

**2003 DRAFTING REQUEST**

**Bill**

Received: **05/07/2003**

Received By: **btradewe**

Wanted: **Soon**

Identical to LRB:

For: **Dale Schultz (608) 266-0703**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **btradewe**

May Contact:

Addl. Drafters:

Subject: **Environment - mining**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Schultz@legis.state.wi.us**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Exempt certain removal of topsoil from nometallic mining regulations

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**Instructions:**

See Attached

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**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>
/?							S&L
/1	btradewe 05/09/2003	wjackson 05/09/2003	rschluet 05/12/2003		sbasford 05/12/2003	sbasford 05/14/2003 sbasford 05/14/2003	S&L

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/2	btradewe 05/19/2003	wjackson 05/20/2003	chaskett 05/20/2003	_____	sbasford 05/20/2003	sbasford 05/20/2003	

FE Sent For:

<END>

At  
Intro.

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		12 WJ 5/20					

*return of jacket requested*

05/14/2003 07:54:35 AM

Page 2

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/?				<i>if/gh</i> <i>5/20</i>			S&L
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FE Sent For:

*12 gh*  
*5/20*

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See 03-1981

Instructions:

See Attached

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/?	btradewe	1 WLJ 5/9					

FE Sent For:

5-12-3 <END>

# Bill Request Form

Legislative Reference Bureau  
100 N. Hamilton Street  
Legal Section. 266-3561

You may use this form or talk directly with the LRB attorney who will draft the bill.

Date Mar 7 - 2003

Legislator, agency, or other person requesting this draft Sen Dale Schultz

Person submitting request (name and phone number) John O'Brien 6-0703

Persons to contact for questions about this draft (names and phone numbers) same ↑

Describe the problem, including any helpful examples. How do you want to solve the problem?

*See ATTACHED*

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 2001 LRB-2345/1 or 1999 AB-67).

Requests are confidential unless stated otherwise. May we tell others that we are working on this for you? YES NO

If yes:

Anyone who asks?  
Any legislator?

YES NO  
YES NO

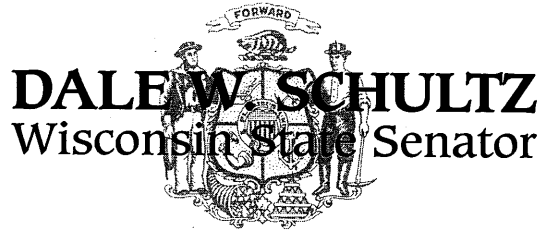
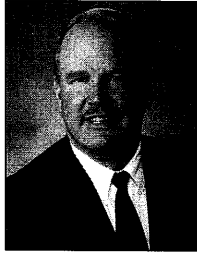
Only the following persons \_\_\_\_\_

Do you consider this request urgent? YES NO

If yes, please indicate why Time Sensitive

Should we give this request priority over any pending request of this legislator, agency, or person?

YES NO



Wednesday, May 07, 2003

Legislative Reference Bureau  
Bill Drafting/Legal  
100 North Hamilton  
5<sup>th</sup> Floor  
Madison, WI

Dear Reference Bureau,

Please prepare a bill draft to create the following exempt activity under s. 295

Create s. 295.16 (4) (k):


Removal of topsoil in an area of less than three acres for the purpose of creating a pond or wetland.

Legislative intent is to exempt from "reclamation standards" projects which benefit or improve wildlife habitat.

Questions specific to this drafting request can be direct to John O'Brien of my staff at 266-0703.

Questions related to intent can be directed to Legislative Council Staff, Mark Patronski at 266 9280.

Thank you.



Senator Dale Schultz





State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-2667/1

RCT./....

WLj

SO ON (in 5/9)

**2003 BILL**

1 AN ACT <sup>GEN</sup> relating to: an exemption from requirements for nonmetallic mining  
2 reclamation.

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***Analysis by the Legislative Reference Bureau***

Current law requires the Department of Natural Resources (DNR) to promulgate rules containing uniform statewide standards for the reclamation of nonmetallic mining sites. Nonmetallic mining is the extraction of substances such as stone, sand, and gravel for sale or use by the owner. Current law requires counties to administer a nonmetallic mining reclamation program that complies with DNR rules and that includes permit requirements, requirements for fees, requirements for reclamation plans, and requirements for proof of financial responsibility for reclaiming nonmetallic mining sites. If a county does not administer a program that complies with the rules, DNR administers the nonmetallic mining reclamation program in the county. Current law also provides some exemptions from the nonmetallic mining reclamation requirements.

This bill exempts from the nonmetallic mining reclamation requirements the removal of topsoil from an area of less than three acres for the purpose of creating a pond or wetland.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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



**Basford, Sarah**

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**From:** OBrien, John  
**Sent:** Wednesday, May 14, 2003 6:27 AM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 03-2667/1 Topic: Exempt certain removal of topsoil from nonmetallic mining regulations

It has been requested by <OBrien, John> that the following draft be jacketed for the SENATE:

Draft review: LRB 03-2667/1 Topic: Exempt certain removal of topsoil from nonmetallic mining regulations

**Tradewell, Becky**

---

**From:** OBrien, John  
**Sent:** Monday, May 19, 2003 8:42 AM  
**To:** Tradewell, Becky  
**Cc:** Patronsky, Mark; Gruber, Ryan  
**Subject:** LRB 2667/1

Becky,

LRB 2667/1 on my initial review looked fine, so I had it jacketed. Since then, my constituent who was out of town returned and look over the draft making what I think is a valid suggestiton. So I would ask that you create a /2 which contains the following.

Page 2 Line 2. Change the term "topsoil" to "soils".

I also spoke with Mark Patronski about what exactly "from an **area** of less than 3 acres for the purpose of crating a pond or wetland might be interpreted to mean."

Could that be interpreted to mean that the 3 acres is a total of soil removed to create 1 pond regardless of the size of the **area**.

Could it be interpreted to mean that in an **area** you could have as many ponds as you like as long as no single pond is in excess of 3 acres?

To address these concerns Mark suggests and Dale is open to including adding the following language to the draft.

"This exemption allows any number of ponds or wetlands on a single parcel of land."

If you wish to discuss this, just give me call.

John O'Brien, Committee Clerk  
Senate Agriculture, Financial institutions and Insurance.  
Senator Dale Schultz, Chair.  
John.O'Brien@legis.state.wi.us  
(800) 978 8008 (Toll Free In State Only)  
(608) 26 6-0703

*Per John -*  
What they want is to allow any # of ponds,  
as long as each pond is 3 acres or less in area.  
*RUT*



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-26677A 2

RCT:wjrs  
vmy

500N(m 5/19)

2003 BILL

REGEN

1 AN ACT to create 295.16 (4) (k) of the statutes; relating to: an exemption from  
2 requirements for nonmetallic mining reclamation.

*Analysis by the Legislative Reference Bureau*

Current law requires the Department of Natural Resources (DNR) to promulgate rules containing uniform statewide standards for the reclamation of nonmetallic mining sites. Nonmetallic mining is the extraction of substances such as stone, sand, and gravel for sale or use by the owner. Current law requires counties to administer a nonmetallic mining reclamation program that complies with DNR rules and that includes permit requirements, requirements for fees, requirements for reclamation plans, and requirements for proof of financial responsibility for reclaiming nonmetallic mining sites. If a county does not administer a program that complies with the rules, DNR administers the nonmetallic mining reclamation program in the county. Current law also provides some exemptions from the nonmetallic mining reclamation requirements.

\* This bill exempts from the nonmetallic mining reclamation requirements the  
\* removal of topsoil from an area of less than three acres for the purpose of creating  
a pond or wetland that has an area of three acres or less

For further information see the *state and local* 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:*

**BILL**

1

**SECTION 1.** 295.16 (4) (k) of the statutes is created to read:

2

295.16 (4) (k) Removal of ~~any~~<sup>s</sup> soil from an area of less than 3 acres for the

3

purpose of creating a pond or wetland ~~p~~ that has an area of 3 acres or less

4

(END)