalf of that person, may do all of the following:

1. Enter any building or structure where an aquatic species is stored, processed, packed, or held, where the person's records or reports are kept, where the vehicles, boats, equipment, or materials used in the person's business are located, or where activities related to the person's business are conducted.

2. Enter any vehicle or boat used to transport or hold the aquatic species.

3. Inspect any aquatic species in the possession of the person, records or reports of the person, and buildings, structures, vehicles, boats, equipment, and materials related to the person's business.

4. Take reasonable diagnostic samples of an aquatic species for biological examination.

BILL

SECTION 1

1 5. Seize and dispose of any live invasive nonnative aquatic species listed under
2 sub. (1) or designated under sub. ³(~~2~~), or its viable eggs or offspring.

3 (b) No person may prohibit entry, prohibit an inspection to be conducted, or fail
4 to produce all of the records or reports requested under this subsection.

5 **SECTION 2.** 29.971 (15) of the statutes is created to read: ⁵
6 29.971 (15) ^(a) For the violation of s. 29.426 ^{(1), (3), or (4)(b)} by a forfeiture of not less than \$500
7 nor more than \$5,000.

insert 4-7.5 →

8 **SECTION 3.** 95.60 (9) of the statutes is created to read:
9 95.60 (9) (a) To enforce s. 29.426, a representative of the department, upon
10 presentation of his or her credentials to a person involved in the possession, control,
11 storage, sale, or transportation of an aquatic species at a fish farm, to a person
12 operating a vehicle or boat for that person, or to an employee or agent acting on behalf
13 of that person, may do all of the following:

14 1. Enter any building or structure of a fish farm where an aquatic species is
15 stored, processed, packed, or held, where the person's records or reports are kept,
16 where the vehicles, boats, equipment, or materials used in the person's business are
17 located, or where activities related to the person's business are conducted.

18 2. Enter any vehicle or boat used to transport or hold the aquatic species.

19 3. Inspect any aquatic species in the possession of the person, records or reports
20 of the person, and buildings, structures, vehicles, boats, equipment, and materials
21 related to the person's business.

22 4. Take reasonable diagnostic samples of an aquatic species for biological
23 examination.

24 5. Seize and dispose of any live invasive nonnative aquatic species listed under
25 s. 29.426 (1) or designated under s. 29.426 ³(~~2~~), or its viable eggs or offspring.

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3381/4ins
RPN:kmg:ch

1
2
3
4
5
6
7
8
9
10
11
12
13

insert 2-1: ✓

(2) No person may release any live invasive nonnative aquatic species listed under sub. (1) or designated under sub. (3), or its viable eggs or offspring, into the waters of the state or into the waters of a fish farm, as defined in s. 95.001 (1) (a), except as approved by the department.

aj

insert 4-7: ✓

(b) For the violation of s. 29.426 (2), by a forfeiture of not less than \$500 nor more than \$5,000. In addition, the court may order a person who is convicted of a violation under sub. (2) to restore any natural resource damaged by the violation, pay any costs related to the removal of the species, eggs, or offspring, pay any costs resulting from the violation and to take other appropriate action or pay for any action necessary to eliminate or minimize any environmental damage caused by the violation.



9064
State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-3381/4
RPN&RNK:kmg:jf

2003 BILL

1 AN ACT to create 29.426, 29.971 (15), 95.60 (9) and 95.99 (4) of the statutes;
2 relating to: regulating the release, possession, storage, transportation, sale,
3 and control of certain invasive nonnative aquatic species, granting
4 rule-making authority, and providing penalties.

Analysis by the Legislative Reference Bureau

This bill prohibits any person from releasing, possessing, controlling, storing, selling, or transporting certain live invasive nonnative aquatic species, including alewife, Asian carp, snakeheads, and sea lampreys. The bill gives the Department of Natural Resources (DNR) authority to add other invasive nonnative aquatic species to that list by rule and the authority to allow the release, possession, control, storage, or transportation of these species for educational or scientific research or for other purposes as determined by rule. Under the bill, DNR is given authority to enter any place where aquatic species are located; to review records regarding aquatic species; to inspect places, boats, or vehicles where aquatic species are kept; and to seize and destroy invasive nonnative aquatic species. ~~The bill permits an accredited zoo or aquarium to have invasive nonnative aquatic species.~~ The bill permits an accredited ✓

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:

BILL

1 **SECTION 1.** 29.426 of the statutes is created to read:

2 **29.426 Possession of certain invasive nonnative aquatic species. (1)**

3 Except as provided in sub. (4), no person may possess, control, store, offer for sale,
4 or transport any of the following live invasive nonnative aquatic species or their
5 viable eggs or offspring:

6 (a) Alewife (*Alosa pseudoharengus*).

7 (b) Asian carp, including bighead (*Hypophthalmichthys nobilis*), black
8 (*Mylopharyngodon piceus*), grass (*Ctenopharyngodon idella*), and silver carp
9 (*Hypophthalmichthys molitrix*).

10 (c) Eastern mosquitofish (*Gambusia holbrooki*).

11 (e) Ide (*Leuciscus idus*).

12 (h) Rainbow smelt (*Osmerus mordax*).

13 (i) Red shiner (*Cyprinella lutrensis*).

14 (j) Round goby (*Neogobius melanostomus*).

15 (k) Rudd (*Scardinius erythrophthalmus*).

16 (L) Ruffe (*Gymnocephalus cernuus*).

17 (m) Sea lamprey (*Petromyzon marinus*).

18 (n) Snakehead (all species of the family Channidae).

19 (o) Swamp eel (all species of the family Synbranchidae).

20 (p) Tench (*Tinca tinca*).

21 (q) Three-spine stickleback (*Gasterosteus aculeatus*).

22 (v) Tubenose goby (*Proterorhinus marmoratus*).

23 (w) Western mosquitofish (*Gambusia affinis*).

24 (x) White perch (*Morone americana*).

25 (y) Zander (*Sander lucioperca*).

BILL

1 (2) No person may release any live invasive nonnative aquatic species listed
2 under sub. (1) or designated under sub. (3), or its viable eggs or offspring, into the
3 waters of the state or into the waters of a fish farm, as defined in s. 95.001 (1) (aj),
4 except as approved by the department.

5 (3) The department of natural resources shall, in consultation with the
6 department of agriculture, trade and consumer protection, designate by rule other
7 live invasive nonnative aquatic species that no person may possess, control, store,
8 offer for sale or transport.

9 (4) A person may possess, control, store, offer for sale, or transport a live
10 invasive nonnative aquatic species listed under sub. (1) or designated under sub. (3)
11 or its viable eggs or offspring that is used for educational purposes or scientific
12 research if approved by the department or for other uses as established by rule.

13 (5) (a) Except for fish farms registered under s. 95.60 (3m), to enforce this
14 section, a warden or a representative of the department, upon presentation of his or
15 her credentials to a person involved in the possession, control, storage, sale, or
16 transportation of an aquatic species, including a bait dealer, a person operating a
17 vehicle or boat for that person, or an employee or agent acting on behalf of that
18 person, may do all of the following:

19 1. Enter any building or structure where an aquatic species is stored,
20 processed, packed, or held, where the person's records or reports are kept, where the
21 vehicles, boats, equipment, or materials used in the person's business are located, or
22 where activities related to the person's business are conducted.

23 2. Enter any vehicle or boat used to transport or hold the aquatic species.

BILL

1 3. Inspect any aquatic species in the possession of the person, records or reports
2 of the person, and buildings, structures, vehicles, boats, equipment, and materials
3 related to the person's business.

4 4. Take reasonable diagnostic samples of an aquatic species for biological
5 examination.

6 5. Seize and dispose of any live invasive nonnative aquatic species listed under
7 sub. (1) or designated under sub. (3), or its viable eggs or offspring.

8 (b) No person may prohibit entry, prohibit an inspection to be conducted, or fail
9 to produce all of the records or reports requested under this subsection.

10 **SECTION 2.** 29.971 (15) of the statutes is created to read:

11 29.971 (15) (a) For the violation of s. 29.426 (1), (3), or (5) (b), by a forfeiture
12 of not less than \$500 nor more than \$5,000.

13 (b) For the violation of s. 29.426 (2), by a forfeiture of not less than \$500 nor more
14 than \$5,000. In addition, the court may order a person who is convicted of a violation
15 under sub. (2) to restore any natural resource damaged by the violation, to pay any
16 costs related to the removal of the species, eggs, or offspring, to pay any costs
17 resulting from the violation, and to take other appropriate action or pay for any
18 action necessary to eliminate or minimize any environmental damage caused by the
19 violation.

20 **SECTION 3.** 95.60 (9) of the statutes is created to read:

21 95.60 (9) (a) To enforce s. 29.426, a representative of the department, upon
22 presentation of his or her credentials to a person involved in the possession, control,
23 storage, sale, or transportation of an aquatic species at a fish farm, to a person
24 operating a vehicle or boat for that person, or to an employee or agent acting on behalf
25 of that person, may do all of the following:

Northrop, Lori

From: Sargent, Justin
Sent: Thursday, January 08, 2004 9:52 AM
To: LRB.Legal
Subject: Draft review: LRB 03-3381/4 Topic: Prohibiting the possession of certain exotic fish

It has been requested by <Sargent, Justin> that the following draft be jacketed for the SENATE:

Draft review: LRB 03-3381/4 Topic: Prohibiting the possession of certain exotic fish