

2001 DRAFTING REQUEST

Bill

Received: 11/20/2000

Received By: traderc

Wanted: As time permits

Identical to LRB:

For: Tom Sykora (608) 266-1194

By/Representing: Marlin Hardinger

This file may be shown to any legislator: NO

Drafter: traderc

May Contact:

Addl. Drafters:

Subject: Agriculture - animals

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

No specific pre topic given

Topic:

Fish health certificates

Instructions:

1999 AB 506

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>
/?	traderc 12/08/2000	wjackson 12/11/2000					State
/1			rschluet 12/14/2000		lrb_docadmin 12/14/2000	lrb_docadminState 03/27/2001	
/2	traderc 04/19/2001	wjackson 04/19/2001	pgreensl 04/19/2001		lrb_docadmin 04/19/2001	lrb_docadmin 04/19/2001	

Vers.    Drafted    Reviewed    Typed    Proofed    Submitted    Jacketed    Required

FE Sent For:

↳ At  
Intro.

<END>

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/?	traderc 12/08/2000	wjackson 12/11/2000					State
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FE Sent For:

4/19  
P8

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
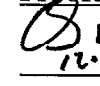
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1?	traderc	11/14/11	 12.13.00	 12.13.00			

FE Sent For:

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Check for  
amends of subs  
50157/3

~~ASSEMBLY SUBSTITUTE AMENDMENT 1,~~  
2001  
\* ~~TO 1999 ASSEMBLY BILL 506~~

DNote

November 4, 1999 - Offered by Representatives SYKORA and GRONEMUS.

REGEN

1 AN ACT *to amend* 95.60 (3m) and 95.60 (4s) (c); and *to repeal and recreate*  
2 95.60 (3) of the statutes; **relating to:** the requirement that operators of fish  
3 farms provide evidence of fish health.

analysis  
insert →

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

4 SECTION 1. 95.60 (3)<sup>v</sup> of the statutes is repealed and recreated to read:  
5 95.60 (3) The department shall promulgate rules, applicable to persons who  
6 operate fish farms, that require any evidence of fish health that the department  
7 determines is necessary.

8 SECTION 2. 95.60 (3m)<sup>l</sup> of the statutes is amended to read:  
9 95.60 (3m) A person who operates a fish farm shall annually register the fish  
10 farm with the department. The person registering the fish farm shall provide any  
11 evidence of the fish health certificate as required under sub. (3) and shall identify the

1 activities that will be engaged in, the species of fish that will be used and the facilities  
2 that will be used on the fish farm.

3 **SECTION 3.** 95.60 (4s) (c) of the statutes is amended to read:

4 95.60 (4s) (c) In consultation with the department of natural resources,  
5 promulgate rules specifying the qualifications that a person who is not a  
6 veterinarian must satisfy in order to issue provide evidence of fish health  
7 ~~certificates~~.

8 **SECTION 4. Effective date.**

9 (1) This act takes effect on the first day of the 13th month beginning after  
10 publication.

11 (END)

# 1999 ASSEMBLY BILL 506

October 5, 1999 - Introduced by Representatives SYKORA, GRONEMUS, MUSSER, GOETSCH, KELSO, PLOUFF, OWENS, OLSEN, GUNDERSON, HAHN, NASS, VRAKAS, PETROWSKI and PETTIS, cosponsored by Senators SCHULTZ, BRESKE, FARROW and HUELSMAN. Referred to Committee on Agriculture.

1 **AN ACT to amend** 95.60 (3) and 95.60 (3m) of the statutes; **relating to:** the  
2 requirement that certain operators of fish farms obtain annual health  
3 certificates.

### *Analysis by the Legislative Reference Bureau*

Current law requires a person who operates a fish farm to annually register the fish farm with the department of agriculture, trade and consumer protection (DATCP). Current law also requires the operator of a fish farm to annually obtain a fish health certificate for any fish eggs present or any fish reared on the fish farm, except that an operator who does not sell, distribute, or release live fish or fish eggs may rely on the health certificate of the person from whom the operator obtained fish or fish eggs. \*

Analysis insert

requires This bill eliminates the absolute requirement to obtain a fish health certificate and instead authorizes DATCP to require a fish farm operator to obtain an annual fish health certificate promulgate rules that require a fish farm operator to provide

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:*

4 SECTION 1. 95.60 (3) of the statutes is amended to read:

any evidence of fish health that the department determines is necessary



-1147/ldn

RCT.

Note

This draft is based on Assembly Substitute Amendment  
2 To 1999 Assembly Bill 506, which is the version  
of the fish health proposal that passed the Assembly.

RCT

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

LRB-1147/1dn  
RCT:wlj:rs

December 13, 2000

This draft is based on Assembly Substitute Amendment 1 to 1999 Assembly Bill 506, which is the version of the fish health proposal that passed the assembly.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: [becky.tradewell@legis.state.wi.us](mailto:becky.tradewell@legis.state.wi.us)



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
5TH FLOOR  
MADISON, WI 53701-2037

STEPHEN R. MILLER  
CHIEF

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

December 14, 2000

### MEMORANDUM

To: Representative Sykora

From: Rebecca C. Tradewell, Managing Attorney

Re: LRB-1147 Fish health certificates

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY  JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-7290 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.

## Tradewell, Becky

---

**From:** Heike, Ruth E DATCP  
**Sent:** Thursday, April 19, 2001 9:58 AM  
**To:** Tradewell, Becky  
**Subject:** RE: LRB-1147/1

That would be a good change. Thanks.  
Ruth

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

**From:** Tradewell, Becky  
**Sent:** Thursday, April 19, 2001 9:44 AM  
**To:** Heike, Ruth E DATCP  
**Subject:** RE: LRB-1147/1

Then should the draft authorize, rather than require, DATCP to promulgate the rules?

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

**From:** Heike, Ruth E DATCP  
**Sent:** Thursday, April 19, 2001 9:24 AM  
**To:** Tradewell, Becky  
**Subject:** RE: LRB-1147/1

At the present time our fish experts believe it would be better to have no requirement to provide evidence of fish health until sometime in the future. We are not sure what diseases need to be covered, if any. Our fish people will feel a lot better if there is not a delayed effective date. We are willing to live with the constraints of emergency rules if that is actually needed.

If we maintain the delayed effective date, fish farmers are required by existing statutes to provide evidence of fish health, but they have no guidance of what they need to provide. The department is still trying to identify those instances in which proof of fish health might be appropriate. In fairness to the industry, it would be better to delay the requirement to provide proof of fish health until we can adequately identify what they need to provide and what diseases we need to be concerned about.

Ruth

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

**From:** Tradewell, Becky  
**Sent:** Thursday, April 19, 2001 9:13 AM  
**To:** Heike, Ruth E DATCP  
**Subject:** RE: LRB-1147/1

Ruth,

The draft has a delayed effective date to give DATCP time to promulgate rules. Unless DATCP already has rules, if the delayed effective date is eliminated there will be no requirement to provide evidence of fish health until the rules are promulgated. An alternative would be to provide a shorter delay and give DATCP authority to promulgate emergency rules until the permanent rules can be put into effect.

Becky

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

**From:** Heike, Ruth E DATCP  
**Sent:** Thursday, April 19, 2001 8:50 AM  
**To:** Tradewell, Becky  
**Cc:** Sykora, Tom  
**Subject:** LRB-1147/1

Rep. Sykora provided DATCP with a copy of LRB-1147/1 for review. We believe that the effective date of the bill should be changed to be effective the day after publication. I spoke with Marlin of Rep. Sykora's office. He indicated Rep. Sykora agrees to change the effective date of the bill and he requested that I communicate this directly to you. The remainder of the bill looks good. Thanks.

Ruth



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-1147/2

RCT:wj

500N

rmy

2001 BILL

DNote

↓ regenerate

- 1 AN ACT to amend 95.60 (3m) and 95.60 (4s) (c); and to repeal and recreate
- 2 95.60 (3) of the statutes; relating to: the requirement that operators of fish
- 3 farms provide evidence of fish health.

and granting rule-making authority

**Analysis by the Legislative Reference Bureau**

Current law requires a person who operates a fish farm to annually register the fish farm with the department of agriculture, trade and consumer protection (DATCP). Current law also requires the operator of a fish farm to annually obtain a fish health certificate for any fish eggs present or any fish reared on the fish farm, except that an operator who does not sell, distribute, or release live fish or fish eggs may rely on the health certificate of the person from whom the operator obtained fish or fish eggs.

The bill authorizes

\* This bill eliminates the requirement to obtain a fish health certificate and instead requires DATCP to promulgate rules that require a fish farm operator to provide any evidence of fish health that the department determines is necessary.

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:**

In ref 1-4 → 4

**SECTION 1.** 95.60 (3) of the statutes is repealed and recreated to read:

## BILL

1 95.60 (3) The department <sup>may</sup> shall promulgate rules, applicable to persons who  
2 operate fish farms, that require any evidence of fish health that the department  
3 determines is necessary.

4 SECTION 2. 95.60 (3m) of the statutes is amended to read:

5 95.60 (3m) A person who operates a fish farm shall annually register the fish  
6 farm with the department. The person registering the fish farm shall provide any  
7 evidence of ~~the fish health certificate~~ as required under sub. (3) and shall identify the  
8 activities that will be engaged in, the species of fish that will be used, and the  
9 facilities that will be used on the fish farm.

10 SECTION 3. 95.60 (4s) (c) of the statutes is amended to read:

11 95.60 (4s) (c) In consultation with the department of natural resources,  
12 promulgate rules specifying the qualifications that a person who is not a  
13 veterinarian must satisfy in order to issue provide evidence of fish health  
14 certificates.

15 ~~SECTION 4. Effective date.~~

16 ~~(1) This act takes effect on the first day of the 13th month beginning after~~  
17 ~~publication.~~

18 (END)

Insert 1-4

-1147/2

Section #. 29.736 (1) (b) of the statutes is amended to read:

29.736 (1) (b) "Qualified inspector" means a veterinarian licensed under ch. 453 or a person who  
\* is qualified to ~~issue~~ provide evidence of fish health ~~certificates~~ under s. 95.60 (4s) (c).

History: 1997 a. 27, 237; 1997 a. 248 ss. 583, 584; Stats. 1997 s. 29.736.

DNote

¶ This redraft eliminates the delayed effective date of the draft and authorizes, rather than requires, DATCP to promulgate rules requiring evidence of fish health. The redraft also adds a technical change to s. 29.736(1)(b).

RET



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

LRB-1147/2dn  
RCT:wlj:pg

April 19, 2001

This redraft eliminates the delayed effective date of the draft and authorizes, rather than requires, DATCP to promulgate rules requiring evidence of fish health. The redraft also adds a technical change to s. 29.736 (1) (b).

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: [becky.tradewell@legis.state.wi.us](mailto:becky.tradewell@legis.state.wi.us)