



2013 SENATE BILL 138

April 10, 2013 – Introduced by Senators VINEHOUT, CARPENTER, T. CULLEN, HARRIS, LASSA, LEHMAN, MILLER, SHILLING, WIRCH and ERPENBACH, cosponsored by Representatives DANOU, HULSEY, BARNES, BERCEAU, BILLINGS, CLARK, GENRICH, GOYKE, OHNSTAD, SHANKLAND, C. TAYLOR and WACHS. Referred to Committee on Workforce Development, Forestry, Mining, and Revenue.

- 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 2 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 138**SECTION 1**

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
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:

