



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-6109/1  
SWB:skw

## 2021 SENATE BILL 1087

March 9, 2022 - Introduced by Senator SMITH. Referred to Committee on Natural Resources and Energy.

1 **AN ACT to create** 59.69 (4i), 60.61 (3e) and 62.23 (7) (hj) of the statutes; **relating**  
2 **to:** notice requirements for zoning actions related to frac sand mining.

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### *Analysis by the Legislative Reference Bureau*

Under this bill, before a city, village, or county, or a town that is authorized to exercise village powers, may take any action on an application for a frac sand mine, the governing body of the city, village, town, or county must publish a class 2 notice at least 30 days before the meeting at which the governing body plans to take action on the application. Under the bill, the governing body must also send, by first class mail, written notice of the meeting, at least 30 days before the meeting, to the owner or occupant of any land that is located within one mile of the proposed mine.

The bill defines “frac sand” as a type of industrial sand that could be used in deep well applications to prop open rock fissures and increase the flow rate of natural gas or oil.

Under current law, a political subdivision is authorized to enact zoning ordinances that regulate and restrict the height, number of stories, and size of buildings and other structures; the percentage of a lot that may be occupied; the size of yards and other open spaces; the density of population; the location and use of buildings, structures, and land for various purposes; and the areas in which agriculture, industry, mining, and other activities may be conducted.

**SENATE BILL 1087**

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.** 59.69 (4i) of the statutes is created to read:

2           59.69 (4i) FRAC SAND MINING. (a) *Definition.* In this subsection, “frac sand”  
3 means a type of industrial sand that could be used in deep well applications to prop  
4 open rock fissures and increase the flow rate of natural gas or oil.

5           (b) *Notice requirements.* The board may not take any action on an application  
6 for a frac sand mine unless the board gives notice of the meeting at which it plans  
7 to take action on the application by publishing a class 2 notice, under ch. 985, at least  
8 30 days before the meeting. The board must also send written notice of the meeting  
9 by 1st class mail, at least 30 days before the meeting, to the owner or occupant of any  
10 parcel of land that is located within one mile of the site where the proposed frac sand  
11 mine is to be located.

12           **SECTION 2.** 60.61 (3e) of the statutes is created to read:

13           60.61 (3e) FRAC SAND MINING. (a) *Definition.* In this subsection, “frac sand”  
14 means a type of industrial sand that could be used in deep well applications to prop  
15 open rock fissures and increase the flow rate of natural gas or oil.

16           (b) *Notice requirements.* The town board may not take any action on an  
17 application for a frac sand mine unless the board gives notice of the meeting at which  
18 it plans to take action on the application by publishing a class 2 notice, under ch. 985,  
19 at least 30 days before the meeting. The town board must also send written notice  
20 of the meeting by 1st class mail, at least 30 days before the meeting, to the owner or

**SENATE BILL 1087**

1 occupant of any parcel of land that is located within one mile of the site where the  
2 proposed frac sand mine is to be located.

3 **SECTION 3.** 62.23 (7) (hj) of the statutes is created to read:

4 62.23 (7) (hj) *Frac sand mining.* 1. In this paragraph, “frac sand” means a type  
5 of industrial sand that could be used in deep well applications to prop open rock  
6 fissures and increase the flow rate of natural gas or oil.

7 2. The governing body of a city may not take any action on an application for  
8 a frac sand mine unless the governing body gives notice of the meeting at which it  
9 plans to take action on the application by publishing a class 2 notice, under ch. 985,  
10 at least 30 days before the meeting. The governing body of the city must also send  
11 written notice of the meeting by 1st class mail, at least 30 days before the meeting,  
12 to the owner or occupant of any parcel of land that is located within one mile of the  
13 site where the proposed frac sand mine is to be located.

14 **SECTION 4. Initial applicability.**

15 (1) This act first applies to an application for a frac sand mine that is filed with  
16 a political subdivision on the effective date of this subsection.

17 (END)