HB 2965-3 (LC 766) 2/17/25 (AG/ps)

Requested by Representative GAMBA

PROPOSED AMENDMENTS TO HOUSE BILL 2965

On page 1 of the printed bill, delete lines 4 through 28 and delete pages 1 2 through 4 and insert: 2 3 **"DEFINITIONS** 4 5 "SECTION 1. As used in sections 1 to 4 of this 2025 Act: 6 "(1) 'Aquaculture' means the farming of aquatic animals or aquatic 7 plants for the primary purpose of producing food for humans. 8 "(2) 'Aquaculture facility': 9 "(a) Means a facility that engages in aquaculture by propagating, 10 rearing, holding, harvesting, transporting, receiving the transport of 11 or slaughtering aquatic animals or aquatic plants, either on land or 12 in a natural or artificial body of water, for the primary purpose of 13 producing food for humans. 14 "(b) Does not mean a hatchery that is owned, managed or kept in 15operation by the state. 16 "(3) 'Finfish' means finfish belonging to the classes Agnatha 17 (jawless Chondrichthyes fishes). (cartilaginous fishes) and 18 Osteichthyes (bony fishes). 19 20 **"FINDINGS ON AQUACULTURE** 21

1 "SECTION 2. The Legislative Assembly finds that:

2 "(1) Aquaculture may be a growing industry.

"(2) The state has a duty to protect the natural resources and
ecosystems of this state.

5 "(3) Industrial aquaculture presents risks to the environment, 6 among other risks, and the risks may be mitigated by prohibiting the 7 raising of finfish in a marine or estuarine body of water in this state 8 in nets, cages or other similar containers.

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"FINFISH AQUACULTURE

"SECTION 3. (1) To protect public health and promote environmental protection, an aquaculture facility may not raise finfish in a marine or estuarine body of water in this state in nets, cages or other similar containers.

16 "(2) This section does not apply to the raising of:

"(a) Shellfish, including oysters, clams, mussels, scallops, crab or
 shrimp.

"(b) A sea urchin that belongs to the species Strongylocentrotus
 purpuratus.

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"ENFORCEMENT

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²⁴ "<u>SECTION 4.</u> (1) The Attorney General, a state agency, a county ²⁵ attorney, a district attorney, a city attorney or a person residing or ²⁶ doing business in the county where an aquaculture facility is located ²⁷ may apply to the circuit court for the county in which the aquaculture ²⁸ facility is located, or to a circuit court in a county that is adjacent to ²⁹ the location of the aquaculture facility if the aquaculture facility is ³⁰ offshore, for a temporary or permanent injunction requiring the

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aquaculture facility to: 1 "(a) Refrain from any activity or inactivity constituting a violation $\mathbf{2}$ of section 3 of this 2025 Act or another applicable law; and 3 "(b) Take any actions necessary to remedy the violation. 4 "(2) The circuit court may award reasonable attorney fees to a 5 plaintiff prevailing under this section. 6 7 **"CAPTIONS** 8 9 "SECTION 5. The unit captions used in this 2025 Act are provided 10 for the convenience of the reader and do not become part of the stat-11 utory law of this state or express any legislative intent in the 12 enactment of this 2025 Act. 13 14 **"OPERATIVE DATE** 1516 "SECTION 6. (1) Sections 1 to 4 of this 2025 Act become operative 17 on January 1, 2027. 18 "(2) The State Department of Fish and Wildlife may take any action 19 before the operative date specified in subsection (1) of this section that 20is necessary for the department to exercise, on and after the operative 21date specified in subsection (1) of this section, all of the duties, func-22tions and powers conferred on the department by sections 1 to 4 of this 232025 Act.". 2425