



2003 ASSEMBLY BILL 291

April 23, 2003 – Introduced by Representatives PETTIS, McCORMICK and SERATTI.
Referred to Committee on Natural Resources.

1 **AN ACT** *to amend* 20.370 (4) (bi), 30.20 (1) (a) and 30.20 (1) (b); and *to create*
2 30.20 (1m) and 30.28 (3) (c) of the statutes; **relating to:** the panning for gold,
3 granting rule-making authority, and making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, a person may not remove materials from the bed of a navigable lake or from the bed of any outlying waters without a contract from the Department of Natural Resources (DNR). DNR may enter into a contract to remove materials if the contract contains conditions necessary to protect the public interests. If the contract is with a private party, the state is currently compensated for the materials taken under the contract. Currently, a person may not remove materials from a navigable stream without a DNR permit, which can only be issued if DNR finds that the issuance of the permit will be consistent with the public interest in the water involved.

This bill allows DNR to issue annual permits for the panning of gold in the inland and outlying waters of this state, except for self-sustaining trout streams and other waters of the state that DNR designates by rule as incompatible with gold panning. The bill provides an annual fee of not less than \$50 for the permit. A person who obtains a permit to pan for gold may only pan for gold by the use of a hand-held pan. The bill gives DNR authority to promulgate rules establishing seasons when gold panning is not allowed to protect fish spawning and nursery areas and to regulate the methods of panning for gold to ensure that panning for gold does not materially obstruct navigation or interfere with public rights in navigable waters.

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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:

1 **SECTION 1.** 20.370 (4) (bi) of the statutes is amended to read:

2 20.370 (4) (bi) *Water regulation and zoning — fees.* From the general fund, all
3 moneys received under ss. 23.32 (3), 30.20 (1m), 30.28, 31.39 and 281.22 for activities
4 relating to permits and approvals issued under chs. 30 and 31, water quality
5 standards under subch. II of ch. 281 and for wetland mapping under s. 23.32.

6 **SECTION 2.** 30.20 (1) (a) of the statutes is amended to read:

7 30.20 (1) (a) ~~No~~ Except as provided in sub. (1m), no person may remove any
8 material from the bed of any navigable lake or from the bed of any outlying waters
9 of this state without first obtaining a contract as provided in sub. (2).

10 **SECTION 3.** 30.20 (1) (b) of the statutes is amended to read:

11 30.20 (1) (b) Except as provided under pars. (c) and (d) and sub. (1m), no person
12 may remove any material from the bed of any lake or stream not mentioned under
13 par. (a) without first obtaining a permit from the department under sub. (2) (c).

14 **SECTION 4.** 30.20 (1m) of the statutes is created to read:

15 30.20 (1m) **PERMITS FOR GOLD PANNING.** The department, upon application, may
16 issue a person an annual permit to remove material from the bed of any lake or
17 stream for the panning of gold. The person shall pay an annual fee of \$50 for a
18 gold-panning permit, except that the department, by rule, may increase the fee if the
19 increase is necessary to meet the costs incurred by the department in acting on the
20 application for the permit. A person with a permit for the panning of gold may not
21 pan for gold in a stream or portion of a stream with a self-sustaining population of

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1 trout, designated by the department by rule, or in other waters of the state that the
2 department designates by rule as incompatible with gold panning. The department
3 may promulgate rules establishing seasons when gold panning is not allowed in
4 certain lakes or streams if that activity may affect fish spawning beds or nursery
5 areas. A person who obtains a permit to pan for gold may only pan for gold by the
6 use of a hand-held pan and may not use any mechanical panning device. The
7 department may promulgate rules related to gold panning to ensure that panning
8 for gold does not materially obstruct navigation or interfere with public rights in
9 navigable waters.

10 **SECTION 5.** 30.28 (3) (c) of the statutes is created to read:

11 30.28 (3) (c) This section does not apply to permits for the panning of gold issued
12 under s. 30.20 (1m).

13 (END)