



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2003 Assembly Bill 445

**Assembly Substitute
Amendment 1**

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Assembly Bill 445

Under current law, a riparian owner (an owner of property adjacent to a lake or stream) must obtain a permit from the Department of Natural Resources (DNR) in order to deposit any material or place any structure on the bed of the navigable water. An exception to the requirement for a permit is provided for a pier that does not interfere with public rights in navigable waters and does not interfere with the rights of other riparian owners, and is constructed to allow the free movement of water underneath.

Assembly Bill 445 provides that any pier or boat shelter that was in place on January 1, 2003 or that was seasonally placed in the same location each year beginning with 1998 and ending with 2002, is exempt from DNR enforcement action that requires the riparian owner to repair, renovate, modify, or remove the pier or boat shelter. The bill allows DNR to continue an enforcement action if the DNR has filed a complaint regarding the pier or boat shelter alleging that it is an imminent and substantial danger to navigation or the public interest, and the complaint was filed at least 60 days prior to the effective date of the bill. A riparian owner does not qualify for the exemption from enforcement if the pier or boat shelter was reconstructed or materially altered after January 1, 2003. Further, the bill provides that all rules promulgated by the DNR that relate to the regulation of piers or boat shelters are void on the effective date of the legislation, and directs DNR to promulgate new rules regarding piers and boat shelters. The bill specifies some of the required contents of the rules.

Assembly Substitute Amendment 1

Assembly Substitute Amendment 1 makes the exemption from DNR enforcement action applicable to a riparian owner of a pier or boat hoist, rather than to a pier or boat shelter. The requirements to qualify the pier or boat hoist for the exemption from DNR enforcement are the same as those in the bill. The substitute amendment adds to the conditions which make the exemption from enforcement action inapplicable, as follows:

- A pier or boat hoist that interferes with the rights of other riparian owners.
- A pier or boat hoist that materially obstructs navigation or reduces the effect of flood flow capacity of a stream.
- A pier or boat hoist that an administrative hearing officer or court has directed to be repaired, renovated, modified, or removed.

The substitute amendment adds a delayed effective date, so that the act takes effect three months after publication.

Legislative History

Assembly Substitute Amendment 1 was offered by the Assembly Committee on Natural Resources on October 15, 2003. The Assembly Committee on Natural Resources adopted Assembly Substitute Amendment 1 by a vote of Ayes, 6; Noes, 4, and recommended passage of the bill as amended on a vote of Ayes, 6; Noes, 4.

MCP:tlu:rv;jal;wu