

**SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 1**

May 15, 2002 – Offered by COMMITTEE ON ENVIRONMENTAL 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), 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 or shooting animals from aircraft, vehicles, and boats,
6 feeding of wild animals for purposes other than hunting, shooting a firearm or
7 arrow from or across a highway, requiring a lapse to the general fund,
8 authorizing the extension of emergency rules, requiring the exercise of
9 rule-making authority, and making 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 **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4 **SECTION 6.** 29.181 (3) of the statutes is repealed.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 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 or agent is in compliance with all of the rules promulgated
15 under par. (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, 2007, 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, 2007, 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, 2007. 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. The rules promulgated under this section
13 do not apply after August 31, 2007, 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, 2007, that in order to
16 control the spread of disease in wild animals this section shall continue to apply after
17 August 31, 2007. 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, if the department has reason to
18 believe 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. Subsection (2) (a), (b), (c), and (d) does not apply to a state
11 employee or agent, or to a federal employee or agent, who is acting within the scope
12 of his or her employment or agency, who is authorized by the department of natural
13 resources to take animals in the wild for the purpose of controlling the spread of
14 disease in animals and who is hunting in an area designated by the department of
15 natural resources as a chronic wasting disease eradication zone.

16 1m. Subsection (3) (a) and (b) does not apply to a state employee or agent or a
17 federal employee or agent hunting an animal in the wild as authorized under s.
18 29.307 (2).

19 2. This paragraph does not apply after August 31, 2007, 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, 2007, that in order to control the spread of disease in animals subds. 1.
23 and 1m. shall continue to apply after August 31, 2007. If the standing committees
24 make this determination, the chairperson of each of these standing committees shall
25 promptly notify the revisor of statutes of the committee's determination. Upon

1 receipt of such notification, the revisor shall publish a copy of the notification in the
2 Wisconsin 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.**

