

**2001 My2 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB1)**

Received: 05/14/2002

Received By: gibsom

Wanted: As time permits

Identical to LRB:

For: DuWayne Johnsrud (608) 266-3534

By/Representing:

This file may be shown to any legislator: NO

Drafter: gibsom

May Contact:

Addl. Drafters: rkite  
traderc  
mlief

Subject: Nat. Res. - fish and game  
Agriculture - animals  
Higher Education - UW System

Extra Copies:

Submit via email: NO

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Chronic wasting disease

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**Instructions:**

See Attached

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**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>
/P1	chanaman 05/14/2002	gilfokm 05/14/2002	rschluet 05/14/2002	_____			
/1	gibsom 05/14/2002	jdyer 05/15/2002	jfrantze 05/15/2002	_____	lrb_docadmin 05/15/2002	lrb_docadmin 05/15/2002	

FE Sent For:

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Extra Copies:  
e mail: Patrick Henderson,  
Baumgart's office  
Scott Loomans,  
Johnsrud's office

Submit via email: NO

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1?	chanaman	1/1 5/14 KMG	1/1 KMG	1/1 KMG			
FE Sent For:		1 5/15 JLD	1 5/15	1 5/15 <END>			

bill 5097

amendments

a 1578/2

a 1579/1

a 1572/1 1572/1

a 1571/2

Assem.

Johnson My 2

Chronic wasting disease

F+G

Ag - Animals

Higher Ed - UW

MC/L/RNK/MSL

RCT/

MSL

<b>Error No.</b>	<b>Introduced No.</b>	<b>Page No.</b>	<b>Line No.</b>
1	AA-AB1	000004	000001
	AA-AB1	000004	000001
2	AA-AB1	000004	000004
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3	AA-AB1	000004	000005
	AA-AB1	000004	000005
4	AA-AB1	000004	000007
	AA AB1	000004	000007
5	AA-AB1	000004	000010
	AA-AB1	000004	000010
6	AA-AB1	000006	000006
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7	AA-AB1	000006	000008
	AA-AB1	000006	000008





# State of Wisconsin

2001 - 2002 LEGISLATURE

LRB-5097/2

May 2002 Special Session

RNK/MGG/RCT/MJL:kmg&cs:rs

## ASSEMBLY BILL 1

May 13, 2002 – Introduced by COMMITTEE ON ASSEMBLY ORGANIZATION, by request of Governor Scott McCallum. Referred to Committee on Natural Resources.

1 **AN ACT to repeal** 29.181 (3) and 29.559 (1r) (b); **to renumber** 29.307 and 29.559  
2 (1r) (a); **to amend** 20.370 (5) (fq), 29.971 (7), 29.971 (11) and 167.31 (2) (d); and  
3 **to create** 20.370 (5) (fs), 20.370 (5) (fv), 29.063, 29.307 (2), 29.307 (3), 29.335  
4 and 167.31 (4) (bg) of the statutes; **relating to:** chronic wasting disease,  
5 hunting animals from aircraft, feeding of wild animals for purposes other than  
6 hunting, shooting a firearm or arrow from or across a highway, requiring a lapse  
7 to the general fund, authorizing the extension of emergency rules, requiring the  
8 exercise of rule-making authority, and making appropriations.

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### *Analysis by the Legislative Reference Bureau*

This bill does the following in relation to controlling chronic wasting disease in this state:

1. Provides funding of up to \$2,000,100 in fiscal year 2002-03, from the revenues from the wildlife damage surcharge collected on the sale of most hunting licenses, to manage, and conduct testing for, chronic wasting disease in cervids, a class which consists of all species of deer and elk.

2. Authorizes the department of natural resources (DNR) to supplement this funding by up to \$2,000,000 from segregated fund sources such as the conservation fund or the recycling fund. Of this amount, no more than \$1,000,000 may come from wildlife damage surcharge revenues.

3. Provides a portion of the funding specified above to the veterinary diagnostic laboratory for the purpose of testing cervids for chronic wasting disease.

The bill requires that DNR promulgate rules to regulate the recreational and supplemental feeding of wild animals for purposes other than hunting. The bill exempts any state or federal employee from the ban against shooting firearms or arrows across or from a highway or from hunting from an aircraft if the state or federal employee is acting in the course of his or her employment and if the employee is authorized by DNR to take animals in the wild for purposes of testing for disease or for removing diseased animals. These exemptions are further limited to hunting only animals that are located in a chronic wasting disease eradication zone as designated by DNR.

The provisions regarding the regulation and supplemental feeding, the shooting of firearms and arrows, and hunting from aircraft sunset on August 31, 2003, unless the standing committees for natural resources matters of each house of the legislature determine that in order to control the spread of disease it is necessary to continue these provisions.

Under current law, an emergency rule remains in effect for 150 days, except that the joint committee for review of administrative rules (JCRAR) may extend an emergency rule for a maximum of 120 additional days. This bill authorizes JCRAR to extend the department of agriculture, trade and consumer protection's emergency rule related to chronic wasting disease in cervids, which took effect on April 9, 2002, until September 1, 2003.

The bill lapses \$933,900 from the appropriation to the University of Wisconsin System for the veterinary diagnostic laboratory to the general fund.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert  
2 the following amounts for the purposes indicated:

	2001-02	2002-03
3		
4	<b>20.370</b>	<b>Natural resources, department of</b>
5	(5)	CONSERVATION AIDS
6	(fs)	Chronic wasting disease man-
7	agement	SEG    A           -0-   2,000,100

1 (fv) Chronic wasting disease man-

2 agement — supplemental funds SEG A -0- -0-

3 **SECTION 2.** 20.370 (5) (fq) of the statutes is amended to read:

4 20.370 (5) (fq) *Wildlife damage claims and abatement.* All moneys received  
5 under ss. 29.181 (3), 29.559 (1r) (b), and 29.563 (13) and not appropriated under par-  
6 pars. (fr), (fs), and (fv) and sub. (1) (Ls) to provide state aid for the wildlife damage  
7 abatement program under s. 29.889 (5) (c) and the wildlife damage claim program  
8 under s. 29.889 (7) (d), for county administration costs under s. 29.889 (2) (d), and  
9 for payments under s. 29.89.

10 **SECTION 3.** 20.370 (5) (fs) of the statutes is created to read:

11 20.370 (5) (fs) *Chronic wasting disease management.* From the moneys  
12 received under ss. 29.181, 29.559 (1r), and 29.563 (13), the amounts in the schedule  
13 for the management of, and testing for, chronic wasting disease under s. 29.063.

14 **SECTION 4.** 20.370 (5) (fv) of the statutes is created to read:

15 20.370 (5) (fv) *Chronic wasting disease management — supplemental funds.*  
16 The amounts in the schedule for the management of, and testing for, chronic wasting  
17 disease under s. 29.063.

18 **SECTION 5.** 29.063 of the statutes is created to read:

19 **29.063 Management of chronic wasting disease.** The department may  
20 manage, and provide funding to conduct testing for, chronic wasting disease in  
21 cervids.

22 **SECTION 6.** 29.181 (3) of the statutes is repealed.

23 **SECTION 7.** 29.307 of the statutes is renumbered 29.307 (1).

24 **SECTION 8.** 29.307 (2) of the statutes is created to read:

1 29.307 (2) <sup>71-1</sup> Notwithstanding sub. (1), a <sup>79-1</sup> state or federal employee acting within  
2 the scope of his or her employment <sup>79-2</sup> may hunt an animal in the wild with the aid of  
3 an aircraft if all of the following apply:

4 (a) <sup>71-2</sup> The employee <sup>79-3</sup> is authorized by the department to take the animal for the  
5 <sup>71-3</sup> purpose of testing for disease in animals or for the purpose of removing diseased  
6 animals.

7 (b) <sup>71-4</sup> The employee <sup>79-4</sup> is hunting in an area designated by the department as a  
8 chronic wasting disease eradication zone.

9 <sup>71-5</sup> SECTION 9. 29.307 (3) of the statutes is created to read:

10 <sup>71-6</sup> [29.307 (3) Subsection (2) does not apply after August 31, 2003, unless the  
11 standing committee for natural resources matters of each house of the legislature,  
12 as designated by each presiding officer, determines by majority vote, on or before  
13 August 31, 2003, that in order to control the spread of disease in animals sub. (2) <sup>71-7</sup> shall  
14 continue to apply after August 31, 2003. If the standing committees make this  
15 determination, the chairperson of each of these standing committees shall promptly  
16 notify the revisor of statutes of the committee's determination. Upon receipt of such  
17 notification, the revisor shall publish a copy of the notification in the Wisconsin  
18 Administrative Register.

19 SECTION 10. 29.335 of the statutes is created to read:

20 **29.335 Feeding wild animals for nonhunting purposes.** The department  
21 shall promulgate rules to regulate the recreational and supplemental feeding of wild  
22 animals for purposes other than hunting. Any rules promulgated under this section  
23 do not apply after August 31, 2003, unless the standing committee for natural  
24 resources matters of each house of the legislature, as designated by each presiding  
25 officer, determines by majority vote, on or before August 31, 2003, that in order to

1 control the spread of disease in wild animals this section shall continue to apply after  
2 August 31, 2003. If the standing committees make this determination, the  
3 chairperson of each of these standing committees shall promptly notify the revisor  
4 of statutes of the committee's determination. Upon receipt of such notification, the  
5 revisor shall publish a copy of the notification in the Wisconsin Administrative  
6 Register.

7 **SECTION 11.** 29.559 (1r) (a) of the statutes is renumbered 29.559 (1r).

8 **SECTION 12.** 29.559 (1r) (b) of the statutes is repealed.

9 **SECTION 13.** 29.971 (7) of the statutes is amended to read:

10 29.971 (7) For the violation of s. 29.307 (1), by a fine of not more than \$1,000  
11 for the first violation and not more than \$2,000 for subsequent violations or  
12 imprisonment for not more than 90 days, or both, and by a mandatory 3-year  
13 revocation of all hunting, fishing, and trapping approvals. An aircraft used in the  
14 violation is a public nuisance.

15 **SECTION 14.** 29.971 (11) of the statutes is amended to read:

16 29.971 (11) For hunting deer without the required approval, during the closed  
17 season, with the aid of artificial light or with the aid of an aircraft, except as provided  
18 in s. 29.307 (2), for the snaring of or setting snares for deer, or for the possession or  
19 control of a deer carcass in violation of s. 29.055 or 29.347, by a fine of not less than  
20 \$1,000 nor more than \$2,000 or by imprisonment for not more than 6 months or both.  
21 In addition, the court shall order the revocation of all approvals issued to the person  
22 under this chapter and shall prohibit the issuance of any new approval under this  
23 chapter to the person for 3 years.

24 **SECTION 15.** 167.31 (2) (d) of the statutes, as affected by 2001 Wisconsin Act 8,  
25 is amended to read:

1           167.31 (2) (d) Except as provided in sub. (4) (a), (bg), (cg), (e), and (g), no person  
2 may discharge a firearm or shoot a bolt or an arrow from a bow or crossbow from or  
3 across a highway or within 50 feet of the center of a roadway.

4           **SECTION 16.** 167.31 (4) (bg) of the statutes is created to read:

79-5 [ 5  
6  
7           167.31 (4) (bg) 1. Subsection (2) (b), (c), and (d) does not apply to a state or  
8 federal employee, acting within the scope of his or her employment, who is  
9 authorized by the department of natural resources to take animals in the wild for the  
10 purpose of testing for disease in animals or for the purpose of removing diseased  
11 animals and who is hunting in an area designated by the department of natural  
12 resources as a chronic wasting disease eradication zone.

11           2. This paragraph does not apply after August 31, 2003, unless the standing  
12 committee for natural resources matters of each house of the legislature, as  
13 designated by each presiding officer, determines by majority vote, on or before  
14 August 31, 2003, that in order to control the spread of disease in animals subd. 1.  
15 shall continue to apply after August 31, 2003. If the standing committees make this  
16 determination, the chairperson of each of these standing committees shall promptly  
17 notify the revisor of statutes of the committee's determination. Upon receipt of such  
18 notification, the revisor shall publish a copy of the notification in the Wisconsin  
19 Administrative Register.

20           **SECTION 17. Nonstatutory provisions.**

21           (1) PLAN. If the department of natural resources determines that there are  
22 insufficient funds available under section 20.370 (5) (fs) of the statutes, as created  
23 by this act, for the management of, and testing for, chronic wasting disease in cervids  
24 during fiscal year 2002–03, the department may develop a plan, for submission to the  
25 joint committee on finance for review, detailing the means by which the department

1 shall manage, and test for, chronic wasting disease in cervids. If the department  
2 develops a plan under this subsection, the department shall recommend funding  
3 sources and expenditures for implementing the plan. In making these  
4 recommendations, the department may not do any of the following:

- 5 (a) Recommend the expenditure of funds from the general fund.  
6 (b) Recommend the expenditure of more than \$2,000,000.  
7 (c) Recommend the expenditure of more than \$1,000,000 from moneys received  
8 under sections 29.181, 29.559 (1r), and 29.563 (13) of the statutes.

9 (2) JOINT COMMITTEE ON FINANCE REVIEW.

10 (a) If the cochairpersons of the joint committee on finance do not notify the  
11 department of natural resources within 14 working days after the date of the  
12 submittal of the plan under subsection (1) that the committee has scheduled a  
13 meeting for the purpose of reviewing the plan, all of the following shall apply:

- 14 1. The department shall implement the plan.  
15 2. If the plan specifies the expenditure of funds from a segregated fund other  
16 than the conservation fund, the funds are transferred to the conservation fund.  
17 3. The appropriation under section 20.370 (5) (fv) of the statutes, as created by  
18 this act, is supplemented from the appropriation under section 20.865 (4) (u) of the  
19 statutes by the amount specified under the plan.

20 (b) If, within 14 working days after the date of the submittal by the department  
21 of natural resources, the cochairpersons of the joint committee on finance notify the  
22 department that the committee has scheduled a meeting to review the plan, the  
23 department may not implement the plan without approval of the committee. The  
24 committee may disapprove or modify the plan. If the committee modifies the plan,  
25 the committee may transfer funds to the conservation fund from another segregated

1 fund as is necessary to implement the plan. Notwithstanding section 13.101 (3) (a)  
2 of the statutes, no finding is required to be made that an emergency exists before  
3 transferring the funds under this paragraph.

4 (3) DEPARTMENT OF NATURAL RESOURCES POSITIONS. The authorized FTE positions  
5 for the department of natural resources are increased by 3.0 SEG project positions,  
6 to be funded from the appropriation under section 20.370 (5) (fs) of the statutes, as  
7 created by this act, for the purpose of managing and testing for chronic wasting  
8 disease.

9 (4) EMERGENCY RULES RELATING TO CHRONIC WASTING DISEASE IN CERVIDS.

10 (a) Notwithstanding section 227.24 (2) (a) of the statutes, the joint committee  
11 for review of administrative rules may extend the effective period of emergency rules  
12 promulgated by the department of agriculture, trade and consumer protection  
13 relating to chronic wasting disease in cervids that took effect on April 9, 2002, for  
14 periods specified by the committee and may grant any number of extensions, except  
15 that the committee may not extend the effective period of the rules beyond  
16 September 1, 2003.

17 (b) The department of agriculture, trade and consumer protection may amend  
18 the emergency rules described in paragraph (a), while those rules are in effect, using  
19 the procedure in section 227.24 of the statutes, and any amendment remains in effect  
20 for the period provided under paragraph (a).

21 <sup>72-1</sup>  
(5) VETERINARY DIAGNOSTIC LABORATORY.

22 (a) The department of natural resources shall expend, in fiscal year 2002-03,  
23 a total of \$901,600 from the appropriations under section 20.370 (5) (fs) and (fv) of  
24 the statutes, as created by this act, for the purpose of testing cervids for chronic  
25 wasting disease by the veterinary diagnostic laboratory.





State of Wisconsin  
2001 - 2002 LEGISLATURE  
May 2002 Special Session

LRBa1571/2  
MGG:cjs:rs

ASSEMBLY AMENDMENT,  
TO ASSEMBLY BILL 1

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

2 ~~1.~~ Page 4, line 1: after "(2)" insert "(a)".

3 ~~2.~~ Page 4, line 4: substitute "1." for "(a)".

4 ~~3.~~ Page 4, line 5: delete that line and substitute "purpose of controlling the  
5 spread of disease in".

6 ~~4.~~ Page 4, line 7: substitute "2." for "(b)".

7 ~~5.~~ Page 4, line 8: after that line insert:

8 "3. The employee is in compliance with all of the rules promulgated under par.  
9 (b).

10 (b) The department shall promulgate rules specifying the conditions under  
11 which aircraft may be used for surveillance of animals, for herding animals, and for  
12 shooting animals in order to control the spread of disease in animals. The rules may  
13 authorize shooting animals only if the department considers all other alternatives

7/15

1 to shooting animals from aircraft and determines that the shooting is necessary in  
2 order to control the spread of disease in animals. Notwithstanding s. 227.24 (1), the  
3 department may not promulgate these rules as emergency rules.”

4 ✓~~6~~. Page 4, line 10: delete that line and substitute:

5 “29.307 (3) Subsection (2) and the rules promulgated under sub. (2) do not  
6 apply after August 31, 2003, unless the”.

7 ✓~~7~~. Page 4, line 13: after “(2)” insert “and the rules promulgated under sub. (2)”.

8 ✓~~8~~. Page 6, line 8: delete that line and substitute “purpose of controlling the  
9 spread of disease in”.

10 ✓~~9~~. Page 6, line 10: after that line insert:

11 “1m. Subsection (3) (a) and (b) does not apply to a state or federal employee  
12 hunting an animal in the wild as authorized under s. 29.307 (2).”.

13 (END)

71-9



State of Wisconsin  
2001 - 2002 LEGISLATURE  
May 2002 Special Session

LRBa1572/1  
MGG:cjs:rs

ASSEMBLY AMENDMENT,  
TO ASSEMBLY BILL 1

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

2 ~~1.~~ Page 8, line 20: after that line insert:

3 “(c) Notwithstanding section 227.24 (2) (a) of the statutes, the joint committee  
4 for review of administrative rules may extend the effective period of any emergency  
5 rules promulgated by the department of natural resources that relate to the  
6 management of chronic wasting disease for periods specified by the committee and  
7 may grant any number of extensions, except that the committee may not extend the  
8 effective period of the rules beyond September 1, 2003.

9 (d) The department of natural resources may amend the emergency rules  
10 described in paragraph (c), while those rules are in effect, using the procedure in  
11 section 227.24 of the statutes, and any amendment remains in effect for the period  
12 provided under paragraph (c).”

13

(END)

78-1



State of Wisconsin  
2001 - 2002 LEGISLATURE  
May 2002 Special Session

LRBa1578/2  
RCT:cjs:pg

ASSEMBLY AMENDMENT ,  
TO ASSEMBLY BILL 1

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

2 ✓ 1. Page 5, line 23: after that line insert:

3 "SECTION 14n. 95.23 (1m) of the statutes is created to read:

4 95.23 (1m) (a) The department may conduct surveillance testing to determine  
5 whether animals have chronic wasting disease, whether or not the department  
6 suspects that the animals have been exposed to chronic wasting disease.

7 (b) The department shall indemnify the owner of an animal that must be killed  
8 in order to conduct testing under par. (a), if funds are available from the  
9 appropriation under s. 20.115 (2) (m) or (8) (ks) to pay the indemnity, in an amount  
10 equal to two-thirds of the difference between the net salvage value and the appraised  
11 value of the animal but not more than \$1,500 for one animal.

12 SECTION 14p. 95.32 (1) of the statutes is amended to read:

78-1 ✓





State of Wisconsin

2001 - 2002 LEGISLATURE

May 2002 Special Session

LRBa1579/1

MGG:cjs:pg

ASSEMBLY AMENDMENT,  
TO ASSEMBLY BILL 1

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

2 ~~1.~~ Page 4, line 1: delete "state or federal employee" and substitute "state  
3 employee or agent or a federal employee or agent".

4 ✓ 2. Page 4, line 2: after "employment" insert "or agency".

5 ~~3.~~ Page 4, line 4: after "employee" insert "or agent".

6 ~~4.~~ Page 4, line 7: after "employee" insert "or agent".

7 ~~5.~~ Page 6, line 5: delete lines 5 and 6 and substitute:

8 "167.31 (4) (bg) 1. Subsections (2) (a), (b), (c), and (d) and (3) (a) and (b) do not  
9 apply to a state employee or agent, or to a federal employee or agent, who is acting  
10 within the scope of his or her employment or agency, who is".

11

(END)

79-5



State of Wisconsin  
2001 - 2002 LEGISLATURE  
May 2002 Special Session

LRB-5097/en  
RNK/MGG/RCT/MJL:kmg:kmg

## ASSEMBLY BILL

1     **AN ACT** *to repeal* 29.181 (3) and 29.559 (1r) (b); *to renumber* 29.307 and 29.559  
2           (1r) (a); *to amend* 20.370 (5) (fq), 29.971 (7), 29.971 (11) and 167.31 (2) (d); and  
3           *to create* 20.370 (5) (fs), 20.370 (5) (fv), 29.063, 29.307 (2), 29.307 (3), 29.335  
4           and 167.31 (4) (bg) of the statutes; **relating to:** chronic wasting disease,  
5           hunting animals from aircraft, feeding of wild animals for purposes other than  
6           hunting, shooting a firearm or arrow from or across a highway, requiring a lapse  
7           to the general fund, authorizing the extension of emergency rules, requiring the  
8           exercise of rule-making authority, and making appropriations.

---

*Analysis by the Legislative Reference Bureau*

---

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

9           **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert  
10          the following amounts for the purposes indicated:

2001-02      2002-03

**20.370 Natural resources, department of**

(5) CONSERVATION AIDS

(fs) Chronic wasting disease man-  
agement

SEG      A      -0-      2,000,100

(fv) Chronic wasting disease man-  
agement — supplemental funds

SEG      A      -0-      -0-

**SECTION 2.** 20.370 (5) (fq) of the statutes is amended to read:

20.370 (5) (fq) *Wildlife damage claims and abatement.* All moneys received under ss. 29.181 (3), 29.559 (1r) ~~(b)~~, and 29.563 (13) and not appropriated under ~~par.~~ par. (fr), (fs), and (fv) and sub. (1) (Ls) to provide state aid for the wildlife damage abatement program under s. 29.889 (5) (c) and the wildlife damage claim program under s. 29.889 (7) (d), for county administration costs under s. 29.889 (2) (d), and for payments under s. 29.89.

**SECTION 3.** 20.370 (5) (fs) of the statutes is created to read:

20.370 (5) (fs) *Chronic wasting disease management.* From the moneys received under ss. 29.181, 29.559 (1r), and 29.563 (13), the amounts in the schedule for the management of, and testing for, chronic wasting disease under s. 29.063.

**SECTION 4.** 20.370 (5) (fv) of the statutes is created to read:

20.370 (5) (fv) *Chronic wasting disease management — supplemental funds.* The amounts in the schedule for the management of, and testing for, chronic wasting disease under s. 29.063.

**SECTION 5.** 29.063 of the statutes is created to read:

1           **29.063 Management of chronic wasting disease.** The department may  
2 manage, and provide funding to conduct testing for, chronic wasting disease in  
3 cervids.

4           **SECTION 6.** 29.181 (3) of the statutes is repealed.

5           **SECTION 7.** 29.307 of the statutes is renumbered 29.307 (1).

6           **SECTION 8.** 29.307 (2) of the statutes is created to read:

7           29.307 (2) ~~(a)~~ [8; AA-AB1; Page: 4, Line: 1] Notwithstanding sub. (1), a [8;  
8 AA-AB1; Page: 4, Line: 1] state employee or agent or a federal employee or agent [8;  
9 AA-AB1; Page: 4, Line: 1] acting within the scope of his or her employment or  
10 agency [8; AA-AB1; Page: 4, Line: 2] may hunt an animal in the wild with the aid  
11 of an aircraft if all of the following apply:

12           [8; AA-AB1; Page: 4, Line: 4] 1. [8; AA-AB1; Page: 4, Line: 4] The employee  
13 or agent [8; AA-AB1; Page: 4, Line: 4] is authorized by the department to take the  
14 animal for the [8; AA-AB1; Page: 4, Line: 5] purpose of controlling the spread of  
15 disease in [8; AA-AB1; Page: 4, Line: 5] animals.

16           [8; AA-AB1; Page: 4, Line: 7] 2. [8; AA-AB1; Page: 4, Line: 7] The employee  
17 or agent [8; AA-AB1; Page: 4, Line: 7] is hunting in an area designated by the  
18 department as a chronic wasting disease eradication zone.

19           3. The employee is in compliance with all of the rules promulgated under par.  
20 (b).

21           (b) The department shall promulgate rules specifying the conditions under  
22 which aircraft may be used for surveillance of animals, for herding animals, and for  
23 shooting animals in order to control the spread of disease in animals. The rules may  
24 authorize shooting animals only if the department considers all other alternatives  
25 to shooting animals from aircraft and determines that the shooting is necessary in

1 order to control the spread of disease in animals. Notwithstanding s. 227.24 (1), the  
2 department may not promulgate these rules as emergency rules. **[8; AA-AB1; Page:**  
3 **4, Line: 8]**

4 **SECTION 9.** 29.307 (3) of the statutes is created to read:

5 **[9; AA-AB1; Page: 4, Line: 10]**

6 29.307 (3) Subsection (2) and the rules promulgated under sub. (2) do not apply  
7 after August 31, 2003, unless the ~~**[9; AA-AB1; Page: 4, Line: 10]**~~ standing  
8 committee for natural resources matters of each house of the legislature, as  
9 designated by each presiding officer, determines by majority vote, on or before  
10 August 31, 2003, that in order to control the spread of disease in animals sub. (2) and  
11 the rules promulgated under sub. (2) ~~**[9; AA-AB1; Page: 4, Line: 13]**~~ shall continue  
12 to apply after August 31, 2003. If the standing committees make this determination,  
13 the chairperson of each of these standing committees shall promptly notify the  
14 revisor of statutes of the committee's determination. Upon receipt of such  
15 notification, the revisor shall publish a copy of the notification in the Wisconsin  
16 Administrative Register.

17 **SECTION 10.** 29.335 of the statutes is created to read:

18 **29.335 Feeding wild animals for nonhunting purposes.** The department  
19 shall promulgate rules to regulate the recreational and supplemental feeding of wild  
20 animals for purposes other than hunting. Any rules promulgated under this section  
21 do not apply after August 31, 2003, unless the standing committee for natural  
22 resources matters of each house of the legislature, as designated by each presiding  
23 officer, determines by majority vote, on or before August 31, 2003, that in order to  
24 control the spread of disease in wild animals this section shall continue to apply after  
25 August 31, 2003. If the standing committees make this determination, the

1 chairperson of each of these standing committees shall promptly notify the revisor  
2 of statutes of the committee's determination. Upon receipt of such notification, the  
3 revisor shall publish a copy of the notification in the Wisconsin Administrative  
4 Register.

5 SECTION 11. 29.559 (1r) (a) of the statutes is renumbered 29.559 (1r).

6 SECTION 12. 29.559 (1r) (b) of the statutes is repealed.

7 SECTION 13. 29.971 (7) of the statutes is amended to read:

8 29.971 (7) For the violation of s. 29.307 (1), by a fine of not more than \$1,000  
9 for the first violation and not more than \$2,000 for subsequent violations or  
10 imprisonment for not more than 90 days, or both, and by a mandatory 3-year  
11 revocation of all hunting, fishing, and trapping approvals. An aircraft used in the  
12 violation is a public nuisance.

13 SECTION 14. 29.971 (11) of the statutes is amended to read:

14 29.971 (11) For hunting deer without the required approval, during the closed  
15 season, with the aid of artificial light or with the aid of an aircraft, except as provided  
16 in s. 29.307 (2), for the snaring of or setting snares for deer, or for the possession or  
17 control of a deer carcass in violation of s. 29.055 or 29.347, by a fine of not less than  
18 \$1,000 nor more than \$2,000 or by imprisonment for not more than 6 months or both.  
19 In addition, the court shall order the revocation of all approvals issued to the person  
20 under this chapter and shall prohibit the issuance of any new approval under this  
21 chapter to the person for 3 years.

22 SECTION 14m. 95.23 (1m) of the statutes is created to read:

23 95.23 (1m) (a) The department may conduct surveillance testing to determine  
24 whether animals have chronic wasting disease, whether or not the department  
25 suspects that the animals have been exposed to chronic wasting disease.

THAID

1 (b) The department shall indemnify the owner of an animal that must be killed  
2 in order to conduct testing under par. (a), if funds are available from the  
3 appropriation under s. 20.115 (2) (m) or (8) (ks) to pay the indemnity, in an amount  
4 equal to two-thirds of the difference between the net salvage value and the appraised  
5 value of the animal but not more than \$1,500 for one animal.

6 [14n; AA-AB1; Page: 5, Line: 23]

7 SECTION 14p. 95.32 (1) of the statutes is amended to read:

8 95.32 (1) The department shall determine the appraised value of an animal  
9 that is destroyed under s. 95.21 (4) (b), 95.23 (1m), 95.25, 95.26, 95.27 or 95.31 (3) or  
10 (4) if the animal's owner is eligible for an indemnity. [14p; AA-AB1; Page: 5, Line:  
11 23]

12 SECTION 15. 167.31 (2) (d) of the statutes, as affected by 2001 Wisconsin Act 8,  
13 is amended to read:

14 167.31 (2) (d) Except as provided in sub. (4) (a), (bg), (cg), (e), and (g), no person  
15 may discharge a firearm or shoot a bolt or an arrow from a bow or crossbow from or  
16 across a highway or within 50 feet of the center of a roadway.

17 SECTION 16. 167.31 (4) (bg) of the statutes is created to read:

18 [16; AA-AB1; Page: 6, Line: 5][16; AA-AB1; Page: 6, Line: 5]

19 167.31 (4) (bg) 1. Subsections (2) (a), (b), (c), and (d) and (3) (a) and (b) do not  
20 apply to a state employee or agent, or to a federal employee or agent, who is acting  
21 within the scope of his or her employment or agency, who is [16; AA-AB1; Page: 6,  
22 Line: 5] authorized by the department of natural resources to take animals in the  
23 wild for the [16; AA-AB1; Page: 6, Line: 8] purpose of controlling the spread of  
24 disease in [16; AA-AB1; Page: 6, Line: 8] animals and who is hunting in an area

1 designated by the department of natural resources as a chronic wasting disease  
2 eradication zone.

3 1m. Subsection (3) (a) and (b) does not apply to a state or federal employee  
4 hunting an animal in the wild as authorized under s. 29.307 (2). [16; AA-AB1; Page:  
5 **6, Line: 10]**

6 2. This paragraph does not apply after August 31, 2003, unless the standing  
7 committee for natural resources matters of each house of the legislature, as  
8 designated by each presiding officer, determines by majority vote, on or before  
9 August 31, 2003, that in order to control the spread of disease in animals subd. 1.  
10 shall continue to apply after August 31, 2003. If the standing committees make this  
11 determination, the chairperson of each of these standing committees shall promptly  
12 notify the revisor of statutes of the committee's determination. Upon receipt of such  
13 notification, the revisor shall publish a copy of the notification in the Wisconsin  
14 Administrative Register.

15 **SECTION 17. Nonstatutory provisions.**

16 (1) PLAN. If the department of natural resources determines that there are  
17 insufficient funds available under section 20.370 (5) (fs) of the statutes, as created  
18 by this act, for the management of, and testing for, chronic wasting disease in cervids  
19 during fiscal year 2002-03, the department may develop a plan, for submission to the  
20 joint committee on finance for review, detailing the means by which the department  
21 shall manage, and test for, chronic wasting disease in cervids. If the department  
22 develops a plan under this subsection, the department shall recommend funding  
23 sources and expenditures for implementing the plan. In making these  
24 recommendations, the department may not do any of the following:

25 (a) Recommend the expenditure of funds from the general fund.

1 (b) Recommend the expenditure of more than \$2,000,000.

2 (c) Recommend the expenditure of more than \$1,000,000 from moneys received  
3 under sections 29.181, 29.559 (1r), and 29.563 (13) of the statutes.

4 (2) JOINT COMMITTEE ON FINANCE REVIEW.

5 (a) If the cochairpersons of the joint committee on finance do not notify the  
6 department of natural resources within 14 working days after the date of the  
7 submittal of the plan under subsection (1) that the committee has scheduled a  
8 meeting for the purpose of reviewing the plan, all of the following shall apply:

9 1. The department shall implement the plan.

10 2. If the plan specifies the expenditure of funds from a segregated fund other  
11 than the conservation fund, the funds are transferred to the conservation fund.

12 3. The appropriation under section 20.370 (5) (fv) of the statutes, as created by  
13 this act, is supplemented from the appropriation under section 20.865 (4) (u) of the  
14 statutes by the amount specified under the plan.

15 (b) If, within 14 working days after the date of the submittal by the department  
16 of natural resources, the cochairpersons of the joint committee on finance notify the  
17 department that the committee has scheduled a meeting to review the plan, the  
18 department may not implement the plan without approval of the committee. The  
19 committee may disapprove or modify the plan. If the committee modifies the plan,  
20 the committee may transfer funds to the conservation fund from another segregated  
21 fund as is necessary to implement the plan. Notwithstanding section 13.101 (3) (a)  
22 of the statutes, no finding is required to be made that an emergency exists before  
23 transferring the funds under this paragraph.

24 (3) DEPARTMENT OF NATURAL RESOURCES POSITIONS. The authorized FTE positions  
25 for the department of natural resources are increased by 3.0 SEG project positions,

1 to be funded from the appropriation under section 20.370 (5) (fs) of the statutes, as  
2 created by this act, for the purpose of managing and testing for chronic wasting  
3 disease.

4 (4) EMERGENCY RULES RELATING TO CHRONIC WASTING DISEASE IN CERVIDS.

5 (a) Notwithstanding section 227.24 (2) (a) of the statutes, the joint committee  
6 for review of administrative rules may extend the effective period of emergency rules  
7 promulgated by the department of agriculture, trade and consumer protection  
8 relating to chronic wasting disease in cervids that took effect on April 9, 2002, for  
9 periods specified by the committee and may grant any number of extensions, except  
10 that the committee may not extend the effective period of the rules beyond  
11 September 1, 2003.

12 (b) The department of agriculture, trade and consumer protection may amend  
13 the emergency rules described in paragraph (a), while those rules are in effect, using  
14 the procedure in section 227.24 of the statutes, and any amendment remains in effect  
15 for the period provided under paragraph (a).

16 (c) Notwithstanding section 227.24 (2) (a) of the statutes, the joint committee  
17 for review of administrative rules may extend the effective period of any emergency  
18 rules promulgated by the department of natural resources that relate to the  
19 management of chronic wasting disease for periods specified by the committee and  
20 may grant any number of extensions, except that the committee may not extend the  
21 effective period of the rules beyond September 1, 2003.

22 (d) The department of natural resources may amend the emergency rules  
23 described in paragraph (c), while those rules are in effect, using the procedure in  
24 section 227.24 of the statutes, and any amendment remains in effect for the period  
25 provided under paragraph (c). [17; AA-AB1; Page: 8, Line: 20]

*gates*  
*gates*

*[Handwritten mark]*

1 (5) VETERINARY DIAGNOSTIC LABORATORY.

2 (a) The department of natural resources shall expend, in fiscal year 2002-03,  
3 a total of \$901,600 from the appropriations under section 20.370 (5) (fs) and (fv) of  
4 the statutes, as created by this act, for the purpose of testing cervids for chronic  
5 wasting disease by the veterinary diagnostic laboratory.

6 (b) The authorized FTE positions for the board of regents of the University of  
7 Wisconsin System are increased by 6.0 PR positions, to be funded from the  
8 appropriation under section 20.285 (1) (kg) of the statutes, for the purpose of testing  
9 cervids for chronic wasting disease by the veterinary diagnostic laboratory.

10 **SECTION 18. Appropriation changes.**

11 (1) VETERINARY DIAGNOSTIC LABORATORY LAPSE. Notwithstanding section 20.001  
12 (3) (c) of the statutes, on June 30, 2002, there is lapsed to the general fund \$933,900  
13 from the appropriation account of the board of regents of the University of Wisconsin  
14 System under section 20.285 (1) (je) of the statutes, as affected by the acts of 2001.

15 (END)



State of Wisconsin  
2001 - 2002 LEGISLATURE  
May 2002 Special Session

LRBa1579/1  
MGG:cjs:pg

ASSEMBLY AMENDMENT ,  
TO ASSEMBLY BILL 1

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

2 1. Page 4, line 1: delete "state or federal employee" and substitute "state  
3 employee or agent or a federal employee or agent".

4 2. Page 4, line 2: after "employment" insert "or agency".

5 3. Page 4, line 4: after "employee" insert "or agent".

6 4. Page 4, line 7: after "employee" insert "or agent".

7 5. Page 6, line 5: delete lines 5 and 6 and substitute:

8 "167.31 (4) (bg) 1. Subsections (2) (a), (b), (c), and (d) and (3) (a) and (b) do not  
9 apply to a state employee or agent, or to a federal employee or agent, who is acting  
10 within the scope of his or her employment or agency, who is."

11

(END)



State of Wisconsin

2001 - 2002 LEGISLATURE

May 2002 Special Session

LRBs0385/P

RNK/MGG/RCT/MJL:kmg/kg/rs

First thing wed a.m.

+jd

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

ASSEMBLY SUBSTITUTE AMENDMENT, TO ASSEMBLY BILL 1

Regen

1 AN ACT to repeal 29.181 (3) and 29.559 (1r) (b); to renumber 29.307 and 29.559
2 (1r) (a); to amend 20.370 (5) (fq), 29.971 (7), 29.971 (11), 95.32 (1) and 167.31
3 (2) (d); and to create 20.370 (5) (fs), 20.370 (5) (fv), 29.063, 29.307 (2), 29.307
4 (3), 29.335, 95.23 (1m) and 167.31 (4) (bg) of the statutes; relating to: chronic
5 wasting disease, hunting animals from aircraft, feeding of wild animals for
6 purposes other than hunting, shooting a firearm or arrow from or across a
7 highway, requiring a lapse to the general fund, authorizing the extension of
8 emergency rules, requiring the exercise of rule-making authority, and making
9 appropriations.

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

10 SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
11 the following amounts for the purposes indicated:

1 2001-02 2002-03

2 **20.370 Natural resources, department of**

3 (5) CONSERVATION AIDS

4 (fs) Chronic wasting disease man-  
5 agement SEG A -0- 2,000,100

6 (fv) Chronic wasting disease man-  
7 agement — supplemental funds SEG A -0- -0-

8 **SECTION 2.** 20.370 (5) (fq) of the statutes is amended to read:

9 20.370 (5) (fq) *Wildlife damage claims and abatement.* All moneys received  
10 under ss. 29.181 (3), 29.559 (1r) (b), and 29.563 (13) and not appropriated under ~~par-~~  
11 pars. (fr), (fs), and (fv) and sub. (1) (Ls) to provide state aid for the wildlife damage  
12 abatement program under s. 29.889 (5) (c) and the wildlife damage claim program  
13 under s. 29.889 (7) (d), for county administration costs under s. 29.889 (2) (d), and  
14 for payments under s. 29.89.

15 **SECTION 3.** 20.370 (5) (fs) of the statutes is created to read:

16 20.370 (5) (fs) *Chronic wasting disease management.* From the moneys  
17 received under ss. 29.181, 29.559 (1r), and 29.563 (13), the amounts in the schedule  
18 for the management of, and testing for, chronic wasting disease under s. 29.063.

19 **SECTION 4.** 20.370 (5) (fv) of the statutes is created to read:

20 20.370 (5) (fv) *Chronic wasting disease management — supplemental funds.*  
21 The amounts in the schedule for the management of, and testing for, chronic wasting  
22 disease under s. 29.063.

23 **SECTION 5.** 29.063 of the statutes is created to read:

1           **29.063 Management of chronic wasting disease.** The department may  
2 manage, and provide funding to conduct testing for, chronic wasting disease in  
3 cervids.

4           **SECTION 6.** 29.181 (3) of the statutes is repealed.

5           **SECTION 7.** 29.307 of the statutes is renumbered 29.307 (1).

6           **SECTION 8.** 29.307 (2) of the statutes is created to read:

7           29.307 (2) (a) Notwithstanding sub. (1), a state employee or agent or a federal  
8 employee or agent acting within the scope of his or her employment or agency may  
9 hunt an animal in the wild with the aid of an aircraft if all of the following apply:

10           1. The employee or agent <sup>✓</sup> is authorized by the department to take the animal  
11 for the purpose of controlling the spread of disease in animals.

12           2. The employee or agent is hunting in an area designated by the department  
13 as a chronic wasting disease eradication zone.

14           3. The employee <sup>✓</sup> <sup>BY AGENT</sup> is in compliance with all of the rules promulgated under par.  
15 (b).

16           (b) The department shall promulgate rules specifying the conditions under  
17 which aircraft may be used for surveillance of animals, for herding animals, and for  
18 shooting animals in order to control the spread of disease in animals. The rules may  
19 authorize shooting animals only if the department considers all other alternatives  
20 to shooting animals from aircraft and determines that the shooting is necessary in  
21 order to control the spread of disease in animals. Notwithstanding s. 227.24 (1), the  
22 department may not promulgate these rules as emergency rules.

23           **SECTION 9.** 29.307 (3) of the statutes is created to read:

24           29.307 (3) Subsection (2) and the rules promulgated under sub. (2) do not apply  
25 after August 31, <sup>2007</sup> ~~2003~~, unless the standing committee for natural resources matters

1 of each house of the legislature, as designated by each presiding officer, determines  
2 by majority vote, on or before August 31, <sup>2007</sup>~~2008~~, that in order to control the spread of  
3 disease in animals sub. (2) and the rules promulgated under sub. (2) shall continue  
4 to apply after August 31, <sup>2007</sup>~~2008~~. If the standing committees make this determination,  
5 the chairperson of each of these standing committees shall promptly notify the  
6 revisor of statutes of the committee's determination. Upon receipt of such  
7 notification, the revisor shall publish a copy of the notification in the Wisconsin  
8 Administrative Register.

9 SECTION 10. 29.335 of the statutes is created to read:

10 **29.335 Feeding wild animals for nonhunting purposes.** The department  
11 shall promulgate rules to regulate the recreational and supplemental feeding of wild  
12 animals for purposes other than hunting. <sup>The</sup>~~Any~~ rules promulgated under this section  
13 do not apply after August 31, <sup>2007</sup>~~2008~~, unless the standing committee for natural  
14 resources matters of each house of the legislature, as designated by each presiding  
15 officer, determines by majority vote, on or before August 31, <sup>2007</sup>~~2008~~, that in order to  
16 control the spread of disease in wild animals this section shall continue to apply after  
17 August 31, <sup>2007</sup>~~2008~~. If the standing committees make this determination, the  
18 chairperson of each of these standing committees shall promptly notify the revisor  
19 of statutes of the committee's determination. Upon receipt of such notification, the  
20 revisor shall publish a copy of the notification in the Wisconsin Administrative  
21 Register.

22 SECTION 11. 29.559 (1r) (a) of the statutes is renumbered 29.559 (1r).

23 SECTION 12. 29.559 (1r) (b) of the statutes is repealed.

24 SECTION 13. 29.971 (7) of the statutes is amended to read:

1           29.971 (7) For the violation of s. 29.307 (1), by a fine of not more than \$1,000  
2 for the first violation and not more than \$2,000 for subsequent violations or  
3 imprisonment for not more than 90 days, or both, and by a mandatory 3–year  
4 revocation of all hunting, fishing, and trapping approvals. An aircraft used in the  
5 violation is a public nuisance.

6           **SECTION 14.** 29.971 (11) of the statutes is amended to read:

7           29.971 (11) For hunting deer without the required approval, during the closed  
8 season, with the aid of artificial light or with the aid of an aircraft, except as provided  
9 in s. 29.307 (2), for the snaring of or setting snares for deer, or for the possession or  
10 control of a deer carcass in violation of s. 29.055 or 29.347, by a fine of not less than  
11 \$1,000 nor more than \$2,000 or by imprisonment for not more than 6 months or both.  
12 In addition, the court shall order the revocation of all approvals issued to the person  
13 under this chapter and shall prohibit the issuance of any new approval under this  
14 chapter to the person for 3 years.

15           **SECTION 15.** 95.23 (1m) of the statutes is created to read:

16           95.23 (1m) (a) The department may conduct surveillance testing to determine  
17 whether animals have chronic wasting disease, <sup>if</sup> ~~whether or not~~ the department  
18 <sup>had reason to believe</sup> ~~suspects~~ that the animals have been exposed to chronic wasting disease.

19           (b) The department shall indemnify the owner of an animal that must be killed  
20 in order to conduct testing under par. (a), if funds are available from the  
21 appropriation under s. 20.115 (2) (m) or (8) (ks) to pay the indemnity, in an amount  
22 equal to two–thirds of the difference between the net salvage value and the appraised  
23 value of the animal but not more than \$1,500 for one animal.

24           **SECTION 16.** 95.32 (1) of the statutes is amended to read:

1 95.32 (1) The department shall determine the appraised value of an animal  
2 that is destroyed under s. 95.21 (4) (b), 95.23 (1m), 95.25, 95.26, 95.27 or 95.31 (3) or  
3 (4) if the animal's owner is eligible for an indemnity.

4 SECTION 17. 167.31 (2) (d) of the statutes, as affected by 2001 Wisconsin Act 8,  
5 is amended to read:

6 167.31 (2) (d) Except as provided in sub. (4) (a), ~~(bg)~~, (cg), (e), and (g), no person  
7 may discharge a firearm or shoot a bolt or an arrow from a bow or crossbow from or  
8 across a highway or within 50 feet of the center of a roadway.

9 SECTION 18. 167.31 (4) (bg) of the statutes is created to read:

10 167.31 (4) (bg) 1. Subsections ~~(2) (a), (b), (c), and (d)~~ ~~and (3) (a) and (b)~~ <sup>does</sup> do not  
11 apply to a state employee or agent, or to a federal employee or agent, who is acting  
12 within the scope of his or her employment or agency, who is <sup>✓</sup> authorized by the  
13 department of natural resources to take animals in the wild for the purpose of  
14 controlling the spread of disease in animals and who is hunting in an area designated  
15 by the department of natural resources as a chronic wasting disease eradication  
16 zone.

17 1m. Subsection (3) (a) and (b) <sup>employee or agent</sup> does not apply to a state <sup>or federal</sup> employee  
18 <sup>or agent</sup> hunting an animal in the wild as authorized under s. 29.307 (2).

19 2. This paragraph does not apply after August 31, <sup>2007</sup> ~~2003~~, unless the standing  
20 committee for natural resources matters of each house of the legislature, as  
21 designated by each presiding officer, determines by majority vote, on or before  
22 August 31, <sup>2007</sup> ~~2003~~, that in order to control the spread of disease in animals <sup>subds. 1. and 1m.</sup>  
23 shall continue to apply after August 31, <sup>2007</sup> ~~2003~~. If the standing committees make this  
24 determination, the chairperson of each of these standing committees shall promptly  
25 notify the revisor of statutes of the committee's determination. Upon receipt of such

1 notification, the revisor shall publish a copy of the notification in the Wisconsin  
2 Administrative Register.

3 **SECTION 19. Nonstatutory provisions.**

4 (1) PLAN. If the department of natural resources determines that there are  
5 insufficient funds available under section 20.370 (5) (fs) of the statutes, as created  
6 by this act, for the management of, and testing for, chronic wasting disease in cervids  
7 during fiscal year 2002–03, the department may develop a plan, for submission to the  
8 joint committee on finance for review, detailing the means by which the department  
9 shall manage, and test for, chronic wasting disease in cervids. If the department  
10 develops a plan under this subsection, the department shall recommend funding  
11 sources and expenditures for implementing the plan. In making these  
12 recommendations, the department may not do any of the following:

13 (a) Recommend the expenditure of funds from the general fund.

14 (b) Recommend the expenditure of more than \$2,000,000.

15 (c) Recommend the expenditure of more than \$1,000,000 from moneys received  
16 under sections 29.181, 29.559 (1r), and 29.563 (13) of the statutes.

17 (2) JOINT COMMITTEE ON FINANCE REVIEW.

18 (a) If the cochairpersons of the joint committee on finance do not notify the  
19 department of natural resources within 14 working days after the date of the  
20 submittal of the plan under subsection (1) that the committee has scheduled a  
21 meeting for the purpose of reviewing the plan, all of the following shall apply:

22 1. The department shall implement the plan.

23 2. If the plan specifies the expenditure of funds from a segregated fund other  
24 than the conservation fund, the funds are transferred to the conservation fund.

1           3. The appropriation under section 20.370 (5) (fv) of the statutes, as created by  
2 this act, is supplemented from the appropriation under section 20.865 (4) (u) of the  
3 statutes by the amount specified under the plan.

4           (b) If, within 14 working days after the date of the submittal by the department  
5 of natural resources, the cochairpersons of the joint committee on finance notify the  
6 department that the committee has scheduled a meeting to review the plan, the  
7 department may not implement the plan without approval of the committee. The  
8 committee may disapprove or modify the plan. If the committee modifies the plan,  
9 the committee may transfer funds to the conservation fund from another segregated  
10 fund as is necessary to implement the plan. Notwithstanding section 13.101 (3) (a)  
11 of the statutes, no finding is required to be made that an emergency exists before  
12 transferring the funds under this paragraph.

13           (3) DEPARTMENT OF NATURAL RESOURCES POSITIONS. The authorized FTE positions  
14 for the department of natural resources are increased by 3.0 SEG project positions,  
15 to be funded from the appropriation under section 20.370 (5) (fs) of the statutes, as  
16 created by this act, for the purpose of managing and testing for chronic wasting  
17 disease.

18           (4) EMERGENCY RULES RELATING TO CHRONIC WASTING DISEASE IN CERVIDS.

19           (a) Notwithstanding section 227.24 (2) (a) of the statutes, the joint committee  
20 for review of administrative rules may extend the effective period of emergency rules  
21 promulgated by the department of agriculture, trade and consumer protection  
22 relating to chronic wasting disease in cervids that took effect on April 9, 2002, for  
23 periods specified by the committee and may grant any number of extensions, except  
24 that the committee may not extend the effective period of the rules beyond  
25 September 1, 2003.

1 (b) The department of agriculture, trade and consumer protection may amend  
2 the emergency rules described in paragraph (a), while those rules are in effect, using  
3 the procedure in section 227.24 of the statutes, and any amendment remains in effect  
4 for the period provided under paragraph (a).

5 (c) Notwithstanding section 227.24 (2) (a) of the statutes, the joint committee  
6 for review of administrative rules may extend the effective period of any emergency  
7 rules promulgated by the department of natural resources that relate to the  
8 management of chronic wasting disease for periods specified by the committee and  
9 may grant any number of extensions, except that the committee may not extend the  
10 effective period of the rules beyond September 1, 2003.

11 (d) The department of natural resources may amend the emergency rules  
12 described in paragraph (c), while those rules are in effect, using the procedure in  
13 section 227.24 of the statutes, and any amendment remains in effect for the period  
14 provided under paragraph (c).

15 (5) VETERINARY DIAGNOSTIC LABORATORY.

16 (a) The department of natural resources shall expend, in fiscal year 2002–03,  
17 a total of \$901,600 from the appropriations under section 20.370 (5) (fs) and (fv) of  
18 the statutes, as created by this act, for the purpose of testing cervids for chronic  
19 wasting disease by the veterinary diagnostic laboratory.

20 (b) The authorized FTE positions for the board of regents of the University of  
21 Wisconsin System are increased by 6.0 PR positions, to be funded from the  
22 appropriation under section 20.285 (1) (kg) of the statutes, for the purpose of testing  
23 cervids for chronic wasting disease by the veterinary diagnostic laboratory.

24 **SECTION 20. Appropriation changes.**

