

2019 DRAFTING REQUEST**Bill**

For: **Rob Stafsholt (608) 266-7683** Drafter: **zwyatt**
 By: **Matthew** Secondary Drafters:
 Date: **4/1/2019** May Contact:
 Same as LRB: **-4330 -4380**

Submit via email: **YES**
 Requester's email: **Rep.Stafsholt@legis.wisconsin.gov**
 Carbon copy (CC) to: **zachary.wyatt@legis.wisconsin.gov**
elisabeth.shea@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Presumption of riparian ownership

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	zwyatt 4/4/2019	aernstr 4/4/2019			
/P1	zwyatt 5/23/2019	aernstr 5/24/2019	mbarman 4/4/2019		
/P2	zwyatt 8/14/2019	aernstr 8/14/2019	dwalker 5/24/2019		
/P3			dwalker 8/14/2019		
/1			lparisi	dwalker	

Vers. Drafted

Reviewed

Submitted
9/18/2019

Jacketed
10/3/2019

Required

FE Sent For:

Not Needed

<END>

Wyatt, Zachary

From: Spencer, Matthew
Sent: Tuesday, March 26, 2019 4:49 PM
To: Wyatt, Zachary
Subject: RE: Right to place a pier

That is accurate. Thanks for your help on this!

Matthew Spencer

Research Assistant
Office of Representative Rob Stafsholt
29th Assembly District
608-266-7683

From: Wyatt, Zachary <Zachary.Wyatt@legis.wisconsin.gov>
Sent: Tuesday, March 26, 2019 4:12 PM
To: Spencer, Matthew <Matthew.Spencer@legis.wisconsin.gov>
Subject: RE: Right to place a pier

Matthew,

Current law allows placement of piers (subject to certain limitations) on any navigable water, whether that water is man-made or otherwise. The portion of the *Movrich* decision that had to do with pier placement was not based upon the fact that the water was flowage, but upon the fact that the lakebed beneath the flowage is privately held. The Court affirmed the right of the public to access the waters of the flowage, but held that being a riparian owner cannot supersede the property rights of the owner of the lakebed. Creating a presumption of riparian ownership would not change the underlying property law issues.

I just want to make sure we're on the same page about what was decided and what your intent is in responding to that decision. I understand your intent to be that the owner of property that abuts a navigable water has the right to place a pier, regardless of the ownership of the lakebed beneath the water, unless that owner's deed restricts such placement. Is that accurate?

Zack

From: Spencer, Matthew <Matthew.Spencer@legis.wisconsin.gov>
Sent: Tuesday, March 26, 2019 2:34 PM
To: Wyatt, Zachary <Zachary.Wyatt@legis.wisconsin.gov>
Subject: RE: Right to place a pier

We were speaking with constituents and there was a decision in *Movrich v. Lobermier*, that stated that riparian owners on a flowage do not have a right to place a pier. Here is an article on the issue:
<https://www.wisbar.org/NewsPublications/Pages/General-Article.aspx?ArticleID=26133>

Basically we want to ensure that citizens can place a pier on flowages and man-made water bodies if their deed allows them to do so.

Thanks for looking into this.

Matthew Spencer

Research Assistant
Office of Representative Rob Stafsholt
29th Assembly District
608-266-7683

From: Wyatt, Zachary <Zachary.Wyatt@legis.wisconsin.gov>
Sent: Tuesday, March 26, 2019 9:06 AM
To: Spencer, Matthew <Matthew.Spencer@legis.wisconsin.gov>
Subject: FW: Right to place a pier

Matthew,

Do you want to provide more context on the problem you're trying to address? A riparian owner already has the ability to place a pier, subject to certain limitations. See s. 30.12 (1g) (f) 1. So it may be that your intent is accomplished with language that creates a presumption of riparian ownership based on being adjacent to a waterway (without reference to piers).

Thanks,
Zachary D. Wyatt
Legislative Attorney
Wisconsin Legislative Reference Bureau
zachary.wyatt@legis.wisconsin.gov
608.267.3362

The information contained in this communication may be confidential and protected by the attorney-client privilege.

From: LeCloux, Ryan <Ryan.LeCloux@legis.wisconsin.gov>
Sent: Thursday, March 21, 2019 8:43 AM
To: Wyatt, Zachary <Zachary.Wyatt@legis.wisconsin.gov>
Subject: FW: Right to place a pier

FYI, Stafsholt's office is looking to draft something on the right to build piers on man-made bodies of water.

From: Spencer, Matthew <Matthew.Spencer@legis.wisconsin.gov>
Sent: Thursday, March 21, 2019 8:41 AM
To: LeCloux, Ryan <Ryan.LeCloux@legis.wisconsin.gov>
Subject: Re: Right to place a pier

I'd like to get something drafted

Sent via the Samsung Galaxy S9+, an AT&T 5G Evolution smartphone

----- Original message -----
From: "LeCloux, Ryan" <Ryan.LeCloux@legis.wisconsin.gov>
Date: 3/21/19 8:40 AM (GMT-06:00)
To: "Spencer, Matthew" <Matthew.Spencer@legis.wisconsin.gov>

Subject: RE: Right to place a pier

Hi Matthew,

Are you looking for research on this topic or are you looking to have a bill drafted on this? If you want a bill drafted, you should reach out to Zach Wyatt who does the drafting in this area.

Thank you,

Ryan LeCloux
Legislative Analyst
Wisconsin Legislative Reference Bureau
Ryan.LeCloux@legis.wisconsin.gov
608-504-5820

From: Spencer, Matthew <Matthew.Spencer@legis.wisconsin.gov>
Sent: Wednesday, March 20, 2019 4:59 PM
To: LRB - Reference Services <LRB-Reference-Services@legis.wisconsin.gov>
Subject: Right to place a pier

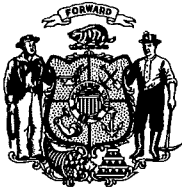
Good Afternoon,

My boss would like to ensure the right to place pier on flowages and man-made water bodies.

We would like to **create a presumption that all owners of property adjacent to a navigable waterway are presumed to have riparian rights including the right to place a pier, unless the deed to the property explicitly says otherwise.**

Thank you

Matthew Spencer
Research Assistant
Office of Representative Rob Stafsholt
29th Assembly District
608-266-7683



in 4/4/2019
out 4/5/2019

LRB-2608B 1/P1
ZDW:..
abe

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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gen

1 AN ACT ...; **relating to:** the presumption of riparian rights on flowages and
2 artificial bodies of water.

Analysis by the Legislative Reference Bureau

This bill provides that the owner of land that abuts a navigable waterway that is a flowage or artificial water body is presumed to be a riparian owner and is entitled to exercise all rights afforded to a riparian owner unless those rights are specifically prohibited by the deed to the land.

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

3 **SECTION 1.** 30.132 of the statutes is created to read:
4 **30.132 Presumption of riparian rights.** An owner of land that abuts a
5 navigable waterway that is a flowage or artificial water body, as defined in s. 30.19
6 (1b) (a), is presumed to be a riparian owner and is entitled to exercise all rights
7 afforded to a riparian owner, subject to the requirements of this chapter, including

① the right to place a pier, unless those rights are specifically prohibited by the deed
2 to the land.

3 (END)



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT to create 30.132 of the statutes; relating to: the presumption of riparian
2 rights on flowages and artificial bodies of water ² navigable waterways

Analysis by the Legislative Reference Bureau

This bill provides that the owner of land that abuts a navigable waterway that is a flowage or artificial water body is presumed to be a riparian owner and is entitled to exercise all rights afforded to a riparian owner unless those rights are specifically prohibited by the deed to the land.

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

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4 30.132 **Presumption of riparian rights.** An owner of land that abuts a
5 navigable waterway that is a flowage or artificial water body, as defined in s. 30.19

6 (1b) (a), is presumed to be a riparian owner and is entitled to exercise all rights
7 afforded to a riparian owner, subject to the requirements of this chapter, including

1 the right to place a pier, unless those rights are specifically prohibited by the deed
2 to the land.

3 (END)

Wyatt, Zachary

From: Spencer, Matthew
Sent: Thursday, May 23, 2019 1:08 PM
To: Wyatt, Zachary
Subject: LRB 2608
Attachments: 19-2608_P1.pdf

Afternoon sir,

Can you please remove the words on Page 1 line 5 starting with "that" and ending with "(1b) (a)" on line 6?

Thanks in advance!

Matthew Spencer

Research Assistant
Office of Representative Rob Stafsholt
29th Assembly District
608-266-7683

Wyatt, Zachary

From: Spencer, Matthew
Sent: Monday, August 12, 2019 4:30 PM
To: Wyatt, Zachary
Subject: LRB 2608

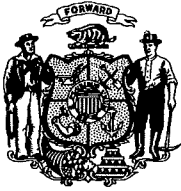
Afternoon Sir,

Can we get an updated draft for LRB 2608

1 **30.132 Presumption of riparian rights.** An owner of land that abuts a
2 navigable waterway is presumed to be a riparian owner and is entitled to exercise
3 all rights afforded to a riparian owner, subject to the requirements of this chapter,
4 including the right to place a pier, other structures or deposits, even if all or a portion of the
5 bed is owned by another party unless those rights are specifically prohibited by
 the deed to the land.

Matthew Spencer

Research Assistant
Office of Representative Rob Stafsholt
29th Assembly District
608-266-7683



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

sa ✓

1 **AN ACT to create** 30.132 of the statutes; **relating to:** the presumption of riparian
2 rights on navigable waterways.

Analysis by the Legislative Reference Bureau

This bill provides that the owner of land that abuts a navigable waterway is presumed to be a riparian owner and is entitled to exercise all rights afforded to a riparian owner unless those rights are specifically prohibited by the deed to the land.

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

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5 navigable waterway is presumed to be a riparian owner and is entitled to exercise
6 all rights afforded to a riparian owner, subject to the requirements of this chapter,
7 including the right to place a pier, unless those rights are specifically prohibited by
8 the deed to the land.

9 (END)

other structures, or deposits, even if the bed of the waterway is owned in whole or in part by another,



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2608/P3
ZDW:ahe

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

11
No
changes

1 **AN ACT to create** 30.132 of the statutes; **relating to:** the presumption of riparian
2 rights on navigable waterways.

Analysis by the Legislative Reference Bureau

This bill provides that the owner of land that abuts a navigable waterway is presumed to be a riparian owner and is entitled to exercise all rights afforded to a riparian owner unless those rights are specifically prohibited by the deed to the land.

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

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5 navigable waterway is presumed to be a riparian owner and is entitled to exercise
6 all rights afforded to a riparian owner, subject to the requirements of this chapter,
7 including the right to place a pier, other structures, or deposits, even if the bed of the
8 waterway is owned in whole or in part by another, unless those rights are specifically
9 prohibited by the deed to the land.

10

(END)

Walker, Dan

From: Spencer, Matthew
Sent: Thursday, October 03, 2019 9:44 AM
To: LRB.Legal
Subject: Draft Review: LRB -2608/1

Please Jacket LRB -2608/1 for the ASSEMBLY.