

1 ***-0131/P7.169*** **SECTION 169.** 30.19 (1b) of the statutes is created to read:

2 30.19 (1b) **DEFINITION.** In the section, “artificial water body” means a proposed
3 or existing body of water that does not have a history of being a lake or stream or of
4 being part of a lake or stream.

5 ***-0131/P7.170*** **SECTION 170.** 30.19 (1m) (intro.) of the statutes is amended to
6 read:

7 30.19 (1m) ~~EXCEPTION.~~ EXCEPTIONS. (intro.) Subsection ~~(1)~~ (1g) does not apply
8 to any of the following:

9 ***-0131/P7.171*** **SECTION 171.** 30.19 (1m) (a) of the statutes is amended to read:

10 30.19 (1m) (a) The construction ~~and~~ or repair of any public highways ~~highway~~.

11 ***-0131/P7.172*** **SECTION 172.** 30.19 (1m) (b) of the statutes is amended to read:

12 30.19 (1m) (b) Any agricultural uses use of land.

13 ***-0131/P7.173*** **SECTION 173.** 30.19 (1m) (c) and (d) of the statutes are
14 repealed.

NOTE: Current s. 30.19, which requires a permit for enlargement and protection of waterways, contains an exception for navigable lakes and streams and any portion of Lake Michigan within Milwaukee County. This exception is not included in this bill so that s. 30.19 will apply uniformly to all navigable waters. However, current s. 30.05 (renumbered s. 30.223) continues to apply where lake bed grants have been made.

15 ***-0131/P7.174*** **SECTION 174.** 30.19 (1m) (e) of the statutes is amended to read:

16 30.19 (1m) (e) Any work required to maintain the original dimensions of an
17 enlargement of ~~a waterway authorized~~ an artificial water body done pursuant to a
18 permit or legislative authorization under sub. ~~(1)(a) or (b)~~ (1g) (a) or (am).

19 ***-0131/P7.175*** **SECTION 175.** 30.19 (1m) (f) of the statutes is created to read:

20 30.19 (1m) (f) Any work required to maintain any water body that serves as
21 a connection under sub. (1g) (b).

1 *~~0131/P7.176~~* SECTION 176. 30.19 (2) (intro.) and (a) to (d) of the statutes are
2 repealed.

3 *~~0131/P7.177~~* SECTION 177. 30.19 (2) (e) of the statutes is renumbered 30.19
4 (3b) (b) and amended to read:

5 30.19 (3b) (b) ~~The name and address of the secretary of any property owners'~~
6 ~~association pertaining formed with respect to the bodies of water affected by the~~
7 ~~project or if there is no such association, the names and addresses of. If no property~~
8 ~~owners' association exists, the department shall give notice to at least 5 persons who~~
9 ~~own real property located adjacent to the bodies of water. If fewer than 5 persons own~~
10 ~~real property located adjacent to the bodies of water, the names and addresses of such~~
11 ~~persons that own real estate so located shall be given department shall give notice~~
12 ~~to all of these persons.~~

13 *~~0131/P7.178~~* SECTION 178. 30.19 (2) (f) of the statutes is repealed.

14 *~~0131/P7.179~~* SECTION 179. 30.19 (3) (title) of the statutes is repealed.

15 *~~0131/P7.180~~* SECTION 180. 30.19 (3) (a) of the statutes is renumbered 30.19
16 (3b) (a) and amended to read:

17 30.19 (3b) (a) ~~Section 30.02 (3) and (4) applies to permit applications under sub.~~
18 ~~(1) (b) and (c). Notice shall be provided to the clerks of the county and The clerk of~~
19 ~~each municipality in which the project or affected body of water is located and to the~~
20 ~~persons under sub. (2) (e). For any permit application which affects the.~~

21 (c) The Milwaukee Metropolitan Sewerage District for a project that would
22 ~~affect the Milwaukee River, the Menomonee River, the Kinnickinnic River, the Root~~
23 ~~River or any tributary of those rivers, special notice shall be given to the Milwaukee~~
24 ~~metropolitan sewerage district. The metropolitan sewerage district shall have 30~~
25 ~~days to respond to the special notice.~~

1 ***-0131/P7.181*** SECTION 181. 30.19 (3) (b) of the statutes is repealed.

2 ***-0131/P7.182*** SECTION 182. 30.19 (3b) (intro.) of the statutes is created to
3 read:

4 30.19 (3b) ACTION BY DEPARTMENT. (intro.) Upon receipt of a complete
5 application for a permit under sub. (1g), the department shall follow the procedure
6 allowing the department to give notice under s. 30.245 or shall deny the application
7 as provided in s. 30.246 (1). Upon receipt of a complete application for a permit under
8 sub. (1g) (b) or (c) for a project in which there is or will be an effect on navigable waters
9 other than an effect on water quality, the department shall give notice of receipt of
10 the application as provided in s. 30.244 or shall deny the application as provided in
11 s. 30.246 (1). In addition to the notice requirements under s. 30.246 (2), the
12 department shall give notice to all of the following:

NOTE: This provision continues the applicability of notice and hearing provisions only to permit applications under sub. (2) (b) and (c). Under the current statute, the notice and hearing is not required for dredging artificial water bodies for the purpose of connection to a navigable waterway or where part of the artificial water body is within 500 feet of the ordinary high-water mark of the navigable waterway. In addition, an exemption from the notice and hearing is provided for grading or removing topsoil from the bank of navigable waters where the only effect is on water quality. This exemption allows DNR to develop a "short form" permit for grading or removing topsoil from the bank where advance notice is given to the department and the work conforms to rules of the department that describe methods for such work.

13 ***-0131/P7.183*** SECTION 183. 30.19 (4) of the statutes is renumbered 30.19 (4)
14 (intro.) and amended to read:

15 30.19 (4) ISSUANCE OF PERMIT. (intro.) ~~If the department finds that the project~~
16 ~~will not injure public rights or interest, including fish and game habitat, that the~~ The
17 department shall issue a permit under this section if the department determines that
18 all of the following apply:

19 (b) The project will not cause environmental pollution as defined in s. 299.01
20 ~~(4), that any.~~

1 (c) ~~Any enlargement connected to a navigable waterways conforms to the~~
2 ~~requirement of waterway complies with all of the laws for the relating to platting of~~
3 ~~land and for sanitation and that no.~~

4 (d) ~~No material injury will result to the rights of any riparian owners on any~~
5 ~~body of water affected will result, the department shall issue a permit authorizing~~
6 ~~the enlargement of the affected waterways of real property that abuts any water body~~
7 ~~that is affected by the project.~~

8 *~~0131/P7.184~~* SECTION 184. 30.19 (4) (a) of the statutes is created to read:

9 30.19 (4) (a) The project will not be detrimental to the public interest.

10 *~~0131/P7.185~~* SECTION 185. 30.19 (5) of the statutes is amended to read:

11 30.19 (5) ~~CONDITIONS OF PERMIT~~ REQUIREMENT FOR PUBLIC ACCESS. ~~The A permit~~
12 ~~issued under this section to construct an artificial water body and to connect it to a~~
13 ~~navigable waterway shall provide that all require that the artificial waterways~~
14 ~~constructed under this section which are connected to navigable waterways shall be~~
15 ~~water body be a public waterways . The department may impose such further~~
16 ~~conditions in the permit as it finds reasonably necessary to protect public health,~~
17 ~~safety, welfare, rights and interest and to protect private rights and property~~
18 ~~waterway.~~

19 *~~0131/P7.186~~* SECTION 186. 30.195 (1) of the statutes is amended to read:

20 30.195 (1) PERMIT REQUIRED. ~~No~~ Unless a permit has been issued under this
21 section or authorization has been granted by the legislature, no person may change
22 the course of or straighten a navigable stream without a permit issued under this
23 section or without otherwise being expressly authorized by statute to do so.

24 *~~0131/P7.187~~* SECTION 187. 30.195 (2) of the statutes is repealed and
25 recreated to read:

1 30.195 (2) ACTION BY DEPARTMENT. Upon receipt of a complete application for
2 a permit under this section for an activity that involves the relocation of more than
3 a total of 500 feet in stream length, the department shall either deny the application
4 as provided in s. 30.246 (1) or shall give notice of receipt of the application as provided
5 in s. 30.244. For a permit for an activity that involves the relocation of a total of 500
6 or less feet in stream length, the department shall either deny the application as
7 provided in s. 30.246 (1) or shall follow the procedure allowing the department to give
8 notice under s. 30.245.

9 *~~0131/P7.188~~* SECTION 188. 30.195 (3) of the statutes is renumbered 30.195
10 (3) (intro.) and amended to read:

11 30.195 (3) ~~GRANTING~~ ISSUANCE OF PERMIT. (intro.) ~~Upon application therefor,~~
12 ~~the~~ The department shall ~~grant~~ issue a permit ~~to the~~ under this section if the
13 department determines that all of the following apply:

14 (a) The applicant is the owner of any land to change the course of or straighten
15 a upon which the change in course or straightening of the navigable stream on such
16 land, if such will occur.

17 (b) The proposed change of course or straightening of the navigable stream will
18 improve the economic or aesthetic value of the owner's applicant's land and will.

19 (c) The proposed change of course or straightening of the navigable stream will
20 not adversely affect the flood flow capacity of the stream or otherwise be detrimental
21 to public rights or the public interest.

22 (d) The proposed change of course or straightening of the navigable stream will
23 not be detrimental to the rights of other riparians riparian owners located on the
24 stream. If the department finds that the rights of such riparians these riparian
25 owners will be adversely affected, it may grant issue the permit only with their the

1 consent. ~~Such permit may be granted on the department's own motion after its own~~
2 ~~investigation or after public hearing and after giving prior notice of such~~
3 ~~investigation or hearing of all of these riparian owners.~~

4 ***-0131/P7.189* SECTION 189.** 30.195 (4) and (7) of the statutes are repealed.

NOTE: It is not clear whether current s. 30.195 is subject to the requirement of a notice and hearing. Current s. 30.02 provides that the notice and hearing provisions of that statute apply in any proceeding under ch. 30 where public notice is required. Under s. 30.195 (3), the DNR may issue a permit either on its own motion or after a public hearing. This does not appear to be a clear statement that a public hearing is required, and it is therefore uncertain whether the notice and hearing requirement of current s. 30.02 applies. This bill makes the permit under s. 30.195 subject to the new mandatory notice requirements under s. 30.244 and the new hearing requirements under s. 30.245 for relocation of more than 500 feet of stream length, which corresponds with the division between type II and type III actions regarding stream locations for environmental review under ch. NR 150, Wis. Adm. Code.

This bill eliminates the current provision in s. 30.195 (4) that states that no common law liability and no liability under any other statute for damages resulting from the change in the course of the stream or straightening a stream is affected by s. 30.195. Nothing in current s. 30.195, or s. 30.195 as amended by this bill, suggests that an exemption from liability is created. Compliance with the provisions in a permit under s. 30.195 may have a bearing on the issue of negligence, but current s. 30.195 (4) is unnecessary. Also, the provision in the current statute that creates a presumption of exercising due care in complying with a permit is better addressed by the court as part of a negligence action.

The exception for land owned by Milwaukee County or a city, village or town in Milwaukee County is deleted. This provision was originally created as part of s. 30.195 when it was adopted in 1961, and was added as a floor amendment. This exception is not included in this bill so that s. 30.195 will apply uniformly to all navigable waters.

5 ***-0131/P7.190* SECTION 190.** 30.196 of the statutes is renumbered 30.313,
6 and 30.313 (intro.), as renumbered, is amended to read:

7 **30.313 Enclosure of navigable waters; issuance of permits to**
8 **municipalities.** (intro.) A municipality may enclose navigable waters by directing,
9 placing, or restricting navigable waters into an enclosed drain, conduit, storm sewer,
10 or similar structure if the department grants the municipality a permit. The
11 department may grant this permit to a municipality after ~~following the notice and~~
12 ~~hearing requirements under s. 30.02 (3) and (4) if it the procedures under ss. 30.244~~
13 ~~and 30.246 have been followed if the department finds that granting the permit:~~

1 ***-0131/P7.191*** **SECTION 191.** 30.20 (1) (title) of the statutes is repealed and
2 recreated to read:

3 30.20 (1) (title) CONTRACT OR PERMIT REQUIRED.

4 ***-0131/P7.192*** **SECTION 192.** 30.20 (1) (a) of the statutes is amended to read:

5 30.20 (1) (a) ~~No~~ Unless a contract has been entered into with the department
6 under sub. (2), no person may remove any material from the bed of any navigable lake
7 or from the bed of any outlying waters of ~~this state without first obtaining a contract~~
8 ~~as provided in sub. (2).~~

9 ***-0131/P7.193*** **SECTION 193.** 30.20 (1) (b) of the statutes is renumbered 30.20
10 (1) (b) (intro.) and amended to read:

11 30.20 (1) (b) (intro.) ~~Except as provided under pars. (c) and (d), no~~ No person
12 may remove any material from the bed of any lake or stream not mentioned under
13 par. (a) ~~without first obtaining a permit from the department under sub. (2) (c).~~
14 unless one of the following applies:

15 ***-0131/P7.194*** **SECTION 194.** 30.20 (1) (b) 1. and 2. of the statutes are created
16 to read:

17 30.20 (1) (b) 1. The department has issued the person a permit under sub. (3).

18 2. The department has determined under par. (c) that the removal is exempt
19 from a permit under sub. (3).

20 ***-0131/P7.195*** **SECTION 195.** 30.20 (1) (c) of the statutes is repealed and
21 recreated to read:

22 30.20 (1) (c) The exemption under s. 30.215 does not exempt a person from the
23 permitting requirement under par. (b) if the proposed removal for an agricultural
24 purpose is from a farm drainage ditch and the proposed removal may have a
25 long-term adverse effect on cold-water fishery resources or may destroy fish

1 spawning beds or nursery areas. A person who proposes such a removal shall notify
2 the department at least 10 days before the removal is scheduled to start if the
3 removal may have such a long-term adverse effect or may destroy fish spawning
4 beds or nursery areas.

5 ***-0131/P7.196* SECTION 196.** 30.20 (1) (d) of the statutes is renumbered
6 30.263 (3) and amended to read:

7 30.263 (3) The drainage board for the Duck Creek Drainage District may,
8 without a permit under ~~sub. (2) (e) s. 30.20 (3)~~, remove material from a drain that the
9 board operates in the Duck Creek Drainage District if the removal is required, under
10 rules promulgated by the department of agriculture, trade and consumer protection,
11 in order to conform the drain to specifications imposed by the department of
12 agriculture, trade and consumer protection after consulting with the department of
13 natural resources.

14 ***-0131/P7.197* SECTION 197.** 30.20 (2) (title), (a) and (b) of the statutes are
15 amended to read:

16 30.20 (2) (title) CONTRACTS FOR REMOVAL FROM NAVIGABLE LAKES AND OUTLYING
17 WATERS. (a) The department, ~~whenever consistent with public rights~~, may enter into
18 ~~contracts~~ a contract on behalf of the state for the removal and lease or sale of any
19 material from the bed of any navigable lake or of any of the outlying waters, ~~and for~~
20 ~~the lease or sale of the material.~~ Every if the contract is consistent with public rights.
21 Each contract entered into under this paragraph shall contain ~~such~~ any conditions
22 ~~as may be~~ that the department determines are necessary for the protection of the
23 public interest and the ~~interests~~ interest of the state ~~and.~~ Each contract entered into
24 under this paragraph shall fix the compensation to be paid to the state for the
25 material ~~so to be~~ removed, except that ~~no~~ the contract may not require that any

1 compensation may be paid for the material if the contract is with a municipality, as
2 defined in s. 281.01 (6), and if the material is to will be used for a municipal purpose
3 and will not for resale. ~~No be resold.~~ Each contract entered into under this
4 paragraph may not run for ~~a longer period~~ more than 5 years.

5 (b) The department, ~~whenever consistent with public rights,~~ may enter into
6 ~~contracts~~ a contract on behalf of the state for the removal of any mineral, ore and,
7 or other material from beneath the bed of a navigable lakes and waters, where water
8 that the state may own if the contract will be consistent with public rights and if the
9 ~~waters would~~ navigable water will not be disturbed in the removal operation and ~~for~~
10 ~~the lease and sale of such mineral, material and ore and provide the necessary~~
11 ~~regulations for all acts incident thereto.~~ ~~Every such.~~ Each contract entered into
12 under this paragraph shall contain such any conditions as ~~may be~~ that the
13 department determines are necessary for the protection of the public interest and the
14 ~~interests~~ interest of the state, and. Each contract entered into under this paragraph
15 shall fix the compensation to be paid to the state for the ~~material, mineral and ore~~
16 ~~so~~ mineral, ore, or other material to be removed. ~~No~~ Each contract entered into,
17 ~~pursuant to~~ under this paragraph, shall may not run for ~~a longer period~~ more than
18 75 years. ~~Should any doubt exist as to whether the state, in fact, owns such lake bed~~
19 ~~or stream bed such contract or lease shall be for such interests, if any, as the state~~
20 ~~may own.~~ ~~Title to the royalties to be paid when~~ After mining operations are have
21 begun, the department shall be determined at such future time as determine the date
22 before which the royalties for ores ~~so sold are paid or~~ any mineral, ore, or other
23 material that is removed and sold are due and payable.

24 ***-0131/P7.198*** SECTION 198. 30.20 (2) (c) of the statutes is renumbered 30.20
25 (3) (a) and amended to read:

1 30.20 (3) (a) ~~A permit~~ The department may issue a permit to remove material
2 from the bed of any lake or stream ~~not included~~ described in sub. (1) (a) ~~may be issued~~
3 ~~by if~~ the department ~~if it finds that the issuance of such a~~ the permit will be
4 consistent with the public interest in the water involved. ~~A permit or contract issued~~
5 ~~under this paragraph may be issued for up to 10 years if the applicant notifies the~~
6 ~~department at least 30 days before removing any material~~ lake or stream.

7 ***-0131/P7.199*** SECTION 199. 30.20 (3) (title) and (b) of the statutes are
8 created to read:

9 30.20 (3) (title) PERMITS FOR REMOVAL FROM OTHER WATERS.

10 (b) If an applicant for a permit under par. (a) submits the application at least
11 30 days before the proposed date of the removal, the department may issue the
12 permit for a period of up to 10 years.

13 ***-0131/P7.200*** SECTION 200. 30.20 (4) of the statutes is created to read:

14 30.20 (4) ACTION BY DEPARTMENT. (a) Upon receipt of a complete application for
15 a permit or contract under this section for an activity that involves the removal of
16 3,000 or more cubic yards of material, the department shall either deny the
17 application as provided in s. 30.246 (1) or shall give notice of receipt of the application
18 as provided in s. 30.244, except as provided in par. (b).

19 (b) The department shall either deny the application as provided in s. 30.246
20 (1) or shall follow the procedure allowing the department to give notice under s.
21 30.245 if any of the following applies:

- 22 1. The activity involves of the removal of less than 3,000 cubic yards of material.
23 2. The activity involves the restoration of the original dimensions of an area
24 legally dredged during the 10 years before the date of application for the permit or
25 contract.

NOTE: Current s. 30.20 does not contain a requirement for public notice or a hearing under s. 30.02. This bill makes a permit or contract under s. 30.20 subject to the notice and hearing requirements of new ss. 30.244, 30.245, and 30.246 for dredging that involves the removal of more than 3,000 cubic yards, which corresponds with the threshold for a type II action for purposes of environmental review under ch. NR 150, Wis. Adm. Code.

1 ***-0131/P7.201*** **SECTION 201.** 30.202 of the statutes is renumbered 30.333,
2 and 30.333 (3), as renumbered, is amended to read:

3 30.333 (3) **EXEMPTION FROM STATUTES AND RULES.** Dredge spoil disposal activities
4 authorized under sub. (2) are exempt from any prohibition, restriction, requirement,
5 permit, license, approval, authorization, fee, notice, hearing, procedure, or penalty
6 specified under this chapter, s. 29.601, ~~30.01 to 30.20, 30.21 to 30.99~~, 59.692, 61.351,
7 62.231, or 87.30, or chs. 281 to 285 or 289 to 299, except s. 281.48, or specified in any
8 rule promulgated, order issued, or ordinance adopted under those sections or
9 chapters.

10 ***-0131/P7.202*** **SECTION 202.** 30.2025 of the statutes is renumbered 30.278,
11 and 30.278 (5) (d), as renumbered is amended to read:

12 30.278 (5) (d) It may not cause environmental pollution, ~~as defined in s. 299.01~~
13 (4).

14 ***-0131/P7.203*** **SECTION 203.** 30.2026 of the statutes is renumbered 30.279,
15 and 30.279 (2) (d) and (3) (a), as renumbered, are amended to read:

16 30.279 (2) (d) The village of Belleville shall create any artificial barrier under
17 this section in compliance with all state laws that relate to navigable bodies of water,
18 except s. 30.12 (1) ~~and (2)~~.

19 (3) (a) The village of Belleville shall maintain any artificial barrier created as
20 authorized under sub. (1). If a landowner of more than 500 feet of Lake Belle View
21 shoreline, a portion of which is located within 1,000 feet of any such artificial barrier,
22 is dissatisfied with the manner in which the village of Belleville is maintaining the

1 barrier, the owner may maintain the barrier in lieu of the village, upon approval of
2 the department. The village or a landowner who maintains the barrier shall comply
3 with all state laws that relate to navigable bodies of water, except s. 30.12 (1) and (2).
4 The department may require the village of Belleville or the landowner to maintain
5 the barrier in a structurally and functionally adequate condition.

6 ***-0131/P7.204* SECTION 204.** 30.203 of the statutes is renumbered 30.355,
7 and 30.355 (4) (d), as renumbered, is amended to read:

8 30.355 (4) (d) It may not cause environmental pollution, ~~as defined in s. 299.01~~
9 (4).

10 ***-0131/P7.205* SECTION 205.** 30.2035 of the statutes is repealed.

NOTE: The repealed statute requires the DNR to undertake a shoreline protection
study. This study has been issued and the DNR is in the process of promulgating rules.

11 ***-0131/P7.206* SECTION 206.** 30.2037 of the statutes is renumbered 30.267.

12 ***-0131/P7.207* SECTION 207.** 30.204 of the statutes is renumbered 30.373,
13 and 30.373 (5), as renumbered, is amended to read:

14 30.373 (5) EXEMPTION FROM CERTAIN STATUTES AND RULES. Activities of the
15 department in conducting the lake acidification experiment are exempt from any
16 prohibition, restriction, requirement, permit, license, approval, authorization, fee,
17 notice, hearing, procedure, or penalty specified under this subchapter and subchs.
18 V and VI and s. 29.601 (3), 30.01 to 30.03, 30.06 to 30.16, 30.18 to 30.29, 30.50 to
19 30.99, 59.692, 61.351, 62.231, 87.30, 287.81, 299.15 to 299.23, 299.91, 299.95, or
20 299.97 or chs. 281, 283 or 289 to 292 or specified in any rule promulgated, order
21 issued, or ordinance adopted under any of those sections or chapters.

22 ***-0131/P7.208* SECTION 208.** 30.205 of the statutes is renumbered 30.335,
23 and 30.335 (title), as renumbered, is amended to read:

1 **30.335** (title) **Water resources development projects; federal**
2 **agreements.**

3 ***-0131/P7.209*** SECTION 209. 30.206 of the statutes is renumbered 30.221,
4 and 30.221 (1) and (7), as renumbered, are amended to read:

5 30.221 (1) For activities or projects which require a permit ~~or approval~~ under
6 ss. 30.12 (3) (a) and 30.19 ~~(1)~~ (1g) (a), the department may issue a general permit
7 authorizing a class of activities, according to rules promulgated by the department.
8 Before issuing general permits, the department shall determine, after an
9 environmental analysis and notice and hearing under ss. 227.17 and 227.18, that the
10 cumulative adverse environmental impact of the class of activity is insignificant and
11 that issuance of the general permit will not injure public rights or interest, cause
12 environmental pollution, ~~as defined in s. 299.01 (4)~~, or result in material injury to the
13 rights of any riparian owner.

14 (7) This section does not apply to an application for a general permit for the
15 Wolf River and Fox River basin area or any area designated under s. ~~30.207~~ 30.223
16 (1m) if the application for the general permit may be submitted under s. ~~30.207~~
17 30.223.

18 ***-0131/P7.210*** SECTION 210. 30.207 of the statutes is renumbered 30.223,
19 and 30.223 (1), (3) (a) and (c) 6., (4) (c) 1., (5), (6) (a) and (7) (a) and (b), as renumbered,
20 are amended to read:

21 30.223 (1) GEOGRAPHICAL AREA. For purposes of this section and s. ~~30.12(3)(bt)~~
22 30.276, the Wolf River and Fox River basin area consists of all of Winnebago County;
23 the portion and shoreline of Lake Poygan in Waushara County; the area south of
24 STH 21 and east of STH 49 in Waushara County; that portion of Calumet County in
25 the Lake Winnebago watershed; all of Fond du Lac County north of STH 23; that

1 portion of Outagamie County south and east of USH 41; that portion of Waupaca
2 County that includes the town of Mukwa, city of New London, town of Caledonia,
3 town of Fremont; and the portion and shoreline of Partridge Lake and the Wolf River
4 in the town of Weyauwega.

5 (3) (a) Any local entity, ~~as defined listed~~ in s. 30.77 (3) ~~(dm)~~ (11) (a), any group
6 of 10 riparian owners who will be affected by the issuance of a general permit, or any
7 contractor who is or has been involved in the construction of structures or along
8 navigable waters may apply for a general permit under this section.

9 (c) 6. The names and addresses of at least 5 persons who own real property
10 located adjacent to the navigable waters located in the proposed permit area. If fewer
11 than 5 persons own real property adjacent to such these waters, the application shall
12 include the names and addresses of all of these persons.

13 (4) (c) 1. Any local entity, ~~as defined~~ in s. 30.77 (3) ~~(dm)~~, (11) (a) that has an
14 interest in the quality or use of or that has jurisdiction over the navigable waters
15 located in the proposed permit area.

16 (5) ~~HEARING REQUIREMENTS~~ NOTICE AND HEARING. If an activity for which an
17 application for which a general permit has been submitted would be subject to the
18 ~~hearing and notice~~ provisions under s. 30.02 (3) ~~and (4)~~ 30.244 or 30.245 for the
19 issuance of an individual permit, the department shall comply with those provisions.
20 ~~Notice and hearing shall be required on an application for a general permit under~~
21 ~~this section only if a notice and hearing are required under s. 30.02 (3) and (4) for the~~
22 ~~activity as part of an application for an individual permit under this chapter.~~

23 (6) (a) The department shall issue a general permit under this section if the
24 department determines that the cumulative adverse environmental impact of the
25 activity in the proposed permit area is insignificant and that the issuance of the

1 general permit will not injure public rights or interest, cause environmental
2 pollution, as defined in s. 299.01 (4), or result in material injury to the rights of any
3 riparian owners.

4 (7) (a) At least 15 days before beginning the activity that is authorized by a
5 general permit under this section, the person who wishes to conduct the activity shall
6 submit a notice to the department and shall pay the fee specified in s. ~~30.28~~ 30.243
7 (2) (b) 2. The notice shall describe the activity, state the name of the person that will
8 be conducting the activity, and state the site where the activity will be conducted.
9 The notice shall also contain a statement signed by the person conducting the
10 activity that the person will act in conformance with the standards contained in the
11 general permit.

***NOTE: MGG/RNK — Re: s. 30.207 (3) (a) and (4) (c) 1., check RNK's draft to
verify that the changes work. ✓

12 (b) Upon receipt of a notice that complies with par. (a), the department may
13 inform the person that the activity may not be conducted under the general permit
14 if conditions at the site where the activity would be conducted would cause adverse
15 environmental impact, injure public rights and interests, or cause environmental
16 pollution, as defined in s. 299.01 (4). The department shall respond to the person
17 within 15 days after receiving the notice. Failure of the department to respond
18 within 15 days shall constitute the department's approval of the activity under the
19 general permit.

20 *-0131/P7.211* SECTION 211. 30.21 of the statutes is renumbered 30.293.

21 *-0131/P7.212* SECTION 212. 30.213 (title) of the statutes is created to read:
22 **30.213 (title) Municipal bridge construction.**

23 *-0131/P7.213* SECTION 213. 30.215 of the statutes is created to read:

1 **30.215 Farm drainage ditches.** Except as provided in s. 30.20 (1) (c), a project
2 that is for an agricultural purpose and is located in or adjacent to a farm drainage
3 ditch is exempt from the requirement for a permit, contract, or approval under this
4 subchapter unless it is shown, by means of a U.S. geological survey map or other
5 reliable scientific evidence, that the farm drainage ditch was a stream that was a
6 navigable water prior to ditching.

NOTE: The current statute related to farm drainage ditches is as follows:

“30.10 (4) (c) Notwithstanding any other provision of law, farm drainage ditches are not navigable within the meaning of this section unless it is shown that the ditches were navigable streams before ditching. For purposes of this paragraph, “farm drainage ditch” means any artificial channel which drains water from lands which are used for agricultural purposes.”

The proposed language in new s. 30.215 differs in 2 key respects from the current statute. The primary difference is that the exemption clearly applies to a project for an agricultural purpose, not to the farm drainage ditch itself. Thus, a project for other than agricultural purposes would require a permit, even though the drainage ditch was originally constructed as and continues to be used as a farm drainage ditch.

The other difference is that the statute specifies the kind of evidence that may be used to show stream history.

7 ***-0131/P7.214*** SECTION 214. 30.24 of the statutes is renumbered 30.357.

8 ***-0131/P7.215*** SECTION 215. 30.243 (3) (c) of the statutes is created to read:

9 30.243 (3) (c) This section does not apply to a permit issued under s. 30.221.

10 ***-0131/P7.216*** SECTION 216. 30.244 to 30.246 of the statutes are created to
11 read:

12 **30.244 Permit procedures; mandatory notice of receipt of application.**

13 For the issuance of permits or the entering into of contracts which require notice of
14 the receipt of application by the department, the department shall give written
15 notice of receipt of the application as provided in s. 30.246 (2) unless the department
16 denies the application in s. 30.246 (1).

17 **30.245 Permit procedures; optional notice of receipt of application. (1)**

18 For the issuance of permit or the entering into of contracts which do not require
19 notice of the receipt of the application by the department, the department shall either

1 deny the application as provided in s. 30.246 (1) or shall approve the application
2 without notice or hearing unless the department decides to act under sub. (2).

3 (2) The department may give written notice of receipt of the application as
4 provided in s. 30.246 (2) if the department determines that a substantial interest of
5 any person may be adversely affected by issuing the permit or entering into the
6 contract.

7 **30.246 Permit procedures; denial; notice; mediation; hearing.** (1)
8 DENIALS. The department may deny an application for a permit or contract under this
9 subchapter after receipt of a complete permit or contract application. If the
10 department denies an application, the department shall notify the applicant in
11 writing.

12 (2) NOTICE REQUIREMENTS. (a) If the department gives notice of receipt of an
13 application under s. 30.244 or 30.245 (2), the notice shall describe the project and the
14 applicable notice, mediation, and hearing procedures under this section. The
15 department shall give notice of receipt to all of the following:

- 16 1. The applicant.
- 17 2. Each representative of a local governmental unit required to receive notice
18 under s. 30.04 (3).
- 19 3. Any person who is required by law to receive notice.

20 (b) The department shall also post the notice on the Internet at a site
21 determined by the department.

22 (c) After notice has been given as required under pars. (a) and (b), the applicant,
23 or any other person authorized by the department, shall publish the notice of receipt
24 of the application as a class 1 notice, under ch. 985, in a newspaper designated by the
25 department that is likely to give notice in the area to be affected by the permit or

1 contract. The applicant shall file proof of publication under this paragraph with the
2 department.

3 (3) REQUEST FOR HEARING. (a) Any person may request in writing a contested
4 case hearing on an application for a permit or contract or for mediation under sub.
5 (5) within 30 days after the notice is published under sub. (2) (c).

6 (b) If a person requesting the contested case hearing under par. (a) or after
7 medication is ended as provided in sub. (5) is not the applicant for the permit or
8 contract, the request shall describe the requester's objection to the permit or contract
9 and shall contain all of the following:

10 1. A description of the legal issues involved that is sufficiently specific to allow
11 the department to determine which provisions of this subchapter may be violated if
12 the permit is issued or the contract is entered into.

13 2. A description of the facts supporting the objection that is sufficiently specific
14 to determine how the objector believes the project, as proposed, may result in a
15 violation of the provisions of this subchapter as described in subd. 1.

16 3. A commitment by the person requesting the contested case hearing under
17 this paragraph to appear at the contested case hearing and present information
18 supporting the requester's objection.

19 (c) The department shall approve or deny the application without a hearing if
20 any of the following applies:

21 1. The request for a contested case hearing does not comply with all of the
22 requirements under pars. (a) and (b).

23 2. The objection contained in the request is not a substantive written objection.

24 (d) The department shall determine that an objection is substantive if the
25 department determines that the supporting facts contained in the objection under

1 par. (b) 2. appear to be substantially true and raise reasonable doubts as to whether
2 provisions of this subchapter may be violated if the permit is issued or the contract
3 is entered into.

4 (e) In making the determination under par. (d), the department may request
5 additional information from the person requesting a contested case hearing, and the
6 person shall submit the requested information within 14 days after receiving the
7 request. If the person fails to submit the requested information within 14 days, the
8 department shall make a determination that the objection is not a substantive
9 objection.

10 (f) If the department denies an application under par. (c) or sub. (1) or (5) (c),
11 the applicant may request in writing a contested case hearing within 30 days after
12 receiving the denial.

13 (4) REFERRAL FOR HEARING. If the request for a contested case hearing complies
14 with sub. (3) (a) and (b), the objection contained in the request is a substantive
15 objection, and no mediation is pending under sub. (5), the department shall
16 authorize the contested case hearing and notify the division of hearings and appeals
17 under s. 227.43 (2) (a).

18 (5) MEDIATION. (a) At any time after notice has been given under sub. (2) and
19 before the date on which the contested case hearing will begin, the department shall
20 allow for mediation if the department, the applicant for the permit or contract, any
21 person who requests a contested case hearing on the permit or contract, and any
22 person with a substantial interest in the permit or the contract all agree to
23 mediation. The participants shall determine how the mediator is to be selected and
24 compensated.

1 (b) If the mediator determines that an agreement cannot be reached by
2 mediation, the mediator shall certify the mediation as having ended. Within 30 days
3 after the date on which the mediation is certified as having ended, any participant
4 in the mediation may request in writing to the department that the department
5 proceed on the application.

6 (c) If the department does not receive a request under par. (b) within the 30-day
7 period, the department shall either approve the application without a hearing or
8 deny the application.

9 (6) HEARING. (a) Upon receiving notification from the department under this
10 subsection, the division of hearings and appeals shall assign a hearing examiner and
11 shall ensure that the hearing is conducted within 60 days after the notification is
12 received.

13 (b) The division of hearings and appeals shall give notice of the hearing at least
14 10 days before the hearing to the applicant, to each person who was given notice
15 under sub. (2) (a), and to each person who requested a contested case hearing.

16 (c) The applicant shall publish a class 1 notice, under ch. 985, of the contested
17 case hearing in a newspaper, designated by the department, that is likely to give
18 notice in the area to be affected by the permit or contract. The notice shall be
19 published at least 10 days before the hearing. The applicant shall file proof of
20 publication under this paragraph with the hearing examiner at or before the
21 hearing.

NOTE: The notice and hearing provisions in current s. 30.02 are repealed and recreated here. The basic structure of this statute remains the same: the notice and hearing procedures apply to any permit or contract in which a notice and hearing is required by direct cross-reference to this section. In any other statute that provides a permit or contract for activities in navigable waters, the DNR may apply the notice and hearing procedures if the substantial interests of any party may be adversely affected by the proceeding. The statute provides a time frame within a contested case hearing may be requested and requires various notices to be mailed or published.

Proposed ss. 30.244, 30.245, and 30.246 have several major additions compared to the current statute. The first difference is that the current statute does expressly provide that the DNR may deny the application for a permit or contract. The current statute requires the DNR either to schedule a hearing or issue notice that it will proceed without a hearing unless a request for hearing is made. As a result, an individual who opposes a permit must request a hearing, even if the DNR expects to deny the application. The new procedure allows the DNR to deny the application for a permit or contract, and the applicant may request a contested case hearing on this decision.

The 2nd difference is that the DNR is directed to post notice of the complete permit or contract application and the opportunity to request a hearing on the Internet. In addition, a provision in the current statute requiring the DNR to provide notice to any person who requests notice of projects of that type, location or other classification is eliminated. Also, notice is required to affected town sanitary districts, public inland lake protection and rehabilitation districts and county drainage boards.

The 3rd difference is that a mediation option is provided. There is no comparable provision in the current statute. The applicant and DNR must agree to be a party to the mediation. The mediation process is primarily expected to address issues of concern to owners of property near the proposed project. If an agreement is not reached in mediation, the parties to the mediation may request a contested case hearing.

The 4th difference is that the requirement of a substantive written objection, which is a condition for obtaining a contested case hearing under the current statute, is clarified and made more detailed. The current statute requires the objector to state why the project may violate statutory provisions applicable to the project. The purpose of this requirement is to avoid contested case hearings when there is not merit to the challenge--i.e., the facts alleged by the objector are not true or do not relate to the legal standards for issuing or denying the permit. The special committee believes that the current statute, as administered by DNR, has not been sufficient to avoid challenges to permits in contested case hearings that are ultimately determined to be without merit. This bill adds to the information that must be submitted by the objector, allows the department to request additional information from the objector, and requires the department to do a thorough evaluation of the grounds for the objection, both legal and factual.

This provision omits the option for the department to schedule a public hearing upon receipt of an application, rather than providing notice of the application. This option is no longer necessary if the department is given authority to deny an application, as provided in this section.

1 ***-0131/P7.217*** SECTION 217. 30.25 of the statutes is renumbered 30.269.

2 ***-0131/P7.218*** SECTION 218. 30.253 of the statutes is created to read:

3 **30.253 Permit or contract conditions.** The department may impose
4 additional conditions on a permit or contract under this subchapter if the
5 department determines that the conditions are necessary to ensure compliance with
6 any applicable provision under this subchapter.

7 ***-0131/P7.219*** SECTION 219. 30.26 of the statutes is renumbered 30.271.

1 ***-0131/P7.220*** SECTION 220. 30.263 (title) and (1) (title) of the statutes are
2 created to read:

3 **30.263** (title) **Duck Creek Drainage District.** (1) (title) DECLARATION OF
4 NAVIGABILITY.

5 ***-0131/P7.221*** SECTION 221. 30.265 of the statutes is renumbered 30.375.

6 ***-0131/P7.222*** SECTION 222. 30.266 (1) (intro.) of the statutes is created to
7 read:

8 30.266 (1) DEFINITIONS. (intro.) In this section:

9 ***-0131/P7.223*** SECTION 223. 30.27 of the statutes is renumbered 30.273.

10 ***-0131/P7.224*** SECTION 224. 30.275 of the statutes is renumbered 30.359.

11 ***-0131/P7.225*** SECTION 225. 30.277 of the statutes is renumbered 30.361.

12 ***-0131/P7.226*** SECTION 226. 30.28 of the statutes is renumbered 30.243, and
13 30.243 (1), (2) (a) (intro.) and (b), (2m) (am), (b) and (d) and (2r) (b), as renumbered,
14 are amended to read:

15 30.243 (1) FEES REQUIRED. The department shall charge a permit or approval
16 fee for carrying out its duties and responsibilities under ~~ss. 30.10 to 30.205, 30.207~~
17 ~~and 30.21 to 30.27~~ this subchapter. The permit or approval fee shall accompany the
18 permit application, notice, or request for approval.

19 (2) (a) (intro.) For fees charged for permits and approvals under ~~ss. 30.10 to~~
20 ~~30.205 and 30.21 to 30.27~~ this subchapter, except s. 30.223, the department shall
21 classify the types of permits and approvals based on the estimated time spent by the
22 department in reviewing, investigating, and making determinations whether to
23 ~~grant~~ issue the permits or approvals. The department shall then set the fees as
24 follows:

1 (b) 1. For an application for a general permit submitted under s. ~~30.207~~ 30.223
2 (3), the fee shall be \$2,000.

3 2. For a notice submitted under s. ~~30.207~~ 30.223 (7), the fee shall be \$100.

4 (2m) (am) The department shall refund 50% of the fee specified in sub. (2) (b)
5 1. if the department denies an application for a general permit under s. ~~30.207~~ 30.223
6 (3) (d) 1. or does not issue a general permit under s. ~~30.207~~ 30.223 (6).

7 (b) If the applicant applies for a permit, requests an approval, or submits a
8 notice under s. ~~30.207~~ 30.223 (7) after the project is begun or after it is completed,
9 the department shall charge an amount equal to twice the amount of the fee that it
10 would have charged under this section.

11 (d) The department, by rule, may increase any fee specified in sub. (2) (a). The
12 department, by rule, may increase a fee specified in sub. (2) (b) only if the increase
13 is necessary to meet the costs incurred by the department in acting on general
14 permits or on notices submitted under s. ~~30.207~~ 30.223.

15 (2r) (b) If the department promulgates a rule under par. (a), the rule shall
16 contain a time limit for each type of permit or approval classified under sub. (2) (a)
17 for determining whether the department will ~~grant~~ issue the permit or approval.

18 *-0131/P7.227* SECTION 227. 30.29 of the statutes is renumbered 30.86.

19 *-0131/P7.228* SECTION 228. 30.292 of the statutes is repealed.

NOTE: The repealed provision relates to parties to a violation. An identical provision that applies to ch. 30 in its entirety already exists in s. 30.99.

20 *-0131/P7.229* SECTION 229. 30.294 of the statutes is renumbered 30.86.

21 *-0131/P7.230* SECTION 230. 30.298 of the statutes (title) is repealed.

***NOTE: RNK/MGG — Take out the creation of s. 30.381 (title), which is in RNK's half of the draft.

1 ***-0131/P7.231*** SECTION 231. 30.298 (1) of the statutes is renumbered 30.381
2 (1) and amended to read:

3 30.381 (1) GENERAL PENALTY. Any person who violates any provision of ss. ~~30.12~~
4 ~~to 30.21~~ 30.095, 30.123, 30.135 to 30.20, 30.217, 30.223, 30.266, 30.276 to 30.293,
5 30.313, 30.355, or 30.85 for which a penalty is not provided under ~~the applicable~~
6 ~~section or by sub. (2) or (3)~~ subs. (2) to (7) shall forfeit not less than \$100 nor more
7 than \$10,000 for the first offense and shall forfeit not less than \$500 nor more than
8 \$10,000 upon conviction of the same offense a 2nd or subsequent time.

9 ***-0131/P7.232*** SECTION 232. 30.298 (2) of the statutes is renumbered 30.381
10 (6).

11 ***-0131/P7.233*** SECTION 233. 30.298 (3) of the statutes is renumbered 30.381
12 (7) and amended to read:

13 30.381 (7) GENERAL PERMITS. Any person who violates s. ~~30.206~~ 30.221 shall
14 forfeit not less than \$10 nor more than \$500 for the first offense and shall forfeit not
15 less than \$50 nor more than \$500 upon conviction of the same offense a 2nd or
16 subsequent time.

17 ***-0131/P7.234*** SECTION 234. 30.298 (4) of the statutes is renumbered 30.98
18 (3) and amended to read:

19 30.98 (3) A violation of a permit, contract, or order issued under this chapter,
20 or a violation of a condition or term under the permit, contract, or order, is a violation
21 of the statute under which the permit, contract, or order was issued.

22 ***-0131/P7.235*** SECTION 235. 30.298 (5) of the statutes is renumbered 30.381
23 (8) and amended to read:

24 30.381 (8) ADDITIONAL ORDERS. In addition to ~~the any~~ forfeitures specified under
25 subs. (1) ~~to (3), (6), and (7),~~ the court may order the defendant to perform or refrain

1 from performing such acts as may be necessary to fully protect and effectuate the
2 public interest in navigable waters. The court may order abatement of a nuisance,
3 restoration of a natural resource, or other appropriate action designed to eliminate
4 or minimize any environmental damage caused by the defendant.

5 ***-0131/P7.236* SECTION 236.** Subchapter III (title) of chapter 30 [precedes
6 30.30] of the statutes is renumbered subchapter IV (title) of chapter 30 [precedes
7 30.491].

8 ***-0131/P7.237* SECTION 237.** 30.30 of the statutes is renumbered 30.491, and
9 30.491 (5) and (7), as renumbered, are amended to read:

10 30.491 (5) ACQUISITION OF LAND. Acquire such lands or interests therein as it
11 deems necessary for properly carrying out its powers under this ~~chapter~~ subchapter,
12 including such lands outside the municipal limits as are necessary to protect its
13 property or to carry out its powers under sub. (3). Such acquisition may be by
14 condemnation proceedings.

15 (7) DOING OF WORK. Contract for the doing of the work authorized by this section
16 or purchase the necessary equipment for the doing of the work itself, but if the
17 municipality has established a board of harbor commissioners such board shall have
18 charge of the letting of contracts and shall supervise the doing of the work, except
19 as provided in ss. ~~30.31~~ 30.492 (1) and ~~30.32~~ 30.493 (2).

20 ***-0131/P7.238* SECTION 238.** 30.31 of the statutes is renumbered 30.492, and
21 30.492 (1), (4) and (6), as renumbered, are amended to read:

22 30.492 (1) SUPERVISION OF WORK. In exercising the powers granted by s. ~~30.30~~
23 30.491 (1) to (3), a municipality shall be governed by the law governing the laying out,
24 improvement, and repair of streets and bridges in such municipality, so far as
25 applicable, except that no petition of property owners for doing any such work is

1 necessary. If the municipality has established a board of harbor commissioners, such
2 board shall be in charge of the work unless the board determines that it is not
3 equipped to supervise the work and by resolution delegates such function to the
4 agency which ordinarily performs such function for the municipality. If the
5 municipality does not have a board of harbor commissioners, the municipality's
6 board of public works or, in the event there is no such board, the municipality's
7 governing body shall be in charge of the work.

8 (4) ACQUISITION OF LAND. In acquiring land by condemnation for any of the
9 purposes specified in this ~~chapter~~ subchapter, a municipality shall be governed by
10 the law relating to condemnation of land for public grounds or street purposes.
11 Whenever land is acquired through a land contract arrangement, such contract may
12 create a lien on such lands for the purchase price and interest thereon but shall not
13 create any liability therefor on the part of the municipality.

14 (6) SPECIAL ASSESSMENTS. Special assessments for benefits to lands, when
15 authorized by s. ~~30.30~~ 30.491 (4), shall be made and enforced as provided by s.
16 66.0703, except that at any time within the 90-day period immediately following the
17 publication of the final resolution as required by s. 66.0703 (8) (d), the owner of any
18 property along which such improvement is to be made may elect to make the
19 improvement along the owner's property at the owner's expense in accordance with
20 the approved plans and specifications or in a manner which conforms to good
21 engineering practice and which provides for materials and designs which, with
22 respect to strength and permanence, are at least equal to the requirements of the
23 approved plans and specifications. If the owner makes the improvement at the
24 owner's expense, no assessment of benefits shall be made therefor. If such owner
25 fails to commence the work within the 90-day period specified herein or fails to carry

1 on and complete the work with due diligence, the work may be done or completed by
2 the municipality and assessment of benefits made therefor.

3 ***-0131/P7.239*** SECTION 239. 30.32 of the statutes is renumbered 30.493.

4 ***-0131/P7.240*** SECTION 240. 30.323 (title) of the statutes is created to read:
5 **30.323 (title) Pierhead lines.**

6 ***-0131/P7.241*** SECTION 241. 30.327 (title) of the statutes is created to read:
7 **30.327 (title) Municipal duty to report violations.**

8 ***-0131/P7.242*** SECTION 242. 30.33 of the statutes is renumbered 30.494.

9 ***-0131/P7.243*** SECTION 243. 30.34 of the statutes is renumbered 30.495, and
10 30.495 (1), (2), (3) (a) and (4), as renumbered, are amended to read:

11 30.495 (1) HARBOR FUND TO BE CREATED. All municipalities operating a public
12 harbor through a board of harbor commissioners shall establish in the municipal
13 treasury a revolving fund to be known as the “harbor fund”. Moneys for such fund
14 may be raised by appropriation from the general fund or by taxation or loan as other
15 moneys in the general fund are raised. Moneys in such fund may be expended only
16 as provided in s. ~~30.38~~ 30.498 (13).

17 (2) FINANCING DOCK WALLS AND SHORE PROTECTION WALLS. A municipality may
18 pay either or both the assessable and nonaccessible parts of the cost of the
19 construction, maintenance, or repair of any dock wall or shore protection wall,
20 authorized by s. ~~30.30~~ 30.491 (3), out of its general fund or other available funds, or
21 it may finance such work through the issuance of its negotiable bonds as provided
22 in ch. 67, except that it is not necessary to include such bonds in the municipal budget
23 or to submit the question of their issuance to a referendum vote of the electors. The
24 bonds shall be serial bonds, shall be payable at any time within 10 years, and shall
25 bear interest payable either annually or semiannually as the governing body

1 determines. The bonds shall be a direct obligation of the municipality and the full
2 faith and credit of the municipality shall be pledged for their payment. No such
3 bonds shall be issued unless at or before the time of their issuance the governing body
4 levies a direct annual tax sufficient to pay the principal and interest thereon as they
5 fall due.

6 (3) (a) Any municipality may, with the consent of its board of harbor
7 commissioners, finance the cost of acquisition, construction, alteration, or repair of
8 any harbor facility by issuing evidences of indebtedness payable only out of the
9 revenue obtained from the public harbor facilities. Such evidences of indebtedness
10 may be revenue bonds, refunding bonds, or bond anticipation notes issued under s.
11 30.35 30.496 or 66.1103 or may be pledges or assignments of net profits, issued
12 pursuant to s. 66.0621 (5) as if the harbor facility were a public utility.

13 (4) EMERGENCY REPAIR FUND. Any municipality having established a board of
14 harbor commissioners to operate its harbor facilities may create a contingent fund
15 for the purpose of permitting the secretary of the board to pay for repairs to harbor
16 facilities which constitute emergency repairs within the meaning of s. ~~30.32~~ 30.493
17 (4). The secretary may pay for such repairs out of such fund on the secretary's
18 signature alone.

19 ***-0131/P7.244* SECTION 244.** 30.341 (title) of the statutes is created to read:

20 **30.341 (title) Activities of department of transportation.**

21 ***-0131/P7.245* SECTION 245.** 30.341 (1) of the statutes is created to read:

22 30.341 (1) In this section, "inland waters" has the meaning given in s. 29.001

23 (45).

24 ***-0131/P7.246* SECTION 246.** 30.343 (title) of the statutes is created to read:

25 **30.343 (title) Activities of board of commissioners of public lands.**