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**WISCONSIN LEGISLATIVE COUNCIL  
AMENDMENT MEMO**

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**2017 Assembly Bill 661**

**Assembly Amendments 1 and 2**

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### **2017 ASSEMBLY BILL 661**

**Current law** prohibits the operation of a personal watercraft at a speed in excess of slow-no-wake within 200 feet of the shoreline of any lake and within 200 feet of any other boat. Current law also generally prohibits any boat, including a personal watercraft, from operating within 100 feet of swimmer.

**Assembly Bill 661** exempts hydro-flight devices and a personal watercraft that is connected by a hose to a hydro-flight device for the purpose of supplying the water needed to operate the device from compliance with the prohibitions described above. The bill also defines hydro-flight device to mean “a jet powered device, attached by hose to a personal watercraft, that propels a person wearing, holding, or standing on the device into the air by the use of water forced under pressure through the hose.”

### **ASSEMBLY AMENDMENT 1**

Assembly Amendment 1 eliminates the exemption created by the bill that would allow the operation of hydro-flight devices and connected personal watercrafts within 100 feet of a swimmer.

### **ASSEMBLY AMENDMENT 2**

**Current law** generally prohibits municipalities<sup>1</sup> from enacting ordinances or regulations relating to the use and operation of boats, except that a municipality may enact such an

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<sup>1</sup> For purposes of ch. 30, Stats., “municipality” means any town, village, city, or county. [s. 30.01 (4), Stats.]

ordinance in the interest of public health, safety, or welfare, if the ordinance is not contrary to or inconsistent with state statutes governing boat use and operation. Current law also limits the circumstances under which public inland lake protection and rehabilitation districts and town sanitary districts may enact and enforce ordinances applicable to lakes located within their boundaries. [s. 30.77 (1) and (3), Stats.]

**Assembly Amendment 2** specifies that any town, village, city, or county and, to the extent that it is authorized by current law to enact ordinances under certain circumstances, a public inland lake protection and rehabilitation district or town sanitary district may enact an ordinance to limit the applicability of the exemptions created under the bill for the operation of hydro-flight devices and connected personal watercrafts.

The amendment preserves current law, which dictates when a district or county ordinance would supersede a conflicting, inconsistent, or less restrictive town, village, or city ordinance and which specifies that, under certain circumstances, only a county may enact an ordinance relating to the development, operation, and use of a marina facility and its adjoining waters.

Finally, the amendment provides that any local entity or boating organization may utilize the procedure under current law to request a hearing before the Department of Natural Resources if the entity or organization objects to a municipal ordinance that limits the applicability of the exemptions created under the bill on the grounds that all or a portion of the ordinance is not necessary for public health, safety, welfare, or the public's interest in preserving the state's natural resources.

## **BILL HISTORY**

Representative Barca introduced Assembly Bill 661 on November 22, 2017, Assembly Amendment 1 on February 2, 2018, and Assembly Amendment 2 on February 19, 2018. On February 21, 2018, the Assembly Committee on Science and Technology recommended adoption of Assembly Amendment 1 on votes of Ayes, 7; Noes, 0; adoption of Assembly Amendment 2 on votes of Ayes, 8; Noes, 0; and recommended passage of the bill, as amended, on votes of Ayes, 8; Noes, 0.

RES:ksm