

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4072/1dn
MES:kjf:rs

February 11, 2014

Senator Tiffany:

Please review this version of the bill very carefully to ensure that it is consistent with your intent. By changing the word “prohibit” in several places to “apply to or affect” (see, for example, created s. 59.69 (10) (as)) the scope of the bill is much broader than the /P3 version in that the bill now limits local action in a greater area. In addition, by removing the phrase “that applies to or affects nonmetallic mining” from created s. 66.0416 (2) (b) 1., it seems that the limitations on political subdivisions may have unintended consequences, by broadening the effect of the bill to limit local actions that are not necessarily related to nonmetallic mining.

As drafted in this version of the bill, by removing the phrase “that applies to or affects nonmetallic mining” from created s. 66.0416 (2) (b) 1., this subdivision states that if a political subdivision enacts or amends an ordinance, other than a zoning ordinance, the ordinance may not apply to or affect an existing off-site transportation facility that is related to nonmetallic mining. If such a facility has uses that are both related to nonmetallic mining and completely unrelated to nonmetallic mining, the bill may be interpreted to now provide that a political subdivision may not enact or amend an ordinance that applies to or affects that part of the facility which has no relationship to nonmetallic mining. If this is not your intent, please let me know and the bill may be redrafted.

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