



1995 ASSEMBLY BILL 339

April 28, 1995 - Introduced by Representatives BLACK, REYNOLDS, NOTESTEIN, BALDWIN, DUEHOLM, BOYLE, R. POTTER, BOCK, HANSON, MURAT, TRAVIS, R. YOUNG, CULLEN, BALDUS, CARPENTER, BAUMGART, SPRINGER, PLOMBON, WILDER, HUBER, VANDER LOOP and GROBSCHMIDT, cosponsored by Senators CLAUSING, C. POTTER, DECKER, BURKE and CHVALA, by request of Wolf River Territory Business Association; Arrowhead High School Save the Earth Club; Muskies Inc.; American Association of Retired Persons; Wisconsin Wildlife Federation; Menominee Indian Tribe of Wisconsin; The Servite Center for Life; Oneida Environmental Resources Board; Wisconsin Trout Unlimited; The River Alliance of Wisconsin; Izaak Walton League of Wisconsin; Northeast Wisconsin Environmental Network; Rolling Stone Lake Protection and Rehabilitation District; Mining Impact Coalition of Wisconsin, Inc.; Post Lake Protection and Rehabilitation District; Greenpeace; UW Eau Claire Student Environmental Action Coalition; John Muir Chapter Sierra Club; Anishinaabe Nijjii; Watershed Alliance for Environmental Responsibility; UW Stevens Point Environmental Council; Pikelal Crane Lake Protection and Rehabilitation District; Environmentally Concerned Citizens of the Lakeland Area (ECCOLA); Shoreline Park Preservation, Inc.; Mining Impact Coalition of Dane County; Honor Our Neighbors and Resources (HONOR); Wisconsin's Environmental Decade; Citizens for Responsible Government; Grey Panthers of Wisconsin; Mining Impact Coalition of Southeast Wisconsin; Citizens for a Better Environment; Northwoods Conservation Association; Wisconsin Greens; Outdoor and Environmental Club of Beloit College; Wisconsin Resources Protection Council; Center for Alternative Mining Development Policy; Four Lakes Group Sierra Club; St. Croix Valley Greens; Superior Wilderness Action Network; University of Wisconsin Greens; Wolf River Trout Unlimited; Progressive Student Network; Wolf River Lakes and Stream Association; Wisconsin Environmental Law Society; Milwaukee Area Greens Mining Task Force; Midwest Office Sierra Club; Wolf River Watershed Alliance; Clean Water Action Council of Northeast Wisconsin; Rusk County Citizen Action Group, Inc.; Wolf River Conservation Club; Midwest Headwaters Earth First!; Public and Environmental Affairs Council; Forest County Potawatomi Tribe; UW Whitewater Environmental Federation; Wisconsin Public Interest Research Group (WISPIRG); Izaak Walton League -- Milwaukee Chapter; Lake Michigan Federation; Kids for Clean Water; UW Stevens Point Chapter of the Wildlife Society; Aldo Leopold Chapter - Society For Conservation Biology; Audubon Council of Wisconsin; Madison Audubon; Environmental Affairs UWGB; Round River Alliance; Northeast Wisconsin Audubon; and Northern Thunder. Referred to Committee on Rural Affairs.

1 **AN ACT to amend** 26.08 (1) and 144.99; and **to create** 23.15 (1m) and 144.9405
2 of the statutes; **relating to:** mining for minerals on lands owned by the state
3 and under the jurisdiction of the department of natural resources, sale of lands
4 by the department of natural resources and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill prohibits mining on land that is owned by this state and is under the jurisdiction of the department of natural resources. The prohibition applies to metallic and nonmetallic minerals, but not sand, crushed stone, lime, clay, gravel or peat.

Any person who violates this prohibition is subject to a forfeiture of not less than \$100 nor more than \$10,000 and must forfeit all revenues from the illegal mining. A violator is also liable for any damages to the land that are caused by the illegal mining. If the violator is a corporation, partnership or association, any officer, director or partner who knowingly authorizes the illegal mining is subject to these same penalties.

The bill prohibits the natural resources board from selling lands, except lands that it has designated as surplus, for the purpose of allowing mining on the lands.

For further information see the **state** 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:

5 **SECTION 1.** 23.15 (1m) of the statutes is created to read:

6 23.15 **(1m)** Notwithstanding sub. (1), the natural resources board may not sell
7 or exchange lands, other than lands that are designated as surplus under sub. (5),
8 for the purpose of allowing mining, as defined in s. 144.9405 (1) (c), on the lands.

9 **SECTION 2.** 26.08 (1) of the statutes is amended to read:

10 26.08 **(1)** The department may, from time to time, lease parts or parcels of state
11 park lands or state forest lands. These leases shall contain proper covenants to
12 guard against trespass and waste. The rents arising from these leases shall be paid
13 into the state treasury to the credit of the proper fund. ~~Licenses also may be granted~~

1 ~~to prospect for ore or mineral upon any of these lands; but proper security shall be~~
2 ~~taken that the licensees will fully inform the department of every discovery of ore or~~
3 ~~mineral and will restore the surface to its former condition and value if no discovery~~
4 ~~of valuable deposits is made.~~ The department shall retain a copy of each lease or
5 license and file the original in the office of the board of commissioners of public lands.

6 **SECTION 3.** 144.9405 of the statutes is created to read:

7 **144.9405 Prohibition on mining on department lands. (1) DEFINITIONS.**

8 In this section:

9 (a) "Land", notwithstanding s. 990.01 (18), does not include an easement or a
10 lease of land.

11 (b) "Minerals" means metalliferous and nonmetalliferous minerals, including
12 mineral commodities, but does not include peat, crushed stone, sand, lime, clay or
13 gravel.

14 (c) "Mining" means operations or activities for the extraction of minerals from
15 the earth or the exploration or prospecting for minerals and includes related
16 operations, processes or activities such as drilling, excavation, grading, construction
17 of roads, screening, scalping, dewatering and blending.

18 **(2) PROHIBITION.** No person may engage in mining on land that is owned by this
19 state and is under the jurisdiction of the department. This subsection does not
20 prohibit the removal and lease or sale of material under s. 30.20 (2).

21 **(3) PENALTIES.** Any person who violates sub. (2) shall forfeit not less than \$100
22 nor more than \$10,000 for each site on which the mining took place and shall forfeit
23 all revenues obtained from mining in violation of sub. (2). The violator shall be liable
24 to the department for the full cost of reclaiming the affected area of land and any
25 damages caused due to mining in violation of sub. (2). Each day of violation

1 constitutes a separate offense. If the violator is a corporation, partnership or
2 association, any officer, director or partner who knowingly authorizes, supervises or
3 contracts for mining in violation of sub. (2) is also subject to the penalties in this
4 subsection.

5 **SECTION 4.** 144.99 of the statutes is amended to read:

6 **144.99 Penalties.** Any person who violates this chapter, except ss. 144.30 to
7 144.426, 144.48 (4) (b), 144.9405, 144.941 to 144.944 and 144.96 (1), or any rule
8 promulgated or any plan approval, license or special order issued under this chapter,
9 except under those sections, shall forfeit not less than \$10 nor more than \$5,000, for
10 each violation. Each day of continued violation is a separate offense. While the order
11 is suspended, stayed or enjoined, this penalty does not accrue.

12

(END)