

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0209/P1dn
MGG&RNK:lmk:ch

March 10, 2005

Attention: Mark Patronskey

This draft is completed subject to any redrafting instructions and subject to your revising the LC notes in the draft. The notes have not been revised since they appeared in 2003 Assembly Bill 514, except for the one mentioned below.

1. 2003 Wisconsin Act 118 added s. 30.19 (1m) (cm). 2003 Assembly Bill 514 repealed s. 30.19 (1m) (c) and (d) and 30.195 (7). Do you want to include these repeals in this bill?

2. Regarding terms of permits and contracts: As a result of 2003 Wisconsin Act 118, contracts under s. 30.20 (1) (a) are restricted to five years with one extension of five years. Contracts under s. 30.20 (1) (b) are restricted to 75 years. I therefor have removed references to contracts under s. 30.2095 (1) (a) and (b) (renumbered to s. 30.248 (1) and (2) in this draft). I also limited the provisions to individual permits since general permits are promulgated as rules. Please review carefully and let me know if you want any changes.

3. For modification or rescission of permits and contracts: I have also limited these provisions to individual permits and contracts. See s. 30.2095 (2), as renumbered in this draft, and s. 30.249 (title) and (2), as created in this draft. Also, do you want to keep the sentence in s. 30.2095 (2), as renumbered and treated in this draft? It exempts modifications by the department from the procedures under ss. 30.244 and 30.245, which are renumbered from ss. 30.208 and 30.209. Under current law, only modifications requested by other parties are covered by ss. 30.208 and 30.209. Also, please see and review the LC note that follows the creation of s. 30.249 (2).

4. For imposing conditions on permits and contracts: I have also limited these provisions to individual permits and contracts. Note that s. 30.245 applies to imposing conditions. See s. 30.209 (1m) (a) 2., which is renumbered to s. 30.245 (1m) (a) 2. in this draft.

5. In 2003 LRBs0365, ss. 30.29 (Operation of motor vehicles in waters prohibited) and 30.294 (Nuisances, abatement) were both renumbered to s. 30.86. Section 30.134 (Use of exposed shore areas along streams) was renumbered to s. 30.85. I moved ss. 30.134 and 30.29 to subch. II since they deal with navigable waters and not "Regulation of Boating" under subch. V. I also moved s. 30.294 to s. 30.94 under subch. VI, which is entitled "Enforcement; Penalties."

6. Section 299.85 was created in 2003 Wisconsin Act 276. Section 299.85 (7) (a) 2. and 4. have cross-references to the forfeitures specified in s. 30.298 under current law. I have changed these cross-references. Do you want any of the other forfeitures found under s. 30.381 in this draft to be included? These deal with boathouses and houseboats (s. 30.381 (2) as renumbered in this draft); fishing rafts (s. 30.381 (3) (a) and (b), as renumbered in this draft); wharves, piers, and swimming rafts (s. 30.381 (5), as created in this draft); and structures and deposits (s. 30.381 (4) (a), as renumbered in this draft and obstructions (s.30.98 (1), as renumbered in this draft).

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Please note the following changes from 2003 Assembly Bill 514.

1. I have created separate, although identical, definitions for “boat” and “vessel” for purposes of clarity. See s. 30.01 (1bm), as renumbered and amended in the draft and s. 30.01 (6r), as created in the draft.
2. The draft amends s. 30.74 (2) (a) and, in doing so, creates s. 30.74 (2) (bm). That provision, in 2003 Assembly Bill 514, contained an erroneous cross-reference. I have changed the cross-reference to s. 30.95. Please let me know if this is not correct.
3. This draft also changes erroneous cross-reference in amended s. 30.772 (4). That provision now contains a cross-reference to s. 30.221. Again, please let me know if this is not correct.

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