

State of Wisconsin



2011 Senate Bill 537

Date of enactment: April 2, 2012
Date of publication*: April 16, 2012

2011 WISCONSIN ACT 207

AN ACT *to repeal* 29.733 (2) (c) 2., 29.733 (2) (c) 3., 29.733 (2) (c) 4. and 95.60 (2) (d); *to renumber and amend* 29.733 (2) (c) 1.; *to amend* 29.733 (1) (d), 29.733 (2) (f), 95.60 (2) (a) and 95.60 (4) (c); and *to create* 29.733 (1) (c) 3., 29.733 (1m), 36.58 (7), 95.60 (2) (e), 95.60 (4) (d), 283.31 (5m) and 299.15 (3) (f) of the statutes; **relating to:** the regulation of aquaculture.

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

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

29.733 (1) (c) 3. A body of water for which the department has issued a permit under s. 30.19, 30.195, or 31.04.

SECTION 2. 29.733 (1) (d) of the statutes is amended to read:

29.733 (1) (d) ~~-A- If the department has not issued a permit for the body of water under s. 30.19, 30.195, or 31.04, a permit for the body of water has been issued under sub. (2).~~

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

29.733 (1m) The department shall post notice of every application submitted to the department under this section on the department's Internet Web site.

SECTION 4. 29.733 (2) (c) 1. of the statutes is renumbered 29.733 (2) (c) and amended to read:

29.733 (2) (c) ~~The department, subject~~ Subject to s. 29.024 (2g) and (2r), ~~shall renew~~ a permit issued under this subsection does not expire unless the department determines that there has been a substantial change in cir-

cumstances that is related to a determination made under par. (a) for the natural body of water or that is related to the application of the criteria promulgated under par. (f) to the body of water.

SECTION 5. 29.733 (2) (c) 2. of the statutes is repealed.

SECTION 6. 29.733 (2) (c) 3. of the statutes is repealed.

SECTION 7. 29.733 (2) (c) 4. of the statutes is repealed.

SECTION 8. 29.733 (2) (f) of the statutes is amended to read:

29.733 (2) (f) The department shall promulgate rules to establish the fees, criteria and procedures to be used in issuing permits under this subsection. The rules may not require the department, before issuing a permit under this subsection, to hold a hearing or to provide notice to any person, other than the applicant, that the department will proceed on an application for a permit without a hearing.

SECTION 9. 36.58 (7) of the statutes is created to read:

36.58 (7) CONFIDENTIALITY OF RECORDS RELATING TO AQUACULTURE. Any information kept by the veterinary diagnostic laboratory that identifies the owners of farm-raised fish, as defined in s. 95.001 (1) (ah), and that relates to testing results or diagnosis is not subject to inspection or copying under s. 19.35 except as the veteri-

* Section 991.11, WISCONSIN STATUTES 2009-10: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

nary diagnostic laboratory determines is necessary to protect the public health, safety, or welfare.

SECTION 10. 95.60 (2) (a) of the statutes is amended to read:

95.60 (2) (a) ~~No~~ Except as provided in par. (e), no person may bring any fish or fish eggs into this state for the purpose of introduction into the waters of the state, of use as bait or of rearing in a fish farm without an annual permit issued by the department.

SECTION 11. 95.60 (2) (d) of the statutes is repealed.

SECTION 12. 95.60 (2) (e) of the statutes is created to read:

95.60 (2) (e) A person bringing fish or fish eggs from a fish farm in another state to a fish farm in this state is not required to have a permit under par. (a) if the person has a fish health certificate that covers the fish or fish eggs and that complies with the requirements for fish health certificates specified by the department by rule.

SECTION 13. 95.60 (4) (c) of the statutes is amended to read:

95.60 (4) (c) ~~A~~ Except as provided in par. (d), a person who operates a fish farm shall keep records on purchases, sales and production of fish and fish eggs and any

other records required by the department by rule. The department may inspect these records upon request.

SECTION 14. 95.60 (4) (d) of the statutes is created to read:

95.60 (4) (d) A person who operates a fish farm is not required to keep records on the sale of fish to an individual for the individual's personal use. A person who buys fish under this paragraph may not introduce the fish into a public water body.

SECTION 15. 283.31 (5m) of the statutes is created to read:

283.31 (5m) PERMITS FOR CERTAIN CONCENTRATED AQUATIC ANIMAL PRODUCTION FACILITIES. The department shall include in permits issued under this section for concentrated aquatic animal production facilities described in 40 CFR 451.10 requirements that are based on, and are not more stringent than, the requirements in 40 CFR 451.11.

SECTION 16. 299.15 (3) (f) of the statutes is created to read:

299.15 (3) (f) Notwithstanding par. (am), a person who owns or operates a concentrated aquatic animal production facility is not required to pay the wastewater discharge environmental fee under this subsection.