

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

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

Pre Topic:

No specific pre topic given

Topic:

Notice requirements for zoning ordinances related to frac sand mining

Instructions:

See attached. Redraft 2013 SB 138 (LRB -1342/1), except make the notice a class 2 notice

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	jdyer 12/13/2014		_____			
/1			jmurphy 12/16/2014	_____	sbasford 12/16/2014	sbasford 2/18/2015	Local

FE Sent For:

At Intro.

<END>

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1?	mshovers	1 12/13 jld	jd				
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Amst/CS
12/14

FE Sent For:

<END>

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. Vinchout

Person submitting request (name and phone number) Joel Nilsestern

Persons to contact for questions about this draft (names and phone numbers) Sony 6-8546

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

Please redraft 2013 LRB 1342 relating to notice requirements for zoning actions related to fac sand mining.

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).

SB 138 2013 LRB 1342

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

-0777/1



LRB-1342/T

MES:war/jf

2015
2013 SENATE BILL 138

Due
Wed, 12/17

jld

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.

X

Gen

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:

Basford, Sarah

From: Stafford, Beau
Sent: Wednesday, February 18, 2015 12:37 PM
To: LRB.Legal
Subject: Draft Review: LRB -0777/1 Topic: Notice requirements for zoning ordinances related to frac sand mining

Please Jacket LRB -0777/1 for the SENATE.