

2001 DRAFTING REQUEST

Bill

Received: 12/18/2000

Received By: gibsom

Wanted: Soon

Identical to LRB:

For: Administration-Budget 67973

By/Representing: Grinde

This file may be shown to any legislator: NO

Drafter: gibsom

May Contact:

Alt. Drafters:

Subject: Nat. Res. - nav. waters
 Nat. Res. - fish and game

Extra Copies:

Pre Topic:

DOA:.....Grinde -

Topic:

Use of water in fish farms and for aquaculture

Instructions:

See Attached

Drafting History:

Vers.	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	gibsom 12/18/2000	wjackson 12/19/2000	rschluet 12/20/2000	_____	lrb_docadmin 12/20/2000		State
/2	gibsom 01/16/2001	gilfokm 01/16/2001	pgreensl 01/17/2001	_____	lrb_docadmin 01/17/2001		State

FE Sent For:

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/1	gibsom 12/18/2000	wjackson 12/19/2000	rschluet 12/20/2000	Y17 PG/IS	lrb_docadmin 12/20/2000		State

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12-1/16-01

Y17
PG

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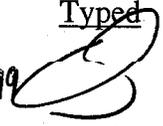
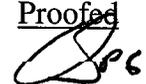
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1/?	gibsom	1 WLJ 12/19	 12.19.00	 12.20.00			

FE Sent For:

<END>



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

TOMMY G. THOMPSON
GOVERNOR

GEORGE LIGHTBOURN
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Division of Executive Budget and Finance
Post Office Box 7864
Madison, WI 53707-7864
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Fax (608) 267-0372
TTY (608) 267-9629

Date: December 14, 2000

To: Steve Miller
Chief, Legislative Reference Bureau

From: Kirsten Grinde *KMG*
State Budget Office

Subject: 2001-03 Biennial Budget Statutory Language Proposal

The following is a statutory language proposal for the 2001-03 biennial budget. If you have any questions, please contact me at 266-7973 or kirsten.grinde@doa.state.wi.us.

The intent of this request is to include aquaculture as an agricultural purpose in Subchapter II of Chapter 30, Wis. Stats. [ss. 30.11 to 30.298]. The main purpose is to allow aquaculture facilities to be excepted from the s. 30.19 permit requirements and to require aquaculture facilities to have a permit for the diversion of water for agricultural purposes.

Also, reinstate language contained in s. 29.52(3)(b), 1995-96 Wis. Stats. and replace the word "hatchery" in the 95-96 language with the phrase "fish farm" to clearly include private fish rearing facilities. The provision allows water for fish farms to be obtained from lakes, ponds and flowing streams but requires the water to be discharged back to the body of water from which it is drawn and requires screens on connecting pipes, ditches, etc., to prevent the exchange of fish.

*see
99 b 0323*



State of Wisconsin
2001 - 2002 LEGISLATURE

RMR
LRB-1544/1
MGG.../....
Wlj

D-Note

Soon

DOA:.....Grinde - Use of water in fish farms and for aquaculture
FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

DO NOT GEN

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES ✓

FISH, GAME, AND WILDLIFE ✓

Under current law, certain natural bodies of water may be used as fish farms or as parts of fish farms. The body of water has to be a freeze-out pond or a body of water that was licensed as a fish farm under prior law, and the fish farm operator must have a permit issued by DNR to operate the farm. A freeze-out pond is defined under current law to be a self-contained, natural body of water which does not naturally sustain a fish population at least twice in every ^{five} years.

This bill allows fish farm operators to use water from a natural body of water that is not part of a fish farm. The water must be transferred directly to the fish farm and back to the same body of water after use, and the transfer must be done by a ditch or by certain types of equipment. ^{one} The ditches ^{and} equipment must have barriers

NAVIGABLE WATERS that prevent the passage of fish

Under current law, a person who wants to conduct an activity that would create, enlarge, or otherwise affect certain waterways must have a permit issued by DNR. Certain activities are exempt from this permit requirement, including highway construction and the agricultural use of land. This bill specifically includes aquaculture as an agricultural use for purposes of this exemption.

Under current law, a person who wants to divert water from a stream for agricultural use must have a permit issued by DNR. This bill specifically includes aquaculture as an agricultural use for purposes of this requirement.

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

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

← INS 2-1^v

1 SECTION 1. 30.18 (2) (a) 2. of the statutes is amended to read:

2 30.18 (2) (a) 2. The diversion is for the purpose of ~~agriculture or irrigation or~~

3 for agricultural purposes, as defined in s. 29.181 (1b) (a).^v

← INS 2-3^v

History: 1979 c. 221; 1985 a. 60; 1987 a. 374; 1995 a. 227.

4

(END)

LFB:.....Kava - Use of water in fish farms and for aquaculture
FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION
LFB AMENDMENT
TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

At the locations indicated, amend the bill as follows:

1. Page 513, line 7: after that line insert:

~~SECTION 783m.~~ SECTION 29.733 (3) of the statutes is created to read:

INS 2-1

29.733 (3) A person may obtain water from a natural body of water that is not part of a fish farm for use in a fish farm if all of the following apply:

(a) The water is transferred directly from the natural body of water to the fish farm.

(b) Any of the water that is transferred out of the fish farm after use is transferred directly back to the natural body from which it was obtained.

(c) The transfer of the water between the natural body of water and the fish farm is achieved by use of a pipe, flume, ditch or pump or by use of any combination of these items.



INS

2-1

1 (d) Any pipe, flume or ditch that is used is equipped with barriers that prevent
2 the passage of fish between the fish farm and the other waters of the state.

3 2. Page 524, line 4: after that line insert:

INS

2-3

4 SECTION 802m. 30.19 (1m) (b) of the statutes is amended to read:

5 30.19 (1m) (b) ~~Any agricultural uses~~ The use of land for agricultural purposes,
6 as defined in s. 29.181 (1b) (a).

7 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1544/01n

MGG.....

WJ

Note that the term "agricultural use" in s. 30.29 (3) (b) uses the definition found in s. 91.01 (1). This definition uses the term "fish farm" but not "aquaculture". Please let me know if you want any changes.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

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

LRB-1544/1dn
MGG:wlj:rs

December 19, 2000

Note that the term "agricultural use" in s. 30.29 (3) (b) uses the definition found in s. 91.01 (1). This definition uses the term "fish farm" but not "aquaculture." Please let me know if you want any changes.

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Phone: (608) 267-3215



State of Wisconsin
2001 - 2002 LEGISLATURE

RMR
LRB-1544/12
MGG:wjhrs

soon

DOA:.....Grinde – Use of water in fish farms and for aquaculture
FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ^{DON'T} ^{GEN. CAT.} relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

FISH, GAME, AND WILDLIFE

Under current law, certain natural bodies of water may be used as fish farms or as parts of fish farms. The body of water has to be a freeze-out pond or a body of water that was licensed as a fish farm under prior law, and the fish farm operator must have a permit issued by DNR to operate the farm. A freeze-out pond is defined under current law to be a self-contained, natural body of water that does not naturally sustain a fish population at least twice in every five years.

This bill allows fish farm operators to use water from a natural body of water that is not part of a fish farm. The water must be transferred directly to the fish farm and back to the same body of water after use and the transfer must be done by ditches or certain types of equipment. The ditches and equipment must have barriers that prevent the passage of fish.

NAVIGABLE WATERS

Under current law, a person who wants to conduct an activity that would create, enlarge, or otherwise affect certain waterways must have a permit issued by DNR. Certain activities including highway construction and the agricultural use of land, are exempt from this permit requirement. This bill specifically includes aquaculture as an agricultural use for purposes of this exemption.

Under current law, a person who wants to divert water from a stream for agricultural use must have a permit issued by DNR. This bill specifically includes aquaculture as an agricultural use for purposes of this requirement.

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

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

1 **SECTION 1.** 29.733 (3) of the statutes is created to read:

2 29.733 (3) A person may obtain water from a natural body of water that is not
3 part of a fish farm for use in a fish farm if all of the following apply:

4 (a) The water is transferred directly from the natural body of water to the fish
5 farm.

6 (b) Any of the water that is transferred out of the fish farm after use is
7 transferred directly back to the natural body from which it was obtained.

8 (c) The transfer of the water between the natural body of water and the fish
9 farm is achieved by use of a pipe, flume, ditch, or pump or by use of any combination
10 of these items.

11 (d) Any pipe, flume, or ditch that is used is equipped with barriers that prevent
12 the passage of fish between the fish farm and the other waters of the state.

13 **SECTION 2.** 30.18 (2) (a) 2. of the statutes is amended to read:

14 30.18 (2) (a) 2. The diversion is for the purpose of agriculture or irrigation or
15 for agricultural purposes, as defined in s. 29.181 (1b) (a).

16 **SECTION 3.** 30.19 (1m) (b) of the statutes is amended to read:

17 30.19 (1m) (b) ~~Any agricultural uses~~ The use of land for agricultural purposes,
18 as defined in s. 29.181 (1b) (a).

19 (END)

INS
2-16

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1544/2ins
MGG:wlj:rs

INS 2-16

SECTION 1. 30.18 (1b) of the statutes is created to read:

30.18 (1b) DEFINITION. In this section, "agricultural" has the meaning given in s. 29.181 (1b) (a). *purpose*

SECTION 2. 30.18 (2) (a) 2. of the statutes is amended to read:

30.18 (2) (a) 2. The diversion is for the purpose of ~~agriculture or irrigation or~~ for an agricultural purpose.

History: 1979 c. 221; 1985 a. 60; 1987 a. 374; 1995 a. 227.

SECTION 3. 30.18 (6) (b) of the statutes is amended to read:

30.18 (6) (b) *Use of water.* A person issued a permit for the purpose of irrigation or ~~agriculture~~ for an agricultural purpose may use the water on any land contiguous to the permittee's riparian land, but may not withdraw more water than it did before August 1, 1957, without applying to the department for a modification of the permit.

History: 1979 c. 221; 1985 a. 60; 1987 a. 374; 1995 a. 227.



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-1544/2
MGG:wlj&kmg:pg

DOA:.....Grinde - Use of water in fish farms and for aquaculture

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8 (c) The transfer of the water between the natural body of water and the fish
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10 of these items.

11 (d) Any pipe, flume, or ditch that is used is equipped with barriers that prevent
12 the passage of fish between the fish farm and the other waters of the state.

13 **SECTION 2.** 30.18 (1b) of the statutes is created to read:

14 **30.18 (1b) DEFINITION.** In this section, “agricultural purpose” has the meaning
15 given in s. 29.181 (1b) (a).

16 **SECTION 3.** 30.18 (2) (a) 2. of the statutes is amended to read:

17 **30.18 (2) (a) 2.** The diversion is for the purpose of ~~agriculture or irrigation or~~
18 for an agricultural purpose.

19 **SECTION 4.** 30.18 (6) (b) of the statutes is amended to read:

