



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2015 Senate Bill 315**

**Senate Substitute Amendment 1**

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### **2015 SENATE BILL 315**

2015 Senate Bill 315 provides immunity from civil liability for a person for damage or injury caused by the placement of certain types of structures in a navigable water or wetland. This immunity applies to people acting under an approval to place the structure in the navigable water or wetland provided by the Department of Natural Resources (DNR), or who are acting under an exemption from a requirement to obtain such an approval.

The immunity only applies to a person if the structure was placed for the purpose of fish and wildlife habitat creation, protection, or improvement or the structure is a noncommercial net pen that is used to hold and rear fish for stocking into the body of water in which it is located, and that meets certain other requirements.

The bill specifies that such a person does not owe others a duty to inspect or maintain the structure, to give warning of the existence of the structure, or to give warning of an unsafe condition caused by the structure.

### **SENATE SUBSTITUTE AMENDMENT 1**

Senate Substitute Amendment 1 makes the following changes to Senate Bill 315:

- It provides that the immunity created under the bill also applies to a person if the structure was placed on the bed of a navigable water or in a wetland on or adjacent to the person's property by a predecessor in title to the property.
- It clarifies that exempt activities are included under the bill regardless of whether the DNR has affirmatively made an exemption determination.

- It maintains the responsibility of people placing one of these structures to give warning to the public of the existence of the structure if specifically required to do so by a statute or under the administrative code.

### **BILL HISTORY**

Senate Substitute Amendment 1 was offered by Senator Gudex on January 11, 2016. On January 13, 2016, the Senate Committee on Natural Resources and Energy voted to recommend adoption of the substitute amendment and passage of the bill, as amended, on votes of Ayes, 4; Noes, 1.

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