

### 2001 DRAFTING REQUEST

#### Bill

Received: 09/11/2000

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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

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Subject: Environment - mining

Extra Copies:

#### Pre Topic:

No specific pre topic given

#### Topic:

Prohibit mining on lands under DNR's jurisdiction

#### Instructions:

1999 AB 458

#### 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 09/14/2000	jdye 09/14/2000		_____			State
/1			jfrantze 09/14/2000	_____	lrb_docadmin 09/14/2000	lrb_docadmin 09/27/2000	

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<END>

2000

# 1999 ASSEMBLY BILL 458

September 14, 1999 - Introduced by Representatives BLACK, BOCK, MILLER, LA FAVE, HUBER, PLOUFF, J. LEHMAN, BALOW, POCAN, LASSA and BERGÉAU, cosponsored by Senators DECKER, BURKE, BAUMGART and ERPENBACH. Referred to Committee on Environment.

Regen

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 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 458**

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)<sup>x</sup> of the statutes is created to read:

2 23.15 (1m) Notwithstanding sub. (1)<sup>✓</sup>, the natural resources board may not sell  
3 or exchange lands, other than lands that are designated as surplus under sub. (5)<sup>✓</sup>,  
4 for the purpose of allowing mining, as defined in s. 299.71 (1) (c)<sup>✓</sup>, on the lands.

5 SECTION 2. 26.08 (1)<sup>x</sup> 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.<sup>✓</sup> 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<sup>x</sup> 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)<sup>✓</sup>, does not include an easement or a  
19 lease of land.

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

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299.47(2),

**ASSEMBLY BILL 458**

1 each violation. Each day of continued violation is a separate offense. While the order  
2 is suspended, stayed or enjoined, this penalty does not accrue.  
3

(END)

PROOF  
w/STATS  
1  
2  
3



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
5TH FLOOR  
MADISON, WI 53701-2037

STEPHEN R. MILLER  
CHIEF

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

September 14, 2000

### MEMORANDUM

To: Representative Black

From: Rebecca C. Tradewell, Managing Attorney

Re: LRB-0207 Prohibit mining on lands under DNR's jurisdiction

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY  JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-7290 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.