



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2005 Assembly Bill 884

**Assembly
Amendment 2**

Memo published: January 27, 2006

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Assembly Bill 884 provides that evidence of the discovery of an endangered or threatened species (as defined in s. 29.604 (2) (a) and (b), respectively), by a person while on the private property of another is not admissible during the course of a civil or criminal proceeding, a legislative proceeding, or an administrative proceeding, unless: (1) the person who made the discovery was expressly permitted to be on the property by an owner of the property; (2) an owner of the private property is advised of the person's identity before the proceeding takes place if the person who made the discovery may testify at the proceeding; and (3) there is testimony at the proceeding by a person with expertise in the area of the endangered or threatened species alleged to have been discovered that verifies that the species discovered on the property was an endangered or threatened species.

Assembly Amendment 2 deletes the three criteria for admissibility under the bill and substitutes a single criterion: the person [who discovered the species] gave notice to the property owner by certified mail, at least 48 hours before he or she entered the property, that he or she intended to enter that property. The amendment further provides that a notice meets the requirements of the proposal only if it is dated in a manner that demonstrates that it was mailed to the property owner at least seven days before the person entered the property.

Legislative History

Assembly Amendment 2 was offered by Representative Albers. The Assembly Committee on Judiciary recommended adoption of the amendment by a vote of Ayes, 5; Noes, 3. The Judiciary Committee recommended passage of the proposal, as amended, by a vote of Ayes, 5; Noes, 3.

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