

09/30/1999 01:45:45 PM

Page 1

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: **09/30/1999**

Received By: **gibsom**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau 68314**

By/Representing: **Kava**

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:

LFB:.....Kava -

Topic:

Dunn County wetlands exemption

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 09/30/1999	jgeller 09/30/1999		_____			
/1			mclark 09/30/1999	_____	lrb_docadmin 09/30/1999		

FE Sent For:

<END>

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/?	gibsom	1 9/30 jlg	9/30 MRC	MRC/JF 9/30			

FE Sent For:

<END>

Kite, Robin

From: Tradewell, Becky
Sent: Wednesday, September 29, 1999 11:54 AM
To: Gibson-Glass, Mary; Kite, Robin
Subject: FW: Subject: Dunn County Wetlands Exemption

This looks like a new item. It may be broader than any of these that have been done before. Please let me know if I should do some of the drafting.

Becky

-----Original Message-----

From: Miller, Steve
Sent: Wednesday, September 29, 1999 11:51 AM
To: Tradewell, Becky
Subject: FW: Subject: Dunn County Wetlands Exemption

-----Original Message-----

From: Burnett, Douglas
Sent: Wednesday, September 29, 1999 11:14 AM
To: Wood, Bob; Wenzel, Bill; Clausing, Alice; Healy, Brett; Lang, Bob; Miller, Steve
Subject: Subject: Dunn County Wetlands Exemption

Attached are the drafting instructions for the Dunn County wetlands exemption for the Anderson Windows project in the Stout Technology Park. The conferees have agreed to add this to the conference report.



Dunn County Wetlands
Exemption...

DUNN COUNTY WETLANDS EXEMPTION

Provide that an activity shall be considered in compliance with state water quality standards that are applicable to wetlands and be exempt from any state fees, requirements, restrictions, permits, authorizations, procedures or penalties specified under statutory provisions, rules, orders and ordinances dealing with deleterious substances, navigable waters, water or sewage, pollution discharge elimination, solid waste, hazardous waste, remedial action or other general environmental provisions, if the activity meets all of the following requirements: (a) the wetland area that will be affected by the activity will be no more than 4.2 acres in size; (b) the site of the activity is zoned for technology park use and is in the vicinity of a manufacturing facility; (c) the site of the facility is within the corporate limits of a city on January 1, 1999; (d) the governing body of the city adopts a resolution stating that the exemption under this section is necessary to protect jobs that exist in the city on the date of the adoption of the resolution or is necessary to promote job creation; and, e) the site of the activity is located in Dunn County.

Before engaging in an activity allowed in the previous paragraph an Army Corps of Engineer's Wetland Permit which includes an approved mitigation plan must be obtained. At minimum said mitigation plan shall require the creation of 1.5 acres of wetland for each acre of wetland affected by the activity.

RM not R

LRBb1875/8 1

MR.....

D-note

Today

JG

LFB:.....Kava - Dunn County wetlands exemption

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT,

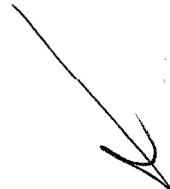
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2

(END)



DN

ARC:.....Anderson – Am. #116, Trempealeau County wetland exemption
FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION
CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 133

- 1 ~~At the locations indicated, amend the substitute amendment as follows:~~
- 2 **1.** Page 763, line 10: after that line insert:
- 3 **"SECTION 1579u.** 59.692 (6m) of the statutes is created to read:
- 4 59.692 (6m) For an amendment to an ordinance enacted under this section that
- 5 affects an activity that meets all of the requirements under s. 281.165 ^{(2) or (3) (a)} ~~(a) to (5)~~, the
- 6 department may not proceed under sub. (6) or (7) (b) or (c), or otherwise review the
- 7 amendment, to determine whether the ordinance, as amended, fails to meet the
- 8 shoreland zoning standards."
- 9 **2.** Page 768, line 15: after that line insert:
- 10 **"SECTION 1591k.** 62.231 (6m) of the statutes is created to read:

1 62.231 (6m) CERTAIN AMENDMENTS TO ORDINANCES. For an amendment to an
 2 ordinance enacted under this section that affects an activity that meets all of the
 3 requirements under s. 281.165 ^{(2) or (3)} ~~(1)~~ ^(a) ~~(b)~~, the department of natural resources may
 4 not proceed under sub. (6), or otherwise review the amendment, to determine
 5 whether the ordinance, as amended, fails to meet reasonable minimum standards.”

6 **3.** Page 980, line 6: after that line insert:

7 “SECTION 1876e. 87.30 (1) (d) of the statutes is created to read:

8 87.30 (1) (d) For an amendment to a floodplain zoning ordinance that affects
 9 an activity that meets all of the requirements under s. 281.165 ^{(2) or (3)} ~~(1)~~ ^(a) ~~(b)~~ the
 10 department may not proceed under this subsection, or otherwise review the
 11 amendment, to determine whether the ordinance, as amended, is insufficient.”

12 **4.** Page 1238, line 10: after that line insert:

13 “SECTION 2487x. 281.165 of the statutes is created to read:

14 **281.165 Compliance with water quality standards for wetlands.** An
 15 activity shall be considered to comply with the water quality standards that are
 16 applicable to wetlands and that are promulgated as rules under s. 281.15 and is
 17 exempt from any prohibition, restriction, requirement, permit, license, approval,
 18 authorization, fee, notice, hearing, procedure or penalty specified under s. 29.601 (3)
 19 or chs. 30, 31, 281, 283, 289 to 292 or 299 or specified under any rule promulgated,
 20 order issued or ordinance adopted under any of those sections or chapters, if the
 21 activity meets ^{either under} ~~all of the~~ requirements under ^{sub. (2) or (3).} ~~sub. (1) or (2).~~

22 (a) The wetland area that will be affected by the activity is less than 15 acres
 23 in size.

(2) TREMPLEAU COUNTY

Subsection (1) applies to an activity that meets all of the following requirements:

CS COMPLIANCE;
EXEMPTION.
B (1)

CS

NO

1 (b) ~~(2)~~ The site of the activity is zoned for industrial use and is in the vicinity of
2 a manufacturing facility.

3 (c) ~~(3)~~ The site of the activity is within the corporate limits of a city on January
4 1, 1999.

5 (d) ~~(4)~~ The governing body of the city adopts a resolution stating that the
6 exemption under this section is necessary to protect jobs that exist in the city on the
7 date of the adoption of the resolution or is necessary to promote job creation.

8 (e) ~~(5)~~ The site of the activity is located in Trempealeau County.

← INSERT 3-9

9 (END)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1875?ins

.....

INSERT 3-9

(3) DUNN COUNTY. (a) Subsection (1) applies to an activity that meets ~~all~~ of the requirements under sub. ~~(2)~~ (c) and (d) and all of the following requirements:

1. The wetland area that will be affected by the activity is ~~less~~ ^{nowhere} than ~~5~~ ^{4.2} acres in size.

2. The site of the activity is zoned for technology park use and is in the vicinity of a manufacturing facility.

3. The site of the activity is located in Dunn County.

(b) Before any person engages in the activity ^{described in} ~~specified under par. (a)~~, ^(a) all of the ~~following in the activity specified under par. (b)~~, the U.S. Army Corps of Engineers shall have issued a permit for the activity that contains a mitigation plan that requires the creation of at least 1.5 acres of wetland for each acre of wetland affected by the activity. "

(end
of
insert

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

LRB
MGG
jlg

very
frustrate

It is possible that a Wisconsin court would find this legislation to be a "private or local bill" which, under Article IV, section 18, of the Wisconsin constitution, must be enacted as single-subject legislation. If so this legislation cannot validly be enacted as part of the budget bill, which clearly encompasses more than one subject. In light of this, the committee may wish to consider introduction of this legislation as a separate bill.

Conference

Mary Gibson-Glass
Senior Staff Counsel
267-3215

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

LRBb1875/1dn
MGG:jlg:mrc

September 30, 1999

It is very possible that a Wisconsin court would find this legislation to be a "private or local bill" which, under article IV, section 18, of the Wisconsin Constitution, must be enacted as single-subject legislation. If so this legislation cannot validly be enacted as part of the budget bill, which clearly encompasses more than one subject. In light of this, the conference committee may wish to consider introduction of this legislation as a separate bill.

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



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1875/1
MGG:jlg:mrc

LFB:.....Kava - Dunn County wetlands exemption

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 763, line 10: after that line insert:

3 **"SECTION 1579u.** 59.692 (6m) of the statutes is created to read:

4 59.692 (**6m**) For an amendment to an ordinance enacted under this section that
5 affects an activity that meets all of the requirements under s. 281.165 (2) or (3) (a),
6 the department may not proceed under sub. (6) or (7) (b) or (c), or otherwise review
7 the amendment, to determine whether the ordinance, as amended, fails to meet the
8 shoreland zoning standards."

9 **2.** Page 768, line 15: after that line insert:

10 **"SECTION 1591k.** 62.231 (6m) of the statutes is created to read:

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2 ordinance enacted under this section that affects an activity that meets all of the
3 requirements under s. 281.165 (2) or (3) (a), the department of natural resources may
4 not proceed under sub. (6), or otherwise review the amendment, to determine
5 whether the ordinance, as amended, fails to meet reasonable minimum standards.”.

6 **3.** Page 980, line 6: after that line insert:

7 “**SECTION 1876e.** 87.30 (1) (d) of the statutes is created to read:

8 87.30 (1) (d) For an amendment to a floodplain zoning ordinance that affects
9 an activity that meets all of the requirements under s. 281.165 (2) or (3) (a), the
10 department may not proceed under this subsection, or otherwise review the
11 amendment, to determine whether the ordinance, as amended, is insufficient.”.

12 **4.** Page 1238, line 10: after that line insert:

13 “**SECTION 2487x.** 281.165 of the statutes is created to read:

14 **281.165 Compliance with water quality standards for wetlands. (1)**
15 COMPLIANCE; EXEMPTION. An activity shall be considered to comply with the water
16 quality standards that are applicable to wetlands and that are promulgated as rules
17 under s. 281.15 and is exempt from any prohibition, restriction, requirement, permit,
18 license, approval, authorization, fee, notice, hearing, procedure or penalty specified
19 under s. 29.601 (3) or chs. 30, 31, 281, 283, 289 to 292 or 299 or specified under any
20 rule promulgated, order issued or ordinance adopted under any of those sections or
21 chapters, if the activity meets all of the requirements under either sub. (2) or (3).

22 **(2) TREMPLEALEAU COUNTY.** Subsection (1) applies to an activity that meets all
23 of the following requirements:

1 (a) The wetland area that will be affected by the activity is less than 15 acres
2 in size.

3 (b) The site of the activity is zoned for industrial use and is in the vicinity of
4 a manufacturing facility.

5 (c) The site of the activity is within the corporate limits of a city on January 1,
6 1999.

7 (d) The governing body of the city adopts a resolution stating that the
8 exemption under this section is necessary to protect jobs that exist in the city on the
9 date of the adoption of the resolution or is necessary to promote job creation.

10 (e) The site of the activity is located in Trempealeau County.

11 **(3) DUNN COUNTY.** (a) Subsection (1) applies to an activity that meets the
12 requirements under sub. (2) (c) and (d) and all of the following requirements:

13 1. The wetland area that will be affected by the activity is no more than 4.2
14 acres in size.

15 2. The site of the activity is zoned for technology park use and is in the vicinity
16 of a manufacturing facility.

17 3. The site of the activity is located in Dunn County.

18 (b) Before any person engages in the activity described in par. (a), the U.S.
19 Army Corps of Engineers shall have issued a permit for the activity that contains a
20 mitigation plan that requires the creation of at least 1.5 acres of wetland for each acre
21 of wetland affected by the activity.”

22 (END)