



2019 SENATE BILL 910

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

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

5 **SECTION 1.** 20.115 (4) (cw) of the statutes is created to read:

SENATE BILL 910**SECTION 1**

1 20.115 (4) (cw) *Grants for deer fencing*. A sum sufficient to provide financial
2 assistance under s. 90.22.

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

4 **90.22 Financial assistance for fencing farm-raised deer in chronic**
5 **wasting disease areas.** (1) DEFINITIONS. In this section:

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

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

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

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

25 **SECTION 3. Nonstatutory provisions.**

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

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(END)