

State of Misconsin 2021 - 2022 LEGISLATURE

LRB-0511/1 EHS:skw

2021 ASSEMBLY BILL 163

March 16, 2021 – Introduced by Representatives Edming, Skowronski, Callahan, KNODL, KURTZ, MAGNAFICI, MOSES, MURSAU, ROZAR, TRANEL, VANDERMEER and WICHGERS, cosponsored by Senators Stafsholt, Bradley, Felzkowski, MARKLEIN and Stroebel. Referred to Committee on Transportation.

1 AN ACT *to amend* 29.885 (1) (a) and 167.31 (2) (d); and *to create* 167.31 (4) (fm) 2 of the statutes; **relating to:** the authority to shoot a beaver or muskrat causing 3 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:

2021 – 2022 Legislature

ASSEMBLY BILL 163

1	29.885 (1) (a) "Damage" means <u>physical</u> harm to forest products; streams;
2	roads; dams; buildings; orchards; apiaries; livestock; and commercial agricultural
3	crops, including Christmas trees and nursery stock. <u>"Damage" includes flooding and</u>
4	<u>culvert blockages caused by a beaver or muskrat.</u>
5	SECTION 2. 167.31 (2) (d) of the statutes is amended to read:
6	167.31 (2) (d) Except as provided in sub. (4) (a), (bg), (cg), (e), (<u>fm)</u> , and (g), no
7	person may discharge a firearm or shoot a bolt or an arrow from a bow or crossbow
8	from or across a highway or within 50 feet of the center of a roadway.
9	SECTION 3. 167.31 (4) (fm) of the statutes is created to read:
10	167.31 (4) (fm) Subsection (2) (d) does not prohibit the department of natural
11	resources, acting under s. 29.885, or an agent of a city, village, town, or county
12	authorized by the department of natural resources under s. 29.885 from discharging
13	a firearm within 50 feet of the center of a roadway in order to dispose of a beaver or
14	muskrat that is causing damage to a highway in which the roadway is located if the
15	discharge does not pose a risk to public safety.
16	(END)

- 2 -