

**2017 Senate Bill 601 (LRB -4790)**

An Act to amend 87.30 (1) (b); and to create 87.30 (1) (e) of the statutes; relating to: conforming a floodplain zoning ordinance to a federal letter of map amendment. (FE)

**2017**

11-30.	S.	Introduced by Senators <b>Lasee</b> and <b>Craig</b> ; cosponsored by Representatives <b>Jarchow</b> , <b>Weatherston</b> , <b>Tusler</b> , <b>R. Brooks</b> , <b>Kulp</b> , <b>Spiros</b> and <b>Vorpapel</b> .	583
11-30.	S.	Read first time and referred to Committee on Insurance, Housing and Trade	583
12-13.	S.	Public hearing held	
12-13.	S.	Executive action taken	
12-22.	S.	Report passage recommended by Committee on Insurance, Housing and Trade, Ayes 3, Noes 2	614
12-22.	S.	Available for scheduling	

**2018**

01-10.	S.	Fiscal estimate received	
02-08.	S.	Senate Amendment 1 offered by Senator <b>Craig (LRB a2026)</b>	719
02-16.	S.	Placed on calendar 2-20-2018 pursuant to Senate Rule 18(1)	748
02-20.	S.	Read a second time	
02-20.	S.	Senate Amendment 1 <b>adopted</b>	
02-20.	S.	Ordered to a third reading	
02-20.	S.	Rules suspended	
02-20.	S.	Read a third time and <b>passed</b>	
02-20.	S.	Ordered immediately messaged	
02-20.	A.	Received from Senate	786
02-20.	A.	Read first time and referred to committee on Rules	787
02-20.	A.	Placed on calendar 2-22-2018 by Committee on Rules	
02-20.	A.	Made a special order of business at 1:10 PM on 2-22-2018 pursuant to Assembly Resolution 27	821
02-22.	A.	Read a second time	
02-22.	A.	Ordered to a third reading	
02-22.	A.	Rules suspended	
02-22.	A.	Read a third time and <b>concurred in</b>	
02-22.	A.	Ordered immediately messaged	
02-23.	S.	Received from Assembly concurred in	



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2017 ENROLLED BILL

**Adopted Documents**

Original

Engrossed

Substitute Amdt

17-4790 / 1

Amendments:  None or  Listed below.

SA-1

Corrections:  None or  Listed by date below.

Topic:  Same as relating clause or  other, indicated below.

3/1/18

Date

Enrolling Drafter



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-4790/1  
EHS:emw

## 2017 SENATE BILL 601

November 30, 2017 - Introduced by Senators LASEE and CRAIG, cosponsored by Representatives JARCHOW, WEATHERSTON, TUSLER, R. BROOKS, KULP, SPIROS and VORPAGEL. Referred to Committee on Insurance, Housing and Trade.

1     **AN ACT** *to amend* 87.30 (1) (b); and *to create* 87.30 (1) (e) of the statutes;  
2             **relating to:** conforming a floodplain zoning ordinance to a federal letter of map  
3             amendment.

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### ***Analysis by the Legislative Reference Bureau***

This bill requires that a floodplain determination and floodplain zoning ordinance conform with a letter of map amendment issued by the Federal Emergency Management Agency.

Current law prohibits any person from placing or maintaining any structure, building, fill, or development within any floodplain in violation of a floodplain zoning ordinance adopted by a county, city, or village or by a Department of Natural Resources order or determination. Under current law and DNR rule, a county, city, or village may only amend a floodplain map if it also amends its water surface profiles and floodplain zoning ordinance and submits these amendments to DNR for approval.

Under current federal law, FEMA may not offer flood insurance through the National Flood Insurance Program in a community unless that community adopts and enforces floodplain management regulations that meet certain NFIP criteria and are based on flood maps produced by FEMA. Under current federal law, upon the submittal of scientific or technical information showing that a property's designation in relation to a flood zone should be changed, FEMA may issue to the applicant a letter of map amendment (LOMA) that amends the federal flood map with respect to that property.

**SENATE BILL 601**

Under this bill, on the request of a property owner who has obtained a LOMA, the county, city, or village in which the property is located is required to amend its floodplain determination and floodplain zoning ordinance as necessary to conform with the LOMA and is prohibited from enforcing a floodplain determination or floodplain ordinance that is contrary to the LOMA. The bill also requires DNR to consent to such a determination or ordinance amendment.

For further information see the *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:***

1           **SECTION 1.** 87.30 (1) (b) of the statutes is amended to read:

2           87.30 (1) (b) All final orders, determinations, or decisions made under this  
3 subsection shall be subject to review under ch. 227 and be effective 20 days after the  
4 same have been served unless such order, determination, and decision specifies a  
5 different date upon which the same shall be effective. Such floodplain determination  
6 and zoning ordinance shall be of the same effect as if adopted by the county, city, or  
7 village. Thereafter it is the duty of the county, city, village, and town officials to  
8 administer and enforce the ordinance in the same manner as if the county, city, or  
9 village had adopted it. Floodplain Except as provided in par. (e), floodplain  
10 determinations and zoning ordinances so adopted may be modified by the county,  
11 city, or village concerned only with the written consent of the department ~~except that~~.  
12 Except as provided in par. (e), nothing in this subsection may be construed to prohibit  
13 a county, city, village, or town from adopting a floodplain ordinance more restrictive  
14 than that adopted by the state.

15           **SECTION 2.** 87.30 (1) (e) of the statutes is created to read:

16           87.30 (1) (e) 1. On the request of a property owner who has obtained a letter  
17 of map amendment from the federal emergency management agency under 44 CFR  
18 70, the county, city, village, or town in which the property is located shall amend its

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**SENATE BILL 601**

1 floodplain determination and floodplain zoning ordinance as necessary to conform  
2 with the letter of map amendment. The county, city, village, or town may not enforce  
3 a floodplain zoning ordinance that is contrary to a letter of map amendment.

4 2. The department shall consent to an amendment to a floodplain  
5 determination or floodplain zoning ordinance that is necessary to conform with a  
6 letter of map amendment under subd. 1.

(END)

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State of Wisconsin  
2017 - 2018 LEGISLATURE

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**SENATE AMENDMENT 1,  
TO SENATE BILL 601**

February 8, 2018 - Offered by Senator CRAIG.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 15: delete the material beginning with that line and ending with  
3 page 3, line 6, and substitute:

4 **"SECTION 2m.** 87.30 (1) (e) of the statutes is created to read:

5 87.30 (1) (e) 1. Except as provided in subd. 4., on the request of a property owner  
6 who has obtained a letter of map amendment from the federal emergency  
7 management agency under 44 CFR 70, the county, city, village, or town in which the  
8 property is located shall amend its floodplain determination as necessary to conform  
9 with the letter of map amendment. After amending its floodplain determination, the  
10 county, city, village, or town may not enforce a floodplain zoning ordinance with  
11 respect to that specific property or area to the extent that the ordinance is contrary  
12 to the letter of map amendment.

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1           2. A property owner requesting an amendment to a floodplain determination  
2 under subd. 1. shall submit to the county, city, village, or town the letter of map  
3 amendment and all supplementary documents submitted to the federal emergency  
4 management agency as part of the application for the letter of map amendment.

5           3. The department shall consent to an amendment to a floodplain  
6 determination that is necessary to conform with a letter of map amendment under  
7 subd. 1.

8           4. Subdivision 1. does not apply to a county, city, village, or town that  
9 participates in the community rating system under the National Flood Insurance  
10 Program if amending a floodplain determination to conform with a letter of map  
11 amendment would conflict with eligibility requirements under the community  
12 rating system."

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(END)