



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2015 Assembly Bill 421

Assembly Amendment 3

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2015 ASSEMBLY BILL 421

2015 Assembly Bill 421 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.

ASSEMBLY AMENDMENT 3

Assembly Amendment 3 would specify that the immunity provided under the bill applies to the maintenance of the applicable structures in addition to the placement of those structures. The amendment also clarifies that the immunity provided under the bill applies to any exempt placement and maintenance of an applicable structure, not just to a structure for which a formal exemption determination has been made by the DNR.

BILL HISTORY

On November 17, 2015, the Assembly Committee on Natural Resources and Sporting Heritage introduced and recommend adoption of Assembly Amendment 3 on votes of Ayes: 14; Noes: 0; and Absent, 1. On the same date, this committee recommended passage of the bill, as amended, on a vote of Ayes: 10; Noes: 5.

LAK:jal