

2001 DRAFTING REQUEST

Assembly Amendment (AA-AB602)

Received: 01/16/2002

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: DuWayne Johnsrud (608) 266-3534

By/Representing: Scott

This file may be shown to any legislator: NO

Drafter: rkite

May Contact:

Addl. Drafters:

Subject: Nat. Res. - boats snomos ATVs

Extra Copies:

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Rules for piers and boatshelters and requiring an advisory committee

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>
/1	rkite 01/16/2002	csicilia 01/16/2002	kfollet 01/16/2002	_____	lrb_docadmin 01/16/2002	lrb_docadmin 01/16/2002	
/2	rkite 01/18/2002	csicilia 01/18/2002	rschluet 01/18/2002	_____	lrb_docadmin 01/18/2002	lrb_docadmin 01/18/2002	

FE Sent For:

<END>

2001 DRAFTING REQUEST

Assembly Amendment (AA-AB602)

Received: 01/16/2002

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: ~~Scott Gunderson (608) 266-3363~~ Johnson

By/Representing: ~~Mike Bruhn~~ Scott

This file may be shown to any legislator: NO

Drafter: rkite

May Contact:

Addl. Drafters:

Subject: Nat. Res. - boats snomos ATVs

Extra Copies:

Submit via email: NO

Note: Request sheet has been changed

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/1	rkite 01/16/2002	csicilia 01/16/2002	kfollet 01/16/2002	_____	lrb_docadmin 01/16/2002	lrb_docadmin 01/16/2002	

FE Sent For:

*2 c/s 1/18
01*

[Signature]
1-19-02
<END>

2001 DRAFTING REQUEST

Assembly Amendment (AA-AB602)

Received: 01/16/2002

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: Scott Gunderson (608) 266-3363

By/Representing: Mike Bruhn

This file may be shown to any legislator: NO

Drafter: rkite

May Contact:

Addl. Drafters:

Subject: Nat. Res. - boats snomos ATVs

Extra Copies:

Submit via email: ~~NO~~ Please e-mail draft

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No specific pre topic given

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1?	rkite	1/16 02	1/16	1/16	1/16		

FE Sent For:

<END>

Kite, Robin

From: Bruhn, Mike
Sent: Monday, January 14, 2002 1:45 PM
To: Kite, Robin; Patronsky, Mark
Subject: Amendment for AB 602

Mark and Robin,

Rep. Gunderson would like an amendment drafted for Wednesday's Exec. Session in the Natural Resources Committee for AB 602. I have pasted the bill with the changes marked in red at the end of this email. Any questions, please call me at 6-3363.

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

AB602, s. 1

Pg2Ln1 Section 1. 30.12 (2m) of the statutes is created to read:

AB602, s. 1 - continued

Pg2Ln2 30.12 (2m) Piers and boat shelters exempt from enforcement action. A pier
Pg2Ln3 or boat shelter that was in place on January 1, 2001, or that was seasonally placed
Pg2Ln4 in the same location in each of the years beginning with 1996 and ending with 2000,
Pg2Ln5 is exempt from any enforcement action by the department under this section that
Pg2Ln6 requires a riparian owner to repair, renovate, modify, or remove the pier or boat
Pg2Ln7 shelter, unless the riparian owner reconstructed or materially altered the pier or
Pg2Ln8 boat shelter, provided the department does not file a written complaint within 60 days of the
effective date of this section alleging that the pier or boat shelter presents an imminent and substantial
endangerment to public navigation or to the public interest, after January 1, 2001.

Explained to Mike that if committee files a complaint, the draft has no description of how the department must proceed

AB602, s. 2

Pg2Ln9 Section 2. 30.12 (3m) of the statutes is created to read:

AB602, s. 2 - continued

Pg2Ln10 30.12 (3m) Application and promulgation of rules. Every rule promulgated
Pg2Ln11 by the department under this section that relates to the regulation of piers or boat
Pg2Ln12 shelters under sub. (2) and that is in effect on the day before the effective date of this
Pg2Ln13 subsection [revisor inserts date], shall be void. The department shall promulgate
Pg2Ln14 rules regulating piers and boat shelters under sub. (2) that shall supersede the rules
Pg3Ln1 promulgated by the department under sub. (2) that were in effect on the day before
Pg3Ln2 the effective date of this subsection [revisor inserts date]. Such rules shall at a minimum
include standards on the length and width of piers, the number of slips per pier, the location of boat shelters, and
construction standards for piers and boat shelters.

AB602, s. 3

Pg3Ln3 Section 3. 30.121 (6m) of the statutes is created to read:

AB602, s. 3 - continued

Pg3Ln4 30.121 (6m) Application and promulgation of rules. Notwithstanding sub.
Pg3Ln5 (6), every rule promulgated by the department under this section that relates to the
Pg3Ln6 regulation of boathouses under this section and that is in effect on the day before the

Pg3Ln7 effective date of this subsection [revisor inserts date], shall be void. The
Pg3Ln8 department shall promulgate rules regulating boathouses under this section that
Pg3Ln9 shall supersede the rules promulgated by the department under this section that
Pg3Ln10 were in effect on the day before the effective date of this subsection [revisor inserts
Pg3Ln11 date].

AB602, s. 4

Pg3Ln12 Section 4. 30.13 (1p) of the statutes is created to read:

AB602, s. 4 - continued

Pg3Ln13 30.13 (1p) Piers exempt from enforcement action. A pier that was in place
Pg3Ln14 on January 1, 2001, or that was seasonally placed in the same location in each of the
Pg3Ln15 years beginning with 1996 and ending with 2000, is exempt from any enforcement
Pg3Ln16 action by the department or by the governing body of a city, village, or town, or a
Pg3Ln17 designated officer, that requires a riparian proprietor to repair, renovate, modify, or
Pg3Ln18 remove the pier, unless the riparian proprietor reconstructs or materially alters the
Pg3Ln19 pier after January 1, 2001.

AB602, s. 5

Pg3Ln20 Section 5. 30.13 (4) (a) of the statutes is amended to read:

AB602, s. 5 - continued

Pg3Ln21 30.13 (4) (a) Interferes with public rights. A wharf or pier which that interferes
Pg3Ln22 with public rights in navigable waters constitutes an unlawful obstruction of
Pg3Ln23 navigable waters unless a permit is issued for the wharf or pier under s. 30.12 or
Pg3Ln24 unless authorization for the wharf or pier is expressly provided. A pier that
Pg3Ln25 interferes with public rights in navigable waters constitutes an unlawful obstruction
Pg4Ln1 of navigable waters unless a permit is issued for the pier under s. 30.12,
Pg4Ln2 authorization for the pier is expressly provided, or the pier is exempt from any
Pg4Ln3 enforcement action under sub. (1p) or s. 30.12 (2m) or 30.131 (4).

AB602, s. 6

Pg4Ln4 Section 6. 30.13 (4) (b) of the statutes is amended to read:

AB602, s. 6 - continued

Pg4Ln5 30.13 (4) (b) Interferes with riparian rights. A wharf or pier which that
Pg4Ln6 interferes with rights of other riparian proprietors constitutes an unlawful
Pg4Ln7 obstruction of navigable waters unless a permit is issued for the wharf or pier under
Pg4Ln8 s. 30.12 or unless authorization for the wharf or pier is expressly provided. A pier
Pg4Ln9 that interferes with the rights of other riparian proprietors constitutes an unlawful
Pg4Ln10 obstruction of navigable waters unless a permit is issued for the pier under s. 30.12,
Pg4Ln11 authorization for the pier is expressly provided, or the pier is exempt from any
Pg4Ln12 enforcement action under sub. (1p) or s. 30.12 (2m) or 30.131 (4).

AB602, s. 7

Pg4Ln13 Section 7. 30.13 (7) of the statutes is created to read:

AB602, s. 7 - continued

Pg4Ln14 30.13 (7) Application and promulgation of rules. Every rule promulgated by
Pg4Ln15 the department that relates to the regulation of piers under this section and that is
Pg4Ln16 in effect on the day before the effective date of this subsection [revisor inserts

Pg4Ln17 date], shall be void. The department shall promulgate rules regulating piers under
Pg4Ln18 this section that shall supersede the rules promulgated by the department under this
Pg4Ln19 section that were in effect on January 1, 2001. Such rules shall at a minimum establish threshold
standards for piers and boat shelters which do not require a permit including standards for length and width of
piers, the number of slips per pier, the location of boat shelters, and construction standards for piers and boat
shelters. Such threshold standards may not be the same standards used for determining whether to grant a
permit under s. 30.12.

AB602, s. 8

Pg4Ln20 Section 8. 30.131 (3) of the statutes is created to read:

AB602, s. 8 - continued

Pg4Ln21 30.131 (3) A pier that was in place on January 1, 2001, or that was seasonally
Pg4Ln22 placed in the same location in each of the years beginning with 1996 and ending with
Pg4Ln23 2000, is exempt from any enforcement action by the department that requires the
Pg4Ln24 person who placed the pier or the owner of riparian land that abuts the pier to repair,
Pg5Ln1 renovate, modify, or remove the pier, unless the person who placed the pier, or the
Pg5Ln2 riparian owner, reconstructs or materially alters the pier after January 1, 2001.

AB602, s. 9

Pg5Ln3 Section 9. 30.131 (4) of the statutes is created to read:

AB602, s. 9 - continued

Pg5Ln4 30.131 (4) Every rule promulgated by the department that relates to the
Pg5Ln5 regulation of piers under this section and that is in effect on the day before the
Pg5Ln6 effective date of this subsection [revisor inserts date], shall be void. The
Pg5Ln7 department shall promulgate rules regulating piers under this section that shall
Pg5Ln8 supersede the rules promulgated by the department under this section that were in
Pg5Ln9 effect on the day before the effective date of this subsection [revisor inserts date].

AB602, s. 10

Pg5Ln10 Section 10. Nonstatutory provisions.

AB602, s. 10 - continued

Pg5Ln11 (1) The department of natural resources shall submit in proposed form the
Pg5Ln12 rules required under sections 30.12 (3m), 30.121 (6m), 30.13 (7), and 30.131 (4) of the
Pg5Ln13 statutes, as created by this act, to the legislative council staff under section 227.15
Pg5Ln14 (1) of the statutes no later than the first day of the 13th month beginning after the
Pg5Ln15 effective date of this subsection.

(2) The Department shall convene a stakeholder advisory committee including property owners, contractors, lake associations, local governments and other interested parties to advise the department on any rules promulgated under this section.

AB602, s. 10 - continued

Pg5Ln16 (2) The department of natural resources may use the procedures under section
Pg5Ln17 227.24 of the statutes to promulgate emergency rules under sections 30.12 (3m),
Pg5Ln18 30.121 (6m), 30.13 (7), and 30.131 (4) of the statutes, as created by this act.
Pg5Ln19 Notwithstanding section 227.24 (1) (c) and (2) of the statutes, the emergency rules
Pg5Ln20 may remain in effect until the date on which permanent rules take effect.
Pg5Ln21 Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not

Pg5Ln22
Pg5Ln23
Pg6Ln1
Pg6Ln2
Pg6Ln3

required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.
(End)

2001

Date (time) needed Now

LRBa 109411

AMENDMENT

RNK: js

See form AMENDMENTS — COMPONENTS & ITEMS.

S (A) AMENDMENT

~~TO S A AMENDMENT (LRBa 1)~~

~~TO S A SUBSTITUTE AMENDMENT (LRBs 1)~~

TO 2001 SB SJR SR (AB) AJR AR 602 (LRB- 1)

At the locations indicated, amend the bill as follows:

(fill ONLY if "engrossed ..." or "as shown by")

no. 97 #. Page 2, line 2: delete "A pier", and substitute "(a) Except as provided in par. (b), a pier".

#. Page 2, line 8: after that line insert:
¶ "(b) Paragraph (a) does not apply to a pier or boat shelter about which the department has filed a complaint that states that ~~that~~ the pier or boat shelter presents an

#. Page 2, line 11
imminent and substantial danger to navigation or the public interest, if the complaint is filed on or before the first day of the 3rd month beginning after the

#. Page 2, line 11:
effective date of this paragraph."

#. Page , line

.... [revisor inserts date]

✓ ✓
I #. Page 3, line 2. After "date]." insert:

801
" The rules shall include construction standards for piers and boat shelters, standards concerning length and width requirements for piers, ~~add standards~~ standards regarding the number of slips that a pier may contain, and standards specifying where boat shelters may be located. "

#. Page 4, line 19. After "2001." insert:

802
" The rules shall include construction standards for piers, standards concerning ~~the~~ length and width requirements for piers, and standards regarding the number of slips that a pier may contain. (The standards shall be different than the standards ^{for piers} contained in the rules promulgated under s. 30.12(3m). "

✓

*Page 6, line 2: after that line insert:

¶ "(3) The department of natural resources shall appoint a committee under section 227.13 of the statutes to advise the department concerning rules to be promulgated under this act. The department shall ensure that the members of the committee represent property owners, contractors, lake associations, local governments, and other persons interested in issues related to pier and boat shelters."

NON STAT

(End)

Basford, Sarah

From: Basford, Sarah
Sent: Wednesday, January 16, 2002 10:30 AM
To: Rep.Gunderson
Subject: LRB a1094/1 (attached)



01a1094/1

Sarah Basford
Program Assistant
State of Wisconsin
Legislative Reference Bureau
PH: (608) 266-3561/FAX: (608) 264-6948
sarah.basford@legis.state.wi.us

Per Scott in Johnson's office
redraft to provide that complaint must be
filed no later than 60 days prior to
the effective date (per executive action)

Explained to Scott that this will be a 1/2
version even though the committee
exec'd on a 1/1

change requested to Johnson



Trues. 1-21-02
State of Wisconsin
2001 - 2002 LEGISLATURE

LRBa1094/8
RNK:cjs:kjf

12

slips

ASSEMBLY AMENDMENT,
TO 2001 ASSEMBLY BILL 602

*no later than 60 days
prior to*

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

2 **1.** Page 2, line 2: delete "A pier" and substitute "(a) Except as provided in par.
3 (b), a pier".

4 **2.** Page 2, line 8: after that line insert:

5 "(b) Paragraph (a) does not apply to a pier or boat shelter about which the
6 department has filed a complaint that states that the pier or boat shelter presents
7 an imminent and substantial danger to navigation or the public interest, if the
8 complaint is filed ~~on or before the first day of the 3rd month beginning after~~ the
9 effective date of this paragraph [revisor inserts date]."

10 **3.** Page 3, line 2: after "date]." insert "The rules shall include construction
11 standards for piers and boat shelters, standards concerning length and width
12 requirements for piers, standards regarding the number of slips that a pier may
13 contain, and standards specifying where boat shelters may be located."

