



State of Wisconsin
2017 - 2018 LEGISLATURE

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**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY BILL 246**

August 22, 2017 - Offered by Representative SANFELIPPO.

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

2 **1.** Page 6, line 9: delete the material beginning with that line and ending with
3 page 7, line 2, and substitute:

4 “**SECTION 3m.** 87.30 (1m) of the statutes is renumbered 87.30 (1m) (ag), and
5 87.30 (1m) (ag) (intro.), 1. and 2., as renumbered, are amended to read:

6 87.30 (**1m**) (ag) (intro.) Notwithstanding any other provision of law or
7 administrative rule promulgated thereunder, a floodplain zoning ordinance required
8 under sub. (1) does not apply to lands adjacent to farm drainage ditches if all of the
9 following apply:

10 1. Such lands are not within the floodplain of a natural navigable stream or
11 river;

12 2. Those parts of the drainage ditches adjacent to these lands were
13 nonnavigable streams before ditching; ~~and~~.

1 **SECTION 4m.** 87.30 (1m) (am) of the statutes is created to read:

2 87.30 **(1m)** (am) Notwithstanding any other provision of law or administrative
3 rule promulgated thereunder, a floodplain zoning ordinance required under sub. (1)
4 does not apply to lands adjacent to farm drainage ditches if all of the following apply,
5 except to the extent necessary for the municipality to which the floodplain zoning
6 ordinance applies to maintain eligibility for participation in the National Flood
7 Insurance Program:

8 1. The farm drainage ditch is subject to the jurisdiction of a drainage district
9 under ch. 88.

10 2. The disposal of material in a floodplain is within the drainage district
11 corridor under s. 88.74.

12 3. The lands adjacent to the corridor are maintained in nonstructural
13 agricultural use or other nonstructural use.”

14 **2.** Page 19, line 10: after that line insert:

15 “**SECTION 33m.** 283.33 (1) (intro.) of the statutes is amended to read:

16 283.33 **(1)** REQUIREMENT. (intro.) ~~An~~ Except as provided in sub. (1m), an owner
17 or operator shall obtain a permit under this section for any of the following:

18 **SECTION 33p.** 283.33 (1m) of the statutes is created to read:

19 283.33 **(1m)** EXEMPTIONS; LIMITATION ON LOCAL PERMITTING. (a) An owner or
20 operator is not required to obtain a permit under this section for any of the following:

21 1. A discharge of storm water associated with planting, growing, cultivating,
22 or harvesting crops for use or consumption by humans, livestock, as defined in s.
23 95.80 (1) (b), or poultry, including sod farms and tree nurseries.

