



State of Wisconsin  
1997 - 1998 LEGISLATURE

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PJK&MGG;jlg:hmh

**SENATE AMENDMENT 1,  
TO 1997 SENATE BILL 459**

March 19, 1998 - Offered by Senator SHIBILSKI.

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

2 **1.** Page 1, line 3: after "streams" insert "and requiring construction for  
3 shoreline erosion control under certain circumstances".

4 **2.** Page 2, line 1 before that line insert:

5 "SECTION 1b. 30.02 (3) of the statutes is amended to read:

6 30.02 (3) Upon receipt of a complete permit application or a request for a  
7 determination under s. 236.16 (3) (d), the department shall either schedule a hearing  
8 or provide notice stating that it will proceed on the application or request without a  
9 hearing if, within 30 days after the publication of the notice, no substantive written  
10 objection to issuance of the permit is received ~~within 30 days after publication of the~~  
11 notice or no request for a hearing concerning the determination under s. 236.16 (3)  
12 (d) is received. The notice shall be provided to the clerk of each municipality in which  
13 the project is located and to any other person required by law to receive notice. The

1 department may provide notice to other persons as it deems appropriate. The  
2 department shall provide a copy of the notice to the applicant, who shall publish it  
3 as a class 1 notice under ch. 985 in a newspaper designated by the department that  
4 is likely to give notice in the area affected. The applicant shall file proof of publication  
5 with the department.

6 **SECTION 1c.** 30.02 (4) (a) of the statutes is amended to read:

7 30.02 (4) (a) If a public hearing is ordered, the division of hearings and appeals  
8 shall mail a written notice at least 10 days before the hearing to each person given  
9 notice under sub. (3) and in the case of an application for a permit, to any person who  
10 submitted a substantive written objection to issuance of the permit.”.

11 **3.** Page 2, line 1: delete “**SECTION 1**” and substitute “**SECTION 1m**”.

12 **4.** Page 2, line 18: delete the material beginning with that line and ending with  
13 page 3, line 7, and substitute:

14 “**SECTION 4c.** 236.16 (3) of the statutes is amended to read:

15 236.16 (3) LAKE AND STREAM SHORE PLATS. (a) All subdivisions abutting on a  
16 navigable lake or stream shall provide public access at least 60 feet wide providing  
17 access to the low watermark so that there will be public access, which is connected  
18 to existing public roads, at not more than one-half mile intervals as measured along  
19 the lake or stream shore except where greater intervals and wider access is agreed  
20 upon by the department of natural resources and the department, and excluding  
21 shore areas where public parks or open-space streets or roads on either side of a  
22 stream are provided.

23 (b) No public access established under this chapter may be vacated except by  
24 circuit court action. ~~This as provided in s. 236.43.~~

1           (c) Except as provided in par. (d), this subsection does not require any local unit  
2 of government to improve land provided for public access.

3           **SECTION 4e.** 236.16 (3) (d) of the statutes is created to read:

4           236.16 (3) (d) All of the owners of all of the land adjacent to a public access  
5 established under par. (a) to an inland lake, as defined in s. 30.92 (1) (bk), may  
6 petition the city, village, town or county that owns the public access to construct  
7 shoreline erosion control measures. Subject to par. (e), the city, village, town or  
8 county shall construct the requested shoreline erosion control measures or request  
9 the department of natural resources to determine the need for shoreline erosion  
10 control measures. Upon receipt of a request under this paragraph from a city, village,  
11 town or county, the department of natural resources shall follow the procedures in  
12 s. 30.02 (3) and (4). Subject to par. (e), the city, village, town or county shall construct  
13 shoreline erosion control measures as required by the department of natural  
14 resources if the department of natural resources determines all of the following:

15           1. Erosion is evident along the shoreline in the vicinity of the public access.

16           2. The shoreline erosion control measures proposed by the owners of the  
17 property adjacent to the public access are designed according to accepted  
18 engineering practices.

19           3. Sufficient property owners, in addition to the owners of all property adjacent  
20 to the public access, have agreed to construct shoreline erosion control measures so  
21 that the shoreline erosion control project is likely to be effective in controlling erosion  
22 at the location of the public access and its vicinity.

23           4. The shoreline erosion control project is not likely to be effective in controlling  
24 erosion at the location of the public access and its vicinity if the city, village, town or

1 county does not construct shoreline erosion control measures on the land provided  
2 for public access.

3 **SECTION 4g.** 236.16 (3) (e) of the statutes is created to read:

4 236.16 (3) (e) A city, village, town or county may not be required to construct  
5 shoreline erosion control measures under par. (d) on land other than land provided  
6 for public access.

7 **SECTION 4i.** 236.16 (3) (f) of the statutes is created to read:

8 236.16 (3) (f) Paragraphs (b) to (e) apply to public access that exists on, or that  
9 is established after, the effective date of this paragraph .... [revisor inserts date].”

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(END)