



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRBs0214/1  
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**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2003 ASSEMBLY BILL 445**

October 15, 2003 – Offered by COMMITTEE ON NATURAL RESOURCES.

1     **AN ACT to create** 30.12 (2m), 30.12 (3m), 30.13 (1p), 30.13 (7), 30.131 (3) and  
2             30.131 (4) of the statutes; **relating to:** regulating piers and boat hoists and  
3             requiring the exercise of rule-making authority.

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

4             **SECTION 1.** 30.12 (2m) of the statutes is created to read:

5             30.12 (2m) EXEMPTIONS FROM ENFORCEMENT ACTION. (a) Except as provided in  
6             par. (b), a riparian owner of a pier or boat hoist that was in place on January 1, 2003,  
7             or that was seasonally placed in the same location in each of the years beginning with  
8             1998 and ending with 2002, is exempt from any enforcement action by the  
9             department under this section that requires the riparian owner to repair, renovate,  
10            modify, or remove the pier or boat hoist.

11            (b) Paragraph (a) does not apply to any of the following:

1           1. A pier or boat hoist that is the subject of an enforcement action initiated by  
2 the department before the effective date of this subdivision .... [revisor inserts date],  
3 alleging that the pier or boat hoist presents an imminent and substantial danger to  
4 navigation or the public interest.

5           2. A pier or boat hoist that a riparian owner reconstructed or materially altered  
6 after January 1, 2003.

7           3. A pier or boat hoist that interferes with rights of other riparian owners.

8           4. A pier or boat hoist that materially obstructs navigation or reduces the  
9 effective flood flow capacity of a stream.

10          5. A pier or boat hoist that an administrative hearing officer has determined  
11 or that a court has ordered must be repaired, renovated, modified, or removed.

12           **SECTION 2.** 30.12 (3m) of the statutes is created to read:

13           **30.12 (3m) APPLICATION AND PROMULGATION OF RULES.** Every rule promulgated  
14 by the department under this section that relates to the regulation of piers or boat  
15 hoists under sub. (2) and that is in effect on the day before the effective date of this  
16 subsection .... [revisor inserts date], shall be void. The department shall promulgate  
17 rules regulating piers and boat hoists under sub. (2) that shall supersede the rules  
18 promulgated by the department under sub. (2) that were in effect on the day before  
19 the effective date of this subsection .... [revisor inserts date]. The rules shall include  
20 construction standards for piers and boat hoists, standards concerning the  
21 permissible length and width of piers, and standards concerning the number of slips  
22 that a pier may contain.

23           **SECTION 3.** 30.13 (1p) of the statutes is created to read:

24           **30.13 (1p) PIERS EXEMPT FROM ENFORCEMENT ACTION.** (a) A riparian proprietor  
25 that owns a pier or boat hoist that was in place on January 1, 2003, or that was

1 seasonally placed in the same location in each of the years beginning with 1998 and  
2 ending with 2003, is exempt from any enforcement action under this section by the  
3 department or by the governing body of a city, village, or town, or a designated officer,  
4 that requires the riparian proprietor to repair, renovate, modify, or remove the pier  
5 or boat hoist.

6 (b) Paragraph (a) does not apply to any of the following:

7 1. A pier or boat hoist that the riparian proprietor reconstructed or materially  
8 altered after January 1, 2003.

9 2. A pier or boat hoist that interferes with rights of other riparian owners.

10 3. A pier or boat hoist that materially obstructs navigation or reduces the  
11 effective flood flow capacity of a stream.

12 4. A pier or boat hoist that an administrative hearing officer has determined  
13 or that a court has ordered must be repaired, renovated, modified, or removed.

14 **SECTION 4.** 30.13 (7) of the statutes is created to read:

15 30.13 (7) APPLICATION AND PROMULGATION OF RULES. Every rule promulgated by  
16 the department that relates to the regulation of piers or boat hoists under this section  
17 and that is in effect on the day before the effective date of this subsection .... [revisor  
18 inserts date], shall be void. The department shall promulgate rules regulating piers  
19 and boat hoists under this section that shall supersede the rules promulgated by the  
20 department under this section that were in effect on January 1, 2003. The rules shall  
21 include construction standards for piers, standards concerning the permissible  
22 length and width of piers, and standards concerning the number of slips that a pier  
23 may contain. The standards shall be different than the standards for piers and boat  
24 hoists contained in the rules promulgated under s. 30.12 (3m).

25 **SECTION 5.** 30.131 (3) of the statutes is created to read:

1           30.131 (3) A pier or boat hoist that was in place on January 1, 2003, or that was  
2 seasonally placed in the same location in each of the years beginning with 1998 and  
3 ending with 2002, is exempt from any enforcement action by the department that  
4 requires the person who placed the pier or boat hoist or the owner of riparian land  
5 that abuts the pier or boat hoist to repair, renovate, modify, or remove the pier or boat  
6 hoist, unless the person who placed the pier or boat hoist, or the riparian owner,  
7 reconstructs or materially alters the pier or boat hoist after January 1, 2003.

8           **SECTION 6.** 30.131 (4) of the statutes is created to read:

9           30.131 (4) Every rule promulgated by the department that relates to the  
10 regulation of piers or boat hoists under this section and that is in effect on the day  
11 before the effective date of this subsection .... [revisor inserts date], shall be void. The  
12 department shall promulgate rules regulating piers and boat hoists under this  
13 section that shall supersede the rules promulgated by the department under this  
14 section that were in effect on the day before the effective date of this subsection ....  
15 [revisor inserts date].

16           **SECTION 7. Nonstatutory provisions.**

17           (1) The department of natural resources shall submit in proposed form the  
18 rules required under sections 30.12 (3m), 30.13 (7), and 30.131 (4) of the statutes, as  
19 created by this act, to the legislative council staff under section 227.15 (1) of the  
20 statutes no later than the first day of the 10th month beginning after the effective  
21 date of this subsection.

22           (2) The department of natural resources may use the procedures under section  
23 227.24 of the statutes to promulgate emergency rules under sections 30.12 (3m),  
24 30.13 (7), and 30.131 (4) of the statutes, as created by this act. Notwithstanding  
25 section 227.24 (1) (c) and (2) of the statutes, the emergency rules may remain in effect

1 until the date on which permanent rules take effect. Notwithstanding section 227.24  
2 (1) (a) and (3) of the statutes, the department is not required to provide evidence that  
3 promulgating a rule under this subsection as an emergency rule is necessary for the  
4 preservation of public peace, health, safety, or welfare and is not required to provide  
5 a finding of emergency for a rule promulgated under this subsection.

6 (3) The department of natural resources shall appoint a committee under  
7 section 227.13 of the statutes to advise the department concerning rules to be  
8 promulgated under this act. The department shall ensure that the members of the  
9 committee represent property owners, contractors, lake associations, local  
10 governments, and other persons interested in issues related to piers and boat hoists.

11 **SECTION 8. Effective date.**

12 (1) This act takes effect on the first day of the 4th month beginning after  
13 publication.

14 (END)