



State of Wisconsin


LEGISLATIVE REFERENCE BUREAU


RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**


Date Transfer Requested: 01/19/2007 (Per: RNK)



Appendix A

 The 2007 drafting file for LRB 07-0689/2
has been copied/added to the 2007 drafting file for
LRB 07-1581

 The attached 2007 draft was incorporated into the new 2007 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2007 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

 This cover sheet was added to rear of the original 2007 drafting file. The drafting file was then returned, intact, to its folder and filed.

2007 DRAFTING REQUEST

Bill

Received: 11/10/2006

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: Marlin Schneider (608) 266-0215

By/Representing: himself

This file may be shown to any legislator: NO

Drafter: rkite

May Contact:

Addl. Drafters:

Subject: Nat. Res. - nav. waters

Extra Copies:

Submit via email: YES

Requester's email: Rep.Schneider@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Regulation of invasive fish species

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>
/?				_____			S&L
/1	rkite 11/21/2006	jdyer 11/22/2006	nnatzke 11/22/2006	_____	mbarman 11/22/2006		S&L
/2	rkite 11/28/2006	jdyer 11/29/2006	rschluet 11/29/2006	_____	mbarman 11/29/2006	cduerst 11/29/2006	

FE Sent For:

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/1	rkite 11/21/2006	jdyer 11/22/2006	nnatzke 11/22/2006	_____	mbarman 11/22/2006		S&L
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/?							S&L
/1	rkite 11/21/2006	jdye 11/22/2006	nmatzke 11/22/2006		mbarman 11/22/2006		

FE Sent For:

12/11/29 jld

11/29/06

11/29/06

<END>

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/?	rkite	1 11/22 jld	nwn 11/22	nwn/pg 11/22			

FE Sent For:

<END>

Kite, Robin

From: Basford, Sarah
Sent: Thursday, November 09, 2006 8:29 AM
To: Kite, Robin
Subject: 2005 AB 470

Rep. Schneider was here this morning and wanted this bill re-drafted (as it was passed) for this session. He would like you give him a call.

Sarah Basford
Program Assistant
State of Wisconsin
Legislative Reference Bureau
PH: (608) 266-3561/FAX: (608) 264-6948
sarah.basford@legis.wisconsin.gov

Called Rep. Schneider 11/10 - left message

Rm Fur

0689/1

De
jld

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 470**

2007 BILL

D-Note

October 3, 2005 - Offered by Representative SCHNEIDER.

Regen

W. J. J. J.

1 AN ACT *to create* ~~29.425~~ of the statutes; relating to: the possession, release,
2 control, storage, sale, and transportation of invasive fish species and requiring
3 the exercise of rule-making authority.

→ INSERT ANALYSIS ←

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

4 SECTION 1. ~~29.425~~ ^{23.225} of the statutes is created to read:

5 ~~29.425~~ ^{23.225} **Invasive fish species.** (1) In this section, "invasive fish species" ^{means}
6 nonnative species of fish that cause, or are likely to cause, harm to the economy, to
7 the environment, or to human health.

8 (2) The department shall promulgate rules specifying invasive fish species.

9 (3) No person may possess, release, control, store, sell, or transport invasive
10 fish species or the viable eggs of those species.

11 (4) The prohibitions under sub. (3) against the possession, control, storage,
12 sale, or transportation of invasive fish species or the viable eggs of those species do

1 not apply to a person who holds a scientific collector permit under s. 29.614 [✓] or to a
2 ~~person who holds a scientific research license under s. 160.151~~ or to a person
3 authorized by the department to ~~engage in that conduct~~ [✓] for scientific or educational
4 purposes.

5

(END)

✓
possess, release, control, store, sell, or transport
invasive fish species or the eggs of those species

d-note
↓

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

LRB-0689/1dn

RNK:.....

date

JLd

You requested a redraft of 2005 Assembly Bill 470 as passed by the Assembly last session (Assembly substitute amendment 1). This redraft is substantially the same as Assembly substitute amendment 1 but it has some changes that are intended to make the draft more clear and concise. Also, the provisions of last session's proposal were placed in ch. 29, which is the chapter that primarily regulates hunting and fishing. I have moved the provisions to ch. 23 in this draft because, given that invasive species are already regulated generally in ch. 23, I think that placement of the provisions of this draft more appropriately belong in ch. 23.

Please let me know if you have any questions with regard to this draft.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0689/lins.
RNK:.....

Insert
Analysis

This bill prohibits any person, with certain limited exceptions, from possessing, releasing, controlling, storing, selling, or transporting invasive fish species or the viable eggs of those species. The bill defines invasive fish species as nonnative species of fish that cause, or are likely to cause, harm to the economy, to the environment, or to human health. The bill requires the Department of Natural Resources to promulgate rules specifying invasive fish species. *

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

(end ins analysis)

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

LRB-0689/1dn
RNK:jld:nwn

November 22, 2006

You requested a redraft of 2005 Assembly Bill 470 as passed by the Assembly last session (Assembly Substitute Amendment 1). This redraft is substantially the same as Assembly Substitute Amendment 1 but it has some changes that are intended to make the draft more clear and concise. Also, the provisions of last session's proposal were placed in ch. 29, which is the chapter that primarily regulates hunting and fishing. I have moved the provisions to ch. 23 in this draft because, given that invasive species are already regulated generally in ch. 23, I think that placement of the provisions of this draft more appropriately belong in ch. 23.

Please let me know if you have any questions with regard to this draft.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

soon

RM run
2

2007 - 2008 LEGISLATURE

LRB-0689

RNK:jld:nwn

2007 BILL

D-Note

fish of an ✓

Regen

1 AN ACT to create 23.225 of the statutes; relating to: the possession, release,
 2 control, storage, sale, and transportation of invasive fish species and requiring
 3 the exercise of rule-making authority.

Analysis by the Legislative Reference Bureau

Insert Analysis ✓

This bill prohibits any person, with certain limited exceptions, from possessing, releasing, controlling, storing, selling, or transporting ~~invasive fish species~~ or the viable eggs of those species. The bill defines "invasive fish species" as nonnative species of fish that cause, or are likely to cause, harm to the economy, to the environment, or to human health. The bill requires the Department of Natural Resources to promulgate rules specifying invasive fish 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:

4 SECTION 1. 23.225 of the statutes is created to read:

5 23.225 Invasive fish species. (1) In this section, "invasive fish species"
 6 means ^{nonnative} ~~nonnative~~ species of fish that cause, or are ^{likely} ~~likely~~ to cause, harm to the
 7 economy, to the environment, or to human health.

that is not native to the waters of this state and

BILL

SECTION 1

1
2
3
4
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8

~~(2) The department shall promulgate rules specifying invasive fish species.~~

~~(3) No person may possess, release, control, store, sell, or transport ^{fish eggs} invasive fish species or the viable eggs of those ~~species~~ fish.~~

~~(4) The prohibitions under sub. (3) do not apply to a person who holds a scientific collector permit under s. 29.614 or to a person authorized by the department to possess, release, control, store, sell, or transport invasive fish species or the eggs of those species for scientific or educational purposes.~~

(END)

insert 2-8 ✓

D-note
↓

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0689/2ins.
RNK:.....

INSERT ANALYSIS

This bill prohibits any person, with certain exceptions, from possessing, releasing, controlling, storing, selling, or transporting fish, or viable fish eggs, of an invasive fish species if the person knows, or should know, that the fish or eggs are of an invasive fish species. The bill defines "invasive fish species" as a species of fish that is not native to the waters of this state and that causes, or is likely to cause, harm to the economy, to the environment, or to human health. Under the bill, the prohibitions do not apply to ^{certain} persons, such as those who hold a permit from the Department of Natural Resources to operate a fish farm, to import fish, or to stock fish. The prohibitions also do not apply under the bill to a person who, while lawfully fishing, inadvertently catches a fish that is of an invasive fish species.

INSERT 2-8

⁽²⁾ ~~(1)~~ No person may possess, release, control, store, sell, or transport any fish, or viable fish eggs, that are of an invasive fish species if the person knows, or should know, that the fish or the eggs are of an invasive fish species. ✓

⁽³⁾ ~~(2)~~ The prohibitions under sub. ⁽²⁾ ~~(1)~~ do not apply to any of the following:

- (a) A person who holds a scientific collector permit under s. 29.614. ✓
- (b) A person who holds a permit to import fish under s. 29.735. ✓
- (c) A person who holds a permit to introduce, plant, or stock fish under s. 29.736. ✓
- (d) A person who operates a fish farm under s. 95.60. ✓
- (e) A person who operates a state or municipal fish hatchery.
- (f) A person who is authorized by the department to possess, release, control, sell, or transport fish or fish eggs for scientific or educational purposes or for the purpose of controlling the population of fish that are of an invasive fish species. ✓
- (g) A person who, while lawfully fishing, inadvertently catches a fish that is of an invasive fish species.

⁽⁴⁾ ~~(3)~~ The department shall promulgate rules specifying fish that are of an invasive fish species for purposes of this section. ✓

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

LRB-0689/2dn

RNK:.....

date

JLD

As requested, this redraft creates a new exception to the prohibited activities specified in the bill. This redraft creates an exemption for a person who, while fishing, inadvertently catches a fish that is of an invasive species. The draft also clarifies that the prohibitions in the bill apply only if a person knows, or should have known, that the prohibited activity concerns fish that is of an invasive fish species.

This version of the draft also adds some other exceptions. The draft exempts from the prohibitions a person who holds a permit to import fish under s. 29.735, a person who holds a permit to introduce, plant, or stock fish under s. 29.736, and a person who operates a fish farm under s. 95.60 or a state or municipal fish hatchery. I don't know if any of these operations would ordinarily include fish that are of an invasive fish species but I thought it would be advisable to exempt them in this redraft. If you do not want to include these additional exemptions, please let me know and I will redraft accordingly.

If you have any questions with regard to this draft, please feel free to contact me.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

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

LRB-0689/2dn
RNK:jld:rs

November 29, 2006

As requested, this redraft creates a new exception to the prohibited activities specified in the bill. This redraft creates an exemption for a person who, while fishing, inadvertently catches a fish that is of an invasive fish species. The bill also clarifies that the prohibitions in the bill apply only if a person knows, or should know, that the prohibited activity concerns fish that is of an invasive fish species.

This version of the bill also adds some other exceptions. The bill exempts from the prohibitions a person who holds a permit to import fish under s. 29.735; a person who holds a permit to introduce, plant, or stock fish under s. 29.736; a person who operates a fish farm under s. 95.60; or a state or municipal fish hatchery. I don't know if any of these operations would ordinarily include fish that are of an invasive fish species but I thought it would be advisable to exempt them in this redraft. If you do not want to include these additional exemptions, please let me know and I will redraft accordingly.

If you have any questions with regard to this bill, please feel free to contact me.

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Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

Duerst, Christina

From: Schneider, Marlin
Sent: Wednesday, November 29, 2006 12:16 PM
To: LRB.Legal
Subject: Draft Review: LRB 07-0689/2 Topic: Regulation of invasive fish species

Please Jacket LRB 07-0689/2 for the ASSEMBLY.



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0689/2

RNK:jld:rs

2007 BILL

- 1 **AN ACT to create** 23.225 of the statutes; **relating to:** the possession, release,
2 control, storage, sale, and transportation of fish of an invasive fish species and
3 requiring the exercise of rule-making authority.

Analysis by the Legislative Reference Bureau

This bill prohibits any person, with certain exceptions, from possessing, releasing, controlling, storing, selling, or transporting fish, or viable fish eggs, of an invasive fish species if the person knows, or should know, that the fish or eggs are of an invasive fish species. The bill defines "invasive fish species" as a species of fish that is not native to the waters of this state and that causes, or is likely to cause, harm to the economy, to the environment, or to human health. Under the bill, the prohibitions do not apply to certain persons, such as those who hold a permit from the Department of Natural Resources to operate a fish farm, to import fish, or to stock fish. The prohibitions also do not apply under the bill to a person who, while lawfully fishing, inadvertently catches a fish that is of an invasive fish 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:

- 4 **SECTION 1.** 23.225 of the statutes is created to read:

BILL

1 **23.225 Invasive fish species.** (1) In this section, "invasive fish species"
2 means a species of fish that is not native to the waters of this state and that causes,
3 or is likely to cause, harm to the economy, to the environment, or to human health.

4 (2) No person may possess, release, control, store, sell, or transport any fish,
5 or viable fish eggs, that are of an invasive fish species if the person knows, or should
6 know, that the fish or the eggs are of an invasive fish species.

7 (3) The prohibitions under sub. (2) do not apply to any of the following:

8 (a) A person who holds a scientific collector permit under s. 29.614.

9 (b) A person who holds a permit to import fish under s. 29.735.

10 (c) A person who holds a permit to introduce, plant, or stock fish under s. 29.736.

11 (d) A person who operates a fish farm under s. 95.60.

12 (e) A person who operates a state or municipal fish hatchery.

13 (f) A person who is authorized by the department to possess, release, control,
14 sell, or transport fish or fish eggs for scientific or educational purposes or for the
15 purpose of controlling the population of fish that are of an invasive fish species.

16 (g) A person who, while lawfully fishing, inadvertently catches a fish that is of
17 an invasive fish species.

18 (4) The department shall promulgate rules specifying fish that are of an
19 invasive fish species for purposes of this section.

20

(END)