



## Legislative Fiscal Bureau

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May 31, 2017

Joint Committee on Finance

Paper #460

### **Car-Killed Deer Funding (Natural Resources -- Departmentwide)**

[LFB 2017-19 Budget Summary: Page 320, #1]

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#### **CURRENT LAW**

2015 Act 55 provides \$701,400 on a one-time basis in 2015-16 and 2016-17 from the forestry account of the segregated (SEG) conservation fund and requires the Department of Natural Resources (DNR) to establish a program for removal of car-killed deer from state, interstate, and U.S. highways.

#### **GOVERNOR**

As a standard budget adjustment, remove \$701,400 forestry SEG each year from base funding, per Act 55 provisions.

#### **DISCUSSION POINTS**

1. Prior to 2015 Act 55, funding for the program had been provided from fish and wildlife account (conservation fund) SEG and general purpose revenue (GPR), and the program covered deer removal from any roadway, including state, county, and local roads. Under Act 55, the program only covers the removal of deer from state, interstate, and U.S. highways and is funded with forestry account SEG through fiscal year 2016-17.
2. Contracts for removal of car-killed deer are awarded by DNR to private vendors or counties directly for removal of carcasses in a specific county. In addition, the City of Superior and the City of Brookfield previously had contracts with DNR for removal of car-killed deer on roads within their cities. Currently all contracts for state, U.S., and interstate highways are provided on a

flat fee per year for all deer removal services, and DNR pays contractors monthly. Contracting for removal at a flat fee carries the benefit of predictable annual costs; however, it provides little leverage against contractors who may not perform as efficiently as desired. According to the Department, compliance is monitored via complaints; if DNR receives a large number of calls, the Department reviews the situation and roads and contacts the contractor.

3. Following the passage of Act 55, DNR reports it honored contracts for removal of deer from all roadways through February, 2016. Beginning in March, 2016, the contracts cover only removal of deer carcasses on state trunk highways. In fiscal year 2015-16, DNR spent \$550,600 on car-killed deer contracts. The Department notes that the average monthly contract rate for all counties for the first eight months of fiscal year 2015-16 (through February, 2016) was approximately \$51,900 and for the last four months the monthly rate was \$34,000, reflecting the change in the scope of work.

4. Expenditures under the contracts from fiscal years 2012-13 through 2015-16 are shown in the following table. In addition, fiscal year 2014-15 and 2015-16 car-killed deer contracted pickups and expenditures by county are shown in the attachment. Motorists involved in collisions with deer may also request a free permit from law enforcement officials, enabling them to keep the deer. However, DNR stopped collecting data regarding the number of free permits issued after fiscal year 2010-11.

#### **Car-Killed Deer Removal**

| <u>Fiscal<br/>Year</u> | <u>Carcasses<br/>Removed</u> | <u>Costs*</u> |
|------------------------|------------------------------|---------------|
| 2013                   | 22,995                       | \$684,500     |
| 2014                   | 23,800                       | 687,500       |
| 2015                   | 23,398                       | 625,000       |
| 2016                   | 17,991                       | 550,600       |

\*Actual expenditures may differ from the totals shown due to timing of contract expenditures from year to year.

5. As the 2015 Act 55 funding for the car-killed deer removal program was provided on a one-time basis, taking no action would mean no funding would be provided for the car-killed deer program. DNR indicates that if no funding were provided, the Department would work with counties to develop and implement a modified program. While DNR would provide support for the program in the form of staff effort, the Department would not provide any funding for contracts or removal. Responsibility for car-killed deer would likely fall to the entity responsible for maintenance of the roadway on which the deer is located, such as the state, county, or local municipality. Some deer could be left uncollected. DNR indicates that under current law, DNR wardens will only respond to a car-killed deer if there is a threat to human safety, such as a deer or elk in the middle of the road where cars are unable to maneuver around safely, and no local law enforcement or State Patrol agent is able to respond.

6. Prior to 1997, funding for the removal of car-killed deer from the roadside was split

evenly between transportation fund SEG and fish and wildlife account SEG. This 50/50 split was instituted in part to recognize that car-killed deer removal from Wisconsin highways has both a highway maintenance and a wildlife management component. The state's large deer herd, combined with generally increasing annual vehicle miles traveled on state roads, can result in increased insurance costs, significant property damage and safety concerns from car-deer collisions. According to the Department of Transportation (DOT), there were a total of 19,976 car-deer collisions reported in calendar year 2015, resulting in 406 people injured and five fatalities, and a preliminary number of 20,409 in calendar year 2016, resulting in 451 people injured and 11 fatalities. In the past, DOT officials have indicated that these numbers may understate the number of car-deer collisions in part because not all car-deer collisions are officially reported.

7. Dead and decaying deer on the roadside are unsightly and can dampen Wisconsin's appeal as a tourist destination. If the Committee wished to restore funding for removal of car-killed deer, several alternatives could be considered. Arguably car-deer collisions are an important statewide safety concern and therefore, GPR is a potential funding source for car-killed deer removal [Alternative 1b]. On the other hand, DNR is responsible for managing the state's deer herd, so fish and wildlife account funds (from hunting and fishing licenses) could be seen as an appropriate continuing funding source. However, the fish and wildlife account currently has a structural imbalance, with authorized expenditures exceeding anticipated revenues. Under the bill, the account is expected to continue to have a structural imbalance throughout the 2017-19 biennium, and DNR indicates it would continue managing expenditures to maintain a reasonable account balance as it has in recent years. As the forestry account is expected to have a significant available balance at the close of the biennium, the forestry account may be an appropriate source of funding for the program [Alternative 1a]. Further, forest acreage and forest habitat in the state have been increasing and may have some effect on both deer populations and the likelihood of collisions with vehicles. As arguably both the forestry account and GPR would be appropriate funding sources, an alternative could be to provide 50% of program funding from GPR and 50% from the forestry account. [Alternative 1c].

8. As the scope of the program has been reduced to state trunk highways, a smaller amount of funding could be provided for the program. As noted, DNR expended \$550,600 on the program in fiscal year 2015-16, which included eight months of contracts for the previously larger-scope program. Using an average contract rate of approximately \$34,000 as DNR expended for the final four months of fiscal year 2015-16, expenditures of approximately \$408,000 would be expected. DNR estimates expenditures of approximately \$415,000 for the program in fiscal year 2016-17. Providing \$415,000 per year could provide enough funding to cover the smaller-scope program. Funding could be provided on an annual ongoing basis or a one-time basis [Alternative 2]. It should be noted that if the funding is provided on a one-time basis, the issue will likely need to be addressed again in the 2019-21 budget.

9. Arguably, removal of car-killed deer from roadways is a transportation-related activity, so the transportation fund could be an appropriate source of funding. Currently, most routine state trunk highway system maintenance, such as snowplowing, mowing and weed control, trash pickup, and recycling is performed by county workforces under contract with the state for trunk highways. Routine maintenance contracts are funded at \$170 million under current law. The bill would provide

increases of approximately \$15.4 million in 2017-18 and \$18.4 million in 2018-19 for those purposes. An alternative could be to specify that routine highway maintenance activities under such contracts include the removal of car-killed deer, and repeal both the DNR forestry SEG appropriation and requirements that DNR establish a program for the removal of car-killed deer [Alternative 3].

**ALTERNATIVES**

1. Provide \$415,000 annually for the car-killed deer removal program from the following fund source or sources.

a. Forestry Account SEG

| ALT 1a | Change to |           |
|--------|-----------|-----------|
|        | Base      | Bill      |
| SEG    | \$830,000 | \$830,000 |

b. GPR

| ALT 1b | Change to |           |
|--------|-----------|-----------|
|        | Base      | Bill      |
| GPR    | \$830,000 | \$830,000 |

c. Forestry Account SEG (50%) and GPR (50%)

| ALT 1c | Change to      |                |
|--------|----------------|----------------|
|        | Base           | Bill           |
| GPR    | \$415,000      | \$415,000      |
| SEG    | <u>415,000</u> | <u>415,000</u> |
| Total  | \$830,000      | \$830,000      |

2. In addition to Alternative 1, specify funding as one-time in 2017-19 only.

3. Specify that routine state highway maintenance activities performed by counties under Department of Transportation contracts include the removal of car-killed deer. (No additional expenditure authority would be provided.) Repeal requirements for DNR to establish a program for the removal of car-killed deer, and repeal the forestry SEG appropriation for those purposes.

4. Take no action. (No funding would be provided for the car-killed deer removal program in the 2017-18 biennium.)

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Attachment

## ATTACHMENT

### Car-Killed Deer Collected and Cost by County Fiscal Years 2014-15 and 2015-16

| County              | Fiscal Year 2014-15 |         | County              | Fiscal Year 2015-16 |         |
|---------------------|---------------------|---------|---------------------|---------------------|---------|
|                     | Deer Collected      | Cost    |                     | Deer Collected      | Cost    |
| Adams               | 100                 | \$8,500 | Adams               | 79                  | \$7,000 |
| Ashland             | 49                  | 5,400   | Ashland             | 65                  | 5,000   |
| Barron              | 202                 | 6,100   | Barron              | 193                 | 5,400   |
| Bayfield            | 162                 | 7,700   | Bayfield            | 200                 | 7,000   |
| Brookfield, City of | 78                  | 2,000   | Brookfield, City of | 87                  | 1,600   |
| Brown               | 606                 | 11,900  | Brown               | 520                 | 10,200  |
| Buffalo             | 335                 | 6,900   | Buffalo             | 186                 | 6,300   |
| Burnett             | 154                 | 5,500   | Burnett             | 120                 | 5,200   |
| Calumet             | 233                 | 4,800   | Calumet             | 161                 | 3,900   |
| Chippewa            | 136                 | 9,400   | Chippewa            | 158                 | 8,400   |
| Clark               | 123                 | 6,000   | Clark               | 83                  | 5,100   |
| Columbia            | 832                 | 10,900  | Columbia            | 598                 | 9,700   |
| Crawford            | 224                 | 4,400   | Crawford            | 164                 | 4,200   |
| Dane                | 894                 | 14,800  | Dane                | 855                 | 12,700  |
| Dodge               | 801                 | 10,900  | Dodge               | 599                 | 9,100   |
| Door                | 550                 | 8,200   | Door                | 332                 | 7,100   |
| Douglas             | 185                 | 7,700   | Douglas             | 195                 | 5,300   |
| Dunn                | 454                 | 11,100  | Dunn                | 468                 | 10,400  |
| Eau Claire          | 223                 | 9,400   | Eau Claire          | 143                 | 8,300   |
| Florence            | 88                  | 3,000   | Florence            | 255                 | 2,700   |
| Fond du Lac         | 329                 | 11,200  | Fond du Lac         | 125                 | 9,200   |
| Forest              | 43                  | 3,900   | Forest              | 43                  | 3,500   |
| Grant               | 541                 | 9,200   | Grant               | 401                 | 8,200   |
| Green               | 420                 | 6,600   | Green               | 291                 | 5,700   |
| Green Lk            | 356                 | 8,500   | Green Lake          | 272                 | 7,200   |
| Iowa                | 380                 | 6,400   | Iowa                | 248                 | 5,800   |
| Iron                | 30                  | 5,500   | Iron                | 36                  | 5,500   |
| Jackson             | 335                 | 5,300   | Jackson             | 242                 | 5,100   |
| Jefferson           | 409                 | 9,100   | Jefferson           | 320                 | 8,100   |
| Juneau              | 38                  | 3,700   | Juneau              | 20                  | 3,500   |
| Kenosha             | 136                 | 7,200   | Kenosha             | 143                 | 6,100   |
| Kewaunee            | 407                 | 6,900   | Kewaunee            | 262                 | 5,500   |
| LaCrosse            | 453                 | 7,400   | La Crosse           | 266                 | 6,500   |
| Lafayette           | 195                 | 5,800   | Lafayette           | 184                 | 5,400   |
| Langlade            | 85                  | 6,000   | Langlade            | 77                  | 5,400   |
| Lincoln             | 77                  | 5,600   | Lincoln             | 61                  | 5,100   |
| Manitowoc           | 599                 | 8,400   | Manitowoc           | 456                 | 6,900   |
| Marathon            | 213                 | 11,900  | Marathon            | 91                  | 10,400  |
| Marinette           | 283                 | 11,500  | Marinette           | 163                 | 10,000  |
| Marquette           | 192                 | 11,700  | Marquette           | 134                 | 10,000  |

| County            | Fiscal Year 2014-15 |              | County         | Fiscal Year 2015-16 |              |
|-------------------|---------------------|--------------|----------------|---------------------|--------------|
|                   | Deer Collected      | Cost         |                | Deer Collected      | Cost         |
| Milwaukee         | 127                 | \$5,900      | Milwaukee      | 135                 | \$5,300      |
| Monroe            | 406                 | 7,400        | Monroe         | 265                 | 6,800        |
| Oconto            | 377                 | 12,300       | Oconto         | 272                 | 10,400       |
| Onieda            | 103                 | 5,600        | Oneida         | 120                 | 4,700        |
| Outagamie         | 472                 | 12,100       | Outagamie      | 292                 | 10,000       |
| Ozaukee           | 201                 | 7,300        | Ozaukee        | 189                 | 6,000        |
| Pepin             | 292                 | 5,000        | Pepin          | 205                 | 4,500        |
| Pierce            | 273                 | 7,100        | Pierce         | 230                 | 6,400        |
| Polk              | 267                 | 6,600        | Polk           | 241                 | 6,000        |
| Portage           | 178                 | 6,600        | Portage        | 130                 | 5,600        |
| Price             | 204                 | 5,700        | Price          | 135                 | 5,400        |
| Racine            | 161                 | 6,000        | Racine         | 170                 | 5,300        |
| Richland          | 368                 | 5,700        | Richland       | 313                 | 5,300        |
| Rock              | 294                 | 6,500        | Rock           | 231                 | 5,800        |
| Rusk              | 120                 | 5,700        | Rusk           | 159                 | 5,400        |
| Sauk              | 547                 | 8,400        | Sauk           | 398                 | 7,100        |
| Sawyer            | 127                 | 4,200        | Sawyer         | 150                 | 3,900        |
| Shawano           | 804                 | 33,700       | Shawano        | 499                 | 30,300       |
| Sheboygan         | 639                 | 12,000       | Sheboygan      | 343                 | 9,800        |
| St. Croix         | 204                 | 9,200        | St. Croix      | 229                 | 8,000        |
| Superior, City of | 9                   | 1,500        | Superior, City | 20                  | 3,100        |
| Taylor            | 235                 | 8,900        | Taylor         | 155                 | 7,700        |
| Trempealeau       | 537                 | 7,300        | Trempealeau    | 361                 | 6,700        |
| Vernon            | 385                 | 9,500        | Vernon         | 247                 | 8,500        |
| Vilas             | 184                 | 7,500        | Vilas          | 140                 | 9,400        |
| Walworth          | 263                 | 14,400       | Walworth       | 195                 | 12,700       |
| Washburn          | 110                 | 7,900        | Washburn       | 107                 | 7,000        |
| Washington        | 960                 | 20,100       | Washington     | 870                 | 17,200       |
| Waukesha          | 1,086               | 20,100       | Waukesha       | 805                 | 16,600       |
| Waupaca           | 1,014               | 11,900       | Waupaca        | 740                 | 10,500       |
| Waushara          | 217                 | 15,100       | Waushara       | 144                 | 13,900       |
| Winnebago         | 112                 | 11,900       | Winnebago      | 113                 | 9,600        |
| Wood              | <u>172</u>          | <u>9,500</u> | Wood           | <u>92</u>           | <u>8,000</u> |
| Total             | 23,398              | \$625,000    | Total          | 17,991              | \$550,600    |