

2013 DRAFTING REQUEST

Assembly Amendment (AA-AB746)

Received: 2/19/2014 Received By: tkuczens
Wanted: As time permits Same as LRB:
For: Travis Tranel (608) 266-1170 By/Representing: Jeff
May Contact: Drafter: tkuczens
Subject: Courts - immunity liability Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Rep.Tranel@legis.wisconsin.gov
Carbon copy (CC) to: tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Liability protections for landowners who provide agritourism opportunities

Instructions:

See attached

Drafting History:

Table with 8 columns: Vers., Drafted, Reviewed, Typed, Proofed, Submitted, Jacketed, Required. It contains two rows of drafting history data.

FE Sent For:

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/?	tkuczens	1/2/19 jld	jd	 2/19/14			

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February 18, 2014

Rep. Tranel (JEFF)

Prepare amendment to AB 746

→ add "agricultural business activity" to ss. 895.52 and 895.525 with the following change:

→ modify definition of "agricultural business activity" created under 895.524 by eliminating "whether or not for a fee" (and definition of "payments received")

→ create exception to \$2000 cap on liability protections provided in 895.52(6) for "payments for the purchase of goods or products that are offered for sale on the property."



State of Wisconsin
2013 - 2014 LEGISLATURE

a/903/1



LRBa1827/P1
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RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

**ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 746**

2/19/14
Mow

1 At the locations indicated, amend the bill as follows:
2 **1.** Page 2, line 1: before that line insert:
3 **"SECTION 1c.** 895.52 (1) (a) of the statutes is renumbered 895.52 (1) (ar).
4 **SECTION 1g.** 895.52 (1) (ag) of the statutes is created to read:
5 895.52 (1) (ag) "Agricultural tourism activity" means an educational or
6 recreational activity that takes place on a farm, ranch, grove, or other place where
7 agricultural, horticultural, or silvicultural crops are grown or farm animals or
8 farmed fish are raised, and that allows members of the general public to tour, explore,
9 observe, learn about, participate in, or be entertained by an aspect of agricultural
10 production, harvesting, or husbandry that occurs on the farm, ranch, grove, or other
11 place.

1 **SECTION 1n.** 895.52 (1) (g) of the statutes, as affected by 2013 Wisconsin Act
2 20, is amended to read:

3 895.52 (1) (g) “Recreational activity” means any outdoor activity undertaken
4 for the purpose of exercise, relaxation or pleasure, including practice or instruction
5 in any such activity. “Recreational activity” includes hunting, fishing, trapping,
6 camping, picnicking, exploring caves, nature study, bicycling, horseback riding,
7 bird-watching, motorcycling, operating an all-terrain vehicle or utility terrain
8 vehicle, operating a vehicle, as defined in s. 340.01 (74), on a road designated under
9 s. 23.115, ballooning, hang gliding, hiking, tobogganing, sledding, sleigh riding,
10 snowmobiling, skiing, skating, water sports, sight-seeing, rock-climbing, cutting or
11 removing wood, climbing observation towers, animal training, harvesting the
12 products of nature, participating in an agricultural tourism activity, sport shooting
13 and any other outdoor sport, game or educational activity. “Recreational activity”
14 does not include any organized team sport activity sponsored by the owner of the
15 property on which the activity takes place.

16 **SECTION 1r.** 895.52 (6) (a) 7. of the statutes is created to read:

17 895.52 (6) (a) 7. A payment made to purchase products or goods offered for sale
18 on the property.”.

19 **2.** Page 2, line 1: delete “**SECTION 1**” and substitute “**SECTION 1w**”.

20 **3.** Page 5, line 5: after that line insert:

21 “**SECTION 1x.** 895.525 (2) of the statutes is renumbered 895.525 (2) (intro.) and
22 amended to read:

23 895.525 (2) ~~DEFINITION DEFINITIONS.~~ (intro.) In this section, ~~“recreational:~~

1 **(b) “Recreational activity”** means any activity undertaken for the purpose of
2 exercise, relaxation or pleasure, including practice or instruction in any such
3 activity. “Recreational activity” does not include participating in a snow sport at a
4 ski area, as those terms are defined in s. 167.33, but includes hunting, fishing,
5 trapping, camping, bowling, billiards, picnicking, exploring caves, nature study,
6 dancing, bicycling, horseback riding, horseshoe-pitching, bird-watching,
7 motorcycling, operating an all-terrain vehicle or utility terrain vehicle, ballooning,
8 curling, throwing darts, hang gliding, hiking, sleigh riding, snowmobiling, skating,
9 participation in water sports, weight and fitness training, sight-seeing,
10 rock-climbing, cutting or removing wood, climbing observation towers, animal
11 training, harvesting the products of nature, participating in an agricultural tourism
12 activity, sport shooting, and participating in a snow sport outside a ski area, as those
13 terms are defined in s. 167.33, and any other sport, game or educational activity.

14 **SECTION 1y.** 895.525 (2) (a) of the statutes is created to read:

15 895.525 (2) (a) “Agricultural tourism activity” means an educational or
16 recreational activity that takes place on a farm, ranch, grove, or other place where
17 agricultural, horticultural, or silvicultural crops are grown or farm animals or
18 farmed fish are raised, and that allows members of the general public to tour, explore,
19 observe, learn about, participate in, or be entertained by an aspect of agricultural
20 production, harvesting, or husbandry that occurs on the farm, ranch, grove, or other
21 place.”.

22 **4.** Page 5, line 7: delete that line and substitute:

23 “(1c) (a) In this subsection:

24 1. “Owner” has the meaning given in section 895.52 (1) (d) of the statutes.

