

2003 DRAFTING REQUEST

Bill

Received: **09/30/2003**

Received By: **mglass**

Wanted: **As time permits**

Identical to LRB:

For: **Joseph Leibham (608) 266-2056**

By/Representing: **Patrick Vander Sanden**

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

Drafter: **mglass**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Exemption for commercial boathouses

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			S&L
/1	mglass 10/20/2003	kgilfoy 10/21/2003	chaugen 10/21/2003	_____	lemery 10/21/2003	lemery 10/23/2003	S&L
/2	mglass 10/24/2003	kgilfoy 10/24/2003	rschluet 10/24/2003	_____	Inorthro 10/24/2003	Inorthro 10/27/2003	

FE Sent For:

AA Intro

<END>

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*12-10/24
KMG*

[Signature]
<END>
*10243
p6*

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1?	mglass	11-10/21 King	CH 10-21	CH 10-21 JF			

FE Sent For:

<END>

(3t) Exception; Commercial boathouses. Notwithstanding subsections (2) and (3) a person may construct, repair or maintain a boathouse beyond the ordinary high watermark if:

(a) The boathouse is used exclusively for commercial purposes and does not contain living quarters.

(b) The boathouse is located on land zoned exclusively for commercial or industrial purposes or qualifies as a brownfield area.

(c) The boathouse is located within a commercial harbor on the Great Lakes or on a river that is a tributary to the Great Lakes.

(d) Any applicable permits under ss. 30.12 or 30.19 are obtained from the department.

Chapter 30 Recodification
Boathouse Exceptions – Creation of Commercial Boathouse Exception

1. Section 1. Sections 30.121 (3g), (3m) and (3r) are amended as follows:

(3mg) Exceptions;

(a) Boathouses ~~historical~~ of historical or cultural value. Subsection (3) does not apply to the repair or maintenance of a boathouse or a fixed houseboat if the boathouse or fixed houseboat has a historic or cultural value, as determined by the state historical society or a local or county historical society established under s. 44.03.

(b) ~~(3m) Exception; c~~ Certain single-story boathouses. Notwithstanding subs. (2) and (3), a person may construct, repair or maintain a single-story boathouse over an authorized waterway enlargement if:

1.(a) The boathouse does not extend beyond the ordinary high-water mark as it existed prior to the creation of the enlargement;

2.(b) The boathouse covers the entire enlargement; and

3.(e) Living quarters or plumbing fixtures are not constructed in the boathouse.

(c) ~~(3r) Exception; d~~ Damages after January 1, 1984. Subsections (2) and (3) do not apply to the repair or reconstruction of a damaged boathouse if the boathouse was damaged by violent wind, vandalism or fire and if the damage occurs after January 1, 1984.

(d) Commercial boathouses. Notwithstanding subsections (2) and (3) a person may obtain a permit under s. 30.12 for the construction, repair or maintenance of a boathouse constructed beyond the ordinary high watermark if:

1. 1. The boathouse is used exclusively for commercial purposes and does not contain living quarters.

2.

2. The boathouse is located on land zoned exclusively for commercial or industrial purposes or qualifies as a brownfield area.

3. The boathouse is located within a commercial harbor on the Great Lakes or on a river that is a tributary to the Great Lakes.

4. An approval under s. 30.19 is obtained from the department for any connected enlargement associated with the construction, repair or maintenance of the boathouse.

Gibson-Glass, Mary

From: Vander Sanden, Patrick
Sent: Monday, September 29, 2003 4:46 PM
To: Gibson-Glass, Mary
Subject: Proposed Legislation - Please Draft



Proposed
Legislative Fix.doc



Boathouse
Legislation.doc

Patrick B. Vander Sanden

Office of State Senator Joe Leibham
409 South, State Capitol

Clerk, Joint Committee for Review of Administrative Rules (JCRAR)
(608) 266-2056



State of Wisconsin
2003 - 2004 LEGISLATURE

RMR
LRB-3396A 1
M... King

Thurs
a.m.
10/23
~~soon~~
(in 10/20/03)

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Gen. Cat.

1 AN ACT ~~...~~; relating to: the regulation of certain boathouses.

Analysis by the Legislative Reference Bureau

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

✓
INS
AML

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 (END)

✓
INSERT
1-2

BILL

1 SECTION 39. 30.12 (4m) (title) of the statutes is repealed.

2 SECTION 40. 30.12 (4m) of the statutes is renumbered 30.12 (1m), and 30.12
3 (1m) (c) (intro.), as renumbered, is amended to read:

4 30.12 (1m) (c) (intro.) ~~Subsection (1) does not apply to a~~ A structure or deposit
5 that the drainage board for the Duck Creek Drainage District places in a drain that
6 the board operates in the Duck Creek Drainage District is exempt from the permit
7 requirements under this section if either of the following applies:

8 SECTION 41. 30.12 (5) of the statutes is repealed.

9 SECTION ~~42~~ 30.121 (3w) of the statutes is created to read:

10 30.121 (3w) EXCEPTION; COMMERCIAL BOATHOUSES. Notwithstanding subs. (2)
11 and (3), a person may construct, repair, or maintain a boathouse if all of the following
12 apply:

13 (a) The boathouse is used exclusively for commercial purposes and does not
14 contain any living quarters.

15 (b) The boathouse is located on land zoned exclusively for commercial or
16 industrial purposes or the boathouse is located on a brownfield, as defined in s.
17 560.13 (1) [✓] (a) ^g or in a blighted area, as defined in s. 66.1331 (3) (a).

18 (c) The boathouse is located within a harbor that is being operated as a
19 commercial enterprise or is located on a river that is a tributary of Lake Michigan
20 or Lake Superior.

21 (d) The person has been issued any ~~applicable individual~~ ^{that} permits under this
22 subchapter and is in compliance with any applicable general permitting
23 requirements under this subchapter.

24 SECTION 43. 30.123 (title) of the statutes is repealed and recreated to read:

25 30.123 (title) **Bridges and culverts.**

applicable
(d) The person has been issued any ^{applicable} permits
that are required under § 30.19. ✓
S.

✓
INS
1-2

BILL

4. Exempts removals for certain specified amounts if the removals are not from an area of natural resource interest, do not contain hazardous substances, and will be placed in an upland area.

5. Requires DNR to issue general permits for other removals that are within specified amounts.

INS
ANL

Boathouses

Current law, with some exceptions, imposes a prohibition on placing a boathouse beyond the ordinary high-water mark of a navigable waterway. This bill creates an exemption for the construction, repair, or maintenance of a boathouse that is used exclusively for commercial purposes, is on land zoned exclusively for commercial or industrial purposes or is in a brownfield or blighted ~~area~~, and is located in a commercial harbor or on a tributary of Lake Michigan or Lake Superior. Current law defines a "brownfield" to be an industrial or commercial facility, the expansion or redevelopment of which is complicated by environmental contamination.

and for which any applicable permit to enlarge a waterway has been issued by the department of natural resources

Notice, hearing, and decision provisions for individual permits

Under current law, for individual placement permits, bridge permits, removal permits, stream course permits, and enlargement permits, DNR must order a public hearing to be held within 60 days after receiving a complete application for the permit or provide notice (notice of application) that DNR will proceed on the application without a public hearing unless a substantive written objection is received within 30 days after the notice is published. DNR must provide the notice of application to various parties and to the applicant, who in turn must publish notice. Current law defines a "substantive written objection" to be one that gives the reasons why the issuance of the proposed permit will violate state law and that states that the person objecting will appear at the public hearing to present information supporting the objection. The applicant must publish the notice in a newspaper that is likely to give notice in the area where the waterway activity will be located (area newspaper).

If DNR does not receive a substantive written objection within the 30-day period, DNR proceeds on the permit application. If DNR receives such an objection, the public hearing must be held within 60 days after being ordered. At least 10 days before the hearing, the Division of Hearings and Appeals in the Department of Administration must mail a notice of the public hearing to the applicant, all of the parties who received the notice of application, and anyone who submitted a substantive written objection. The applicant again must publish the notice in an area newspaper.

Under current law, DNR may also use this notice and hearing procedure when it is not specifically required if DNR determines that substantial interests of any party may be adversely affected by the granting of the permit.

Under the bill, DNR must provide notice of a complete application to interested members of the public within 15 days after DNR determines that the application is complete. DNR must provide a period for public comment after providing notice that the application is complete. If no hearing is requested, the public comment period ends in 30 days.

Emery, Lynn

From: Vander Sanden, Patrick
Sent: Thursday, October 23, 2003 10:43 AM
To: LRB.Legal
Subject: FW: Boathouse draft

Good Morning - Senator Leibham would like this drafted jacketed for the Senate as soon as possible.

Thank you.

Patrick - Senator Leibham's Staff.

-----Original Message-----

From: Gibson-Glass, Mary
Sent: Thursday, October 23, 2003 10:12 AM
To: Vander Sanden, Patrick
Subject: Boathouse draft



03-3396/1

Mary Gibson-Glass
Senior Legislative Attorney
Legislative Reference Bureau
608 267 3215

Gibson-Glass, Mary

From: Vander Sanden, Patrick
Sent: Thursday, October 23, 2003 5:33 PM
To: Gibson-Glass, Mary
Cc: Leibham, Joseph
Subject: RE: Boathouse draft

Hi Mary - I hate to do this to you, but Senator Leibham has two very small tweaks to this draft.

Here is what we would like -

- Page 2, Lines 4 & 5: can you remove the words, "and does not contain any living quarters."

- Page 2, Line 8: after 560.13(1)(a) - can you add, "or in a blighted area, as defined in s. 66.1331(3)(a)."

That is all we need. If you have any questions, please let me know.

Thank you for your continued assistance.

Patrick

-----Original Message-----

From: Gibson-Glass, Mary
Sent: Thursday, October 23, 2003 10:12 AM
To: Vander Sanden, Patrick
Subject: Boathouse draft

<< File: 03-3396/1 >>

Mary Gibson-Glass
Senior Legislative Attorney
Legislative Reference Bureau
608 267 3215



State of Wisconsin
2003 - 2004 LEGISLATURE

RMR
LRB-3396/A 2
MGG:kmg:ch
↑

Mon,
10/27

2003 BILL

INSERT ANL

1 AN ACT to create 30.121 (3w) of the statutes; relating to: the regulation of
2 certain boathouses.

stet
1st. sentence

Analysis by the Legislative Reference Bureau

stet

Current law, with some exceptions, imposes a prohibition on placing a boathouse beyond the ordinary high-water mark of a navigable waterway. This bill creates an exemption for the construction, repair, or maintenance of a boathouse that is used exclusively for commercial purposes, is on land zoned exclusively for commercial or industrial purposes, or is in a brownfield, and is located in a commercial harbor or on a tributary of Lake Michigan or Lake Superior, and for which any applicable permit to enlarge a waterway has been issued by the Department of Natural Resources. Current law defines a "brownfield" to be an industrial or commercial facility, the expansion or redevelopment of which is complicated by environmental contamination.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 30.121 (3w) of the statutes is created to read:

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3396/lins
MGG:kmg:ch

INSERT ANL

No 8

Under this bill, a person is exempt from this prohibition for a project that involves the construction, repair, or maintenance of a boathouse if the boathouse is used exclusively for commercial purposes; is located on ~~commercial~~ ~~zoned~~ or ~~industrial~~ ~~zoned~~ land, in a brownfield, or in a blighted area, and is located in a commercial harbor or on a tributary of Lake Michigan or Lake Superior. Additionally, if a waterway is being enlarged or connected or if grading of topsoil of a certain amount from the bank of a navigable body of water is involved as part of the project, the person must have been issued any necessary permit by the Department of Natural Resources.

Industrially A

Commercially A