

**ASSEMBLY AMENDMENT 5,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 55**

June 29, 2001 – Offered by Representative BLACK.

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

2 **1.** Page 449, line 17: after that line insert:

3 “**SECTION 1038v.** 23.15 (1m) of the statutes is created to read:

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

7 **2.** Page 477, line 12: after that line insert:

8 “**SECTION 1146p.** 26.08 (1) of the statutes is amended to read:

9 26.08 **(1)** The department may, from time to time, lease parts or parcels of state
10 park lands or state forest lands. These leases shall contain proper covenants to
11 guard against trespass and waste. The rents arising from these leases shall be paid
12 into the state treasury to the credit of the proper fund. ~~Licenses also may be granted~~

1 ~~to prospect for ore or mineral upon any of these lands; but proper security shall be~~
2 ~~taken that the licensees will fully inform the department of every discovery of ore or~~
3 ~~mineral and will restore the surface to its former condition and value if no discovery~~
4 ~~of valuable deposits is made.~~ The department shall retain a copy of each lease or
5 license and file the original in the office of the board of commissioners of public
6 lands.”.

7 **3.** Page 1068, line 2: after that line insert:

8 “**SECTION 3325p.** 299.71 of the statutes is created to read:

9 **299.71 Prohibition on mining on department lands. (1) DEFINITIONS.** In
10 this section:

11 (a) “Land”, notwithstanding s. 990.01 (18), does not include an easement or a
12 lease of land.

13 (b) “Minerals” means metalliferous and nonmetalliferous minerals, including
14 mineral commodities, but does not include peat, crushed stone, sand, lime, clay, or
15 gravel.

16 (c) “Mining” means operations or activities for the extraction of minerals from
17 the earth or the exploration or prospecting for minerals, and includes related
18 operations, processes or activities such as drilling, excavation, grading, construction
19 of roads, screening, scalping, dewatering, and blending.

20 **(2) PROHIBITION.** No person may engage in mining on land that is owned by this
21 state and is under the jurisdiction of the department. This subsection does not
22 prohibit the removal and lease or sale of material under s. 30.20 (2).

23 **(3) PENALTIES.** Any person who violates sub. (2) shall forfeit not less than \$100
24 nor more than \$10,000 for each site on which the mining took place and shall forfeit

1 all revenues obtained from mining in violation of sub. (2). The violator is liable to
2 the department for the full cost of reclaiming the affected area of land and any
3 damages caused due to mining in violation of sub. (2). Each day of violation
4 constitutes a separate offense. If the violator is a corporation, partnership, or
5 association, any officer, director, or partner who knowingly authorizes, supervises,
6 or contracts for mining in violation of sub. (2) is also subject to the penalties in this
7 subsection.

8 **SECTION 3325t.** 299.97 (1) of the statutes is amended to read:

9 299.97 (1) Any person who violates this chapter, except s. 299.15 (1), 299.47 (2),
10 299.51 (4) (b), 299.53 (2) (a) or (3), 299.62 (2) ~~or~~ 299.64 (2) or 299.71 (2), or any rule
11 promulgated or any plan approval, license or special order issued under this chapter,
12 except under those sections, shall forfeit not less than \$10 nor more than \$5,000, for
13 each violation. Each day of continued violation is a separate offense. While the order
14 is suspended, stayed or enjoined, this penalty does not accrue.”.

15 (END)