

Assembly Bill 627

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CHAPTER 408

AN ACT to amend 20.280 (1) (uf), as created by chapter 276, laws of 1965; and to create 29.594 of the statutes, relating to permitting claims against the state for damages to crops by wild geese and ducks.

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

SECTION 1. 20.280 (1) (uf) of the statutes, as created by chapter 276, laws of 1965, is amended to read:

20.280 (1) (uf) *Bear, deer, duck and goose damage.* Not to exceed the amounts in the schedule for payment of bear and , deer, *duck and goose damage claims under ss. 29.594 and 29.595 (2) and (3).*

SECTION 2. 29.594 of the statutes is created to read:

29.594 DAMAGES CAUSED BY WILD DUCKS OR GEESE. (1)
Any owner or grower of crops on any agricultural land 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 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. 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 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 entitled to recover the total damages 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 the effective date of this

section (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 said effective date. 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 for hunting or shooting rights upon said lands during said crop season.

(2) The commission shall investigate and settle all claims. In all cases where the commission and claimant cannot agree upon the amount of the damage, the commission shall, upon not less than 10 days written notice to such claimant, apply to a county judge of the county wherein the claimant resides to try and determine all issues. At the time set such judge shall hear the parties, and in such manner as he determines, inform himself in respect to the matter, and within 5 days make his award in writing and file the same. All witnesses necessary to such proceedings shall receive the same pay as witnesses in a court of record. The findings and awards of the judge are subject to review on petition of either party under ch. 227.

(3) All claims shall be paid out of the appropriation under s. 20.280 (1) (uf) and shall not exceed in the aggregate more than \$10,000 annually.

Approved November 23, 1965.
