

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

3 30.381 (1) ^{GENERAL} Any person who violates any provision of ss. ~~30.095, 30.12 to 30.21~~
4 ~~30.217, 30.223, 30.231, 30.266, 30.276, 30.278, 30.279, 30.281, 30.283, 30.293,~~
5 ~~30.313, and 30.85~~ for which a penalty is not provided under the applicable section
6 or by sub. (2) or (3) ~~sub. (2) to (6)~~ shall forfeit not less than \$100 nor more than
7 \$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 ⁽⁵⁾ ~~(6)~~ ^{GENERAL PERMITS.} Any person who violates s. ~~30.206~~ 30.221 shall forfeit not less than \$10 nor
10 more than \$500 for the first offense and shall forfeit not less than \$50 nor more than
11 \$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 SECTION 225. 30.298 (4) of the statutes is renumbered 30.98 (3).

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

15 SECTION 226. 30.298 (5) of the statutes is renumbered 30.381 ⁽⁷⁾ ~~(11)~~ and amended
16 to read:

17 ⁽⁷⁾ ~~(11)~~ ^{ADDITIONAL ORDERS.} In addition to the forfeitures specified under subs. (1) ~~to (3)~~, (5), and
18 (9), the court may order the defendant to perform or refrain from performing such
19 acts as may be necessary to fully protect and effectuate the public interest in
20 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

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; ~~043~~ 30.343 (title)
9 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
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INSERT ✓
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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 ^{PERM} ~~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: ^{Mark A} (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...

History: 1987 a. 374.

(b) and (c) are 2. and 3.

5 SECTION 5. 30.15 (1) (a) of the statutes 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 ~~or~~
13 navigable water ^{or} that may impede their the free navigation ^{of} 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 persons entitled thereto~~ ^{to} 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.

XXXXX NOTE: MGG - The reference to "exemption under par. (a) 2." needs
History: 1977 c. 391; 1979 c. 34 s. 2102 (39) (g); 1981 c. 230; 1983 a. 27 s. 2202 (38); 1985 a. 332 s. 251 (1); 1987 a. 374; 1999 a. 9, 185.
Insert 55-3 (title) and are since par. (a) 2. does not have contain exemption
SECTION 11. 30.20 (3) (b) of the statutes created to read:
(3) (title) PERMITS FOR REMOVAL FROM OTHER WATERS.

8 SECTION 11. 30.20 (3) (b) of the statutes created to read:
9 (3) (title) PERMITS FOR REMOVAL FROM OTHER WATERS.
10 30.20 (b) If an applicant for a permit submits the application at least 30 days
11 before the proposed date of the removal, the department may issue the permit for a
12 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 (ss) ^{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 (6) shall forfeit not less than \$100 nor more

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21
22

(2) to (6)

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*

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.

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.

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.

History: 1987 a. 374.

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

to read:

fix component 3
SORT

fix component 9
SORT

fix component 15
SORT

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 not more than 6 months or both, upon conviction of the same
13 offense a 2nd or subsequent time within 5 years.

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).

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.

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 s. 30.85 and s. 30.29 to s. 30.86. I have changed the renumbering to ^{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 ~~then~~ ^{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),

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 ^{s.} 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 to~~ 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).

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~~ ^{cs} in the draft which will need a response.

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*

[Karen]

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