

1999 DRAFTING REQUEST

Bill

Received: 11/13/98

Received By: **traderc**

Wanted: **As time permits**

Identical to LRB:

For: **Spencer Black (608) 266-7521**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **traderc**

May Contact:

Alt. Drafters:

Subject: **Environment - mining**

Extra Copies:

Topic:

Prohibit mining on lands under DNR's jurisdiction

Instructions:

1997 AB 834

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	traderc 01/8/99	wjackson 01/11/99		_____			State
/1			hhagen 01/11/99	_____	lrb_docadmin 01/11/99	lrb_docadmin 01/14/99	

FE Sent For:

<END>

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/?	traderc	1 WLj 1/8 1 jLg 1/10	1/11	1/11			

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<END>



State of Wisconsin
1997 - 1998 LEGISLATURE

LRB-0230/1
RCT:kaf:kat

1997 ASSEMBLY BILL 834

February 25, 1998 – Introduced by Representative BLACK, cosponsored by Senator CLAUSING. Referred to Committee on Environment.

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 lands
4 by the department of natural resources and providing a penalty.

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.

ASSEMBLY BILL 834

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.** 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.

ASSEMBLY BILL 834

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 shall be liable
14 to 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 or
18 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. 144.78 (2), 144.783
22 (2), 299.15 (1), 299.51 (4) (b) or, 299.53 (2) (a) or (3) 299.62 (2), 299.64 (2) or 299.71
23 (2), or any rule promulgated or any plan approval, license or special order issued
24 under this chapter, except under those sections, shall forfeit not less than \$10 nor
25 more than \$5,000, for each violation. Each day of continued violation is a separate

ASSEMBLY BILL 834

1 offense. While the order is suspended, stayed or enjoined, this penalty does not
2 accrue.

3 (END)

0855/1
LRB-0230/1
RCT:kwf.kat
WJ
+
JG

1999 ~~1997~~ ASSEMBLY BILL 834

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ASSEMBLY BILL 834

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ASSEMBLY BILL 834

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Insert →

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ASSEMBLY BILL 834

1 offense. While the order is suspended, stayed or enjoined, this penalty does not
2 accrue.

3

(END)

Insert

-0855/1

Section #. 299.97 (1) of the statutes is amended to read:

* 299.97 (1) Any person who violates this chapter, except s. 299.15 (1), 299.51 (4) (b), 299.53 (2) (a) or (3), 299.62 (2) ³ ~~or~~ 299.64 (2) ^{or 299.11(2)} or any rule promulgated or any plan approval, license or special order issued under this chapter, except under those sections, shall forfeit not less than \$10 nor more than \$5,000, for each violation. Each day of continued violation is a separate offense. While the order is suspended, stayed or enjoined, this penalty does not accrue.

History: 1979 c. 34 s. 987m; 1979 c. 221; Stats. 1979 s. 144.99; 1989 a. 336; 1991 a. 262, 300, 315; 1995 a. 27; 1995 a. 227 s. 830; Stats. 1995 s. 299.97; 1995 a. 290 s. 14; 1997 a. 35.

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 1/11/99

To: Representative Black

Relating to LRB drafting number: LRB-0855

Topic

Prohibit mining on lands under DNR's jurisdiction

Subject(s)

Environment - mining

1. **JACKET** the draft for introduction _____



in the **Senate** ____ or the **Assembly** ____ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT**. See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Rebecca C. Tradewell, Managing Attorney
Telephone: (608) 266-7290

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