



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX -

PLEASE DO NOT REMOVE FROM DRAFTING FILE

Date Transfer Requested: 06/19/2013

(Per: CMH)

A ☞ The 2013
drafting file for
LRBa0676

H ☞ The 2013
drafting file for
LRBb0484

O ☞ The 2013
drafting file for
LRBb0667

B ☞ The 2013
drafting file for
LRBb0418

I ☞ The 2013
drafting file for
LRBb0546

P ☞ The 2013
drafting file for
LRBb0670

C ☞ The 2013
drafting file for
LRBb0461

J ☞ The 2013
drafting file for
LRBb0602

Q ☞ The 2013
drafting file for
LRBb0673

D ☞ The 2013
drafting file for
LRBb0469

K ☞ The 2013
drafting file for
LRBb0656

R ☞ The 2013
drafting file for
LRBb0674

E ☞ The 2013
drafting file for
LRBb0470

L ☞ The 2013
drafting file for
LRBb0660

S ☞ The 2013
drafting file for
LRBb0677

F ☞ The 2013
drafting file for
LRBb0474

M ☞ The 2013
drafting file for
LRBb0662

T ☞ The 2013
drafting file for
LRBb0693

G ☞ The 2013
drafting file for
LRBb0483

N ☞ The 2013
drafting file for
LRBb0664

U ☞ The 2013
drafting file for
LRBb0694

☞ Compile Draft – Appendix M ←

has been copied/added to the drafting file for

2013 LRBb0702

2013 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB40)

Received: 6/18/2013 Received By: rkite
Wanted: As time permits Same as LRB:
For: Robin Vos (608) 266-9171 By/Representing: Jenny Toftness
May Contact: Drafter: rkite
Subject: Environment - water quality Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Rep.Vos@legis.wisconsin.gov
Carbon copy (CC) to: vicki.holten@legis.wisconsin.gov
paul.ferguson@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Erosion control and stormwater management

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>
/?	rkite 6/18/2013			_____			
/P1	btradewe 6/18/2013	wjackson 6/18/2013	jfrantze 6/18/2013	_____	sbasford 6/18/2013		
/P2		wjackson 6/18/2013	phenry 6/18/2013	_____	sbasford 6/18/2013		

FE Sent For:

<END>

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/?	rkite 6/18/2013			_____			
/P1		wjackson 6/18/2013	jfrantze 6/18/2013	_____	sbasford 6/18/2013		

FE Sent For:

/p2 Wlj 6/18


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/?	rkite	/pl wj 6/18		6/18			

FE Sent For:

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SECTION 2088. 281.33 (3) (a) 1. of the statutes is renumbered 281.33 (3) (a) 1. (intro.) and amended to read:
 281.33 (3) (a) 1. (intro.) Except as restricted under subd. 2., the department shall establish by rule minimum uniform statewide standards for ~~activities all of the following:~~

~~a. Activities related to construction site erosion control at sites where the construction activities do not include the construction of a building and to storm water management that have a land disturbance that is one acre or more in area.~~

SECTION 2089. 281.33 (3) (a) 1. b. of the statutes is created to read:
 281.33 (3) (a) 1. b. Activities related to construction site erosion control at sites that have a land disturbance that is less than one acre and to which ss. 101.1206 and 101.653 do not apply.

SECTION 2090. 281.33 (3) (a) 1. c. of the statutes is created to read:
 281.33 (3) (a) 1. c. Storm water management.

SECTION 2090C. 281.33 (3) (a) 2. of the statutes is amended to read:
 281.33 (3) (a) 2. The department, in cooperation with the department of transportation, shall establish by rule minimum uniform statewide standards for activities related to construction site erosion control and storm water management if those activities concern street, highway, road or bridge construction, enlargement, relocation or reconstruction.

SECTION 2090G. 281.33 (3) (a) 3. of the statutes is amended to read:
 281.33 (3) (a) 3. Minimum Uniform statewide standards for storm water management related to water quality established under this paragraph are applicable to the state plan under sub. (2). The department shall ~~encourage~~ require a city, village, town, or county to comply with minimum uniform statewide standards established under this paragraph for any construction site erosion control and storm water management zoning ordinance enacted under s. 59.693, 60.627, 61.354 or 62.234 related to water quality except as necessary to comply with federally approved total maximum daily load requirements.

SECTION 2090J. 281.33 (3) (a) 4. of the statutes is amended to read:
 281.33 (3) (a) 4. The department shall identify low-cost practices which would enable a person to comply with these minimum uniform statewide standards.

SECTION 2091. 281.33 (3) (b) (intro.) of the statutes is amended to read:
 281.33 (3) (b) (intro.) The minimum uniform statewide standards for construction site erosion control at sites ~~where the construction activities do not include the construction of a building described in par. (a) 1. a. and b.~~ shall provide for the regulation of any construction activity, at such a site, that:

SECTION 2091C. 281.33 (3) (c) (intro.) of the statutes is amended to read:
 281.33 (3) (c) (intro.) The minimum uniform statewide standards for storm water management related to water quality shall provide for the regulation of any construction activity which:

SECTION 2091G. 281.33 (3) (d) of the statutes is created to read:
 281.33 (3) (d) If the department determines that rules promulgated under s. 281.16 (2) prescribe performance standards that meet the requirements for establishing uniform statewide standards under this subsection related to water quality, except as necessary to comply with federally approved total maximum daily load requirements, the department's rules promulgated under s. 281.16 (2) satisfy the rule-making requirements under this subsection and shall apply as if they were promulgated under this subsection.

SECTION 2091J. 281.33 (3m) of the statutes is created to read:

281.33 (3m) REQUIREMENTS FOR ORDINANCES. A city, village, town, or county may enact an ordinance regulating the conduct regulated under this section only if the ordinance strictly conforms with uniform statewide standards established under sub. (3)), or if the conduct regulated is existing development or redevelopment, as defined under Wis. Admin. Code Ch. NR 151.002. ~~This subsection does not apply to storm water management ordinances related to storm water quantity and flood control.~~

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SECTION 2092. 281.33 (4) of the statutes is amended to read:
281.33 (4) MODEL ORDINANCES; STATE PLAN; DISTRIBUTION. The department shall prepare a model zoning ordinance for construction site erosion control at sites ~~where the construction activities do not include the construction of a building described in sub. (3) (a) 1. a. and b.~~ and for storm water management in the form of an administrative rule. The model ordinance is subject to s. 227.19 and other provisions of ch. 227 in the same manner as other administrative rules. Following the promulgation of the model ordinance as a rule, the department shall distribute a copy of the model ordinance to any city, village, town or county that submits a request. The department shall distribute a copy of the state plan to any agency which submits a request.

SECTION 2092D. 281.33 (5) of the statutes is amended to read:
281.33 (5) COOPERATION. The department, the municipalities, and all state agencies shall cooperate to accomplish the objective of this section. To that end, the department shall consult with the governing bodies of municipalities to secure ~~voluntary~~ uniformity of regulations, ~~so far as practicable,~~ shall prepare model ordinances under sub. (4), shall extend assistance to municipalities under this section, shall prepare the plan under sub. (2), shall ~~encourage obtain~~ uniformity through the implementation of this plan and the utilization of memoranda of understanding which are substantially similar to the plan, and shall extend assistance to agencies under this section.

Kite, Robin

From: Toftness, Jenny
Sent: Tuesday, June 18, 2013 9:46 AM
To: Kite, Robin
Subject: RE: Amendment request questions

Yes. I will have that person call you ASAP.

From: Kite, Robin
Sent: Tuesday, June 18, 2013 9:45 AM
To: Toftness, Jenny
Subject: Amendment request questions

Jenny:

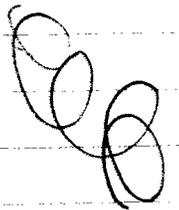
I am one of the attorneys working on your amendment request concerning erosion control. I have a number of questions about the language provided because I have concerns that the drafted language does not fully accomplish the objective of the request and that it might result in unintended consequences. Is it possible for me to talk to the person who drafted this language so that we can make sure that we draft the language to accomplish the intent of the request?

Thanks.
Robin

Robin N. Kite
Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
1 E. Main St., Suite 200
Madison, WI 53703
(608) 266-7291

6/18/13

Per Paul Kent -
Re: pre-drafted language
I told him that I thought the
language would be more clear as
a separate "exception" provision. He
said that he thought this would be OK
if the exception applied to both sub. (3)
and sub. (3m) of 289.33. He will
discuss w/ others & may call back.





State of Wisconsin
2013 - 2014 LEGISLATURE



LRBb0662/De
RNK:/:....
Wlj

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 40

D-Note

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 ✓ 1. Page 1118, line 13: after that line insert:
- 3 "SECTION 2092e. 281.33 (6) of the statutes is created to read:
- 4 281.33 (6) EXCEPTIONS. (a) Notwithstanding subs. (3) and (3m), a city, village,
- 5 town, or county may enact and enforce provisions of an ordinance that are more strict ^{stricter}
- 6 than the uniform standards for storm water management established by the
- 7 department under this section if the stricter provisions are necessary to do any of the
- 8 following:
- 9 1. Control storm water quantity or control flooding.
- 10 2. Comply with federally approved total maximum daily load requirements.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb0662/?dn

RNK:/.....

WJ

Date

Please review this amendment very closely. The language of this amendment differs significantly from the language provided. I have made some assumptions about the intent of the language provided to me (I was not given an explanation of the intent) and based on those assumptions, I was concerned that the language provided to me did not fully accomplish the intent of the amendment. I have drafted this amendment in preliminary form to give you the opportunity to review it and make any required changes. Please call me if you have any questions.

+
+

Robin N. Kite
Senior Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb0662/P1dn
RNK:wlj:jf

June 18, 2013

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Robin N. Kite
Senior Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

Tradewell, Becky

From: Hanaman, Cathlene
Sent: Tuesday, June 18, 2013 3:08 PM
To: Kite, Robin; Tradewell, Becky
Subject: FW: update

From: Toftness, Jenny
Sent: Tuesday, June 18, 2013 3:03 PM
To: Hanaman, Cathlene
Subject: update

Herei s where we are at:

We are working on new mining language

We need the following change to erosion control language:

Delete "construction site erosion control or" on page 2 lines 2 and 3.

Thank you



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBb0662/P~~3~~ 7
RNK:wlj:jf ymv

Now

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TO ASSEMBLY BILL 40

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3 **“SECTION 2092e.** 281.33 (6) of the statutes is created to read:

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5 town, or county may enact and enforce provisions of an ordinance that are stricter
6 than the uniform standards for storm water management established by the
7 department under this section if the stricter provisions are necessary to do any of the
8 following:

9 1. Control storm water quantity or control flooding.

10 2. Comply with federally approved total maximum daily load requirements.

1 (b) Subsection (3m) does not apply to provisions of an ordinance enacted by a
2 city, village, town, or county if the provisions of the ordinance regulate construction
3 site erosion control or storm water management relating to existing development or
4 redevelopment, as defined in NR 151.002, Wis. Adm. Code.”

5

(END)



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