

2015 DRAFTING REQUEST

Senate Amendment (SA-SB110)

Received: 6/3/2015 Received By: rkite
For: Van Wanggaard (608) 266-1832 Same as LRB:
May Contact: By/Representing: Scott
Subject: Nat. Res. - nav. waters Drafter: rkite
Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.Wanggaard@legis.wisconsin.gov
Carbon copy (CC) to: elisabeth.shea@legis.wisconsin.gov
larry.konopacki@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Exception to liability immunity for placement of buoys

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rkite 6/3/2015		_____			
/1		eweiss 6/3/2015	_____	mbarman 6/3/2015	mbarman 6/3/2015	

FE Sent For:

<END>

Kite, Robin

From: Kelly, Scott
Sent: Wednesday, June 03, 2015 11:06 AM
To: Konopacki, Larry; Kite, Robin
Cc: Moore, David; Emerson, James; Duerkop, Nathan
Subject: RE: SB 110/AB 157 - Liability

Hi Larry and Robin –

Senator Wanggaard would like an amendment to SB 110. We would like to add that the exemption does not apply if the person intentionally causes the harm as Larry describes below.

Robin can you work with Larry to get this drafted appropriately? We'll need it by tomorrow for our exec.

Thanks

Scott

From: Konopacki, Larry
Sent: Wednesday, June 03, 2015 9:44 AM
To: Kelly, Scott
Cc: Moore, David
Subject: SB 110/AB 157 - Liability

Hi Scott, per our conversation earlier about SB110/AB 157, the buoy bill, a few amendment options include to specify that the liability protection under the bill does not apply to a person if the harm is caused by a malicious act of the person (similar to an exception under the recreational immunity law and other laws), the harm is caused by the willful or wanton disregard for the safety of others (further defined under and similar to an exception under the agricultural tourism law), or the person intentionally causes the harm (also in the ag tourism law and a relevant factor in numerous others).

Per Larry - just this exception

Also, if you would like to apply the liability protection under the bill only to uncompensated people, an amendment could specify that the bill's protection does not apply to a person who collects money, goods or services in payment for the placement of buoys.

Thanks, and please let me or David Moore know if you have any questions.

LK

Larry A. Konopacki
Wisconsin Legislative Council
(608) 267-0683
larry.konopacki@legis.wisconsin.gov



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

**SENATE AMENDMENT ,
TO SENATE BILL 110**

1 At the locations indicated, amend the bill as follows:

2 ✓ **1.** Page 1, line 5: delete "A" and substitute "(1) Except as provided in sub. (2),
3 a".

4 ✓ **2.** Page 2, line 1: delete "(1)" and substitute "(a)".

5 ✓ **3.** Page 2, line 4: delete "(2) The permit or other approval described under sub.
6 (1)" and substitute "(b) The permit or other approval described under par. (a)".

7 ✓ **4.** Page 2, line 6: after that line insert:

8 "(2) A person is not immune from civil liability under sub. (1) for damage or
9 injury caused by placing, or failing to place, buoys or other markers in a waterway
10 if the person intentionally causes the damage or injury."

11 (END)