

2013 DRAFTING REQUEST

Assembly Amendment (AA-SB1)

Received: 3/4/2013 Received By: btradewe
Wanted: As time permits Same as LRB:
For: Brett Hulsey (608) 266-7521 By/Representing: Greg Koutnik
May Contact: Drafter: btradewe
Subject: Environment - mining Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Rep.Hulsey@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Changes concerning exploration

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>
/P1	btradewe 3/5/2013	jdyer 3/5/2013	jfrantze 3/5/2013	_____	sbasford 3/5/2013		
/1		kfollett 3/5/2013	jfrantze 3/5/2013	_____	mbarman 3/5/2013	mbarman 3/5/2013	

FE Sent For:

<END>

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FE Sent For:

11/6/13
3/5
Jb 3/5
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/P1	btradewe	P1 3/5 jld		3/5			

FE Sent For:

<END>

Tradewell, Becky

Subject: FW: Request for Drafting of Three Amendments to AB/SB 1
Attachments: Responsible Amendments to the Mining Bill.docx

From: Koutnik, Greg
Sent: Monday, March 04, 2013 1:37 PM
To: Tradewell, Becky
Cc: Rep.Hulsey; Veldran, Matt
Subject: Request for Drafting of Three Amendments to AB/SB 1

Hi Becky,

Our office's memo on our amendments to the mining bill is attached.

Feel free to call us at any time. I will be in the office all day today and tomorrow, and on Wednesday until 2:30 pm.

Thanks,

Greg Koutnik

Research Assistant
Office of State Representative Brett Hulsey
greg.koutnik@legis.wisconsin.gov
(608) 266-7521

1. Amendment 3: Exploratory Permitting

✓ **Change to Exploratory Permit Standard**

Under current law, the DNR must issue an exploration license upon an applicant's satisfactory completion of all conditions in the administrative rules chapter governing exploration. The DNR must deny an exploration license if it finds that proposed exploration will not comply with the minimum statutory standards governing mining activities and reclamation or if the applicant is in violation of ch.293, Stats., or any administrative rule governing exploration. The issuance of a license is subject to various conditions relating to the permanent and temporary abandonment of drill holes.

Under AB/SB 1, the DNR must deny an exploration license if it finds that, after the activities in the exploration plan and reclamation plan have been completed, the exploration will have a substantial and irreparable adverse impact on the environment or present a substantial risk of injury to public health and welfare.

This amendment would bring the bill back to current law with regard to the criteria by which the DNR must decide whether or not to issue an exploratory permit. The amendment will remove the new language regarding conditions of denial ("a substantial and irreparable adverse impact on the environment or present a substantial risk of injury to public health and welfare") from the bill.

Timeline for DNR exploration license

✓ *AB/SB 1* specifies that the DNR may not consider the quality of information when determining whether an application for an exploration license is administratively complete.

This amendment removes this language from the bill, allowing DNR to consider the quality of information in the application when determining whether the application is administratively complete.

✓ **Confidentiality regarding the exploratory license**

Under current law, the DNR is not expressly required to treat information related to an exploration project as confidential.

AB/SB 1 requires the DNR and the state geologist to protect as confidential any information, other than effluent data, contained in an application for an exploration license, upon a showing that the information is entitled to protection as a trade secret, and any information relating to the location, quality, or quantity of a ferrous mineral deposit, to production or sales figures, or to processing or production unique to the applicant or that would tend to adversely affect the competitive position of the applicant if made public.

This amendment would bring the bill back to current law, removing from the bill this new language regarding the protection of trade secrets and the express requirement that DNR treat information related to the exploration project as confidential. This amendment would further specify that DNR be required to make public any information considered pertinent to public health and welfare, such as the existence of sulfide deposits in the proposed site of exploration.

✓ **Notice Procedure for Exploration Drilling**

Under current law, an explorer must notify the DNR of the explorer's intent to drill on a parcel by registered mail at least 10 days before beginning the drilling. The explorer must also notify the DNR orally or by writing before the actual commencement of drilling each drillhole and at least 24 hours before filling a drillhole.

Under AB/SB 1, the explorer must notify the DNR of the explorer's intent to drill at least five days before drilling and is not required to notify the DNR before the actual commencement of drilling or filling a drillhole.

This amendment brings notice procedure requirements back to current law as above.



Tues

Jld

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

DNBte

1 At the locations indicated, amend the bill, as shown by senate substitute
2 amendment 2, as follows:

3 1. Page 40, line 23: delete the material beginning with that line and ending
4 with page 41, line 5 and substitute:
5 "(2m) PUBLIC INFORMATION. The department shall notify the public of any
6 information contained in an application for an exploration license that the
7 department determines is relevant to public health and welfare."
8 2. Page 42, line 17: delete the material beginning with "complete. The" and
9 ending with "application" on page 43, line 2 and substitute "complete. In a notice
10 provided under this paragraph, the department shall state the reason for its
11 determination and describe the information necessary to make the application
12 complete".

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

LRBa0211/P1dn

RCT.:...

date

JL

Greg Koutnik:

This is a preliminary version of the amendment on exploration. Note that the bill does currently include the technical requirements for abandoning drillholes (see proposed s. 295.44 (5), beginning on page 44 of the senate substitute amendment).

Please contact me with any questions or redraft instructions. If no changes are wanted, let me know and I will redraft it into introducible form.

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0211/P1dn
RCT:jld:jf

March 5, 2013

Greg Koutnik:

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Please contact me with any questions or redraft instructions. If no changes are wanted, let me know and I will redraft it into introducible form.

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

3/5 Per Greg,
No changes wanted,
RUT



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa0211/01
RCT:jld:jf

Today

stays in

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TO SENATE BILL 1**

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