

**1999 DRAFTING REQUEST**

**Bill**

Received: **12/28/98**

Received By: **traderc**

Wanted: **As time permits**

Identical to LRB:

For: **Brian Burke (608) 266-8535**

By/Representing: **Barry Aschenfelter**

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

Drafter: **traderc**

May Contact:

Alt. Drafters:

Subject: **Environment - mining**

Extra Copies:

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**Topic:**

Prohibit exceptions to rules

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**Instructions:**

1997 SB 512

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**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 01/7/99	gilfokm 01/7/99		_____			
/1			martykr 01/8/99	_____	lrb_docadmin 01/8/99	lrb_docadmin 01/14/99	

FE Sent For:

<END>

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1?	traderc	11-1-7-99 KMG	<i>[Signature]</i>	<i>[Signature]</i> 2/2/98			

FE Sent For:

<END>

**LEGISLATIVE REFERENCE BUREAU****BILL REQUEST FORM**

Legal Section, 5<sup>th</sup> Floor, 100 N. Hamilton St.  
 (608) 266-3561

RCT  
 2

Use of this form is optional. It is often helpful to talk directly with the LRB attorney who will draft the bill.  
 Use this form only for **BILL** drafts. Attach more pages if necessary.

Date of request: 12-28-98	Legislator or agency requesting this draft: SENATOR BURKE
Name/phone number of person submitting request: BARRY, 6-8535	
Persons to contact for questions about this draft (names and phone numbers please): BARRY ASHENFELDER, 6-8535	
Describe the problem, including any helpful examples. How do you want to solve the problem?  Please re-draft 1997 SB512, LRB 5140/1 which is attached.	
If you know of any statute sections that might be affected, please list them or provide a marked (not re-typed) copy.	

Please attach a copy of any correspondence or material that may help us. You may also attach a marked (not re-typed) copy of any LRB draft, or provide its number (e.g., 1997 LRB-2345/1 or 1995 AB-67):

**Requests are confidential unless stated otherwise.**

May we tell others that we are working on this for you?  YES  NO  
 If yes, anyone who asks?  YES  NO  
 Any legislator?  YES  NO  ONLY the following persons:

Do you consider this urgent?  YES  NO If yes, please indicate why:

Is this request of higher priority than other pending request(s) you have made?  
 YES  NO If yes, please sign your name here:



State of Wisconsin  
1997 - 1998 LEGISLATURE

LRB-5140/1  
RCT:jlg&kaf:km

## 1997 SENATE BILL 512

March 19, 1998 - Introduced by Senator BURKE, cosponsored by Representative BOCK. Referred to Committee on Agriculture and Environmental Resources.

1 **AN ACT to repeal** 293.15 (9); and **to create** 293.17 of the statutes; **relating to:**  
2 exemptions from rules regulating mining and regulating the storage and  
3 disposal of mining waste.

---

### *Analysis by the Legislative Reference Bureau*

Under current law, the department of natural resources (DNR) regulates prospecting for and mining of metallic minerals. DNR promulgates rules to regulate prospecting and mining, including rules to ensure that prospecting and mining are conducted in a way that protects the environment and rules requiring the reclamation of prospecting and mining sites. DNR also promulgates rules regulating the storage and disposal of solid waste. Current law authorizes DNR to promulgate rules under which DNR may grant exceptions to the rules regulating prospecting and mining and to the rules regulating the storage and disposal of solid waste as they relate to solid waste that is mining waste, as long as the exceptions do not result in the violation of a state or federal environmental law or endanger public health, safety or welfare or the environment.

This bill prohibits DNR from granting exceptions to its rules regulating prospecting and mining. The bill also prohibits DNR from granting exceptions to its rules regulating the storage and disposal of solid waste as they relate to solid waste that is mining waste.

---

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



## 1999 BILL

- 1 **AN ACT to repeal** 293.15 (9); and **to create** 293.17 of the statutes; **relating to:**  
2 exemptions from rules regulating mining and regulating the storage and  
3 disposal of mining waste.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, the department of natural resources (DNR) regulates prospecting for and mining of metallic minerals. DNR promulgates rules to regulate prospecting and mining, including rules to ensure that prospecting and mining are conducted in a way that protects the environment and rules requiring the reclamation of prospecting and mining sites. DNR also promulgates rules regulating the storage and disposal of solid waste. Current law authorizes DNR to promulgate rules under which DNR may grant exemptions from the rules regulating prospecting and mining and from the rules regulating the storage and disposal of solid waste as they relate to solid waste that is mining waste, as long as the exemptions do not result in the violation of a state or federal environmental law or endanger public health, safety or welfare or the environment.

This bill prohibits DNR from granting exemptions from its rules regulating prospecting and mining. The bill also prohibits DNR from granting exemptions from its rules regulating the storage and disposal of solid waste as they relate to solid waste that is mining waste.

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





**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:** 1/8/99

**To:** Senator Burke

**Relating to LRB drafting number:** LRB-1464

**Topic**

Prohibit exceptions to rules

**Subject(s)**

Environment - mining

1. **JACKET** the draft for introduction *B. Burke*

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