

## 2013 DRAFTING REQUEST

### Bill

Received: 1/17/2013 Received By: mshovers  
Wanted: As time permits Same as LRB:  
For: Kathleen Vinehout (608) 266-8546 By/Representing: Joel  
May Contact: Drafter: mshovers  
Subject: Local Gov't - zoning Addl. Drafters:  
Extra Copies: EVM

Submit via email: YES  
Requester's email: Sen.Vinehout@legis.wisconsin.gov  
Carbon copy (CC) to:

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#### Pre Topic:

No specific pre topic given

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#### Topic:

Notice requirements for zoning ordinances related to frac sand mining

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#### Instructions:

See attached. Redraft 2011 SB 406 (LRB -3710/1), except make the notice a class 2 notice

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#### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mshovers 1/25/2013	scalvin 2/7/2013	jfrantze 2/7/2013	_____			
/1				_____	rose 2/7/2013	sbasford 4/8/2013	Local

FE Sent For:

at  
intro

<END>

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Carbon copy (CC) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Redraft 2011 SB 406 (LRB -3710/1), except make the notice a class 2 notice. Notice requirements for zoning ordinances related to frac sand mining

**Instructions:**

See attached

**Drafting History:**

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

/? mshovers 11 sac 02/07/2013 Jo 2/7

11 MES 1/25/13

FE Sent For:

<END>

MES

# Bill Request Form

**Legislative Reference Bureau**  
One East Main Street, Suite 200  
Legal Section 266-3561

You may use this form or talk directly with the LRB attorney who will draft the bill.

Date 1/17/13

Legislator, agency, or other person requesting this draft Sen. Vinchont

Person submitting request (name and phone number) Joel Nilsestuen, 6-8546

Persons to contact for questions about this draft (names and phone numbers) Same

Describe the problem, including any helpful examples. How do you want to solve the problem?

*Plz re-draft 2011 SB 406, notice requirements for zoning actions related to fire sand mining, with one change:  
- require a class 2 notice, instead of the class 1 notice required in 2011 SB 406.*

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

*2011 SB 406 attached*

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 2005 LRB-2345/1 or 2003 AB-67).

Requests are confidential unless stated otherwise. May we tell others that we are working on this for you? YES  NO

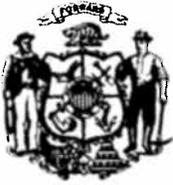
If yes:                      Anyone who asks?    YES    NO  
   Any legislator?        YES    NO

Only the following persons \_\_\_\_\_

Do you consider this request urgent?    YES  NO    If yes, please indicate why \_\_\_\_\_

Should we give this request priority over any pending request of this legislator, agency, or person?

YES    NO



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-3710/1  
MES:med:jf

2011 BILL

SB 406

Instructions

- 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 current law, a political subdivision (a city, village, town that is authorized to exercise village powers, or county) 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 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.

Under this bill, before a political subdivision may take any action on an application for a frac sand mine, the governing body must publish a class 1 notice at least 30 days before the meeting, and must also send written notice of the meeting, by first class mail, 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.

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:***

**BILL**

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

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





State of Wisconsin  
2011 - 2012 LEGISLATURE

1342/1  
RNR  
LRB 8710/1  
MES:med/f  
gale  
e  
sac

2013 ~~2011~~ SENATE BILL ~~406~~

January 27, 2012 - Introduced by Senator VINEHOUT, cosponsored by Representatives DANOU, BERNARD SCHABER, ROYS, C. TAYLOR, BERCEAU and POCAN. Referred to Committee on Natural Resources and Environment.

gen

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.

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

Under current law, a political subdivision (a city, village, town that is authorized to exercise village powers, or county) 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 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.

Under this bill, before a political subdivision may take any action on an application for a frac sand mine, the governing body must publish a ~~class~~ notice at least 30 days before the meeting, and must also send written notice of the meeting, by first class mail, 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.

For further information see the *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:***

**SENATE BILL 406**

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  
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17 application for a frac sand mine unless the board gives notice of the meeting at which  
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22 proposed frac sand mine is to be located.

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



**Basford, Sarah**

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**From:** Nilsestuen, Joel  
**Sent:** Monday, April 08, 2013 11:03 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -1342/1 Topic: Notice requirements for zoning ordinances related to frac sand mining

Please Jacket LRB -1342/1 for the SENATE.