

1981 Senate Bill 78

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CHAPTER 87 , Laws of 1981

AN ACT to amend 70.396 (intro.), 107.20 (1), 107.25 (1) (c) and 144.831 (7); and to repeal and recreate 107.15 (2) (a), (d) and (e) of the statutes, relating to correcting errors and making minor substantive changes in various mining statutes.

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

PREFATORY NOTE: The legislative council's committee on mining is directed by s. 13.83 (5) (a) to "study the social, educational, economic and environmental impacts of mining on state and local governments". In the course of its deliberations, the committee on mining has discovered a number of errors and minor problems with the current statutes on mining. This act contains amendments to correct errors and make minor substantive changes in the current statutes on mining. For detailed information, see the section notes throughout this act.

SECTION 1. 70.396 (intro.) of the statutes is amended to read:

70.396 Use of metalliferous mining tax payments by counties. Counties receiving payments under s. 70.395 (2) (d) 1 shall expend the funds for any or all of the following uses:

NOTE: This makes the cross-reference to s. 70.395 more precise. As amended, the cross-reference applies to the county guaranteed payment from the net proceeds occupation tax on metalliferous mining. The more precise cross-reference is consistent with the limitations on county expenditures in s. 70.396. Counties may also receive discretionary payments from the net proceeds occupation tax on metalliferous mining. However, the discretionary payments are made by the investment and local impact fund board for the specific

purposes under s. 70.395 (2) (g). The limitations on county expenditures in s. 70.396 are not applicable to the discretionary payments.

SECTION 2. 107.15 (2) (a), (d) and (e) of the statutes are repealed and recreated to read:

107.15 (2) (a) "Exploration" has the meaning designated in s. 144.81 (2).

(d) "Mining" or "mining operation" has the meaning designated in s. 144.81 (5).

(e) "Prospecting" has the meaning designated in s. 144.81 (12).

NOTE: This repeals 3 definitions related to mineral exploration data and substitutes cross-references to statutory definitions in the metallic mining reclamation act. By this cross-reference, the definitions of "exploration" and "mining" are unchanged. The definition of "prospecting" is modified slightly, because the definition in s. 144.81 (12) has additional material distinguishing "prospecting" from "mining". By using cross-references instead of separate definitions, the statutes pertaining to mineral exploration data will remain consistent with the metallic mining reclamation act, even if the reclamation act is amended in the future.

SECTION 3. 107.20 (1) of the statutes is amended to read:

107.20 (1) Any provision of an exploration mining lease entered into after April 25, 1978, granting an option or right to determine the presence, location, quality or quantity of metalliferous minerals shall be limited to a term not exceeding 10 years from the date on which the exploration mining lease is recorded in the office of the register of deeds of the county where the property is located, except that any provision of an exploration mining lease entered into after April 25, 1978, granting an option or right to determine the quality and quantity of metalliferous minerals under a prospecting permit shall be limited to a term not exceeding 10 years from the date that the lessee applies for a prospecting permit under s. 144.84, if the lessee applies for the prospecting permit within 10 years from the date on which the exploration mining lease is recorded in the office of the register of deeds of the county where the property is located.

NOTE: This resolves an inconsistency between ss. 107.20 (1) and 107.25 (1) (c). Under current s. 107.20 (1), all provisions of an exploration mining lease "granting an option or right to determine the presence, location, quality or quantity of metalliferous minerals" are limited to a term of 10 years. This refers to both exploration and prospecting, as defined in s. 107.15 (2) (a) and (e). However, under s. 107.25 (1) (c), if the lessee applies for a prospecting permit within the initial 10-year period, these provisions of the lease are extended for 10 years from the date of application for the prospecting permit. In this portion of the act, s. 107.20 (1) is amended to make it consistent with s. 107.25 (1) (c).

SECTION 4. 107.25 (1) (c) of the statutes is amended to read:

107.25 (1) (c) The lessor may cancel an exploration mining lease if 10 years have elapsed from the date on which the lease was recorded in the office of the register of deeds of the county where the property is located and the lessee has not formally applied for either a permit to prospect under s. 144.84 or a permit to mine under s. 144.85. In the event that the lessee formally applies for a prospecting permit under s. 144.84 or a mining permit under s. 144.85 within the 10-year period, but does not receive a mining permit under s. 144.85 within the 10-year period following the date of application for the prospecting permit or mining permit, the lessor's right to cancel is revived.

NOTE: Under s. 107.25 (1) (c), the lessor under an exploration mining lease may cancel the lease if 10 years have elapsed after the lease is recorded and if the lessee has not applied for a prospecting permit. If the lessee applies for a prospecting permit within the initial 10-year period, the lessor may cancel the lease if 10 years have elapsed after the lessee formally applies for a prospecting

permit and if the lessee has not received a mining permit. This act provides that the lessee may also apply for a mining permit within the initial 10-year period, so that the lessee is not required to apply for a prospecting permit as an intermediate step between exploration and mining. If the lessee chooses to apply for a mining permit, the lessor's right to cancel is revived after 10 years, if the lessee has not received the mining permit.

SECTION 5. 144.831 (7) of the statutes is amended to read:

144.831 (7) The department, in granting ~~any application for~~ a permit under s. 144.84 or 144.85, shall require the ~~permitholder~~ permit holder to perform adequate monitoring of environmental changes during the course of the permitted activity and for such additional period of time as is necessary to satisfactorily complete reclamation and completely release the ~~permitholder~~ permit holder from any bonds required.

NOTE: This deletes a superfluous phrase. Under ss. 144.84 and 144.85, the department of natural resources grants a permit rather than an application for a permit.
