



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa2003/1
ZDW:kjf

**ASSEMBLY AMENDMENT 2,
TO ASSEMBLY BILL 661**

February 19, 2018 - Offered by Representative BARCA.

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

2 **1.** Page 1, line 3: delete “exemptions to certain boating restrictions for
3 operators” and substitute “exemptions and local ordinances related to operation”.

4 **2.** Page 1, line 4: delete “operators” and substitute “operation”.

5 **3.** Page 2, line 11: delete “The prohibition” and substitute “Subject to s. 30.77
6 (3) (abm), (am) 2m., and (bm), the prohibition”.

7 **4.** Page 3, line 2: delete “The prohibition” and substitute “Subject to s. 30.77
8 (3) (abm), (am) 2m., and (bm), the prohibition”.

9 **5.** Page 3, line 17: delete “The prohibition” and substitute “Subject to s. 30.77
10 (3) (abm), (am) 2m., and (bm), the prohibition”.

11 **6.** Page 3, line 22: after that line insert:

12 **“SECTION 8m.** 30.77 (3) (a) of the statutes is amended to read:

1 30.77 (3) (a) ~~Any~~ Except as provided in par. (abm), any town, village, or city
2 may, in the interest of public health, safety, or welfare, including the public's interest
3 in preserving the state's natural resources, enact ordinances applicable on any
4 waters of this state within its jurisdiction if the ordinances are not contrary to or
5 inconsistent with this chapter and if the ordinances relate to the equipment, use, or
6 operation of boats or to any activity regulated by ss. 30.60 to 30.71.

7 **SECTION 9m.** 30.77 (3) (abm) of the statutes is created to read:

8 30.77 (3) (abm) Any town, village, or city may enact an ordinance to limit the
9 applicability of s. 30.66 (3) (ar) 2. or (b) 2. or s. 30.68 (5) (b) on any waters within its
10 jurisdiction.

11 **SECTION 10m.** 30.77 (3) (am) 2. of the statutes is amended to read:

12 30.77 (3) (am) 2. ~~An~~ Except as provided in subd. 2m., an ordinance enacted
13 under subd. 1. or 1m. may not be contrary to or inconsistent with this chapter and
14 shall relate to the equipment, use, or operation of boats or to an activity regulated
15 by ss. 30.60 to 30.71.

16 **SECTION 11m.** 30.77 (3) (am) 2m. of the statutes is created to read:

17 30.77 (3) (am) 2m. An ordinance enacted under subd. 1. or 1m. may limit the
18 applicability of s. 30.66 (3) (ar) 2. or (b) 2. or s. 30.68 (5) (b).

19 **SECTION 12m.** 30.77 (3) (am) 3. of the statutes is amended to read:

20 30.77 (3) (am) 3. If a public inland lake protection and rehabilitation district
21 enacts an ordinance under this paragraph, the lake district ordinance supersedes all
22 conflicting provisions of a town, village, or city ordinance enacted under par. (a) or
23 (abm) that are applicable to the lake.

24 **SECTION 13m.** 30.77 (3) (am) 3m. of the statutes is amended to read:

1 30.77 (3) (am) 3m. If a town sanitary district enacts an ordinance under this
2 paragraph, the town sanitary district ordinance supersedes all conflicting provisions
3 of a town, village, or city ordinance enacted under par. (a) or (abm) that are applicable
4 to the lake.

5 **SECTION 14m.** 30.77 (3) (am) 3r. a. of the statutes is amended to read:

6 30.77 (3) (am) 3r. a. Any conflicting provisions of a town, village, or city
7 ordinance enacted under par. (a) or (abm) that are applicable to the lake.

8 **SECTION 15m.** 30.77 (3) (b) of the statutes is amended to read:

9 30.77 (3) (b) ~~Any~~ Except as provided in par. (bm), any county may, in the
10 interest of public health, safety, or welfare, including the public's interest in
11 preserving the state's natural resources, enact an ordinance applicable on any river
12 or stream within its jurisdiction if the ordinance is not contrary to or inconsistent
13 with this chapter, and if the ordinance relates to the equipment, use, or operation of
14 boats or to any activity regulated by ss. 30.60 to 30.71. If a county enacts an
15 ordinance under this paragraph, the county ordinance supersedes all provisions of
16 a town, village, or city ordinance enacted under par. (a) or (abm) that is inconsistent
17 with the county ordinance.

18 **SECTION 16m.** 30.77 (3) (bm) of the statutes is created to read:

19 30.77 (3) (bm) Any county may enact an ordinance to limit the applicability of
20 s. 30.66 (3) (ar) 2. or (b) 2. or s. 30.68 (5) (b) on waters within its jurisdiction.

21 **SECTION 17m.** 30.77 (3) (c) of the statutes is amended to read:

22 30.77 (3) (c) If any county operates any marina development adjacent to any
23 waters of this state, the authority conferred upon any town, village, or city under par.
24 (a) and (abm) shall exclusively vest in the county in respect to enactment of local

1 ordinances that relate to the development, operation, and use of the marina facility
2 and its adjoining waters.

3 **SECTION 18m.** 30.77 (3) (cm) (intro.) of the statutes is amended to read:

4 30.77 (3) (cm) (intro.) In enacting ordinances under par. (a), (abm), (am) or (b),
5 or (bm) for a given body of water, municipalities and public inland lake protection and
6 rehabilitation districts shall take into account factors that include all of the
7 following:

8 **SECTION 19m.** 30.77 (3) (cr) (intro.) of the statutes is amended to read:

9 30.77 (3) (cr) (intro.) The types of ordinances that may be enacted under par.
10 (a), (abm), (am) or (b), or (bm) include the following:

11 **SECTION 20m.** 30.77 (3) (cr) 5. of the statutes is created to read:

12 30.77 (3) (cr) 5. Limitations on the applicability of s. 30.66 (3) (ar) 2. or (b) 2.
13 or s. 30.68 (5) (b) to the operation of a hydro-flight device or a personal watercraft
14 connected to a hydro-flight device.

15 **SECTION 21m.** 30.77 (3) (dm) 2g. of the statutes is amended to read:

16 30.77 (3) (dm) 2g. If a local entity or a boating organization objects to an
17 ordinance enacted under par. (a) or (abm) that applies to a river or stream, or to an
18 ordinance enacted under par. (b) or (bm), on the grounds that all or a portion of the
19 ordinance is not necessary for public health, safety, welfare, or the public's interest
20 in preserving the state's natural resources, the procedure under subd. 2r. shall apply.

21 **SECTION 22m.** 33.455 (3) (b) of the statutes is amended to read:

22 33.455 (3) (b) Notwithstanding s. 30.77 (3) (a) and (abm), an ordinance, local
23 regulation, or minimum standard as adopted by the county board under this section
24 shall apply to the county and to any municipality partially or totally within the

1 county and shall supersede any less restrictive and conflicting provision of a
2 minimum standard, ordinance, or local regulation adopted by a municipality.”.

3 (END)