



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Senate Bill 12

**Assembly
Amendment 1**

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2009 Senate Bill 12

Senate Bill 12, among other things, prohibits a person from operating a motorboat, other than a personal watercraft, at a speed in excess of slow-no-wake within 100 feet of the shoreline of any lake. The bill further provides that in its ordinances enacted under s. 30.77, Stats., a city, village, town, public inland lake protection and rehabilitation district, or a town sanitary district may provide that the 100 foot slow-no-wake requirement does not apply.

Assembly Amendment 1

The amendment does the following:

- Deletes the local ordinance “opt out” provision. Instead, the amendment creates a new provision, which specifies that in its ordinances enacted under s. 30.77, Stats., a city, village, town, public inland lake protection and rehabilitation district, or a town sanitary district may provide an exemption from the 100 foot slow-no-wake requirement or may substitute a lesser number of feet in a slow-no-wake ordinance. Therefore, these local governmental units may enforce the statewide slow-no-wake restriction of 100 feet, enact an ordinance which specifies a less restrictive slow-no-wake restriction, such as 50 feet, or have no slow-no-wake restriction at all.
- Clarifies that the 100 foot slow-no-wake requirement in the bill does not affect the authority of a city, village, town, public inland lake protection and rehabilitation district, or a town sanitary district to enact more restrictive ordinances under s. 30.77, Stats. These ordinances must relate to the equipment, use or operation of boats, or to any activity regulated by ss. 30.60 to 30.71, Stats., including restrictions on speed. Under s. 30.77 (3) (a), these local governmental units are authorized to enact ordinances applicable on waters of the state within their jurisdictions in the interest of public health, safety, or welfare, including the

public's interest in preserving the state's natural resources, if the ordinances are not contrary to or inconsistent with state law. This provision has been interpreted to allow these specified local governmental units to enact boating ordinances that are more restrictive than state law. The amendment clarifies that these local governmental units may continue to enact slow-no-wake ordinances that are more restrictive than the 100 foot requirement in the bill.

- Clarifies that the 100 foot slow-no-wake requirement in the bill does not affect the authority of the Dane County board to enact more restrictive ordinances under s. 33.455 (3), Stats. This section provides that Dane County may adopt ordinances and local regulations relating to boating, recreation, or safety upon the navigable waters of the county which supersede any less restrictive and conflicting provision of a minimum standard, ordinance, or local regulation adopted by a municipality. The amendment clarifies that Dane County, acting under s. 33.455, Stats., may continue to have a slow-no-wake ordinance that is more restrictive than the 100 foot requirement in the bill.

Legislative History

The Senate passed Senate Bill 12 on February 24, 2009. Assembly Amendment 1 was offered by the Assembly Committee on Natural Resources on March 18, 2009. On the same date, the committee recommended adoption of the amendment on a vote of Ayes, 14; Noes, 0 and recommended passage of the bill, as amended, on a vote of Ayes, 13; Noes, 1.

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