

2019 Senate Bill 637 (LRB -3385)

An Act to create 87.30 (1d) (d) of the statutes; relating to: the regulation of nonconforming buildings in a floodplain. (FE)

2020

01-08.	S.	Introduced by Senators Marklein, Craig, Kapenga, Olsen, Nass, Stroebel and Testin ; cosponsored by Representatives Pronschinske, Oldenburg, Dittrich, Horlacher, Knodl, Novak, Tranel, Tusler and VanderMeer.	563
01-08.	S.	Read first time and referred to Committee on Utilities and Housing	563
01-23.	S.	Public hearing held	
01-28.	S.	Senate Amendment 1 offered by Senators Bewley and Marklein (LRB a0995)	618
02-04.	S.	Fiscal estimate received	
02-06.	S.	Executive action taken	
02-10.	S.	Report adoption of Senate Amendment 1 recommended by Committee on Utilities and Housing, Ayes 5, Noes 0	654
02-10.	S.	Report passage as amended recommended by Committee on Utilities and Housing, Ayes 5, Noes 0	654
02-10.	S.	Available for scheduling	
02-14.	S.	Placed on calendar 2-19-2020 pursuant to Senate Rule 18(1)	678
02-19.	S.	Read a second time	
02-19.	S.	Senate Amendment 1 adopted	
02-19.	S.	Ordered to a third reading	
02-19.	S.	Rules suspended	
02-19.	S.	Read a third time and passed	
02-19.	S.	Ordered immediately messaged	
02-20.	A.	Received from Senate	
02-20.	A.	Read	
02-20.	A.	Rules suspended to withdraw from Senate message and take up	
02-20.	A.	Read a second time	
02-20.	A.	Ordered to a third reading	
02-20.	A.	Rules suspended	
02-20.	A.	Read a third time and concurred in	
02-20.	A.	Ordered immediately messaged	
02-21.	S.	Received from Assembly concurred in	

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ENROLLED BILL

Adopted Documents

Original Engrossed Substitute Amdt 19 3385, 1

Amendments: None or Listed below.

SA 1

Corrections: None or Listed by date below.

Topic: Same as relating clause or Indicated below.

2/25/20

Date

Enrolling Drafter



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-3385/1

EHS:skw

2019 SENATE BILL 637

January 8, 2020 - Introduced by Senators MARKLEIN, CRAIG, KAPENGA, OLSEN, NASS, STROEBEL and TESTIN, cosponsored by Representatives PRONSCHINSKE, OLDENBURG, DITTRICH, HORLACHER, KNODL, NOVAK, TRANEL, TUSLER and VANDERMEER. Referred to Committee on Utilities and Housing.

- 1 **AN ACT** *to create* 87.30 (1d) (d) of the statutes; **relating to:** the regulation of
2 nonconforming buildings in a floodplain.

Analysis by the Legislative Reference Bureau

Under this bill, if modifications made to a nonconforming building bring the building into conformity with federal standards under federal laws relating to floodplain land use, the Department of Natural Resources may not prohibit further modifications based on cost.

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. Current law prohibits a county, city, or village under a floodplain zoning ordinance from permitting the repair, reconstruction, or improvement of a nonconforming building if the nonconforming building, after repair, reconstruction or improvement, will fail to meet any minimum requirement applicable to a nonconforming building under the federal statutes and regulations governing the National Flood Insurance Program (NFIP). Under DNR rule, a nonconforming building is an existing lawful building that is not in conformity with the dimensional or structural requirements of a floodplain zoning ordinance for the area of the floodplain that it occupies.

Current DNR rule prohibits the modification or addition to a nonconforming building that over the life of the building would exceed 50 percent of its present equalized assessed value unless the entire building is permanently changed to a conforming building with a conforming use in compliance with DNR rules. Under

SENATE BILL 637

this bill, if, as a result of the repair, reconstruction, or improvement of a nonconforming building, the entire building is permanently changed to be a conforming building in compliance with the applicable requirements under the federal statutes and regulations governing NFIP, DNR may not prohibit further repair, reconstruction, or improvement of that building based on cost.

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:

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SECTION 1. 87.30 (1d) (d) of the statutes is created to read:
87.30 (1d) (d) If, as a result of the repair, reconstruction, or improvement of a nonconforming building, the entire building is permanently changed to be a conforming building in compliance with the applicable requirements under 42 USC 4001 to 4129 or the regulations promulgated under those provisions, the department may not prohibit further repair, reconstruction, or improvement of that building based on cost.

(END)

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State of Wisconsin
2019 - 2020 LEGISLATURE

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**SENATE AMENDMENT 1,
TO SENATE BILL 637**

January 28, 2020 - Offered by Senators BEWLEY and MARKLEIN.

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

2 **1.** Page 2, line 1: delete lines 1 to 7 and substitute:

3 **"SECTION 1.** 87.30 (1d) (d) of the statutes is created to read:

4 87.30 (1d) (d) If the department regulates or prohibits repair, reconstruction,
5 or improvement of a nonconforming building, the department may not do so based
6 on cost if, as a result of repair, reconstruction, or improvement authorized under
7 county, city, village, or town regulations, all of the following apply:

8 1. The entire nonconforming building is or will be permanently changed to
9 comply with the applicable requirements under 42 USC 4001 to 4129 or the
10 regulations promulgated under those provisions.

11 2. Any living quarters in the nonconforming building are or will be at or above
12 the flood protection elevation, as established by the department."

13 (END)

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