AN ACT to amend 29.885 (1) (a) and 167.31 (2) (d); and to create 167.31 (4) (fm) of the statutes; relating to: the authority to shoot a beaver or muskrat causing damage to a highway.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources may remove or authorize the removal of a wild animal that is causing damage or that is causing a nuisance. This bill specifies that “damage” includes flooding and culvert blockages caused by a beaver or muskrat.

Under current law, generally, the DNR removal of a wild animal may involve capturing, shooting, setting a trap for, relocating, or otherwise destroying or disposing of the wild animal. However, current law generally prohibits anyone from discharging a firearm within 50 feet of the center of a roadway. This bill adds an exception to this prohibition for DNR or an agent of a city, village, town, or county authorized by DNR to shoot a beaver or muskrat that is causing damage to a highway in which the roadway is located if the discharge does not pose a risk to public safety.

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

SECTION 1. 29.885 (1) (a) of the statutes is amended to read:
29.885 (1) (a) “Damage” means physical harm to forest products; streams; roads; dams; buildings; orchards; apiaries; livestock; and commercial agricultural crops, including Christmas trees and nursery stock. “Damage” includes flooding and culvert blockages caused by a beaver or muskrat.

**SECTION 2.** 167.31 (2) (d) of the statutes is amended to read:

167.31 (2) (d) Except as provided in sub. (4) (a), (bg), (cg), (e), (fm), and (g), no person may discharge a firearm or shoot a bolt or an arrow from a bow or crossbow from or across a highway or within 50 feet of the center of a roadway.

**SECTION 3.** 167.31 (4) (fm) of the statutes is created to read:

167.31 (4) (fm) Subsection (2) (d) does not prohibit the department of natural resources, acting under s. 29.885, or an agent of a city, village, town, or county authorized by the department of natural resources under s. 29.885 from discharging a firearm within 50 feet of the center of a roadway in order to dispose of a beaver or muskrat that is causing damage to a highway in which the roadway is located if the discharge does not pose a risk to public safety.

(END)