



State of Wisconsin











LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX -

PLEASE DO NOT REMOVE FROM DRAFTING FILE

Date Transfer Requested: 02/04/2013 (Per: RCT)

Compile Draft – Appendix A ... Part I

- | | |
|--|--|
| A  The <u>2013</u> drafting file for LRBa0045 | F  The <u>2013</u> drafting file for LRBa0055 |
| B  The <u>2013</u> drafting file for LRBa0046 | G  The <u>2013</u> drafting file for LRBa0057 |
| C  The <u>2013</u> drafting file for LRBa0047 | H  The <u>2013</u> drafting file for LRBa0074 |
| D  The <u>2013</u> drafting file for LRBa0050 | I  The <u>2013</u> drafting file for LRBa0081 |
| E  The <u>2013</u> drafting file for LRBa0052 | J  The <u>2013</u> drafting file for LRBa0082 |

2013 LRBa0045 has been copied/added to the drafting file for

2013 LRBa0085

2013 DRAFTING REQUEST

Senate Amendment (SA-SB1)

Received: 1/26/2013 Received By: mglass
Wanted: Today Same as LRB:
For: Thomas Tiffany (608) 266-2509 By/Representing: Larry Konopacki (Leg. council)
May Contact: Drafter: mglass
Subject: Environment - mining Addl. Drafters:
Nat. Res. - parks and forestry Extra Copies:

Submit via email: YES
Requester's email: Sen.Tiffany@legis.wisconsin.gov
Carbon copy (CC) to: larry.konopacki@legis.wisconsin.gov
anna.henning@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Bulk sampling and managed forest land

Instructions:

Managed forest lands. Create exemptions in the MFL/FC laws that allow ferrous mineral bulk sampling activities to occur on up to 5 acres per parcel in these programs if the person conducting those activities has submitted a bulk sampling plan to the DNR and has received all approvals related to bulk sampling that are needed from the DNR. Require revegetation to be consistent with the pre-bulk sampling land use.

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>
/?	mglass 1/28/2013			_____			
/P1	mglass	kfollett	rschluct	_____	srose		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	2/1/2013	1/28/2013	1/28/2013	_____	1/28/2013		
/P2	mglass 2/3/2013	chanaman 2/3/2013	phentry 2/3/2013	_____	sbasford 2/1/2013		
/P3				_____	chanaman 2/3/2013		

FE Sent For:

<END>

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/2	mglass 1/28/2013		2/3 Dh				
/P1	mglass	kfollett	rschluet		srose		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	2/1/2013	1/28/2013	1/28/2013	_____	1/28/2013		
/P2		kfollett 2/1/2013	jfrantze 2/1/2013	_____	sbasford 2/1/2013		

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Deadline for action on mining permit

Instructions:

Managed forest lands. Create exemptions in the MFL/FC laws that allow ferrous mineral bulk sampling activities to occur on up to 5 acres per parcel in these programs if the person conducting those activities has submitted a bulk sampling plan to the DNR and has received all approvals related to bulk sampling that are needed from the DNR. Require revegetation to be consistent with the pre-bulk sampling land use.

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02	mglass 1/28/2013						
01		kfollett	rschlue		srose		
		1/21/13	2/1/13	2/1/13			

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		1/28/2013	1/28/2013	_____	1/28/2013		

FE Sent For:

<END>

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1?	mglass	1/11/13 1/28		===== =====			

EE Sent For:

<END>



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa0045/?
MGG...*kgf*

Now

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT,
TO SENATE BILL 1**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 37, line 18: after that line insert:

3 "SECTION 41m. 77.105 of the statutes is created to read:

4 **77.105 Ferrous mining.** Sections 77.06 (1) and (4) and 77.10 (1) do not apply
5 to the cutting of timber or other forest crops or other activities on forest cropland that
6 are necessary to engage in bulk sampling, as defined in s. 295.41 (7), if all of the
7 following apply:

8 (1) A bulk sampling plan has been filed with the department under s. 295.45
9 and all approvals that are required for bulk sampling have been issued by the
10 department.

11 (2) The revegetation plan is that is part of the bulk sampling plan described
12 under sub. (1) includes forestry practices that will ensure that the timber, forest

1 crops, and other vegetation that will be cut or otherwise affected will be restored to
2 the greatest extent possible.

3 **SECTION 41q.** 77.883 of the statutes is created to read:

4 **77.883 Ferrous mining.** Sections 77.76, 77.876, and 77.88 (1) do not apply
5 to the cutting of merchantable timber or other activities on managed forest land that
6 are necessary to engage in bulk sampling, as defined in s. 295.41 (7), if all of the
7 following apply:

8 (1) A bulk sampling plan has been filed with the department under s. 295.45 and
9 all approvals that are required for bulk sampling have been issued by the
10 department.

11 (2) The revegetation plan is that is part of the bulk sampling plan described
12 under sub. (1) includes forestry practices that will ensure that the merchantable
13 timber and other vegetation that will be cut or otherwise affected will be restored to
14 the greatest extent possible.”

15 (END)

D-Note

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

PI
LRBa0045/?dn
MGG...
of

Date

✓
Please review the language and the cross-references in this amendment carefully to ensure that the amendment is consistent with your intent. You may wish to change the language describing the restoration requirements in the revegetation plan, but I thought I would provide this as a starting point. I found the draft instructions a bit vague in this regard.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215
E-mail: mary.glass@legis.wisconsin.gov

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

LRBa0045/P1dn
MGG:kjfrs

January 28, 2013

Please review the language and the cross-references in this amendment carefully to ensure that the amendment is consistent with your intent. You may wish to change the language describing the restoration requirements in the revegetation plan, but I thought I would provide this as a starting point. I found the draft instructions a bit vague in this regard.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215
E-mail: mary.glass@legis.wisconsin.gov

Gibson-Glass, Mary

From: Konopacki, Larry
Sent: Friday, February 01, 2013 1:10 PM
To: Gibson-Glass, Mary
Cc: Henning, Anna; Tradewell, Becky
Subject: FW: Draft review: LRB a0045/P1 Topic: Deadline for action on mining permit
Attachments: 13a0045/P1; DraftersNote1

Hi Mary, would you please revise the amendment to impose a maximum affected acreage under the amendment of no more than five acres per parcel of FCL or MFL property? Also, please add the following at the end of each of the revegetation provisions: "unless the parcel is included in a mining site under a preapplication notification under s. 295.465 or under an application for a ferrous mining permit."

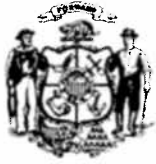
Thanks,
Larry

Larry A. Konopacki
Wisconsin Legislative Council
(608) 267-0683
larry.konopacki@legis.wisconsin.gov

From: LRB.Legal
Sent: Monday, January 28, 2013 1:43 PM
To: Konopacki, Larry
Subject: Draft review: LRB a0045/P1 Topic: Deadline for action on mining permit

Draft Requester: Sen. Thomas Tiffany

Following is the PDF version of draft LRB a0045/P1 and drafter's note.



Today

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT,
TO SENATE BILL 1

INSERT A use force

(a) The area that will be affected by the cutting of the activity does not exceed 5 acres.

1 At the locations indicated, amend the bill as follows:

2 1. Page 37, line 18: after that line insert:

3 "SECTION 41m. 77.105 of the statutes is created to read:

4 **77.105 Ferrous mining.** Sections 77.06 (1) and (4) and 77.10 (1) do not apply
5 to the cutting of timber or other forest crops or other activities on forest cropland that
6 are necessary to engage in bulk sampling, as defined in s. 295.41 (7), if all of the
7 following ^{requirements are met} apply:

8 (b) (1) A bulk sampling plan has been filed with the department under s. 295.45
9 and all approvals that are required for bulk sampling have been issued by the
10 department. ^{per (b)}

11 (c) (2) The revegetation plan that is part of the bulk sampling plan described
12 under sub. (1) includes forestry practices that will ensure that the timber, forest

4
5
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1 crops, and other vegetation that will be cut or otherwise affected will be restored to
2 the greatest extent possible.

3 SECTION 41q. 77.883 of the statutes is created to read:

4 **77.883 Ferrous mining.** Sections 77.86, 77.876, and 77.88 (1) do not apply
5 to the cutting of merchantable timber or other activities on managed forest land that
6 are necessary to engage in bulk sampling, as defined in s. 295.41 (7), if all of the
7 following ^{requirements are met} apply: ← INSERT A

8 (b) ~~(1)~~ A bulk sampling plan has been filed with the department under s. 295.45 from p 1
9 and all approvals that are required for bulk sampling have been issued by the
10 department.

11 (c) ~~(2)~~ The revegetation plan that is part of the bulk sampling plan described
12 under sub. ⁽¹⁾ ~~(1)~~ includes forestry practices that will ensure that the merchantable
13 timber and other vegetation that will be cut or otherwise affected will be restored to
14 the greatest extent possible. ← INSERT 2-15

15 (END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0045/P2ins
MGG:.....

1 **INSERT 2-2**

2 (2) The requirement under sub. (1) (c) does not apply to forest cropland that
3 is within a mining site described in a preapplication notification under s. 295.465 or
4 ~~under~~ⁱⁿ an application for a ferrous mining permit under s. 295.58.

5 **INSERT 2-15**

6 (2) The requirement under sub. (1) (c) does not apply to managed forest land
7 that is within a mining site described in a preapplication notification under s.
8 295.465 or ~~under~~ⁱⁿ an application for a mining permit under s. 295.58.”.

Gibson-Glass, Mary

From: Konopacki, Larry
Sent: Saturday, February 02, 2013 5:39 PM
To: Gibson-Glass, Mary
Cc: Tradewell, Becky; Henning, Anna; Hinz, Daryl
Subject: MFL changes
Attachments: networkscanning@legis.wisconsin.gov_20130202_175113.pdf

Hi Mary, could you please make the changes described in the attachment to the MFL amendment?

Thanks!

Larry

Larry A. Konopacki
Wisconsin Legislative Council
(608) 267-0683
larry.konopacki@legis.wisconsin.gov



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT,
TO SENATE BILL 1

1 At the locations indicated, amend the bill as follows:

2 1. Page 37, line 18: after that line insert:

3 "SECTION 41m. 77.105 of the statutes is created to read:

4 *1. s. 77.105 by a use of*
5 *The department may not issue an order of withdrawal*
6 **77.105 Ferrous mining. (1)** ~~Sections 77.06 (1), 77.07 and 77.10 (1) do not~~
7 ~~apply to~~ the cutting of timber or other forest crops or ~~or~~ other activities on forest

6 cropland that are necessary to engage in bulk sampling, as defined in s. 295.41 (7),

7 if all of the following requirements are met:

8 (a) The area that will be affected by the cutting or the activity does not exceed
9 5 acres.

10 (b) A bulk sampling plan has been filed with the department under s. 295.45
11 and all approvals that are required for bulk sampling have been issued by the
12 department.

77.83 (1)(c) and 77.83 (2)
Issue on order of ed and work under s. 77.83(1) be a

1 (c) The revegetation plan that is part of the bulk sampling plan described under
2 par. (b) includes forestry practices that will ensure that the timber, forest crops, and
3 other vegetation that will be cut or otherwise affected will be restored to the greatest
4 extent possible.

5 (2) The requirement under sub. (1) (c) does not apply to forest cropland that
6 is within a mining site described in a preapplication notification under s. 295.465 or
7 in an application for a ferrous mining permit under s. 295.58.

8 **SECTION 41q.** ~~77.883 of the statutes~~ is created to read:

9 **77.883 Ferrous mining.** (1) ~~Sections 77.56, 77.67, and 77.83 (1)~~ do not apply
10 ~~to~~ the cutting of merchantable timber or other activities on managed forest land that
11 are necessary to engage in bulk sampling, as defined in s. 295.41 (7), if all of the
12 following requirements are met:

13 (a) The area that will be affected by the cutting or the activity does not exceed
14 5 acres.

15 (b) A bulk sampling plan has been filed with the department under s. 295.45
16 and all approvals that are required for bulk sampling have been issued by the
17 department.

18 (c) The revegetation plan that is part of the bulk sampling plan described under
19 par. (b) includes forestry practices that will ensure that the merchantable timber and
20 other vegetation that will be cut or otherwise affected will be restored to the greatest
21 extent possible.

22 (2) The requirement under sub. (1) (c) does not apply to managed forest land
23 that is within a mining site described in a preapplication notification under s.
24 295.465 or in an application for a mining permit under s. 295.58."

25 (3) *The* (END) *do not apply to the cutting*
shot *2013/2014/2015*



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa0045/P2
MGG:kjfjf

RMR

F3

a

Stamp

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
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TO SENATE BILL 1

1 At the locations indicated, amend the bill as follows:

2 1. Page 37, line 18: after that line insert:

3 "SECTION 41m. 77.105 of the statutes is created to read:

4 **77.105 Ferrous mining.** (1) Sections 77.06 (1) and (4) and 77.10 (1) do not
5 apply to the cutting of timber or other forest crops or to other activities on forest
6 cropland that are necessary to engage in bulk sampling, as defined in s. 295.41 (7),
7 if all of the following requirements are met:

8 (a) The area that will be affected by the cutting or the activity does not exceed
9 5 acres.

10 (b) A bulk sampling plan has been filed with the department under s. 295.45
11 and all approvals that are required for bulk sampling have been issued by the
12 department.

IN 3
1-10

1 (c) The revegetation plan that is part of the bulk sampling plan described under
2 par. (b) includes forestry practices that will ensure that the timber, forest crops, and
3 other vegetation that will be cut or otherwise affected will be restored to the greatest
4 extent possible.

5 (2) The requirement under sub. (1) (c) does not apply to forest cropland that
6 is within a mining site described in a preapplication notification under s. 295.465 or
7 in an application for a ferrous mining permit under s. 295.58.

8 **SECTION 41q.** 77.883 of the statutes is created to read:

9 **77.883 Ferrous mining.** (1) Sections 77.86, 77.876, and 77.88 (1) do not apply
10 to the cutting of merchantable timber or other activities on managed forest land that
11 are necessary to engage in bulk sampling, as defined in s. 295.41 (7), if all of the
12 following requirements are met:

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15 (b) A bulk sampling plan has been filed with the department under s. 295.45
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18 (c) The revegetation plan that is part of the bulk sampling plan described under
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21 extent possible.

22 (2) The requirement under sub. (1) (c) does not apply to managed forest land
23 that is within a mining site described in a preapplication notification under s.
24 295.465 or in an application for a mining permit under s. 295.58." 91

25

(END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0045/P3ins
MGG:.....

Insert 1-7

77.105 Ferrous mining. (1) The department may not issue an order of withdrawal under s. 77.10 (1) ~~because of~~ (based on ~~due to?~~) the cutting of timber or other forest crops or other activities on forest cropland if all of the following requirements are met:

(a) The cutting or activity is necessary to engage in bulk sampling, as defined in s. 295.41 (7).

Insert 2-12

77.883 Ferrous mining (1) The department may not issue an order of withdrawal under s. 77.88 (1) ~~because of~~ (based on ~~due to?~~) the cutting of timber or other activities on managed forest land if all of the following requirements are met:

(a) The cutting or activity is necessary to engage in bulk sampling, as defined in s. 295.41 (7).

Insert 2-24

(3) Section 77.86 (1) (c) and (d) do not apply to cutting of timber or another activity on managed forest land if all of the requirements in sub. (1) (a) to (c) are met.

LRB
draft
insert



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa0045/P3
MGG:kjf:ph

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
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TO SENATE BILL 1

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 37, line 18: after that line insert:

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4 **77.105 Ferrous mining.** (1) The department may not issue an order of
5 withdrawal under s. 77.10 (1) based on the cutting of timber or other forest crops or
6 other activities on forest cropland if all of the following requirements are met:

7 (a) The cutting or activity is necessary to engage in bulk sampling, as defined
8 in s. 295.41 (7).

9 (b) A bulk sampling plan has been filed with the department under s. 295.45
10 and all approvals that are required for bulk sampling have been issued by the
11 department.

1 (c) The revegetation plan that is part of the bulk sampling plan described under
2 par. (b) includes forestry practices that will ensure that the timber, forest crops, and
3 other vegetation that will be cut or otherwise affected will be restored to the greatest
4 extent possible.

5 (2) The requirement under sub. (1) (c) does not apply to forest cropland that is
6 within a mining site described in a preapplication notification under s. 295.465 or in
7 an application for a ferrous mining permit under s. 295.58.

8 **SECTION 41q.** 77.883 of the statutes is created to read:

9 **77.883 Ferrous mining** (1) The department may not issue an order of
10 withdrawal under s. 77.88 (1) based on the cutting of timber or other activities on
11 managed forest land if all of the following requirements are met:

12 (a) The cutting or activity is necessary to engage in bulk sampling, as defined
13 in s. 295.41 (7).

14 (b) A bulk sampling plan has been filed with the department under s. 295.45
15 and all approvals that are required for bulk sampling have been issued by the
16 department.

17 (c) The revegetation plan that is part of the bulk sampling plan described under
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19 other vegetation that will be cut or otherwise affected will be restored to the greatest
20 extent possible.

21 (2) The requirement under sub. (1) (c) does not apply to managed forest land
22 that is within a mining site described in a preapplication notification under s.
23 295.465 or in an application for a mining permit under s. 295.58.

1 (3) Section 77.86 (1) (c) and (d) do not apply to cutting of timber or another
2 activity on managed forest land if all of the requirements in sub. (1) (a) to (c) are
3 met.”.

4

(END)