



State of Wisconsin  
2001 - 2002 LEGISLATURE

January 2002 Special Session

LRBb3008/1  
RNK&MGG:cjs:jf

**SENATE AMENDMENT 3,  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 1**

April 5, 2002 - Offered by Senator MOEN.

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

2 **1.** Page 48, line 10: after that line insert:

3 **“SECTION 150c.** 59.692 (6m) of the statutes is amended 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 **SECTION 150m.** 62.231 (6m) of the statutes is amended to read:

10 62.231 **(6m)** CERTAIN AMENDMENTS TO ORDINANCES. For an amendment to an  
11 ordinance enacted under this section that affects an activity that meets all of the  
12 requirements under s. 281.165 (2) ~~or (3) (a)~~, the department of natural resources may

1 not proceed under sub. (6), or otherwise review the amendment, to determine  
2 whether the ordinance, as amended, fails to meet reasonable minimum standards.”.

3 **2.** Page 154, line 4: after that line insert:

4 “**SECTION 259g.** 87.30 (1) (d) of the statutes is amended to read:

5 87.30 (1) (d) For an amendment to a floodplain zoning ordinance that affects  
6 an activity that meets all of the requirements under s. 281.165 (2) ~~or (3) (a)~~, the  
7 department may not proceed under this subsection, or otherwise review the  
8 amendment, to determine whether the ordinance, as amended, is insufficient.”.

9 **3.** Page 182, line 16: after that line insert:

10 “**SECTION 369kb.** 281.165 (1) of the statutes is amended to read:

11 281.165 (1) COMPLIANCE; EXEMPTION. An activity shall be considered to comply  
12 with the water quality standards that are applicable to wetlands and that are  
13 promulgated as rules under s. 281.15 and is exempt from any prohibition, restriction,  
14 requirement, permit, license, approval, authorization, fee, notice, hearing,  
15 procedure, or penalty specified under s. 29.601 (3) or chs. 30, 31, 281, 283, 289 to 292,  
16 or 299 or specified under any rule promulgated, order issued, or ordinance adopted  
17 under any of those sections or chapters, if the activity meets all of the requirements  
18 under either sub. (2) ~~or (3)~~.

19 **SECTION 369ke.** 281.165 (2) (title) of the statutes is amended to read:

20 281.165 (2) (title) ~~TREMPEALEAU COUNTY~~ REQUIREMENTS.

21 **SECTION 369kg.** 281.165 (2) (am) of the statutes is created to read:

22 281.165 (2) (am) At least 2 acres of wetland will be restored or created as  
23 mitigation for each acre of wetland affected by the activity, and the restored or

1 created wetland shall be located upstream from the site of the activity and located  
2 within the same watershed as the wetland area to be affected.

3 **SECTION 369kj.** 281.165 (2) (c) of the statutes is amended to read:

4 281.165 (2) (c) The site of the activity is within the corporate limits of a city or  
5 village on January 1, 1999.

6 **SECTION 369km.** 281.165 (2) (d) of the statutes is amended to read:

7 281.165 (2) (d) The governing body of the city or village adopts a resolution  
8 stating that the exemption under this section is necessary to protect jobs that exist  
9 in the city or village on the date of the adoption of the resolution or is necessary to  
10 promote job creation.

11 **SECTION 369kp.** 281.165 (2) (e) of the statutes is repealed.

12 **SECTION 369kq.** 281.165 (2) (f) of the statutes is created to read:

13 281.165 (2) (f) The governor selects the activity as provided in sub. (4).

14 **SECTION 369kr.** 281.165 (3) of the statutes is repealed.

15 **SECTION 369ks.** 281.165 (4) and (5) of the statutes are created to read:

16 281.165 (4) SELECTION BY GOVERNOR. (a) Any city or village seeking to be  
17 selected for the exemption under sub. (1) shall submit the adopted resolution  
18 required under sub. (2) (d) to the governor before December 31, 2002.

19 (b) The governor shall select one activity within the state that the governor  
20 determines meets the requirements in sub. (2) (a) to (d) to receive the exemption  
21 under sub. (1).

22 **(5) RESTORED OR CREATED WETLANDS.** (a) Upon selection of the activity by the  
23 governor under sub. (4), the rules under ss. NR 350.05, 350.08, 350.09, and 350.10,  
24 Wis. Adm. Code, shall apply to the mitigation project under sub. (2) (am).

