

2005 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB923)

Received: **02/15/2006**

Received By: **mglass**

Wanted: **Soon**

Identical to LRB:

For: **Sheryl Albers (608) 266-8531**

By/Representing: **Joyce Waldrop**

This file may be shown to any legislator: **NO**

Drafter: **mglass**

May Contact:

Adtl. Drafters:

Subject: **Nat. Res. - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Albers@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Different barrier and notice requirements for ice holes, liability waiver

Instructions:

See Attached, per Joyce make this a new sub

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mglass 02/17/2006			_____			
/P1			chaugen 02/17/2006	_____			
/1	mglass 02/17/2006	kfollett 02/17/2006	rschluet 02/17/2006	_____	lnorthro 02/17/2006	lnorthro 02/17/2006	
/2	mglass		chaugen	_____	sbasford	sbasford	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	02/21/2006		02/21/2006 _____		02/21/2006	02/21/2006	

FE Sent For:

<END>

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/?	mglass 02/17/2006			_____			
/P1			chaugen 02/17/2006	_____			
/1	mglass 02/17/2006	kfollett 02/17/2006	rschluet 02/17/2006	_____	Inorthro 02/17/2006	Inorthro 02/17/2006	

Handwritten notes:
1/2 3/2 JLD
ch 2/21

Ⓜ Sent For:

<END>

234

2005 DRAFTING REQUEST

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/?	mglass	1/1/gf 2/17	ch 2/17	ch 5/17			
		1/1/gf 2/17					
			2176				

FE Sent For:

<END>

Amend to Sub
ment(s)
LRB 0487/1

- 1) Page 2 line 12⁻²⁰ insert an either/or provision so that either a visual warning mechanism or a barricade may be installed. ~~And~~ ^{Regardless of} The chosen option is ~~a barricade~~, the ~~material~~ ~~to be~~ ~~reflex~~ needs to be highly visible from a distance, reflectorized, fluorescent, or lighted, & to be recoverable once the ice melts.

Rewrite this section to ensure these to be other alternatives do existing zoning statutes.

- 2) Eliminate lines 9-10 page 3 [the 120' provision]

- 3) Insert instead language that requires posting at each public access.

- 4) Posting requirements are to address size, ^{a)} make & height 60' reading distance b) remain legible throughout the winter months, replaced when necessary if no longer readable/legible

- 5) Viewed from 2 directions ~~by~~ ~~sign~~
Sign should face water & outward.

5.) Lines 21-24 page 3 - Rewrite to ensure that when posting/^{posting} is made taken/authorized by a lake assn./management district/organization all property owners who are members are to be afforded liability protections from injury, ~~unless the project~~ as a group.

6) and create an exception to the liability waiver, for a landowners who provides ^{permitted} access to other non-members, from their property, who fails to warn the party of existing ^{iceholes} + who has no posted notice on their property.

7) Make sign removal by a nonmember or person not authorized to remove between Dec 15 + ~~Apr~~ March 30 a

Separate amend.

cross ^{crime,} reference to ^{exists} statute

Not) DNR may promulgate additional rules related to these requirements.

~~separate~~ ~~amendment~~ +

**ASSEMBLY SUBSTITUTE AMENDMENT ,
TO 2005 ASSEMBLY BILL 923**

1 **AN ACT** *to renumber* 167.26 (1); *to amend* 167.26 (1m), 167.26 (2) and 167.26
2 (3); and *to create* 167.26 (1b) and 167.26 (2m) of the statutes; **relating to:**
3 warning methods for ice holes in lakes.

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

4 **SECTION 1.** 167.26 (1) of the statutes is renumbered 167.26 (1g).

5 **SECTION 2.** 167.26 (1b) of the statutes is created to read:

6 167.26 **(1b)** In this section:

7 (a) “Nonprofit membership corporation” means a corporation as described in
8 s. 779.70 (1).

9 (b) “Water quality project” means a project that improves water quality,
10 including a project that improves fish habitat or that reduces or prevents any of the
11 following:

12 1. Blue-green algae.

2. The release of anoxic gases or nutrients.

SECTION 3. 167.26 (1m) of the statutes is amended to read:

167.26 (1m) Instead of the requirements under sub. (1) (1g), any person who removes ice or causes its removal from Lake Butte des Morts, Lake Poygan, Lake Winnebago or Lake Winneconne for the spearing of sturgeon may mark the opening made by the removal without using fencing if the person uses at least 2 strips of wood that protrude at least 3 feet above the surface of the ice. The strips of wood may not exceed approximately 1.5 inches in width and approximately 0.25 inch in thickness.

SECTION 4. 167.26 (2) of the statutes is amended to read:

167.26 (2) ~~Any~~ Instead of the requirements under sub. (1g), any person creating ice holes by aeration of water may, in lieu of the requirements of sub. (1), erect and maintain a barricade around such holes consisting of uprights that are spaced every 25 feet or less, at adequate intervals to maintain the barricade and that are connected by a continuous rope, cord, or similar material placed 3-1/2 at least 2.5 feet and not more the 4.5 feet off the surface of the ice. The connecting rope, cord, or similar material shall have reflectorized or fluorescent ribbon or tape or other reflectorized devices attached to it, so as to be highly visible, and shall be of sufficient strength to permit retrieval of the barricade following melting of the ice. Any person erecting such barricade shall remove the barricade and all parts thereof from the ice or water immediately after the ice has melted.

Not taking away existing statute

Modify

This is another alternative

SECTION 5. 167.26 (2m) of the statutes is created to read:

167.26 (2m) (a) Instead of the requirements under subs. (1g) and (2), any public inland lake protection and rehabilitation district or any nonprofit membership corporation that is creating ice holes for a lake by aeration of water for purposes of

RESEARCH APPENDIX - Draft Transfer/Copy Request Form

- Atty's please complete this form and give to Mike Barman

(Request Made By: MGB-DA5ZH) (Date: 3/16/06)



Please transfer the drafting file for

2003 LRB 5055 to the drafting file

for 2005 LRB

The final version of the 2003 draft and the final Request Sheet will be copied on yellow paper, and returned to the original 2003 drafting file. A new cover sheet will be created/included listing the new location of the drafting file's "guts".

For research purposes, because the 2003 draft was incorporated into a 2005 draft, the complete drafting file will be transferred, as a separate appendix, to the new 2005 drafting file. This request form will be inserted into the "guts" of the 2005 draft. If introduced, the appendix will be scanned/added to the electronic drafting file folder.

--- OR ---

Please copy the drafting file for

2005 LRB 50487 / last version (include the version) and place it in the

drafting file for 2005 LRB 50551 (ASA 1-AB 923)

For research purposes, because the original 2005 draft was incorporated into another 2005 draft, the original drafting file will be copied on yellow paper (darkened/auto centered/reduced to 90%) and added, as a separate appendix, to the new 2005 drafting file. This request form will be inserted into the "guts" of the new 2005 draft. If introduced the appendix will be scanned/added to the electronic drafting file folder.

The original drafting file will then be returned, intact, to its folder and filed. For future reference, a copy of the transfer/copy request form will also be added to the "guts" of the original draft.



State of Wisconsin
2005 - 2006 LEGISLATURE

0551/P1

LRBs048771
MGG:kjf&wlj:ch
stays

Thurs Friday a.m.

ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2005 ASSEMBLY BILL 923

and liability ~~for~~ resulting
from the creation of ice
holes or openings

Reger

1 AN ACT to renumber 167.26 (1); to amend 167.26 (1m), 167.26 (2) and 167.26
2 (3); and to create 167.26 (1b) and 167.26 (2m) of the statutes; relating to:
3 warning methods for ice holes ^{or openings} in lakes

streams, ponds, and lakes

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

4 SECTION 1. 167.26 (1) of the statutes is renumbered 167.26 (1g).

5 SECTION 2. 167.26 (1b) of the statutes is created to read:

6 167.26 (1b) In this section:

7 (a) "Nonprofit membership corporation" means a corporation as described in
8 s. 779.70 (1).

9 (b) "Water quality project" means a project that improves water quality,
10 including a project that improves fish habitat or that reduces or prevents any of the
11 following:

12 1. Blue-green algae.

1 2. The release of anoxic gases or nutrients.

2 SECTION 3. 167.26 (1m) of the statutes is amended to read:

3 167.26 (1m) Instead of the requirements under sub. (1) (1g), any person who
4 removes ice or causes its removal from Lake Butte des Morts, Lake Poygan, Lake
5 Winnebago or Lake Winneconne for the spearing of sturgeon may mark the opening
6 made by the removal without using fencing if the person uses at least 2 strips of wood
7 that protrude at least 3 feet above the surface of the ice. The strips of wood may not
8 exceed approximately 1.5 inches in width and approximately 0.25 inch in thickness.

9 SECTION 4. 167.26 (2) of the statutes is amended to read:

10 167.26 (2) Any Instead of the requirements under sub. (1g), any person
11 creating ice holes by aeration of water may, in lieu of the requirements of sub. (1),
12 erect and maintain a barricade around such holes consisting of uprights that are
13 spaced every 25 feet or less, at adequate intervals to maintain the barricade and that
14 are connected by a continuous rope, cord, or similar material placed 3 1/2 at least 2.5
15 feet and not more the 4.5 feet off the surface of the ice. The connecting rope, cord,
16 or similar material shall have reflectorized or fluorescent ribbon or tape or other
17 reflectorized devices attached to it, so as to be highly visible, and shall be of sufficient
18 strength to permit retrieval of the barricade following melting of the ice. Any person
19 erecting such barricade shall remove the barricade and all parts thereof ~~from the ice~~
20 ~~or water~~ immediately after the ice has melted.

21 SECTION 5. 167.26 (2m) of the statutes is created to read:

22 167.26 (2m) (a) Instead of the requirements under subs. (1g) and (2), any public
23 inland lake protection and rehabilitation district or any nonprofit membership
24 corporation that is creating ice holes for a lake by aeration of water for purposes of

INSERT
2-20

1 a water quality project that has been approved by the department of natural
2 resources may provide alternative warning methods by doing all of the following:

3 1. Posting highly visible notices at each shoreline area through which the
4 public has access to the lake.

5 2. Providing a written notice to each owner of riparian property on the lake.

6 (b) ^{Each ← Each} The notices placed by a public inland lake protection and rehabilitation
7 district or a nonprofit membership corporation under par. (a) 1. shall meet all of the
8 following requirements:

9 1. ~~The notices shall be placed within 20 feet of the water's edge and spaced at~~
10 ~~intervals of not more than 120 feet along the shoreline.~~

11 ~~2. The lettering on the notices shall be of such size as to be easily readable by~~
12 ~~the public at a distance of 60 feet.~~ → INSERT 3-11

13 ^{Each notice} 2. ~~3.~~ The notices shall contain the wording "DANGER—OPEN WATER,"
14 "WARNING—ICE HOLES," or "DANGER—THIN ICE" or wording of a similar
15 nature. ——— INSERT 3-15

16 5. 4. The notices shall be placed no later than December 15 of each winter season.

17 (c) The written notices provided to each owner of riparian property by a public
18 inland lake protection and rehabilitation district or a nonprofit membership
19 corporation shall be provided no later than December 15 of each winter season.

20 **SECTION 6.** 167.26 (3) of the statutes is amended to read:

21 167.26 (3) Persons barricading or, marking, or posting notices for ice holes in
22 the a manner specified in this section shall not be liable for damages suffered by
23 persons who enter the barricaded or marked area injury to or death of any person or
24 damage to any property that results from creating the ice holes.

25 (END)

INSERT 3-24

1 **Insert 2-20**

2 **SECTION 1.** 167.26 (2) of the statutes is renumbered 167.26 (2) (a) and amended
3 to read:

4 167.26 (2) (a) ^(intro.) Any Instead of the requirements under sub. (1g), any person
5 creating ice holes by aeration of water may, in lieu of the requirements of sub. (1),
6 erect do any of the following:

7 1. Erect and maintain a barricade around such the holes consisting of uprights
8 that are spaced every 25 feet or less, at adequate intervals to maintain the barricade
9 and that are connected by a continuous rope, cord, or similar material placed 3-1/2
10 at least 2.5 feet and not more than 4.5 feet off the surface of the ice.

11 (b) The connecting rope, cord, or similar material specified in par. (a) 1. shall
12 have reflectorized, fluorescent, or lighted ribbon or tape or other reflectorized devices
13 attached to it, so as to be highly visible, and shall be of sufficient strength to permit
14 retrieval of the barricade following melting of the ice.

15 (c) Any person erecting such a barricade or warning mechanism under this
16 subsection shall remove the barricade and all parts thereof from the ice or water of
17 the barricade or mechanism immediately after the ice has melted.

18 History: 1975 c. 296; 1987 a. 27; 1991 a. 269; 1993 a. 133, 213, 491; 1997 a. 167.

18 **SECTION 2.** 167.26 (2) (a) 2. of the statutes is created to read:

19 167.26 (2) (a) 2. Erect and maintain a visual warning mechanism that is highly
20 visible and that is reflectorize, ^d fluorescent, or lighted.

21 **Insert 3-11**

22 1. The size, lettering, and format of each notice shall be designed so as to make
23 the notice readable by the public at a distance of 60 feet.

*and shall
be replaced
as necessary*

1 **Insert 3-15**

2 3. Each notice shall replicate the wording required under subd. 2 so that the
3 wording on each notice is visible from the shoreline and from the water.

4 4. Each notice shall be made of durable ^{material} and lettering so that the notice remains
5 readable throughout the winter season.

6 **Insert 3-24**

7 **SECTION 3.** 167.26 (3) of the statutes is renumbered 167.26 (3) (a) and amended
8 to read:

9 167.26 (3) (a) Persons Except as provided in par. (b), a person barricading or
10 marking an ice holes hole or opening in the manner specified in this section, or
11 erecting a warning device or posting a notice for an ice hole or opening in the manner
12 specified in this section, shall not be liable for damages suffered by persons who enter
13 the barricaded or marked area be exempt from liability for injury to or the death of
14 any person or for damage to any property that results from creating the ice hole or
15 opening.

History: 1975 c. 296; 1987 a. 27; 1991 a. 269; 1993 a. 133, 213, 491; 1997 a. 167.

16 **SECTION 4.** 167.26 (3) (b) of the statutes is created to read:

17 167.26 (3) (b) Any riparian property owner who is aware of the existence of
18 an ice hole or opening in the stream, pond, or lake to which his ^{or her} riparian property
19 abuts shall not be exempt from liability as provided in par. (a) if the owner fails to
20 warn a person to whom the owner has given permission to cross the property in order
21 to have access to the stream, pond, ^{or} lake by doing one of the following:

- 22 1. By directly warning the person of the existence of the ice hole or opening.
- 23 2. By posting a notice on the property that complies with the requirements
24 specified under sub. (2m) (b) 1 to 5.

1 **SECTION 5.** 167.26 (6) of the statutes is amended to read:
2 167.26 (6) ~~Persons~~ Any person violating ~~this section~~ sub. (1g), (1m), (2), or (2m)
3 ~~or~~ shall be imprisoned for not more than 6 months or fined not more than \$100. Any
4 person who removes a barricade, fencing, a notice, or a warning mechanism or other
5 barrier or marking that complies with this section during the period beginning with
6 December 15 of a given year and ending on March 30 of the following year shall be
7 imprisoned for not more than 6 months or fined not more than \$100.

History: 1975 c. 296; 1987 a. 27; 1991 a. 269; 1993 a. 133, 213, 491; 1997 a. 167.



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBs0551/PT
MGG:kjf&wlj:ch
Starts

Mon

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~
**ASSEMBLY SUBSTITUTE AMENDMENT ,
TO 2005 ASSEMBLY BILL 923**

Regen

1 **AN ACT to renumber 167.26 (1); to renumber and amend 167.26 (2) and 167.26**
2 **(3); to amend 167.26 (1m) and 167.26 (6); and to create 167.26 (1b), 167.26 (2)**
3 **(a) 2., 167.26 (2m) and 167.26 (3) (b) of the statutes; relating to: warning**
4 **methods for ice holes or openings in streams, ponds, and lakes and liability**
5 **resulting from the creation of ice holes or openings.**

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

6 **SECTION 1.** 167.26 (1) of the statutes is renumbered 167.26 (1g).

7 **SECTION 2.** 167.26 (1b) of the statutes is created to read:

8 **167.26 (1b)** In this section:

9 (a) "Nonprofit membership corporation" means a corporation as described in

10 s. 779.70 (1).

→ insert
1-10

(2)
(b) “Water quality project” means a project that improves water quality, including a project that improves fish habitat or that reduces or prevents any of the following:

1. Blue-green algae.
2. The release of anoxic gases or nutrients.

SECTION 3. 167.26 (1m) of the statutes is amended to read:

167.26 (1m) Instead of the requirements under sub. (1) (1g), any person who removes ice or causes its removal from Lake Butte des Morts, Lake Poygan, Lake Winnebago or Lake Winneconne for the spearing of sturgeon may mark the opening made by the removal without using fencing if the person uses at least 2 strips of wood that protrude at least 3 feet above the surface of the ice. The strips of wood may not exceed approximately 1.5 inches in width and approximately 0.25 inch in thickness.

SECTION 4. 167.26 (2) of the statutes is renumbered 167.26 (2) (a) (intro.) and amended to read:

167.26 (2) (a) (intro.) ~~Any~~ Instead of the requirements under sub. (1g), any person creating ice holes by aeration of water may, ~~in lieu of the requirements of sub. (1), erect~~ do any of the following:

1. Erect and maintain a barricade around ~~such~~ the holes consisting of uprights that are spaced every 25 feet or less, at adequate intervals to maintain the barricade and that are connected by a continuous rope, cord, or similar material placed 3 1/2 at least 2.5 feet and not more than 4.5 feet off the surface of the ice.

(b) The connecting rope, cord, or similar material specified in par. (a) 1. shall have reflectorized, fluorescent, or lighted ribbon or tape or other reflectorized devices attached to it, so as to be highly visible, and shall be of sufficient strength to permit retrieval of the barricade following melting of the ice.

1 (c) Any person erecting ~~such a~~ barricade or warning mechanism under this
2 subsection shall remove the barricade and all parts thereof ~~from the ice or water of~~
3 the barricade or mechanism immediately after the ice has melted.

4 **SECTION 5.** 167.26 (2) (a) 2. of the statutes is created to read:

5 167.26 (2) (a) 2. Erect and maintain a visual warning mechanism that is highly
6 visible and that is reflectorized, fluorescent, or lighted.

7 **SECTION 6.** 167.26 (2m) of the statutes is created to read:

8 167.26 (2m) (a) Instead of the requirements under subs. (1g) and (2), any public
9 inland lake protection and rehabilitation district or any nonprofit membership
10 corporation that is creating ice holes for a lake by aeration of water for purposes of
11 a water quality project that has been approved by the department of natural
12 resources may provide alternative warning methods by doing all of the following:

13 1. Posting highly visible ^{warning} notices at each shoreline area through which the
14 public has access to the lake.

15 2. Providing a written ^{warning} notice to each owner of riparian property on the lake.

16 (b) Each ^{warning} notice placed by a public inland lake protection and rehabilitation
17 district or a nonprofit membership corporation under par. (a) 1. shall meet all of the
18 following requirements:

19 1. The size, lettering, and format of each notice shall be designed so as to make
20 the notice readable by the public at a distance of 60 feet.

21 2. Each notice shall contain the wording "DANGER—OPEN WATER,"
22 "WARNING—ICE HOLES," or "DANGER—THIN ICE" or wording of a similar
23 nature.

24 3. Each notice shall replicate the wording required under subd. 2. so that the
25 wording on each notice is visible from the shoreline and from the water.

1 4. Each notice shall be made of durable material and lettering and shall be
2 replaced as necessary so that the notice remains readable throughout the winter
3 season.

4 5. The notices shall be placed no later than December 15 of each winter season.

5 (c) The written notices provided to each owner of riparian property by a public
6 inland lake protection and rehabilitation district or a nonprofit membership
7 corporation shall be provided no later than December 15 of each winter season.
under par. (a) 2.

8 SECTION 7. 167.26 (3) of the statutes is renumbered 167.26 (3) (a) and amended
9 to read:

10 167.26 (3) (a) Persons Except as provided in par. (b), a person barricading or
11 marking an ice holes hole or opening in the manner specified in this section, or
12 erecting a warning device or posting a notice for an ice hole or opening in the manner
13 specified in this section, shall not be liable for damages suffered by persons who enter
14 the barricaded or marked area be exempt from liability for injury to or the death of
15 any person or for damage to any property that results from creating the ice hole or
16 opening.

17 SECTION 8. 167.26 (3) ^(b) of the statutes ^(c) is created to read:

18 ^(c) 167.26 (3) ^(b) Any riparian property owner who is aware of the existence of an
19 ice hole or opening in the stream, pond, or lake to which his or her riparian property
20 abuts shall not be exempt from liability as provided in par. (a) if the owner fails to
21 warn a person to whom the owner has given permission to cross the property in order
22 to have access to the stream, pond, or lake by doing one of the following:

- 23 1. Directly warning the person of the existence of the ice hole or opening.
24 2. Posting a ^{warning} notice on the property that complies with the requirements
25 specified under sub. (2m) (b) 1. to 5.

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0551/P1ins
MGG:kjf&wlj:ch

1 **Insert 1-10**

2 (b) "Qualified lake association" means an association that meets the
3 qualifications under s. 281.68 (3m) (a).

4 **Insert 4-16** ¹⁷

5 167.26 (3) (b) Except as provided in par. (c), a member of a qualified lake association or
6 of a nonprofit membership corporation shall be exempt from any liability incurred
7 by the qualified lake association or nonprofit membership corporation in creating an
8 ice hole or opening that is subject to the barricading, fencing, or warning
9 requirements under this section.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0551/P1dn

MGG:kjf&wj:ch
↑

Date

(b)

I did not include public inland lake protection and rehabilitation districts in s. 167.26 (3) (a) because they are municipal corporations and property owners within such districts should be immune from liability. See ~~ss.~~ ^{s.} 33.26 (3).

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0551/1dn
MGG:kjf:rs

February 17, 2006

I did not include public inland lake protection and rehabilitation districts in s. 167.26 (3) (b) because they are municipal corporations and property owners within such districts should be immune from liability. See s.33.26 (3).

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215



State of Wisconsin
2005 - 2006 LEGISLATURE

RMR

LRBs0551/T 2
MGG:kjf&wlj:rs

sent to
typing now

copy
1/2/06

ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2005 ASSEMBLY BILL 923

Regen

1 AN ACT *to renumber* 167.26 (1); *to renumber and amend* 167.26 (2) and 167.26
2 (3); *to amend* 167.26 (1m) and 167.26 (6); and *to create* 167.26 (1b), 167.26 (2)
3 (a) 2., 167.26 (2m) and 167.26 (3) (b) and (c) of the statutes; **relating to:**
4 warning methods for ice holes or openings in streams, ponds, and lakes and
5 liability resulting from the creation of ice holes or openings.

and providing
a penalty

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

6 SECTION 1. 167.26 (1) of the statutes is renumbered 167.26 (1g).

7 SECTION 2. 167.26 (1b) of the statutes is created to read:

8 167.26 (1b) In this section:

9 (a) "Nonprofit membership corporation" means a corporation as described in
10 s. 779.70 (1).

11 (b) "Qualified lake association" means an association that meets the
12 qualifications under s. 281.68 (3m) (a).

1 (c) "Water quality project" means a project that improves water quality,
2 including a project that improves fish habitat or that reduces or prevents any of the
3 following:

- 4 1. Blue-green algae.
- 5 2. The release of anoxic gases or nutrients.

6 SECTION 3. 167.26 (1m) of the statutes is amended to read:

7 167.26 (1m) Instead of the requirements under sub. (1) (1g), any person who
8 removes ice or causes its removal from Lake Butte des Morts, Lake Poygan, Lake
9 Winnebago or Lake Winneconne for the spearing of sturgeon may mark the opening
10 made by the removal without using fencing if the person uses at least 2 strips of wood
11 that protrude at least 3 feet above the surface of the ice. The strips of wood may not
12 exceed approximately 1.5 inches in width and approximately 0.25 inch in thickness.

13 SECTION 4. 167.26 (2) of the statutes is renumbered 167.26 (2) (a) (intro.) and
14 amended to read:

15 167.26 (2) (a) (intro.) ~~Any~~ Instead of the requirements under sub. (1g), any
16 person creating ice holes by aeration of water may, in lieu of the requirements of sub.
17 (1), erect do any of the following:

18 1. Erect and maintain a barricade around such the holes consisting of uprights
19 that are spaced every 25 feet or less, at adequate intervals to maintain the barricade
20 and that are connected by a continuous rope, cord, or similar material placed 3 1/2
21 at least 2.5 feet and not more than 4.5 feet off the surface of the ice.

22 (b) The connecting rope, cord, or similar material specified in par. (a) 1. shall
23 have reflectorized, fluorescent, or lighted ribbon or tape or other reflectorized devices
24 attached to it, so as to be highly visible, and shall be of sufficient strength to permit
25 retrieval of the barricade following melting of the ice.

1 (c) Any person erecting ~~such a~~ barricade or warning mechanism under this
2 subsection shall remove the barricade and all parts thereof ~~from the ice or water of~~
3 the barricade or mechanism immediately after the ice has melted.

4 **SECTION 5.** 167.26 (2) (a) 2. of the statutes is created to read:

5 167.26 (2) (a) 2. Erect and maintain a visual warning mechanism that is highly
6 visible and that is reflectorized, fluorescent, or lighted.

7 **SECTION 6.** 167.26 (2m) of the statutes is created to read:

8 167.26 (2m) (a) Instead of the requirements under subs. (1g) and (2), any public
9 inland lake protection and rehabilitation district or any nonprofit membership
10 corporation that is creating ice holes for a lake by aeration of water for purposes of
11 a water quality project that has been approved by the department of natural
12 resources may provide alternative warning methods by doing all of the following:

13 1. Posting highly visible warning notices at each shoreline area through which
14 the public has access to the lake.

15 2. Providing a written warning notice to each owner of riparian property on the
16 lake.

17 (b) Each warning notice placed by a public inland lake protection and
18 rehabilitation district or a nonprofit membership corporation under par. (a) 1. shall
19 meet all of the following requirements:

20 1. The size, lettering, and format of each notice shall be designed so as to make
21 the notice readable by the public at a distance of 60 feet.

22 2. Each notice shall contain the wording "DANGER—OPEN WATER,"
23 "WARNING—ICE HOLES," or "DANGER—THIN ICE" or wording of a similar
24 nature.

1 3. Each notice shall replicate the wording required under subd. 2. so that the
2 wording on each notice is visible from the shoreline and from the water.

3 4. Each notice shall be made of durable material and lettering and shall be
4 replaced as necessary so that the notice remains readable throughout the winter
5 season.

6 5. The notices shall be placed no later than December 15 of each winter season.

7 (c) The written notices provided to each owner of riparian property by a public
8 inland lake protection and rehabilitation district or a nonprofit membership
9 corporation under par. (a) 2. shall be provided no later than December 15 of each
10 winter season.

11 **SECTION 7.** 167.26 (3) of the statutes is renumbered 167.26 (3) (a) and amended
12 to read:

13 167.26 (3) (a) Persons Except as provided in par. (b), a person barricading or
14 marking an ice holes hole or opening in the manner specified in this section, or
15 erecting a warning device or posting a notice for an ice hole or opening in the manner
16 specified in this section, shall not be liable for damages suffered by persons who enter
17 the barricaded or marked area be exempt from liability for injury to or the death of
18 any person or for damage to any property that results from creating the ice hole or
19 opening.

20 **SECTION 8.** 167.26 (3) (b) and (c) of the statutes are created to read:

21 167.26 (3) (b) Except as provided in par. (c), a member of a qualified lake
22 association or of a nonprofit membership corporation shall be exempt from any
23 liability incurred by the qualified lake association or nonprofit membership
24 corporation in creating an ice hole or opening that is subject to the barricading,
25 fencing, or warning requirements under this section.

1 (c) Any riparian property owner who is aware of the existence of an ice hole or
2 opening in the stream, pond, or lake to which his or her riparian property abuts shall
3 not be exempt from liability as provided in par. (a) if the owner fails to warn a person
4 to whom the owner has given permission to cross the property in order to have access
5 to the stream, pond, or lake by doing one of the following:

- 6 1. Directly warning the person of the existence of the ice hole or opening.
- 7 2. Posting a warning notice on the property that complies with the
8 requirements specified under sub. (2m) (b) 1. to 5.

9 SECTION 9. 167.26 (6) of the statutes is amended to read:

10 167.26 (6) ~~Persons~~ Any person violating this section sub. (1g), (1m), (2), or (2m)
11 shall be imprisoned for not more than 6 months or fined not more than \$100. Any
12 person who removes a barricade, fencing, a warning notice, or a warning mechanism
13 or other barrier or marking that complies with this section during the period
14 beginning with December 15 of a given year and ending on March 30 of the following
15 year ~~shall~~^{may} be imprisoned for not more than 6 months or fined not more than \$100.

16 (END)