

State of Misconsin 2017 - 2018 LEGISLATURE

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ASSEMBLY AMENDMENT 1, TO ASSEMBLY BILL 246

August 22, 2017 – Offered by Representative SANFELIPPO.

1	At the locations indicated, amend the bill as follows:
2	1. Page 6, line 9: delete the material beginning with that line and ending with
3	page 7, line 2, and substitute:
4	"SECTION 3m. 87.30 (1m) of the statutes is renumbered 87.30 (1m) (ag), and
5	87.30 (1m) (ag) (intro.), 1. and 2., as renumbered, are amended to read:
6	87.30 (1m) (ag) (intro.) Notwithstanding any other provision of law or
7	administrative rule promulgated thereunder, a floodplain zoning ordinance required
8	under sub. (1) does not apply to lands adjacent to farm drainage ditches if <u>all of the</u>
9	following apply:
10	1. Such lands are not within the floodplain of a natural navigable stream or
11	river ;
12	2. Those parts of the drainage ditches adjacent to these lands were
13	nonnavigable streams before ditching ; and .

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1	SECTION 4m. 87.30 (1m) (am) of the statutes is created to read:
2	87.30 (1m) (am) Notwithstanding any other provision of law or administrative
3	rule promulgated thereunder, a floodplain zoning ordinance required under sub. (1)
4	does not apply to lands adjacent to farm drainage ditches if all of the following apply,
5	except to the extent necessary for the municipality to which the floodplain zoning
6	ordinance applies to maintain eligibility for participation in the National Flood
7	Insurance Program:
8	1. The farm drainage ditch is subject to the jurisdiction of a drainage district
9	under ch. 88.
10	2. The disposal of material in a floodplain is within the drainage district
11	corridor under s. 88.74.
12	3. The lands adjacent to the corridor are maintained in nonstructural
13	agricultural use or other nonstructural use.".
14	2. Page 19, line 10: after that line insert:
15	"SECTION 33m. 283.33 (1) (intro.) of the statutes is amended to read:
16	283.33 (1) REQUIREMENT. (intro.) An Except as provided in sub. (1m), an owner
17	or operator shall obtain a permit under this section for any of the following:
18	SECTION 33p. 283.33 (1m) of the statutes is created to read:
19	283.33 (1m) EXEMPTIONS; LIMITATION ON LOCAL PERMITTING. (a) An owner or
20	operator is not required to obtain a permit under this section for any of the following:
21	1. A discharge of storm water associated with planting, growing, cultivating,
22	or harvesting crops for use or consumption by humans, livestock, as defined in s.
23	95.80 (1) (b), or poultry, including sod farms and tree nurseries.

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1	2. A discharge of storm water associated with pasturing or yarding livestock,
2	as defined in s. 95.80 (1) (b), or poultry.
3	3. A discharge of storm water from land containing dredged material removed
4	from a drainage district ditch, if the land is adjacent to the ditch from which the
5	dredged material was removed.
6	4. Any other discharge of storm water exempted by the department by rule from
7	obtaining a permit under this section.
8	(b) A political subdivision may not require an owner or operator to obtain a
9	permit from the political subdivision for any discharge described under par. (a) 1. to
10	4. In this paragraph, "political subdivision" means a city, village, town, or county.
11	(c) The exemptions under par. (a) and the prohibition under par. (b) do not apply
12	to the construction of barns, manure storage facilities, barnyard runoff control
13	systems, or other similar structures.".
14	(END)