

1999 DRAFTING REQUEST

Bill

Received: **01/18/2000**

Received By: **gibsom**

Wanted: **Soon**

Identical to LRB:

For: **Kitty Rhoades (608) 266-1526**

By/Representing: **Kevin**

This file may be shown to any legislator: **NO**

Drafter: **gibsom**

May Contact:

Alt. Drafters:

Subject: **Nat. Res. - nav. waters**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Zoning regulations in St. Croix Riverway

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gibsom 01/23/2000	jgeller 01/24/2000		_____			S&L
/1			hhagen 01/24/2000	_____	lrb_docadmin 01/24/2000		S&L
/2	gibsom 02/10/2000	gilfokm 02/11/2000	jfrantze 02/11/2000	_____	lrb_docadmin 02/11/2000	lrb_docadmin 02/22/2000	

FE Sent For:

42"
2/25/00

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/?	gibsom 01/23/2000	^{Kmg} jgeller 01/24/2000					S&L
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FE Sent For:			<i>202/11</i>	<i>2/11</i>			

<END>

1999 DRAFTING REQUEST

Bill

Received: 01/18/2000

Received By: gibsom

Wanted: Soon

Identical to LRB:

For: ^{Rhoades} ~~John Rhoades~~ (608) 266-0650

By/Representing: Kevin

This file may be shown to any legislator: NO

Drafter: gibsom

May Contact:

Alt. Drafters:

Subject: Nat. Res. - nav. waters

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Zoning regulations in ^{St.} ~~St.~~ Croix Riverway

Instructions:

See Attached

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1?	gibsom	<i>[Handwritten signature]</i>	<i>wh/24</i>	<i>wh/jk/24</i>			

FE Sent For:

<END>

may that one discretionary → simple

DNR 118 — 16.1524

May ~~use~~ ^{enact} 50% or ^{enact} other method as long as ~~it~~ ^{under} ~~under~~ ^{other} method the expansion or enlargement of new conforming structures are consistent w/ the purpose under sub. (1).

to apply to St Croix Runway cities villages +
counties



State of Wisconsin
1999 - 2000 LEGISLATURE

RMR

LRB-4264/1

MGG:.....

DUE →

MON.
Y2000

D-Note

kmq

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

WPO:
Fix request
sheet

Gen. Cat.

- 1 AN ACT (...; relating to: zoning ordinances regulating nonconforming buildings
- 2 and structures that are located in certain areas designated for protection by the
- 3 department of natural resources along the Lower St. Croix River.

Analysis by the Legislative Reference Bureau

Current law imposes specific zoning restrictions on the bluffs, bluff tops and banks along the St. Croix River between the dam near St. Croix Falls and the point where the St. Croix River meets the Mississippi River (river district). Ordinances enacted by counties, cities, villages and towns in the river district (river district zoning ordinances) must conform to standards promulgated as rules by the department of natural resources (DNR). The purpose of these restrictions is to protect the wild, scenic and recreational qualities along the Lower St. Croix River.

In addition to these river district zoning ordinances, shoreland zoning ordinances and general local zoning ordinances apply to this land in the same manner as these ordinances would apply to land not in the river district. Shoreland zoning ordinances enacted by counties cover the unincorporated areas of the counties and generally apply to land within 300 feet of a river (shoreland river zone). City and village shoreland zoning ordinances apply to wetlands that have an area of at least five acres and that are in a shoreland river zone.

The river district zoning ordinances, as well as the general zoning ordinances and the county shoreland zoning ordinances, limit the costs of repairing or altering a nonconforming structure to 50% of assessed value of the structure (50% rule). However, under current law, city and village shoreland zoning ordinances may not limit improvements to nonconforming structures. A nonconforming structure is one

that is in place at the time a zoning ordinance is enacted and does not meet the requirements of that zoning ordinance.

This bill allows cities, villages, towns and counties to enact river district zoning ordinances that contain a method for limiting alterations or repairs to nonconforming structures that is an alternative to the 50% rule. Such an alternative method must further the goal of protecting the wild, scenic and recreational qualities of the river district.

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:

1 **SECTION 1.** 30.27 (2) (a) (intro.) of the statutes is amended to read:

2 30.27 (2) (a) (intro.) As soon as possible after May 7, 1974, the department shall
3 adopt, by rule, guidelines and specific standards for local zoning ordinances which
4 apply to the banks, bluffs and bluff tops of the lower [✓]Lower St. Croix river River. The
5 guidelines shall designate the boundaries of the areas to which they apply. In
6 drafting the guidelines and standards, the department shall consult with
7 appropriate officials of counties, cities, villages and towns lying within the affected
8 area. The standards specified in the guidelines ~~shall be subject to ss. 59.69 (10m),~~
9 ~~60.61 (5m), 61.352 and 62.232,~~ and shall include, but not be limited to, the following:

10 **SECTION 2.** 30.27 (2) (ag) of the statutes is created to read:

11 30.27 (2) (ag) For nonconforming buildings or structures to which s. 59.69 (10)
12 applies, the standards specified in the guidelines shall allow for the adoption of the
13 method for limiting alterations, additions and repairs to those buildings or
14 structures that conforms to the method specified in s. 59.69 (10) or of an alternative
15 method for limiting such alterations, additions and repairs provided that the method
16 furthers the purpose of this section as specified in sub. (1). Any limitations under s.
17 59.692, or rules promulgated thereunder, on alteration, additions and repairs of

1 nonconforming buildings and structures do not apply to buildings and structures
2 that are subject the guidelines adopted under this section.

3 SECTION 3. 30.27 (2) (ar) of the statutes is created to read:

4 30.27 (2) (ar) For nonconforming buildings to which s. 62.23 (7) (h) applies, the
5 standards specified in the guidelines shall allow for the adoption of the method for
6 limiting alterations and repairs to those buildings that conforms to the method
7 specified in s. 62.23 (7) (h) or of an alternative method for limiting such alterations
8 and repairs provided that the method furthers the purpose of this section as specified
9 in sub. (1).

10 SECTION 4. 62.23 (7) (h) of the statutes is amended to read:

11 62.23 (7) (h) *Nonconforming uses.* The lawful use of a building or premises
12 existing at the time of the adoption or amendment of a zoning ordinance may be
13 continued although such use does not conform with the provisions of the ordinance.
14 Such nonconforming use may not be extended. ~~The Except as provided in s. 30.27~~
15 ~~(3) (ar), the~~ total structural repairs or alterations in such a nonconforming building
16 shall not during its life exceed 50 ^{per cent} ~~per cent~~ of the assessed value of the building unless
17 permanently changed to a conforming use. If such nonconforming use is
18 discontinued for a period of 12 months, any future use of the building and premises
19 shall conform to the ordinance.

History: 1973 c. 60; 1975 c. 281; 1977 c. 205; 1979 c. 221, 355; 1981 c. 289, 341, 354, 374; 1983 a. 49, 410; 1985 a. 136 ss. 7 to 9, 10; 1985 a. 187, 225, 281, 316; 1987
a. 161, 395; 1989 a. 201; 1991 a. 255, 316; 1993 a. 27, 184, 301, 327, 400, 446, 471, 490, 491; 1995 a. 27 ss. 9126 (19), 9130 (4); 1995 a. 225; 1997 a. 3, 35, 246.

20

(END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4264/dn
MGG: *[Signature]*

Please have each party that is interested in this legislation review it carefully to ensure that it carries the party's intent. In reviewing please note the following:

1. There is no distinction between a building that is nonconforming as to structural dimensions and one that is nonconforming as to use. OK?
2. I have not ~~withstood~~ s. 59.69 (10), 60.61 (5) or 62.23 (7) (a), or otherwise reconciled these provisions with s. 30.27 (3) (ag) or (ar), because I did not think they were in conflict. Please call me to discuss this if you disagree.

②

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

notwithstood

Barman, Mike

From: Barman, Mike
Sent: Tuesday, February 08, 2000 9:11 AM
To: Moore, Kevin
Subject: LRB 99-4264/1 (per your request)



99-4264/1



99-4264/1 dn

Mike Barman

Mike Barman - Senior Program Asst. (PH. 608-266-3561)
(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin
Legislative Reference Bureau - Legal Section - Front Office
100 N. Hamilton Street - 5th Floor
Madison, WI 53703

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4264/1dn
MGG:kmg:hmh

January 24, 2000

Please have each party that is interested in this legislation review it carefully to ensure that it carries the party's intent. In reviewing, please note the following:

1. There is no distinction between a building that is nonconforming as to structural dimensions and one that is nonconforming as to use. OK? see proposed definition

2. I have not notwithstanding s. 59.69 (10), 60.61 (5) or 62.23 (7) (a), or otherwise reconciled these provisions with s. 30.27 (2) (ag) or (ar), because I did not think they were in conflict. Please call me to discuss this if you disagree.

see proposed revision

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

*Phoody /
Gruin*



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-4264/1
MGG:kmg:hnh

1999 BILL

1 AN ACT to amend 30.27 (2) (a) (intro.) and 62.23 (7) (h); and to create 30.27 (2)

2 (ag) ~~and 30.27 (2) (a)~~ of the statutes; relating to: zoning ordinances regulating

3 nonconforming buildings and structures that are located in certain areas

4 designated for protection by the department of natural resources along the

5 Lower St. Croix River.

*Nationally Designated
Wild
Scenic*

Analysis by the Legislative Reference Bureau

Current law imposes specific zoning restrictions on the bluffs, bluff tops and banks along the St. Croix River between the dam near St. Croix Falls and the point where the St. Croix River meets the Mississippi River (river district). Ordinances enacted by counties, cities, villages and towns in the river district (river district zoning ordinances) must conform to standards promulgated as rules by the department of natural resources (DNR). The purpose of these restrictions is to protect the wild, scenic and recreational qualities along the Lower St. Croix River.

In addition to these river district zoning ordinances, shoreland zoning ordinances and general local zoning ordinances apply to this land in the same manner as these ordinances would apply to land not in the river district. Shoreland zoning ordinances enacted by counties cover the unincorporated areas of the counties and generally apply to land within 300 feet of a river (shoreland river zone). City and village shoreland zoning ordinances apply to wetlands that have an area of at least five acres and that are in a shoreland river zone.

The river district zoning ordinances, as well as the general zoning ordinances and the county shoreland zoning ordinances, limit the costs of repairing or altering

*Should say "may".
County may use 50% rule
or another mechanism.*

→ may

BILL

- wetland "

Under s. 62.231, Stats.

is this sentence necessary (re shoreland-wetland)?

a nonconforming structure to 50% of assessed value of the structure (50% rule). However, Under current law, city and village shoreland zoning ordinances may not limit improvements to nonconforming structures. A nonconforming structure is one that is in place at the time a zoning ordinance is enacted and does not meet the requirements of that zoning ordinance. However, city and village ordinances must apply the

MAINTAIN? not from DNR

This bill allows cities, villages, towns and counties to enact river district zoning ordinances that contain a method for limiting alterations or repairs to nonconforming structures that is an alternative to the 50% rule. Such an alternative method must further the goal of protecting the wild, scenic and recreational qualities of the river district. While counties may use the 50% rule or some other mechanism to regulate nonconforming structures

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:

1 SECTION 1. 30.27 (2) (a) (intro.) of the statutes is amended to read: ok

2 30.27 (2) (a) (intro.) As soon as possible after May 7, 1974, the department shall
3 adopt, by rule, guidelines and specific standards for local zoning ordinances which
4 apply to the banks, bluffs and bluff tops of the lower Lower St. Croix river River. The
5 guidelines shall designate the boundaries of the areas to which they apply. In
6 drafting the guidelines and standards, the department shall consult with
7 appropriate officials of counties, cities, villages and towns lying within the affected
8 area. The standards specified in the guidelines shall include, but not be limited to,
9 the following:

10 SECTION 2. 30.27 (2) (ag) of the statutes is created to read: see proposed revision

11 ~~30.27 (2) (ag) For nonconforming buildings or structures to which s. 59.69 (10)~~
12 ~~applies, the standards specified in the guidelines shall allow for the adoption of the~~
13 ~~method for limiting alterations, additions and repairs to those buildings or~~
14 ~~structures that conforms to the method specified in s. 59.69 (10) or of an alternative~~
15 ~~method for limiting such alterations, additions and repairs provided that the method~~

BILL

1 furthers the purpose of this section as specified in sub. (1). Any limitations under s.
2 59.692, or rules promulgated thereunder, on alteration, additions and repairs of
3 nonconforming buildings and structures do not apply to buildings and structures
4 that are subject the guidelines adopted under this section.

5 SECTION 3. 30.27 (2) (ar) of the statutes is created to read: *see proposed revision*

6 30.27 (2) (ar) For nonconforming buildings to which s. 62.23 (7) (h) applies, the
7 standards specified in the guidelines shall allow for the adoption of the method for
8 limiting alterations and repairs to these buildings that conforms to the method
9 specified in s. 62.23 (7) (h) or of an alternative method for limiting such alterations
10 and repairs provided that the method furthers the purpose of this section as specified
11 in sub. (1).

12 SECTION 4. 62.23 (7) (h) of the statutes is amended to read:

13 62.23 (7) (h) *Nonconforming uses*. The lawful use of a building or premises
14 existing at the time of the adoption or amendment of a zoning ordinance may be
15 continued although such use does not conform with the provisions of the ordinance.
16 Such nonconforming use may not be extended. The Except as provided in s. 30.27
17 (3) ^(a) ~~(a)~~ the total structural repairs or alterations in such a nonconforming building
18 shall not during its life exceed 50 per cent $\frac{1}{2}$ of the assessed value of the building
19 unless permanently changed to a conforming use. If such nonconforming use is
20 discontinued for a period of 12 months, any future use of the building and premises
21 shall conform to the ordinance.

22 (END)

Suggested Revision to replace proposed (2)(ag) and (ar):

Section 30.27(2)(ag) is created to read:

Notwithstanding ss. 59.69(10), 60.61(5)(a) and 62.23(7)(h), Stats., the guidelines and specific standards adopted by the department under par. (a) shall require counties, cities, villages and towns to limit structural repairs and alterations to nonconforming structures, but shall allow them to either limit such structural repairs and alterations so that their cost does not exceed 50% of the current assessed value of the structure, or to utilize any alternative method of limiting structural repairs or alterations that furthers the purpose of this section as specified in sub. (1).

Suggested addition-create definition of "nonconforming structure" as follows:

"Nonconforming structure" is defined to mean "a building or other structure that does not conform to the dimensional standards of the ordinance, as well as a building or other structure that has a nonconforming use."

2/4
Mow
noon

1999 BILL

1 **AN ACT to amend 30.27 (2) (a) (intro.) and 62.23 (7) (h); and to create 30.27 (2)**
 2 **(ag) and 30.27(2) (ar) of the statutes; relating to: zoning ordinances regulating**
 3 **nonconforming buildings and structures that are located in certain areas**
 4 **designated for protection by the department of natural resources along the**
 5 **Lower St. Croix River.**

Sen. Cat

Analysis by the Legislative Reference Bureau

Current law imposes specific zoning restrictions on the bluffs, bluff tops and banks along the St. Croix River between the dam near St. Croix Falls and the point where the St. Croix River meets the Mississippi River (river district). Ordinances enacted by counties, cities, villages and towns in the river district (river district zoning ordinances) must conform to standards promulgated as rules by the department of natural resources (DNR). The purpose of these restrictions is to protect the wild, scenic and recreational qualities along the Lower St. Croix River.

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~~The river district zoning ordinances, as well as the general zoning ordinances and the county shoreland zoning ordinances, limit the costs of repairing or altering~~

(shoreland-wetland zoning ordinance) (CEO)

Under current law, a county may enact a river district zoning ordinance, county shoreland zoning ordinance or general ordinance that

the dimensional
or use

BILL

A city or village is required to include in its river district zoning ordinances the 50% limit.

a nonconforming structure to 50% of assessed value of the structure (50% limit). However, under current law, city and village shoreland zoning ordinances may not limit improvements to nonconforming structures. A nonconforming structure is one that is in place at the time a zoning ordinance is enacted and does not meet the requirements of that zoning ordinance.
 - wetland

This bill allows cities, villages, towns and counties to enact river district zoning ordinances that contain a method for limiting alterations or repairs to nonconforming structures that is an alternative to the 50% rule. Such an alternative method must further the goal of protecting the wild, scenic and recreational qualities of the river district.

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:

← INSERT
2-1

1 SECTION 1. 30.27 (2) (a) (intro.) of the statutes is amended to read:

2 30.27 (2) (a) (intro.) As soon as possible after May 7, 1974, the department shall
3 adopt, by rule, guidelines and specific standards for local zoning ordinances which
4 apply to the banks, bluffs and bluff tops of the lower Lower St. Croix river River. The
5 guidelines shall designate the boundaries of the areas to which they apply. In
6 drafting the guidelines and standards, the department shall consult with
7 appropriate officials of counties, cities, villages and towns lying within the affected
8 area. The standards specified in the guidelines shall include, but not be limited to,
9 the following:

10 SECTION 2. 30.27 (2) (ag) (am) of the statutes is created to read:

11 30.27 (2) (ag) For nonconforming buildings or structures to which s. 59.69 (10)
12 applies, the standards specified in the guidelines shall allow for the adoption of the
13 method for limiting alterations, additions and repairs to those buildings or
14 structures that conforms to the method specified in s. 59.69 (10) or of an alternative
15 method for limiting such alterations, additions and repairs provided that the method

BILL

1 furthers the purpose of this section as specified in sub. (1). Any limitations under s.
2 59.692, or rules promulgated thereunder, on alteration, additions and repairs of
3 nonconforming buildings and structures do not apply to buildings and structures
4 that are subject the guidelines adopted under this section.

5 **SECTION 3.** 30.27 (2) (ar) of the statutes is created to read:

6 30.27 (2) (ar) For nonconforming buildings to which s. 62.23 (7) (h) applies, the
7 standards specified in the guidelines shall allow for the adoption of the method for
8 limiting alterations and repairs to those buildings that conforms to the method
9 specified in s. 62.23 (7) (h) or of an alternative method for limiting such alterations
10 and repairs provided that the method furthers the purpose of this section as specified
11 in sub. (1).

12 **SECTION 4.** 62.23 (7) (h) of the statutes is amended to read:

← INSERT
3-11

13 62.23 (7) (h) *Nonconforming uses.* The lawful use of a building or premises
14 existing at the time of the adoption or amendment of a zoning ordinance may be
15 continued although such use does not conform with the provisions of the ordinance.

16 Such nonconforming use may not be extended. The Except as provided in s. 30.27

17 (2) (ar) ^(am) the total structural repairs or alterations in such a nonconforming building
18 shall not during its life exceed 50 per-cent $\frac{1}{2}$ of the assessed value of the building
19 unless permanently changed to a conforming use. If such nonconforming use is
20 discontinued for a period of 12 months, any future use of the building and premises
21 shall conform to the ordinance.

22

(END)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4264/2ins
MGG:kmg:hmh

Insert 2-1

~~SECTION 1. 30.27 (1) of the statutes is renumbered 30.27 (1m).~~ ✓

SECTION 2. 30.27 (1^m) of the statutes is created to read:

30.27 (1^m) DEFINITION. In this section, "nonconforming structure" means a building or structure that was constructed or in place on the date ~~that~~^{on which} an ordinance was enacted or amended so as to apply to the building or structure and that is any of the following:

(a) Not in conformance with the dimensional requirements of the ordinance.

(b) Used in a manner that does not conform ^{with} to the use requirements of ^{the} an ordinance.

Insert 3-11

30.27 (2) (am) Notwithstanding ss. 59.69 (10), 60.61 (5) (a) and 62.23 (7) (h), the guidelines and standards adopted under par. (a) shall require that counties, cities, villages and towns ~~shall~~ impose a limitation on structural repairs and structural alterations to nonconforming structures. The limitation may be a limit on the cost of such repairs or alterations so that their cost does not exceed 50% of the assessed value of the nonconforming structure at the time ^{that} the repairs or alterations are begun or any other limitation ^{but} provided that ~~the~~ limitation ^{must further} furthers the purpose of this section as specified in sub. (1^m). ✓

Barman, Mike

From: Barman, Mike
Sent: Friday, February 11, 2000 3:12 PM
To: Moore, Kevin
Subject: 99-4264/2 (per your request)



99-4264/2

Mike Barman

Mike Barman - Senior Program Asst. (PH. 608-266-3561)
(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin
Legislative Reference Bureau - Legal Section - Front Office
100 N. Hamilton Street - 5th Floor
Madison, WI 53703

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 02/11/2000

To: Representative Rhoades

Relating to LRB drafting number: LRB-4264 / 2

Topic

Zoning regulations in St. Croix Riverway

Subject(s)

Nat. Res. - nav. waters

1. **JACKET** the draft for introduction

Rep. Kitty Rhoades

in the Senate _____ or the Assembly (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Mary Gibson-Glass, Senior Legislative Attorney
Telephone: (608) 267-3215