March 26, 2020 - Introduced by Senator ERPENBACH, cosponsored by Representative POPE. Referred to Committee on Sporting Heritage, Mining and Forestry.

AN ACT to create 20.115 (4) (cw) and 90.22 of the statutes; relating to: financial assistance for double-fencing farm-raised deer, providing an exemption from emergency rule procedures, granting rule-making authority, and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Agriculture, Trade and Consumer Protection to create a financial assistance program for persons who keep farm-raised deer and who are required, either by DATCP or by the Department of Natural Resources, to erect a double fence or a solid barrier around farm-raised deer because of chronic wasting disease found in wild deer in the vicinity of the farm-raised deer. Under the bill, financial assistance may be provided to pay for the cost of any such fence beginning five years before the effective date of the bill. Financial assistance may not be provided under the program to any person who registers with DATCP to keep farm-raised deer after the effective date of the bill.

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

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

SECTION 1. 20.115 (4) (cw) of the statutes is created to read:
20.115 (4) (cw) Grants for deer fencing. A sum sufficient to provide financial assistance under s. 90.22.

SECTION 2. 90.22 of the statutes is created to read:

90.22 Financial assistance for fencing farm-raised deer in chronic wasting disease areas. (1) DEFINITIONS. In this section:

(a) “Department” means the department of agriculture, trade and consumer protection.

(b) “Double protective barrier” means a double fence or a solid barrier, or a combination of those systems, that meets the requirements established by the department or by the department of natural resources.

(c) “Farm-raised deer” has the meaning given in s. 95.001 (1) (ag).

(2) FINANCIAL ASSISTANCE PROGRAM. The department shall create and administer a program to provide financial assistance to persons who keep farm-raised deer to cover the cost of erecting a double protective barrier around the farm-raised deer. Financial assistance under this section may be provided only if the person who keeps farm-raised deer is required to erect a double protective barrier by the department or by the department of natural resources based on the presence of chronic wasting disease in wild deer in the vicinity of the farm-raised deer. Financial assistance may be provided to cover any such costs incurred on or after the date that is five years before the effective date of this subsection .... [LRB inserts date]. Financial assistance may not be provided to any person who registers to keep farm-raised deer under s. 95.55 after the effective date of this subsection .... [LRB inserts date]. The department shall promulgate rules to implement this section.

(1) **Emergency rules.** The department of agriculture, trade and consumer protection may promulgate emergency rules under s. 227.24 implementing s. 90.22. Notwithstanding s. 227.24 (1) (a) and (3), the department of agriculture, trade and consumer protection is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection. Notwithstanding s. 227.24 (1) (e) 1d. and 1g., for emergency rules promulgated under this subsection, the department is not required to prepare a statement of scope of the rules or to submit the proposed rules in final draft form to the governor for approval.

(END)