

FOR IMMEDIATE RELEASE
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**INDUSTRY AND LABOR SUPPORT SENATE BILL 632/ASSEMBLY BILL 816,
NEW NON-METALLIC MINING LEGISLATION
*Wisconsin Counties Association Takes Neutral Position***

What Senate Bill 632/Assembly Bill 816 **does not** do:

- SB 632/AB 816 **does not** negate a local unit of government's police power authority nor preempt any local government authority. This legislation does not deal with air and water quality standards, nor does it address blasting requirements. It does not impact local road use agreements nor any other local agreements that non-metallic mines have entered into with their host communities. SB 632 simply ensures legally permitted non-metallic mines can keep operating responsibly, creating jobs and investing in Wisconsin under local non-zoning ordinances.

What Senate Bill 632/Assembly Bill 816 **does** do:

1. SB 632/AB 816 would modify current zoning law to codify the "diminishing asset rule", which has been adopted in a number of court decisions. The bill expressly provides that continued extraction from a nonmetallic mine is considered an existing use and may not be considered an expansion of an existing use, which is the crux of the "diminishing asset rule."
2. SB 632/AB 816 provides that nonmetallic mining, that was occurring before a non-zoning local ordinance was adopted, would have legal nonconforming use rights. In other words, it would extend to mine operators regulated under a non-zoning police power ordinance the same protection that mine operators have relied on under zoning for decades.
3. SB 632/AB 816 provides that a borrow site or a material disposal site that is regulated by the Wisconsin Department of Transportation (WisDOT) as part of a WisDOT project, and qualifies for an exemption from zoning under current law, would also be exempt from a local non-zoning ordinance.
4. SB 632/AB 816 modifies current law relating to registration of marketable mineral deposits under s. 295.20. Current law provides that if a landowner registers a marketable mineral deposit they are afforded certain protections against future zoning actions. The bill extends these registration related protections to also apply in the case of a non-zoning local ordinance.

What Wisconsin organizations are saying about SB 632/AB 816:

- *“The Wisconsin Industrial Sand Association (WISA) supports this legislation, which ensures that locally approved, legally permitted non-metallic mines can keep operating responsibly, creating jobs and investing in Wisconsin. The bill prevents misuse of municipal police powers to change the rules for existing permitted operations and properties, while continuing the high level of protection over the state’s environmental and economic interests provided by local and state government.”*

Rich Budinger, President
Wisconsin Industrial Sand Association

- *“WMC supports this effort to guarantee fundamental private property rights to job creators in Wisconsin. This legislation ensures that Wisconsin can continue to contribute to American energy independence and will help our state to maintain and grow thousands of high paying jobs.”*

Eric Bott, Director of Energy and Environmental Policy
Wisconsin Manufacturers and Commerce

- *“The nonmetallic mining industry is very important to Local 139 families. This legislation brings certainty for existing jobs in communities throughout Wisconsin. Operating Engineers have been extracting the state’s natural resources in a safe and environmentally responsible manner for more than 100 years. With the downturn of the construction industry in recent years, growth in sand mining in Wisconsin literally has provided a lifeline to hundreds of our members who otherwise would be out of work. These men and women, in turn, have played a role in sustaining the state’s economy through the family supporting wages they earn.”*

Terry McGowan, President/Business Manager
International Union of Operating Engineers, Local 139

- *“This is an important bill for the aggregate industry. It protects existing businesses by recognizing that nonmetallic mining that was being legally conducted before a non-zoning police power ordinance is adopted should have the same legal nonconforming use rights they have under zoning.”*

Adam Tegelman, President
Aggregate Producers of Wisconsin

- *“It's important to both respect local control and also acknowledge that rules just can't be made up as we go along. This bill will help ensure that zoning laws are enforced and industry and labor have clear and predictable guidelines to follow to create and maintain good paying jobs.”*

Colin Millard, President
Iron Workers District Council of North Central States

- *“Wisconsin metal casting is a \$3 billion industry that relies on a steady supply of high quality Wisconsin sand to operate. The bill helps to guarantee the availability of that sand and more broadly provides manufacturers with the certainty they need by clearly defining the proper authority for a given regulation.”*

Steve Lewallen, Executive Director
Wisconsin Cast Metals Association

- *“This legislation is important because it strikes a balance between respecting local zoning laws and creating the kind of certainty that promotes investments and results in more jobs.”*

John Schmitt, President/Business Manager
Wisconsin Laborers District Council

- *“Nonmetallic mining supports our steamfitters, welders and plumbers and provides a boost to the local and state economy. This legislation will help provide consistent rules, which is good for our industry and economic development.”*

Terry Hayden, President
Wisconsin Pipe Trades Association

- *“Non-metallic mining in Wisconsin has provided good paying jobs for Carpenters and Millwright members of our union. The Carpenters Union supports this legislation because it protects existing jobs at operations that have helped put our members back to work over the last five years.”*

Mark Reihl, Executive Director
Wisconsin State Council of Carpenters

- *“Access to locally sourced aggregate is key to building quality transportation facilities at the lowest possible price to taxpayers. We applaud Sen. Tiffany and Rep. Ballweg for working cooperatively with all sides on this difficult issue to protect current sites that our members have been operating responsibly for many years.”*

Patrick Goss, Executive Director
Wisconsin Transportation Builders Association

- *“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. 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.”*

Dan Bahr, Government Affairs Associate
Wisconsin Counties Association*

**The Wisconsin Counties Association is taking a neutral position on the bill*