

**2001 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-SB55)**

Received: 06/21/2001

Received By: traderc

Wanted: Soon

Identical to LRB:

For: Spencer Black (608) 266-7521

By/Representing: Susan McMurray

This file may be shown to any legislator: NO

Drafter: traderc

May Contact:

Addl. Drafters:

Subject: Environment - mining

Extra Copies:

Submit via email: YES

Requester's email: Rep.Black@legis.state.wi.us

**Pre Topic:**

No specific pre topic given

**Topic:**

Prohibit mining on land under DNR jurisdiction, rn3

**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 06/22/2001	wjackson 06/25/2001					
/1			jfrantze 06/27/2001		lrb_docadmin 06/27/2001	lrb_docadmin 06/27/2001	

FE Sent For:

**<END>**

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1?	traderc	11 Wlj 6/25	do 6/27	_____	_____		

FE Sent For:

<END>

## Assembly Democrat Budget Amendment Requests

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**Request Number:** 3  
(not LRB number)

**Agency:** DNR

**Description:** No Mining on State Owned Land

**Attachments:** AB 458 (1999)

**Cost (if known):** NA

**Contact person:** Susan McMurray, 266-7521, Representative Black's Office

MCG

2001

Date (time)  
needed

500w (m6/22)

LRB b 1469 11

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

RCT : WJ :

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:

√ #. Page 449, line 17.: after that line, insert: Insert 449.17  
←

√ #. Page 477, line 12.: after that line, insert: Insert 477.12  
←

#. Page 1068, line 2.: after that line, insert: Insert 1068.2  
(END) ←

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

**BILL**

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:*

Insert 449.17:

1 SECTION 23.15 (1m) of the statutes is created to read:

2 1038v

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

Insert 477.12:

5 SECTION 26.08 (1) of the statutes is amended to read:

6 146p

26.08 (1) The department may, from time to time, lease parts or parcels of state park lands or state forest lands. These leases shall contain proper covenants to guard against trespass and waste. The rents arising from these leases shall be paid into the state treasury to the credit of the proper fund. Licenses also may be granted to prospect for ore or mineral upon any of these lands; but proper security shall be taken that the licensees will fully inform the department of every discovery of ore or mineral and will restore the surface to its former condition and value if no discovery of valuable deposits is made. The department shall retain a copy of each lease or license and file the original in the office of the board of commissioners of public lands.

Insert 1068.2:

15 SECTION 299.71 of the statutes is created to read:

16 325p

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

(a) "Land", notwithstanding s. 990.01 (18), does not include an easement or a lease of land.

**BILL**

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,  
18 or contracts for mining in violation of sub. (2) is also subject to the penalties in this  
19 subsection.

20 <sup>(b)</sup>  
33251 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), 299.47 (2),  
22 299.51 (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



**BILL**

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)