



## 1997 ASSEMBLY BILL 761

February 3, 1998 - Introduced by Representatives AINSWORTH, LORGE, BRANDEMUEHL, DUEHOLM, DUFF, GOETSCH, GRONEMUS, GROTHMAN, HAHN, JOHNSRUD, F. LASEE, MUSSER, OTT, OWENS, SYKORA and ZUKOWSKI. Referred to Committee on Natural Resources.

1     **AN ACT to amend** 29.598 (7m) (b) (intro.) and 943.13 (4m) (b); and **to create**  
2             29.598 (7m) (ag) and 29.598 (7m) (ak) of the statutes; **relating to:** opening land  
3             to hunting under the wildlife damage abatement and the wildlife damage claim  
4             programs.

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### *Analysis by the Legislative Reference Bureau*

Under current law, the department of natural resources provides financial assistance to landowners for damage done by certain wild animals to agricultural crops, livestock, nursery stock or apiaries by providing abatement assistance or damage payments. Abatement assistance includes reimbursing landowners who take certain wildlife damage abatement measures such as erecting wire deer fences.

Under current law, a landowner who participates in the abatement program or the claim program must open his or her land to hunting. Under the bill, a landowner may require that any person wanting to hunt on the land first notify the landowner of his or her desire to do so. The bill requires that a landowner imposing this requirement register with the county. The bill then requires that the county maintain a list of the landowners who must have their lands open to hunting and of those landowners, the ones who require prior notification for hunting. The bill allows the landowner to post the land with notices stating that any person who wants to hunt on the land must first notify the landowner.

The bill also authorizes landowners who participate in the abatement program or the claim program to refuse access to hunters for reasonable cause. Under the bill,

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reasonable cause may not be based on such factors as race, religion or age, but reasonable cause does include being intoxicated or causing property damage.

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.** 29.598 (7m) (ag) of the statutes is created to read:

2           29.598 (7m) (ag) *Prior notification.* 1. A person who is required to open land  
3 to hunting under par. (a) may require that any hunter wanting to hunt on the land  
4 to notify the person prior to entering the land.

5           2. A person imposing the requirement under par.(a) shall register with the  
6 county at the unit or agency of the county that is responsible for the administration  
7 of the wildlife damage abatement and wildlife damage claim programs. At the unit  
8 or agency's location, the county shall maintain for public inspection a current list  
9 giving the names of persons in the county that are required to have land open to  
10 hunting under par. (a), the location of the land open to hunting, and of those persons  
11 required to have open land, the ones that require that they be notified by hunters  
12 prior to entering their land.

13           3. A person who requires being notified under subd. 1. may post the land with  
14 notices stating that hunters must comply with the requirement prior to hunting.

15           **SECTION 2.** 29.598 (7m) (ak) of the statutes is created to read:

16           29.598 (7m) (ak) *Refusing hunters.* A person required to open land to hunting  
17 under par. (a) may refuse access to that land for hunting for reasonable cause.  
18 Reasonable cause may not be based on age, race, religion, color, handicap, sex,  
19 physical condition, developmental disability, creed, sexual orientation or national

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1 origin. Reasonable cause includes being intoxicated, causing property damage,  
2 littering or engaging in reckless conduct.

3 **SECTION 3.** 29.598 (7m) (b) (intro.) of the statutes, as affected by 1997 Wisconsin  
4 Act 27, is amended to read:

5 29.598 **(7m)** (b) *Penalties.* (intro.) If any person who is required to permit  
6 hunting on land as required under ~~par. (a)~~ this subsection fails to do so, the person  
7 is liable for all of the following:

8 **SECTION 4.** 943.13 (4m) (b) of the statutes is amended to read:

9 943.13 **(4m)** (b) A hunter entering land that is required to be open for hunting  
10 under s. 29.59 (4m) or a hunter entering land that is required to be open for hunting  
11 under s. 29.598 (7m) (a) and who complies with any prior notification requirement  
12 imposed under s. 29.598 (7m) (ag).

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(END)