

### 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:

Exemption from rules regulating mining

#### Instructions:

1999 AB 457

#### 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 09/19/2000	hhagen 09/20/2000		_____			
/1			pgreensl 09/22/2000	_____	lrb_docadmin 09/22/2000	lrb_docadmin 09/27/2000	

FE Sent For: *not needed*

<END>

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1?	traderc	11 hmk 9/20/00 11 Jld 9/20	9/20 pg	9/21 PG/RSC			

FE Sent For:

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LRB-085471  
RCT:kg:lp  
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JLD

2001  
**1999 ASSEMBLY BILL 457**

September 14, 1999 - Introduced by Representatives BLACK, BOCK, MILLER, LA FAVE, J. LEHMAN, BALOW, POGAN and BERCEAU; cosponsored by Senators DECKER, BURKE and BAUMGART. Referred to Committee on Environment.

*Regenerate*

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 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.

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

ASSEMBLY BILL 457

SECTION 1

1 SECTION 1. 293.15<sup>x</sup> (9)<sup>x</sup> of the statutes is repealed.

2 SECTION 2. 293.17<sup>x</sup> of the statutes is created to read:

3 **293.17 Limitations on department powers.** (1) The department may not

4 grant an exemption, modification<sup>u</sup>, or variance that makes less restrictive a

5 requirement in a rule promulgated under this chapter.

6 (2) The department<sup>u</sup> may not grant an exemption, modification or variance that

7 makes less restrictive a requirement in a rule promulgated under ch. 289<sup>u</sup> or 291<sup>u</sup> as

8 the requirement relates to the storage or disposal of solid waste from mining or

9 prospecting.

10 (END)



# 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 22, 2000

### MEMORANDUM

To: Representative Black

From: Rebecca C. Tradewell, Managing Attorney

Re: LRB-0211 Exemption from rules regulating mining

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.