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2003 ASSEMBLY BILL 506

September 11, 2003 – Introduced by Representatives Gunderson, Ladwig, Ainsworth, Bies, Friske, Gielow, Gronemus, Grothman, Hahn, Hines, Hundertmark, Jeskewitz, Kerkman, Krawczyk, Kestell, M. Lehman, Lemahieu, F. Lasee, McCormick, Musser, Nass, Nischke, Olsen, Petrowski, Seratti, Steinbrink, Suder, Towns and M. Williams, cosponsored by Senators Stepp, Harsdorf, Kanavas, A. Lasee, Reynolds and Zien. Referred to Committee on Natural Resources.

1 AN ACT to amend 30.01 (4m), 30.10 (1) and 30.10 (2) of the statutes; relating

to: the definition of navigable waters and navigable waterway and declarations of navigability.

Analysis by the Legislative Reference Bureau

Under current law relating to navigable waters, harbors, and navigation, the terms "navigable waters" or "navigable waterway" are defined to mean any body of water which is navigable under the laws of this state. This bill changes this definition so that the terms "navigable waters" or "navigable waterway" means any body of water that during a total of at least six months in the current calendar year is capable of supporting watercraft carrying a person.

Current law also provides that lakes that are navigable in fact are navigable and public waters. It also provides that streams that are navigable in fact are navigable to the extent that no dam, bridge, or other obstruction may be made over the stream without permission of the state. This draft specifies that a lake or stream is navigable only if during a total of at least six months in the current calendar year, it is capable of supporting watercraft carrying a person.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

ASSEMBLY BILL 506

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SECTION 1.	30.01	(4m)	of the	statutes is	s amended	to read.
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30.01 (4m) "Navigable waters" or "navigable waterway" means any body of water which is navigable under the laws of this state that during a total of at least 6 months in the current calendar year is capable of supporting watercraft carrying a person.

Section 2. 30.10 (1) of the statutes is amended to read:

30.10 (1) Lakes. All lakes wholly or partly within this state which are navigable in fact that during a total of at least 6 months in the current calendar year are capable of supporting watercraft carrying a person are declared to be navigable and public waters, and all persons have the same rights therein and thereto as they have in and to any other navigable or public waters.

SECTION 3. 30.10 (2) of the statutes is amended to read:

30.10 (2) STREAMS. Except as provided under sub. (4) (c) and (d), all streams, sloughs, bayous and marsh outlets, which are navigable in fact for any purpose whatsoever that during a total of at least 6 months in the current calendar year are capable of supporting watercraft carrying a person, are declared navigable to the extent that no dam, bridge or other obstruction shall be made in or over the same without the permission of the state.

SECTION 4. Initial applicability.

(1) This act first applies to administrative proceedings or court actions commenced on the effective date of this subsection.

22 (END)