

Senate Bill 673

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Chapter 652

AN ACT to amend 29.594 (1) and (3), as created by chapter 408, laws of 1965; to repeal and recreate 20.280 (1) (uf), as affected by chapters 276 and 408, laws of 1965; and to create 20.280 (1) (ue) of the statutes, relating to claims against the state for damages to crops by certain wild animals and making an appropriation.

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

SECTION 1. At the appropriate place in the schedule of 20.005 (2) (a) of the statutes, as affected by the laws of 1965, insert the following amounts for the purposes indicated:

	20.280	1965-66	1966-67
<i>Conservation commission</i>	20.280		
Fish and game operations	(1)		
Wild duck and goose damage (ue) A		10,000	10,000

SECTION 2. 20.280 (1) (ue) of the statutes is created to read:

20.280 (1) (ue) *Wild duck and goose damage.* Not to exceed the amounts in the schedule for the payment of wild duck and goose damage claims under s. 29.594 (1) and (3).

SECTION 3. 20.280 (1) (uf) of the statutes, as affected by chapters 276 and 408, laws of 1965, is repealed and recreated to read:

20.280 (1) (uf) *Bear and deer damage.* Not to exceed the amounts in the schedule for payment of bear and deer damage claims under s. 29.595.

SECTION 4. 29.594 (1) and (3) of the statutes, as created by chapter 408, laws of 1965, are amended to read:

29.594 (1) Any owner or grower of crops on any agricultural land, *except lands under state or federal control*, may claim damage to such crops caused by wild ducks or geese, by filing a verified statement of his claim with the commission within ~~10~~ 5 days after such damage allegedly occurred. Such claim shall certify that the damage was caused on agricultural lands to crops or to old or new seedings *except unharvested sweet corn or any crops on farms where any crops are planted or manipulated for purposes of attracting wild ducks or geese or crops not harvested in accordance with normal agricultural practices.* However, if the condition causing damage is in the nature of a continuing trespass or depredation, the claimant may, in lieu of a claim, file with the commission within ~~10~~ 5 days from the time such damage first occurs, a notice of claim, stating the nature of the condition and that damages will be claimed as soon as the total damage can be ascertained. In such case, the claimant ~~is~~, *if he*

has co-operated with the commission to prevent or alleviate the damage by dispersal of waterfowl or other means, shall be entitled to recover the total damages but not to exceed \$750 sustained during the continuance of the condition but not beyond 6 months after the date of the notice, provided he files a verified statement of his claim with the commission within 10 days after the abatement of the condition but not after 6 months of the date of the notice if the condition persists. Any claim for damages which occurred after October 7, 1965, and prior to and including December 5, 1965, in the area in Fond du Lac and Dodge counties known as the "Horicon Quota Zone" shall be paid by the commission if the claim or notice of claim is filed with it within 10 days after December 5, 1965. No person shall be entitled to damages under this section caused by wild ducks or geese during the open season for shooting same. Any owner or occupant of agricultural lands shall deduct from his claim any amounts received by both the owner and occupant for hunting or shooting rights upon said lands during said crop season.

(3) All claims shall be paid out of the appropriation under s. 20.280 (1) (af) and shall not exceed in the aggregate more than \$10,000 annually for damage caused by wild ducks or geese shall be filed with the commission and shall be paid on a pro rata basis at the end of each fiscal year from the funds provided under s. 20.280 (1) (ue).

SECTION 5. This act shall apply to all claims for wild ducks and goose damage filed on and after October 7, 1965.

Approved July 4, 1966.
