

2001 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB55)

Received: 07/13/2001

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Schug**

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

Drafter: **rkite**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **NO**

Requester's email:

Pre Topic:

LFB:.....Schug -

Topic:

Repair of a boathouse or houseboat with historic or cultural value

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>
/?	rkite 07/13/2001	wjackson 07/13/2001					
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FE Sent For:

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/?	rkite	1 Wlj 7/13					
				7-13-01			

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<END>

issuance of a news release and generally does not require an environmental assessment or environmental impact statement unless the Department determines otherwise.) Exempt the person applying for the permit from the requirement of preparing an environmental assessment unless DNR provides a written determination stating the specific reasons that an assessment is required under NR 150.

Require any person who submits a substantive written objection in response to a permit application to pay DNR a \$25 fee and to submit a sworn affidavit within the next 30 days that specifies the underlying arguments in support of the objection and that the person will appear, present testimony and produce any relevant witnesses in support of the objection in a contested case hearing. Place the burden of proof that DNR should not issue a permit on the person who objected to the permit. Further, if a hearing examiner or court finds that the objection was frivolous, provide that the hearing examiner or court may order the person who objected to the permit to pay the costs, including reasonable attorney fees, incurred by the permit applicant.

If someone other than DNR seeks judicial review of any permit application, require the site of judicial review to be either in a county where the plaintiff resides, where the property involved is located or in another county chosen by the plaintiff. Specify that if DNR seeks judicial review of any permit application hearing, the site of the review would be in the county where the DNR office is located that issued the original decision regarding the permit. Authorize DNR to allow the use of alternate dispute resolution procedures to resolve a permit application dispute in place of a hearing, and require DNR to promulgate administrative rules to establish the requirements and procedures for such an alternative procedure.

75. SHORELAND ZONING

Senate: No change to Joint Finance.

*Per David Acheson / LFB
need to modify 6/16/96*

Assembly: Remove the requirement that a shoreland zoning ordinance for annexed land enacted by a city or village be at least as restrictive as the county shoreland zoning ordinance it is replacing.

In addition, If DNR, or a county as part of an ordinance, promulgates a shoreland zoning standard that establishes a setback distance (generally the distance landward from the ordinary high-water mark at which a structure may be built), provide that a shoreland zoning ordinance may allow a landowner to use an alternative setback distance if the parcel of land is located between two abutting parcels of land of which at least one has a closer setback distance (due to a nonconforming use or other exemption) than generally required. Require that the alternative setback distance be the average of the two setback distances of the abutting parcels of land.

Further, prohibit shoreland zoning ordinances from prohibiting or limiting repairs or improvements of a building or structure that is located in a shoreland setback area as of the

77. EXEMPT PIERS AND BOAT SHELTERS FROM REGULATION

Senate: No change to Joint Finance.

Assembly: Exempt piers or boat shelters that were in place on January 1, 2001 or that were seasonally placed at the same location in each of the years between 1996 and 2000 from DNR enforcement authority and permitting requirements, unless the riparian owner reconstructs or materially alters the pier or boat shelter after January 1, 2001. The exemption includes current law regulations that allow DNR to require a riparian owner to repair, renovate, modify or remove a pier or boat shelter under s. 30.12 of the statutes (generally prohibiting structures and deposits in navigable waters). The exemption also includes current law regulations that allow DNR to require the person who placed the pier or the owner of riparian land that abuts the pier to repair, renovate, modify or remove a pier.

In addition, exempt piers that were in place on January 1, 2001 or that were seasonally placed at the same location in each of the years between 1996 and 2000 from permitting requirements and enforcement authority of DNR, the governing body of a city, village or town, or a designated officer unless the riparian proprietor reconstructs or materially alters the pier after January 1, 2001. The exemption includes current law regulations that allow requirements that a riparian proprietor repair, renovate, modify or remove a pier under s. 30.13 of the statutes (regulating wharves, piers and swimming rafts and the establishment of pierhead lines). The exemption also includes piers that interfere with public rights or the rights of other riparian proprietors in navigable waters.

Further, void all DNR administrative rules currently in force that were promulgated under s. 30.12, s. 30.121 (regulating boathouses and houseboats), s. 30.13, and s. 30.131 (regulating wharves and piers placed and maintained by persons other than riparian owners). Require DNR to promulgate new rules to replace the voided rules and to submit the proposed rules to the Legislative Council staff by the first day of the 13th month after the effective date of the bill. Allow DNR to promulgate these rules as emergency rules without the finding of emergency for use until the effective date of the permanent rule.

78. REPAIRS TO HISTORICALLY OR CULTURALLY VALUABLE BOATHOUSES

Senate: No change to Joint Finance.

Per David Schug / LFB

Assembly: Exempt boathouses or fixed houseboats that a state or local historical society determines have a historic or cultural value, from current law regulations regarding their repair or maintenance. Under current law, generally the riparian owner of any boathouse or fixed houseboat extending beyond the ordinary high-water mark of any navigable waterway may repair and maintain the boathouse or fixed houseboat only if the cost of the repair or maintenance does not exceed 50% of its value.

2001

Date (time) needed

Soon

RM not run

LRB b 2093 / 1 / 1

BUDGET AMENDMENT

and MGG
RNF: _____ : _____

See form **AMENDMENTS — COMPONENTS & ITEMS.**

SENATE AMENDMENT TO SENATE SUBSTITUTE AMENDMENT 1 TO 2001 SENATE BILL 55

At the locations indicated, amend the substitute amendment as follows:

~~#. Page , line :~~

~~#. Page , line :~~

~~#. Page , line :~~

~~#. Page , line :~~

~~#. Page , line :~~

~~#. Page , line :~~

~~ARC:.....Tessmer - AM94, Rebuilding within the shoreline setback
FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION
CAUCUS ASSEMBLY AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 55~~

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 494, line 8: after that line insert:

3 “SECTION 1252m. 30.121 (3g) of the statutes is created to read:

4 30.121 (3g) EXCEPTION; HISTORICAL OR CULTURAL VALUE. Subsection (3) does not
5 apply to the repair or maintenance of a boathouse or a fixed houseboat if the
6 boathouse or fixed houseboat has a historic or cultural value, as determined by the
7 state historical society or a local or county historical society established under s.
8 44.03.”.

9 **2.** Page 668, line 13: after that line insert:

10 “SECTION 2002y. 59.692 (1rm) of the statutes is created to read:

1 59.692 (1rm) An ordinance under this section may not prohibit or limit repairs
2 or improvements of a building or structure that is located in a shoreland setback area
3 and that is in existence on the effective date of this subsection [revisor inserts
4 date], if the repair or improvement does not alter the footprint of the building or is
5 conducted in an area where construction is permitted under the ordinance.”.

6

(END)



LFB:.....Schug – Repair of a boathouse or houseboat with historic or cultural value

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

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TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

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9 (END)