

2005 DRAFTING REQUEST

Bill

Received: 11/16/2004

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: Scott Suder (608) 267-0280

By/Representing: Anne Emerson

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: Rep.Suder@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Otter damage on fish farms

Instructions:

Allow registered fish farms to take otter by any means if they are causing damage to fish on the fish farm. Allow the farm to receive payment for damages caused by otter.

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> |
|--------------|---------------------|------------------------|------------------------|----------------|------------------------|------------------------|-----------------|
| /? | | | | | | | |
| /P1 | rkite 12/29/2004 | lkunkel 01/18/2005 | rschluet 01/19/2005 | _____ | sbasford 01/19/2005 | | State |
| /1 | rkite 02/24/2005 | wjackson 02/24/2005 | jfrantze 02/24/2005 | _____ | lnorthro 02/24/2005 | lnorthro 06/06/2005 | |

FE Sent For:

→ AT Intro.

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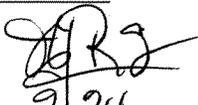
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FE Sent For:



 1/29
 1/29
 <END>

2005 DRAFTING REQUEST

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Received: **11/16/2004**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Scott Suder (608) 267-0280**

By/Representing: **Anne Emerson**

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: **Rep.Suder@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Otter damage on fish farms ✓

Instructions:

Allow registered fish farms to take otter by any means if they are causing damage to fish on the fish farm.
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|--------------|----------------|-----------------|---|---|------------------|-----------------|-----------------|
| /? | rkite | pl/mkl/15 |  |  | | | |

FE Sent For:

<END>

11-16-04

Called Anne Emerson in Suder's office for
more info. -
asked her if she wanted damage to fish
by otter to fall within scope of
wildlife damage abatement & claim
programs or if she wanted to create
something new
she will review & also talk to her
constituent -
she will call me back

12-14-04

Anne left message -

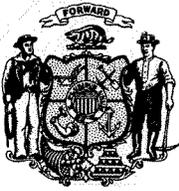
can we put damage payments under S. 29.885?

called Anne - explained that S. 29.885 concerns
DNR's authority to remove animals

I suggested that we add otter to the list
under S. 29.337 -
also - see 29.351

Per Anne - do not include otter in current wildlife
claim program -

instead - allow fish farms to recover damages from DNR
equal to injury caused by otter - but could be any
amount agreed to between parties



State of Wisconsin
2005 - 2006 LEGISLATURE

RMR

P1

LRB-0834/2

RNK:mk

twlj

Other
D-Note

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

GenCat

1 AN ACT ...; relating to: damage to fish farms caused by otters. ✓

Analysis by the Legislative Reference Bureau

✓ This is a preliminary draft. An analysis will be provided in the next version of this draft.

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

2 SECTION 1. 29.701 (4) of the statutes is created to read:

3 29.701 (4) (a) An operator of a fish farm registered under s. 95.60, or an
4 employee of the operator, may capture or kill any otter on the fish farm that causes
5 damage to the fish farm including damage to any fish or fish eggs. ✓

6 (b) The department, upon request, shall reimburse an operator under par. (a) ✓
7 for the damage caused by an otter in an amount to be agreed upon between the
8 department and the operator. Notwithstanding s. 29.351, the department and the
9 operator may agree to allow the operator to retain possession of the otter skin as full
10 or partial reimbursement under this subsection. ✓

1 (c) The department shall make reimbursements under this subsection from the
2 appropriation under s. 20.370 (1)(mu).

3 **SECTION 2. Initial applicability.**

4 (1) This act first applies to damage caused by an otter on the effective date of
5 this subsection.

6 (END)

dl-n

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

PR
LRB-0834/dn
RNK: *mmk*

(date)

I have prepared this draft in preliminary form to give you an opportunity to make any necessary changes before the draft is prepared in final form. ✓

As requested, this draft requires DNR ✓ to reimburse registered fish farm operators ✓ for damage caused by otters. ✓ The draft specifies that the amount of the reimbursement is the amount agreed upon between DNR ✓ and the fish farm operator. ✓ The draft does not address the question of what happens if the parties cannot reach an agreement. ✓

The draft specifies that DNR ✓ must reimburse the fish farm operator from the appropriation under s. 20.370 (1) (mu). ✓ Is this the appropriation from which you would like the reimbursement to be made? ✓

Please feel free to contact me if you would like to discuss these issues or if you have any questions concerning this draft. ✓

RNK

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0834/P1dn
RNK:lmk:rs

January 19, 2005

I have prepared this draft in preliminary form to give you an opportunity to make any necessary changes before the draft is prepared in final form.

As requested, this draft requires DNR to reimburse registered fish farm operators for damage caused by otters. The draft specifies that the amount of the reimbursement is the amount agreed upon between DNR and the fish farm operator. The draft does not address the question of what happens if the parties cannot reach an agreement.

The draft specifies that DNR must reimburse the fish farm operator from the appropriation under s. 20.370 (1) (mu). Is this the appropriation from which you would like the reimbursement to be made?

Please feel free to contact me if you would like to discuss these issues or if you have any questions concerning this draft.

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

Per Ann in Sueder's office -

left message for me to redraft
LRB-0834 in final form



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0834/P
RNK:lmk&wlj:rs

5000
D-Note ✓

STMS

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

without a license or permit issued under this chapter, if the otter

1 AN ACT to create 29.701 (4) of the statutes; relating to: damage to fish farms
2 caused by otters.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in the next version of this draft.

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

3 SECTION 1. 29.701 (4) of the statutes is created to read:

4 29.701 (4) (a) An operator of a fish farm registered under s. 95.60, or an
5 employee of the operator, may capture or kill any otter on the fish farm that causes
6 damage to the fish farm including damage to any fish or fish eggs.

7 ~~(b) The department, upon request, shall reimburse an operator under par. (a)~~
8 ~~for the damage caused by an otter in an amount to be agreed upon between the~~
9 ~~department and the operator. Notwithstanding s. 29.351, the department and the~~

INSERT 1-9

SECTION 1

1 operator may agree to allow the operator to retain possession of the otter skin as full
2 or partial reimbursement under this subsection.

3 (c) The department shall make reimbursements under this subsection from the
4 appropriation ^{account} under s. 20.370 (1) (mu).
5

SECTION 2. Initial applicability.

6 (1) This act first applies to damage caused by an otter on the effective date of
7 this subsection.

8 (END)

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0834/lins.
RNK:.....

INSERT ANALYSIS

Under current law, the department of agriculture, trade and consumer protection regulates fish farms. A fish farm is a facility at which a person hatches fish eggs or rears fish for various purposes including for introduction into the waters of this state or for human consumption.

This bill authorizes an operator of a registered fish farm[✓] or the operator's employee[✓] to capture or kill any otter on the fish farm that causes damage to the fish farm. The bill authorizes the operator^{or operator's employee} to capture or kill the otter without obtaining a license or permit from the department of natural resources (DNR). The bill also provides that upon the request of the fish farm operator, DNR must reimburse the operator for any damage caused by the otter to the fish farm, including damage to fish or fish eggs. Under the bill, the amount of reimbursement is determined by agreement between DNR and the fish farm operator.

INSERT 1-9

FE/S → (b) The department, upon request, shall reimburse an operator of a fish farm registered under s. 95.60[✓] for damage caused by an otter to the fish farm including damage to any fish or fish eggs. The amount of the reimbursement shall be determined by agreement between the department and the operator of the fish farm.

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

LRB-0834/1dn

RNK:.....
wj

This redraft makes clear that a fish farm operator may kill or capture an otter without a hunting or trapping license or permit from DNR. I have made some other minor changes in this redraft for purposes of clarity only.

Please feel free to contact me if you have any questions concerning this draft.

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

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

LRB-0834/1dn
RNK:wlj:jf

February 24, 2005

This redraft makes clear that a fish farm operator may kill or capture an otter without a hunting or trapping license or permit from DNR. I have made some other minor changes in this redraft for purposes of clarity only.

Please feel free to contact me if you have any questions concerning this draft.

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

Northrop, Lori

From: Emerson, Anne
Sent: Monday, June 06, 2005 12:55 PM
To: LRB.Legal
Subject: FW: Draft review: LRB 05-0834/1 Topic: Otter damage on fish farms

It has been requested by <Emerson, Anne> that the following draft be jacketed for the ASSEMBLY:

FW: Draft review: LRB 05-0834/1 Topic: Otter damage on fish farms