



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-0509/1
EHS:amn

2021 ASSEMBLY BILL 49

February 10, 2021 - Introduced by Representatives EDMING, ARMSTRONG, CALLAHAN, KRUG, MILROY, MOSES, MURSAU, PLUMER, ROZAR, SKOWRONSKI, SPIROS, TAUCHEN and VANDERMEER, cosponsored by Senators PETROWSKI, BEWLEY, COWLES and MARKLEIN. Referred to Committee on Agriculture.

1 **AN ACT** *to repeal* 29.889 (2) (c), 29.889 (2) (d), 29.889 (3), 29.889 (4) (a), 29.889
2 (6) (a), 29.889 (7) (b) 4., 29.889 (7) (bm) and 29.89 (3) (a); *to renumber* 29.889
3 (7m) (ar) 1. and 2.; *to consolidate, renumber and amend* 29.889 (5) (b) and
4 (c); *to amend* 20.370 (5) (fq), 29.889 (2) (a), 29.889 (4) (b), 29.889 (4) (c), 29.889
5 (5) (a), 29.889 (5) (bm), 29.889 (5) (bs), 29.889 (6) (d), 29.889 (6) (em), 29.889 (6)
6 (f), 29.889 (7) (a), 29.889 (7) (b) (intro.), 29.889 (7) (b) 2., 29.889 (7) (b) 3., 29.889
7 (7) (d) 2., 29.889 (7m) (a), 29.889 (7m) (ar) (intro.), 29.889 (8g), 29.889 (8r) and
8 29.89 (5) (b) 2. c.; and *to create* 29.889 (5) (d) and 29.889 (7m) (ar) 2m. of the
9 statutes; **relating to:** the wildlife damage abatement program and the wildlife
10 damage claim program.

Analysis by the Legislative Reference Bureau

This bill makes changes to the wildlife damage abatement program and the wildlife damage claim program.

Current law authorizes a person who owns, leases, or controls land on which certain wild animals cause damage to crops or livestock (wildlife damage) to apply to the county for wildlife damage claim payments and for wildlife damage abatement

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assistance (wildlife damage payments). Wildlife damage for which a person is eligible to receive wildlife damage payments includes damage caused by deer, bears, geese, and cougars, as well as elk and sandhill cranes if hunting those animals is authorized. Current law requires that, to be eligible for wildlife damage payments, the location must be in a county that participates in the administration of these programs. A county must apply to the Department of Natural Resources to administer these programs, including in its application a plan of administration that meets certain requirements. Once approved, DNR provides funding to the county for the costs incurred in administering these programs.

Under current law and DNR rule, a county pays 75 percent of the actual costs of providing wildlife damage abatement assistance, for which it is reimbursed by DNR, and the person receiving the assistance pays 25 percent of the costs. DNR pays wildlife damage claims directly.

Effective January 1, 2022, this bill removes counties from the administration of these programs and requires DNR to administer the programs instead. The bill specifies that, if DNR provides wildlife damage abatement assistance to a person, it must determine the actual cost of providing that assistance and pay 75 percent of that cost, leaving the remaining 25 percent as the responsibility of the recipient. The bill eliminates a \$10,000 limit under current law on the total amount that may be paid to a claimant for each damage claim. The bill maintains the current law requirement that DNR pay claimants on a prorated basis if there is not a sufficient amount appropriated to pay all claims.

The bill also eliminates the requirement under current law that a county participate in the administration of these programs in order to be eligible for reimbursement by DNR for the costs that the county incurs in processing and donating venison from certain deer carcasses and in processing and donating meat from certain wild turkey carcasses.

Under current law, the type of wildlife damage that is eligible for wildlife damage claim payments is limited to damage to commercial seedings or crops growing on agricultural land, damage to crops that have been harvested for sale or further use but that have not been removed from the agricultural land, damage to orchard trees or nursery stock, and damage to apiaries or livestock. This bill adds that damage to commercial seedings or crops growing on agricultural land caused by operating a vehicle in a field in order to place a bear trap under the wildlife damage abatement program is eligible for a wildlife damage claim payment.

Under current law, if the amount of a wildlife damage claim exceeds \$500 but does not exceed \$5,250, the claimant is paid 100 percent of the amount, and if the amount of the claim exceeds \$5,250, the claimant is paid that amount plus 80 percent of the amount that exceeds \$5,250. This bill increases the wildlife damage claim amount threshold from \$5,250 to \$5,500.

Under current law, with certain exceptions, a person may receive wildlife damage payments only if the person opens the land for hunting the type of animal that caused the wildlife damage. Under this bill, this hunting requirement does not apply to a person who receives wildlife damage abatement assistance to acquire a

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bear trap for land the person leases if the person waives any eligibility to receive a wildlife damage claim payment for damage caused by bears.

Under the bill, effective June 30, 2021, DNR must require all bear traps acquired with wildlife damage abatement assistance to be equipped with remote monitors, including traps placed under the program prior to the effective date of the bill.

For further information see the state and local 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:

1 **SECTION 1.** 20.370 (5) (fq) of the statutes is amended to read:

2 20.370 (5) (fq) *Wildlife damage claims and abatement.* All moneys received
3 under ss. 29.181, 29.559 (1r), and 29.563 (13) and not appropriated under par. (fr)
4 and subs. (1) (hs), (hx), and (Ls) and (5) (fs) ~~to provide state aid for the wildlife damage~~
5 ~~abatement program under s. 29.889 (5) (e) (b) and the wildlife damage claim program~~
6 ~~under s. 29.889 (7) (d), for county administration costs under s. 29.889 (2) (d), and~~
7 ~~for payments under s. 29.89.~~

8 **SECTION 2.** 29.889 (2) (a) of the statutes is amended to read:

9 29.889 (2) (a) ~~*Assistance Administration.*~~ The department shall assist counties
10 ~~in developing~~ develop and ~~administering~~ administer the wildlife damage abatement
11 and wildlife damage claim programs. The department shall provide this assistance
12 ~~through technical aid, program guidance, research, demonstration, funding, plan~~
13 ~~review, audit and evaluation services.~~

14 **SECTION 3.** 29.889 (2) (c) of the statutes is repealed.

15 **SECTION 4.** 29.889 (2) (d) of the statutes is repealed.

16 **SECTION 5.** 29.889 (3) of the statutes is repealed.

17 **SECTION 6.** 29.889 (4) (a) of the statutes is repealed.

18 **SECTION 7.** 29.889 (4) (b) of the statutes is amended to read:

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1 29.889 (4) (b) *Filing of application.* In order to be eligible for wildlife damage
2 abatement assistance, a person is required to file an application with the
3 ~~participating county~~ department in a form acceptable to the ~~county~~ department. An
4 owner or lessee of land, a person who controls land, or an owner of an apiary or
5 livestock may file an application.

6 **SECTION 8.** 29.889 (4) (c) of the statutes is amended to read:

7 29.889 (4) (c) *Other eligibility requirements.* In order to be eligible for wildlife
8 damage abatement assistance, a person is required to comply with eligibility
9 requirements adopted by the department under sub. (2) (b) ~~and with eligibility~~
10 ~~requirements specified in the plan administration under sub. (3) (e).~~

11 **SECTION 9.** 29.889 (5) (a) of the statutes is amended to read:

12 29.889 (5) (a) *Review.* ~~A participating county~~ The department shall review
13 each application for wildlife damage abatement assistance to determine if wildlife
14 damage is occurring or likely to occur.

15 **SECTION 10.** 29.889 (5) (b) and (c) of the statutes are consolidated, renumbered
16 29.889 (5) (b) and amended to read:

17 29.889 (5) (b) *Assistance.* ~~A participating county~~ The department may provide
18 wildlife damage assistance where wildlife damage is occurring or is likely to occur
19 for the reimbursement of costs associated with wildlife damage abatement measures
20 if the measures are authorized in the ~~plan of administration under sub. (3) (e)~~ 2. (e)
21 State aid. ~~The rules adopted by the department under sub. (2) (b) and are carried~~
22 out in full compliance with the direction of the department. If the department
23 provides wildlife damage abatement assistance to a person, the department shall
24 determine the actual cost of providing that wildlife damage abatement assistance.
25 The department shall pay participating counties 75 percent of the actual cost of

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1 providing wildlife damage abatement assistance if ~~wildlife damage abatement~~
2 ~~measures are carried out in full compliance with the direction of the county and with~~
3 ~~funding requirements adopted under sub. (2) (b) and shall require the recipient to~~
4 be responsible for the remaining 25 percent of that cost.

5 **SECTION 11.** 29.889 (5) (bm) of the statutes is amended to read:

6 29.889 (5) (bm) *Cost-effectiveness of abatement.* ~~A participating county~~ The
7 department may recommend only those wildlife damage abatement measures that
8 are cost-effective in relation to the wildlife damage claim payments that would be
9 paid if the wildlife damage abatement measures are not implemented.

10 **SECTION 12.** 29.889 (5) (bs) of the statutes is amended to read:

11 29.889 (5) (bs) *Abatement authorized.* Notwithstanding par. (bm), for damage
12 caused by elk to crops or grasses grown for use by a bird hunting preserve licensed
13 under ch. 169, ~~a participating county~~ the department may recommend fencing the
14 affected property as a damage abatement measure.

15 **SECTION 13.** 29.889 (5) (d) of the statutes is created to read:

16 29.889 (5) (d) *Bear traps.* The department shall require that any bear trap
17 acquired with wildlife damage abatement assistance be equipped with a remote
18 monitor.

19 **SECTION 14.** 29.889 (6) (a) of the statutes is repealed.

20 **SECTION 15.** 29.889 (6) (d) of the statutes is amended to read:

21 29.889 (6) (d) *Compliance with wildlife damage abatement measures.* In order
22 to be eligible for wildlife damage claim payments for an occurrence of wildlife
23 damage, a person seeking wildlife damage claim payments shall have complied with
24 any wildlife damage abatement measures to abate that wildlife damage that were
25 recommended by the ~~county~~ department.

ASSEMBLY BILL 49**SECTION 16**

1 **SECTION 16.** 29.889 (6) (em) of the statutes is amended to read:

2 29.889 (6) (em) *Type of wildlife damage.* The type of wildlife damage that is
3 eligible for wildlife damage claim payments shall be limited to damage to commercial
4 seedings or crops growing on agricultural land, damage to crops that have been
5 harvested for sale or further use but that have not been removed from the
6 agricultural land, damage to orchard trees or nursery stock, or damage to apiaries
7 or livestock. Damage to commercial seedings or crops growing on agricultural land
8 caused by operating a vehicle in a field in order to place a bear trap pursuant to the
9 wildlife damage abatement program is eligible for wildlife damage claim payment.

10 **SECTION 17.** 29.889 (6) (f) of the statutes is amended to read:

11 29.889 (6) (f) *Other eligibility requirements.* In order to be eligible for wildlife
12 damage claim payments, a person is required to comply with eligibility requirements
13 adopted by the department under sub. (2) (b) ~~and with eligibility requirements~~
14 ~~specified in the plan of administration under sub. (3) (c).~~

15 **SECTION 18.** 29.889 (7) (a) of the statutes is amended to read:

16 29.889 (7) (a) *Investigation.* ~~A participating county~~ The department shall
17 investigate each statement of claim and determine the total amount of the wildlife
18 damage that occurred, regardless of the amount that may be eligible for payment
19 under par. (b).

20 **SECTION 19.** 29.889 (7) (b) (intro.) of the statutes is amended to read:

21 29.889 (7) (b) *Calculating amount of payment.* (intro.) In calculating the
22 amount of the wildlife damage claim payment to be paid for a claim under par. (a),
23 the ~~participating county~~ department shall determine the amount as follows:

24 **SECTION 20.** 29.889 (7) (b) 2. of the statutes is amended to read:

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1 29.889 (7) (b) 2. If the amount of claim is more than \$500 but not more than
2 \$5,250 \$5,500, the claimant will be paid 100 percent of the amount of the claim that
3 exceeds \$500.

4 **SECTION 21.** 29.889 (7) (b) 3. of the statutes is amended to read:

5 29.889 (7) (b) 3. If the amount of the claim is more than \$5,250 \$5,500, the
6 claimant will be paid the amount calculated under subd. 2., plus 80 percent of the
7 amount of the claim that exceeds \$5,250, ~~subject to subd. 4.~~ \$5,500.

8 **SECTION 22.** 29.889 (7) (b) 4. of the statutes is repealed.

9 **SECTION 23.** 29.889 (7) (bm) of the statutes is repealed.

10 **SECTION 24.** 29.889 (7) (d) 2. of the statutes is amended to read:

11 29.889 (7) (d) 2. The department shall pay claimants under subd. 1. from the
12 appropriation under s. 20.370 (5) (fq) after first deducting from s. 20.370 (5) (fq)
13 ~~payments made for county administrative costs under sub. (2) (d)~~ and payments
14 made for wildlife damage abatement assistance under sub. (5) ~~(e)~~ (b). If the amount
15 remaining after these deductions from the appropriation under s. 20.370 (5) (fq) are
16 not sufficient to pay the full amount required under subd. 1., the department shall
17 pay claimants on a prorated basis.

18 **SECTION 25.** 29.889 (7m) (a) of the statutes is amended to read:

19 29.889 **(7m)** (a) *Requirements.* A person who receives wildlife damage
20 abatement assistance or wildlife damage claim payments and any other person who
21 owns, leases, or controls the land where the wildlife damage occurred shall permit
22 hunting of the type of wild animals causing the wildlife damage on that land and on
23 contiguous land under the same ownership, lease or control, subject to par. (ae). In
24 order to satisfy the requirement to permit hunting under this subsection, the land
25 shall be open to hunting during the appropriate open season. ~~The county, with the~~

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1 assistance of the department, shall determine the acreage of land suitable for
2 hunting.

3 **SECTION 26.** 29.889 (7m) (ar) (intro.) of the statutes is amended to read:

4 29.889 **(7m)** (ar) *Exemption; land not required to be open to hunting.* (intro.)

5 The requirement under par. (a) does not apply to ~~a~~ any of the following:

6 1m. A person to whom the department grants a shooting permit for deer
7 causing damage that is issued as an abatement measure recommended under this
8 section if all of the following apply:

9 **SECTION 27.** 29.889 (7m) (ar) 1. and 2. of the statutes are renumbered 29.889
10 (7m) (ar) 1m. a. and b.

11 **SECTION 28.** 29.889 (7m) (ar) 2m. of the statutes is created to read:

12 29.889 **(7m)** (ar) 2m. A person who acquires a bear trap with wildlife damage
13 abatement assistance under this section if all of the following apply:

14 a. The person leases the land on which the trap is placed.

15 b. The person waives any eligibility to receive a wildlife damage claim payment
16 under sub. (7) for wildlife damage caused by bears.

17 **SECTION 29.** 29.889 (8g) of the statutes is amended to read:

18 29.889 **(8g)** REVIEW. ~~A participating county's~~ The department's determination
19 of the amount of wildlife damage, the amount of a wildlife damage claim, or the
20 amount of wildlife damage abatement assistance shall be treated as a final decisions
21 decision for purposes of review.

22 **SECTION 30.** 29.889 (8r) of the statutes is amended to read:

23 29.889 **(8r)** RECORDS; ENTRY TO LAND. (a) *Records.* A person receiving wildlife
24 damage abatement assistance or wildlife damage claim payments shall retain all
25 records as required by the ~~participating county or the department~~ and make them

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1 available to the ~~participating county or the~~ department for inspection at reasonable
2 times.

3 (b) *Entry to land.* The department ~~or a participating county~~ may enter and
4 inspect, at reasonable times, any land for which a wildlife damage claim has been
5 filed or for which wildlife damage abatement measures have been implemented.

6 (c) *Responsibilities.* No person may refuse entry or access to or withhold
7 records from the department ~~or the participating county~~ under this subsection. No
8 person may obstruct or interfere with an inspection by the department ~~or a~~
9 ~~participating county~~ under this subsection. The department ~~or participating county~~,
10 if requested, shall furnish to the person a report setting forth all of the factual
11 findings by the department ~~or participating county~~ that relate to the inspection.

12 **SECTION 31.** 29.89 (3) (a) of the statutes is repealed.

13 **SECTION 32.** 29.89 (5) (b) 2. c. of the statutes is amended to read:

14 29.89 (5) (b) 2. c. Moneys are available under s. 20.370 (5) (fq) after first
15 deducting from s. 20.370 (5) (fq) ~~payments made for county~~ administrative costs,
16 payments made for wildlife damage abatement assistance, and wildlife damage
17 claim payments under s. 29.889.

18 **SECTION 33. Initial applicability.**

19 (1) REMOTE MONITORING OF BEAR TRAPS. The treatment of s. 29.889 (5) (d) first
20 applies to a bear trap acquired with wildlife damage abatement assistance on July
21 2, 1983.

22 **SECTION 34. Effective dates.** This act takes effect on January 1, 2022, except
23 as follows:

24 (1) REMOTE MONITORING OF BEAR TRAPS. The treatment of s. 29.889 (5) (d) and
25 SECTION 33 (1) of this act take effect on June 30, 2021.

