



## 2003 ASSEMBLY BILL 936

March 8, 2004 - Introduced by Representatives BLACK, SINICKI, KRUG, MILLER, HEBL, POCAN, BERCEAU and J. LEHMAN, cosponsored by Senators CARPENTER, ROBSON, CHVALA, ERPENBACH and LASSA. Referred to Committee on Natural Resources.

1     **AN ACT** *to amend* 26.08 (1) and 299.97 (1); and *to create* 23.15 (1m) and 299.71  
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  
4           lands 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 to 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 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.

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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:*

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

2           23.15 (1m) Notwithstanding sub. (1), the natural resources board may not sell  
3 or exchange lands, other than lands that are designated as surplus under sub. (5),  
4 for the purpose of allowing mining, as defined in s. 299.71 (1) (c), on the lands.

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

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

15           **SECTION 3.** 299.71 of the statutes is created to read:

16           **299.71 Prohibition on mining on department lands. (1) DEFINITIONS.** In  
17 this section:

18           (a) “Land”, notwithstanding s. 990.01 (18), does not include an easement or a  
19 lease of land.

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

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

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

11 **(3) PENALTIES.** Any person who violates sub. (2) shall forfeit not less than \$100  
12 nor more than \$10,000 for each site on which the mining took place and shall forfeit  
13 all revenues obtained from mining in violation of sub. (2). The violator is liable to  
14 the department for the full cost of reclaiming the affected area of land and any  
15 damages caused due to mining in violation of sub. (2). Each day of violation  
16 constitutes a separate offense. If the violator is a corporation, partnership, or  
17 association, any officer, director, or partner who knowingly authorizes, supervises,  
18 or contracts for mining in violation of sub. (2) is also subject to the penalties in this  
19 subsection.

20 **SECTION 4.** 299.97 (1) of the statutes is amended to read:

21 299.97 (1) Any person who violates this chapter, except s. 299.15 (1), 299.47 (2),  
22 299.51 (4) (b), 299.53 (2) (a) or (3), 299.62 (2) ~~or~~, 299.64 (2) or 299.71 (2), or any rule  
23 promulgated or any plan approval, license or special order issued under this chapter,  
24 except under those sections, shall forfeit not less than \$10 nor more than \$5,000, for

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**SECTION 4**

1 each violation. Each day of continued violation is a separate offense. While the order  
2 is suspended, stayed or enjoined, this penalty does not accrue.

3 (END)