

Insert 5-14

Q  
Q

SECTION CR; 30.01 (Imp)

30.01 (Imp) "Division of hearings and appeals" means  
the division of hearings and appeals in the department  
of administration.

LPS:  
this text  
can be found  
in Ch. 301 (Imp)

INSERT  
8-6



Section #. 30.12 (3) (c) of the statutes is amended to read:

30.12 (3) (c) The department may promulgate rules ~~deemed necessary~~ to carry out the purposes of par. (a) 6., including rules to establish minimum standards to govern the architectural features of boat shelters and the number of boat shelters that may be constructed adjacent to a parcel of land. The rules may not govern the aesthetic features or color of boat shelters. The standards shall be designed to assure the structural soundness and durability of a boat shelter. A municipality may enact ordinances not inconsistent with this section or with rules promulgated under this section regulating the architectural features of boat shelters.

History: 1975 c. 250, 421; 1977 c. 130, 447; 1981 c. 226, 330; 1981 c. 390 s. 252; 1987 a. 374; 1989 a. 31; 1993 a. 132, 151, 236, 491; 1995 a. 27, 201, 227; 1997 a. 35, 248; 1999 a. 9; 2001 a. 16.

2003-2004 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0131/P2insA  
MGG:kmg:pg

INSERT 26-7

5  
y  
\*\*\*\*NOTE: MGG: Section 30.12 (5) has a number of grammatical problems; note the "and it is alleged" phrase - to what is the conjunction "and" attached (there should be a first and second parallel phrase); "if" has been added before "it is alleged" but that does not cure the problem. Also, the intent may be to say that both violations occurred within one 5-year period, but the statute does not say that. Have MGD review this in later version.

~~\*\*\*\*NOTE:~~

~~\*\*\*\*NOTE:~~

~~\*\*\*\*NOTE:~~

~~\*\*\*\*NOTE:~~

~~\*\*\*\*NOTE:~~

INSERT 25-  
10 B

\*\*\*\*NOTE: There is a conflict between s. 30.12 (5) (a) and (b). Which one applies when a person falls into the 5-year period language.  
^

Section #. 60.782 (2) (d) of the statutes is amended to read:

60.782 (2) (d) Lease or acquire, including by condemnation, any real property situated in this state that may be needed for the purposes of s. 23.09 (19), 23.094 (3g) or ~~30.275~~ <sup>30.359</sup> (4). ✓

History: 1995 a. 349.

Insert ✓  
62-7D

Section #. 66.0133 (3) of the statutes is amended to read:

30,493 ✓

66.0133 (3) NOTICE. Notwithstanding ss. 27.065 (5) (a), ~~30.32~~ 38.18, 43.17 (9) (a), 59.52 (29) (a), 59.70 (11), 60.47 (2) to (4), 60.77 (6) (a), 61.55, 61.56, 61.57, 62.15 (1), 62.155, 66.0131 (2), 66.0923 (10), 66.0925 (10), 66.0927 (11), 66.1333 (5) (a) 2., 200.11 (5) (d), and 200.47 (2), before entering into a performance contract under this section, a local governmental unit shall solicit bids or competitive sealed proposals from qualified providers. A local governmental unit may only enter into a performance contract if the contract is awarded by the governing body of the local governmental unit. The governing body shall give at least 10 days' notice of the meeting at which the body intends to award a performance contract. The notice shall include a statement of the intent of the governing body to award the performance contract, the names of all potential parties to the proposed performance contract, and a description of the energy conservation and facility improvement measures included in the performance contract. At the meeting, the governing body shall review and evaluate the bids or proposals submitted by all qualified providers and may award the performance contract to the qualified provider that best meets the needs of the local governmental unit, which need not be the lowest cost provider.

History: 1995 a. 27, 201; 1999 a. 150 s. 614; Stats. 1999 s. 66.0133.

**Nelson, Robert P.**

**From:** Gibson-Glass, Mary  
**Sent:** Thursday, August 08, 2002 10:29 AM  
**To:** Nelson, Robert P.  
**Subject:** This and that

out until 8/19 out until 8/21 aw

Bob:

Mike Cain's (the DNR attorney) phone number is 62177. It will be weeks after I get back that I'll be putting that draft in editing so there is no hurry.

Regarding the NCSL conference meetings: I get back into the office Tuesday, August 27th. Will miss the meeting on the 13th.

Robin is going to be looking for Blue Book cases. Let her know if there is a deadline on that.

Mary <sup>Mary Ellen</sup> Vollbrecht  
~~Met~~ 4-8554 Out until 8/12, LM, LA, Bureau

Mark Patronsky - open to anyone

Tom Lockner 115-423-2070  
Cranberry Assoc

Paul Zimmerman & Ron Kuehn  
30. PB (7) at Dewitt, Ross & Stevens

Clark checking on the history

Jordan  
Jtel@dewittross.com

have been compensated for any damages they incur as a result of the construction

1 and other works authorized by the permit after the damage which will be sustained  
2 by the owner or owners of such land has been satisfied, or has been determined as  
3 provided for in ch. 32, and after the final sum so determined and all costs have been  
4 paid to the persons entitled thereto or to the clerk of the circuit court on their account.

NOTE: Current s. 30.18 (7) allows the applicant to "enter any land through which it is proposed to divert water", after the permit application is filed, to conduct surveys. This provision is deleted, and replaced by a requirement in new s. 30.18 (3) (d) for the applicant to obtain permission or authority to enter the land.

SECTION 82. 30.19 of the statutes is repealed and recreated to read:

30.19 Enlargement and protection of waterways. (1) DEFINITION. In this

section, "artificial water body" means a proposed or existing body of water that does not have a history as part of a lake or stream.

(2) PERMITS REQUIRED. Unless a permit has been granted by the department or authorization has been granted by the legislature, it is unlawful:

(a) To construct, dredge or enlarge any artificial water body that connects with a navigable waterway or where any part of the artificial water body is located within 500 feet of the ordinary high-water mark of a navigable waterway.

(b) To connect a navigable waterway or artificial water body with a navigable waterway by a navigable surface channel.

(c) To grade or remove top soil from the bank of a navigable waterway where the area exposed will exceed 10,000 sq. ft.

(i) The language is from the current language in s. 30.18(7).

Thanks,

MB

RPN  
As your 1st assignment in Nat Res, could you look at this highlighted language in the ch. 30 recodification draft, talk to PG if needed, and make changes?

**Nelson, Robert P.**

---

To: jkl@dewittross.com  
Subject: S. 30.18 (7) of the statutes

This is the way I suggest rewriting the last sentence of s. 30.18 (7) of the statutes in the ch. 30 rewrite:

Any person ~~having received~~ <sup>who receives</sup> a permit required under sub. (2) may construct upon the land of another the canal and other works authorized by the permit after the owner of that land has been compensated for any damages the owner will incur as a result of the construction or after the final sum for condemnation of the property under ch. 32 has been determined and paid to the owner or to the clerk of circuit court on the owner's account.

Please let me know if this works, makes sense, and does not change current law.

Robert P Nelson  
Senior Legislative Attorney  
Wisconsin Legislative Reference Bureau  
608-267-7511

30.18(7) Clerk has info.

9/23 Otk with Jordan Lamb

LRB-2976  
Now

Mary: In the electronic copy of 0131/P2, I deleted all of the text starting at "30.50 (1b) ... is

TO: MARY

NOTE: When this draft is typed and proofed, I will do a sections affected list on it for you to use to sort out any numbering problems.

FROM: KMG

RE: LRB-0131/P2

S.A. List \*

Created!  
to the end, since that text is in Robin's draft.

\*\*\*\*\* PLEASE USE ANOTHER COLOR FOR ANY CHANGES \*\*\*\*\*

COMMENT: Please see also the *unlisted* changes in the draft.

- 1. page 6, line 9 1/2: check my x-ref. changes. ✓
- 2. 30.1255 (4): this stat. is repealed; I removed it and the accompanying NOTE from the bill. ✓
- 3. 30.265: should this stat. be renumbered like all of those around it? ~~Done~~
- 4. Ins. 5-13: I changed 30.01 (1j) to 30.01 (1hm). ✓
- 5. page 51, line 17: change "30.266" to "30.265". ✓
- 6. 30.266: where is the title? on p. 28 line 2 - its renumbered. ✓
- SECTION 15: check the refs. in the note; "30.266" for "30.265"? ✓

- 7. 30.121 (4): see my ref. change in this stat. See my new \*\*\* NOTE ✓
- 8. 30.19 (3b): I couldn't see any reason not to combine both SECS. 93 and 94 in the inserts, so I did. ✓

10. COMMENT: We can't repeal whole statutory units by striking; so you will note that I had to repeal a number of titles rather than striking through them; i.e., see 30.126 (10).

- 11. 30.96: where is the title? ~~part A & B?~~ OK ✓
- 12. 30.04 (3) [page 9]: why is that provision needed? Doesn't that go without saying? [I don't recall seeing that type of provision in any other similar situation.] Leave as is, it is in ch. 29. ✓
- 13. 30.04 (2): this stat. uses both "local governmental unit" and "municipality"; it appears that the latter, but not the former, is defined for this stat. Need any changes? ✓ No
- 14. page 11, line 17, of the draft: "wherein it is agreed" should be restored; "providing that" can easily be misinterpreted, likely in several different ways (ambiguous). I would also add a scored comma after "agency", when the former phrase is restored. See my change ✓
- 15. page 12, line 12: I think this ref. should be "(2) or (3)". YES ✓
- 16. Because chapter 30, in this draft, uses the following term (*undefined* in that chapter) a number of times, a definition like the one below probably should be added to chapter 30:
  - 84.001
  - (1m) "Division of hearings and appeals" means the division of hearings and appeals in the department of administration. Is gone??

found

- 17. page 16, line 6: shouldn't "30.08" be "30.10"? "30.08" doesn't seem to make sense. ✓
- 18. The x-ref chart attached to my list of questions contains changes that need to be transferred to the chart in the bill. ✓

Done  
D-Note

ok

on p3,

search draft for refs.

to 30.381; which is now 30.281.

Done 7/29/2003

Done Aug

\* KMG adds when drafts are merged.

Added it as Ins. 5-14; and made it 30.01 (1hm).

- 19. page 23, line 17: the ref. to "30.11" needs to be made "30.321" or "30.343". See its renumber. "(3)" to
- 20. page 19, line 4: I changed "(4)" to "(2)".
- 21. Ref. to "30.04 (3) in the nonstats. needs to be made "(1)", as follows: MGG changed "(2)"

KMG: check this when drafts are merged.

**SECTION 1. Nonstatutory provisions.**

(1) **ADVISORY COMMITTEE; RULES ON NAVIGABILITY.** The department of natural resources shall appoint an advisory committee under section 227.13 of the statutes to advise and assist the department with respect to the promulgation of rules under section **30.04 (3)** of the statutes, as created by this act. The department shall appoint members to the advisory committee who collectively possess a wide range of knowledge, experience, and interest in the navigable waters of this state.

- 22. 30.12 (1) (intro.): I changed "either" to "any".
- 23. 30.12 (3) (b), 1st line: rewrite to avoid "for for"; and in line 3 of that stat., add "or deposit"?
- 24. 30.12 (3) (bt) 9. c. AND (c): "c." must be treated; and is "(c)" just being left where it is? See insert
- 25. 30.12 (4): I repealed its title; see p. 23, before line 9 Keep: 30.341 (title)

26. 30.12 (5) (b): this stat. has a number of grammatical problems; note the "and it is alleged" phrase — to what is the conjunction "and" attached [there should be at least a 1st and 2nd parallel phrase, but I don't see them — I added "if", but that doesn't cure the problem];  
 AND, on lines 6 and 7, note that I removed the *archaic* underscored text and restored current law;  
 AND, it appears that the intent may be to say that "both violations occurred within one 5-year period, but this stat. doesn't say that.

See my INSERT/Note  
 See my insert/Note

- 27. 30.12 (5) (a): should this include a phrase such as "Subject to par. (b)", to avoid appearance of double jeopardy? It's supposed to be 30.281
- 28. I added this to the chart to fix "30.121" rn'd 30.381: ?? →

30.01 (1p) "Fishing raft" means any raft, float or structure, including a raft or float with a superstructure and including a structure located or extending below or beyond the ordinary high-water mark of a water, which is designed to be used or is normally used for fishing, which is not normally used as a means of transportation on water and which is normally retained in place by means of a permanent or semipermanent attachment to the shore or to the bed of the waterway. "Fishing raft" does not include a boathouse or fixed houseboat regulated under s. **30.121** nor a wharf or pier regulated under s. 30.13.

- 29. 30.121 (3g) and (4): was it intentional that these be rn'd "30.281"? If so, remove my changes. Supposed to be 30.281
- 30. 30.121 (7) is rn'd 30.381 (2): there already is a sub. (2) for 30.381. Also, penalties should be last in a section, so I'm wondering why this is moved to a "(2)" position.

- 31. 30.123 (2): this refers to "sub. (3m)"; where is that stat.? I couldn't find it.
- 32. 30.123 (4): this has some grammatical problems (which I fixed); AND it seems to have another problem. Aren't permits required BEFORE placing structures? If so, the

Mary: I made this "30.281", but it should not be sub. (2).

"present tense verbs" are not needed since that indicates that the structures are already in place BEFORE the permit is applied for...

- ✓ 33. 30.123 (6): I removed the title since none of the other subs. have titles.
- ✓ 34. 30.123 (6) (b): change "30.12 (4)" to "30.341"?
- ✓ 35. 30.1255: I don't see a reason to list each little part of that stat.; do you? NO
- ✓ 36. 30.126 (10): this is rn'd **30.381 (3)**; see the insert below;

**Insert 25-22**

**SECTION 2.** 30.121 (title), (2) and (3) of the statutes are renumbered **30.381** (title), (2) and **(3)**.

- ✓ 37. 30.18 (1) (a) 3., below, does not fit with 30.18 (1) (a), as renumbered. I made (1) (a) 3. YES "(2) (a) 3.; OK?"

✓ **SECTION 3.** 30.18 (1) (a) 3. of the statutes is created to read:  
30.18 (1) (a) 3. The diversion is a large diversion.

✓ **SECTION 4.** 30.01 (1b) of the statutes is renumbered **30.18 (1) (a)**.

\*\*\*\*NOTE:

[30.01 (1b) "Authorized base level of water loss" has the meaning given under s. 281.35 (1) (b).]

- OK 38. 30.18 (2) (a) (intro.): see my rewrite; OK?

- ✓ 39. 30.18 (5) (a) 2.: This must be rewritten; it says "...the water ... is **either** not be beneficially ... or all riparian owners". In other words, **the water is** one of 2 things; see below.

**SECTION 5.** 30.18 (5) (a) 2. of the statutes is amended to read:  
30.18 (5) (a) 2. That the water to be diverted is surplus water, or if it is not surplus water, that either not being beneficially used or all riparians riparian owners who may be adversely affected by the diversion have consented to the proposed diversion.

- ✓ 40. 30.18 (6): because we cannot reuse, during the same leg. session, statute numbers, see my renumberings; check for refs.

- ✓ 41. 30.18 (6m) (a) 2.: I added this to your inserts and amended it.

- ✓ 42. page 19, line 9, of the Inserts: should this be "**may not**" rather than "may"? ["May" does not seem to read correctly with "until" on line 11.]

- ✓ 43. "topsoil" is one word, per Webster's. Search the bill after the /P2 version is all done. [p. 37 of current draft.]

- ✓ 44. page 43, line 18: "30.19 (1g)" for "30.19 (2)"? Yes

See my change page 43, line 18: the ref. to "(4) (a)" of 30.12 does not seem to be correct; or is there a (4) somewhere that I cannot find?

- ✓ 45. [This is Item 34 from above: 34. 30.123 (6) (b): change "30.12 (4)" to "30.341"?)

- ✓ 46. page 22, line 21, of the Inserts: I deleted "5" because this talks about "fewer than 5".

- ✓ 47. 30.19 (5), in the Inserts: I rewrote/repositioned text. *See my changes*
- ✓ 48. page 42, lines 14 to 16: It appears that "30.12 ... (2)" should not be changed to "30.12 ... (3)" on line 16, correct? ~~Delete these lines????~~ *See my changes + \*\*\*X NOTE on p. 5 of the insert*
- ✓ 49. page 42, lines 17 to 25: SAME?????
- ✓ 50. page 45, line 1: is my striking of the 2nd "which" correct? It doesn't make sense to me for it to be there. *Yes*
- ✓ 51. Insert 45-7: see my deletions.
- ✓ 52. page 47, line 21: is my addition OK? *Yes*
- ✓ 53. page 49, lines 4, 16 and 21: what "file" is this? It is not mentioned earlier. *See my changes. Also I have not reviewed this.*
- ✓ 54. page 51, line 17: I think "30.265" has to be restored; I don't find a "30.266" *30.126 is renumbered 30.266 (by me.)*
- ✓ 55. Amend this stat. to fix "30.275 (4)" [30.359 (4)]: *in current law.*

60.782(2)(d)

(d) Lease or acquire, including by condemnation, any real property situated in this state that may be needed for the purposes of s. 23.09 (19), 23.094 (3g) or **30.275 (4)**.

- ✓ 56. page 54, lines 18 and 19: the refs. to "30.12 ... .." appear to be incorrect.
- NO 57. I added this ref. change to the chart in the back of the bill; remove your NOTE? 30.772(3)(e)

(e) Any mooring, mooring anchor or mooring buoy which is placed or used in any navigable water in violation of this section or any local regulation adopted by a municipality under this subsection constitutes a public nuisance subject to s. **30.294**. A municipality may, by ordinance, provide that any person who violates any local regulation adopted under this subsection is subject to a forfeiture not to exceed \$50 for each such violation. The ordinance may also provide that each day during which the violation exists is a separate offense.

- ✓ 58. page 55, line 3: at least "30.21" must be changed since that became 30.293. *I'll do this later. See my note*
- ✓ 59. page 55, line 4: I can't find "30.231". ✓
- ✓ 60. page 55, line 5: I can't find "30.85". ✓

✓ 61. 30.98 (1) will have 2 titles, unless one of the highlighted areas below is changed; and a title needs to be created for 30.98 (3), m'd from 30.298 (4) which does not have a title: *CR; 30.98 (3) (title) ?*

*Done: 9-29-2003*

- SECTION 6. 30.15 (1) (intro.) and (a) to (c) of the statutes are renumbered 30.98 (1) (intro.) and (a) to (c).
- SECTION 7. 30.15 (3) of the statutes is renumbered 30.98 (2).
- SECTION 8. 30.298 (4) of the statutes is renumbered 30.98 (3).
- SECTION 9. 30.98 (title) of the statutes is created to read:  
**30.98 (title) Penalties.**
- SECTION 10. 30.98 (1) (title) of the statutes is created to read:  
**30.98 (1) (title) VIOLATION OF PERMIT, CONTRACT, OR ORDER.**

*Done-7/29/2003 King*

*\*<sup>4</sup> Remains to be done.*

Done: 7/29/2007

titles, etc. for 30.381

Karen, I think this all has titles in to do with 30.381

- 62. \*\*\*\*SEE ITEMS (63 AND 64.) BELOW: page 32, line 8: SAME for 30.381 (4) on that page.
- 63. \*\*\*\*SEE ITEMS 63 AND 64., BELOW: page 55, SECTIONS 118, 119, AND 120: add a title for these subs.; it appears that other subs. in new 30.381 have titles; or remove all titles.
- 64. \*\*\*\*On the otherhand, look at page 28, SECTION 64, AND see what was done with the titles for 30.381 (3).

Done: 65. \*\*\*\*There are 2 titles for 30.381; see below:

I'll deal with this next time

These titles are now repealed

SECTION 11. 30.121 (7) of the statutes is renumbered 30.381 (3).

SECTION 12. 30.126 (10) of the statutes is renumbered 30.381 (4) and amended to read:

SECTION 13. 30.15 (1) (d) of the statutes is renumbered 30.381 (5) and amended to read:

SECTION 14. 30.298 (title) of the statutes is renumbered 30.381 (title).

SECTION 15. 30.298 (1), (2) and (3) of the statutes are renumbered 30.381 (1), (7) and (9) and 30.381 (1) and (9), as renumbered, are amended to read:

SECTION 16. 30.298 (5) of the statutes is renumbered 30.381 (11) and amended to read:

SECTION 17. 30.381 (title) of the statutes is created to read: 30.381 (title) Penalties.

66. Fix highlighted ref., below [30.493]: 66.0133(3)

(3) Notice. Notwithstanding ss. 27.065 (5) (a), 30.32, 38.18, 43.17 (9) (a), 59.52 (29) (a), 59.70 (11), 60.47 (2) to (4), 60.77 (6) (a), 61.55, 61.56, 61.57, 62.15 (1), 62.155, 66.0131 (2), 66.0923 (10), 66.0925 (10), 66.0927 (11), 66.1333 (5) (a) 2., 200.11 (5) (d) and 200.47 (2), before entering into a performance contract under this section, a local governmental unit shall solicit bids or competitive sealed proposals from qualified providers. A local governmental unit may only enter into a performance contract if the contract is awarded by the governing body of the local governmental unit. The governing body shall give at least 10 days' notice of the meeting at which the body intends to award a performance contract. The notice shall include a statement of the intent of the governing body to award the performance contract, the names of all potential parties to the proposed performance contract, and a description of the energy conservation and facility improvement measures included in the performance contract. At the meeting, the governing body shall review and evaluate the bids or proposals submitted by all qualified providers and may award the performance contract to the qualified provider that best meets the needs of the local governmental unit, which need not be the lowest cost provider.

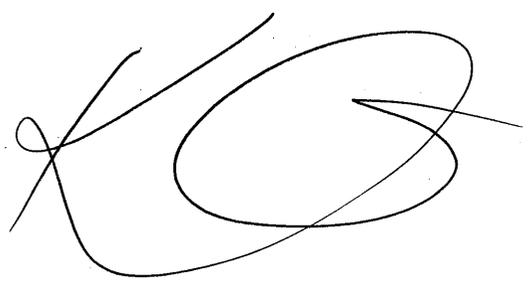
67. See pages 29 and 57, which make 2 titles for 30.323; below is from p. 29:

SECTION 18. 30.13 (3) (title) of the statutes is renumbered 30.323 (title).

68. page 58, line 10: grammar corrected.

- ✓ 69. 2 titles have been provided for 30.327, below:
  - ✓ SECTION 19. 30.14 (1) of the statutes is renumbered **30.327**. ✓  
Insert 59-4
  - ✓ SECTION 20. **30.327 (title)** of the statutes is created to read:  
**30.327(title) Municipality duty to report violations.**

70. See attached chart <sup>Not</sup> yet <sup>revised</sup> for more changes.



Transfer these changes on to the official bill draft.  
 KMG's chart

official bill draft.  
 KC

A Statute Sections	B Old Cross-Reference	C New Cross-Reference
✓ 20.370 (1) (mu)	✓ 30.203, 30.277 ✓	✓ 30.355, 30.361 ✓
✓ 20.370 (4) (bi)	✓ 30.28 ✓ and	✓ 30.243 ✓ and
✓ 20.370 (4) (mu) ✓	✓ 30.203, 30.277 ✓	✓ 30.355, 30.361 ✓
✓ 20.370 (6) (ca)	✓ 30.275 ✓	✓ 30.359 ✓
✓ 20.370 (7) (aa) ✓	✓ 30.203 ✓	✓ 30.355 ✓
✓ 23.09 (2) (d) 16.	✓ 30.24 ✓	✓ 30.357 ✓
✓ 23.09 (2r) (b)	✓ 30.277 ✓	✓ 30.361 ✓
✓ 23.0915 (1g)	✓ 30.277 ✓	✓ 30.361 ✓
✓ 23.0915 (1r) (c)	✓ 30.277 ✓	✓ 30.361 ✓
✓ 23.0915 (1r) (c)	✓ 30.277 (2) (a) ✓	✓ 30.361 (2) (a) ✓
✓ 23.0917 (3) (c) 1.	✓ 30.26 ✓	✓ 30.271 ✓
✓ 23.0917 (4) (b) 4.	✓ 30.277 ✓	✓ 30.361 ✓
✓ 23.0917 (7) (a)	✓ 30.24 (4) and 30.277 ✓	✓ 30.357 (4), and 30.361 ✓
✓ 23.0917 (7) (e)	✓ 30.277 ✓	✓ 30.361 ✓
✓ 23.096 (2) (a) ✓	✓ 30.24 and 30.277 ✓	✓ 30.357, and 30.361 ✓
✓ 23.197 (2) (a)	✓ 30.277 (5) ✓	✓ 30.361 (5) ✓
23.33 (13) (cg)	30.67 (3) (b)	30.67 (1g) (b)
24.39 (4) (a) 1.	30.01	30.01 (3)
24.39 (4) (a) 2.	30.01	30.01 (4)
24.39 (4) (c), (f) and g ✓	30.11 (5)	30.343

30.361  
 30.277  
 23.0915 (2g)

→ (h) ✓

Done;  
 1-29-03

96

✓ 30.772 (3)(e) | 30.294 | 30.975 ✓

24.39 (4) (f)	30.11 (5)	30.343
24.39 (4) (h)	30.11 (5)	30.343
24.39 (4) (i) ✓	30.11 ✓	30.343 ✓
28.11 (12) ✗	30.03 (4)	30.96
29.193 (1m) (b)	30.77 (3)	30.77
29.519 (2) (fm)	30.50 (2)	30.01 (1bm)
29.601 (3) (a)	30.12 (3) (a) 1.	30.12 (4) (a) 1.
✓ 29.601 (5) (a) ✓	30.12 (4) ✓	30.341 ✓
30.40 (3)	30.50 (2)	30.01 (1bm)
✓ 30.773 (2) ✓ and (3) ✓ (intro.) ✓	30.11 ✓	30.321 ✓
<del>30.773 (3)</del>	<del>30.11</del>	<del>30.321</del>
30.80 (2g) (intro.)	30.67 (1)	30.67 (1m)
30.92 (4) (b) 8. c. and d.	30.74 (2) (b)	30.50 (1b)
✓ 31.39 (2m) (c) ✓	✓ 30.28 (2) (a) ✓	✓ 30.243 (2) (a) ✓
33.455 (3) (b)	30.77 (3) (a)	30.77
33.46 (2) (c)	30.77 (3) (e)	30.77 (5) (f) 5. to 7.
60.0133 (3)	30.32	30.493
✓ 60.24 (3) (f) ✓	✓ 30.37 (3) ✓	✓ 30.497 (3) ✓
✓ 61.351 (2m) ✓	✓ 30.11 ✓	✓ 30.321 ✓
✓ 62.231 (2m) ✓	✓ 30.11 ✓	✓ 30.321 ✓
✓ 84.18 (6) ✓	✓ 30.12 (4) ✓	✓ 30.341 ✓
✓ 85.095 (1) (a) ✓	✓ 30.37 ✓	✓ 30.497 ✓

add

✓ 30.01 (1p) | 30.121 | 30.81 ✓  
2  
1

Not Deleted; a correct ref. is added to Column C

LRB-0139/P1  
RNK:kmg:jf  
SECTION 253

and SEC 384 is deleted in LRB 2003/03

In the bill

7-29-2003  
KMG.

100.42 (1) (b)	30.50 (2)	30.01 (1bm)
✓ 200.35 (4)	✓ 30.05	✓ 30.223
✓ 281.22 (2) (c)	✓ 30.28 (2) (a)	✓ 30.243 (2) (a)
<del>281.35 (1) (b) 2</del>	<del>30.18 (6) (c)</del>	<del>30.18 (4) (b)</del>
✓ 281.37 (1) (a) 3.	30.26 ✓	✓ 30.271
✓ 281.37 (1) (a) 3.	✓ 30.275 and	✓ 30.359 and
✓ 295.16 (2)	✓ 30.30, 30.31	✓ 30.491, 30.492
✓ 295.16 (4) (j)	30.21 ✓	✓ 30.293
295.33 (4)	30.20 (2) (b)	30.20 (3) (b)
350.11 (2m)	30.67 (1g) (b)	30.67 (1) (b)
422.413 (2g) (intro.)	30.50 (2)	30.01 (1bm)
✓ 895.55 (2) (intro.)	<del>Subch</del> IV of ch. 30	<del>Subch</del> III of ch. 30 ✓
938.17 (1) (intro.)	30.67 (1)	30.67 (1m)
938.396 (3)	30.67 (1)	30.67 (1m)
943.13 (4m) (c)	30.134	<del>30.85</del> 30.235 → keep
✓ 978.05 (6) (a) ✓	30.03 (2) ✓	30.97 ✓

cent combine

subchs. II and

**SECTION 254. Initial applicability.**

(1) The treatment of section 30.77 of the statutes first applies to an ordinance relating to the regulation of boating that is enacted or adopted on the effective date of this subsection.

NOTE: This provision relates to the applicability of amended s. 30.77 to preexisting boating ordinances. The general rule established above is that amended s. 30.77 applies prospectively only. That is, only local boating ordinances enacted after the effective date of the legislation are subject to the amended statute. This allows preexisting ordinances

to be judged, in any challenge, by the statutory standards in place when the ordinance was adopted, and does not raise doubts about the authority for preexisting ordinances.

However, if a preexisting ordinance is amended after the effective date of this legislation, this provision makes the newly amended statute applicable to the entirety of the ordinance enacted before the effective date of the legislation. This avoids the confusion that would potentially result if preexisting portions of a boating ordinance were subject to the prior statute, and new or amended portions of the boating ordinance were subject to the amended statute. This does not mean that any portion of a preexisting ordinance must necessarily be amended when any portion of the ordinance is being amended or any new provision is being added to the ordinance. What it means is that a local governmental unit should review the preexisting ordinance in light of the amended statute, to determine if additional changes are necessary.

For the most part, the special committee believes that changes to preexisting ordinances will not be necessary. Most of the requirements in s. 30.77, as amended, are simply restatements and extensions of current statutory requirements.

**(END)**