



WISCONSIN LEGISLATURE

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Senator Tiffany and Representative Ballweg Introduce Senate Bill 632 and Assembly Bill 816 Preserving Property Rights and Protecting Jobs

Madison...State Senator Tom Tiffany (R-Hazelhurst) and Representative Joan Ballweg (R-Markesan) announced the introduction of Senate Bill 632 and Assembly Bill 816, which codifies existing agreements between non-metallic mining operators and their host communities. The legislation stems from a 2012 Wisconsin Supreme Court ruling in the case of *Zwiefelhofer v. Town of Cooks Valley*, which set the stage for municipalities to use police powers to enact land-use restrictions outside of the traditional zoning process.

“Representative Ballweg and I place great value on local control, having both served in local government. However, the Court’s ruling opened the door for some municipalities to change the rules of the game on legally operating businesses and in some instances threatening basic property rights and putting jobs at risk,” said Tiffany. “This legislation will simply ensure that lawfully operating quarries, aggregate producers and industrial sand companies can continue to operate and invest in their businesses and communities without legal uncertainty.”

“The Wisconsin Towns Association appreciates the authors removing provisions we opposed in Senate Bill 349 in the newly introduced Senate Bill 632. The Wisconsin Towns Association does not oppose Senate Bill 632 as introduced,” said Rick Stadelman, Executive Director of the Wisconsin Towns Association.

Senate Bill 632 and Assembly Bill 816 will protect jobs by extending private property right protections that are afforded to businesses operating in zoned areas but may not be afforded those protections under the jurisdiction of municipal police power ordinances.

“The Wisconsin Counties Association (WCA) would like to thank Sen. Tom Tiffany (R-Hazelhurst) and Rep. Joan Ballweg (R-Markesan) for engaging us in the recent discussion regarding non-metallic mining regulation,” stated Mark O’Connell, Executive Director of the WCA. “This new legislation includes many recommendations WCA suggested in meetings over the past several months and we look forward to working with industry stakeholders and the bill authors on the new legislation.”

“Our legislation preserves local relationships and local agreements. It does not affect a local unit of government’s police power, pre-empt any local government authority, or prevent municipalities from negotiating agreements with new non-metallic mines,” added Ballweg. “It merely reinforces existing

agreements and keeps the rules in place so a legal, highly regulated, job creating industry can continue to invest in Wisconsin communities with confidence.”

A recent analysis of a proposed industrial sand mine in Wood County found that it would create \$161 million in capital investment, 930 new jobs, and \$58.7 million in annual earnings when fully operational.