

2013 Assembly Bill 352 (LRB -3018)

An Act to amend 30.206 (1) (a) and 95.60 (2) (a) (intro.); and to create 29.733 (3), 30.01 (4o), 30.12 (3) (b) and 95.60 (9) of the statutes; relating to: allowing placement of net pens in navigable waters under a statewide general permit and exceptions for certain requirements that apply to fish farms. (FE)

2013

09-05.	A.	Introduced by Representatives Bies, A. Ott, T. Larson, Czaja, Tittl, Williams and Stroebel; cosponsored by Senators Lasee, Kedzie, Tiffany and Miller.	301
09-05.	A.	Read first time and referred to Committee on Natural Resources and Sporting Heritage	301
09-10.	A.	Fiscal estimate received	
09-11.	A.	Fiscal estimate received	
09-11.	A.	Public hearing held	
09-20.	A.	Assembly Amendment 1 offered by Representative Bies (LRB a0859)	315
09-25.	A.	Executive action taken	
10-01.	A.	Report Assembly Amendment 1 adoption recommended by Committee on Natural Resources and Sporting Heritage, Ayes 16, Noes 0	323
10-01.	A.	Report passage as amended recommended by Committee on Natural Resources and Sporting Heritage, Ayes 16, Noes 0	323
10-01.	A.	Referred to Committee on Rules	323
10-03.	A.	Placed on calendar 10-8-2013 by Committee on Rules	
10-08.	A.	Placed at the foot of the calendar of 10-8-2013	335
10-08.	A.	Read a second time	336
10-08.	A.	Assembly Amendment 1 adopted	336
10-08.	A.	Ordered to a third reading	336
10-08.	A.	Rules suspended	336
10-08.	A.	Read a third time and passed , Ayes 94, Noes 2	336
10-08.	A.	Ordered immediately messaged	337
10-09.	S.	Received from Assembly	402
10-09.	S.	Read first time and referred to committee on Natural Resources	403
10-31.	S.	Public hearing held	
11-07.	S.	Executive action taken	
11-07.	S.	Report concurrence recommended by Natural Resources, Ayes 5, Noes 0	472
11-07.	S.	Available for scheduling	
11-11.	S.	Referred to Joint Committee on Finance by Committee on Senate Organization, pursuant to Senate Rule 41 (1)(e), Ayes 5, Noes 0	
11-11.	S.	Withdrawn from joint committee on Finance and made Available for Scheduling by committee on Senate Organization, pursuant to Senate Rule 41 (1)(e), Ayes 5, Noes 0	
11-11.	S.	Placed on calendar 11-12-2013 pursuant to Senate Rule 18(1)	
11-12.	S.	Read a second time	
11-12.	S.	Ordered to a third reading	
11-12.	S.	Rules suspended	
11-12.	S.	Read a third time and concurred in , Ayes 32, Noes 1	
11-12.	S.	Ordered immediately messaged	
11-12.	A.	Received from Senate concurred in	

MB

2013
ENROLLED BILL

13en AB-352

ADOPTED DOCUMENTS:

Orig **Engr** **SubAmdt**

13-3018 11

Amendments to above (if none, write "NONE"): AA1 — a 0859/1

Corrections - show date (if none, write "NONE"): NONE

Topic Rel

11-14-13

Date

JR Miller

Enrolling Drafter



2013 ASSEMBLY BILL 352

September 5, 2013 – Introduced by Representatives BIES, A. OTT, T. LARSON, CZAJA, TITTL, WILLIAMS and STROEBEL, cosponsored by Senators LASEE, KEDZIE, TIFFANY and MILLER. Referred to Committee on Natural Resources and Sporting Heritage.

1 **AN ACT** *to amend* 30.206 (1) (a) and 95.60 (2) (a) (intro.); and *to create* 29.733
2 (3), 30.01 (4o), 30.12 (3) (b) and 95.60 (9) of the statutes; **relating to:** allowing
3 placement of net pens in navigable waters under a statewide general permit
4 and exceptions for certain requirements that apply to fish farms.

Analysis by the Legislative Reference Bureau

Under current law, no person may place a structure upon the bed of any navigable water where no bulkhead line has been established or beyond a lawfully established bulkhead line unless the Department of Natural Resources (DNR) has issued an individual or general permit allowing the structure. Certain structures, including a fish crib intended to improve fish habitat, certain piers and wharves, and a biological shore erosion control structure, are exempted from these permitting requirements if they are not in an area of special natural resource interest and do not interfere with riparian rights.

This bill requires DNR to issue a statewide general permit that authorizes a person to place a net pen in a navigable water as long as the net pen meets certain conditions. The bill defines a net pen as an enclosure placed in a body of water and used to hold or rear fish. The bill specifies that a person may place a net pen only for noncommercial purposes. The fish must be stocked, and released into the water, by DNR or by a person who has a fish stocking permit. Finally, the bill requires that the fish held or reared in the net pen be released into the same body of water into which the net pen is placed. The bill specifies that the general permit may not authorize the placement of a net pen for a period of more than eight weeks and

ASSEMBLY BILL 352

provides that the general permit may not limit the number of times that a person may place a net pen in the waters of this state.

Under current law, the Department of Agriculture, Trade and Consumer Protection (DATCP) administers laws regulating fish farms. A fish farm is a facility at which a person hatches fish eggs or rears fish for the purpose of introduction into the waters of the state or for various other purposes including human or animal consumption. Current law requires most persons who bring fish or fish eggs into this state for the purpose of introduction into the waters of this state to obtain a permit from DATCP. Current law also requires a person who operates a fish farm to annually register the fish farm with DATCP.

This bill exempts a person who is authorized under a general permit to place a net pen in the waters of this state from obtaining a permit from DATCP or registering that net pen with DATCP as a fish farm. The bill provides that after the date on which fish are placed in a net pen under the authority of a general permit, DATCP's authority to regulate fish farms does not apply to fish held in that net pen.

Current law generally prohibits a person from using a natural body of water as a fish farm unless the land that is riparian to the body of water is owned, leased, or controlled by the owners of the fish farm and the body of water is a freeze-out pond, a preexisting fish rearing facility, or a body of water for which DNR has issued a permit for certain other navigable waters activities. This bill creates an exemption to this prohibition against using a natural body of water as a fish farm. Under the bill, the exemption applies to a person who places a net pen under the authority of a general permit issued by DNR.

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) This section does not apply to a person who places a net pen in a
3 natural body of water for the purpose of holding or rearing fish in accordance with
4 a general permit issued under s. 30.12 (3) (b).

5 **SECTION 2.** 30.01 (4o) of the statutes is created to read:

6 30.01 (4o) "Net pen" means an enclosure placed in a body of water and used
7 to hold or rear fish.

8 **SECTION 3.** 30.12 (3) (b) of the statutes is created to read:

ASSEMBLY BILL 352

1 30.12 (3) (b) 1. The department shall issue a statewide general permit under
2 s. 30.206 that authorizes a person to place a net pen in the waters of this state if all ^{INS. AA 1}
3 of the following apply:

4 a. The net pen is placed for the purpose of holding or rearing fish for
5 noncommercial purposes.

6 b. The fish held or reared in the net pen are stocked by the department or by
7 a person who is in compliance with s. 29.736.

8 c. The fish held or reared in the net pen are released by the department or by
9 a person who is in compliance with s. 29.736 into the same body of water in which
10 the net pen is placed.

11 2. A general permit issued for the purpose described in this section shall
12 authorize a person to place a net pen in the waters of this state for a period not to ^{INS AA 1}
13 exceed 8 weeks. The general permit may not limit the number of times that a person
14 may place a net pen in the waters of this state under the authority of that general ^{INS. AA 1}
15 permit.

16 **SECTION 4.** 30.206 (1) (a) of the statutes is amended to read:

17 30.206 (1) (a) The department shall issue the statewide general permits
18 required under ss. 30.12 (3) (a) and (b), 30.123 (7), 30.19 (3r), and 30.20 (1t) (a).

19 **SECTION 5.** 95.60 (2) (a) (intro.) of the statutes is amended to read:

20 95.60 (2) (a) (intro.) Except as provided in sub. (9) and par. (e), no person may
21 bring any fish or fish eggs into this state for the purpose of introduction into the
22 waters of the state, of use as bait or of rearing in a fish farm without an annual permit
23 issued by the department.

24 **SECTION 6.** 95.60 (9) of the statutes is created to read:



**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY BILL 352**

September 20, 2013 – Offered by Representative BIES.

AA-1

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 2: delete “the waters of this state” and substitute “a Great Lakes
3 water body or a tributary of a Great Lakes water body”.

4 **2.** Page 3, line 12: delete “the waters of this state” and substitute “a Great
5 Lakes water body or a tributary of a Great Lakes water body”.

6 **3.** Page 3, line 14: delete “the waters of this state” and substitute “a Great
7 Lakes water body or a tributary of a Great Lakes water body”.

8 **4.** Page 4, line 2: delete “the waters of this state” and substitute “a Great Lakes
9 water body or a tributary of a Great Lakes water body”.

10 (END)