



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2005 Assembly Bill 923

**Assembly Substitute
Amendment 1**

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Current law requires a person who creates an ice hole in a lake by aeration of water to maintain a barricade or marking around the hole subject to specific statutory requirements. Persons following statutory requirements for barricades are generally not liable for damage suffered by persons who enter the barricade or marked area.

2005 Assembly Bill 923 permits lake protection and rehabilitation districts who create ice holes by aeration to use alternative warming methods for Department of Natural Resources (DNR) approved water quality projects. The alternative warming methods are to be established by DNR promulgation of administrative rules.

Assembly Substitute Amendment 1 alters the general warning methods provided under current law for ice holes created by aeration of water to allow greater flexibility in barrier height, length, materials, and barrier removal. The amendment establishes alternative warning methods for lake protection and rehabilitation districts or nonprofit corporations who create ice holes by aeration as approved by the DNR for the purposes of water quality. The alternative methods required such persons to post highly visible warning notices at each shoreline area through which the public has access and to provide written notice to owners of riparian property on the affected lake. The bill also provides general liability protection for organizations and individuals who follow the required notice provisions.

Legislative History

Assembly Substitute Amendment 1 was adopted and 2005 Assembly Bill 923 was recommended for passage, as amended, by the Assembly Committee on Tourism on a vote of Ayes, 11; Noes, 0; Absent, 1; on March 7, 2006.

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