

Fiscal Estimate Narratives

DOA 3/12/2014

LRB Number	13-4292/1	Introduction Number	AB-0816	Estimate Type	Original
Description Local regulation of nonmetallic mining and preservation of marketable nonmetallic mineral deposits					

Assumptions Used in Arriving at Fiscal Estimate

2013 AB 816 makes changes that impact the application of local zoning and other provisions to nonmetallic mining locations (e.g., sand). Currently, a local unit of government may enact zoning ordinances if the town is granted village powers by the County Board and the County Board specifically approves the town ordinance. Ordinances enacted that are not zoning ordinances may be enacted without County Board approval. AB 816 provides that zoning ordinances that became effective after nonmetallic mineral extraction began and are more restrictive than those in place when nonmetallic mining began may not apply to the extraction of a nonmetallic mineral from a nonmetallic mining location.

AB 816 also provides that if a town enacts an ordinance other than a zoning ordinance, the diminishing asset rule applies to sites utilized by the nonmetallic mining site where extraction was occurring at any time during the prior 365 days prior to the effective date of this bill. The rule of diminishing assets allows for expanded use of land, based on the concept that the enterprise is "using" all of the asset contained on the land and this use occurs over time (i.e., the land/asset cannot be used all at once).

AB 816 also makes further provisions prohibiting certain action by local units of government involving a land that is registered for the purpose of mining a marketable nonmetallic mineral deposit (e.g., a local unit of government may not, through action of inaction, prevent the extraction of the nonmetallic mineral deposit that is located on the registered land).

Finally, AB 816 makes provisions prohibiting zoning and other actions (e.g., ordinance, resolution) for borrow and material disposal sites. Currently, the prohibitions apply to zoning actions only.

The Department is not involved in the administration of local zoning or other ordinances, resulting in no cost to the Department for the administration of AB 816. Also, the Department estimates that there are no known costs to local units of government for the administration of the AB 816's provisions.

Long-Range Fiscal Implications