

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: 06/19/99

Received By: gibsom

Wanted: Soon

Identical to LRB:

For: Assembly Republican Caucus

By/Representing: Anderson

This file may be shown to any legislator: NO

Drafter: gibsom

May Contact:

Alt. Drafters: shoveme

Subject: Nat. Res. - wet/shore/flood

Extra Copies:

Pre Topic:

ARC:.....Anderson - Am. #116,

Topic:

Trempealeau County wetland exemption

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gibsom 06/21/99	ygeller 06/21/99		_____			
/1			mclark 06/21/99	_____	lrb_docadmin 06/22/99		

FE Sent For:

<END>

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ARC:.....Anderson - Am. #00 ,

Topic:

Trempealeau County wetland exemption - 1065/2

Instructions:

See Attached

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1?	gibsom	1 6/21 jg	MRC 6/21	MRC/JF 6/21			
<i>11 MES 6/21</i>							

FE Sent For:

<END>

Budget Amendments 1999- 2000

Statement of Intent Natural Resources. Treampealeau county wetlands exemption for the City of Arcadia.

Legislator Kreibich

Amendment#

Staff contact Andy

Status

Agency DNR

Tax cut

Summary Currently, the DNR and DOT promulgate rules that establish water quality standards for wetlands. Under current law, DNR may enact a shoreland or floodplain zoning ordinance if the city or county ordinance fails to meet certain standards established by DNR.

This amendment creates an exemption from these wetlands water quality standards for an activity that meets specific criteria. The criteria for this exemption include:

- (a) the wetland area affected will be less than 15 acres in size;
- (b) the site of the activity is zoned for industrial use and in the vicinity of a manufacturing facility;
- (c) the site of the activity is within the corporate limits of a city on January 1, 1999;
- (d) the site of the activity will be in a city in Trempealeau county; and
- (e) the city must adopt a resolution stating that the exemption is necessary to protect jobs or promote job creation within the city.

This amendment also prohibits DNR from reviewing and disapproving an amendment to a city or county shoreland or floodplain zoning ordinance if the amendment affects this exempt activity.

This amendment is intended to apply to the City of Arcadia.

Fiscal Impact None.

ARC Analyst Nicole Anderson

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State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0759
MGG&MES

JG RMNR

ARC:.....Anderson - Am. #00 , Trempealeau County wetland exemption

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

1

At the locations indicated, amend the ~~bill~~ as follows:

substitute amendment

2

1. Page 763, line 10: after that line insert:

3

END



DOA:.....Grinde - Business expansion on small wetlands

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau


NATURAL RESOURCES

OTHER NATURAL RESOURCES

Under current law, the department of natural resources (DNR) has promulgated rules that establish water quality standards for wetlands. Under current law, activities that are carried out by the department of transportation (DOT) that are in connection with highway and bridge construction and maintenance are exempt from these rules if the activities comply with certain interdepartmental procedures established by DNR and DOT for minimizing the adverse environmental impact of the activities.

This bill creates an exemption from these wetland water quality standards for an activity that meets specific criteria. These criteria include that the wetland area that will be affected be less than 15 acres, that the site of the activity be in a city in Trempealeau County and that the city adopt a resolution stating that the exemption is necessary to protect jobs or promote the creating of jobs in the city.

The bill also prohibits DNR from reviewing and disapproving an amendment to a city or county shoreland or floodplain zoning ordinance if the amendment affects this exempt activity. Under current law, DNR may enact a shoreland or floodplain zoning ordinance that supersedes city's or county's shoreland or floodplain zoning ordinance if the city or county ordinance fails to meet certain standards established by DNR.



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:

1 SECTION ^{1579u} 59.692 (6m) of the statutes is created to read:

2 59.692 (6m) For an amendment to an ordinance enacted under this section that
3 affects an activity that meets all of the requirements under s. 281.165 (1) to (5), the
4 department may not proceed under sub. (6) or (7) (b) or (c), or otherwise review the
5 amendment, to determine whether the ordinance, as amended, fails to meet the
6 shoreland zoning standards. "

#. Page 768, line 15: after that line insert:

7 SECTION ^{1591k} 62.231 (6m) of the statutes is created to read:

8 62.231 (6m) CERTAIN AMENDMENTS TO ORDINANCES. For an amendment to an
9 ordinance enacted under this section that affects an activity that meets all of the
10 requirements under s. 281.165 (1) to (5), the department of natural resources may
11 not proceed under sub. (6), or otherwise review the amendment, to determine
12 whether the ordinance, as amended, fails to meet reasonable minimum standards. "

#. Page 980, line 6: after that line insert:

13 SECTION ^{1876e} 87.30 (1) (d) of the statutes is created to read:

14 87.30 (1) (d) For an amendment to a floodplain zoning ordinance that affects
15 an activity that meets all of the requirements under s. 281.165 (1) to (5), the
16 department may not proceed under this subsection, or otherwise review the
17 amendment, to determine whether the ordinance, as amended, is insufficient. "

#. Page 1238, line 10: after that line insert:

18 SECTION ^{2487x} 281.165 of the statutes is created to read:

19 **281.165 Compliance with water quality standards for wetlands.** An
20 activity shall be considered to comply with the water quality standards that are
21 applicable to wetlands and that are promulgated as rules under s. 281.15 and is

1 exempt from any prohibition, restriction, requirement, permit, license, approval,
2 authorization, fee, notice, hearing, procedure or penalty specified under s. 29.601 (3)
3 or chs. 30, 31, 281, 283, 289 to 292 or 299 or specified under any rule promulgated,
4 order issued or ordinance adopted under any of those sections or chapters, if the
5 activity meets all of the following requirements:

6 (1) The wetland area that will be affected by the activity is less than 15 acres
7 in size.

8 (2) The site of the activity is zoned for industrial use and is in the vicinity of
9 a manufacturing facility.

10 (3) The site of the activity is within the corporate limits of a city on January
11 1, 1999.

12 (4) The governing body of the city adopts a resolution stating that the
13 exemption under this section is necessary to protect jobs that exist in the city on the
14 date of the adoption of the resolution or is necessary to promote job creation.

15 (5) The site of the activity is located in Trempealeau County. // ✓

16

(END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0759/1
MGG&MES;jlg:mrc

ARC:.....Anderson – Am. #116, Trempealeau County wetland exemption
FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION
CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 763, line 10: after that line insert:

3 “**SECTION 1579u.** 59.692 (6m) of the statutes is created to read:

4 **59.692 (6m)** For an amendment to an ordinance enacted under this section that
5 affects an activity that meets all of the requirements under s. 281.165 (1) to (5), the
6 department may not proceed under sub. (6) or (7) (b) or (c), or otherwise review the
7 amendment, to determine whether the ordinance, as amended, fails to meet the
8 shoreland zoning standards.”.

9 **2.** Page 768, line 15: after that line insert:

10 “**SECTION 1591k.** 62.231 (6m) of the statutes is created to read:

1 62.231 (6m) CERTAIN AMENDMENTS TO ORDINANCES. For an amendment to an
2 ordinance enacted under this section that affects an activity that meets all of the
3 requirements under s. 281.165 (1) to (5), the department of natural resources may
4 not proceed under sub. (6), or otherwise review the amendment, to determine
5 whether the ordinance, as amended, fails to meet reasonable minimum standards.”.

6 **3.** Page 980, line 6: after that line insert:

7 “SECTION 1876e. 87.30 (1) (d) of the statutes is created to read:

8 87.30 (1) (d) For an amendment to a floodplain zoning ordinance that affects
9 an activity that meets all of the requirements under s. 281.165 (1) to (5), the
10 department may not proceed under this subsection, or otherwise review the
11 amendment, to determine whether the ordinance, as amended, is insufficient.”.

12 **4.** Page 1238, line 10: after that line insert:

13 “SECTION 2487x. 281.165 of the statutes is created to read:

14 **281.165 Compliance with water quality standards for wetlands.** An
15 activity shall be considered to comply with the water quality standards that are
16 applicable to wetlands and that are promulgated as rules under s. 281.15 and is
17 exempt from any prohibition, restriction, requirement, permit, license, approval,
18 authorization, fee, notice, hearing, procedure or penalty specified under s. 29.601 (3)
19 or chs. 30, 31, 281, 283, 289 to 292 or 299 or specified under any rule promulgated,
20 order issued or ordinance adopted under any of those sections or chapters, if the
21 activity meets all of the following requirements:

22 (1) The wetland area that will be affected by the activity is less than 15 acres
23 in size.

