



1997 ASSEMBLY BILL 488

August 26, 1997 - Introduced by Representatives OURADA, OLSEN, DUFF, HARSDORF, DOBYNS, M. LEHMAN, MUSSER, OTT, POWERS, ZUKOWSKI, GUNDERSON, SERATTI, KREIBICH, AINSWORTH, BOYLE and HASENOHRL, cosponsored by Senators COWLES, BURKE, ROESSLER and ROSENZWEIG. Referred to Committee on Environment.

- 1 **AN ACT to repeal** 293.35 (4) and 293.37 (5); and **to create** 293.32 of the statutes;
- 2 **relating to:** prospecting and mining fees.

Analysis by the Legislative Reference Bureau

Current law prohibits prospecting or mining for metallic minerals without a permit issued by the department of natural resources (DNR). A person who intends to apply for a prospecting or mining permit must notify DNR of that intent. When a person applies for a prospecting or mining permit, the person must pay a fee established by DNR by rule to cover the estimated cost of evaluating the permit application. After completing its evaluation, DNR revises the fee to reflect the actual cost of evaluation. DNR may revise the fee to reflect the payment of other fees related to the proposed prospecting or mining.

This bill changes the law relating to prospecting and mining fees. Under this bill, a person who notifies DNR of intent to apply for a prospecting or mining permit must pay a fee established by DNR by rule to cover the costs incurred by DNR in connection with the proposed prospecting or mining operation. The bill requires DNR to annually compare fees previously paid in connection with a proposed prospecting or mining operation, including fees paid under other environmental laws (such as air pollution permit fees), to all of the costs that DNR incurs in connection with the proposed prospecting or mining operation. If the costs incurred exceed the fees previously paid, the person proposing the prospecting or mining must pay the difference. Under the bill, when DNR issues or denies a prospecting or mining permit or a person ceases to seek approval of a prospecting or mining operation, DNR must compare the fees paid in connection with the proposed

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operation with the costs that DNR has incurred. If the fees paid exceed the costs incurred, DNR must repay the difference. If the costs incurred exceed the fees paid, the person who proposed the operation must pay the difference.

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

1 **SECTION 1.** 293.32 of the statutes is created to read:

2 **293.32 Prospecting and mining fees. (1)** When a person gives notice under
3 s. 293.31 (1), the person shall pay a fee established by the department by rule
4 designed to cover the costs incurred by the department in connection with the
5 proposed prospecting or mining during the year following receipt of the notice, other
6 than any costs related to the environmental impact statement for the proposed
7 prospecting or mining.

8 **(2)** The department shall annually compare the fees paid under this section
9 and under chs. 30, 280 to 292 and 295 to 299 in connection with proposed prospecting
10 or mining for which notice has been given under s. 293.31 (1) with the costs incurred
11 by the department in connection with that proposed prospecting or mining, including
12 the costs incurred under chs. 30, 280 to 292 and 295 to 299 but excluding costs related
13 to the environmental impact statement. If the costs incurred exceed the fees paid,
14 the person who notified the department shall pay a fee equal to the amount by which
15 the costs exceed the fees previously paid.

16 **(3)** When the department issues or denies a prospecting or mining permit or
17 when a person who gave notice under s. 293.31 (1) ceases to seek approval of the
18 proposed prospecting or mining project, the department shall compare the fees paid
19 under this section and under chs. 30, 280 to 292 and 295 to 299 in connection with
20 the proposed prospecting or mining with the costs incurred by the department in

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1 connection with the proposed prospecting or mining, including the costs incurred
2 under chs. 30, 280 to 292 and 295 to 299 but excluding costs related to the
3 environmental impact statement. If the costs incurred are less than the fees paid,
4 the department shall pay the person who gave notice the amount by which the fees
5 exceed the costs. If the costs incurred exceed the fees paid, the person who notified
6 the department shall pay a final fee equal to the amount by which the costs exceed
7 the fees previously paid.

8 **SECTION 2.** 293.35 (4) of the statutes is repealed.

9 **SECTION 3.** 293.37 (5) of the statutes is repealed.

10 **SECTION 4. Nonstatutory provisions.**

11 (1) If a person has given notice under section 293.31 (1) of the statutes before
12 the effective date of this subsection but the department of natural resources has not
13 issued or denied a mining or prospecting permit to the person and the person has not
14 ceased to seek approval of the prospecting or mining before the effective date of this
15 subsection, section 293.32 (2) and (3) of the statutes, as created by this act, apply to
16 the person beginning on the effective date of this subsection. For the purpose of
17 applying section 293.32 (2) and (3) to the person, fees paid under sections 293.35 (4)
18 and 293.37 (5) of the statutes shall be considered to have been paid under section
19 293.32 of the statutes, as created by this act.

20 **(END)**