

**CHAPTER 422, Laws of 1977**

AN ACT to amend 20.285 (1) (a); and to create 36.25 (6) (e) and 107.15 of the statutes, relating to geological information for mineral exploration, granting rule-making authority, making an appropriation and providing a penalty.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 20.285 (1) (a) of the statutes, as affected by chapter 29, laws of 1977, is amended to read:

20.285 (1) (a) *General program operations.* 1. The amounts in the schedule for the purpose of the educational and related programs which are further allocated by organizational cluster as follows: [See Figure 20.285 (1) (a) 1 following]

**Figure: 20.285 (1) (a) 1**

<u>Organizational Cluster</u>		<u>1977-78</u>	<u>1978-79</u>
Doctoral campuses	GPR	131,980,100	133,553,700
	Academic fees	47,866,200	47,866,200
	Subtotal	(179,846,300)	(181,419,900)
University campuses	GPR	103,661,300	103,696,400
	Academic fees	40,622,300	40,622,300
	Subtotal	(144,283,600)	(144,318,700)
Center system	GPR	9,842,500	9,842,500
	Academic fees	3,502,100	3,502,100
	Subtotal	(13,344,600)	(13,344,600)
Extension	GPR	18,201,100	<del>18,429,900</del> 18,521,500
	Academic fees	714,500	714,500
	Subtotal	(18,915,600)	(19,144,400)
Central administration Systemwide	GPR	4,239,100	4,239,100
	GPR	4,204,200	5,338,200
	Academic fees	2,056,000	4,812,700
TOTAL	Subtotal	(6,260,200)	(10,150,900)
	GPR	272,128,300	275,099,800
	Academic fees	94,761,100	97,517,800
GRAND TOTAL		(366,889,400)	<del>(372,617,600)</del> (372,709,200)

2. Transfers between the above allocations are permitted under s. 16.50. In addition, transfers between subprograms shall be reported quarterly to the department of administration. Funds for these subprograms shall be allocated as follows: [See Figure 20.285 (1) (a) 2 following]

**Figure: 20.285 (1) (a) 2**

<u>Subprograms</u>		<u>1977-78</u>	<u>1978-79</u>	
Instruction	GPR	119,487,000	120,886,100	
	Academic fees	94,761,100	97,517,800	
	Subtotal	(214,248,100)	(218,403,400)	
Research	GPR	18,144,800	18,259,200	
Public service	GPR	15,625,100	<del>15,853,800</del> 15,945,400	
Academic support	Libraries and media	GPR	27,433,500	27,920,000
	Farm operations	GPR	1,394,500	1,394,500
	Subtotal	(28,828,000)	(29,314,500)	
Student and auxiliary services	Student services	GPR	18,192,800	17,824,200
	Auxiliary ent.	GPR	1,460,900	1,462,800
	Subtotal	(19,653,700)	(19,287,000)	
Institutional support	Physical plant	GPR	39,345,000	40,410,200
	Gen. op. and service	GPR	31,044,700	31,089,000
	Subtotal	(70,389,700)	(71,499,200)	
TOTAL	GPR	272,128,300	275,099,800	
	Academic fees	94,761,100	97,517,800	
	GRAND TOTAL	(366,889,400)	<del>(372,617,600)</del> (372,709,200)	

SECTION 2. 36.25 (6) (e) of the statutes is created to read:

36.25 (6) (e) The state geologist shall carry out the responsibilities specified for him or her under s. 107.15.

SECTION 3. 107.15 of the statutes is created to read:

**107.15 Requirements for mineral exploration.** (1) **LEGISLATIVE PURPOSE.** The purpose of this section is to further the public interest in informed decision-making by appropriate state agencies, including the office of the state geologist, which are responsible for mineral, geologic and other earth-related sciences by ensuring that those agencies have as much geological information as possible where such information is relevant to their functions and at the same time protecting proprietary rights in such information.

(2) **DEFINITIONS.** In this section:

(a) "Exploration" means the onsite geologic examination from the surface of an area by core, rotary, percussion or other drilling, where the diameter of the hole does not exceed 18 inches, for the purpose of searching for metallic minerals or establishing the nature of a known metallic mineral deposit, and includes associated activities such as clearing and preparing sites or constructing roads for drilling.

(b) "Licensee" means any person registered to conduct exploration as provided under sub. (3) or licensed to conduct exploration activities by the department of natural resources. If the person is a corporation, "licensee" includes the parent and any subsidiary or affiliates of the corporation engaged in mining or activities related to mining in this state.

(c) "Metalliferous minerals" means naturally occurring minerals which contain metal.

(d) "Mining" or "mining operation" means all or part of the process involved in the mining of metallic minerals, other than for exploration or prospecting, including commercial extraction, agglomeration, beneficiation, construction of roads, removal of overburden and the production of refuse.

(e) "Prospecting" means engaging in the examination of an area for the purpose of determining the quality and quantity of minerals, other than for exploration but including the obtaining of an ore sample, by such physical means as excavating, trenching, construction of shafts, ramps and tunnels and other means, other than for exploration, which the department, by rule, identifies, and the production of prospecting refuse and other associated activities.

(3) **REGISTRATION.** Every person who desires to engage in exploration shall register with the state geologist on forms provided by him or her prior to commencing the exploration unless the person has been licensed to conduct exploration activities by the department of natural resources under ch. 144.

(4) **RELEASE OF GEOLOGIC DATA.** (a) The licensee shall submit to the state geologist a report containing the following information on or before July 1 of the year following each year in which soil, rock, core or drill cutting samples are obtained by the licensee:

1. The name and address of the person conducting exploration and, if the person is a corporation, the names and addresses of the parent and any subsidiaries or domestic affiliates of the corporation engaged in exploration activities in this state;

2. The names and addresses of the owners of the lands in this state on which exploration activities have been conducted;

3. The specific location, inclination and the collar azimuth of completed drill holes;

4. The date core samples and drill cuttings which have been collected or prepared, were obtained;

5. The approximate elevation of the collars of drill holes;

6. The percent core recovery log; and

7. A noninterpretive lithologic description of all portions of core samples and, of all drill cuttings if any noninterpretive lithologic descriptions of drill cuttings are prepared, excluding mention of metalliferous minerals found in the samples and cuttings.

(b) The state geologist may require that designated representative and reasonable quantities of soil, rock, core or drill cutting samples obtained by a licensee during exploration be retained by the licensee and released to the state geologist for purposes of geologic study. The state geologist shall designate the samples and the quantities to be retained by the licensee and shall notify the licensee by December 31 of the year in which a report under par. (a) is submitted. The licensee shall release the samples no later than July 1 of the year following the year in which an exploration lease for the site where the samples were obtained has expired, but release shall be no later than 10 years after the commencement of drilling at the site.

(c) The state geologist or his or her designee may visually examine, at reasonable hours mutually agreed upon by the licensee and the state geologist, core samples or drill cuttings which are reported on under par. (a), except for those core samples or drill cuttings or portions of core samples or drill cuttings which the licensee deems proprietary or confidential.

(d) No later than upon the termination of mining or the abandonment of a site subsequent to prospecting, or 10 years from the date core samples or drill cuttings were originally obtained, the licensee shall submit to the state geologist, if not previously submitted, the following noninterpretive geologic information and samples:

1. The name and address of the person conducting exploration and, if the person is a corporation, the names and addresses of the parent and any subsidiaries or domestic affiliates of the corporation engaged in exploration, prospecting or mining in this state;
2. The names and addresses of the owners of the lands in this state on which exploration activities have been conducted;
3. The specific location, inclination and the collar azimuth of completed drill holes;
4. A noninterpretive lithologic description of all portions of core samples and, of all drill cuttings if any noninterpretive lithologic descriptions of drill cuttings are prepared, excluding mention of the quantity of metalliferous minerals found in the samples and cuttings;
5. Geologic maps of a lithologic nature of a scale smaller than one inch equals 200 feet normally prepared as a permanent record of an exploration, prospecting or mining operation;
6. The date core samples and drill cuttings were obtained;
7. The approximate elevation of the collars of drill holes;
8. The percent core recovery log; and
9. Upon the request of the state geologist, a representative sample of any core samples or drill cuttings which have been collected.

(e) The information submitted to the state geologist under par. (a) or (d) may not be used by any person as the basis for any claim of civil liability which is unrelated to metalliferous mineral mining. Any person submitting information in good faith and in compliance with this section shall not be held responsible for any consequences of the use of or reliance upon such information.

(f) Exploration data and samples submitted under par. (a) or (b), or both, shall be kept confidential until December 31 of the 3rd year following the date of submission. The confidentiality of the data and samples obtained during prospecting or mining shall extend to the time of the abandonment of a site subsequent to prospecting, the termination of mining if mining occurs, or 10 years after the core samples or drill cuttings were obtained, whichever is earliest.

(5) FEES. The state geologist shall charge a reasonable fee to persons requesting copies of any written information collected or prepared under this section. A person employed by a state agency shall not be charged for such information if the information requested is necessary for the performance of the person's duties.

(6) PENALTIES. (a) Any person who knowingly or wilfully fails to comply with the reporting requirements of this section shall be fined up to \$50,000.

(b) In addition to the penalty prescribed in par. (a), any person who fails to submit information which is required to be submitted under this section shall forfeit \$10 for each day after the date on which the information should have been submitted until the information is provided.

(c) Any person who knowingly or wilfully violates the confidentiality requirements of this section shall be fined not less than \$50 nor more than \$50,000, or be imprisoned for not less than one month nor more than 6 months, or both. This paragraph shall not prevent the use of the confidential information:

1. For assessment purposes under s. 36.25 (6); or

2. By the secretary of the department of natural resources for purposes of specific environmental analysis and permit application evaluation and by the secretary of the department of revenue provided that the confidential information shall not be released by either the department of revenue or the department of natural resources, that the department of revenue and natural resources shall establish procedures to keep any confidential information confidential, and that the responsible person or persons in each department shall be subject to the penalty specified under this paragraph for the unauthorized release of confidential information.

**SECTION 4. Appropriation increase.** The appropriation in section 20.285 (1) (a) of the statutes, as affected by the laws of 1977, is increased by \$91,600 for the fiscal year 1978-79 for the state geologist for the purpose of carrying out the responsibilities specified under section 107.15 of the statutes, as created by this act.

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