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**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2002 May Special Session Senate Bill 1	Senate Substitute Amendment 1
<i>Memo published:</i> May 15, 2002	<i>Contact:</i> Mark C. Patrosky, Senior Staff Attorney (266-9280) John Stolzenberg, Staff Scientist (266-2988)

2002 May Special Session Senate Bill 1 contains a number of provisions relating to funding the efforts of the Department of Natural Resources (DNR), the Department of Agriculture, Trade and Consumer Protection (DATCP) and the Veterinary Diagnostic Laboratory to manage and attempt to control chronic wasting disease, which is a disease of deer and elk. The bill also contains provisions that give DNR and DATCP specific regulatory and management authority related to this disease.

The bill makes a number of changes to current law that are described in the analysis by the Legislative Reference Bureau. Senate Substitute Amendment 1 makes the following changes to current law:

1. Funding Provisions

The substitute amendment provides funding of \$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 deer and elk, and authorizes 3.0 positions to DNR.

The substitute amendment authorizes the DNR to supplement this funding by up to \$2,000,000 from segregated fund sources in a passive Joint Committee on Finance review process. Of this amount, no more than \$1,000,000 may come from wildlife damage surcharge revenues.

Approximately \$900,000 of the funding specified above is provided to the Veterinary Diagnostic Laboratory for the purpose of testing for chronic wasting disease, and the substitute amendment lapses \$933,900 from the appropriation to the University of Wisconsin System for the Veterinary Diagnostic Laboratory to the general fund. The substitute amendment authorizes 6.0 positions to the Veterinary Diagnostic Laboratory for chronic wasting disease testing.

2. Management of Chronic Wasting Disease

The DNR is given express authority to manage and to fund testing for chronic wasting disease. This authority is added to the DNR's broad authority under current statutes to manage fish and game and to prevent the spread of contagious disease in wild animals.

3. Hunting With the Aid of an Aircraft

The substitute amendment authorizes a state or federal employee or agent, within the scope of his or her employment or agency, to hunt an animal in the wild with the aid of an aircraft. This hunting must be within a DNR-designated chronic wasting disease eradication zone, and the employee or agent must be taking the animal for purposes of testing or removing diseased animals. This authority is an exception to the current statutory prohibition on hunting with the use of an aircraft. "Aircraft" is defined in the statutes to mean any device used or designed for flight in the air. This provision sunsets after August 31, 2007, unless the standing committee for natural resources of each house of the Legislature determines by a majority vote that the statute continues in effect.

The substitute amendment requires DNR to promulgate rules specifying the conditions under which aircraft may be used for this purpose. The rules may authorize shooting animals using an aircraft only if the DNR considers all other alternatives and determines that the shooting is necessary in order to control the spread of disease in animals. The department is prohibited from promulgating these rules as emergency rules.

4. Recreational and Supplemental Feeding of Wild Animals

The substitute amendment directs the DNR to promulgate rules to regulate the recreational and supplemental feeding of wild animals for purposes other than hunting. DNR has authority to regulate the use of bait in connection with hunting under current statutes. These rules sunset after August 31, 2007, unless the standing committees for natural resources in each house of the Legislature determines by a majority vote that the rules continue in effect.

5. Hunting From a Vehicle, Roadway or Motorboat

The current statutes prohibit carrying a firearm, bow or crossbow in or on a vehicle; carrying a loaded firearm in a motorboat with the motor running; loading or discharging a firearm or shooting a bow and arrow in or from a vehicle; and discharging a firearm or shooting a bow or an arrow from or across a highway or within 50 feet of the center of a roadway. The substitute amendment makes these statutes inapplicable to a state or federal employee or agent, acting within the scope of his or her employment or agency, who is authorized by DNR to take animals in the wild for testing or removal of diseased animals within an area designated by the DNR as a chronic wasting disease eradication zone. This statute does not apply after August 31, 2007, the standing committee for natural resources of each house of the Legislature determines by a majority vote that the statute continues in effect.

6. Surveillance and Testing of Chronic Wasting Disease

The substitute amendment authorizes DATCP to conduct surveillance testing to determine whether animals have chronic wasting disease if the department has a reason to believe the animals have

been exposed to chronic wasting disease. DATCP is required to indemnify the owner of an animal that must be killed in order to conduct the testing if federal or program revenue funds are available to DATCP for this indemnification. The DNR may contract with DATCP for this indemnification. The substitute amendment sets limits on the amount of the indemnity which are the same as current statutory limits for reimbursement for condemned livestock.

7. Effective Period of Emergency Rules

The substitute amendment creates a special provision regarding the effective period of emergency rules promulgated by the DNR and DATCP relating to chronic wasting disease. The DATCP emergency rules took effect on April 9, 2002, and the DNR emergency rules will be promulgated soon. Current statutes limit emergency rules to no more than 270 days (approximately nine months). The substitute amendment authorizes JCRAR to grant any number of extensions to these rules, for periods specified by the committee, except that the emergency rules may not be extended beyond September 1, 2003. Further, DNR and DATCP are authorized to amend the emergency rules while they are in effect using the procedure for promulgation of emergency rules, and the amendment remains in effect for the same period as applied to the original emergency rule.

On May 15, 2002, the Senate Environmental Resources Committee recommended the substitute amendment for passage on a vote of Ayes, 5; Noes, 0.

MCP:ksm;wu

Wisconsin Department of Administration
Division of Executive Budget and Finance
DOA-2048 (R10/2000)

Fiscal Estimate — 2001 Session

- Original
- Updated
- Corrected
- Supplemental

LRB Number	Amendment Number if Applicable
Bill Number SB 1	Administrative Rule Number

Subject
Controlling Chronic Wasting Disease in Wisconsin

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

- Increase Existing Appropriation
- Decrease Existing Appropriation
- Create New Appropriation
- Increase Existing Revenues
- Decrease Existing Revenues

- Increase Costs — May be possible to absorb within agency's budget.
 - Yes
 - No
- Decrease Costs

Local: No Local Government Costs

- 1. Increase Costs
 - Permissive
 - Mandatory
- 2. Decrease Costs
 - Permissive
 - Mandatory

- 3. Increase Revenues
 - Permissive
 - Mandatory
- 4. Decrease Revenues
 - Permissive
 - Mandatory

5. Types of Local Governmental Units Affected:
- Towns
 - Villages
 - Cities
 - Counties
 - Others
 - School Districts
 - WTCS Districts

Fund Sources Affected

- GPR
- FED
- PRO
- PRS
- SEG
- SEG-S

Affected Chapter 20 Appropriations
20.370 (5)(fs), (5)(fu), (5)(fq)

Assumptions Used in Arriving at Fiscal Estimate

Bill Summary:


This bill provides funding of up to \$2,000,100 in FY02-03 from wildlife damage surcharge revenues to manage and conduct testing for chronic wasting disease in cervids (all species of deer and elk) and authorizes the Joint Committee on Finance to supplement DNR funding by up to \$2,000,000 from SEG funding sources such as the conservation fund or the recycling fund. Of this supplemental amount, no more than \$1,000,000 may come from wildlife damage surcharge revenues. The bill also authorizes the Department of Natural Resources (DNR) to provide a portion of the specified funding (\$901,600) to the Wisconsin Veterinary Diagnostic Laboratory (WVDL) for the purpose of testing cervids for chronic wasting disease (CWD). The bill also requires that DNR promulgate rules to regulate the recreational and supplemental feeding of wild animals for purposes other than hunting, and 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 for purposes of testing for CWD or for removing diseased animals.

Fiscal Estimate:

The bill provides \$4,000,100 on a one-time basis to control CWD in FY03. The bill also provides 3.0 FTE to DNR for the purpose of managing and testing for CWD and 6.0 FTE for the Veterinary Diagnostic Laboratory for the purpose of testing cervids for CWD. Of this amount, \$901,600 will be provided by DNR to the WVDL to support the 6.0 FTE (\$457,400) and for lab equipment and supplies to provide increased testing capacity (\$444,200). Through an interagency agreement, DNR plans to provide DATCP with \$430,000 to support a Wildlife Veterinarian and a Field Inspector (\$220,000), \$200,000 to buy out critical captive herds, and \$10,000 for publications relating to CWD. The DNR plans to also provide DHFS \$14,500 for Death Certificate Surveillance, and a fellowship at the UW Dept. of Neurology. Of the remaining \$2,654,000 in FY 03, the DNR plans additional sampling (\$712,500), project staffing (\$124,000), LFE support at registration stations (\$112,800), herd control activities (\$764,700), disposal of carcasses (\$300,000), overtime for permanent staff (\$500,000), and informational publications (\$90,000).

Long-Range Fiscal Implications

CWD is a long term problem. Reallocations within the agencies will need to continue. Budget requests for additional funding will be made in FY03-05 and potentially beyond.

Prepared By:	Telephone No.	Agency
Joe Polasek	266-2794	Department of Natural Resources
Authorized Signature	Telephone No.	Date (mm/dd/ccyy)
	266-2794	05/14/02

Wisconsin Department of Administration
Division of Executive Budget and Finance
DOA-2048 (R10/2000)

Fiscal Estimate — 2001 Session

**Page 2 Assumptions Narrative
Continued**

LRB Number	Amendment Number if Applicable
Bill Number SB 1	Administrative Rule Number

Assumptions Used in Arriving at Fiscal Estimate - Continued

The \$4,000,100 in FY 03 is one-time funding from the wildlife damage surcharge revenue. While the bill does not provide funding for on-going costs, the DNR estimates that there will be ongoing costs into the foreseeable future. The estimated on-going costs for DNR only amount to approximately \$5 million annually. The DNR (and the other involved agencies) have incurred significant costs in FY 02 that are not addressed by the funding in the bill, and have been re-allocated within the agency. Anticipated ongoing reallocated costs amount to \$1,127,500 for DNR.

Wisconsin Department of Administration
 Division of Executive Budget and Finance
 DOA-2047 (R10/2000)

Fiscal Estimate Worksheet — 2001 Session
 Detailed Estimate of Annual Fiscal Effect

- Original Updated
 Corrected Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number
SBI	


Subject
 Controlling Chronic Wasting Disease in Wisconsin

One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

Annualized Costs:	Annualized Fiscal Impact on State Funds from:	
	Increased Costs	Decreased Costs
A. State Costs by Category		
State Operations — Salaries and Fringes	\$ 1,374,200	\$ - 0
(FTE Position Changes)	(9.00 FTE)	(0.00 FTE)
State Operations — Other Costs	2,625,900	- 0
Local Assistance	0	- 0
Aids to individuals or Organizations	0	- 0
Total State Costs by Category	\$ 4,000,100	\$ - 0
B. State Costs by Source of Funds	Increased Costs	Decreased Costs
GPR	\$ 0	\$ - 0
FED	0	- 0
PRO/PRS	0	- 0
SEG/SEG-S	4,000,100	- 0
State Revenues	Increased Revenue	Decreased Revenue
GPR Taxes	\$ 0	\$ - 0
GPR Earned	0	- 0
FED	0	- 0
PRO/PRS	0	- 0
SEG/SEG-S	0	- 0
Total State Revenues	\$ 0	\$ - 0

Net Annualized Fiscal Impact

	State	Local
Net Change in Costs	\$ 4,000,100	\$ 0
Net Change in Revenues	\$ 0	\$ 0

Prepared By:	Telephone No.	Agency
Joe Rolasek	266-2794	Department of Natural Resources
Authorized Signature	Telephone No.	Date (mm/dd/yyyy)
	266-2794	05/14/02

May 15, 2002

SENATE ENVIRONMENTAL RESOURCES COMMITTEE

PAPER BALLOT

**SENATE SUBSTITUTE AMENDMENT LRBs0386/1
TO MAY 2002 SPECIAL SESSION SENATE BILL 1**

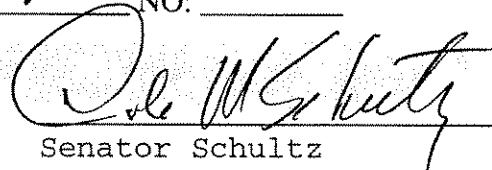
Relating to Chronic wasting disease, hunting or shooting animals from aircraft, vehicles, and boats, feeding of wild animals for purposes other than hunting, shooting a firearm or arrow from or across a highway, requiring a lapse to the general fund, authorizing the extension of emergency rules, requiring the exercise of rule-making authority, and making appropriations.

Moved by Senator Baumgart, Chair, that Senate Substitute Amendment LRB s0386/1 be recommended for Introduction and adoption.

AYE: NO:

Moved by Senator Baumgart, Chair, that May 2002 Special Session Senate Bill 1 be for passage, as amended.

AYE: NO:



Senator Schultz

May 15, 2002

SENATE ENVIRONMENTAL RESOURCES COMMITTEE

PAPER BALLOT

**SENATE SUBSTITUTE AMENDMENT LRBs0386/1
TO MAY 2002 SPECIAL SESSION SENATE BILL 1**

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AYE: ✓ NO:

Moved by Senator Baumgart, Chair, that May 2002 Special Session Senate Bill 1 be for passage, as amended.

AYE: ✓ NO:

Robert Wirch
Senator Wirch

May 15, 2002

SENATE ENVIRONMENTAL RESOURCES COMMITTEE

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**SENATE SUBSTITUTE AMENDMENT LRBs0386/1
TO MAY 2002 SPECIAL SESSION SENATE BILL 1**

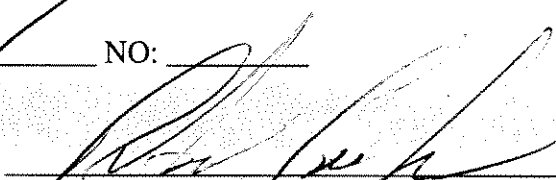
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AYE: NO:

Moved by Senator Baumgart, Chair, that May 2002 Special Session Senate Bill 1 be for passage, as amended.

AYE: NO:



Senator Cowles

May 15, 2002

SENATE ENVIRONMENTAL RESOURCES COMMITTEE

PAPER BALLOT

**SENATE SUBSTITUTE AMENDMENT LRBs0386/1
TO MAY 2002 SPECIAL SESSION SENATE BILL 1**

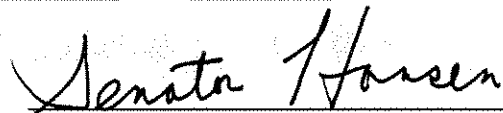
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AYE: NO:

Moved by Senator Baumgart, Chair, that May 2002 Special Session Senate Bill 1 be for passage, as amended.

AYE: NO:



Senator Hansen

May 15, 2002

SENATE ENVIRONMENTAL RESOURCES COMMITTEE

PAPER BALLOT

**SENATE SUBSTITUTE AMENDMENT LRBs0386/1
TO MAY 2002 SPECIAL SESSION SENATE BILL 1**

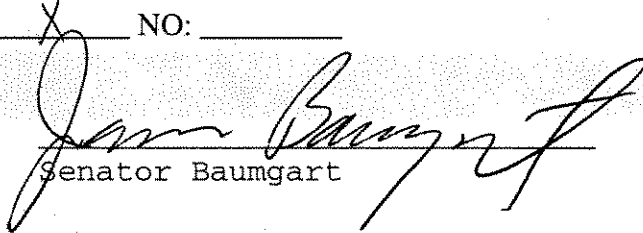
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AYE: X NO:

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AYE: X NO:



Senator Baumgart

Eskeitz, Anne

From: Baumgart, Jim
Sent: Wednesday, May 15, 2002 12:30 PM
To: *Legislative Senate Democrats; *Legislative Senate Republicans
Subject: Chronic Wasting Disease Special Session - Substitute Amendment

Attached with this email is a copy of Senate Substitute Amendment 1 to Special Session Senate Bill 1 and a copy of the Legislative Council Amendment Memo that explains the changes made. This amendment is identical to the substitute that is currently pending before the State Assembly. Yesterday, the Senate Environmental Resources Committee held a Joint Public Hearing with the Assembly Natural Resources Committee on the bill and listened to 7 1/2 hours of public testimony and this amendment is the result of that hearing. The bill provides DNR, DATCP and DHFS with the necessary funding and tools to effectively manage the deer herd in Wisconsin. The members of my committee worked extremely well with the Assembly Natural Resources Committee to agree on the content of the substitute amendment to ensure that identical bills were moving through the Legislature. It is my hope, that you will support this amendment and the final version of the bill on the floor today.

The changes are described in the Legislative Council Memo and briefly below:

- The bill and amendment maintain the conference committee framework and provides a total of \$4 million to combat Chronic Wasting Disease. \$2 million is released immediately and another \$2 million is held in reserve to be released by the Joint Committee on Finance (up to \$3 million will come from the Cropland Damage Program within DNR and the last million will come from a yet to be determined source within the DNR).
- The bill and amendment authorize DNR employees or its agents and federal government employees or agents to hunt with the aid of aircraft, automobiles and boats. The DNR is required to write administrative rules specifying the conditions under which aircraft may be used for controlling the spread of disease in animals.
- The bill and amendment authorize the DNR to promulgate rules regulating the practice of feeding wild animals. The amendment has a sunset date of August 31, 2007 while the original proposal sunset these rules on August 31, 2003. The DNR has stated that they will need to take aggressive measures to reduce the density of the deer in the infected area for at least 5 years. We ought not sunset the Department's ability to regulate feeding before they have had an opportunity to reduce the size of the infected population.
- The amendment provides DATCP with the authority to conduct surveillance testing to determine whether animals on game farms have chronic wasting disease. However, the department must have a reason to believe that the herd has been exposed to CWD. If the animals test positive for CWD DATCP may destroy the animals and indemnify the owner for the loss of his herd.
- The bill and amendment provide JCRAR with the authority to extend DATCP's emergency rule relating to CWD. The amendment also provides JCRAR with this authority for the emergency rules relating to CWD promulgated by DNR. We must ensure that there is not a gap between the emergency rules and the effective date of the permanent rules on this subject. This provision will accomplish that goal.

The bill and amendment also calls for the Veterinary Diagnostic Laboratory to lapse \$933,900 to the

general fund and then is replaced with \$901,600 from the immediate appropriation of \$2 million. These funds must be used for staff and equipment to test for chronic wasting disease at the lab.



Senate Substitute CWD Amendment
Amendment fo... Memo on Substitu...