Legislation Details (With Text)

File #:	32466	**Version:**	1	**Name:**	Local Control of Mining - SB 349
Type:	Resolution			**Status:**	Passed
File created:	12/2/2013			**In control:**	COMMON COUNCIL
On agenda:	1/7/2014			**Final action:**	1/7/2014
Enactment date:	1/8/2014			**Enactment #:**	RES-14-00039

Title: Opposing Senate Bill 349 concerning local governmental authority to regulate air quality, water quality and quantity, use of quarry explosives and non-metallic mining.

Sponsors: Paul R. Soglin, Ledell Zellers, Chris Schmidt, Scott J. Resnick, Michael E. Verveer

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
1/7/2014	1	COMMON COUNCIL	Adopt	Pass
12/3/2013	1	COMMON COUNCIL	Refer	Pass
12/2/2013	1	Mayor's Office	Referred for Introduction	

Fiscal Note

No appropriation is required.

Title

Opposing Senate Bill 349 concerning local governmental authority to regulate air quality, water quality and quantity, use of quarry explosives and non-metallic mining.

Body

WHEREAS, since the 1920's, the state has granted cities and villages broad general powers to regulate for the health, safety and public welfare of the community; and

WHEREAS, a municipality may use its home rule powers to address local issues of concern unless the state has specifically prohibited such regulations; and

WHEREAS, Senate Bill 349 would eliminate the City's ability to rely on its home rule authority to regulate air quality, water quality and quantity, and the use of explosives by quarry operators; and

WHEREAS, SB 349 also eliminates any ability of municipalities to regulate non-metallic mining in ways outside of zoning; and

WHEREAS, SB 349 is unnecessarily broad, eliminating local control in areas far beyond frac sand mining, including eliminating the City's ability to enact water conservation efforts, even in the event of a public emergency; and preempting existing zoning protections for the City's municipal wells; and

WHEREAS, by taking away statutory home rule powers, SB 349 removes municipalities' ability to address unique local concerns, and future problems that the legislature has not anticipated;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Common Council of the City of Madison oppose SB 349 as an unnecessary and overly broad attack on local control and urge the City's legislative delegation to

vote against the legislation.

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