



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1385/1
ZDW&JK:ahe

2017 ASSEMBLY BILL 614

November 7, 2017 - Introduced by Representatives HEBL, MASON, ANDERSON, BERCEAU, BILLINGS, BROSTOFF, CONSIDINE, GOYKE, KOLSTE, MILROY, POPE, SARGENT, SHANKLAND, SINICKI, SPREITZER, SUBECK and C. TAYLOR, cosponsored by Senators MILLER, HANSEN, LARSON, RINGHAND, RISSER and WIRCH. Referred to Committee on Labor.

1 **AN ACT** *to repeal* 20.370 (2) (gi), 23.321 (2g), 29.604 (7m), 30.025 (1e) (c), 31.23
2 (3) (e), 77.105, 77.81 (1m), 77.81 (5m), 77.83 (2m), 77.84 (2) (bp), 77.88 (3) (d),
3 77.88 (9) (d) 2., 77.883, 87.30 (2) (b), 196.491 (3) (a) 3. c., 227.483 (3) (c), 293.01
4 (12m), subchapter III of chapter 295 [precedes 295.40] and 323.60 (1) (gm); **to**
5 **renumber and amend** 77.88 (9) (d) 1. and 87.30 (2) (a); **to amend** 20.370 (2)
6 (gh), 20.455 (1) (gh), 20.566 (7) (e), 20.566 (7) (v), 29.604 (4) (intro.), 29.604 (4)
7 (c) (intro.), 30.025 (1e) (a), 30.133 (2), 32.02 (12), 70.375 (1) (as), 70.375 (1) (bm),
8 70.375 (4) (h), 70.38 (2), 70.395 (1e), 70.395 (2) (dc) 1., 70.395 (2) (dc) 4., 70.395
9 (2) (fm), 70.395 (2) (g) (intro.), 70.395 (2) (g) 3., 70.395 (2) (h) 1., 70.395 (2) (hg),
10 70.395 (2) (hr), 70.395 (2) (hw), 74.25 (1) (a) 6., 74.30 (1) (f), 77.83 (2) (a), 77.84
11 (2) (b), 77.84 (2) (bm), 77.88 (5) (af) 1., 77.88 (5) (af) 2., 77.89 (2) (a), 107.001 (1),
12 107.01 (intro.), 107.01 (2), 107.02, 107.03, 107.04, 107.11, 107.12, 107.20 (1),
13 107.20 (2), 107.30 (8), 107.30 (15), 107.30 (16), 160.19 (12), 196.491 (3) (a) 3. b.,
14 196.491 (4) (b) 2., 281.36 (3g) (h) 2., 281.65 (2) (a), 281.75 (17) (b), 283.84 (3m),

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1 287.13 (5) (e), 289.62 (2) (g) 2., 289.62 (2) (g) 6., 292.01 (1m), chapter 293 (title),
2 293.01 (5), 293.01 (7), 293.01 (9), 293.01 (12), 293.01 (18), 293.01 (25), 293.21
3 (1) (a), 293.25 (2) (a), 293.25 (4), 293.37 (4) (b), 293.47 (1) (b), 293.50 (1) (b),
4 293.50 (2) (a), 293.50 (2) (b), 293.51 (1), 293.65 (3) (a), 293.65 (3) (b), 293.86,
5 chapter 295 (title), 295.16 (4) (f), 299.85 (7) (a) 2. and 4., 299.95, 323.60 (5) (d)
6 3., 706.01 (9) and 710.02 (2) (d); **to create** 107.001 (2) and 293.01 (8) of the
7 statutes; and **to affect** 2013 Wisconsin Act 1, section 103; **relating to:** the
8 regulation of ferrous metallic mining and related activities.

Analysis by the Legislative Reference Bureau

Under this bill, the laws under which the Department of Natural Resources currently regulates metallic mining, other than iron mining, apply to mining for iron and to mining for nonferrous minerals.

Under current law, DNR regulates mining for metallic minerals. Prior to the enactment of 2013 Wisconsin Act 1, the laws under which DNR regulated metallic mining applied to mining for ferrous and nonferrous minerals. 2013 Wisconsin Act 1 created new laws for regulating iron mining and modified the laws regulating metallic mining so that they applied to mining for nonferrous minerals only. This bill changes the laws relating to the regulation of iron mining so that the laws are substantially the same as they existed before enactment of 2013 Wisconsin Act 1.

Under current law, certain forested land may be designated as managed forest land (MFL) under a program administered by DNR. Under this program, the owner of land designated as MFL makes an annual acreage share payment in lieu of property taxes. In exchange, the landowner must have a management plan prepared for the land and must open the MFL to the public for certain recreational activities. The landowner may designate a portion of the land as closed to public access and make an additional payment per acre. 2013 Wisconsin Act 81 generally provided that the requirements with regard to public access to MFL do not apply to an area of land within a certain distance of a proposed iron mining site. 2013 Wisconsin Act 81 also required an MFL owner to make an additional payment per acre for land located in a proposed ferrous mining site if the land is not open to all of the activities for which public access is generally required. This bill changes the laws with respect to ferrous mining sites located on MFL so that the laws are substantially the same as they existed before enactment of 2013 Wisconsin Act 81.

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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:

1 **SECTION 1.** 20.370 (2) (gh) of the statutes is amended to read:

2 20.370 (2) (gh) ~~Nonferrous metallic mining~~ *Mining regulation and*
3 *administration*. The amounts in the schedule for the administration, regulation and
4 enforcement of ~~nonferrous metallic mining~~ exploration, prospecting, mining and
5 mine reclamation activities under ch. 293. All moneys received under ch. 293 shall
6 be credited to this appropriation.

7 **SECTION 2.** 20.370 (2) (gi) of the statutes is repealed.

8 **SECTION 3.** 20.455 (1) (gh) of the statutes is amended to read:

9 20.455 (1) (gh) *Investigation and prosecution*. Moneys received under ss. 23.22
10 (9) (c), 49.49 (6), 100.263, 133.16, 281.98 (2), 283.91 (5), 289.96 (3) (b), 291.97 (3),
11 292.99 (2), 293.87 (4) (b), 295.19 (3) (b) 2., ~~295.79 (4) (b)~~, and 299.97 (2), for the
12 expenses of investigation and prosecution of violations, including attorney fees, and
13 for expenses related to s. 165.055 (3).

14 **SECTION 4.** 20.566 (7) (e) of the statutes is amended to read:

15 20.566 (7) (e) *Investment and local impact fund supplement*. The amounts in
16 the schedule to supplement par. (v) for the purposes of ss. 70.395, 293.33 (4), and
17 293.65 (5) (a), ~~295.443, and 295.61 (9) (a) and (c)~~.

18 **SECTION 5.** 20.566 (7) (v) of the statutes is amended to read:

19 20.566 (7) (v) *Investment and local impact fund*. From the investment and local
20 impact fund, all moneys received under s. 70.395 (1e) and (2) (dc) and (dg), less the

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1 moneys appropriated under s. 20.370 (2) (gr), to be disbursed under ss. 70.395 (2) (d)
2 to (g), 293.33 (4), and 293.65 (5) (a), ~~295.443, and 295.61 (9) (a) and (e).~~

3 **SECTION 6.** 23.321 (2g) of the statutes is repealed.

4 **SECTION 7.** 29.604 (4) (intro.) of the statutes is amended to read:

5 29.604 (4) PROHIBITION. (intro.) Except as provided in subs. sub (6r) and ~~(7m)~~
6 or as permitted by departmental rule or permit:

7 **SECTION 8.** 29.604 (4) (c) (intro.) of the statutes is amended to read:

8 29.604 (4) (c) (intro.) No person may do any of the following to any wild plant
9 of an endangered or threatened species that is on public property or on property that
10 he or she does not own or lease, except in the course of forestry or agricultural
11 practices, or in the construction, operation, or maintenance of a utility facility, ~~or as~~
12 ~~part of bulk sampling activities under s. 295.45:~~

13 **SECTION 9.** 29.604 (7m) of the statutes is repealed.

14 **SECTION 10.** 30.025 (1e) (a) of the statutes is amended to read:

15 30.025 (1e) (a) Except as provided in pars. par. (b) and ~~(e)~~, this section applies
16 to a proposal to construct a utility facility if the utility facility is required to obtain,
17 or give notification of the wish to proceed under, one or more permits.

18 **SECTION 11.** 30.025 (1e) (c) of the statutes is repealed.

19 **SECTION 12.** 30.133 (2) of the statutes is amended to read:

20 30.133 (2) This section does not apply to riparian land located within the
21 boundary of any hydroelectric project licensed or exempted by the federal
22 government, if the conveyance is authorized under any license, rule or order issued
23 by the federal agency having jurisdiction over the project. ~~This section does not apply~~
24 ~~to riparian land that is associated with an approval required for bulk sampling or~~
25 ~~mining that is required under subch. III of ch. 295.~~

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1 **SECTION 13.** 31.23 (3) (e) of the statutes is repealed.

2 **SECTION 14.** 32.02 (12) of the statutes is amended to read:

3 32.02 (12) Any person operating a plant which creates waste material which,
4 if released without treatment would cause stream pollution, for the location of
5 treatment facilities. This subsection does not apply to a person with a permit under
6 ch. 293 ~~or subch. III of ch. 295.~~

7 **SECTION 15.** 70.375 (1) (as) of the statutes is amended to read:

8 70.375 (1) (as) “Mine” means an excavation in or at the earth’s surface made
9 to extract metalliferous minerals for which a permit has been issued under s. 293.49
10 ~~or 295.58.~~

11 **SECTION 16.** 70.375 (1) (bm) of the statutes is amended to read:

12 70.375 (1) (bm) “Mining-related purposes” means activities which are directly
13 in response to the application for a mining permit under s. 293.37 ~~or 295.47~~; directly
14 in response to construction, operation, curtailment of operation or cessation of
15 operation of a metalliferous mine site; or directly in response to conditions at a
16 metalliferous mine site which is not in operation. “Mining-related purposes” also
17 includes activities which anticipate the economic and social consequences of the
18 cessation of mining. “Mining-related purposes” also includes the purposes under s.
19 70.395 (2) (g).

20 **SECTION 17.** 70.375 (4) (h) of the statutes is amended to read:

21 70.375 (4) (h) The cost of premiums for bonds required under s. 293.51, ~~295.45~~
22 ~~(5), or 295.59.~~

23 **SECTION 18.** 70.38 (2) of the statutes is amended to read:

24 70.38 (2) **COMBINED REPORTING.** If the same person extracts metalliferous
25 minerals from different sites in this state, the net proceeds for each site for which a

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1 permit has been issued under s. 293.49 ~~or 295.58~~ shall be reported separately for the
2 purposes of computing the amount of the tax under s. 70.375 (5).

3 **SECTION 19.** 70.395 (1e) of the statutes is amended to read:

4 70.395 (1e) DISTRIBUTION. Fifteen days after the collection of the tax under ss.
5 70.38 to 70.39, the department of administration, upon certification of the
6 department of revenue, shall transfer the amount collected in respect to mines not
7 in operation on November 28, 1981, to the investment and local impact fund, ~~except~~
8 ~~that, after the payments are made under sub. (2) (d) 1., 2., and 2m., the department~~
9 ~~of administration shall transfer 60 percent of the amount collected from each person~~
10 ~~extracting ferrous metallic minerals to the investment and local impact fund and 40~~
11 ~~percent of the amount collected from any such person to the general fund.~~

12 **SECTION 20.** 70.395 (2) (dc) 1. of the statutes is amended to read:

13 70.395 (2) (dc) 1. Each person intending to submit an application for a mining
14 permit ~~under s. 293.37 or 295.47~~ shall pay \$75,000 to the department of revenue for
15 deposit in the investment and local impact fund at the time that the person notifies
16 the department of natural resources under s. 293.31 (1) ~~or 295.465~~ of that intent.

17 **SECTION 21.** 70.395 (2) (dc) 4. of the statutes is amended to read:

18 70.395 (2) (dc) 4. Six months after the signing of a local agreement under s.
19 293.41 ~~or 295.443~~ for the proposed mine for which the payment is made, the board
20 shall refund any funds paid under this paragraph but not distributed under par. (fm)
21 from the investment and local impact fund to the person making the payment under
22 this paragraph.

23 **SECTION 22.** 70.395 (2) (fm) of the statutes is amended to read:

24 70.395 (2) (fm) The board may distribute a payment received under par. (dc)
25 to a county, town, village, city, tribal government or local impact committee

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1 authorized under s. 293.41 (3) ~~or 295.443~~ only for legal counsel, qualified technical
2 experts in the areas of transportation, utilities, economic and social impacts,
3 environmental impacts and municipal services and other reasonable and necessary
4 expenses incurred by the recipient that directly relate to the good faith negotiation
5 of a local agreement under s. 293.41 ~~or 295.443~~ for the proposed mine for which the
6 payment is made.

7 **SECTION 23.** 70.395 (2) (g) (intro.) of the statutes is amended to read:

8 70.395 (2) (g) (intro.) The board may distribute the revenues received under
9 sub. (1e) or proceeds thereof in accordance with par. (h) for the following purposes,
10 with a preference to private sector economic development projects under subd. 3., as
11 the board determines necessary:

12 **SECTION 24.** 70.395 (2) (g) 3. of the statutes is amended to read:

13 70.395 (2) (g) 3. Studies and projects for local ~~private sector economic~~
14 development.

15 **SECTION 25.** 70.395 (2) (h) 1. of the statutes is amended to read:

16 70.395 (2) (h) 1. Distribution shall first be made to those municipalities in
17 which metalliferous minerals are extracted or were extracted within 3 years
18 previous to December 31 of the current year, or in which a permit has been issued
19 under s. 293.49 ~~or 295.58~~ to commence mining;

20 **SECTION 26.** 70.395 (2) (hg) of the statutes is amended to read:

21 70.395 (2) (hg) The board shall, by rule, establish fiscal guidelines and
22 accounting procedures for the use of payments under pars. (d), (f), (fm) and (g), sub.
23 (3) and ss. s. 293.65 (5) ~~and 295.61 (9)~~.

24 **SECTION 27.** 70.395 (2) (hr) of the statutes is amended to read:

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1 70.395 (2) (hr) The board shall, by rule, establish procedures to recoup
2 payments made, and to withhold payments to be made, under pars. (d), (f), (fm) and
3 (g), sub. (3) and ss. s. 293.65 (5) and ~~295.61 (9)~~ for noncompliance with this section
4 or rules adopted under this section.

5 **SECTION 28.** 70.395 (2) (hw) of the statutes is amended to read:

6 70.395 (2) (hw) A recipient of a discretionary payment under par. (f) or (g), sub.
7 (3) or ss. s. 293.65 (5) and ~~295.61 (9)~~ or any payment under par. (d) that is restricted
8 to mining-related purposes who uses the payment for attorney fees may do so only
9 for the purposes under par. (g) 6. and for processing mining-related permits or other
10 approvals required by the municipality. The board shall recoup or withhold
11 payments that are used or proposed to be used by the recipient for attorney fees
12 except as authorized under this paragraph. The board may not limit the hourly rate
13 of attorney fees for which the recipient uses the payment to a level below the hourly
14 rate that is commonly charged for similar services.

15 **SECTION 29.** 74.25 (1) (a) 6. of the statutes is amended to read:

16 74.25 (1) (a) 6. Pay to the county treasurer 20 percent of collections of
17 occupational taxes on coal docks, 20 percent of collections of the taxes imposed under
18 ss. 77.04 and 77.84 (2) (a), and (am), ~~and (bp)~~, and 20 percent of collections of
19 payments for closed lands under s. 77.84 (2) (b) and (bm).

20 **SECTION 30.** 74.30 (1) (f) of the statutes is amended to read:

21 74.30 (1) (f) Pay to the county treasurer 20 percent of collections of occupational
22 taxes on coal docks, 20 percent of collections of the taxes imposed under ss. 77.04 and
23 77.84 (2) (a), and (am), ~~and (bp)~~, and 20 percent of collections of payments for closed
24 lands under s. 77.84 (2) (b) and (bm).

25 **SECTION 31.** 77.105 of the statutes is repealed.

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1 **SECTION 32.** 77.81 (1m) of the statutes is repealed.

2 **SECTION 33.** 77.81 (5m) of the statutes is repealed.

3 **SECTION 34.** 77.83 (2) (a) of the statutes is amended to read:

4 77.83 (2) (a) Except as provided in sub. (1) and pars. (b) and (c) ~~and subs. (1)~~
5 ~~and (2m)~~, each owner of managed forest land shall permit public access to the land
6 for the purposes of hunting, fishing, hiking, sight-seeing, and cross-country skiing.

7 **SECTION 35.** 77.83 (2m) of the statutes is repealed.

8 **SECTION 36.** 77.84 (2) (b) of the statutes is amended to read:

9 77.84 (2) (b) For managed forest land orders that take effect before April 28,
10 2004, in addition to the payment under par. (a), each owner shall pay \$1 for each acre
11 that is designated as closed under s. 77.83 ~~and for each acre that is located in a~~
12 ~~proposed ferrous mining site and that is not open to all of the outdoor activities~~
13 ~~specified in s. 77.83 (2) (a) for any part of the previous calendar year.~~ The payment
14 shall be made to each municipal treasurer on or before January 31.

15 **SECTION 37.** 77.84 (2) (bm) of the statutes is amended to read:

16 77.84 (2) (bm) For managed forest land orders that take effect on or after April
17 28, 2004, in addition to the payment under par. (am), each owner of managed forest
18 land shall pay to each municipal treasurer, on or before January 31, an amount that
19 is equal to 20 percent of the average statewide property tax per acre of property
20 classified under s. 70.32 (2) (a) 6., as determined under par. (cm), for each acre that
21 is designated as closed under s. 77.83 ~~and for each acre that is located in a proposed~~
22 ~~ferrous mining site and that is not open to all of the outdoor activities specified in s.~~
23 ~~77.83 (2) (a) for any part of the previous calendar year.~~

24 **SECTION 38.** 77.84 (2) (bp) of the statutes is repealed.

25 **SECTION 39.** 77.88 (3) (d) of the statutes is repealed.

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1 **SECTION 40.** 77.88 (5) (af) 1. of the statutes is amended to read:

2 77.88 (5) (af) 1. An amount equal to the past tax liability multiplied by the
3 number of years the land was designated as managed forest land, less any amounts
4 paid by the owner under s. 77.84 (2) (a), and (am), ~~and (bp)~~.

5 **SECTION 41.** 77.88 (5) (af) 2. of the statutes is amended to read:

6 77.88 (5) (af) 2. Five percent of the stumpage value of the merchantable timber
7 on the land, less any amounts paid by the owner under s. 77.84 (2) (a), and (am), ~~and~~
8 ~~(bp)~~.

9 **SECTION 42.** 77.88 (9) (d) 1. of the statutes is renumbered 77.88 (9) (d) and
10 amended to read:

11 77.88 (9) (d) ~~Except as provided in subd. 2., a~~ A withdrawal order issued before
12 December 15 of any year takes effect on the January 1 after the date of issuance, and
13 a withdrawal order issued on or after December 15 of any year takes effect on the 2nd
14 January 1 after the date of issuance.

15 **SECTION 43.** 77.88 (9) (d) 2. of the statutes is repealed.

16 **SECTION 44.** 77.883 of the statutes is repealed.

17 **SECTION 45.** 77.89 (2) (a) of the statutes is amended to read:

18 77.89 (2) (a) Each municipal treasurer shall pay 20 percent of each payment
19 received under sub. (1) (a), (b), and (c) and under ss. 77.84 (2) (a), and (am), ~~and (bp)~~,
20 77.85, and 77.876 to the county treasurer and shall deposit the remainder in the
21 municipal treasury. The payment to the county treasurer for money received before
22 November 1 of any year shall be made on or before the November 15 after its receipt.
23 For money received on or after November 1 of any year, the payment to the county
24 treasurer shall be made on or before November 15 of the following year.

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1 **SECTION 46.** 87.30 (2) (a) of the statutes is renumbered 87.30 (2) and amended
2 to read:

3 87.30 (2) ENFORCEMENT AND PENALTIES. ~~Except as provided in par. (b), every~~
4 Every structure, building, fill, or development placed or maintained within any
5 floodplain in violation of a zoning ordinance adopted under this section, or s. 59.69,
6 61.35 or 62.23 is a public nuisance and the creation thereof may be enjoined and
7 maintenance thereof may be abated by action at suit of any municipality, the state
8 or any citizen thereof. Any person who places or maintains any structure, building,
9 fill or development within any floodplain in violation of a zoning ordinance adopted
10 under this section, or s. 59.69, 61.35 or 62.23 may be fined not more than \$50 for each
11 offense. Each day during which such violation exists is a separate offense.

12 **SECTION 47.** 87.30 (2) (b) of the statutes is repealed.

13 **SECTION 48.** 107.001 (1) of the statutes is amended to read:

14 107.001 (1) “Exploration mining lease” means any lease, option to lease, option
15 to purchase or similar conveyance entered into for the purpose of determining the
16 presence, location, quality or quantity of ~~nonferrous metallic~~ metalliferous minerals
17 or for the purpose of mining, developing or extracting ~~nonferrous metallic~~
18 metalliferous minerals, or both ~~under ch. 293~~. Any lease, option to lease, option to
19 purchase or similar conveyance entered into by a mining company is rebuttably
20 presumed to be an exploration mining lease.

21 **SECTION 49.** 107.001 (2) of the statutes is created to read:

22 107.001 (2) “Metalliferous minerals” means naturally occurring minerals that
23 contain metal.

24 **SECTION 50.** 107.01 (intro.) of the statutes is amended to read:

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1 **107.01 Rules governing mining rights.** (intro.) Where there is no contract
2 between the parties or terms established by the landlord to the contrary the following
3 rules and regulations shall be applied to mining contracts and leases for the digging
4 of ~~nonferrous metallic~~ ores and minerals:

5 **SECTION 51.** 107.01 (2) of the statutes is amended to read:

6 107.01 (2) The discovery of a crevice or range containing ~~nonferrous metallic~~
7 ores or minerals shall entitle the discoverer to the ~~nonferrous metallic~~ ores or
8 minerals pertaining thereto, subject to the rent due the discoverer's landlord, before
9 as well as after the ~~nonferrous metallic~~ ores or minerals are separated from the
10 freehold; but such miner shall not be entitled to recover any ~~nonferrous metallic~~ ores
11 or minerals or the value thereof from the person digging on the miner's range in good
12 faith and known to be mining thereon until the miner shall have given notice of the
13 miner's claim; and the miner shall be entitled to the ~~nonferrous metallic~~ ores or
14 minerals dug after such notice.

15 **SECTION 52.** 107.02 of the statutes is amended to read:

16 **107.02 Mining statement; penalty.** When there is no agreement between the
17 parties to any mining lease, license or permit, to mine or remove ~~nonferrous metallic~~
18 minerals ore from any lands in this state, regulating the method of reporting the
19 amount of ~~nonferrous metallic minerals~~ ore taken, the person mining and removing
20 the ~~nonferrous metallic minerals~~ ore or ores shall keep proper and correct books, and
21 therefrom to make and deliver by or before the fifteenth day of each month to the
22 lessor, owner or person entitled thereto, a detailed statement covering the operations
23 of the preceding month. The statement shall show the total amount of tons or pounds
24 of each kind of ~~nonferrous metallic minerals~~ ore produced; if sold, then to whom sold,
25 giving the date of sale, date of delivery to any railroad company, naming the company,

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1 and the station where delivered or billed for shipment; the name and address of the
2 purchaser; the price per ton at which sold and the total value of each kind of
3 ~~nonferrous metallic minerals~~ ore so sold. The books shall be always open to any
4 owner, lessor, licensor or stockholder, if the owner, lessor or licensor is a corporation,
5 and to any person or stockholder interested in any such mining operations, for the
6 purpose of inspection and taking copies thereof or abstracts therefrom. Any person
7 and every officer, agent or employee of any thereof, who violates this section, or who
8 makes any false or incomplete entries on any such books or statements, shall be fined
9 not less than \$100 or imprisoned in the county jail for not more than 3 months or both.

10 **SECTION 53.** 107.03 of the statutes is amended to read:

11 **107.03 Conflicting claims.** In case of conflicting claims to a crevice or range
12 bearing ~~nonferrous metallic ores or~~ minerals the court may continue any action to
13 enforce a claim or grant any necessary time for the purpose of allowing parties to
14 prove up their mines or diggings if it satisfactorily appears necessary to the ends of
15 justice. In such case the court or judge may appoint a receiver and provide that the
16 mines or diggings be worked under the receiver's direction, subject to the order of the
17 court, in such manner as best ascertains the respective rights of the parties. The
18 ~~nonferrous metallic ores or~~ minerals raised by either party pending the dispute shall
19 be delivered to the receiver, who may, by order of the court or judge, pay any rent or
20 other necessary expenses therefrom.

21 **SECTION 54.** 107.04 of the statutes is amended to read:

22 **107.04 Lessee's fraud; failure to work mine.** Any miner who conceals or
23 disposes of any ~~nonferrous metallic ores or~~ minerals or mines or diggings for the
24 purpose of defrauding the lessor of rent or who neglects to pay any rent on ~~nonferrous~~
25 ~~metallic~~ ores or minerals raised by the miner for 3 days after the notice thereof and

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1 claim of the rent, shall forfeit all right to his or her mines, diggings or range; and the
2 landlord after the concealment or after 3 days have expired from the time of
3 demanding rent, may proceed against the miner to recover possession of the mines
4 or diggings in circuit court as in the case of a tenant holding over after the
5 termination of the lease. If a miner neglects to work his or her mines or diggings
6 according to the usages of miners, without reasonable excuse, he or she shall likewise
7 forfeit the mines or diggings and the landlord may proceed against the miner in like
8 manner to recover possession of the mines or diggings.

9 **SECTION 55.** 107.11 of the statutes is amended to read:

10 **107.11 Account of ~~nonferrous metallic minerals~~ ore received.** Every
11 person operating a metal recovery system and every purchaser of ~~nonferrous~~
12 metallie ores and minerals shall keep a substantially bound book, ruled into suitable
13 columns, in which shall be entered from day to day, as ~~nonferrous metallic ores or~~
14 minerals are received, the following items: the day, month and year when received;
15 the name of the person from whom purchased; the name of the person by whom
16 hauled and delivered; name of the owner of the land from which the ~~nonferrous~~
17 metallie ores or minerals were obtained, or if not known, the name of the diggings
18 or some distinct description of the land. The bound book shall be kept at the furnace
19 or at the usual place of business of such person or purchaser or his or her agent in
20 this state, and shall be open to authorized representatives of the department of
21 revenue at reasonable times for inspection and taking extracts.

22 **SECTION 56.** 107.12 of the statutes is amended to read:

23 **107.12 Penalty.** If any person operating a metal recovery system or purchaser
24 of ~~nonferrous metallic ores and~~ minerals or the agent of any such person or purchaser
25 doing business fails to keep such a book or to make such entries as required under

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1 s. 107.11 or unreasonably refuses to show the book for inspection or taking extracts
2 or makes false entries in the book he or she shall forfeit \$10 for each offense, one-half
3 to the use of the prosecutor; and each day such failure or refusal continues shall be
4 deemed a distinct and separate offense.

5 **SECTION 57.** 107.20 (1) of the statutes is amended to read:

6 107.20 (1) Any provision of an exploration mining lease entered into after April
7 25, 1978, granting an option or right to determine the presence, location, quality or
8 quantity of ~~nonferrous metallic~~ metalliferous minerals shall be limited to a term not
9 exceeding 10 years from the date on which the exploration mining lease is recorded
10 in the office of the register of deeds of the county where the property is located, except
11 that any provision of an exploration mining lease entered into after April 25, 1978,
12 granting an option or right to determine the quality and quantity of ~~nonferrous~~
13 ~~metallic~~ metalliferous minerals under a prospecting permit shall be limited to a term
14 not exceeding 10 years from the date that the lessee applies for a prospecting permit
15 under s. 293.35, if the lessee applies for the prospecting permit within 10 years from
16 the date on which the exploration mining lease is recorded in the office of the register
17 of deeds of the county where the property is located.

18 **SECTION 58.** 107.20 (2) of the statutes is amended to read:

19 107.20 (2) Any provision of an exploration mining lease entered into after April
20 25, 1978, granting an option or right to develop or extract ~~nonferrous metallic~~
21 metalliferous minerals shall be limited to a term not exceeding 50 years from the date
22 on which the exploration mining lease is recorded in the office of the register of deeds
23 of the county where the property is located.

24 **SECTION 59.** 107.30 (8) of the statutes is amended to read:

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1 107.30 (8) “Mining” or “mining operation” means ~~all or part of the process~~
2 ~~involved in the mining of metallic minerals, other than for exploration or~~
3 ~~prospecting, including commercial extraction, agglomeration, beneficiation,~~
4 ~~construction of roads, removal of overburden, and the production of refuse~~ has the
5 meaning given in s. 293.01 (9).

6 **SECTION 60.** 107.30 (15) of the statutes is amended to read:

7 107.30 (15) “Prospecting” means ~~engaging in the examination of an area for the~~
8 ~~purpose of determining the quality and quantity of minerals, other than for~~
9 ~~exploration but including the obtaining of an ore sample, by such physical means as~~
10 ~~excavating, trenching, construction of shafts, ramps, and tunnels and other means,~~
11 ~~other than for exploration, which the department of natural resources, by rule,~~
12 ~~identifies, and the production of prospecting refuse and other associated activities.~~
13 ~~“Prospecting” does not include such activities when the activities are, by themselves,~~
14 ~~intended for and capable of commercial exploitation of the underlying ore body. The~~
15 ~~fact that prospecting activities and construction may have use ultimately in mining,~~
16 ~~if approved, does not mean that prospecting activities and construction constitute~~
17 ~~mining within the meaning of sub. (8), provided such activities and construction are~~
18 ~~reasonably related to prospecting requirements~~ has the meaning given in s. 293.01
19 (18).

20 **SECTION 61.** 107.30 (16) of the statutes is amended to read:

21 107.30 (16) “Prospecting site” means ~~the lands on which prospecting is actually~~
22 ~~conducted as well as those lands on which physical disturbance will occur as a result~~
23 ~~of such activity~~ has the meaning given in s. 293.01 (21).

24 **SECTION 62.** 160.19 (12) of the statutes is amended to read:

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1 160.19 (12) The requirements in this section shall not apply to rules governing
2 an activity regulated under ch. 293 ~~or subch. III of ch. 295~~, or to a solid waste facility
3 regulated under subch. III of ch. 289 which is part of an activity regulated under ch.
4 293 ~~or subch. III of ch. 295~~, except that the department may promulgate new rules
5 or amend rules governing this type of activity, practice or facility if the department
6 determines that the amendment or promulgation of rules is necessary to protect
7 public health, safety or welfare.

8 **SECTION 63.** 196.491 (3) (a) 3. b. of the statutes is amended to read:

9 196.491 (3) (a) 3. b. ~~Except as provided under subd. 3. c., within~~ Within 20 days
10 after the department provides a listing specified in subd. 3. a. to a person, the person
11 shall apply for the permits and approvals identified in the listing. The department
12 shall determine whether an application under this subd. 3. b. is complete and, no
13 later than 30 days after the application is filed, notify the applicant about the
14 determination. If the department determines that the application is incomplete, the
15 notice shall state the reason for the determination. An applicant may supplement
16 and refile an application that the department has determined to be incomplete.
17 There is no limit on the number of times that an applicant may refile an application
18 under this subd. 3. b. If the department fails to determine whether an application
19 is complete within 30 days after the application is filed, the application shall be
20 considered to be complete. Except as provided in s. 30.025 (4), the department shall
21 complete action on an application under this subd. 3. b. for any permit or approval
22 that is required prior to construction of a facility within 120 days after the date on
23 which the application is determined or considered to be complete.

24 **SECTION 64.** 196.491 (3) (a) 3. c. of the statutes is repealed.

25 **SECTION 65.** 196.491 (4) (b) 2. of the statutes is amended to read:

ASSEMBLY BILL 614**SECTION 65**

1 196.491 (4) (b) 2. The person shows to the satisfaction of the commission that
2 the person reasonably anticipates, at the time that construction of the equipment or
3 facilities commences, that on each day that the equipment and facilities are in
4 operation the person will consume no less than 70 percent of the aggregate kilowatt
5 hours output from the equipment and facilities in manufacturing processes at the
6 site where the equipment and facilities are located ~~or in ferrous mineral mining and~~
7 ~~processing activities governed by subch. III of ch. 295 at the site where the equipment~~
8 ~~and facilities are located.~~

9 **SECTION 66.** 227.483 (3) (c) of the statutes is repealed.

10 **SECTION 67.** 281.36 (3g) (h) 2. of the statutes is amended to read:

11 281.36 (3g) (h) 2. If, within 30 days after an application under subd. 1. is
12 received by the department, the department does not either request additional
13 information or inform the applicant that a wetland individual permit will be required
14 as provided in par. (i), the discharge shall be considered to be authorized under the
15 wetland general permit and the applicant may proceed without further notice,
16 hearing, permit, or approval if the discharge is carried out in compliance with all of
17 the conditions of the general permit, ~~except as provided in s. 295.60 (3) (b).~~

18 **SECTION 68.** 281.65 (2) (a) of the statutes is amended to read:

19 281.65 (2) (a) “Best management practices” means practices, techniques or
20 measures, except for dredging, identified in areawide water quality management
21 plans, which are determined to be effective means of preventing or reducing
22 pollutants generated from nonpoint sources, or from the sediments of inland lakes
23 polluted by nonpoint sources, to a level compatible with water quality objectives
24 established under this section and which do not have an adverse impact on fish and
25 wildlife habitat. The practices, techniques or measures include land acquisition,

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1 storm sewer rerouting and the removal of structures necessary to install structural
2 urban best management practices, facilities for the handling and treatment of
3 milkhouse wastewater, repair of fences built using grants under this section and
4 measures to prevent or reduce pollutants generated from mine tailings disposal sites
5 for which the department has not approved a plan of operation under s. 289.30 ~~or s.~~
6 ~~295.51.~~

7 **SECTION 69.** 281.75 (17) (b) of the statutes is amended to read:

8 281.75 (17) (b) This section does not apply to contamination which is
9 compensable under subch. II of ch. 107 or s. 293.65 (4) ~~or 295.61 (8).~~

10 **SECTION 70.** 283.84 (3m) of the statutes is amended to read:

11 283.84 (3m) A person engaged in mining, as defined in s. 293.01 (9) ~~or 295.41~~
12 ~~(26)~~, prospecting, as defined in s. 293.01 (18), ~~bulk sampling, as defined in s. 295.41~~
13 ~~(7)~~, or nonmetallic mining, as defined in s. 295.11 (3), may not enter into an
14 agreement under sub. (1).

15 **SECTION 71.** 287.13 (5) (e) of the statutes is amended to read:

16 287.13 (5) (e) Solid waste produced by a commercial business or industry which
17 is disposed of or held for disposal in an approved facility, as defined under s. 289.01
18 (3), ~~or a mining waste site, as defined in s. 295.41 (31), covered by a mining permit~~
19 ~~under s. 295.58, owned or leased by the generator or on which the generator holds~~
20 ~~an easement~~ and designed and constructed for the purpose of accepting that type of
21 solid waste.

22 **SECTION 72.** 289.62 (2) (g) 2. of the statutes is amended to read:

23 289.62 (2) (g) 2. For nonhazardous tailing solids or for nonacid producing
24 taconite tailing solids, 0.2 cent per ton.

25 **SECTION 73.** 289.62 (2) (g) 6. of the statutes is amended to read:

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1 transported off the mining site, it shall be considered and regulated as refuse unless
2 removal is continuing at a rate of more than 12,000 cubic yards per year.

3 **SECTION 78.** 293.01 (8) of the statutes is created to read:

4 293.01 (8) "Minerals" mean unbeneficiated metallic ore but does not include
5 mineral aggregates such as stone, sand, and gravel.

6 **SECTION 79.** 293.01 (9) of the statutes is amended to read:

7 293.01 (9) "Mining" or "mining operation" means all or part of the process
8 involved in the mining of ~~nonferrous~~ metallic minerals, other than for exploration or
9 prospecting, including commercial extraction, agglomeration, beneficiation,
10 construction of roads, removal of overburden and the production of refuse.

11 **SECTION 80.** 293.01 (12) of the statutes is amended to read:

12 293.01 (12) "Mining site" means the surface area disturbed by a mining
13 operation, including the surface area from which the ~~nonferrous metallic~~ minerals
14 or refuse or both have been removed, the surface area covered by refuse, all lands
15 disturbed by the construction or improvement of haulageways, and any surface areas
16 in which structures, equipment, materials and any other things used in the mining
17 operation are situated.

18 **SECTION 81.** 293.01 (12m) of the statutes is repealed.

19 **SECTION 82.** 293.01 (18) of the statutes is amended to read:

20 293.01 (18) "Prospecting" means engaging in the examination of an area for the
21 purpose of determining the quality and quantity of ~~nonferrous metallic~~ minerals,
22 other than for exploration but including the obtaining of ~~a nonferrous metallic~~
23 ~~mineral~~ an ore sample, by such physical means as excavating, trenching,
24 construction of shafts, ramps and tunnels and other means, other than for
25 exploration, which the department, by rule, identifies, and the production of

ASSEMBLY BILL 614**SECTION 82**

1 prospecting refuse and other associated activities. "Prospecting" shall not include
2 such activities when the activities are, by themselves, intended for and capable of
3 commercial exploitation of the underlying ~~nonferrous~~ ore body. However, the fact
4 that prospecting activities and construction may have use ultimately in mining, if
5 approved, shall not mean that prospecting activities and construction constitute
6 mining within the meaning of sub. (9), provided such activities and construction are
7 reasonably related to prospecting requirements.

8 **SECTION 83.** 293.01 (25) of the statutes is amended to read:

9 293.01 (25) "Refuse" means all waste soil, rock, mineral, liquid, vegetation and
10 other material, except merchantable by-products, directly resulting from or
11 displaced by the prospecting or mining and from the cleaning or preparation of
12 ~~nonferrous metallic~~ minerals during prospecting or mining operations, and shall
13 include all waste materials deposited on or in the prospecting or mining site from
14 other sources.

15 **SECTION 84.** 293.21 (1) (a) of the statutes is amended to read:

16 293.21 (1) (a) "Driller" means a person who performs core, rotary, percussion
17 or other drilling involved in exploration for ~~nonferrous~~ metallic minerals.

18 **SECTION 85.** 293.25 (2) (a) of the statutes is amended to read:

19 293.25 (2) (a) *Applicability.* Except as provided under par. (b), ss. 293.21 and
20 293.81 and rules promulgated under those sections apply to radioactive waste site
21 exploration, to activities related to radioactive waste site exploration and to persons
22 engaging in or intending to engage in radioactive waste site exploration or related
23 activities in the same manner as those sections and rules are applicable to
24 ~~nonferrous metallic~~ mineral exploration, to activities related to ~~nonferrous metallic~~

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1 mineral exploration and to persons engaging in or intending to engage in ~~nonferrous~~
2 ~~metallie~~ mineral exploration or related activities.

3 **SECTION 86.** 293.25 (4) of the statutes is amended to read:

4 293.25 (4) REGULATION OF EXPLORATION AND RELATED PROVISIONS. Sections
5 293.13, 293.15 (1) to (12), 293.85, 293.87 and 293.89 and rules promulgated under
6 those sections apply to radioactive waste site exploration, to activities related to
7 radioactive waste site exploration and to persons engaging in or intending to engage
8 in radioactive waste site exploration or related activities in the same manner as
9 those sections and rules are applicable to ~~nonferrous metallie~~ mineral exploration,
10 to activities related to ~~nonferrous metallie~~ mineral exploration and to persons
11 engaging in or intending to engage in ~~nonferrous metallie~~ mineral exploration or
12 related activities.

13 **SECTION 87.** 293.37 (4) (b) of the statutes is amended to read:

14 293.37 (4) (b) If the department finds that the anticipated life and total area
15 of a ~~nonferrous metallie~~ mineral deposit are of sufficient magnitude that reclamation
16 of the mining site consistent with this chapter requires a comprehensive plan for the
17 entire affected area, it shall require an operator to submit with the application for
18 a mining permit, amended mining site or change in mining or reclamation plan, a
19 comprehensive long-term plan showing, in detail satisfactory to the department, the
20 manner, location and time for reclamation of the entire area of contiguous land which
21 will be affected by mining and which is owned, leased or under option for purchase
22 or lease by the operator at the time of application. Where a ~~nonferrous metallie~~
23 mineral deposit lies on or under the lands of more than one operator, the department
24 shall require the operators to submit mutually consistent comprehensive plans.

25 **SECTION 88.** 293.47 (1) (b) of the statutes is amended to read:

ASSEMBLY BILL 614**SECTION 88**

1 293.47 (1) (b) “Geologic information” means information concerning
2 descriptions of ~~a nonferrous~~ an ore body, descriptions of reserves, tonnages and
3 grades of ~~nonferrous~~ ore, descriptions of a drill core or bulk sample including
4 analysis, descriptions of drill hole depths, distances and similar information related
5 to the ~~nonferrous~~ ore body.

6 **SECTION 89.** 293.50 (1) (b) of the statutes is amended to read:

7 293.50 (1) (b) “Sulfide ore body” means a mineral deposit in which ~~nonferrous~~
8 metals are mixed with sulfide minerals.

9 **SECTION 90.** 293.50 (2) (a) of the statutes is amended to read:

10 293.50 (2) (a) The department determines, based on information provided by
11 an applicant for a permit under s. 293.49 and verified by the department, that a
12 mining operation has operated in a sulfide ore body which, together with the host
13 ~~nonferrous~~ rock, has a net acid generating potential in the United States or Canada
14 for at least 10 years without the pollution of groundwater or surface water from acid
15 drainage at the tailings site or at the mine site or from the release of heavy metals.

16 **SECTION 91.** 293.50 (2) (b) of the statutes is amended to read:

17 293.50 (2) (b) The department determines, based on information provided by
18 an applicant for a permit under s. 293.49 and verified by the department, that a
19 mining operation that operated in a sulfide ore body which, together with the host
20 ~~nonferrous~~ rock, has a net acid generating potential in the United States or Canada
21 has been closed for at least 10 years without the pollution of groundwater or surface
22 water from acid drainage at the tailings site or at the mine site or from the release
23 of heavy metals.

24 **SECTION 92.** 293.51 (1) of the statutes is amended to read:

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1 293.51 (1) Upon notification that an application for a prospecting or mining
2 permit has been approved by the department but prior to commencing prospecting
3 or mining, the operator shall file with the department a bond conditioned on faithful
4 performance of all of the requirements of this chapter and all rules adopted by the
5 department under this chapter. The bond shall be furnished by a surety company
6 licensed to do business in this state. In lieu of a bond, the operator may deposit cash,
7 certificates of deposit or government securities with the department. Interest
8 received on certificates of deposit and government securities shall be paid to the
9 operator. The amount of the bond or other security required shall be equal to the
10 estimated cost to the state of fulfilling the reclamation plan, in relation to that
11 portion of the site that will be disturbed by the end of the following year. The
12 estimated cost of reclamation of each prospecting or mining site shall be determined
13 by the department on the basis of relevant factors including, but not limited to,
14 expected changes in the price index, topography of the site, methods being employed,
15 depth and composition of overburden and depth of ~~nonferrous metallic~~ mineral
16 deposit being mined.

17 **SECTION 93.** 293.65 (3) (a) of the statutes is amended to read:

18 293.65 (3) (a) An approval under s. 281.34 is required to withdraw groundwater
19 ~~for prospecting or mining~~ or to dewater mines if the capacity and rate of withdrawal
20 of all wells involved in the withdrawal of groundwater or the dewatering of mines
21 exceeds 100,000 gallons each day. A permit under s. 283.31 is required to discharge
22 pollutants resulting from the dewatering of mines.

23 **SECTION 94.** 293.65 (3) (b) of the statutes is amended to read:

24 293.65 (3) (b) The department may not issue an approval under s. 281.34 if the
25 withdrawal of groundwater for prospecting or mining purposes or the dewatering of

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1 mines will result in the unreasonable detriment of public or private water supplies
2 or the unreasonable detriment of public rights in the waters of the state. No
3 withdrawal of groundwater for prospecting or mining purposes or the dewatering of
4 mines may be made to the unreasonable detriment of public or private water supplies
5 or the unreasonable detriment of public rights in the waters of the state.

6 **SECTION 95.** 293.86 of the statutes is amended to read:

7 **293.86 Visitorial powers of department.** Any duly authorized officer,
8 employee or representative of the department may enter and inspect any property,
9 premises or place on or at which any prospecting or metallic mining operation or
10 facility is located or is being constructed or installed at any reasonable time for the
11 purpose of ascertaining the state of compliance with this chapter and chs. 281, 285,
12 289 to 292, 295, and 299, subchs. I and II of ch. 295, and rules adopted pursuant
13 thereto. No person may refuse entry or access to any such authorized representative
14 of the department who requests entry for purposes of inspection, and who presents
15 appropriate credentials, nor may any person obstruct, hamper or interfere with any
16 such inspection. The department shall furnish to the prospector or operator, as
17 indicated in the prospecting or mining permit, a written report setting forth all
18 observations, relevant information and data which relate to compliance status.

19 **SECTION 96.** Chapter 295 (title) of the statutes is amended to read:

20 **CHAPTER 295**

21 **NONMETALLIC MINING RECLAMATION; OIL AND GAS; FERROUS**

22 **METALLIC MINING**

23 **SECTION 97.** 295.16 (4) (f) of the statutes is amended to read:

24 295.16 (4) (f) Any mining operation, the reclamation of which is required in a
25 permit obtained under ch. 293 or ~~subch. III of ch. 295.~~

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1 **SECTION 98.** Subchapter III of chapter 295 [precedes 295.40] of the statutes is
2 repealed.

3 **SECTION 99.** 299.85 (7) (a) 2. and 4. of the statutes are amended to read:

4 299.85 (7) (a) 2. Notwithstanding minimum or maximum forfeitures specified
5 in ss. 29.314 (7), 29.334 (2), 29.604 (5) (a), 29.611 (11), 29.889 (10) (c) 2., 29.969,
6 29.971 (1) (a), (1m) (a), (3), (3m), (11g) (b), (11m) (b), and (11r) (b), 30.298 (1), (2), and
7 (3), 30.49 (1) (a) and (c), 31.23 (2), 281.75 (19), 281.98 (1), 281.99 (2) (a) 1., 283.91 (2),
8 285.41 (7), 285.57 (5), 285.59 (8), 285.87 (1), 287.95 (1), (2) (b), and (3) (b), 287.97,
9 289.96 (2) and (3) (a), 291.97 (1), 292.99 (1) and (1m), 293.81, 293.87 (3) and (4) (a),
10 295.19 (3) (a) and (b) 1., 295.37 (2), ~~295.79 (2) and (4)~~, 299.15 (4), 299.51 (5), 299.53
11 (4) (c) 1., 299.62 (3) (a) and (c), and 299.97 (1), if a regulated entity that qualifies
12 under sub. (2) for participation in the Environmental Compliance Audit Program
13 corrects violations that it discloses in a report that meets the requirements of sub.
14 (3) within 90 days after the department receives the report that meets the
15 requirements of sub. (3), the regulated entity may not be required to forfeit more than
16 \$500 for each violation, regardless of the number of days during which the violation
17 continues.

18 4. Notwithstanding minimum or maximum forfeitures specified in ss. 29.314
19 (7), 29.334 (2), 29.604 (5) (a), 29.611 (11), 29.889 (10) (c) 2., 29.969, 29.971 (1) (a), (1m)
20 (a), (3), (3m), (11g) (b), (11m) (b), and (11r) (b), 30.298 (1), (2), and (3), 30.49 (1) (a) and
21 (c), 31.23 (2), 281.75 (19), 281.98 (1), 281.99 (2) (a) 1., 283.91 (2), 285.41 (7), 285.57
22 (5), 285.59 (8), 285.87 (1), 287.95 (1), (2) (b), and (3) (b), 287.97, 289.96 (2) and (3) (a),
23 291.97 (1), 292.99 (1) and (1m), 293.81, 293.87 (3) and (4) (a), 295.19 (3) (a) and (b)
24 1., 295.37 (2), ~~295.79 (2) and (4)~~, 299.15 (4), 299.51 (5), 299.53 (4) (c) 1., 299.62 (3) (a)
25 and (c), and 299.97 (1), if the department approves a compliance schedule under sub.

ASSEMBLY BILL 614**SECTION 99**

1 (6) and the regulated entity corrects the violations according to the compliance
2 schedule, the regulated entity may not be required to forfeit more than \$500 for each
3 violation, regardless of the number of days during which the violation continues.

4 **SECTION 100.** 299.95 of the statutes is amended to read:

5 **299.95 Enforcement; duty of department of justice; expenses.** The
6 attorney general shall enforce chs. 281 to 285 and 289 to 295 and this chapter, except
7 ss. 285.57, 285.59, and 299.64, and all rules, special orders, licenses, plan approvals,
8 permits, and water quality certifications of the department, except those
9 promulgated or issued under ss. 285.57, 285.59, and 299.64 and except as provided
10 in ss. 281.36 (14) (f), 285.86 and 299.85 (7) (am). ~~Except as provided in s. 295.79 (1),~~
11 ~~the~~ The circuit court for Dane county or for any other county where a violation
12 occurred in whole or in part has jurisdiction to enforce chs. 281 to 285 and 289 to 295
13 or this chapter or the rule, special order, license, plan approval, permit, or
14 certification by injunctive and other relief appropriate for enforcement. For
15 purposes of this proceeding where chs. 281 to 285 and 289 to 295 or this chapter or
16 the rule, special order, license, plan approval, permit or certification prohibits in
17 whole or in part any pollution, a violation is considered a public nuisance. The
18 department of natural resources may enter into agreements with the department of
19 justice to assist with the administration of chs. 281 to 285 and 289 to 295 and this
20 chapter. Any funds paid to the department of justice under these agreements shall
21 be credited to the appropriation account under s. 20.455 (1) (k).

22 **SECTION 101.** 323.60 (1) (gm) of the statutes is repealed.

23 **SECTION 102.** 323.60 (5) (d) 3. of the statutes is amended to read:

24 323.60 (5) (d) 3. All facilities with 10 or more employees in major group
25 classifications 10 to 13 in the standard industrial classification manual, 1987

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1 edition, published by the U.S. office of management and budget, at which a toxic
2 chemical is used at or above an applicable threshold quantity, except that compliance
3 with the toxic chemical release form requirements under this subdivision is not
4 required for the placement of a toxic chemical in a storage or disposal site or facility
5 that is located at a facility with a permit under ch. 293 ~~or a mining permit under~~
6 ~~subch. III of ch. 295~~ if the toxic chemical consists of or is contained in merchantable
7 by-products, as defined in s. 293.01 (7) ~~or 295.41 (25)~~, minerals, as defined in s.
8 293.01 (8), or refuse, as defined in s. 293.01 (25) ~~or 295.41 (41)~~.

9 **SECTION 103.** 706.01 (9) of the statutes is amended to read:

10 706.01 (9) "Mining company" means any person or agent of a person who has
11 a prospecting permit under s. 293.45 or a mining permit under s. 293.49 ~~or 295.58~~.

12 **SECTION 104.** 710.02 (2) (d) of the statutes is amended to read:

13 710.02 (2) (d) An exploration mining lease as defined in s. 107.001 (1) and land
14 used for mining and associated activities ~~under chs. 293 and 295~~.

15 **SECTION 105.** 2013 Wisconsin Act 1, section 103 is repealed.

16 **SECTION 106. Nonstatutory provisions.**

17 (1) If the department of natural resources has promulgated rules under 2013
18 Wisconsin Act 1, section 103, on or before the effective date of this subsection, the
19 department of natural resources shall promulgate rules that do all of the following:

20 (a) Revise the rules promulgated under 2013 Wisconsin Act 1, section 103 (1)

21 (a) so that those rules apply to ferrous metallic mining.

22 (b) Revise the rules promulgated under 2013 Wisconsin Act 1, section 103 (1)

23 (b) so that those rules are consistent with the repeal by this act of subchapter III of
24 chapter 295 of the statutes.

