

State of Misconsin 1995 - 1996 LEGISLATURE

## SENATE AMENDMENT 1, TO 1995 SENATE BILL 252

November 7, 1995 - Offered by Committee on Environment and Energy.

1	At the locations indicated, amend the bill as follows:
2	<b>1.</b> Page 3, line 16: restore the stricken material.
3	<b>2.</b> Page 5, line 5: substitute "or inconsistent with" for " <del>or inconsistent with</del> ".
4	<b>3.</b> Page 6, line 16: restore the stricken material.
5	<b>4.</b> Page 8, line 9: after that line insert:
6	"SECTION 14m. 30.77 (3) (dm) of the statutes is created to read:
7	30.77 (3) (dm) 1. In this paragraph, "local entity" means a city, village, town,
8	county, qualified lake association, as defined in s. 144.253 (1), nonprofit conservation
9	organization, as defined in s. 23.0955 (1), town sanitary district, public inland lake
10	protection and rehabilitation district or another local governmental unit, as defined
11	in s. 66.299 (1) (a), that is established for the purpose of lake management.
12	2. If the department or a local entity objects to an ordinance enacted under par.
13	(ac) 2. or (am) 1. b., on the grounds that all or a portion of the ordinance is contrary
14	to or inconsistent with this chapter, all of the following apply:

a. Upon receipt of an objection under this subdivision, the department shall order a hearing on the objection under ch. 227. The hearing shall be a contested case hearing, and the administrator of the division of hearings and appeals in the department of administration shall assign a hearing examiner to the hearing as provided in s. 227.43. Persons who are not parties to the contested case may present testimony and evidence at the hearing.

- 2 -

b. The hearing examiner shall issue an order on the objection within 90 days
after the date on which the hearing is ordered under subd. 2. a. If the hearing
examiner determines that the ordinance or the portion of the ordinance is contrary
to or inconsistent with this chapter, the hearing examiner shall issue an order
declaring the ordinance or that portion of the ordinance void. The order shall
prohibit the enforcement of all or any portion of the ordinance declared to be void.

- 13 3. The procedure under this paragraph does not supersede any other legal right
  14 or procedure that a person has to contest an ordinance enacted under this section.".
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(END)