



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2017 Senate Bill 95

**Senate
Amendment 1**

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2017 SENATE BILL 95

2017 Senate Bill 95 makes various changes regarding state regulation of aquaculture and fish farms. Briefly, the bill does all of the following:

- Authorizes the Department of Natural Resources (DNR) to furnish fish and fish eggs to certain private entities pursuant to agreements with those entities that satisfy specified conditions.
- Requires the DNR to promulgate rules by June 28, 2019, defining the role and extent that genetics is involved in the DNR's fish stocking strategies and that standardize the DNR's fish donation procedures, and requires the DNR and the Department of Agriculture, Trade, and Consumer Protection (DATCP) to review certain rules relating to viral hemorrhagic septicemia and to the fish hatchery classification system. When promulgating those rules, the bill requires the DNR to consider economic factors, healthy fish populations, and fishing opportunities, and to consult with specifies interested parties.
- Specifies that a general prohibition on using a natural water body as a fish farm does not apply to an artificial water body used as a fish farm that is registered with DATCP as of the effective date of the bill, regardless of its water source, including an artificial water body that is fed by a spring, if certain other criteria are satisfied.
- Provides an exemption from permit requirements for constructing, dredging, or enlarging certain artificial water bodies for the maintenance and repair of an artificial water body or fish farm that is registered with DATCP.
- Includes aquaculture in a definition of "agricultural use" for purposes of certain exemptions from requirements applicable in the Lower Wisconsin Riverway.

- Provides an exception from minimum stream flow requirements for a dam that is located in Langlade County and registered with DATCP on the effective date of the bill.
- Creates a new sales and use tax exemption for sales of farm-raised fish sold to a fish farm that is registered with DATCP.
- Adds aquaculture to eligibility criteria for the farm assets reinvestment management loan guarantee program administered by the Wisconsin Housing and Economic Development Authority.
- Specifies that, if a fish farm withdraws water and places it in an aquacultural pond that is registered with DATCP, any subsequent use of that water from that pond is not a “withdrawal” for purposes of the Great Lakes Compact.
- Adds aquacultural purposes to an existing wetlands general permit for discharges for agricultural purposes that do not affect more than 10,000 square feet of wetland.
- Adds existing aquacultural facilities to the list of facilities for which the DNR must limit its practicable alternatives analysis to the project site and adjacent sites under the current process for individual wetland permits.
- Provides an exemption from the requirement to obtain a general or individual wetland permit for a discharge to a wetland (for specified aquacultural purposes), if the wetland was created for aquacultural purposes in an area without any prior wetland history.
- Specifies that the DNR must include federal best management practice requirements in a Wisconsin pollution discharge elimination system (WPDES) permit for a large fish farm, and must provide no other conditions except as required under federal law.
- Adds fish and minnows to the list of agricultural products for which the Department of Transportation may issue permits for transportation in vehicles that exceed certain weight limitations.

SENATE AMENDMENT 1

Senate Amendment 1 removes all provisions in the bill relating to a sales and use tax exemption. Thus, the amendment retains current law with respect to the tax treatment of sales of farm-raised fish to a fish farm.

BILL HISTORY

Senator Tiffany introduced Senate Amendment 1 to 2017 Senate Bill 95 on March 21, 2017. On March 23, 2017, the Senate Committee on Sporting Heritage, Mining, and Forestry voted to recommend the adoption of the amendment on a vote of Ayes, 5; Noes, 0. On the

same day, the committee voted to recommend the passage of the bill, as amended, on a vote of Ayes, 4; Noes, 1.

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