

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: **05/27/99**

Received By: **traderc**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Bonderud**

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

Drafter: **traderc**

May Contact:

Alt. Drafters:

Subject: **Environment - mining**

Extra Copies:

Pre Topic:

LFB:.....Bonderud -

Topic:

Nonmetallic mining requirements for certain transportation facilities

Instructions:

See Attached

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 05/27/99	ygeller 05/28/99		_____			
/1			mclark 05/28/99	_____	lrb_docadmin 05/28/99		

FE Sent For:

<END>

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/?	traderc	1 5/28 JG	MRC 5/28	MRC/JF 5/28			

FE Sent For:

<END>

JFC Approved
5/26/99 12-4
Senator Shibilski

NATURAL RESOURCES -- AIR, WASTE AND CONTAMINATED LAND

Nonmetallic Mining Reclamation Program Requirements

Motion:

Move to exempt nonmetallic mining conducted to obtain stone, soil, sand or gravel for the construction, maintenance or repair of a highway, railroad, airport facility, or any other transportation facility from the requirements for a reclamation plan, for public notice and an opportunity for a public informational hearing and for proof of financial responsibility if the nonmetallic mining is conducted under contract with a city, village, town, county, county utility district, town sanitary district, public inland lake protection and rehabilitation district or metropolitan sewage district and the contract requires the nonmetallic mining to be conducted in accordance with the Department of Transportation's requirements concerning the restoration of the nonmetallic mining site.

Note:

Current law requires the Department of Natural Resources (DNR) to promulgate rules containing uniform statewide standards for the reclamation of nonmetallic mining sites. DNR is in the process of promulgating the rules. Nonmetallic mining is the extraction from the earth of substances such as stone, sand and gravel. Counties are required, and cities, villages and towns are authorized, to administer a nonmetallic mining reclamation program that includes permit requirements, requirements for public notice and an opportunity for a public informational hearing before issuance of a permit, requirements for reclamation plans and requirements for proof of financial responsibility for reclaiming nonmetallic mining sites. Nonmetallic mining that is conducted to obtain materials for the construction of a state-funded transportation facility is exempt from DNR requirements and a local government nonmetallic mining ordinance if the nonmetallic mining is subject to the requirements of the Department of Transportation concerning the restoration of the nonmetallic mining site.

The motion would incorporate the provisions of 1999 LRB-2397/1 to exempt nonmetallic mining conducted to obtain materials for certain local transportation projects from nonmetallic mining reclamation program requirements related to public notice, hearing, reclamation plans and proof of financial responsibility.

Motion #931

1999 BILL

1 **AN ACT** *to create* 295.16 (1) (c) of the statutes; **relating to:** applicability of
2 nonmetallic mining reclamation program requirements to nonmetallic mining
3 to obtain stone, soil, sand or gravel for certain transportation projects.

Analysis by the Legislative Reference Bureau

Current law requires the department of natural resources (DNR) to promulgate rules containing uniform statewide standards for the reclamation of nonmetallic mining sites. Nonmetallic mining is the extraction from the earth of substances such as stone, sand and gravel. Current law requires counties, and authorizes cities, villages and towns, to administer a nonmetallic mining reclamation program that includes permit requirements, requirements for public notice and an opportunity for a public informational hearing before issuance of a permit, requirements for reclamation plans and requirements for proof of financial responsibility for reclaiming nonmetallic mining sites. Current law also provides some exemptions from the nonmetallic mining reclamation requirements, including an exemption from DNR and local governmental requirements for nonmetallic mining conducted to obtain materials for construction of a transportation facility if the nonmetallic mining is subject to the requirements of the department of transportation (DOT) concerning the restoration of the nonmetallic mining site.

This bill exempts nonmetallic mining conducted to obtain materials for construction of a transportation facility from the requirements for a reclamation plan, for public notice and an opportunity for a public informational hearing and for proof of financial responsibility if the nonmetallic mining is conducted under

1999

Date (time) needed SOON

LRB b 0444 1 1

**LFB BUDGET AMENDMENT
[ONLY FOR LFB]**

RET: jlg:

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**LFB AMENDMENT
TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45**

>>FOR JT. FIN. SUB. — NOT FOR INTRODUCTION<<

At the locations indicated, amend the bill as follows:

#. Page 1198, line 2...: after that line insert:

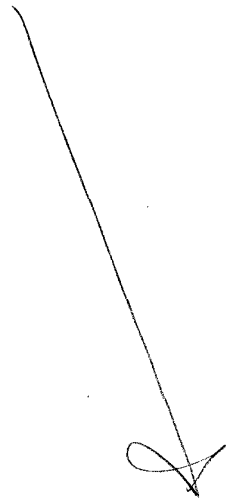
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BILL

contract with a city, village, town, county, county utility district, town sanitary district, public inland lake protection and rehabilitation district or metropolitan sewage district and the contract requires the nonmetallic mining to be conducted in accordance with DOT's requirements concerning the restoration of the nonmetallic mining site.

For further information see the *local* 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:

③ 2653d ✓

1

SECTION 295.16 (1) (c) of the statutes is created to read:

2
3
4
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295.16 (1) (c) The requirements for a nonmetallic mining reclamation plan under s. 295.12 (3) (c), for public notice and an opportunity for a public informational hearing under s. 295.12 (3) (d) and for proof of financial responsibility under s. 295.12 (3) (ds) do not apply to nonmetallic mining to obtain stone, soil, sand or gravel for the construction, maintenance or repair of a highway, railroad, airport facility, or any other transportation facility, conducted under contract with a municipality, as defined in s. 299.01 (8), if the contract requires the nonmetallic mining site to be reclaimed in accordance with the requirements of the department of transportation concerning the restoration of nonmetallic mining sites. "

11

(END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0444/1
RCT;jlg:mrc

LFB:.....Bonderud - Nonmetallic mining requirements for certain
transportation facilities

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1198, line 7: after that line insert:

3 **"SECTION 2653d.** 295.16 (1) (c) of the statutes is created to read:

4 295.16 (1) (c) The requirements for a nonmetallic mining reclamation plan
5 under s. 295.12 (3) (c), for public notice and an opportunity for a public informational
6 hearing under s. 295.12 (3) (d) and for proof of financial responsibility under s. 295.12
7 (3) (ds) do not apply to nonmetallic mining to obtain stone, soil, sand or gravel for the
8 construction, maintenance or repair of a highway, railroad, airport facility, or any
9 other transportation facility, conducted under contract with a municipality, as
10 defined in s. 299.01 (8), if the contract requires the nonmetallic mining site to be

1 reclaimed in accordance with the requirements of the department of transportation
2 concerning the restoration of nonmetallic mining sites.”.

3 (END)