

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: 06/23/2001

Received By: traderc

Wanted: Soon

Identical to LRB:

For: Assembly Republican Caucus

By/Representing: Tessmer

This file may be shown to any legislator: NO

Drafter: traderc

May Contact:

Addl. Drafters:

Subject: **Environment - mining**

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

ARC:.....Tessmer - AM94,

Topic:

Nonmetallic mining reclamation exemption

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 06/23/2001	gilfokm 06/23/2001		_____			
/1			jfrantze 06/23/2001	_____	lrb_docadmin 06/24/2001		

FE Sent For:

<END>

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1/?	traderc	11-6/king 23		==			

FE Sent For:

<END>

30.02(3), Stats. must file an affidavit within 30 days of filing the objection establishing the substantive basis for the objection and committing to appear at a hearing and call witnesses in support of the objection. In a contested case hearing, the burden of proof shall be on those who object to the issuance of the permit.

7. Any person who files an objection to the permit may be required to pay the costs and attorneys fees of an applicant incurred in responding to the objection if the objection is found to be frivolous as provided in 814.025, Stats.
8. The Division of Hearings and Appeals will assign ALJ's to hear cases in a random manner. If the agency does not agree to schedule a hearing within 120 days of an agency denying a permit or contract

Fiscal Impact: None

Location/Status: Adopt ARC Amendment #84 (Bies)

D. Non-Metallic Reclamation Exemption

RC A nonmetallic mining reclamation ordinance and the standards established do not apply to removal of topsoil, other than soil taken from the bed of a navigable water, from an area the size of which does not exceed the size determined by dividing the total acreage of the contiguous land under common ownership on which the area is located by 40 and multiplying the result by 3, if no other material is removed from the area.

In addition, the department may not charge an annual fee of more than \$100 for a nonmetallic mining site with one to five acres that have not been reclaimed, if the nonmetallic mining site is approved for a wildlife enhancement project, or an annual fee of more than \$300 for any other nonmetallic mining site with one to five acres that have not been reclaimed.

Affected agency: DNR

Fiscal Impact: \$25,500 Loss of Revenue from Environmental Fund SEG

Location/Status: Adopt LRB 3414/P2 (Albers)

E. Chapter 30 revision – Timelines for Complete Applications and Public Hearings

Add language to Section 30.02 to read: The department shall initially determine whether a complete application has been submitted and, no later than 30 days after the application is submitted, notify the applicant in writing about the initial determination of completeness.

If the department determines that the application is incomplete, the notice shall state the reason for the determination and the specific items of information necessary to make the application complete. An applicant may supplement and resubmit an application that the department has determined to be incomplete. There is no limit on the number of times that an applicant may resubmit an application that the department has determined to be incomplete under this subdivision.

The department may not demand items of information that are not specified in the notice as a condition for determining whether the application is complete unless both the

2001

Date (time) needed SOON (m6/23)

LRB b 1630 1 1

**ARC CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]**

Ret : Amck : _____

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

**CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 2001 SENATE BILL 55**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated, amend the substitute amendment as follows:

ONote

✓ #. Page 1068, line 2: *after that line insert!*

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT to renumber and amend 295.18 (4); and to create 295.11 (11) and
2 295.16 (4) (k) of the statutes; relating to: nonmetallic mining reclamation.

Analysis by the Legislative Reference Bureau
This is a preliminary draft. An analysis will be provided in a later version.

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

3 SECTION ^{3325 ne} 295.11 (11) of the statutes is created to read:

4 295.11 (11) "Topsoil" means the surface layer of soil that is generally more
5 fertile than the underlying soil layers, that is the natural medium for plant growth,
6 and that can provide the plant growth, soil stability, and other attributes necessary
7 to meet the standards specified in an approved reclamation plan.

8 SECTION ^{3325 nj} 295.16 (4) (k) of the statutes is created to read:

9 295.16 (4) (k) Removal of topsoil, other than soil taken from the bed of a
10 navigable water, from an area the size of which does not exceed the size determined

21

1 by dividing the total acreage of the contiguous land under common ownership on
2 which the area is located by 40 and multiplying the result by 3, if no other material
3 is removed from the area.

4 ^{332 5NL} SECTION 3. 295.18 (4) of the statutes is renumbered 295.18 (4) (a) and amended
5 to read:

6 295.18 (4) (a) If the department issues a written decision under sub. (2) that
7 a county is not in compliance with this subchapter and rules promulgated under this
8 subchapter, the department shall administer the nonmetallic mining reclamation
9 program in that county, including the collection of fees, review and approval of plans,
10 inspection of nonmetallic mining sites and enforcement, except that the department
11 may not administer the nonmetallic mining reclamation program in a city, village or
12 town that enacted an ordinance that complies with s. 295.14 before the department
13 made its determination under sub. (2) and is administering that ordinance. For
14 annual fees due on or before December 31, 2003, if the department administers the
15 nonmetallic program in a county, the department may not charge an annual fee of
16 more than \$100 for a nonmetallic mining site with one to 5 acres that have not been
17 reclaimed, if the nonmetallic mining site is approved for a wildlife enhancement
18 project, or an annual fee of more \$300 for any other nonmetallic mining site with one
19 to 5 acres that have not been reclaimed.

20 (b) The county may apply to the department at any time to resume
21 administration of the nonmetallic mining reclamation program. The department,
22 after a hearing, may approve the county request to administer the nonmetallic
23 mining reclamation program if the county demonstrates the capacity to comply with
24 this subchapter and rules promulgated under this subchapter. No city, village or
25 town may enact an ordinance for and begin to implement a nonmetallic mining

1 reclamation program during the time that the department administers the
2 nonmetallic mining reclamation program in the county in which the city, village or
3 town is located. "

4 (END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

b1630/1dn
LRB-3414/P1dn
RCT: [initials].kif

June 12, 2001



I am not certain what it means to say that a site has been approved for a wildlife enhancement project. It would improve the draft to clarify that.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1630/1dn
RCT:kmg:cmh

June 23, 2001

I am not certain what it means to say that a site has been approved for a wildlife enhancement project. It would improve the draft to clarify that.

Rebecca C. Tradewell
Managing Attorney
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E-mail: becky.tradewell@legis.state.wi.us



ARC:.....Tessmer – AM94, Nonmetallic mining reclamation exemption

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1068, line 2: after that line insert:

3 **“SECTION 3325ne.** 295.11 (11) of the statutes is created to read:

4 295.11 (11) “Topsoil” means the surface layer of soil that is generally more
5 fertile than the underlying soil layers, that is the natural medium for plant growth,
6 and that can provide the plant growth, soil stability, and other attributes necessary
7 to meet the standards specified in an approved reclamation plan.

8 **SECTION 3325nj.** 295.16 (4) (k) of the statutes is created to read:

9 295.16 (4) (k) Removal of topsoil, other than soil taken from the bed of a
10 navigable water, from an area the size of which does not exceed the size determined

1 by dividing the total acreage of the contiguous land under common ownership on
2 which the area is located by 40 and multiplying the result by 3, if no other material
3 is removed from the area.

4 **SECTION 3325nL.** 295.18 (4) of the statutes is renumbered 295.18 (4) (a) and
5 amended to read:

6 295.18 (4) (a) If the department issues a written decision under sub. (2) that
7 a county is not in compliance with this subchapter and rules promulgated under this
8 subchapter, the department shall administer the nonmetallic mining reclamation
9 program in that county, including the collection of fees, review and approval of plans,
10 inspection of nonmetallic mining sites and enforcement, except that the department
11 may not administer the nonmetallic mining reclamation program in a city, village or
12 town that enacted an ordinance that complies with s. 295.14 before the department
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17 reclaimed, if the nonmetallic mining site is approved for a wildlife enhancement
18 project, or an annual fee of more \$300 for any other nonmetallic mining site with one
19 to 5 acres that have not been reclaimed.

20 (b) The county may apply to the department at any time to resume
21 administration of the nonmetallic mining reclamation program. The department,
22 after a hearing, may approve the county request to administer the nonmetallic
23 mining reclamation program if the county demonstrates the capacity to comply with
24 this subchapter and rules promulgated under this subchapter. No city, village or
25 town may enact an ordinance for and begin to implement a nonmetallic mining

1 reclamation program during the time that the department administers the
2 nonmetallic mining reclamation program in the county in which the city, village or
3 town is located.”

4 (END)