

### Fiscal Estimate - 2023 Session

Original                     
  Updated                     
  Corrected                     
  Supplemental

<b>LRB Number</b> <b>23-3513/1</b>	<b>Introduction Number</b> <b>AB-0319</b>
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**Description**  
asphalt or concrete plants at a nonmetallic mining site and modifying and creating administrative rules related to nonmetallic mining

**Fiscal Effect**

**State:**

No State Fiscal Effect  
 Indeterminate

<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input checked="" type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues	<input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Decrease Costs
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**Local:**

No Local Government Costs  
 Indeterminate

1. <input checked="" type="checkbox"/> Increase Costs <input checked="" type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input checked="" type="checkbox"/> Increase Revenue <input checked="" type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Government Units Affected <input checked="" type="checkbox"/> Towns <input checked="" type="checkbox"/> Village <input checked="" type="checkbox"/> Cities <input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
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<b>Fund Sources Affected</b>	<b>Affected Ch. 20 Appropriations</b>
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	

<b>Agency/Prepared By</b> DNR/ Paul Neumann (608) 266-0818	<b>Authorized Signature</b> Paul Neumann (608) 266-0818	<b>Date</b> 6/22/2023
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## Fiscal Estimate Narratives

DNR 6/22/2023

LRB Number <b>23-3513/1</b>	Introduction Number <b>AB-0319</b>	Estimate Type <b>Original</b>
<b>Description</b> asphalt or concrete plants at a nonmetallic mining site and modifying and creating administrative rules related to nonmetallic mining		

### Assumptions Used in Arriving at Fiscal Estimate

The bill provides that an asphalt or concrete plant may be considered part of a "nonmetallic mining site" that is subject to reclamation ordinances and rules, including requirements relating to reclamation plans, fees, and financial assurances.

The bill also provides that, if an asphalt or concrete plant will be included in a nonmetallic mining site, the reclamation plan for the site must include the area where the plant will be located, where related structures and equipment or stockpiles of materials will be located, and where related activities will take place.

#### I. State Fiscal Effect

##### A. One-Time Costs

1. Many local Regulatory Authorities (RAs) base their ordinances on DNR's model nonmetallic mining reclamation ordinance, or adopt it in its entirety. The bill would require the department to revise its model local government nonmetallic mining reclamation ordinance to be consistent with the revised statute and administrative rule, which will require an estimated 680 hours of staff time at an estimated salary and fringe benefit cost of \$33,400 (680 hours x \$33.25 = 22,610 + 47.60% fringe rate = \$33,400).

2. DNR will incur an indeterminate amount of one-time costs to review each RA's revised ordinances for consistency with the revised statute and administrative rule.

##### C. Revenue

Unreclaimed acreage are areas where nonmetallic mining took place and either no reclamation occurred or some reclamation has occurred, but the site has not been certified as reclaimed by the RA. Therefore, the inclusion of concrete and asphalt plants as part of a nonmetallic mining site may increase in the amount of unreclaimed acreage fees that can be collected by the RA, as well as the fees passed on to the department (per administrative rule NR 135.39) by an indeterminate amount.

#### II. Local Fiscal Effect

##### A. Costs

1. The bill would require local government units, or RAs, that currently maintain nonmetallic mining reclamation ordinances (currently 90) to revise those ordinances to be consistent with the proposed revisions to Ch. 295, Wis Stats, and Ch. NR 135, Wis Admin Code. This requires investments in time and expenses, including drafting, legal counsel review, DNR review & approval, public hearings and final local government approvals. Previous experience indicates this process will take anywhere from 1-3 years to complete. These local costs are indeterminate.

2. Once the revised ordinances, after approval from the DNR, are adopted, RAs will need to issue updated permit coverage for each existing and newly-proposed asphalt and concrete plant on a case-by-case basis (under current law, there are no such permit coverage requirements). The temporary nature of these plants will result in an indeterminate number of permit coverage applications to RAs. The application process must also provide an opportunity for public input. All of this will require additional investments of time and expenses. These local costs are indeterminate.

3. The scope of RA oversight over nonmetallic mining sites will expand to include the permitted concrete and asphalt plants, which will require additional investments of time and expenses in site reclamation plan review and approval and site compliance inspections and enforcement activities. These local costs are indeterminate.

##### B. Revenue

Under current law, RAs may increase their annual fees to recover the additional cost of administering their programs as described above. The impact on local fee revenue collections is indeterminate.

## **Long-Range Fiscal Implications**

Once ordinances for all 90 Regulatory Authorities (RAs) have been adopted, the bill will increase state and local staffing costs to review and approve reclamation plans for former nonmetallic mining sites because the plans will be more complex. Local units of government may eventually pass some of those costs on to the regulated industry in the form of increased fees and financial assurances.

## Fiscal Estimate Worksheet - 2023 Session

Detailed Estimate of Annual Fiscal Effect

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> 23-3513/1	<b>Introduction Number</b> AB-0319	
<b>Description</b> asphalt or concrete plants at a nonmetallic mining site and modifying and creating administrative rules related to nonmetallic mining		
<b>I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):</b>  One-time costs for nonmetallic mining reclamation ordinance revision and review is estimated at \$33,400.		
<b>II. Annualized Costs:</b>	<b>Annualized Fiscal Impact on funds from:</b>	
	Increased Costs      Decreased Costs	
<b>A. State Costs by Category</b>		
State Operations - Salaries and Fringes	\$	\$
(FTE Position Changes)		
State Operations - Other Costs		
Local Assistance		
Aids to Individuals or Organizations		
<b>TOTAL State Costs by Category</b>	<b>\$</b>	<b>\$</b>
<b>B. State Costs by Source of Funds</b>		
GPR		
FED		
PRO/PRS		
SEG/SEG-S		
<b>III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</b>		
	Increased Rev	Decreased Rev
GPR Taxes	\$	\$
GPR Earned		
FED		
PRO/PRS		
SEG/SEG-S		
<b>TOTAL State Revenues</b>	<b>\$</b>	<b>\$</b>
<b>NET ANNUALIZED FISCAL IMPACT</b>		
	<u>State</u>	<u>Local</u>
NET CHANGE IN COSTS	\$	\$
NET CHANGE IN REVENUE	\$	\$
<b>Agency/Prepared By</b>	<b>Authorized Signature</b>	<b>Date</b>
DNR/ Paul Neumann (608) 266-0818	Paul Neumann (608) 266-0818	6/22/2023