



# Summary of 2015-16 Water-related Legislation<sup>1</sup>

2015-16 brought a number of bills impacting water policy in Wisconsin, with only a handful of positive changes. What follows is a summary of some of the major water-related legislation from the past year.

## 1 STATE BUDGET (ACT 55)

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- Partnership funding to citizen groups: Despite the legislature reinstating funding for “capacity grants” to a number of non-profit conservation organizations, Governor Walker chose to use his line item veto power to remove all of these grants that funded citizen partnership activities with DNR. This included the decades old contract between DNR and Wisconsin Lakes.
- DNR Science & Educator positions: The budget cut 18.4 staff positions from DNR’s Science Services research division, and 11 natural resource educator positions.
- State park funding: All taxpayer funding of the state park system was eliminated, leaving Wisconsin the only state in the nation to fund its state parks solely through user fees.
- Non-point (polluted run-off): Funding for activities related to polluted runoff prevention largely remained intact.
- Stewardship Fund: Though land-purchasing through the Stewardship Fund was somewhat curtailed, the budget kept intact much of the Stewardship Fund activity to protect important lands in the state.
- County Conservationists: Funding for county conservationist positions was preserved.
- Shoreland zoning: See below

## 2 SHORELAND ZONING

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- State Budget: In a non-fiscal item inserted after the public comment period on the bill, the state’s decade old shoreland zoning program was radically changed. Counties were stripped of their local control to enact or enforce shoreland zoning ordinances stronger than the state minimum standards, effectively invalidating dozens of shoreland zoning ordinances in counties in all areas of the state. Counties were also stripped of most oversight ability on repair, reconstruction, and replacement of non-conforming structures within the legal setback from the water’s edge. **The provision went into effect in July of 2015.**
- AB603/SB477 (Act 167)<sup>2</sup>: This bill expanded times when new structures could be built within the setback, while also allowing limited use of “setback averaging” above the setback. Also added to the list of structures within the setback over which counties would have little oversight of repair, reconstruction, or replacement. WI Lakes analysis of the bill concluded it would result in more development closer to the water edge. **The bill became law on March 1, 2016.**
- AB582/SB464 (Act 391): A large bill focused mostly on county zoning powers, the bill featured several minor shoreland zoning changes, and added structures in the setback by virtue of a variance among those which counties were stripped of oversight when repaired, reconstructed or replaced. **This bill became law on April 27, 2016.**

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<sup>1</sup> UPDATED May 16, 2016. Created for a presentation at the Wisconsin Lakes Partnership Convention, March 31, 2016.

<sup>2</sup> In bill names, “AB” refers to the bill’s designation in the Assembly, while “SB” indicates its Senate number. “Act” means the bill was passed by the legislature and signed into law.

- **SB307:** This bill, introduced by Sen. Janet Bewley would have completely reversed the changes to shoreland zoning contained in the state budget. **The bill did not receive a public hearing.**

### 3 NAVIGABLE WATERS

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- **AB600/SB459 (Act 387):** This gigantic “property rights” bill changes the way wetlands are protected, removes many artificial waterways from navigable waters laws, allows for increased use of boat shelters, limits oversight of repair of sea walls, and more. *Significantly stripped from original versions of the bill were provisions that would have allowed individual property owners to dredge 30 cubic yards of lakebed per year and would have in some situations given away state owned filled lake bed to private interests.* **This bill became law on April 27, 2016.**
- **AB640/SB493:** This bill would provide treat aquaculture (e.g. “fish farms”) as an agricultural practice, exempting such activity from many navigable water and wetlands laws and standards. **The bill passed the Assembly, but was not voted on by the Senate.**

### 4 GROUNDWATER

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- **AB874/SB239:** This bill effectively grants high-capacity well permit holders a perpetual right to withdraw water by eliminating DNR’s ability to review permit conditions in most instances. **Different versions of this bill passed both houses. The Assembly did not come back into session to vote on the Senate’s version, so it was not enacted.**
- **AB477/SB291:** A more comprehensive attempt at creating a system of groundwater management, this bill introduced by Sen. Rob Cowles and Rep. Scott Krug would have created special zones where heightened management of groundwater withdrawals would take place, while the rest of the state would be under more relaxed provisions. It incorporated the provision of AB874, above. **The bill did not make it out of committees in either the Assembly or the Senate.**
- **AB105/SB27:** Introduced by Sen. Mark Miller and Rep. Cory Mason, this bill created a comprehensive groundwater management structure that incorporated most of the principles advocated by Wisconsin Lakes. Wisconsin Lakes supported the bill. **The bill did not receive a public hearing in either the Assembly or the Senate.**

### 5 LAKE ORGANIZATIONS

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- **AB372/SB331 (Act 140):** This bill allows the municipal representative on a lake district board of commissioners to be either an elected official of the municipality or a resident of the district. **The bill became law in February, 2016.**
- **AB598/SB436 (Act 250):** This bill expands allowable expenses for lake protection grants to include the costs of lake surveys and watercraft inspection, as well as allow cost of participating in statewide monitoring networks. Wisconsin Lakes did not fully support this bill because it failed to clarify that the limited funds allocated to river protection grants could not be used for lake monitoring projects under the bill. **This bill became law in March, 2016.**
- **AB421/SB315 (Act 220):** This bill provides liability protection for individuals placing fish habitat structures (e.g. fish sticks) in navigable waters under a permit. **This bill became law in March, 2016.**
- **AB157/SB110 (Act 91):** This bill provides liability protection for individuals placing navigational hazard buoys under the terms of a permit. **The bill became law in November, 2015.**