



## 1995 ASSEMBLY BILL 584

October 2, 1995 - Introduced by Representatives AINSWORTH, JOHNSRUD, ZUKOWSKI, OWENS, ALBERS, BRANDEMUEHL and GROTHMAN. Referred to Committee on Natural Resources.

1 **AN ACT to create** 87.30 (1g) of the statutes; **relating to:** the regulation of  
2 floodproofed residential basements under floodplain zoning ordinances.

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### *Analysis by the Legislative Reference Bureau*

Under rules promulgated by the department of natural resources (DNR) pursuant to its authority to regulate the enactment of local floodplain zoning ordinances, DNR has imposed some state requirements that are stricter than those required under the floodplain management program administered by the federal emergency management agency (FEMA). Under the FEMA program, a community may apply for an exception to have certain floodproofed residential basements below the base flood level. Federal law defines "base flood" as being a flood having a 1% chance of being equalled or exceeded in any given year. Under the rules promulgated by DNR, DNR may grant an exception for floodproofed residential basements only if FEMA granted the exception on or before March 1, 1986. Under this bill, DNR may not promulgate rules that result in ordinances for floodproofed residential basements that are more restrictive than the FEMA restrictions and may not promulgate rules that allow DNR to deny an exception for these types of basements if FEMA has granted an exception.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3 **SECTION 1.** 87.30 (1g) of the statutes is created to read:  
4 87.30 (1g) REGULATION OF FLOODPROOFED BASEMENTS. The department may not  
5 promulgate any rule or impose any restriction that does any of the following:

