

2015 DRAFTING REQUEST

Bill

Received: 12/3/2014 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, RCT, RNK, MCP

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

Pre Topic:

No specific pre topic given

Topic:

Agricultural and residential use zoning ordinances related to frac sand mining

Instructions:

See attached. Redraft 2013 SB 141 (LRB-1341/1).

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 12/3/2014	evinz 12/13/2014		_____			
/1			jmurphy 12/16/2014	_____	mbarman 12/16/2014	sbasford 2/18/2015	Local

FE Sent For:
At Intro.

<END>

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/? mshovers
11 MES 12/3/14
FE Sent For: 1 eev 12/13/14 1 eev 12/13/14 <END> pm 12/14

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 12/2/14

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

Person submitting request (name and phone number) Joel Nilsson

Persons to contact for questions about this draft (names and phone numbers) Same, 6-9546

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

Please re-draft 2013 LRB 1341 relating to
frac sand mining as a conditional or
prohibited use.

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.

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).

2013 LRB 1341

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
2013 - 2014 LEGISLATURE

0776/11



LRB 1341/1
MES:jtd:ph

eev:

2015
2013 SENATE BILL 141

Due
Wed, 12/18/13

SAVV
xref N/A

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, 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: listing frac sand mining as a conditional or prohibited use in certain types
3 of zoning ordinances.

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, with regard to a zoning ordinance that is enacted and relates to agricultural use, frac sand mining must be listed as a conditional use. Also under this bill, with regard to a zoning ordinance that is enacted and relates to residential use, frac sand mining must be listed as a prohibited use.

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.

SENATE BILL 141

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:

1 **SECTION 1.** 59.69 (4i) of the statutes is created to read:

2 59.69 (4i) FRAC SAND MINING, ZONING ORDINANCES. (a) *Definition.* In this
3 subsection, "frac sand" means a type of industrial sand that could be used in deep
4 well applications to prop open rock fissures and increase the flow rate of natural gas
5 or oil.

6 (b) *Agricultural use ordinances.* With regard to any zoning ordinance enacted
7 under this section that relates to agricultural use, frac sand mining shall be listed
8 as a conditional use.

9 (c) *Residential use ordinances.* With regard to any zoning ordinance enacted
10 under this section that relates to residential use, frac sand mining shall be listed as
11 a prohibited use.

12 **SECTION 2.** 60.61 (3e) of the statutes is created to read:

13 60.61 (3e) FRAC SAND MINING, ZONING ORDINANCES. (a) *Definition.* In this
14 subsection, "frac sand" means a type of industrial sand that could be used in deep
15 well applications to prop open rock fissures and increase the flow rate of natural gas
16 or oil.

17 (b) *Agricultural use ordinances.* With regard to any zoning ordinance enacted
18 under this section that relates to agricultural use, frac sand mining shall be listed
19 as a conditional use.

SENATE BILL 141

1 (c) *Residential use ordinances*. With regard to any zoning ordinance enacted
2 under this section that relates to residential use, frac sand mining shall be listed as
3 a prohibited use.

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

5 62.23 (7) (hj) *Frac sand mining, zoning ordinances*. 1. In this paragraph, "frac
6 sand" means a type of industrial sand that could be used in deep well applications
7 to prop open rock fissures and increase the flow rate of natural gas or oil.

8 2. With regard to any zoning ordinance enacted under this paragraph that
9 relates to agricultural use, frac sand mining shall be listed as a conditional use.

10 3. With regard to any zoning ordinance enacted under this paragraph that
11 relates to residential use, frac sand mining shall be listed as a prohibited use.

12 SECTION 4. **Initial applicability.**

13 (1) This act first applies to a zoning ordinance that takes effect on the effective
14 date of this subsection.

15 (END)

subsection
subsection

Basford, Sarah

From: Stafford, Beau
Sent: Wednesday, February 18, 2015 12:38 PM
To: LRB.Legal
Subject: Draft Review: LRB -0776/1 Topic: Agricultural and residential use zoning ordinances related to frac sand mining

Please Jacket LRB -0776/1 for the SENATE.