

2013 DRAFTING REQUEST

Senate Amendment (SA-SB632)

Received: 3/7/2014 Received By: mshovers
Wanted: As time permits Same as LRB:
For: Kathleen Vinehout (608) 266-8546 By/Representing: Sen. Vinehout
May Contact: Larry Konopacki, Anna Henning Drafter: mshovers
Subject: Local Gov't - zoning Addl. Drafters:
Extra Copies: RCT, EVM

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

Pre Topic:

No specific pre topic given

Topic:

Local regulation of nonmetallic mining; frac sand; allow more restrictive ordinances

Instructions:

See attached. Allow local governments to impose new/more restrictive regulations in cases of "emergency." See s. 93.90 (3) (a) 6. b., 9. b., and (ar) (2).

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 3/7/2014			_____			
/1		scalvin 3/7/2014	jmurphy 3/7/2014	_____	lparisi 3/7/2014	lparisi 3/7/2014	

FE Sent For:

<END>

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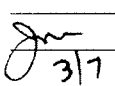
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/?	mshovers	1 sac 03/07/2014	1 sac 03/07/2014				
11	MES	3/7/14					

FE Sent For:  3/7

<END>

Tradewell, Becky

Subject: FW: Amendments

From: Konopacki, Larry
Sent: Friday, March 07, 2014 10:32 AM
To: Tradewell, Becky; Henning, Anna
Subject: RE: Amendments

Hi Becky, Anna and I had just a quick minute to chat about the questions that you wanted to discuss regarding the set of amendments that Sen. Vinehout requested:

1. Like you and Anna, I think that they only asked for a new initial applicability provision for the s. 66.0416 changes.
2. Also, the Senator requested another amendment that would narrow the preemption in Section 10. In the meeting, it was suggested that this could be accomplished by preempting local ordinances that "prohibit" the continued extraction of a nonmetallic mineral instead of those that "apply to or affect" that extraction on page 8 line 6 and that "prohibit" the continued operation of the (2) (b) facilities instead of "apply to or affect" the operation of those facilities on page 8 line 13.
3. Lastly, the Senator asked that another amendment be drafted to allow local governments to impose new/more restrictive regulations under their non-zoning powers in cases of "emergency." My understanding is that this would entail creating an exception to the preemptions in proposed s. 66.0416 (2) (a) and (b). Marc might consider an amendment that creates an exception to these preemptions if the political subdivision "bases the requirement on reasonable and scientifically defensible findings of fact, adopted by the political subdivision, that clearly show that the requirement is necessary to protect public health or safety." (Becky, this if from the livestock siting law as you noted yesterday.)

↳ 9 3 90 (3) (a) 6. b., 9. b.; + (an) 2.

Thanks, and sorry that I am not more accessible this morning.

Larry

Larry A. Konopacki
Wisconsin Legislative Council
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larry.konopacki@legis.wisconsin.gov



RMR

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

SENATE AMENDMENT,
TO SENATE BILL 632

today
or
Monday
a.m.

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 8, line 1: delete "If" and substitute "Except as provided in par. (d), if".
- 3 **2.** Page 8, line 23: after that line insert:
- 4 "(d) A political subdivision may enact or amend an ordinance, other than a
- 5 zoning ordinance, that applies to or affects nonmetallic mining, and that takes effect
- 6 after nonmetallic mineral extraction began at a nonmetallic mining location, and
- 7 which is more restrictive than the requirements of any ordinance in effect at the time
- 8 nonmetallic mineral extraction began, or that imposes a new restriction, if the
- 9 ordinance or amendment to the ordinance is based on reasonable and scientifically
- 10 defensible findings of fact, adopted by the political subdivision, that clearly show

1 that the ordinance or amendment to the ordinance is necessary to protect public
2 health or safety.”.

3 (END)