



## 1995 SENATE BILL 307

August 23, 1995 - Introduced by Senators BURKE, CHVALA, CLAUSING, C. POTTER and RISSER, cosponsored by Representatives BLACK, BALDWIN, BOCK, BOYLE, CARPENTER, CULLEN, DUEHOLM, GROBSCHMIDT, HANSON, HUBER, R. POTTER, NOTESTEIN, WILDER, WIRCH and R. YOUNG. Referred to Committee on Environment and Energy.

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.

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### *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.

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*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:

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

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

5           26.08 **(1)** The department may, from time to time, lease parts or parcels of state  
6 park lands or state forest lands. These leases shall contain proper covenants to  
7 guard against trespass and waste. The rents arising from these leases shall be paid  
8 into the state treasury to the credit of the proper fund. Licenses also may be granted  
9 to prospect for ore or mineral upon any of these lands; but proper security shall be  
10 taken that the licensees will fully inform the department of every discovery of ore or  
11 mineral and will restore the surface to its former condition and value if no discovery  
12 of valuable deposits is made. The department shall retain a copy of each lease or  
13 license and file the original in the office of the board of commissioners of public lands.

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

15           **144.9405 Prohibition on mining on department lands. (1) DEFINITIONS.**

16 In this section:

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

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

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

