

1 **SECTION 201.** 30.207 of the statutes is renumbered 30.223, and 30.223 (1), (3)
2 (a) and (c) 6., (4) (c) 1., (5), (6) (a) and (7) (a) and (b), as renumbered, are amended to
3 read:

4 **30.223 (1) GEOGRAPHICAL AREA.** For purposes of this section and s. ~~30.12 (3) (bt)~~
5 30.276, the Wolf River and Fox River basin area consists of all of Winnebago County;
6 the portion and shoreline of Lake Poygan in Waushara County; the area south of
7 STH 21 and east of STH 49 in Waushara County; that portion of Calumet County in
8 the Lake Winnebago watershed; all of Fond du Lac County north of STH 23; that
9 portion of Outagamie County south and east of USH 41; that portion of Waupaca
10 County that includes the town of Mukwa, city of New London, town of Caledonia,
11 town of Fremont; and the portion and shoreline of Partridge Lake and the Wolf River
12 in the town of Weyauwega.

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

17 **(c) 6.** The names and addresses of at least 5 persons who own real property
18 located adjacent to the navigable waters located in the proposed permit area. If fewer
19 than 5 persons own real property adjacent to ~~such~~ these waters, the application shall
20 include the names and addresses of all of these persons.

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

24 **(5) HEARING REQUIREMENTS.** If an activity for which an application for ~~which~~ a
25 general permit has been submitted would be subject to the hearing and notice

1 provisions under s. ~~30.02 (3) and (4)~~ 30.245 for the issuance of an individual permit,
2 the department shall comply with those provisions. Notice and hearing shall be
3 required on an application for a general permit under this section only if a notice and
4 hearing are required under s. ~~30.02 (3) and (4)~~ 30.245 for the activity as part of an
5 application for an individual permit under this chapter.

6 (6) (a) The department shall issue a general permit under this section if the
7 department determines that the cumulative adverse environmental impact of the
8 activity in the proposed permit area is insignificant and that the issuance of the
9 general permit will not injure public rights or interest, cause environmental
10 pollution, as defined in s. ~~299.01 (4)~~, or result in material injury to the rights of any
11 riparian owners.

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

****NOTE: Should the reference in s. 30.207 (2), (5), (6) (b), and (8) be to "subchapter"
instead of to "chapter"?

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

20 (b) Upon receipt of a notice that complies with par. (a), the department may
21 inform the person that the activity may not be conducted under the general permit
22 if conditions at the site where the activity would be conducted would cause adverse

1 environmental impact, injure public rights and interests, or cause environmental
2 pollution, as defined in s. 299.01 (4). The department shall respond to the person
3 within 15 days after receiving the notice. Failure of the department to respond
4 within 15 days shall constitute the department's approval of the activity under the
5 general permit.

6 SECTION 202. 30.21 (title), (1), (2) and (3) (title) of the statutes are renumbered
7 30.293 (title), (1), (2) and (3) (title).

~~***NOTE: Should the reference in s. 30.21 (2) (b) be to "subchapter" instead of to
"chapter"?~~

8 SECTION 203. 30.21 (3) (a) of the statutes is renumbered 30.293 (3).

9 SECTION 204. 30.21 (3) (b) of the statutes is repealed.

10 SECTION 205. 30.213 (title) of the statutes is created to read:

11 **30.213 (title) Municipal bridge construction.**

12 SECTION 206. 30.215 of the statutes is created to read:

13 **30.215 Farm drainage ditches. (1) DEFINITION.** In this section, "farm
14 drainage ditch" means any artificial channel that drains water from lands that are
15 used for agricultural purposes.

16 **(2) EXEMPTION.** (a) A project that is for an agricultural purpose and is located
17 in or adjacent to a farm drainage ditch is exempt from the requirement for a permit,
18 contract, or approval under this subchapter unless any of the following applies:

19 1. A U.S. geological survey map or other reliable scientific evidence shows that
20 the farm drainage ditch was a stream that was a 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."

language
The proposed ~~redraft~~ 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.

The proposed language, in sub. (3), preserves the current restriction on removal of materials from farm drainage ditches, as it may affect cold water fisheries, or fish spawning beds or nurseries.

1 **SECTION 207.** 30.24 of the statutes is renumbered 30.357.

2 **SECTION 208.** 30.243 (3) (c) of the statutes is created to read:

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

4 **SECTION 209.** 30.245 of the statutes is created to read:

5 **30.245 Notice and hearing; mediation.** (1) NOTICE AND HEARING;
6 REQUIREMENT; OPTION. (a) The department shall apply the procedures in this section
7 with respect to a permit or contract under this subchapter where the applicable
8 statute requires notice and a hearing under this section.

9 (b) If the applicable statute for a permit or contract under this subchapter does
10 not require notice and a hearing under this section, the department may apply the
11 procedures in this section with respect to a permit or contract under this subchapter
12 if the department determines that the substantial interests of any party may be
13 adversely affected by the proceeding. This paragraph does not apply to any statute
14 in which this section is specifically made inapplicable.

15 (2) DEPARTMENT MAY DENY APPLICATION. The department may deny the
16 application for a permit or contract under this subchapter after receipt of a complete
17 permit or contract application. If the department denies an application, it shall
18 notify the applicant. If the applicant request a contested case hearing within 30 days
19 after receiving notice of the denial, the department shall submit notification of the

1 pending hearing to the division of hearings and appeals under s. 227.43 (2) (a). The
2 procedures in sub. (6) apply to the hearing.

3 (3) NOTICE. (a) Except where the department denies an application under sub.
4 (2), and except where specific notice or hearing provisions are provided in this
5 subchapter, after receipt of a complete permit or contract application, the
6 department shall provide notice that it has received the application. The notice shall
7 describe the project and the procedures under this section. The department shall
8 provide the notice to all of the following:

9 1. The applicant.

10 2. Each local governmental unit under s. 30.04 (2).

11 3. Any other person required by law to receive notice.

12 (b) The department shall post the notice on the Internet at a site determined
13 or approved by the department.

14 (c) The applicant shall publish the notice as a class 1 notice, under ch. 985, in
15 a newspaper designated by the department that is likely to give notice in the affected
16 area. The applicant shall file proof of publication with the department. The
17 department may authorize any other person to provide the notice.

18 (4) REQUEST FOR HEARING; ACTION ON REQUEST. (a) Any person may request a
19 contested case hearing. The request for a hearing shall be in writing. If the person
20 requesting a hearing is not the applicant, the request shall describe the requester's
21 objection to the project. The objection shall contain all of the following:

22 1. A description of the legal issues with sufficient specificity so that the
23 department may determine the standards in this subchapter that the objector
24 believes may be violated if the project proceeds.

1 2. A description of the factual basis for the objection, with sufficient specificity
2 so that the department may determine how the objector believes the project, as
3 proposed, may violate the standards identified under subd. 1.

4 3. A commitment by the objector to appear and present information supporting
5 the objection in a contested case hearing.

6 (b) The department shall proceed on the application without a hearing if any
7 of the following applies:

8 1. The department does not receive a request for a contested case hearing
9 within 30 days after the notice is published under sub. (3) (c).

10 2. The request for a hearing is not in the form required in par. (a).

11 3. The objection stated by the person requesting the hearing is not a
12 substantive, written objection under par. (c).

13 (c) The department shall determine if the objection to the project as described
14 under par. (a) is a substantive, written objection. The department may request
15 additional information from a person requesting a hearing in order to make the
16 determination under this paragraph, and the person requesting a hearing shall
17 respond to the department's request within 2 weeks. A written objection is
18 substantive if it is sufficient for the department to make the following
19 determinations:

20 1. The facts described by the objector appear to be substantially true.

21 2. The facts described by the objector raise reasonable doubts as to whether the
22 project, as proposed, complies with the applicable standards in this subchapter.

23 (d) Except as provided in sub. (5), the department shall notify the division of
24 hearings and appeals under s. 227.43 (2) (a) if the request for a hearing complies with
25 this subsection.

1 **(5) MEDIATION.** (a) Prior to a contested case hearing, the department shall allow
2 for mediation between the applicant, any person who requests a contested case
3 hearing on the permit or contract, any person with a substantial interest in the
4 permit or contract, and the department, if those persons agree to mediation. The
5 participants shall determine how the mediator is to be selected and compensated.

6 (b) If the participants determine that they cannot reach an agreement in
7 mediation, any participant in the mediation may request a contested case hearing
8 within 30 days after the conclusion of mediation. The request shall be in writing and
9 shall include the information required in sub. (4) (a).

10 (c) The department shall notify the division of hearings and appeals under s.
11 227.43 (2) (a) if the department receives the request within 30 days specified in par.
12 (b) and if the request for a hearing complies with sub. (4) (a) and (c).

13 (d) The department shall proceed on the application if it does not receive a
14 request for a hearing under par. (b).

15 **(6) HEARING.** (a) Upon receiving notification from the department under s.
16 227.43 (2) (a), the division of hearings and appeals shall assign a hearing examiner
17 and shall ensure that the hearing is conducted within 60 days after the notification
18 is received.

19 (b) The division of hearings and appeals shall mail a written notice at least 10
20 days before the hearing to each person given notice under sub. (3) and to any person
21 who submitted a request for a hearing.

22 (c) The applicant shall publish a class 1 notice, under ch. 985, of the hearing
23 in a newspaper designated by the department that is likely to give notice in the
24 affected area. The notice shall be published at least 10 days before the hearing. The

1 applicant shall file proof of publication under this paragraph with the hearing
2 examiner at or prior to the 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 s. 30.245 has several major additions compared to the current statute. The first difference is that the current statute does not 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.

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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 ~~granting~~ 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.

****NOTE: MGG has not yet reviewed s. 30.245. Review should include "hearing" language in s. 30.77.

3 SECTION 210. 30.25 of the statutes is renumbered 30.269.

SECTION 211

if the department determines the conditions are necessary to ensure that

1 SECTION 211. 30.253 of the statutes is created to read:
2 **30.253 Permit or contract conditions.** The department may impose
3 *additional* conditions on a permit or contract under this subchapter to ensure compliance with
4 *any applicable provision under* standards expressly provided *in* this subchapter.

~~***NOTE: What does s. 30.253 say? "Expressly provided"?~~

5 SECTION 212. 30.26 of the statutes is renumbered 30.271.

6 SECTION 213. 30.263 (title) and (1) (title) of the statutes are created to read:

7 **30.263 (title) Duck Creek Drainage District.** (1) (title) DECLARATION OF
8 NAVIGABILITY.

9 SECTION 214. 30.265 of the statutes is renumbered 30.375.

10 SECTION 215. 30.266 (1) (intro.) of the statutes is created to read:

11 30.266 (1) DEFINITIONS. (intro.) In this section:

12 SECTION 216. 30.27 of the statutes is renumbered 30.273.

13 SECTION 217. 30.275 of the statutes is renumbered 30.359.

14 SECTION 218. 30.277 of the statutes is renumbered 30.361.

15 SECTION 219. 30.28 of the statutes is renumbered 30.243, and 30.243 (1), (2)

16 (a) (intro.) and (b) ^v and (2m) (am), (b) and (d) ^{and (2r)(b)}, as renumbered, are amended to read:

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

21 (2) (a) (intro.) For fees charged for permits and approvals under ~~ss. 30.10 to~~
22 ~~30.205 and 30.21 to 30.27~~ this subchapter, except s. 30.223, the department shall
23 classify the types of permits and approvals based on the estimated time spent by the

1 department in reviewing, investigating, and making determinations whether to
2 ^{issue} grant the permits or approvals. The department shall then set the fees as follows:

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

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

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

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

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

30.237 ✓

✓
INSERT
67-16

17 SECTION 220. 30.29 of the statutes is renumbered ~~30.84~~.

***NOTE: Check as to whether this fits in the boating subchapter.

18 SECTION 221. 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.

19 SECTION 222. 30.294 of the statutes is renumbered 30.975.

***NOTE: In a later version, change the cross-reference in s. 30.772 (3) (e).

***NOTE: Should the reference in s. 30.294 be to "subchapter" instead of to "chapter"?

20 SECTION 223. 30.298 (title) of the statutes is renumbered 30.381 (title).

***NOTE: Take out the creation of s. 30.381 (title), which is in the 2nd half of the draft.

Penalties for... 0-1000

1 SECTION 224. 30.298 (1), (2) and (3) of the statutes are renumbered 30.381 (1),
2 (4) and (5), and 30.381 (1) and (6), as renumbered, are amended to read:

3 GENERAL
4 30.381 (1) Any person who violates any provision of ss. ~~30.095, 30.12 to 30.21~~
5 ~~30.217, 30.223, 30.231, 30.266, 30.276, 30.278, 30.279, 30.281, 30.283, 30.293,~~
6 ~~30.313, and 30.85~~ for which a penalty is not provided under the applicable section
7 or by sub. (2) or (3) subs. (2) to (6) shall forfeit not less than \$100 nor more than
8 \$10,000 for the first offense and shall forfeit not less than \$500 nor more than
9 \$10,000 upon conviction of the same offense a 2nd or subsequent time.

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

12 ***NOTE: In a later version check changes in cross-reference in s. 30.298 (1).
13 too

14 SECTION 225. 30.298 (4) of the statutes is renumbered 30.98 (3).

15 ***NOTE: Should reference in s. 30.298 (4) to "chapter" be changed to "subchapter"?

16 SECTION 226. 30.298 (5) of the statutes is renumbered 30.381 (1) and amended
17 to read:

18 ADDITIONAL ORDERS.
19 30.381 (1) In addition to the forfeitures specified under subs. (1) to (3), (5), and
20 (9), the court may order the defendant to perform or refrain from performing such
acts as may be necessary to fully protect and effectuate the public interest in
navigable waters. The court may order abatement of a nuisance, restoration of a
natural resource, or other appropriate action designed to eliminate or minimize any
environmental damage caused by the defendant.

21 ***NOTE: MGG: Make use of titles consistent for s. 30.381 in next draft.

22 SECTION 227. Subchapter III (title) of chapter 30 [precedes 30.30] of the
statutes is renumbered subchapter IV (title) of chapter 30 [precedes 30.491].

INSERT
68-20

INSERT... TO...
as...
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1 **SECTION 228.** 30.30 of the statutes is renumbered 30.491, and 30.491 (5) and
2 (7), as renumbered, are amended to read:

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

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

13 **SECTION 229.** 30.31 of the statutes is renumbered 30.492, and 30.492 (1), (4)
14 and (6), as renumbered, are amended to read:

15 **30.492 (1) SUPERVISION OF WORK.** In exercising the powers granted by s. ~~30.30~~
16 30.491 (1) to (3), a municipality shall be governed by the law governing the laying out,
17 improvement, and repair of streets and bridges in such municipality, so far as
18 applicable, except that no petition of property owners for doing any such work is
19 necessary. If the municipality has established a board of harbor commissioners, such
20 board shall be in charge of the work unless the board determines that it is not
21 equipped to supervise the work and by resolution delegates such function to the
22 agency which ordinarily performs such function for the municipality. If the
23 municipality does not have a board of harbor commissioners, the municipality's
24 board of public works or, in the event there is no such board, the municipality's
25 governing body shall be in charge of the work.

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

7 **(6) SPECIAL ASSESSMENTS.** Special assessments for benefits to lands, when
8 authorized by s. ~~30.30~~ 30.491 (4), shall be made and enforced as provided by s.
9 66.0703, except that at any time within the 90-day period immediately following the
10 publication of the final resolution as required by s. 66.0703 (8) (d), the owner of any
11 property along which such improvement is to be made may elect to make the
12 improvement along the owner's property at the owner's expense in accordance with
13 the approved plans and specifications or in a manner which conforms to good
14 engineering practice and which provides for materials and designs which, with
15 respect to strength and permanence, are at least equal to the requirements of the
16 approved plans and specifications. If the owner makes the improvement at the
17 owner's expense, no assessment of benefits shall be made therefor. If such owner
18 fails to commence the work within the 90-day period specified herein or fails to carry
19 on and complete the work with due diligence, the work may be done or completed by
20 the municipality and assessment of benefits made therefor.

21 **SECTION 230.** 30.32 of the statutes is renumbered 30.493.

22 **SECTION 231.** 30.323 (title) of the statutes is created to read:

23 **30.323** (title) **Pierhead Lines.**

24 **SECTION 232.** 30.327 (title) of the statutes is created to read:

25 **30.327** (title) **Municipal duty to report violations.**

1 **SECTION 233.** 30.33 of the statutes is renumbered 30.494.

2 **SECTION 234.** 30.34 of the statutes is renumbered 30.495, and 30.495 (1), (2),
3 (3) (a) and (4), as renumbered, are amended to read:

4 **30.495 (1) HARBOR FUND TO BE CREATED.** All municipalities operating a public
5 harbor through a board of harbor commissioners shall establish in the municipal
6 treasury a revolving fund to be known as the “harbor fund”. Moneys for such fund
7 may be raised by appropriation from the general fund or by taxation or loan as other
8 moneys in the general fund are raised. Moneys in such fund may be expended only
9 as provided in s. ~~30.38~~ 30.498 (13).

10 **(2) FINANCING DOCK WALLS AND SHORE PROTECTION WALLS.** A municipality may
11 pay either or both the assessable and nonaccessible parts of the cost of the
12 construction, maintenance, or repair of any dock wall or shore protection wall,
13 authorized by s. ~~30.30~~ 30.491 (3), out of its general fund or other available funds, or
14 it may finance such work through the issuance of its negotiable bonds as provided
15 in ch. 67, except that it is not necessary to include such bonds in the municipal budget
16 or to submit the question of their issuance to a referendum vote of the electors. The
17 bonds shall be serial bonds, shall be payable at any time within 10 years, and shall
18 bear interest payable either annually or semiannually as the governing body
19 determines. The bonds shall be a direct obligation of the municipality and the full
20 faith and credit of the municipality shall be pledged for their payment. No such
21 bonds shall be issued unless at or before the time of their issuance the governing body
22 levies a direct annual tax sufficient to pay the principal and interest thereon as they
23 fall due.

24 **(3) (a)** Any municipality may, with the consent of its board of harbor
25 commissioners, finance the cost of acquisition, construction, alteration, or repair of

1 any harbor facility by issuing evidences of indebtedness payable only out of the
2 revenue obtained from the public harbor facilities. Such evidences of indebtedness
3 may be revenue bonds, refunding bonds, or bond anticipation notes issued under s.
4 ~~30.35~~ 30.496 or 66.1103 or may be pledges or assignments of net profits, issued
5 pursuant to s. 66.0621 (5) as if the harbor facility were a public utility.

6 (4) EMERGENCY REPAIR FUND. Any municipality having established a board of
7 harbor commissioners to operate its harbor facilities may create a contingent fund
8 for the purpose of permitting the secretary of the board to pay for repairs to harbor
9 facilities which constitute emergency repairs within the meaning of s. ~~30.32~~ 30.493
10 (4). The secretary may pay for such repairs out of such fund on the secretary's
11 signature alone.

12 SECTION 235. 30.341 (title) of the statutes is created to read:

13 30.341 (title) ^{Activities of} ~~Department of transportation activities.~~

14 SECTION 236. 30.341 (1) of the statutes is created to read:

15 30.341 (1) In this section, "waters of the state" has the meaning given in s.
16 281.01 (18).

17 SECTION 237. 30.35 of the statutes is renumbered 30.496, and 30.496 (6), as
18 renumbered, is amended to read:

19 30.496 (6) BONDHOLDERS AND NOTEHOLDERS HAVE LIEN. Title to all of the harbor
20 facilities for which revenue bonds, refunding bonds, or bond anticipation notes are
21 issued remains in the municipality, but a statutory lien exists in favor of the
22 bondholders and noteholders against the facilities which have been acquired,
23 constructed, altered, or remodeled and the cost of which has been financed with
24 funds obtained through the issuance of such bonds and notes. To provide further
25 security for the bondholders and noteholders, the ordinance or resolution

SECTION . CR; ~~30.343~~ 30.343 (title)
30.343 (title) ^(B) Activities of board of commissioners of public lands.

1 authorizing the issuance of revenue bonds, refunding bonds, or bond anticipation
2 notes may provide for a pledge of the revenues of the facilities, including, if the
3 facilities are leased under sub. ~~(6)~~ this subsection, an assignment of all or part of the
4 municipality's rights as lessor.

5 **SECTION 238.** 30.37 of the statutes is renumbered 30.497, and 30.497 (6) and
6 (7), as renumbered, are amended to read:

7 **30.497 (6) EFFECT OF REVISION ON EXISTING HARBOR BOARDS.** Boards of harbor
8 commissioners, harbor commissions, or dock and harbor boards in existence on
9 January 1, 1960, are deemed to be valid boards of harbor commissioners as if created
10 pursuant to this section and are vested with all of the powers and duties conferred
11 upon boards of harbor commissioners by this ~~chapter~~ subchapter. The members of
12 such boards may continue to hold office until their terms expire, notwithstanding
13 any provision of this section which would otherwise disqualify them, but
14 appointments made after January 1, 1960, shall be made only in accordance with
15 this section. Nothing in this subsection is intended to prevent a municipality by
16 resolution from abolishing its board of harbor commissioners, harbor commission, or
17 dock and harbor board.

18 **(7) MILWAUKEE COUNTY.** Milwaukee County, with respect to the land ceded or
19 granted to Milwaukee County as described in 1997 Wisconsin Act 70, section 3, may
20 directly exercise all of the powers and perform all of the duties conferred on a board
21 of harbor commissioners under ss. ~~30.34, 30.35 and 30.38~~ 30.495, 30.496, and 30.498,
22 but Milwaukee County may not create a board of harbor commissioners if sub. (1) (b)
23 applies. Milwaukee County shall have exclusive jurisdiction over the operation,
24 administration, maintenance, improvement, alteration, and repair of any marina
25 facility or marina related anchorage located on this land.

1 **SECTION 239.** 30.38 of the statutes is renumbered 30.498, and 30.498 (3) and
2 (13) (a) and (b), as renumbered, are amended to read:

3 **30.498 (3) CONTRACT PROCEDURES.** In the letting of work relative to the
4 construction, repair, or maintenance of a harbor or harbor facility or in the purchase
5 of equipment, supplies, or materials relative to carrying out its powers and duties,
6 a board of harbor commissioners shall be governed by the procedures and
7 requirements set forth in s. ~~30.32~~ 30.493.

8 **(13) (a)** All moneys appropriated to a board of harbor commissioners, all
9 revenues derived from the operation of the public harbor except in the case of a joint
10 harbor revenue from joint improvements before division thereof, and all other
11 revenues of the board shall be paid into the municipal treasury and credited to the
12 harbor fund, except that revenues assigned or pledged under s. ~~30.35~~ 30.496 (6) or
13 66.1103 shall be paid into the fund or funds provided for in the ordinance or
14 resolution authorizing the issuance of the bonds and shall be applied in accordance
15 with that ordinance or resolution.

16 **(b)** Subject to the limitations and conditions otherwise expressed in this section
17 and to a budget approved by the municipal governing body, moneys in the harbor
18 fund may be used for the acquisition, construction, improvement, repair,
19 maintenance, operation, and administration of the public harbor and harbor
20 facilities and for the acquisition, chartering, and operation of vessels under sub. (8)

21 **(b) 3.** Except as provided in s. ~~30.34~~ 30.495 (4), such moneys shall be paid out of the
22 harbor fund only on orders signed by the president and secretary of the board, or
23 some other official authorized by the board, after the allowance of claims by the board
24 or on orders entered in the minutes of the board. Disbursements from the harbor
25 fund shall be audited as other municipal disbursements are audited; however, the

1 board may determine on some other procedure it deems appropriate for the
2 consideration of claims and the reporting thereof notwithstanding the provisions of
3 this paragraph. If a procedure other than that set forth in this paragraph is
4 prescribed by the board, the approval of the chief auditing officer shall be obtained.

5 SECTION 240. Subchapter IV (title) of chapter 30 [precedes 30.40] of the
6 statutes is renumbered subchapter III (title) of chapter 30 [precedes 30.40].

7 SECTION 241. 60.782 (2) (d) of the statutes is amended to read:
8 60.782 (2) (d) Lease or acquire, including by condemnation, any real property
9 situated in this state that may be needed for the purposes of s. 23.09 (19), 23.094 (3g)
10 or ~~30.275~~ 30.359 (4).

11 SECTION 242. 66.0133 (3) of the statutes is amended to read:
12 66.0133 (3) NOTICE. Notwithstanding ss. 27.065 (5) (a), ~~30.32~~ 30.493, 38.18,
13 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,
14 62.15 (1), 62.155, 66.0131 (2), 66.0923 (10), 66.0925 (10), 66.0927 (11), 66.1333 (5) (a)
15 2., 200.11 (5) (d), and 200.47 (2), before entering into a performance contract under
16 this section, a local governmental unit shall solicit bids or competitive sealed
17 proposals from qualified providers. A local governmental unit may only enter into
18 a performance contract if the contract is awarded by the governing body of the local
19 governmental unit. The governing body shall give at least 10 days' notice of the
20 meeting at which the body intends to award a performance contract. The notice shall
21 include a statement of the intent of the governing body to award the performance
22 contract, the names of all potential parties to the proposed performance contract, and
23 a description of the energy conservation and facility improvement measures
24 included in the performance contract. At the meeting, the governing body shall
25 review and evaluate the bids or proposals submitted by all qualified providers and

~~SECTION CR: 30.381(3) (title)
30.381(3) (title) FISHING RAFTS
SECTION CR: 30.381(4)
30.381(4) (title) WATER DIVERSIONS AND STREAM COURSES.~~

✓
INSERT
75-4
INSERT ✓
75-0

1 may award the performance contract to the qualified provider that best meets the
2 needs of the local governmental unit, which need not be the lowest cost provider.

3 **SECTION 243.** 281.35 (1) (b) 2. of the statutes is amended to read:

4 281.35 (1) (b) 2. If subd. 1. does not apply, the highest average daily water loss
5 over any 30-day period that is reported to the department or the public service
6 commission under sub. (3) (c) or s. 30.18 (6) (e) (bm), 196.98, 281.17 (1), or 281.41.

7 ~~**SECTION 244.** 281.35 (4) (a) 1. of the statutes is amended to read:~~

8 ~~281.35 (4) (a) 1. A person to whom a permit has been issued ^{PLAIN} ~~granted~~ under s.~~
9 ~~30.18 or who is required to obtain a permit under that section before beginning or~~
10 ~~increasing a withdrawal.~~

11 **SECTION 245.** 281.35 (4) (b) (intro.) of the statutes is amended to read:

12 281.35 (4) (b) (intro.) Before any person specified in par. (a) may begin a new
13 withdrawal or increase the amount of an existing withdrawal, the person shall apply
14 to the department under s. 30.18, 281.17 (1), or 281.41 for a new permit or approval
15 or a modification of its existing permit or approval if either of the following conditions
16 applies:

17 **SECTION 246.** 293.65 (2) (a) of the statutes is amended to read:

18 293.65 (2) (a) Any person intending to divert surface waters for prospecting or
19 mining shall apply to the department for a permit. The forms and procedures used
20 under s. 30.18 apply to the extent practicable.

****NOTE: ^{Marked with Δ} (Should the last sentence in s. 293.65 (2) (a) be amended or deleted?)

21 **SECTION 247.** 293.65 (2) (b) of the statutes is amended to read:

22 293.65 (2) (b) The department, upon receipt of an application for a permit, shall
23 determine the minimum stream flow or lake level necessary to protect public rights,
24 the minimum flow or level necessary to protect the rights of affected riparians

1 riparian owners, the point downstream beyond which riparian rights are not likely
2 to be injured by the proposed diversion, and the amount of surplus water, as defined
3 in ~~s. 30.01 (6d)~~, if any, at the point of the proposed diversion.

****NOTE: In the nonstatutory provision in RNK's portion of the draft regarding an
advisory committee for rules on navigability, the reference to s. 30.04 (3) must be changed
to s. 30.04 (1).

4

(END)

— INSERT ✓

77-3

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0131/P3ins
MGG:kmg:pg

1 **Insert 23-15** ✓

2 **SECTION 1.** 30.12 (3) (a) 6. of the statutes is amended to read:

3 30.12 (3) (a) 6. Place a permanent boat shelter adjacent to the owner's property
4 for the purpose of storing or protecting watercraft and associated materials, except
5 that no permit may be ~~granted~~ issued for a permanent boat shelter which is
6 constructed after May 3, 1988, if the property on which the permanent boat shelter
7 is to be located also contains a boathouse within 75 feet of the ordinary high-water
8 mark of if there is a boathouse over navigable waters adjacent to the owner's
9 property.

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.

10 **Insert 29-3** ✓

11 **SECTION 2.** 30.121 (7) ✓ of the statutes is renumbered 30.381 (5) and amended
12 to read:

13 30.381 (5) ~~PENALTIES~~ BOATHOUSES AND HOUSEBOATS ^{plain} Any person who ^{strike}
14 constructs, owns, or maintains a boathouse or fixed houseboat in violation of ~~this~~
15 section ^{s.} 30.281 or in violation of any order issued under ~~this section~~ s. 30.281 shall
16 forfeit not less than \$10 nor more than \$50 for each offense. Each day during which
17 a structure boathouse or a fixed houseboat exists in violation of ~~this section~~
18 constitutes s. 30.281 is a separate offense.

History: 1979 c. 101; 1981 c. 117; 1983 a. 27 s. 2202 (38); 1987 a. 374, 395; 1995 a. 27; 2001 a. 16.

19 **Insert 36-25** ✓

20 **SECTION 3.** 30.15 (1) (title) ✓ of the statutes is renumbered 30.381 (8) (title) and
21 amended to read:

22 30.381 (8) (title) **OBSTRUCTIONS PENALIZED.**

History: 1987 a. 374.

fix component

SECTION 4. 30.15 (1) (intro.) of the statutes is renumbered 30.381 (8) (a) (intro.)

2 and amended to read

3 ~~30.381 (8) (a) (intro.) Any person who does any of the following shall forfeit not~~
4 ~~less than \$10 nor more than \$500 for each offense:~~

any...

5 History: 1987 a. 374. *(b) and (c)* SECTION 5. 30.15 (1) (a) *are* of the statutes *, 2. and 3.* is renumbered 30.381 (8) (a) 1. and

6 amended to read:

7 30.381 (8) (a) 1. Unlawfully obstructs any navigable waters water and thereby
8 impairs the free navigation thereof of the navigable water.

History: 1987 a. 374.

9 SECTION 6. 30.15 (1) (b) of the statutes is renumbered 30.381 (8) (a) 2. and

10 amended to read:

11 ~~30.381 (8) (a)~~ 2. Unlawfully places in ~~any~~ *any* waters or in any tributary thereof
12 *any* body of water any substance that may float into and obstruct any such waters ~~of~~
13 navigable water or that may impede their the free navigation of a navigable water.

History: 1987 a. 374.

14 SECTION 7. 30.15 (1) (c) of the statutes is renumbered 30.381 (8) (a) 3. and

15 amended to read:

16 ~~30.381 (8) (a)~~ 3. Constructs or maintains in any navigable waters, water any
17 boom not authorized by law or aids in the construction or maintenance therein, of any *plain*
18 such boom not authorized by law.

History: 1987 a. 374.

19 **Insert 37-6**
20 **SEC. #. 30.15 (3) (title) of the statutes is repealed.**

21 SECTION 8. 30.15 (3) of the statutes is renumbered 30.381 (8) (b) and amended
to read:

§
~~EACH DAY A SEPARATE VIOLATION~~

1 30.381 (b) Each day during which an
2 obstruction, deposit, or structure exists in violation of sub. (1) par. (a) is a separate
3 offense.

History: 1987 a. 374.

4 **Insert 44-1**

5 **SECTION 9.** 30.18 (7) of the statutes is amended to read:

6 30.18 (7) PREREQUISITES TO PROJECT CONSTRUCTION WORK. ~~After an application~~
7 ~~under this section has been filed with the department, the applicant may enter any~~
8 ~~land through which it is proposed to divert the water for the purposes of making any~~
9 ~~surveys required for drafting the plans for the project, but no work shall~~ Work may
10 not be commenced on the canal, headworks, or other structures necessary for the
11 project for which a permit has been issued under this section until the plans for the
12 same canal, headworks, or other structures have been approved by the department.

13 Any person ~~having received~~ who has been issued a permit required under sub. (2) (5)
14 (a) for a diversion that is not a large diversion may ~~construct~~ commence the work
15 upon the land of another ~~the canal and other works~~ as authorized by the permit only
16 after the ~~damage which will be sustained by the owner or owners of such~~ ^{of} that land
17 has been satisfied, or has been determined as provided for in ch. 32, and compensated
18 for any damages ^{that} the owner will incur as a result of the ~~of the~~ work or after the final
19 sum so for condemnation of the property under ch. 32 has been determined and all
20 costs have been paid to the ^{or} ~~persons entitled thereto~~ owner or to the clerk of the circuit
21 court on their the owner's account.

History: 1979 c. 221; 1985 a. 60; 1987 a. 374; 1995 a. 227.

22 **Insert 52-23**

23 **SECTION 10.** 30.20 (1) (c) 3. of the statutes is renumbered 30.215 (2) (b) and
24 amended to read:

Strike → Δ a Δ

1 30.215 (2) (b) A person who proposes a removal under subd. 1. which may have
2 an effect on cold water fishery resources or may affect fish spawning beds or nursery
3 areas of material from a farm drainage ditch under the exemption under par. (a) 2.
4 shall notify the department at least 10 days prior to the date that the removal is
5 proposed to start. The department shall determine whether the exemption applies
6 within the 10-day period.

plain
NOTE: MGGs - the reference to "exemption under par. (a) 2." needs to be changed since par. (a) 2. does not contain an exemption
(title) and are
History: 1977 c. 391; 1979 c. 34 s. 2102 (39) (g); 1981 c. 830; 1983 a. 27 s. 2202 (38); 1985 a. 332 (251 (1); 1987 a. 374; 1999 a. 9, 185.
Insert 55-3
SECTION 11. 30.20 (3) (b) of the statutes created to read:
(3) (title) PERMITS FOR REMOVAL FROM OTHER WATERS.
30.20 (b) If an applicant for a permit submits the application at least 30 days

10 before the proposed date of the removal, the department may issue the permit for a
11 period of up to 10 years.

12 **Insert 67-16** ✓

13 (2r) (b) If the department promulgates a rule under par. (a), the rule shall
14 contain a time limit for each type of permit or approval classified under sub. (2) (a)
15 for determining whether the department will grant issue the permit or approval.

16 **Insert 68-20** ✓

17 SECTION 12. 30.298 (1) of the statutes is renumbered 30.381 (1) and amended
18 to read:

19 30.381 (1) GENERAL PENALTY. Any person who violates any provision of *plain*
20 30.095, 30.12 to 30.21, 30.123, 30.135 to 30.20, 30.217, 30.223, 30.266, 30.276 to
21 30.293, 30.313 or 30.85 for which a penalty is not provided under the applicable
22 section or by sub. (2) or (3) subs. (2) to *(2)* shall forfeit not less than \$100 nor more

~~20~~
~~21~~
~~22~~

(2)
?

1 than \$10,000 for the first offense and shall forfeit not less than \$500 nor more than
2 \$10,000 upon conviction of the same offense a 2nd or subsequent time.

History: 1987 a. 374.

****NOTE: Karen - Do we have to list each individual statute above or can we
continue to use "30.xx to 30.xx"? Mary: The context is such that we can
use "30.xx to 30.xx" ARG ①

SECTION 13. 30.298 (2) of the statutes is renumbered 30.381 (6) and amended

to read:
SEC. #. CR; 30.381 (6) (title)
30.381 (6) DIVERSIONS OF WATER: CHANGING OF STREAM COURSES. Any person who
(title)
violates s. 30.18 (2) (a) 1. or 30.195 (1) shall forfeit not less than \$500 nor more than
\$10,000 for the first offense and shall forfeit not less than \$1,000 nor more than
\$10,000 upon conviction of the same offense a 2nd or subsequent time.

fix component ③
SORT

History: 1987 a. 374.

SECTION 14. 30.298 (3) of the statutes is renumbered 30.281 (7) and amended

to read:
SEC. #. CR; 30.381 (7) (title)
30.281 (7) GENERAL PERMITS. Any person who violates s. 30.206 shall forfeit not
(title)
less than \$10 nor more than \$500 for the first offense and shall forfeit not less than
\$50 nor more than \$500 upon conviction of the same offense a 2nd or subsequent
time.

fix component ⑨
SORT

History: 1987 a. 374.

SECTION 15. 30.298 (4) of the statutes is renumbered 30.381 (10) and amended

to read:
SEC. #. CR; 30.381 (10) (title)
30.381 (10) VIOLATIONS OF PERMITS, CONTRACTS, AND ORDERS. A violation of a
(title)
permit, contract, or order issued under this chapter is a violation of the statute under
which the permit, contract, or order was issued.

fix component ⑮
SORT

History: 1987 a. 374.

SECTION 16. 30.298 (5) of the statutes is renumbered 30.281 (9) and amended

to read:

③

3

1 30.281 (9) ADDITIONAL ORDERS. In addition to the forfeitures specified under
2 subs. (1) to (3) (7), the court may order the defendant to perform or refrain from
3 performing such acts as may be necessary to fully protect and effectuate the public
4 interest in navigable waters. The court may order abatement of a nuisance,
5 restoration of a natural resource, or other appropriate action designed to eliminate
6 or minimize any environmental damage caused by the defendant.

History: 1987 a. 374.

7 **Insert 75-4**

8 **SECTION 17.** 30.381 (2) (title) of the statutes is created to read:

9 30.381 (2) (title) STRUCTURES AND DEPOSITS.

10 **SECTION 18.** 30.381 (2) (b) of the statutes is created to read:

11 30.381 (2) (b) Any person who violates s. 30.12 shall be fined not more than
12 \$1,000 or imprisoned for not more than 6 months or both, upon conviction of the same
13 offense a 2nd or subsequent time within 5 years.

4 components

fix component

NOTE:

The criminal penalty in current law for violation of s. 30.12 permit requirements is the only criminal penalty in subch. II. This provision keeps the criminal penalty for repeat violators and adds a forfeiture as the basic penalty under s. 30.381 (2) (a), renumbered from s. 30.15 (1) (d).
(civil penalty)

violating

14 **SECTION 19.** 30.381 (3) of the statutes is created to read:

15 30.381 (3) WHARVES, PIERS, AND SWIMMING RAFTS. Any person who constructs or
16 places a wharf, pier, or swimming raft in navigable waters in violation of s. 30.13
17 shall forfeit not less than \$100 nor more than \$500 for each offense. Each day during
18 which a wharf, pier, or swimming rafts exists in violation of s. 30.13 is a separate
19 offense.

20 **SECTION 20.** 30.381 (5) (title) of the statutes is created to read:

21 30.381 (5) (title) WATER DIVERSIONS AND STREAM COURSES.

22 **Insert 75-6**

23 **SECTION 21.** 30.772 (3) (d) 4. of the statutes is amended to read:

*** NOTE: In next version, redo numbering in s. 30.381 and check internal and external cross-references regarding s. 30-381.

X

1 30.772 (3) (d) 4. The provisions and procedures of ch. 68 shall apply to the grant
2 issuance, denial, or revocation of a mooring permit by a municipality.

History: 1985 a. 243; 1987 a. 374; 1987 a. 399; 1999 a. 150 ss. 5, 672.

Insert 77-3

4 **SECTION 22.** 943.13 (4m) (c) of the statutes is amended to read:

5 943.13 (4m) (c) A person entering or remaining on any exposed shore area of
6 a stream as authorized under s. ~~30.134~~ 30.235.

History: 1971 c. 317; 1977 c. 173, 295; 1979 c. 32; 1983 a. 418; 1987 a. 27; 1989 a. 31; 1993 a. 342, 486; 1995 a. 45, 451; 1997 a. 248; 1999 a. 9.

→ ****NOTE: This statute must be deleted; and the cross-reference table must be corrected to show "30.235". [See RNK's draft LRB-0139/p2.]*

∪

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0131/P3dn
MGG:kmg:pg
↑

1. I took out the language in ss. 30.123, 30.18, 30.19, and 30.195 stating that a person may apply for a permit because I thought it ~~to be~~ unnecessary. However, if this language was included to address a certain issue, please let me know.

2. I conformed the language in ^{ss.} § 30.12 (1) (intro.), 30.19 (1) (intro.), and 30.195 (1), as numbered under current law. Please note that the use of the phrase "authorized by the legislature" could include nonstatutory provisions, lakebed grants, and joint resolutions, as well as other statutes. Let me know if you want any changes.

3. Regarding s. 30.19: A lot of different terminology is used in this section, both in the current statutes and in this draft. An "artificial water body" could be navigable or non-navigable. Note that for purposes of this section "navigable waterway" is defined in s. 30.01 (4m). A "navigable waterway" could be artificial or natural. I have substituted "navigable waterway" for references under s. 30.19, under current law, to streams, lakes, bodies of navigable waters, etc. Note that s. 30.19 (2) (e), renumbered to s. 30.19 (3b) (b) 3. in this draft, uses the term "bodies of water" which would include any body of water, whether it is artificial or natural, navigable or non-navigable. Please call me to discuss any changes or questions.

4. The draft, ^{originally} renumbered s. 30.134 to ^{be} s. 30.85 and s. 30.29 to s. 30.86. I have changed the renumbering to ^{or be} "30.235" and "30.237" respectively since ss. 30.85 and 30.86 would not have been in any subchapter.

5. It appears that ^{over the years} not a lot of thought has gone into the cross-reference strings ~~that~~ ^{the years} that are found under current law in ss. 30.12 (4) (a), 30.202 (3), and 30.204 (5) ~~over the years~~. I did add cross-references to ss. 61.351 and 62.231 to ~~ss. 30.202 (3) and 30.204 (5)~~. If you want to make further changes or want to make these cross-references more consistent, please call me to discuss this.

Also note that there are ~~some~~ substantive changes in the cross-reference string in s. 30.204 (5). Sections 30.05 and 30.056 under current law are not included in these cross-references but are included in this draft by changing the cross-reference to subch. II. Conversely, s. 30.29 under current law is included in these cross-references ~~the cross-references s. 30.204 (5), as renumbered in this draft. Also, the cross-reference to s. 30.29 in s. 30.204 (5) under current law is taken out of the cross-reference string in this draft.~~

→ In ss. 30.202 (3) and 30.204 (5),

was

MGG

6. Regarding the references to "chapter" in the general permitting provisions, ss. 30.206 and 30.207, Do you want to make those provisions more precise?

7. Regarding the cross-reference list in s. 30.298 (1) (renumbered 30.381 in this draft), I have made the following changes:

a. I took out the reference to s. 30.231 because there is no s. 30.231.

b. I took out the cross-references to ss. 30.12 and 30.13 even though there is a specific penalty for them in s. 30.381 (2) and (3), as renumbered, since this penalty will apply to any violation of s. 30.12 or 30.13.

c. I left in the cross-reference to s. 30.266 (renumbered from s. 30.126) even though there are specific penalties for violations of this section in s. 30.381 (3), as renumbered. However, if the penalty will apply to any violation of s. 30.266, this cross-reference should be eliminated.

d. I left in the cross-reference to s 30.18. Even though there are specific penalties for violations of s. 30.18 (1) (a) 1. in s. 30.381 (4), as renumbered, other parts of s. 30.18 could be violated and those violations should be subject to the default penalty in s. 30.298 (1). *renumbered s. 30.381 (1)*

e. I left in the cross-reference to s. 30.19. Even though there are specific penalties for violations of s. 30.19 ~~5~~ in s. 30.381 (4), as renumbered, arguably other parts of s. 30.195 could be violated and those violations should be subject to the default penalty in s. 30.298 (1). *be*

f. Consistent with your draft, I did not include a cross-reference to s. 30.206 (renumbered to s. 30.221 in this draft) because the penalty specified in s. 30.381 (5), as renumbered, applies to any violation of s. 30.206.

g. I left in the cross-reference to s. 30.196 (renumbered s. 30.313 in this draft), but I think we may want to delete this cross-reference since the section only applies to municipalities.

h. I also left in the cross-reference to s. 30.21 (renumbered s. 30.293 in this draft), but I think we may want to delete this cross-reference since the section only applies to public utilities.

i. Sections 30.2025 (renumbered s. 30.278 in this draft), 30.2026 (renumbered s. 30.279 in this draft), and 30.203 (renumbered 30.355 in this draft) have similar provisions. The first two are included, but the last one is excluded. Please review and let me know if you want any changes.

8. I merged all of the "penalty" provisions in s. 30.98 into s. 30.381 since they all have to do with navigable waters, and it was confusing, at least to me, having those 2 penalty sections.

9. Finally, there are embedded ****** notes in the draft which will need a response. *(CS)*

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

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0131/?ins

[P2]

.....

KMG
Editor(s):

*due
early AM
10/14*

[Notes]

This is the first half of a large draft from Legislative Council. Karen is editing the second half, which is Robin's. Just treat this draft as if it ends on page 62. Leave the Leg Council notes regarding boating in the prefatory note as is except for the changes I have made. I'll deal with the cross-reference table, and do an entire cross reference check, on ~~the next~~ ^{a subsequent} go-around.

What I want from this editing is mainly the draft retyped into one document. Things that I will be doing specifically on the next go-around and which I have not totally addressed here are as follows:

- ✓ 1. Whether all statutory units which should have titles have titles.
- ✓ 2. Whether all statutory units that should not have titles do not have titles.
- ✓ 3. Consistency and parallelism in the language for all the different types of permits.
- 4. Changes to the relating clause.
- 5. Review of all notice + hearing provisions

Thanks,

MGG