

2003 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB566)

Received: 02/11/2004

Received By: rnelson2

Wanted: 02/12/2004

Identical to LRB:

For: Frank Boyle (608) 266-0640

By/Representing: Mary Lou

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Nat. Res. - fish and game

Extra Copies:

Submit via email: YES

Requester's email: Rep.Boyle@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Wildlife damage abatement

Instructions:

See Attached Have exemptions from payment if hunting to abate or prevent more damage

Drafting History:

| <u>Vers.</u> | <u>Drafted</u>         | <u>Reviewed</u>       | <u>Typed</u>           | <u>Proofed</u> | <u>Submitted</u>       | <u>Jacketed</u>        | <u>Required</u> |
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| /?           |                        |                       |                        |                |                        |                        |                 |
| /1           | rnelson2<br>02/11/2004 | kgilfoy<br>02/11/2004 | pgreensl<br>02/11/2004 | _____          | sbasford<br>02/12/2004 | sbasford<br>02/12/2004 |                 |

FE Sent For:

<END>

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|--------------|----------------|-----------------|---------------|----------------|------------------|-----------------|-----------------|
| /?           | rnelson2       | 1 - 2/11<br>KMG | 2<br>11<br>PS | 2/11<br>setb   |                  |                 |                 |

FE Sent For:

<END>

Hi Bob,

Frank would like to have AB566 amended as described in the attached memo.

The bill is up in committee tomorrow. It's not a big deal if the amendment is not ready for committee but would be helpful.

Thanks!

May Don  
6-0640

DATE: February 10, 2004

TO: Rep. Frank Boyle

FROM: *K* Kurt Thiede, Bureau of Wildlife Management, Department of Natural Resources *7-2952*

SUBJECT: AB 566

As I discussed with your aide on the afternoon of February 10, 2004. The Department of Natural Resources has two concerns regarding AB 566. As currently written, the department would oppose this bill. However, we would offer support for the bill, if the bill were limited to only exempting shooting permit recipients from the access requirement.

We believe that if the bill were modified it could increase the number of deer harvested as more farmers will likely enroll in the Wisconsin Damage Abatement and Claims Program (WDACP) with the lifting of the access requirement. Second, some farmers may switch programs with the lifting of the access requirement, resulting in fewer claims filed.

If modified to only exempt deer shooting permits and not other abatement methods from the access requirement, it will likely save the agricultural damage fund money, as abatement materials for all the species included in the damage program (propane cannons, electric fences, plastic mesh fence, culvert traps, pyrotechnics, permanent woven-wire fences) are more costly to purchase and operate compared to shooting permits.

**Background:**

AB 566 is similar to the first tier of a 3-tier revision to the agricultural damage program that was advanced by the department to the legislature for sponsorship in 2001. The 3-tiered proposal was a recommendation from the Wisconsin Conservation Congress led *Deer Management for 2000 and Beyond* initiative. However, the difference between the Deer 2000 recommendation and AB566 is that the Deer 2000 recommendation limited the exemption only to shooting permits. All other abatement methods would still require access to the property for hunting.

The reason this is important is related to an important policy issue. Hunter dollars are utilized to pay for and administer the WDACP by way of bonus permits. In return, WDACP participants allow access to their property for hunting. Shooting permits are relatively inexpensive to administer. However, building a fence may run \$20,000 and this owner's land would remain closed to access by the hunters who fund the program. Situations such as this are what limited the *Deer 2000 Agricultural Damage Study Committee* to limit the access exception to those only receiving shooting permits.

**Recommended Modifications:**

First, if it is the intent of this bill to lift the access requirement for those issued shooting permits, an exception in s. 29.885(4m), Stats. should be included in this bill. Without this exception, subsection (4m) requires that an individual that is given the authority to remove animals causing damage (deer shooting permits) "shall open the property to others for hunting..." We would suggest the following amendment:

s. 29.885(4m) HUNTING ALLOWED. (a) If the department removes or authorizes the removal of a wild animal or the structure of a wild animal under sub. (3) (b), the person who owns, leases or occupies the property on which the damage occurred shall open the property to others for hunting and trapping for one year beginning on the date on which the removal activity started unless hunting is prohibited under this chapter or under any municipal ordinance.

(b) The requirements to allow hunting under par. (a) do not apply to a person receiving deer shooting permits issued as prescribed abatement under s. 29.889, if the person is not seeking or receiving wildlife damage claims.

In addition, we recommend that language in 29.889 be modified so that the access exemption pertains solely to shooting permits as was the recommendation of the *Deer 2000 Agricultural Damage Study Committee*, rather than all abatement measures. To do this we recommend repealing AB 566 Sections 1., 2., 3. and 4. and replace them with this exemption in 29.889(7m)(am). (b) (1)

29.889(7m)(am) *Exemptions.* 1. The requirements to allow hunting under par. (a) do not apply to a person seeking wildlife damage abatement assistance if the person does not have authority to control entry on the land that is subject to those requirements and if the damage on the land is damage to apiaries.

2. The requirements to allow hunting under par. (a) do not apply to a person receiving deer shooting permits issued as prescribed abatement under s. 29.889, if the person is not seeking or receiving wildlife damage claims.

In closing, the department supports the findings of the *Deer 2000 Agricultural Damage Study Committee*. This committee felt that shooting permits could be issued without taxing the agricultural damage account, but recommended that not all abatement techniques should be granted this exemption. If the previously mentioned modifications to the bill are made, the department would change their position from opposition to support and work to implement the recommended changes. If you would like to discuss this issue further I would be happy to meet with you or talk with you over the phone (608) 267-2452.

Cc. Tom Hauge – WM/4  
Bryan Woodbury – WM/4  
Tim Andryk – LS/5  
Paul Heinen – AD/5

as a wildlife damage abatement  
measure, under s. 29.889  
under rules promulgance



KMG

**ASSEMBLY SUBSTITUTE AMENDMENT ,  
TO 2003 ASSEMBLY BILL 566**

*Sen. Cat.*

1 AN ACT *Sen. Cat.*; relating to: wildlife damage claims and abatement.

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

2 SECTION 1. 29.885 (4m) of the statutes is renumbered 29.885 (4m) (a).

3 SECTION 2. 29.885 (4m) (b) of the statutes is created to read:

4 29.885 (4m) (b) The requirements to allow hunting under par. (a) do not apply  
5 to a person receiving deer shooting permits issued as a wildlife damage abatement  
6 measure under rules promulgated under s. 29.889 if the person is not seeking or  
7 receiving wildlife damage claims.

8 SECTION 3. 29.889 (7m) (am) (title) of the statutes is amended to read:

9 29.889 (7m) (am) (title) ~~Exemption~~ Exemptions.

History: 1983 a. 27; 1985 a. 29 ss. 662 to 668m, 3202 (39) (g); 1985 a. 332 ss. 41, 251 (1); 1987 a. 280; 1989 a. 31, 336; 1995 a. 27, 79; 1997 a. 27, 237; 1997 a. 248 ss. 396, 645 to 668, 706; Stats. 1997 s. 29.889; 2001 a. 56, 109.

10 SECTION 4. 29.889 (7m) (am) of the statutes is renumbered 29.889 (7m) (am)

1. *e*

