

ASSEMBLY BILL 581 (LRB -0707)

An Act to repeal 29.407 (2) (c), 29.503 (5) (b), 29.519 (4m) (e) and 29.519 (5) (d); to renumber 814.75 (1), 814.76 (1) and 814.77 (1); to renumber and amend 29.407 (2) (b), 29.503 (4) (d), 29.519 (1) and 29.971 (1) (d); to amend 29.407 (2) (a), 29.503 (1) (b), 29.503 (1) (e), 29.503 (4) (title), 29.503 (4) (a), 29.503 (4) (b), 29.503 (5) (title), 29.503 (5) (a), 29.503 (6) (b) 2., 29.503 (6) (c), 29.503 (7), 29.519 (2) (d), 29.519 (2) (f), 29.519 (2) (fm), 29.519 (4) (a), 29.519 (4m) (a), 29.519 (4m) (c) (intro.), 29.519 (5) (a), 29.519 (5) (b), 29.519 (5) (c), 29.519 (6) (intro.), 29.519 (6) (a), 29.519 (6) (b), 29.519 (6m), 29.539 (2), 29.539 (3), 29.563 (7) (a) 1., 29.563 (7) (b) 1., 29.563 (7) (c) 1., 29.924 (4), 29.971 (1) (b), 29.971 (1) (c), 29.971 (1) (e), 29.971 (5), 29.987 (1) (a) and 30.51 (2) (c) 2.; and to create 20.370 (4) (kr), 29.001 (41m), 29.407 (2) (b) 1., 29.503 (1) (cm), 29.503 (4) (d) 2., 29.503 (4) (d) 3., 29.503 (4) (e), 29.503 (5) (br), 29.503 (5) (c), 29.503 (5) (d), 29.503 (6) (am), 29.519 (1b), 29.519 (2) (e), 29.519 (5) (dm), 29.519 (5m), 29.519 (6) (c), 29.519 (6g), 29.539 (3m), 29.931 (2) (am), 29.971 (1) (d) 1. and 4., 29.972, 29.984, 29.99, 29.991, 814.75 (1g), 814.75 (12n), 814.75 (13m), 814.76 (1g), 814.76 (10m), 814.77 (1g), 814.77 (5m) and 814.77 (6m) of the statutes; relating to: licensing, vehicle identification, and record-keeping requirements for wholesale fish dealers and commercial fishers, inspections of wholesale fish dealer and commercial fisher records and premises, commercial fishing boats, periods when a commercial fisher may fish on the waters of Green Bay, the sale and purchase of eggs from certain trout and salmon, commercial fishing approval fees, seizure of certain fishing devices, access to places used to store or retain wild animals, establishing a commercial fish reporting system, imposing certain surcharges, providing an exemption from emergency rule procedures, extending the time limit for emergency rule procedures, making an appropriation, and providing penalties. (FE)

2005

- 02-16. A. Introduced by Representatives **Bies, Hines, Kaufert, Krawczyk, McCormick, Ott, Petrowski, Townsend** and **Van Roy**; cosponsored by Senator **A. Lasee**, by request of Department of Natural Resources.
- 07-27. A. Read first time and referred to committee on Natural Resources 420
- 09-28. A. Fiscal estimate received.
- 10-26. A. Public hearing held.
- 11-16. A. Executive action taken.
- 11-30. A. Report passage recommended by committee on Natural Resources, Ayes 12, Noes 0 636
- 11-30. A. Referred to committee on Rules 636
- 11-30. A. Placed on calendar 12-6-2005 by committee on Rules.
- 12-06. A. Read a second time 651
- 12-06. A. Ordered to a third reading 651
- 12-06. A. Rules suspended 651
- 12-06. A. Read a third time and **passed**, Ayes 93, Noes 2 651
- 12-06. A. Ordered immediately messaged 652
- 12-06. S. Received from Assembly 477
- 12-06. S. Read first time and referred to committee on Natural Resources and Transportation 478

2006

- 02-15. S. Public hearing held.
- 02-15. S. Executive action taken.
- 02-16. S. Report concurrence recommended by committee on Natural Resources and Transportation, Ayes 5, Noes 0 601
- 02-16. S. Available for scheduling.
- 03-01. S. Placed on calendar 3-2-2006 by committee on Senate Organization.
- 03-02. S. Read a second time.
- 03-02. S. Ordered to a third reading.
- 03-02. S. Rules suspended.
- 03-02. S. Read a third time and **concurred in**.
- 03-02. S. Ordered immediately messaged.

MB

2005 ASSEMBLY BILL 581

July 27, 2005 – Introduced by Representatives BIES, HINES, KAUFERT, KRAWCZYK, McCORMICK, OTT, PETROWSKI, TOWNSEND and VAN ROY, cosponsored by Senator A. LASEE, by request of Department of Natural Resources. Referred to Committee on Natural Resources.

1 **AN ACT to repeal** 29.407 (2) (c), 29.503 (5) (b), 29.519 (4m) (e) and 29.519 (5) (d);
2 **to renumber** 814.75 (1), 814.76 (1) and 814.77 (1); **to renumber and amend**
3 29.407 (2) (b), 29.503 (4) (d), 29.519 (1) and 29.971 (1) (d); **to amend** 29.407 (2)
4 (a), 29.503 (1) (b), 29.503 (1) (e), 29.503 (4) (title), 29.503 (4) (a), 29.503 (4) (b),
5 29.503 (5) (title), 29.503 (5) (a), 29.503 (6) (b) 2., 29.503 (6) (c), 29.503 (7), 29.519
6 (2) (d), 29.519 (2) (f), 29.519 (2) (fm), 29.519 (4) (a), 29.519 (4m) (a), 29.519 (4m)
7 (c) (intro.), 29.519 (5) (a), 29.519 (5) (b), 29.519 (5) (c), 29.519 (6) (intro.), 29.519
8 (6) (a), 29.519 (6) (b), 29.519 (6m), 29.539 (2), 29.539 (3), 29.563 (7) (a) 1., 29.563
9 (7) (b) 1., 29.563 (7) (c) 1., 29.924 (4), 29.971 (1) (b), 29.971 (1) (c), 29.971 (1) (e),
10 29.971 (5), 29.987 (1) (a) and 30.51 (2) (c) 2.; and **to create** 20.370 (4) (kr), 29.001
11 (41m), 29.407 (2) (b) 1., 29.503 (1) (cm), 29.503 (4) (d) 2., 29.503 (4) (d) 3., 29.503
12 (4) (e), 29.503 (5) (br), 29.503 (5) (c), 29.503 (5) (d), 29.503 (6) (am), 29.519 (1b),
13 29.519 (2) (e), 29.519 (5) (dm), 29.519 (5m), 29.519 (6) (c), 29.519 (6g), 29.539
14 (3m), 29.931 (2) (am), 29.971 (1) (d) 1. and 4., 29.972, 29.984, 29.99, 29.991,

ASSEMBLY BILL 581

1 814.75 (1g), 814.75 (12n), 814.75 (13m), 814.76 (1g), 814.76 (10m), 814.77 (1g),
2 814.77 (5m) and 814.77 (6m) of the statutes; **relating to:** licensing, vehicle
3 identification, and record-keeping requirements for wholesale fish dealers and
4 commercial fishers, inspections of wholesale fish dealer and commercial fisher
5 records and premises, commercial fishing boats, periods when a commercial
6 fisher may fish on the waters of Green Bay, the sale and purchase of eggs from
7 certain trout and salmon, commercial fishing approval fees, seizure of certain
8 fishing devices, access to places used to store or retain wild animals,
9 establishing a commercial fish reporting system, imposing certain surcharges,
10 providing an exemption from emergency rule procedures, extending the time
11 limit for emergency rule procedures, making an appropriation, and providing
12 penalties.

Analysis by the Legislative Reference Bureau

This bill makes various changes to the laws regulating commercial fishing.

Record-keeping requirements.

Under current law, wholesale fish dealers and commercial fishers must be licensed by the Department of Natural Resources (DNR). Current law contains certain record-keeping requirements for these wholesale fish dealers and commercial fishers. This bill makes certain changes to those requirements including the following:

1. Under current law, commercial fishers must keep a record of daily fishing activities. Wholesale fish dealers must keep records of all fish purchased or obtained by the wholesale fish dealer. Both commercial fishers and wholesale fish dealers must also, on a monthly basis, provide reports to DNR. This bill eliminates the monthly reporting requirement. It also specifies that a wholesale fish dealer, in addition to keeping records of all fish purchased or obtained by the dealer, must also keep records of all fish sold, possessed, or disposed of by the dealer and requires that the records be legible and written in the English language.

2. This bill establishes an annual inventory requirement for commercial fishers and wholesale fish dealers who possess or control certain kinds of fish. The bill requires that the inventory include the weight, species, condition, and location of the fish.

ASSEMBLY BILL 581

3. The bill specifies that wholesale fish dealers and commercial fishers must retain records for five years and must notify DNR annually of the location of those records. It also requires that upon the request of a commercial fisher or wholesale fish dealer, DNR must keep certain fishing records confidential, unless they are used for the purposes of an investigation, enforcement action, or for certain statistical purposes.

4. The bill prohibits wholesale fish dealers from possessing or transporting fish for which there is no record or inventory as required under the law.

5. Current law requires that DNR provide forms for records that commercial fishers must keep concerning daily fishing activities and disposition of landed catch. This bill eliminates the requirement that DNR provide these forms.

6. The bill requires that if DNR requests that a commercial fisher or a wholesaler fish dealer produce certain fishing records for inspection or copying, the person must provide those records within 24 hours of DNR's request. If a wholesale fish dealer is convicted for failing to produce those records, DNR may not issue a license to that dealer or renew his or her license for a period of one year following the conviction.

7. Current law requires the owner or occupant of a building used for the storage or retention of wild animals or their carcasses to permit DNR to enter and examine the building. This bill also requires the owner or occupant to permit DNR to examine and copy any record pertaining to that wild animal either when the owner or occupant is present or upon 24 hours' notice.

Surcharges.

This bill also creates three surcharges that apply to the violation of certain laws regulating commercial fishers and wholesale fish dealers.

1. The bill establishes a commercial fish protection surcharge. Under the bill, if a court imposes a fine or forfeiture for the unlawful killing, sale, or possession of certain fish or for the failure to comply with record-keeping requirements, the court must impose a commercial fish protection surcharge. The amount of the surcharge varies depending on the type of fish involved and the nature of the violation. The moneys collected from the surcharge must be used for research relating to Great Lakes fish.

2. The bill also establishes a Great Lakes resource surcharge. Under the bill, if a court imposes a fine or forfeiture for a violation of the laws regulating wholesale fish dealers and the violation involves Great Lakes fish or if a court imposes a fine or forfeiture for a violation of certain other laws relating to sport trolling and commercial fishing in outlying waters, the court must impose a Great Lakes resource surcharge equal to 75 percent of the amount of the fine or forfeiture. As with the commercial fish protection surcharge, the moneys collected from the Great Lakes resource surcharge must be used for research relating to Great Lakes fish.

3. Under current law, DNR may seize a vehicle, boat, or object that is a public nuisance or that DNR has probable cause to believe is being used in violation of certain fish and game laws. Under this bill, if a court imposes a forfeiture for failure to reimburse DNR for costs associated with the seizure of a net or similar fishing device, the court must impose a fishing net removal surcharge in an amount equal

ASSEMBLY BILL 581

to the sum of those costs plus an amount equal to 75 percent of the amount of the forfeiture.

Penalties.

This bill provides that if DNR seizes any net or similar fishing device that is used in violation of the law, the owner must reimburse DNR for all costs associated with the seizure. If the owner does not reimburse DNR, the owner must forfeit not more than \$1,000 in addition to the costs of reimbursement.

Under current law, a person who has fish in his or her possession in violation of the law that has a value exceeding \$300 may be fined not more than \$5,000 or imprisoned for not more than 30 days or both. This bill establishes a minimum fine that may be imposed of \$1,000. Under the bill, this same penalty also applies if a person fails to comply with any record-keeping requirement for fish that has a value that exceeds \$300.

Other.

This bill makes certain other changes to the laws regulating commercial fishing, including the following:

1. Under current law, for the purposes of the regulation of wholesale fish dealers, the term “fish” does not specifically include fish eggs. This bill provides that the term “fish” includes fish eggs.

2. Under current law, with certain exceptions, a wholesale fish dealer is defined as a person who buys, barter, sells, or solicits fish. This bill specifies that a wholesale fish dealer includes a person who obtains or processes fish.

3. Under current law, a wholesale fish dealer may not sell, buy, or transport a lake trout unless it is tagged with a commercial fish tag issued by DNR. This bill eliminates the requirement that the fish be tagged and instead requires that the fish be identified in the manner required by DNR.

4. Current law specifies that a wholesale fish dealer or producer of fish may not transport fish unless the fish package or box contains certain information. This bill requires instead that the package, box, or container be accompanied by a bill of lading or invoice and specifies the information that must be contained on the bill of lading or invoice.

5. The bill prohibits a wholesale fish dealer from transporting any fish in a vehicle unless the ownership of the vehicle is marked as required by DNR.

6. Current law allows a commercial fisher to fish by trawl for the total allowable commercial harvest of smelt on the waters of Green Bay at any time during the period beginning one hour after sunset and ending three hours after sunrise under if the smelt will be used or sold for human consumption and the fishing occurs in the areas and during the season established by DNR. The bill authorizes such fishing at any time during nighttime. The bill also eliminates the requirement that DNR establish by rule a harvest limit for alewife on the waters of Green Bay and Lake Michigan.

7. Current law prohibits a person from selling, buying, or trading certain animals, including game fish unless expressly provided by law. This prohibition does not apply to eggs from trout and salmon that are not farm-raised fish if the eggs are removed from the fish. This bill clarifies that the eggs may be sold or purchased

ASSEMBLY BILL 581

without the fish if the eggs are first removed from the fish in the presence of the buyer.

8. The bill increases the fee for the transfer of an outlying waters commercial fishing license from \$25 to \$50.

9. The bill requires DNR to establish and maintain a commercial fish reporting system under which DNR must establish specific reporting or record-keeping requirements that apply only to certain persons who violate the commercial fishing laws.

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.** 20.370 (4) (kr) of the statutes is created to read:

2 20.370 (4) (kr) *Commercial fish protection and Great Lakes resource*
3 *surcharges.* All moneys received from commercial fish protection surcharges under
4 s. 29.984 and from Great Lakes resource surcharges under s. 29.99 for research
5 relating to Great Lakes fish.

6 **SECTION 2.** 29.001 (41m) of the statutes is created to read:

7 29.001 (41m) “Great Lakes fish” means lake trout, siscowet, whitefish, chubs,
8 yellow perch, menominee, lake herring, smelt, alewife, and burbot.

9 **SECTION 3.** 29.407 (2) (a) of the statutes is amended to read:

10 29.407 (2) (a) No person may transport or cause to be transported, or deliver
11 or receive or offer to deliver or receive for transportation, any game fish taken from
12 outlying waters unless the person complies with all applicable requirements under
13 pars. (b) to and (d).

14 **SECTION 4.** 29.407 (2) (b) of the statutes is renumbered 29.407 (2) (b) 2. and
15 amended to read:

ASSEMBLY BILL 581**SECTION 4**

1 29.407 (2) (b) 2. No ~~green~~ fresh fish of any variety except lawfully taken suckers
2 may be shipped from any port located on outlying waters during the closed season
3 for the fish, except the first 3 days of the closed season.

4 **SECTION 5.** 29.407 (2) (b) 1. of the statutes is created to read:

5 29.407 (2) (b) 1. In this paragraph, “fresh fish” means any fish that has not been
6 frozen or smoked.

7 **SECTION 6.** 29.407 (2) (c) of the statutes is repealed.

8 **SECTION 7.** 29.503 (1) (b) of the statutes is amended to read:

9 29.503 (1) (b) “Fish” means any processed or unprocessed fish of those species
10 which are found in the waters of the state as defined in s. 281.01 (18), including parts
11 of fish, fish eggs, or fish products. “Fish” does not include minnows produced and sold
12 or purchased as bait.

13 **SECTION 8.** 29.503 (1) (cm) of the statutes is created to read:

14 29.503 (1) (cm) “Record” includes any material on which written, drawn,
15 printed, spoken, visual, or electromagnetic information is recorded or preserved,
16 regardless of physical form, that relates to the production, storage, transportation,
17 purchase, sale, trade, barter, or other acquisition or disposition of fish by commercial
18 fishers or wholesale fish dealers.

19 **SECTION 9.** 29.503 (1) (e) of the statutes is amended to read:

20 29.503 (1) (e) “Wholesale fish dealer” means any person who buys, barter,
21 obtains, sells or, solicits, or processes fish in any manner for himself or herself or any
22 other person for sale to anyone other than a consumer; but no established retail store
23 or locker plant is a “wholesale fish dealer” solely as the result of the sale of fish to a
24 restaurant, hotel or tavern at no reduction in the retail price charged other retail
25 customers. A producer of fish, except as otherwise hereinafter provided, who sells

ASSEMBLY BILL 581

1 fish directly to retailers is a wholesale fish dealer. Hotels, meat markets, grocery
2 stores, restaurants and taverns are retailers, except when they sell fish for resale,
3 in which case they are wholesale fish dealers.

4 **SECTION 10.** 29.503 (4) (title) of the statutes is amended to read:

5 29.503 (4) (title) TAGGING AND LABELING, AND VEHICLE IDENTIFICATION
6 REQUIREMENTS.

7 **SECTION 11.** 29.503 (4) (a) of the statutes is amended to read:

8 29.503 (4) (a) *Tag, label or receipt required.* No wholesale fish dealer may sell,
9 buy, barter, trade, possess, control ~~or~~, transport, or cause to be transported any fish
10 unless the fish are tagged and labeled in accordance with the law of the state or
11 country where they were taken or, if no label or tag is required under the law of that
12 state or country, unless the fish are accompanied by a receipt or invoice from the
13 person from whom the fish were purchased or obtained.

14 **SECTION 12.** 29.503 (4) (b) of the statutes is amended to read:

15 29.503 (4) (b) *Special tagging requirements for lake trout.* No wholesale fish
16 dealer or producer of fish may sell, buy, barter, trade, possess, control ~~or~~, transport,
17 or cause to be transported any lake trout unless the lake trout is ~~tagged with a valid,~~
18 current commercial fish tag issued or authorized identified in the form and manner
19 required by the department ~~or by a governmental agency of another state or country.~~
20 ~~If a licensed wholesale fish dealer gives the department at least 12 hours' notice of~~
21 ~~the date, time and location of arrival at the state line of lawfully possessed, untagged~~
22 ~~lake trout which are intended for importation into this state by the licensed~~
23 ~~wholesale fish dealer, the department or its representatives shall meet the shipment~~
24 ~~of lake trout and attach a "foreign lake trout tag" to each fish or seal the shipment~~
25 ~~with a department seal which may not be removed prior to delivery to the licensed~~

ASSEMBLY BILL 581

SECTION 12

1 ~~wholesale fish dealer. The department or its representative shall tag the lake trout~~
2 ~~in a timely and orderly manner, and so as not to create any damage or spoilage to the~~
3 ~~fish. The tag shall be attached through the gills and mouth of whole lake trout, or~~
4 ~~in a manner which results in 2 complete fillets joined by the tag. For tagging of other~~
5 ~~forms of lake trout, the department shall promulgate rules to determine the manner~~
6 ~~in which the tag shall be attached to or accompany the trout, and the conditions, if~~
7 ~~any, under which the tag may be separated from the trout.~~

8 **SECTION 13.** 29.503 (4) (d) of the statutes is renumbered 29.503 (4) (d) 1. and
9 amended to read:

10 29.503 (4) (d) 1. No wholesale fish dealer or producer of fish may transport or
11 cause to be transported, or deliver or receive for transportation from the seller of fish
12 to the buyer of fish, any container, package, or box containing any fish unless it is
13 labeled legibly in a manner which discloses the name, address and license number
14 of the consignor which shall be identical to that on the license; the name and address
15 of the consignee; and each kind of fish contained in the package or box. If the
16 shipment of fish is accompanied by an invoice containing the name, address and
17 license number of the consignor, which shall be identical to that on the license; the
18 name, address and license number, if any, of the consignee; the date of shipment from
19 the consignor; the kinds of fish, the pounds of each kind and the description of the
20 fish being shipped; and the signature of the person completing the invoice, the kinds
21 of fish contained may be omitted from the package or box labels. Producers shall only
22 be required to label or provide invoices for packages or boxes of fish being transported
23 by vehicle or boat for purposes of sale. This paragraph does not apply to a producer
24 of fish on the Mississippi River accompanied by a bill of lading or an invoice that
25 contains the name, address, and license number of the seller and of the buyer.

ASSEMBLY BILL 581

1 **SECTION 14.** 29.503 (4) (d) 2. of the statutes is created to read:

2 29.503 (4) (d) 2. The bill of lading or invoice required under subd. 1. shall
3 contain the name, address, and license number of the seller and the buyer of the fish
4 covered by the bill of lading or invoice and shall specify the point of origin of the fish,
5 the point of destination of the fish, the species of fish, the weight of each species of
6 fish, and the number of containers, packages, or boxes covered by the bill of lading
7 or invoice. The operator of the conveyance transporting the fish shall immediately
8 produce the bill of lading or invoice for inspection upon the request of a warden.

9 **SECTION 15.** 29.503 (4) (d) 3. of the statutes is created to read:

10 29.503 (4) (d) 3. This paragraph does not apply to a producer of fish if the
11 producer is transporting fish from the producer's boat or landing to a processing
12 facility in this state.

13 **SECTION 16.** 29.503 (4) (e) of the statutes is created to read:

14 29.503 (4) (e) *Vehicle identification requirements.* 1. No wholesale fish dealer
15 or producer of fish may transport or cause to be transported any fish in a vehicle
16 unless the ownership of the vehicle is marked in a manner prescribed by the
17 department that identifies the vehicle's ownership and that confirms that the vehicle
18 contains fish.

19 2. This paragraph does not apply to a producer of fish if the producer is
20 transporting fish from the producer's boat or landing to a processing facility in this
21 state.

22 **SECTION 17.** 29.503 (5) (title) of the statutes is amended to read:

23 29.503 (5) (title) RECORDS AND REPORTS INVENTORIES.

24 **SECTION 18.** 29.503 (5) (a) of the statutes is amended to read:

ASSEMBLY BILL 581**SECTION 18**

1 29.503 (5) (a) *Records*. Each wholesale fish dealer shall keep legible, written
2 records in the English language of all fish purchased, sold, possessed, or obtained in
3 his or her capacity as a wholesale fish dealer, ~~in the manner required and on forms~~
4 ~~provided by the department by any means including by trade or barter and shall keep~~
5 records of all fish disposed of in his or her capacity as a wholesale fish dealer for any
6 reason, including as a result of spoilage or by donation. The record shall include the
7 name, address, and fish dealer license number of the purchaser; the name, address,
8 and wholesale fish dealer or commercial fishing license number of the person from
9 whom the fish were purchased or obtained; the date of the transaction; the kinds of
10 fish, the pounds or kilograms of each kind and the description of the fish purchased
11 or obtained; and the signature of the person completing the record. If the record
12 relates to a retail sale by the wholesale fish dealer, the record shall include only the
13 date of the transaction and the kind, weight, and condition of the fish sold.

14 **SECTION 19.** 29.503 (5) (b) of the statutes is repealed.

15 **SECTION 20.** 29.503 (5) (br) of the statutes is created to read:

16 29.503 (5) (br) *Inventory*. Each wholesale fish dealer shall prepare an annual
17 inventory of Great Lakes fish and all species of sturgeon owned by the wholesale fish
18 dealer or in the dealer's possession or control at the time that the inventory is
19 prepared, including such fish maintained in cold storage facilities. The inventory
20 shall be furnished to the department within 15 days after the inventory is completed.
21 The inventory shall be recorded on a form available from the department and shall
22 include the weight of the fish in pounds or kilograms, the species of the fish, the
23 condition of the fish, and the address of the location of the fish.

24 **SECTION 21.** 29.503 (5) (c) of the statutes is created to read:

ASSEMBLY BILL 581

1 29.503 (5) (c) *Prohibition*. No wholesale fish dealer, or employee of a wholesale
2 fish dealer, may possess, control, store, transport, or cause to be transported any fish
3 for which there is no record or for which there is no inventory as required under this
4 subsection.

5 **SECTION 22.** 29.503 (5) (d) of the statutes is created to read:

6 29.503 (5) (d) *Record retention and confidentiality*. 1. Each wholesale fish
7 dealer shall retain all records and inventories required under this subsection for a
8 period of at least 5 years from the date on which the record or inventory was created.
9 Each wholesale fish dealer shall notify the department annually, on forms available
10 from the department, of the location of the dealer's records and inventories.

11 2. Upon the written request of a wholesale fish dealer to the department, the
12 department shall keep confidential the value or weight of any fish listed on a record
13 or inventory under this subsection and the identity of any person who is listed on a
14 record under this subsection as having purchased, sold, possessed, or obtained fish.

15 3. Notwithstanding the confidentiality requirement in subd. 2, the department
16 may disclose information contained on any record or inventory furnished by a dealer
17 to the department if the disclosure is in furtherance of an investigation or
18 enforcement action undertaken by the department or a law enforcement agency.

19 4. Notwithstanding the confidentiality requirement in subd. 2, the department
20 may disclose information contained on any record furnished by a dealer to the
21 department if the department uses the information for a statistical summary or
22 report that does not identify the dealer by name or license number.

23 **SECTION 23.** 29.503 (6) (am) of the statutes is created to read:

24 29.503 (6) (am) *Record production*. 1. Upon the request of the department, a
25 wholesale fish dealer licensed in this state shall produce all records relating to the

ASSEMBLY BILL 581**SECTION 23**

1 purchase, acquisition, sale, trade, barter, storage, or disposition of fish that are kept
2 at the wholesale fish dealer's place of business or at a residence, dwelling, or location
3 other than the wholesale fish dealer's place of business, within 24 hours of the
4 request, for inspection or copying. The wholesale fish dealer may mail the records
5 to the department for inspection or copying. The records shall be mailed within 24
6 hours of receipt of the department's request.

7 2. The department may not issue a license to, or renew a wholesale fish dealer
8 license issued to, any person who has been convicted of violating this paragraph for
9 a period of one year following the conviction.

10 **SECTION 24.** 29.503 (6) (b) 2. of the statutes is amended to read:

11 29.503 (6) (b) 2. To inspect fish stored or in the possession of a wholesale fish
12 dealer, inspect or copy records or reports of a wholesale fish dealer, and to inspect
13 buildings, structures, vehicles, boats, equipment and materials related to a
14 wholesale fish dealer's business.

15 **SECTION 25.** 29.503 (6) (c) of the statutes is amended to read:

16 29.503 (6) (c) *Failure to produce records or to permit inspection.* No wholesale
17 fish dealer, operator of a vehicle or boat for a wholesale fish dealer or employee or
18 person acting on behalf of a wholesale fish dealer may prohibit entry or prohibit an
19 inspection to be conducted as authorized under this subsection, or refuse to produce
20 records as required under this subsection, unless a court restrains or enjoins the
21 entry ~~or~~, inspection, or production.

22 **SECTION 26.** 29.503 (7) of the statutes is amended to read:

23 29.503 (7) EXEMPTION. This section does not apply to fish produced in a state
24 or municipal fish hatchery or to farm-raised fish that are bought, bartered, sold,

ASSEMBLY BILL 581

1 obtained, processed, solicited, or transported by a person who operates a fish farm
2 registered under s. 95.60 (3m) or by that person's employees.

3 **SECTION 27.** 29.519 (1) of the statutes is renumbered 29.519 (1m), and 29.519
4 (1m) (c), as renumbered, is amended to read:

5 **29.519 (1m) (c)** The department may promulgate rules defining the
6 qualifications of licensees in the reasonable exercise of this authority, giving due
7 consideration to residency, past record including compliance with the ~~reporting~~
8 records requirements of sub. (5), fishing and navigation ability and quantity and
9 quality of equipment possessed. Rules relating to licensing commercial fishers shall
10 be based on criteria provided by the commercial fishing boards under sub. (7).

11 **SECTION 28.** 29.519 (1b) of the statutes is created to read:

12 **29.519 (1b)** In this section, “record” has the meaning given in s. 29.503 (1) (cm).

13 **SECTION 29.** 29.519 (2) (d) of the statutes is amended to read:

14 **29.519 (2) (d)** *Transfer of license.* ~~The department may, upon application,~~
15 ~~permit the transfer of a license to any similar boat during the time a licensed boat~~
16 ~~is disabled or undergoing repairs or upon the sale of a licensed boat.~~ The department
17 shall promulgate rules governing the transfer of commercial fishing licenses
18 between individuals equally qualified to hold the licenses and to members of a
19 licensee's immediate family provided the rules assure the wise use and conservation
20 of the fish resources being harvested under the license. The rules shall relate only
21 to those waters in which the number of licenses is limited. The commercial fishing
22 boards, under sub. (7), shall approve or deny transfers of commercial fishing licenses
23 in accordance with the rules promulgated under this section. For purposes of s.
24 29.024 (2g) and (2r), a transfer of a license under this section shall be considered an
25 issuance of a license to the transferee.

ASSEMBLY BILL 581

SECTION 30

1 **SECTION 30.** 29.519 (2) (e) of the statutes is created to read:

2 29.519 (2) (e) *Transfer of replacement boats.* The department may, upon
3 application, allow the holder of a commercial fishing license to replace a boat listed
4 on that license with a different boat.

5 **SECTION 31.** 29.519 (2) (f) of the statutes is amended to read:

6 29.519 (2) (f) *Licensed Commercial fishing boats.* Any licensed boat used by
7 a resident licensee shall be from a port of record in this state, its hailing port shall
8 be a port in this state, and it shall be a registered or documented boat of this state.
9 Any licensed boat used by a nonresident licensee shall be a registered or documented
10 boat of the state of residency.

11 **SECTION 32.** 29.519 (2) (fm) of the statutes is amended to read:

12 29.519 (2) (fm) *Attending boats.* Each licensed boat in excess of 25 feet in
13 overall length used by a commercial fisher may be accompanied by and work with
14 one attending boat without an additional license fee for the attending boat. Any
15 attending boat that is a motorboat under s. 30.50 (2) shall be ~~a~~ registered boat under
16 s. 30.51. An attending boat shall bear the name, if any, of the licensed boat listed on
17 the commercial fishing license issued under sub. (1m) and may be used only for
18 attending the licensed that boat.

19 **SECTION 33.** 29.519 (4) (a) of the statutes is amended to read:

20 29.519 (4) (a) Any commercial fishing licensee may use licensed crew members
21 when fishing with or without a boat. The number of crew members engaged under
22 a single license may not exceed 4 when fishing with nets under the ice. The
23 department, upon proper application for crew licenses, may issue with each
24 commercial fishing license no more than 4 crew licenses for the specific purpose of
25 fishing with nets under the ice and the number indicated on the application for the

ASSEMBLY BILL 581

1 purpose of fishing in open water. Each crew license shall bear the number of the
2 commercial fishing license, the purpose for which intended, the year for which issued
3 and the name of the crew member to whom the crew license is issued. The crew
4 license permits a person to engage in commercial fishing only as a member of a crew
5 of a commercial fisher licensed under sub. ~~(1)~~ (1m).

6 **SECTION 34.** 29.519 (4m) (a) of the statutes is amended to read:

7 29.519 **(4m)** (a) In this subsection, “incidental catch” means species of fish
8 inadvertently caught while a commercial fisher licensed under sub. ~~(1)~~ (1m) is
9 fishing by trawl for other species of fish.

10 **SECTION 35.** 29.519 (4m) (c) (intro.) of the statutes is amended to read:

11 29.519 **(4m)** (c) (intro.) A commercial fisher licensed under sub. ~~(1)~~ (1m) may
12 fish by trawl for the total allowable commercial harvest of smelt, as set by rule by the
13 department, on the waters of Green Bay at any time during ~~the period beginning one~~
14 ~~hour after sunset and ending 3 hours after sunrise~~ nighttime if all of the following
15 apply:

16 **SECTION 36.** 29.519 (4m) (e) of the statutes is repealed.

17 **SECTION 37.** 29.519 (5) (a) of the statutes is amended to read:

18 29.519 **(5)** (a) *Records and reports requirements.* Each commercial fishing
19 licensee fisher shall maintain and submit records ~~and provide reports as to the~~
20 department in the form and manner required by the department ~~by rule~~.

21 **SECTION 38.** 29.519 (5) (b) of the statutes is amended to read:

22 29.519 **(5)** (b) *Fishing records.* The licensee commercial fisher shall keep and
23 submit a complete, legible and accurate record of the licensee’s daily fishing
24 activities, in the form and manner required ~~and on forms~~ provided by the
25 department. The record shall include the complete name, address and commercial

ASSEMBLY BILL 581**SECTION 38**

1 fishing license number of the licensee; the name and number of the boat fished from;
2 the location fished; the month and year for which the record is being kept ~~for~~; the date
3 of each day's fishing activity; the kind and amount of commercial fishing gear used;
4 the kind of fish caught and the number of pounds of each kind of fish caught; and the
5 signature of the licensee.

6 **SECTION 39.** 29.519 (5) (c) of the statutes is amended to read:

7 29.519 (5) (c) *Catch Fish disposition records.* The licensee commercial fisher
8 shall keep a complete, legible and accurate record of the disposition of landed catch,
9 in the form and manner required ~~and on forms provided~~ by the department. The
10 record shall include the complete name, address and commercial fishing license
11 number of the licensee; for each wholesale sale, the complete name, address and
12 wholesale fish dealer license number, if any, of the buyer and the kinds of fish sold,
13 the number of pounds of each kind and the description of the fish sold and the date
14 of the ~~transaction~~ sale; for direct retail sales, the kinds of fish sold ~~and~~, the total
15 pounds of each kind, ~~and the date of the sale~~; and the signature of the licensee. In
16 this paragraph, "landed catch" means those fish or fish parts caught in commercial
17 fishing operations and brought to shore to utilize or to sell or otherwise ~~utilize~~
18 dispose of.

19 **SECTION 40.** 29.519 (5) (d) of the statutes is repealed.

20 **SECTION 41.** 29.519 (5) (dm) of the statutes is created to read:

21 29.519 (5) (dm) *Record retention and confidentiality.* 1. Each commercial
22 fisher shall maintain and retain all records required under this subsection for a
23 period of at least 5 years from the date on which the record was created. Each
24 commercial fisher shall notify the department annually, on forms available from the
25 department, of the location of the commercial fisher's records.

ASSEMBLY BILL 581

1 2. Upon the written request of a commercial fisher to the department, the
2 department shall maintain the confidentiality of the information contained on each
3 record furnished by the commercial fisher to the department.

4 3. Notwithstanding the confidentiality requirement in subd. 2., the
5 department may disclose information contained on any record furnished by a
6 commercial fisher to the department if the disclosure is in furtherance of an
7 investigation or enforcement action undertaken by the department or a law
8 enforcement agency.

9 4. Notwithstanding the confidentiality requirement in subd. 2., the
10 department may disclose information contained on any record furnished by a
11 commercial fisher to the department if the department uses the information for a
12 statistical summary or report that does not identify the commercial fisher by name
13 or license number.

14 **SECTION 42.** 29.519 (5m) of the statutes is created to read:

15 29.519 (5m) INVENTORY. Each commercial fishing licensee shall prepare an
16 annual inventory of Great Lakes fish and all species of sturgeon owned by the
17 licensee or in the licensee's possession or control at the time that the inventory is
18 prepared, including such fish maintained in cold storage facilities. The inventory
19 shall be furnished to the department within 15 days after the inventory is completed.
20 The inventory shall be recorded on a form available from the department and shall
21 include the weight of the fish in pounds or kilograms, the species of the fish, the
22 condition of the fish, and the address of the location of the fish.

23 **SECTION 43.** 29.519 (6) (intro.) of the statutes is amended to read:

24 29.519 (6) INSPECTION. (intro.) For purposes of enforcement of this section,
25 wardens or department employees duly authorized and designated by the secretary,

ASSEMBLY BILL 581**SECTION 43**

1 upon presenting appropriate credentials to the licensee commercial fisher, crew
2 member, or agent in charge, are authorized:

3 **SECTION 44.** 29.519 (6) (a) of the statutes is amended to read:

4 29.519 (6) (a) To enter any building or structure, excluding a dwelling place,
5 in which records, nets, or fish are stored, or held, or in which fish are processed, or
6 packed or held, or to enter any boat or vehicle being used to transport nets or fish
7 when the owner or agent in charge is present or upon 8 hours' notice at other times.

8 **SECTION 45.** 29.519 (6) (b) of the statutes is amended to read:

9 29.519 (6) (b) To inspect buildings, structures, boats or vehicles, to inspect all
10 pertinent equipment including nets used or stored in the places to be inspected, to
11 inspect or copy all records of commercial fishing activity, of fish storage, and of fish
12 disposition, and to inspect any fish stored, processed, packed or held in the places to
13 be inspected.

14 **SECTION 46.** 29.519 (6) (c) of the statutes is created to read:

15 29.519 (6) (c) To direct a commercial fisher, a crew member, or an agent in
16 charge to empty any fish box that is larger than a standard fish box, as defined by
17 the department by rule. If so directed, the commercial fisher, crew member, or agent
18 shall empty such fish box.

19 **SECTION 47.** 29.519 (6g) of the statutes is created to read:

20 29.519 (6g) RECORD PRODUCTION. Upon the request of the department, a
21 commercial fisher shall produce all records relating to the production, acquisition,
22 sale, trade, barter, storage, or disposition of fish that are kept at the commercial
23 fisher's place of business or at a residence, dwelling, or location other than the
24 commercial fisher's place of business within 24 hours of the request for inspection
25 or copying. The records shall be mailed within 24 hours of receipt of the request.

ASSEMBLY BILL 581

1 **SECTION 48.** 29.519 (6m) of the statutes is amended to read:

2 **29.519 (6m)** INTERFERENCE WITH INSPECTIONS. No licensee commercial fisher,
3 licensed crew member, operator of a vehicle or boat for the ~~licensee~~ commercial fisher,
4 or an employee acting on behalf of the ~~licensee~~ commercial fisher may prohibit entry
5 ~~or,~~ prohibit an inspection to be conducted, fail or refuse to produce any record, or fail
6 or refuse to immediately empty a fish box or container as authorized provided under
7 sub. (6) ~~unless a court restrains or enjoins the entry or inspection.~~ The department
8 may not conduct an inspection or examine a person's records under sub. (6) if such
9 action has been enjoined by court order.

10 **SECTION 49.** 29.539 (2) of the statutes is amended to read:

11 **29.539 (2)** ~~No~~ Except as provided in subs. (3) and (3m), no fish taken by hook
12 and line from outlying waters, except rough fish, may be sold, bartered or traded in
13 any manner.

14 **SECTION 50.** 29.539 (3) of the statutes is amended to read:

15 **29.539 (3)** The eggs from trout and salmon that are not farm-raised fish and
16 that are lawfully taken and possessed under this chapter are exempted from this
17 section if removed from the fish. ~~The whole fish shall be taken to the buyer of the~~
18 ~~eggs and the eggs removed in the presence of the buyer.~~ ~~The fish carcass shall be~~
19 ~~legally disposed of~~ as provided under sub. (3m).

20 **SECTION 51.** 29.539 (3m) of the statutes is created to read:

21 **29.539 (3m)** The eggs from trout and salmon that are not farm-raised fish may
22 not be sold or purchased unless the eggs are first removed from the whole fish in the
23 presence of the buyer. The fish carcass shall be legally disposed of. Eggs that are
24 removed in accordance with this subsection may subsequently be sold or purchased
25 without the fish subject to any licensing requirement under s. 29.503.

ASSEMBLY BILL 581**SECTION 52**

1 **SECTION 52.** 29.563 (7) (a) 1. of the statutes is amended to read:

2 29.563 (7) (a) 1. Outlying waters: \$899.25 for the first licensed boat and
3 \$899.25 for each additional licensed boat that is listed on a license issued under s.
4 29.519 (1m).

5 **SECTION 53.** 29.563 (7) (b) 1. of the statutes is amended to read:

6 29.563 (7) (b) 1. Outlying waters: \$6,499.25 for the first licensed boat and
7 \$6,499.25 for each additional licensed boat that is listed on a license issued under s.
8 29.519 (1m).

9 **SECTION 54.** 29.563 (7) (c) 1. of the statutes is amended to read:

10 29.563 (7) (c) 1. Outlying waters license transfers under s. 29.519 (2) (d): \$25
11 \$50.

12 **SECTION 55.** 29.924 (4) of the statutes is amended to read:

13 29.924 (4) ACCESS TO STORAGE PLACES. The owner or occupant of any
14 cold-storage warehouse or building used for the storage or retention of wild animals,
15 or their carcasses, that are subject to regulation under this chapter shall permit the
16 department and its wardens to enter and examine the premises subject to s. 66.0119.
17 The owner or occupant, or the agent or employee of the owner or occupant, shall
18 deliver to the officer any such wild animal or carcass, ~~in his or her possession during~~
19 ~~the closed season~~ the warehouse or building, that the officer has reasonable cause
20 to believe is possessed or was taken in violation of the law, whether taken within or
21 without the state. The owner or occupant, or the agent or employee of the owner or
22 occupant, shall permit the department to examine and copy any record pertaining
23 to the storage or retention of any wild animal either when the owner, occupant, agent,
24 or employee is present or upon 24 hours' notice.

25 **SECTION 56.** 29.931 (2) (am) of the statutes is created to read:

ASSEMBLY BILL 581

1 29.931 (2) (am) If the department or its wardens seize any net or similar fishing
2 device under par. (a), the owner shall reimburse the department for all costs
3 associated with the seizure within 20 days after the department gives written notice
4 to the owner of the owner's obligation to reimburse the department. The notice shall
5 include the amount of the costs required to be reimbursed by the owner. If the owner
6 does not reimburse the department as required under this paragraph, the owner
7 shall forfeit not more than \$1,000 in addition to the costs of reimbursement. All
8 reimbursement costs collected under this paragraph shall be credited to the
9 appropriation under s. 20.370 (3) (mi).

10 **SECTION 57.** 29.971 (1) (b) of the statutes is amended to read:

11 29.971 (1) (b) For ~~having taking, transporting, acquiring, selling, purchasing,~~
12 ~~or possessing, or attempting to take, acquire, transport, sell, purchase, or possess,~~
13 ~~any fish in his or her possession, or failing to comply with any record-keeping~~
14 ~~requirement for fish,~~ in violation of this chapter and the ~~that has a value of the fish~~
15 under par. (d) ~~exceeds exceeding~~ \$300 but does not exceed ~~exceeding~~ \$1,000, by a fine
16 of not ~~less than \$1,000 nor~~ more than \$5,000 or imprisonment for not more than 30
17 days or both.

18 **SECTION 58.** 29.971 (1) (c) of the statutes is amended to read:

19 29.971 (1) (c) A person ~~having taking, transporting, acquiring, selling,~~
20 ~~purchasing, or possessing, or attempting to take, acquire, transport, sell, purchase,~~
21 ~~or possess, any fish in his or her possession, or failing to comply with any~~
22 ~~record-keeping requirement for fish,~~ in violation of this chapter is guilty of a Class
23 I felony if the value of the fish under par. (d) exceeds \$1,000.

24 **SECTION 59.** 29.971 (1) (d) of the statutes is renumbered 29.971 (1) (d) 2. and
25 amended to read:

ASSEMBLY BILL 581**SECTION 59**

1 29.971 (1) (d) 2. Salmon, trout, and noncommercial game fish shall be valued
2 for the purposes of pars. (b) and (c) on a ~~per fish~~ per-fish basis according to the dollar
3 amounts specified under s. 29.977 (1) (a) and (i) to (L).

4 3. Other species of commercial fish shall be valued on a per fish basis according
5 to the current average wholesale value. In this paragraph, “average wholesale
6 value” means the average price received by producers on the date of the violation for
7 fish in the form of the violative fish per-pound basis according to the average
8 wholesale value of the fish. The department shall determine the average wholesale
9 value of the fish by averaging the price received by 3 different wholesale fish dealers
10 in this state for that species of fish on or about the date of the violation.

11 **SECTION 60.** 29.971 (1) (d) 1. and 4. of the statutes are created to read:

12 29.971 (1) (d) 1. In this paragraph, “average wholesale value” means the
13 average purchase price paid by wholesale fish dealers on the date of a violation of this
14 chapter as determined by the department after obtaining price information from 3
15 wholesale fish dealers in this state.

16 4. For purposes of making charging and penalty determinations under pars.
17 (b) and (c), the value of fish from multiple violations committed by the same person
18 in any 12-month period may be aggregated.

19 **SECTION 61.** 29.971 (1) (e) of the statutes is amended to read:

20 ~~29.971 (1) (e) Any person holding an approval issued under this chapter, upon~~
21 ~~his or her 2nd conviction within a 3-year period for violations of this chapter relating~~
22 ~~to possessing illegal fish, fishing with illegal gear, fishing in closed areas or refuges,~~
23 ~~fishing during a closed season, violation of quota fisheries or false reporting shall~~
24 ~~have all of his or her fishing and fish dealing licenses revoked and no fishing or fish~~
25 ~~dealing license may be issued to the person for at least one year after the date of~~

ASSEMBLY BILL 581

1 ~~conviction. During~~ In addition to any other penalty under this section, during the
2 ~~period of revocation for 2 convictions under pars. (b) or (c) or a combination of 2~~
3 ~~convictions under pars. (b) and (c)~~ time that a person's commercial fishing license is
4 revoked under sub. (12), the person may not engage in fishing on the water or ice in
5 any manner, operate or assist in the operation of fishing gear or engage in the sale
6 or transportation of fish. Any person holding a license under s. 29.519 ~~(1)~~ (1m) who
7 has that license revoked under ~~this paragraph,~~ sub. (12) may apply for that license
8 for that part of the license year following the period of revocation ~~which is at least~~
9 ~~one year after the date of conviction~~ and the department shall issue that license if
10 all licensing criteria are met. The revoked license may not be issued to another
11 person during the period of revocation.

12 **SECTION 62.** 29.971 (5) of the statutes is amended to read:

13 29.971 (5) For violation of s. 29.539, except s. 29.539 (3m), by a fine of not less
14 than \$1,000 nor more than \$2,000 or imprisonment for not more than 6 months or
15 both. In addition, the court shall order the revocation of all hunting and sport fishing
16 approvals issued to the person under this chapter and shall prohibit the issuance of
17 any new hunting or sport fishing approvals under this chapter to the person for 5
18 years.

19 **SECTION 63.** 29.972 of the statutes is created to read:

20 **29.972 Commercial fish reporting system.** The department shall establish
21 and maintain a commercial fish reporting system under which the department shall
22 establish specific reporting or record-keeping requirements that apply to all of the
23 following:

24 (1) Any person who has committed a certain number of violations of subch. VI,
25 as determined by the department.

ASSEMBLY BILL 581**SECTION 63**

1 (2) Any person who holds a license issued under s. 29.519 (1m), and who is
2 convicted of harvesting more than 1,000 pounds of fish above their annual quota,
3 failing to report over 2,000 pounds of catch during a 12-month period, fishing during
4 the closed season, or possessing 200 or more pounds of fish in violation of this chapter.

5 **SECTION 64.** 29.984 of the statutes is created to read:

6 **29.984 Commercial fish protection surcharge.** (1) LEVY OF COMMERCIAL
7 FISH PROTECTION SURCHARGE. (a) If a court imposes a fine or forfeiture under s. 29.971
8 for the unlawful killing, catching, taking, transporting, sale, or possession of Great
9 Lakes fish in violation of s. 29.503, or of fish in violation of s. 29.514 or 29.519, or for
10 failing to comply with any record-keeping requirement for fish in violation of s.
11 29.503, 29.514, or 29.519, the court may impose a commercial fish protection
12 surcharge that equals the amount specified for the fish under par. (b) or (bg).

13 (b) Except as provided in par. (bg), the amount of the commercial fish protection
14 surcharge shall be as follows:

15 1. For any commercial fish, as determined by the department, an amount equal
16 to the average wholesale value of the fish on the date of the violation. The
17 department shall determine the average wholesale value of the fish by determining
18 the wholesale value of such fish purchased by 3 different wholesale fish dealers in
19 this state on or about the date of the violation.

20 2. For salmon, trout, and noncommercial game fish, an amount equal to the
21 amount specified in s. 29.983 (1) (b) 9. to 12.

22 (bg) For a fine imposed under s. 29.971 (1) (b) or (c), the amount of the
23 commercial fish protection surcharge shall be an amount equal to 3 times the
24 average wholesale value of the fish. The department shall determine the average

ASSEMBLY BILL 581

1 wholesale value of the fish by averaging the price received by 3 different wholesale
2 fish dealers in this state for that species of fish on or about the date of the violation.

3 (c) If a fine or forfeiture is suspended in whole or in part, the commercial fish
4 protection surcharge shall be reduced in proportion to the suspension unless the
5 court directs otherwise.

6 (e) If any deposit is made for an offense to which this section applies, the person
7 making the deposit shall also deposit a sufficient amount to include the commercial
8 fish protection surcharge required under this section. If the deposit is forfeited, the
9 amount of the commercial fish protection surcharge shall be transmitted to the state
10 treasurer under par. (f). If the deposit is returned, the commercial fish protection
11 surcharge shall also be returned.

12 (f) The clerk of court shall collect and transmit to the county treasurer the
13 commercial fish protection surcharge and other amounts required under s. 59.40 (2)
14 (m). The county treasurer shall then make payment to the state treasurer as
15 provided in s. 59.25 (3) (f) 2. The state treasurer shall deposit the amount of the
16 commercial fish protection surcharge in the conservation fund.

17 (2) USE OF COMMERCIAL FISH PROTECTION SURCHARGE FUNDS. All moneys collected
18 from commercial fish protection surcharges shall be credited to the appropriation
19 under s. 20.370 (4) (kr).

20 **SECTION 65.** 29.987 (1) (a) of the statutes is amended to read:

21 29.987 (1) (a) If a court imposes a fine or forfeiture for a violation of a provision
22 of this chapter or an order issued under this chapter, other than for a violation
23 specified under s. 29.99 (1) (a), the court shall impose a natural resources surcharge
24 under ch. 814 equal to ~~75%~~ 75 percent of the amount of the fine or forfeiture.

25 **SECTION 66.** 29.99 of the statutes is created to read:

ASSEMBLY BILL 581**SECTION 66**

1 **29.99 Great Lakes resource surcharge. (1) LEVY OF GREAT LAKES RESOURCE**
2 SURCHARGE. (a) If a court imposes a fine or forfeiture for a violation of s. 29.503
3 involving Great Lakes fish or for a violation of s. 29.514 or 29.519, the court shall
4 impose a Great Lakes resource surcharge equal to 75 percent of the amount of the
5 fine or forfeiture.

6 (b) If a fine or forfeiture is suspended in whole or in part, the Great Lakes
7 resource surcharge shall be reduced in proportion to the suspension.

8 (c) If any deposit is made for an offense to which this section applies, the person
9 making the deposit shall also deposit a sufficient amount to include the Great Lakes
10 resource surcharge prescribed in this section. If the deposit is forfeited, the amount
11 of the Great Lakes resource surcharge shall be transmitted to the state treasurer
12 under par. (d). If the deposit is returned, the Great Lakes resource surcharge shall
13 also be returned.

14 (d) The clerk of the court shall collect and transmit to the county treasurer the
15 Great Lakes resource surcharge and other amounts required under s. 59.40 (2) (m).
16 The county treasurer shall then make payment to the state treasurer as provided in
17 s. 59.25 (3) (f) 2. The state treasurer shall deposit the amount of the Great Lakes
18 resource surcharge in the conservation fund.

19 **(2) USE OF GREAT LAKES RESOURCE SURCHARGE FUNDS.** All moneys collected from
20 Great Lakes resource surcharges shall be credited to the appropriation under s.
21 20.370 (4) (kr).

22 **SECTION 67.** 29.991 of the statutes is created to read:

23 **29.991 Fishing net removal surcharge. (1) LEVY OF FISHING NET REMOVAL**
24 SURCHARGE. (a) If a court imposes a forfeiture under s. 29.931 (2) (am) for failure to
25 reimburse the department for costs associated with the seizure of a net or similar

ASSEMBLY BILL 581

1 fishing device under s. 29.931 (2) (a), the court shall impose a fishing net removal
2 surcharge in an amount equal to the sum of those costs plus an amount equal to 75
3 percent of the amount of the forfeiture.

4 (b) If the forfeiture is suspended in whole or in part, the fishing net removal
5 surcharge shall be reduced in proportion to the suspension.

6 (c) The clerk of the court shall collect and transmit to the county treasurer the
7 fishing net removal surcharge and other amounts required under s. 59.40 (2) (m).
8 The county treasurer shall then make payment to the state treasurer as provided in
9 s. 59.25 (3) (f) 2.

10 (2) DEPOSIT OF FISHING NET REMOVAL SURCHARGE FUNDS. All moneys collected
11 from fishing net removal surcharges shall be deposited in the conservation fund.

12 SECTION 68. 30.51 (2) (c) 2. of the statutes is amended to read:

13 30.51 (2) (c) 2. A federally documented vessel which is a commercial fishing
14 boat licensed operated under a license issued under s. 29.519.

15 SECTION 69. 814.75 (1) of the statutes is renumbered 814.75 (1m).

16 SECTION 70. 814.75 (1g) of the statutes is created to read:

17 814.75 (1g) The commercial fish protection surcharge under s. 29.984.

18 SECTION 71. 814.75 (12n) of the statutes is created to read:

19 814.75 (12n) The fishing net removal surcharge under s. 29.991.

20 SECTION 72. 814.75 (13m) of the statutes is created to read:

21 814.75 (13m) The Great Lakes resource surcharge under s. 29.99.

22 SECTION 73. 814.76 (1) of the statutes is renumbered 814.76 (1m).

23 SECTION 74. 814.76 (1g) of the statutes is created to read:

24 814.76 (1g) The commercial fish protection surcharge under s. 29.984.

25 SECTION 75. 814.76 (10m) of the statutes is created to read:

ASSEMBLY BILL 581**SECTION 75**

1 814.76 (10m) The Great Lakes resource surcharge under s. 29.99.

2 **SECTION 76.** 814.77 (1) of the statutes is renumbered 814.77 (1m).

3 **SECTION 77.** 814.77 (1g) of the statutes is created to read:

4 814.77 (1g) The commercial fish protection surcharge under s. 29.984.

5 **SECTION 78.** 814.77 (5m) of the statutes is created to read:

6 814.77 (5m) The fishing net removal surcharge under s. 29.991.

7 **SECTION 79.** 814.77 (6m) of the statutes is created to read:

8 814.77 (6m) The Great Lakes resource surcharge under s. 29.99.

9 **SECTION 80. Nonstatutory provisions.**

10 (1) The department of natural resources may use the procedure under section
11 227.24 of the statutes to promulgate rules under this act. Notwithstanding section
12 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this
13 subsection shall remain in effect until the date on which permanent rules take effect.
14 Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not
15 required to provide evidence that promulgating a rule under this subsection as an
16 emergency rule is necessary for the preservation of public peace, health, safety, or
17 welfare and is not required to provide a finding of emergency for a rule promulgated
18 under this subsection.

19 **SECTION 81. Effective date.**

20 (1) This act takes effect on July 1, 2005, or on the day after publication,
21 whichever is later.

22

(END)