



---

# JAMES W. EDMING

STATE REPRESENTATIVE • 87<sup>TH</sup> ASSEMBLY DISTRICT

## **Testimony in Support of Assembly Bill 163**

*Assembly Committee on Transportation*

April 27, 2021

Mr. Chairman and committee members, thank you for holding this public hearing today on Assembly Bill (AB) 163. I am grateful for the opportunity to speak in favor of this important proposal that will provide a new tool for local governments to protect their roadways from damage caused by beavers and muskrats. I would like to thank Senator Stafsholt for working with me on this legislation. AB 163 is a redraft of the amended version of AB 592 that was approved by the Assembly on a voice vote late last session. Unfortunately, it was not concurred in by the Senate because of the cancelation of their final floor session due to COVID-19.

The idea for this legislation came from some local officials in my district who were experiencing problems with beavers causing damage to local roadways. Beavers often dam up culverts under or near roadways, which can cause flooding in the area and damage the roadway. This damage and flooding can lead to safety issues for area residents and expensive repairs for local property owners and local governments. Muskrats can also cause headaches for local officials by burrowing into road embankments and under the roadway which undermines the structural integrity of the roadway. While the Department of Natural Resources (DNR) does deploy measures to prevent or deter beavers and muskrats from causing damage, such as trapping, this is not always effective.

Under current law, the DNR may remove or authorize the removal of a wild animal that is causing damage or is a nuisance. However, the law does not currently allow the discharging of a firearm within 50 feet of the center of a roadway. This can make it difficult to shoot a beaver or muskrat that has dammed up a culvert or burrowed into a road embankment. AB 163 creates an exception to this prohibition by allowing the DNR or an agent of a local government authorized by the DNR to discharge a firearm within the 50-foot buffer to shoot a beaver or muskrat that is causing damage to a roadway. It is important to note that the DNR still has the discretion on whether or not to permit the discharge of a firearm under this exemption and that they can only do so if they determine that the discharge does not pose a threat to public safety.

In addition to creating this exemption, AB 163 also adds flooding and culvert blockages caused by a beaver or muskrat to the definition of damages under the statutes.

As a part of the most recent state budget, the legislature made some significant investments in local road funding. AB 163 will help protect the investments made in our local roads by giving our local governments a new tool to help prevent road damage. I am pleased that this legislation has earned the support of both the Wisconsin Towns Association and the Wisconsin Counties Association and I hope that it earns your support as well. Thank you again Mr. Chairman and committee members for the opportunity to testify before you today.