

1999 DRAFTING REQUEST

Bill

Received: **01/5/99**

Received By: **gibsom**

Wanted: **As time permits**

Identical to LRB:

For: **Brian Burke (608) 266-8535**

By/Representing: **Barry Ashenfelter**

This file may be shown to any legislator: **NO**

Drafter: **gibsom**

May Contact:

Alt. Drafters:

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

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Wetland regulation coverage expanded

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 02/1/99	chanaman 02/12/99		_____			S&L
/1			jfrantze 02/15/99	_____	lrb_docadmin 02/15/99	lrb_docadmin 02/17/99	

FE Sent For: *2/24/99*

<END>

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1?	gibsom	CMM 2/12 1	2/15	2/15			

FE Sent For:

<END>

LEGISLATIVE REFERENCE BUREAU

Legal Section, 5th Floor, 100 N. Hamilton St.
 (608) 266-3561

BILL REQUEST FORM

M66

Use of this form is optional. It is often helpful to talk directly with the LRB attorney who will draft the bill.
 Use this form only for **BILL** drafts. Attach more pages if necessary.

Date of request: 12-28-98	Legislator or agency requesting this draft: SENATOR BURKE
Name/phone number of person submitting request: BARRY, 6-8535	
Persons to contact for questions about this draft (names and phone numbers please): BARRY ASHENFELDER, 6-8535	
Describe the problem, including any helpful examples. How do you want to solve the problem? Please re-draft 1997 SB 523, LRB 5146/1 which is attached.	
If you know of any statute sections that might be affected, please list them or provide a marked (not re-typed) copy.	

Please attach a copy of any correspondence or material that may help us. You may also attach a marked (not re-typed) copy of any LRB draft, or provide its number (e.g., 1997 LRB-2345/1 or 1995 AB-67):

Requests are confidential unless stated otherwise.

May we tell others that we are working on this for you? YES NO
 If yes, anyone who asks? YES NO
 Any legislator? YES NO ONLY the following persons:

Do you consider this urgent? YES NO If yes, please indicate why:

Is this request of higher priority than other pending request(s) you have made?
 YES NO If yes, please sign your name here:



State of Wisconsin
1997-1998 LEGISLATURE

1544/1 RM
not done

LRB 5146/1

MGG: ~~XXXX~~:km

CMM

1999

~~1997 SENATE BILL 523~~

March 24, 1998 - Introduced by Senator BURKE, cosponsored by Representative BOCK. Referred to Committee on Agriculture and Environmental Resources.

regen
cat.

1 AN ACT to renumber 61.351 (1) (a) and 62.231 (1) (a); to renumber and amend
2 23.32 (1); to amend 23.32 (2) (a), 23.32 (2) (b), 61.351 (1) (b), 61.351 (2), 61.351
3 (3), 61.351 (6), 62.231 (1) (b), 62.231 (2), 62.231 (3), 62.231 (6) and 281.69 (3) (b)
4 2.; and to create 23.32 (1) (ag), 61.351 (1) (ag), 61.351 (1) (am), 62.231 (1) (ag)
5 and 62.231 (1) (am) of the statutes; relating to: mapping and zoning of certain
6 wetlands.

five

two

two

Analysis by the Legislative Reference Bureau

Currently, the department of natural resources (DNR) is required to map all wetlands in the state that have an area of 5 acres or more. This bill requires that DNR map all wetlands in the state that have an area of 5 acres or more. The bill also requires that DNR map those wetlands that are contiguous to wetlands that are over 5 acres in area. The bill defines a contiguous wetland to be a wetland that is less than 2 acres in area, that is located in a shoreland, that is bordering or adjacent to another wetland, that is in the same wetland system as the other wetland and that has interdependent functions with the other wetland. Current law defines "shorelands" as lands within certain distances of navigable waters.

Under current law, villages and cities must enact specific zoning ordinances to regulate activities in wetlands that have an area of 5 acres or more and that are located in shorelands. The bill expands the wetland zoning requirement for cities and villages to cover wetlands that have an area of 5 acres or more and to cover the contiguous wetlands to those wetlands.

five

two

SENATE BILL 523

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 1. 23.32 (1) of the statutes is renumbered 23.32 (1) (intro.) and
2 amended to read:

3 23.32 (1) (intro.) In this section "wetland" :

4 (b) "Wetland" means an area where water is at, near, or above the land surface
5 long enough to be capable of supporting aquatic or hydrophytic vegetation and which
6 has soils indicative of wet conditions.

7 SECTION 2. 23.32 (1) (ag) of the statutes is created to read:

8 23.32 (1) (ag) "Contiguous wetland" means a wetland that is less than 2 acres
9 in area, that is located in a shoreland, as defined in s. 59.692 (1) (b), that is bordering
10 or adjacent to another wetland, that is in the same wetland system as the other
11 wetland and that has interdependent functions with the other wetland.

12 SECTION 3. 23.32 (2) (a) of the statutes is amended to read:

13 23.32 (2) (a) For the purpose of advancing the conservation of wetland
14 resources the department shall prepare or cause to be prepared maps that, at a
15 minimum, identify as accurately as is practicable the individual wetlands in the
16 state which have an area of ~~5~~ 2 acres or more and any contiguous wetlands to those
17 wetlands.

18 SECTION 4. 23.32 (2) (b) of the statutes is amended to read:

19 23.32 (2) (b) Mapping priorities, technical methods and standards to be used
20 in delineating wetlands ~~and a long-term schedule which will result in completion of~~
21 ~~the mapping effort at the earliest possible date, but not later than July 1, 1984, shall~~

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state.

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SENATE BILL 523

1 } be developed by the department in cooperation with those other state agencies
2 } having mapping, aerial photography and comprehensive planning responsibilities.

3 SECTION 5. 61.351^X (1) (a) of the statutes is renumbered 61.351 (1) (ar).

4 SECTION 6. 61.351^X (1) (ag) of the statutes is created to read:

5 61.351 (1) (ag) "Contiguous wetland" has the meaning given in s. 23.32 (1) (ag). ✓

6 SECTION 7. 61.351 (1) (am)^X of the statutes is created to read:

7 61.351 (1) (am) "Department" means the department of natural resources.

8 SECTION 8. 61.351^X (1) (b) of the statutes is amended to read:

9 61.351 (1) (b) "~~Wetlands~~" "Wetland" has the meaning specified under s. 23.32 ✓

10 (1) (b).

11 SECTION 9. 61.351^X (2) of the statutes is amended to read:

12 61.351 (2) FILLED WETLANDS. Any wetlands which are filled prior to the date
13 on which a village receives a final wetlands map from the department of ~~natural~~ ✓
14 resources in a manner which affects their characteristics as wetlands are filled
15 wetlands and not subject to an ordinance adopted under this section.

16 SECTION 10. 61.351^X (3) of the statutes is amended to read:

17 61.351 (3) ADOPTION OF ORDINANCE. To effect the purposes of s. 281.31 and to
18 promote the public health, safety and general welfare, each village shall zone by
19 ordinance all any unfilled wetlands wetland of 5 2 acres or more ~~which are~~ and any
20 contiguous wetland to that wetland that is shown on the final wetland inventory
21 maps prepared by the department of ~~natural resources~~ ✓
22 ~~which are~~ that is located in any shorelands and which are that is within its
23 incorporated area. A village may zone by ordinance any unfilled wetlands which are
24 within its incorporated area at any time.

25 SECTION 11. 61.351^X (6) of the statutes is amended to read:

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SENATE BILL 523

SECTION 11

1 61.351 (6) FAILURE TO ADOPT ORDINANCE. If any village does not adopt an
 2 ordinance required under sub. (3) within 6 months after receipt of final wetland
 3 inventory maps prepared by the department of ~~natural~~ resources for the village
 4 under s. 23.32, or if the department of ~~natural~~ resources, after notice and hearing,
 5 determines that a village adopted an ordinance which fails to meet reasonable
 6 minimum standards in accomplishing the shoreland protection objectives of s.
 7 281.31 (1), the department of ~~natural~~ resources shall adopt an ordinance for the
 8 village. As far as applicable, the procedures set forth in s. 87.30 apply to this
 9 subsection.

10 SECTION 12. 62.231 (1) (a) of the statutes is renumbered 62.231 (1) (ar).

11 SECTION 13. 62.231 (1) (ag) of the statutes is created to read:

12 62.231 (1) (ag) "Contiguous wetland" has the meaning given in s. 23.32 (1) (ag).

13 SECTION 14. 62.231 (1) (am) of the statutes is created to read:

14 62.231 (1) (am) "Department" means the department of natural resources.

15 SECTION 15. 62.231 (1) (b) of the statutes is amended to read:

16 62.231 (1) (b) ~~"Wetlands"~~ "Wetland" has the meaning specified under s. 23.32

17 (1) (b).

18 SECTION 16. 62.231 (2) of the statutes is amended to read:

19 62.231 (2) FILLED WETLANDS. Any wetlands which are filled prior to the date
 20 on which a city receives a final wetlands map from the department of ~~natural~~
 21 resources in a manner which affects their characteristics as wetlands are filled
 22 wetlands and not subject to an ordinance adopted under this section.

23 SECTION 17. 62.231 (3) of the statutes is amended to read:

24 62.231 (3) ADOPTION OF ORDINANCE. To effect the purposes of s. 281.31 and to
 25 promote the public health, safety and general welfare, each city shall zone by

copy in state

SENATE BILL 523

1 ordinance ~~all~~ any unfilled wetlands wetland of 5 2 acres or more ~~which are~~ and any
 2 contiguous wetland to that wetland that is shown on the final wetland inventory
 3 maps prepared by the department of ~~natural resources~~ [✓] for the city under s. 23.32,
 4 ~~which are~~ that is located in any shorelands and ~~which are~~ that is within its
 5 incorporated area. A city may zone by ordinance any unfilled wetlands which are
 6 within its incorporated area at any time.

7 SECTION 18. 62.231^X (6) of the statutes is amended to read:

8 62.231 (6) FAILURE TO ADOPT ORDINANCE. If any city does not adopt an ordinance
 9 required under sub. (3) within 6 months after receipt of final wetland inventory maps
 10 prepared by the department of ~~natural resources~~ [✓] for the city under s. 23.32, or if the
 11 department of ~~natural resources~~ [✓], after notice and hearing, determines that a city
 12 adopted an ordinance which fails to meet reasonable minimum standards in
 13 accomplishing the shoreland protection objectives of s. 281.31 (1), the department of
 14 ~~natural resources~~ [✓] shall adopt an ordinance for the city. As far as applicable, the
 15 procedures set forth in s. 87.30 apply to this subsection.

16 SECTION 19. 281.69^X (3) (b) 2. of the statutes is amended to read:

17 281.69 (3) (b) 2. The restoration of a wetland, as defined in s. 23.32 (1) (b), [✓] if
 18 the restoration will protect or improve a lake's water quality or its natural ecosystem.

19 (END)

Proof in title

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 2/15/99

To: Senator Burke

Relating to LRB drafting number: LRB-1564

Topic

Wetland regulation coverage expanded

Subject(s)

Nat. Res. - wet/shore/flood

1. **JACKET** the draft for introduction SBurke

in the **Senate** or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW.** prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Mary Gibson-Glass, Senior Legislative Attorney
Telephone: (608) 267-3215