



1995 SENATE BILL 166

May 3, 1995 - Introduced by Senators LEEAN, ELLIS and RUDE, by request of Governor Tommy G. Thompson. Referred to Committee on Environment and Energy.

1 **AN ACT** *to create* 30.208 of the statutes; **relating to:** the issuing of permits by
2 cities, villages, towns and counties for the placement of structures or deposits
3 in navigable waters.

Analysis by the Legislative Reference Bureau

Under current law the department of natural resources (DNR) must issue permits authorizing activities in navigable waters such as the placement of structures or deposits.

Under this bill, DNR may delegate this responsibility to a municipality if DNR determines that the activity is one that can be regulated by the municipality and if the municipality is willing and equipped to assume the responsibility. The bill requires that DNR promulgate rules to implement this delegation of responsibility.

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:

4 **SECTION 1.** 30.208 of the statutes is created to read:
5 **30.208 Permits or approvals issued by municipalities.** (1) The
6 department may delegate its responsibilities for issuing permits or other approvals
7 for an activity or project under this chapter to a municipality if all of the following
8 apply:

SECTION 1

1 (a) The department determines that the activity or project is one that can
2 adequately be regulated at the municipal level.

3 (b) The municipality is willing to assume the responsibilities for issuing the
4 permits or other approvals.

5 (c) The department determines that the municipality has adequate regulatory
6 resources to assume the responsibilities.

7 **(2)** The department may reverse a decision by a municipality regarding the
8 issuance of an individual permit or other approval. The department may rescind the
9 authority of a municipality to issue permits or other approvals.

10 **(3)** The department may follow the procedures under ss. 23.50 to 23.85 and
11 under s. 30.03 to enforce permits and other approvals issued by municipalities under
12 this section.

13 **(4)** The department shall promulgate rules to administer and enforce this
14 section. The rules shall include all of the following:

15 (a) Criteria for determining what activities or projects may be adequately
16 regulated at the municipal level.

17 (b) Criteria for determining whether a municipality has adequate regulatory
18 resources to assume responsibilities for issuing permits or other approvals.

19 (c) Procedures for review by the department of decisions by municipalities
20 regarding the issuance of permits or other approvals and procedures for appeals to
21 the department of these decisions.

22 **(END)**