

2001 - 2002 LEGISLATURE
January 2002 Special Session

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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).

1 (b) The mitigation project under sub. (2) (am) shall include the granting of a
2 conservation easement under s. 700.40 to the department to ensure that the restored
3 or created wetland will not be destroyed or substantially degraded by any
4 subsequent owner of or holder of interest in the property on which the wetland is
5 located. At a minimum, the conservation easement shall include any zone of
6 vegetated upland adjacent to the wetland that the department determines is
7 adequate to filter runoff from entering the restored or created wetland. The
8 department shall modify or release a conservation easement issued under this
9 paragraph if the conditions in s. 281.37 (2m) (b) apply.

10 (c) Any agent or employee of the department shall, at all times, be given
11 reasonable access to any and all parts of a mitigation project site and may enter upon
12 any property to investigate the mitigation project.”.

13 (END)