

2019 DRAFTING REQUEST

Bill

For: **Thomas Tiffany (608) 266-2509** Drafter: **emueller**
 By: **Jen** Secondary Drafters:
 Date: **3/8/2019** May Contact:

Same as LRB: **-3328**

Submit via email: **YES**
 Requester's email: **Sen.Tiffany@legis.wisconsin.gov**
 Carbon copy (CC) to: **eric.mueller@legis.wisconsin.gov**
zachary.wyatt@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Facilitate use of lower cost aggregate and concrete

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	emueller 3/18/2019				
/P1	emueller 4/1/2019	anienaja 3/19/2019	dwalker 3/19/2019		State S&L
/P2	emueller 5/16/2019	anienaja 4/2/2019	mbarman 4/2/2019		State S&L
/1		anienaja 5/16/2019	mbarman 5/16/2019	mbarman 6/3/2019	State S&L

FE Sent For:

At Intro

<END>

Facilitate Use of Lower Cost Aggregate and Concrete

- Amend s. 85.193 to treat temporary aggregate sources and concrete batch facilities for WisDOT projects the same way as material used for embankments and earthwork in such projects.

- Amend to read as follows:

(1) DEFINITIONS. In this section:

(ag) "Aggregate site" means a site off of the transportation project property from which aggregate for use in the transportation project is excavated or excavated and processed.

(am) "Borrow" means soil or a mixture of soil and stone, gravel, or other material suitable for use in the construction of embankments or other similar earthworks constructed as part of a transportation project.

(b) "Borrow site" means a site off of the transportation project property from which borrow is excavated for use in a transportation project.

(bm) "Concrete batch site" means a temporary facility located off of the transportation project property at which ingredients are combined to form concrete for use in the transportation project.

(c) "Material disposal site" means a site off of the transportation project property used for the lawful disposal of surplus materials from a transportation project and that is under the direct control of the transportation project contractor or a transportation project subcontractor. "Material disposal site" does not include a private landfill that is not managed by the transportation project contractor or a transportation project subcontractor or a landfill that is owned or directly controlled by a political subdivision.

(d) "Political subdivision" means a city, village, town, or county.

(e) "Transportation project" means a construction or maintenance project directed and supervised by the department that relates to an airport, railroad, highway, bridge, or other transportation facility and that is subject to an agreement under s. 30.2022.

(2) EXEMPTION FROM LOCAL ZONING. No zoning ordinance enacted under s. 59.69, 60.61, 60.62, 61.35, or 62.23 may apply to a an aggregate site, concrete batch site, borrow site or material disposal site if all of the following apply:

(a) The owner of the property consents to the establishment of a site on his or her property.

(b) The department determines that the site is not a commercial establishment that has a fixed place of business from which the establishment regularly supplies processed or manufactured materials or products.

(c) The transportation project contractor assumes sole responsibility for the operation of the site.

(d) The site is used solely for the specified transportation project and solely during the period of construction of the specified transportation project.

(e) The transportation project contractor or a transportation project subcontractor does not crush, screen, wash, blast, or apply another manufacturing process to mineral aggregate from the borrow site, on or off the borrow site, to produce finished aggregate products.

(g) The transportation project contractor complies with all of the following:

1. Any applicable noise limit standards for mine and quarry operations established under s. 101.15 (2) (e).

2. Any applicable restoration requirements for construction site erosion control established under s. 85.19 (1) and any applicable restoration requirements established under an agreement under s. 30.2022.



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2378/P1

EVM:...amm

(RMR)

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

3/19/19

- SA
Kef
Ruf
- gen
- 1 **AN ACT ...; relating to:** exemption from local zoning ordinances for certain
2 transportation project aggregate and concrete production sites.

Analysis by the Legislative Reference Bureau

Under current law, borrow sites and material disposal sites used for certain transportation projects are exempt from certain local zoning ordinances. A borrow site is, in general, a site from which soil, stone, gravel, or other similar material is excavated. A material disposal site is, in general, a site that is used for the lawful disposal of surplus materials from a project. These sites qualify for the exemption if all of the following apply: 1) the owner of the property consents to the establishment of a site on his or her property; 2) the Department of Transportation determines that the site is not a commercial establishment with a fixed place of business from which the establishment regularly supplies processed or manufactured materials or products; 3) the project contractor assumes sole responsibility for the operation of the site; 4) the site is used solely for the project and solely during the period of construction of the project; 5) the project contractor does not manufacture finished aggregate products from the materials excavated at the borrow site; and 6) the transportation project contractor agrees to comply with certain safety and remediation requirements.

This bill adds aggregate sites and construction batch sites to the exemption described above. Aggregate sites are sites from which aggregate is excavated or excavated and processed. Concrete batch sites are temporary facilities at which ingredients are combined to produce concrete for use in the transportation project.

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:

1 SECTION 1. 85.193 (title) of the statutes is amended to read:

2 **85.193 (title) Borrow and material disposal Local zoning exemption for**
3 **certain sites for used for transportation projects.**

4 SECTION 2. 85.193 (1) (a) of the statutes is renumbered 85.193 (1) (ax).

5 SECTION 3. 85.193 (1) (ag) of the statutes is created to read:

6 ~~85.193 (1) (ag)~~ "Aggregate site" means a site off the transportation project
7 property from which aggregate for use in a transportation project is excavated or
8 excavated and processed.

9 SECTION 4. 85.193 (1) (bg) of the statutes is created to read:

10 ~~85.193 (1) (bg)~~ "Concrete batch site" means a temporary facility located off of
11 the transportation project property at which ingredients are combined to produce
12 concrete for use in a transportation project.

****NOTE: Please note, I changed this definition slightly from the instructions, i.e. I substituted "produce" for "form." Let me know if I have misunderstood what you intend to cover with this definition.

13 SECTION 5. 85.193 (2) (intro.) of the statutes is amended to read:

14 **85.193 (2) EXEMPTION FROM LOCAL ZONING. (intro.)** No zoning ordinance enacted
15 under s. 59.69, 60.61, 60.62, 61.35, or 62.23 may apply to ~~a~~ an aggregate site, borrow
16 site, concrete batch site, or material disposal site if all of the following apply:

History: 2011 a. 32.

17

(END)



3/25 Jan 10 Sen. Tilley

title of 85.193 should

remain same to correct ~~the~~ title



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2378/P1 P2
EVM:amn

(Handwritten initials)

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Two

4/2/19

Regen.

1 **AN ACT to renumber** 85.193 (1) (a); **to amend** 85.193 (title) and 85.193 (2)
2 (intro.); and **to create** 85.193 (1) (ag) and 85.193 (1) (bg) of the statutes;
3 **relating to:** exemption from local zoning ordinances for certain transportation
4 project aggregate and concrete production sites.

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Under current law, borrow sites and material disposal sites used for certain transportation projects are exempt from certain local zoning ordinances. A borrow site is, in general, a site from which soil, stone, gravel, or other similar material is excavated. A material disposal site is, in general, a site that is used for the lawful disposal of surplus materials from a project. These sites qualify for the exemption if all of the following apply: 1) the owner of the property consents to the establishment of a site on his or her property; 2) the Department of Transportation determines that the site is not a commercial establishment with a fixed place of business from which the establishment regularly supplies processed or manufactured materials or products; 3) the project contractor assumes sole responsibility for the operation of the site; 4) the site is used solely for the project and solely during the period of construction of the project; 5) the project contractor does not manufacture finished aggregate products from the materials excavated at the borrow site; and 6) the transportation project contractor agrees to comply with certain safety and remediation requirements.

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Material acquisition, preparation,

excavated and processed. Concrete batch sites are temporary facilities at which ingredients are combined to produce concrete for use in the transportation project.

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16 site, concrete batch site, or material disposal site if all of the following apply:

17 (END)



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2378/P2
EVM:amn

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

No changes

5/16/19

1 AN ACT *to renumber* 85.193 (1) (a); *to amend* 85.193 (title) and 85.193 (2)
2 (intro.); and *to create* 85.193 (1) (ag) and 85.193 (1) (bg) of the statutes;
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Barman, Mike

From: Esser, Jennifer
Sent: Monday, June 03, 2019 8:18 AM
To: LRB.Legal
Subject: Draft Review: LRB -2378/1

Please Jacket LRB -2378/1 for the SENATE.