



State of Wisconsin
2015 - 2016 LEGISLATURE

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2015 ASSEMBLY BILL 436

October 22, 2015 - Introduced by Representatives HEBL, MASON, BERCEAU, BILLINGS, BOWEN, BROSTOFF, CONSIDINE, GENRICH, GOYKE, HESSELBEIN, JORGENSEN, KAHL, KESSLER, KOLSTE, OHNSTAD, POPE, RIEMER, SARGENT, SINICKI, SPREITZER, SUBECK, C. TAYLOR and WACHS, cosponsored by Senators MILLER, RISSER, ERPENBACH, HARRIS DODD and LASSA. Referred to Committee on Mining and Rural Development.

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 (9) (d)
3 2., 77.883, 87.30 (2) (b), 196.491 (3) (a) 3. c., 227.483 (3) (c), 293.01 (12m),
4 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 (3), 77.88 (5) (a) 1., 77.88 (5) (a) 2., 77.88 (5) (ar) 1.,
12 77.88 (5) (ar) 2., 77.88 (5) (b) 1., 77.88 (5) (b) 2., 77.89 (2) (a), 107.001 (1), 107.01
13 (intro.), 107.01 (2), 107.02, 107.03, 107.04, 107.11, 107.12, 107.20 (1), 107.20 (2),
14 107.30 (8), 107.30 (15), 107.30 (16), 160.19 (12), 196.491 (3) (a) 3. b., 196.491 (4)

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1 (b) 2., 281.36 (3g) (h) 2., 281.65 (2) (a), 281.75 (17) (b), 283.84 (3m), 287.13 (5)
2 (e), 289.62 (2) (g) 2., 289.62 (2) (g) 6., 292.01 (1m), chapter 293 (title), 293.01 (5),
3 293.01 (7), 293.01 (9), 293.01 (12), 293.01 (18), 293.01 (25), 293.21 (1) (a), 293.25
4 (2) (a), 293.25 (4), 293.37 (4) (b), 293.47 (1) (b), 293.50 (1) (b), 293.50 (2) (a),
5 293.50 (2) (b), 293.51 (1), 293.65 (3) (a), 293.65 (3) (b), 293.86, chapter 295 (title),
6 295.16 (4) (f), 299.85 (7) (a) 2. and 4., 299.95, 323.60 (5) (d) 3., 706.01 (9) and
7 710.02 (2) (d); **to create** 107.001 (2) and 293.01 (8) of the statutes; and **to affect**
8 2013 Wisconsin Act 1, section 103; **relating to:** the regulation of ferrous
9 metallic mining and related activities.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources (DNR) regulates mining for metallic minerals. Before enactment of 2013 Wisconsin Act 1, the laws under which DNR regulated metallic mining applied to mining for ferrous minerals (iron) and mining for nonferrous minerals, such as copper or zinc. 2013 Wisconsin Act 1 created new statutes for regulating iron mining and modified the laws regulating metallic mining so that they cover only mining for nonferrous minerals.

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 this bill, the laws under which DNR currently regulates metallic mining, other than iron mining, apply to mining for iron and to mining for nonferrous minerals.

Under current law, certain forested land may be designated as managed forest land (MFL) under a program administered by the Department of Natural Resources (DNR). Under this program, the owner of land designated as MFL makes an annual acreage share payment that is lower than, and in lieu of, the property taxes that normally would be payable. In exchange, the landowner must comply with certain forestry practices and have a management plan prepared for the land. The owner must also open the MFL to the public for hunting, fishing, hiking, sight-seeing, and cross-country skiing, but may designate up to a certain number of acres as being closed to public access. For MFL that is designated as closed, the owner must make an additional payment per acre. If the MFL meets the eligibility requirements under the program, which include minimum acreage requirements and requirements as to how much merchantable timber can be produced on the land, DNR approves the application and issues an order designating the land as MFL.

2013 Wisconsin Act 81 made changes to the MFL program as it relates to ferrous mining activities. 2013 Wisconsin Act 81 generally provided that the

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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 outdoor 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.

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, as affected by 2015 Wisconsin Act 55,
9 is amended to read:

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

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

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1 20.566 (7) (e) *Investment and local impact fund supplement*. The amounts in
2 the schedule to supplement par. (v) for the purposes of ss. 70.395, 293.33 (4), and
3 293.65 (5) (a), ~~295.443, and 295.61 (9) (a) and (c)~~.

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

5 20.566 (7) (v) *Investment and local impact fund*. From the investment and local
6 impact fund, all moneys received under s. 70.395 (1e) and (2) (dc) and (dg), less the
7 moneys appropriated under s. 20.370 (2) (gr), to be disbursed under ss. 70.395 (2) (d)
8 to (g), 293.33 (4), and 293.65 (5) (a), ~~295.443, and 295.61 (9) (a) and (c)~~.

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

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

11 29.604 (4) PROHIBITION. (intro.) Except as provided in subs. sub (6r) ~~and (7m)~~
12 or as permitted by departmental rule or permit:

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

14 29.604 (4) (c) (intro.) No person may do any of the following to any wild plant
15 of an endangered or threatened species that is on public property or on property that
16 he or she does not own or lease, except in the course of forestry or agricultural
17 practices, or in the construction, operation, or maintenance of a utility facility, ~~or as~~
18 ~~part of bulk sampling activities under s. 295.45:~~

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

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

21 30.025 (1e) (a) Except as provided in pars. par. (b) ~~and (c)~~, this section applies
22 to a proposal to construct a utility facility if the utility facility is required to obtain,
23 or give notification of the wish to proceed under, one or more permits.

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

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

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1 30.133 (2) This section does not apply to riparian land located within the
2 boundary of any hydroelectric project licensed or exempted by the federal
3 government, if the conveyance is authorized under any license, rule or order issued
4 by the federal agency having jurisdiction over the project. ~~This section does not apply~~
5 ~~to riparian land that is associated with an approval required for bulk sampling or~~
6 ~~mining that is required under subch. III of ch. 295.~~

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

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

9 32.02 (12) Any person operating a plant which creates waste material which,
10 if released without treatment would cause stream pollution, for the location of
11 treatment facilities. This subsection does not apply to a person with a permit under
12 ch. 293 ~~or subch. III of ch. 295.~~

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

14 70.375 (1) (as) “Mine” means an excavation in or at the earth’s surface made
15 to extract metalliferous minerals for which a permit has been issued under s. 293.49
16 ~~or 295.58.~~

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

18 70.375 (1) (bm) “Mining-related purposes” means activities which are directly
19 in response to the application for a mining permit under s. 293.37 ~~or 295.47~~; directly
20 in response to construction, operation, curtailment of operation or cessation of
21 operation of a metalliferous mine site; or directly in response to conditions at a
22 metalliferous mine site which is not in operation. “Mining-related purposes” also
23 includes activities which anticipate the economic and social consequences of the
24 cessation of mining. “Mining-related purposes” also includes the purposes under s.
25 70.395 (2) (g).

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

2 70.375 (4) (h) The cost of premiums for bonds required under s. 293.51, ~~295.45~~
3 ~~(5), or 295.59.~~

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

5 70.38 (2) COMBINED REPORTING. If the same person extracts metalliferous
6 minerals from different sites in this state, the net proceeds for each site for which a
7 permit has been issued under s. 293.49 ~~or 295.58~~ shall be reported separately for the
8 purposes of computing the amount of the tax under s. 70.375 (5).

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

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

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

19 70.395 (2) (dc) 1. Each person intending to submit an application for a mining
20 permit under s. 293.37 ~~or 295.47~~ shall pay \$75,000 to the department of revenue for
21 deposit in the investment and local impact fund at the time that the person notifies
22 the department of natural resources under s. 293.31 (1) ~~or 295.465~~ of that intent.

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

24 70.395 (2) (dc) 4. Six months after the signing of a local agreement under s.
25 293.41 ~~or 295.443~~ for the proposed mine for which the payment is made, the board

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1 shall refund any funds paid under this paragraph but not distributed under par. (fm)
2 from the investment and local impact fund to the person making the payment under
3 this paragraph.

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

5 70.395 (2) (fm) The board may distribute a payment received under par. (dc)
6 to a county, town, village, city, tribal government or local impact committee
7 authorized under s. 293.41 (3) ~~or 295.443~~ only for legal counsel, qualified technical
8 experts in the areas of transportation, utilities, economic and social impacts,
9 environmental impacts and municipal services and other reasonable and necessary
10 expenses incurred by the recipient that directly relate to the good faith negotiation
11 of a local agreement under s. 293.41 ~~or 295.443~~ for the proposed mine for which the
12 payment is made.

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

14 70.395 (2) (g) (intro.) The board may distribute the revenues received under
15 sub. (1e) or proceeds thereof in accordance with par. (h) for the following purposes,
16 ~~with a preference to private sector economic development projects under subd. 3.,~~ as
17 the board determines necessary:

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

19 70.395 (2) (g) 3. Studies and projects for local ~~private sector economic~~
20 development.

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

22 70.395 (2) (h) 1. Distribution shall first be made to those municipalities in
23 which metalliferous minerals are extracted or were extracted within 3 years
24 previous to December 31 of the current year, or in which a permit has been issued
25 under s. 293.49 ~~or 295.58~~ to commence mining;

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

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

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

6 70.395 (2) (hr) The board shall, by rule, establish procedures to recoup
7 payments made, and to withhold payments to be made, under pars. (d), (f), (fm) and
8 (g), sub. (3) and ss. s. 293.65 (5) and ~~295.61 (9)~~ for noncompliance with this section
9 or rules adopted under this section.

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

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

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

21 74.25 (1) (a) 6. Pay to the county treasurer 20% of collections of occupational
22 taxes on coal docks, 20% of collections of the taxes imposed under ss. 77.04 and 77.84
23 (2) (a) and (am), and all collections of payments for closed lands under s. 77.84 (2) (b),
24 and (bm), and ~~(bp)~~.

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

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

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

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

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

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

9 77.83 (2) (a) Except as provided in sub. (1) and pars. (b) and (c) ~~and subs. (1)~~
10 ~~and (2m)~~, each owner of managed forest land shall permit public access to the land
11 for the purposes of hunting, fishing, hiking, sight-seeing, and cross-country skiing.

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

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

14 77.84 (2) (b) For managed forest land orders that take effect before April 28,
15 2004, in addition to the payment under par. (a), each owner shall pay \$1 for each acre
16 that is designated as closed under s. 77.83 ~~and for each acre that is located in a~~
17 ~~proposed ferrous mining site and that is not open to all of the outdoor activities~~
18 ~~specified in s. 77.83 (2) (a) for any part of the previous calendar year.~~ The payment
19 shall be made to each municipal treasurer on or before January 31.

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

21 77.84 (2) (bm) For managed forest land orders that take effect on or after April
22 28, 2004, in addition to the payment under par. (am), each owner of managed forest
23 land shall pay to each municipal treasurer, on or before January 31, an amount that
24 is equal to 20 percent of the average statewide property tax per acre of property
25 classified under s. 70.32 (2) (a) 6., as determined under par. (cm), for each acre that

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1 is designated as closed under s. 77.83 and for each acre that is located in a proposed
2 ferrous mining site and that is not open to all of the outdoor activities specified in s.
3 77.83 (2) (a) for any part of the previous calendar year.

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

5 **SECTION 39.** 77.88 (3) of the statutes is amended to read:

6 77.88 (3) VOLUNTARY WITHDRAWAL. An owner may request that the department
7 withdraw all or any part of the owner's land meeting one of the requirements
8 specified under sub. (2) (a) 1. to 3. If any remaining land meets the eligibility
9 requirements under s. 77.82 (1), the department shall issue an order withdrawing
10 the land subject to the request and shall assess against the owner the withdrawal
11 tax under sub. (5) and the withdrawal fee under sub. (5m). If the land being
12 withdrawn is within a proposed ferrous mining site, the department shall issue the
13 order within 30 days after receiving the request.

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

15 77.88 (5) (a) 1. An amount equal to the past tax liability multiplied by the
16 number of years the land was designated as managed forest land, less any amounts
17 paid by the owner under ss. 77.84 (2) (a), and (am), ~~and (bp)~~ and 77.87.

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

19 77.88 (5) (a) 2. Five percent of the stumpage value of the merchantable timber
20 on the land, less any amounts paid by the owner under ss. 77.84 (2) (a), and (am), ~~and~~
21 (bp) and 77.87.

22 **SECTION 42.** 77.88 (5) (ar) 1. of the statutes is amended to read:

23 77.88 (5) (ar) 1. For the portion of the land that is designated as managed forest
24 land under the original order, an amount equal to the product of the total net
25 property tax rate in the municipality in the year prior to the year in which the

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1 expanded order is approved and the assessed value of the land for the same year, as
2 computed by the department of revenue, multiplied by the number of years under the
3 original order, less any amounts paid by the owner under ss. 77.84 (2) (a) ~~and (bp)~~
4 and 77.87 during the time the land was designated as managed forest land under the
5 original order.

6 **SECTION 43.** 77.88 (5) (ar) 2. of the statutes is amended to read:

7 77.88 (5) (ar) 2. An amount equal to the product of the total net property tax
8 rate in the municipality in the year prior to this withdrawal and the assessed value
9 of the land for the same year, as computed by the department of revenue, multiplied
10 by the number of years the land was designated as land under the expanded order,
11 less any amounts paid by the owner under ss. 77.84 (2) (am) ~~and (bp)~~ and 77.87
12 during the time the land is designated as managed forest land under the expanded
13 order.

14 **SECTION 44.** 77.88 (5) (b) 1. of the statutes is amended to read:

15 77.88 (5) (b) 1. An amount equal to the past tax liability multiplied by the
16 number of years since the renewal, less any amounts paid by the owner under ss.
17 77.84 (2) (a), and (am), ~~and (bp)~~ and 77.87.

18 **SECTION 45.** 77.88 (5) (b) 2. of the statutes is amended to read:

19 77.88 (5) (b) 2. Five percent of the stumpage value of the merchantable timber
20 on the land, less any amounts paid by the owner under ss. 77.84 (2) (a), and (am), ~~and~~
21 ~~(bp)~~ and 77.87.

22 **SECTION 46.** 77.88 (9) (d) 1. of the statutes is renumbered 77.88 (9) (d) and
23 amended to read:

24 77.88 (9) (d) ~~Except as provided in subd. 2., a~~ A withdrawal order issued before
25 December 15 of any year takes effect on the January 1 after the date of issuance, and

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1 a withdrawal order issued on or after December 15 of any year takes effect on the 2nd
2 January 1 after the date of issuance.

3 **SECTION 47.** 77.88 (9) (d) 2. of the statutes is repealed.

4 **SECTION 48.** 77.883 of the statutes is repealed.

5 **SECTION 49.** 77.89 (2) (a) of the statutes, as affected by 2015 Wisconsin Act 55,
6 is amended to read:

7 77.89 (2) (a) Each municipal treasurer shall pay 20% of each payment received
8 under sub. (1) (a) and (b) and under ss. 77.84 (2) (a), and (am), ~~and (b)~~, 77.85, and
9 77.876 to the county treasurer and shall deposit the remainder in the municipal
10 treasury. The payment to the county treasurer for money received before November
11 1 of any year shall be made on or before the November 15 after its receipt. For money
12 received on or after November 1 of any year, the payment to the county treasurer
13 shall be made on or before November 15 of the following year.

14 **SECTION 50.** 87.30 (2) (a) of the statutes is renumbered 87.30 (2) and amended
15 to read:

16 87.30 (2) ~~Except as provided in par. (b), every~~ Every structure, building, fill,
17 or development placed or maintained within any floodplain in violation of a zoning
18 ordinance adopted under this section, or s. 59.69, 61.35 or 62.23 is a public nuisance
19 and the creation thereof may be enjoined and maintenance thereof may be abated by
20 action at suit of any municipality, the state or any citizen thereof. Any person who
21 places or maintains any structure, building, fill or development within any
22 floodplain in violation of a zoning ordinance adopted under this section, or s. 59.69,
23 61.35 or 62.23 may be fined not more than \$50 for each offense. Each day during
24 which such violation exists is a separate offense.

25 **SECTION 51.** 87.30 (2) (b) of the statutes is repealed.

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1 **SECTION 52.** 107.001 (1) of the statutes is amended to read:

2 107.001 (1) “Exploration mining lease” means any lease, option to lease, option
3 to purchase or similar conveyance entered into for the purpose of determining the
4 presence, location, quality or quantity of ~~nonferrous metallic~~ metalliferous minerals
5 or for the purpose of mining, developing or extracting ~~nonferrous metallic~~
6 metalliferous minerals, or both ~~under ch. 293~~. Any lease, option to lease, option to
7 purchase or similar conveyance entered into by a mining company is rebuttably
8 presumed to be an exploration mining lease.

9 **SECTION 53.** 107.001 (2) of the statutes is created to read:

10 107.001 (2) “Metalliferous minerals” means naturally occurring minerals that
11 contain metal.

12 **SECTION 54.** 107.01 (intro.) of the statutes is amended to read:

13 **107.01 Rules governing mining rights.** (intro.) Where there is no contract
14 between the parties or terms established by the landlord to the contrary the following
15 rules and regulations shall be applied to mining contracts and leases for the digging
16 of ~~nonferrous metallic~~ ores and minerals:

17 **SECTION 55.** 107.01 (2) of the statutes is amended to read:

18 107.01 (2) The discovery of a crevice or range containing ~~nonferrous metallic~~
19 ores or minerals shall entitle the discoverer to the ~~nonferrous metallic~~ ores or
20 minerals pertaining thereto, subject to the rent due the discoverer’s landlord, before
21 as well as after the ~~nonferrous metallic~~ ores or minerals are separated from the
22 freehold; but such miner shall not be entitled to recover any ~~nonferrous metallic~~ ores
23 or minerals or the value thereof from the person digging on the miner’s range in good
24 faith and known to be mining thereon until the miner shall have given notice of the

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1 miner's claim; and the miner shall be entitled to the ~~nonferrous metallic~~ ores or
2 minerals dug after such notice.

3 **SECTION 56.** 107.02 of the statutes is amended to read:

4 **107.02 Mining statement; penalty.** When there is no agreement between the
5 parties to any mining lease, license or permit, to mine or remove ~~nonferrous metallic~~
6 ~~minerals~~ ore from any lands in this state, regulating the method of reporting the
7 amount of ~~nonferrous metallic minerals~~ ore taken, the person mining and removing
8 the ~~nonferrous metallic minerals~~ ore or ores shall keep proper and correct books, and
9 therefrom to make and deliver by or before the fifteenth day of each month to the
10 lessor, owner or person entitled thereto, a detailed statement covering the operations
11 of the preceding month. The statement shall show the total amount of tons or pounds
12 of each kind of ~~nonferrous metallic minerals~~ ore produced; if sold, then to whom sold,
13 giving the date of sale, date of delivery to any railroad company, naming the company,
14 and the station where delivered or billed for shipment; the name and address of the
15 purchaser; the price per ton at which sold and the total value of each kind of
16 ~~nonferrous metallic minerals~~ ore so sold. The books shall be always open to any
17 owner, lessor, licensor or stockholder, if the owner, lessor or licensor is a corporation,
18 and to any person or stockholder interested in any such mining operations, for the
19 purpose of inspection and taking copies thereof or abstracts therefrom. Any person
20 and every officer, agent or employee of any thereof, who violates this section, or who
21 makes any false or incomplete entries on any such books or statements, shall be fined
22 not less than \$100 or imprisoned in the county jail for not more than 3 months or both.

23 **SECTION 57.** 107.03 of the statutes is amended to read:

24 **107.03 Conflicting claims.** In case of conflicting claims to a crevice or range
25 bearing ~~nonferrous metallic~~ ores or minerals the court may continue any action to

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1 enforce a claim or grant any necessary time for the purpose of allowing parties to
2 prove up their mines or diggings if it satisfactorily appears necessary to the ends of
3 justice. In such case the court or judge may appoint a receiver and provide that the
4 mines or diggings be worked under the receiver's direction, subject to the order of the
5 court, in such manner as best ascertains the respective rights of the parties. The
6 ~~nonferrous metallic ores or~~ ores or minerals raised by either party pending the dispute shall
7 be delivered to the receiver, who may, by order of the court or judge, pay any rent or
8 other necessary expenses therefrom.

9 **SECTION 58.** 107.04 of the statutes is amended to read:

10 **107.04 Lessee's fraud; failure to work mine.** Any miner who conceals or
11 disposes of any ~~nonferrous metallic ores or~~ ores or minerals or mines or diggings for the
12 purpose of defrauding the lessor of rent or who neglects to pay any rent on ~~nonferrous~~
13 ~~metallic ores or~~ ores or minerals raised by the miner for 3 days after the notice thereof and
14 claim of the rent, shall forfeit all right to his or her mines, diggings or range; and the
15 landlord after the concealment or after 3 days have expired from the time of
16 demanding rent, may proceed against the miner to recover possession of the mines
17 or diggings in circuit court as in the case of a tenant holding over after the
18 termination of the lease. If a miner neglects to work his or her mines or diggings
19 according to the usages of miners, without reasonable excuse, he or she shall likewise
20 forfeit the mines or diggings and the landlord may proceed against the miner in like
21 manner to recover possession of the mines or diggings.

22 **SECTION 59.** 107.11 of the statutes is amended to read:

23 **107.11 Account of ~~nonferrous metallic minerals ore~~ ore received.** Every
24 person operating a metal recovery system and every purchaser of ~~nonferrous~~
25 ~~metallic ores and~~ ores and minerals shall keep a substantially bound book, ruled into suitable

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1 columns, in which shall be entered from day to day, as ~~nonferrous metallie~~ ores or
2 minerals are received, the following items: the day, month and year when received;
3 the name of the person from whom purchased; the name of the person by whom
4 hauled and delivered; name of the owner of the land from which the ~~nonferrous~~
5 metallie ores or minerals were obtained, or if not known, the name of the diggings
6 or some distinct description of the land. The bound book shall be kept at the furnace
7 or at the usual place of business of such person or purchaser or his or her agent in
8 this state, and shall be open to authorized representatives of the department of
9 revenue at reasonable times for inspection and taking extracts.

10 **SECTION 60.** 107.12 of the statutes is amended to read:

11 **107.12 Penalty.** If any person operating a metal recovery system or purchaser
12 of ~~nonferrous metallie~~ ores and minerals or the agent of any such person or purchaser
13 doing business fails to keep such a book or to make such entries as required under
14 s. 107.11 or unreasonably refuses to show the book for inspection or taking extracts
15 or makes false entries in the book he or she shall forfeit \$10 for each offense, one-half
16 to the use of the prosecutor; and each day such failure or refusal continues shall be
17 deemed a distinct and separate offense.

18 **SECTION 61.** 107.20 (1) of the statutes is amended to read:

19 107.20 (1) Any provision of an exploration mining lease entered into after April
20 25, 1978, granting an option or right to determine the presence, location, quality or
21 quantity of ~~nonferrous metallie~~ metalliferous minerals shall be limited to a term not
22 exceeding 10 years from the date on which the exploration mining lease is recorded
23 in the office of the register of deeds of the county where the property is located, except
24 that any provision of an exploration mining lease entered into after April 25, 1978,
25 granting an option or right to determine the quality and quantity of ~~nonferrous~~

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1 ~~metallie~~ metalliferous minerals under a prospecting permit shall be limited to a term
2 not exceeding 10 years from the date that the lessee applies for a prospecting permit
3 under s. 293.35, if the lessee applies for the prospecting permit within 10 years from
4 the date on which the exploration mining lease is recorded in the office of the register
5 of deeds of the county where the property is located.

6 **SECTION 62.** 107.20 (2) of the statutes is amended to read:

7 107.20 (2) Any provision of an exploration mining lease entered into after April
8 25, 1978, granting an option or right to develop or extract ~~nonferrous~~ metallie
9 metalliferous minerals shall be limited to a term not exceeding 50 years from the date
10 on which the exploration mining lease is recorded in the office of the register of deeds
11 of the county where the property is located.

12 **SECTION 63.** 107.30 (8) of the statutes is amended to read:

13 107.30 (8) “Mining” or “mining operation” ~~means all or part of the process~~
14 ~~involved in the mining of metallic minerals, other than for exploration or~~
15 ~~prospecting, including commercial extraction, agglomeration, beneficiation,~~
16 ~~construction of roads, removal of overburden, and the production of refuse~~ has the
17 meaning given in s. 293.01 (9).

18 **SECTION 64.** 107.30 (15) of the statutes is amended to read:

19 107.30 (15) “Prospecting” ~~means engaging in the examination of an area for the~~
20 ~~purpose of determining the quality and quantity of minerals, other than for~~
21 ~~exploration but including the obtaining of an ore sample, by such physical means as~~
22 ~~excavating, trenching, construction of shafts, ramps, and tunnels and other means,~~
23 ~~other than for exploration, which the department of natural resources, by rule,~~
24 ~~identifies, and the production of prospecting refuse and other associated activities.~~
25 “Prospecting” ~~does not include such activities when the activities are, by themselves,~~

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1 ~~intended for and capable of commercial exploitation of the underlying ore body. The~~
2 ~~fact that prospecting activities and construction may have use ultimately in mining,~~
3 ~~if approved, does not mean that prospecting activities and construction constitute~~
4 ~~mining within the meaning of sub. (8), provided such activities and construction are~~
5 ~~reasonably related to prospecting requirements has the meaning given in s. 293.01~~
6 ~~(18).~~

7 **SECTION 65.** 107.30 (16) of the statutes is amended to read:

8 107.30 (16) "Prospecting site" means ~~the lands on which prospecting is actually~~
9 ~~conducted as well as those lands on which physical disturbance will occur as a result~~
10 ~~of such activity has the meaning given in s. 293.01 (21).~~

11 **SECTION 66.** 160.19 (12) of the statutes is amended to read:

12 160.19 (12) The requirements in this section shall not apply to rules governing
13 an activity regulated under ch. 293 ~~or subch. III of ch. 295~~, or to a solid waste facility
14 regulated under subch. III of ch. 289 which is part of an activity regulated under ch.
15 293 ~~or subch. III of ch. 295~~, except that the department may promulgate new rules
16 or amend rules governing this type of activity, practice or facility if the department
17 determines that the amendment or promulgation of rules is necessary to protect
18 public health, safety or welfare.

19 **SECTION 67.** 196.491 (3) (a) 3. b. of the statutes is amended to read:

20 196.491 (3) (a) 3. b. ~~Except as provided under subd. 3. c., within~~ Within 20 days
21 after the department provides a listing specified in subd. 3. a. to a person, the person
22 shall apply for the permits and approvals identified in the listing. The department
23 shall determine whether an application under this subd. 3. b. is complete and, no
24 later than 30 days after the application is filed, notify the applicant about the
25 determination. If the department determines that the application is incomplete, the

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1 notice shall state the reason for the determination. An applicant may supplement
2 and refile an application that the department has determined to be incomplete.
3 There is no limit on the number of times that an applicant may refile an application
4 under this subd. 3. b. If the department fails to determine whether an application
5 is complete within 30 days after the application is filed, the application shall be
6 considered to be complete. Except as provided in s. 30.025 (4), the department shall
7 complete action on an application under this subd. 3. b. for any permit or approval
8 that is required prior to construction of a facility within 120 days after the date on
9 which the application is determined or considered to be complete.

10 **SECTION 68.** 196.491 (3) (a) 3. c. of the statutes is repealed.

11 **SECTION 69.** 196.491 (4) (b) 2. of the statutes is amended to read:

12 196.491 (4) (b) 2. The person shows to the satisfaction of the commission that
13 the person reasonably anticipates, at the time that construction of the equipment or
14 facilities commences, that on each day that the equipment and facilities are in
15 operation the person will consume no less than 70% of the aggregate kilowatt hours
16 output from the equipment and facilities in manufacturing processes at the site
17 where the equipment and facilities are located ~~or in ferrous mineral mining and~~
18 ~~processing activities governed by subch. III of ch. 295 at the site where the equipment~~
19 ~~and facilities are located.~~

20 **SECTION 70.** 227.483 (3) (c) of the statutes is repealed.

21 **SECTION 71.** 281.36 (3g) (h) 2. of the statutes is amended to read:

22 281.36 (3g) (h) 2. If, within 30 days after an application under subd. 1. is
23 received by the department, the department does not either request additional
24 information or inform the applicant that a wetland individual permit will be required
25 as provided in par. (i), the discharge shall be considered to be authorized under the

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1 wetland general permit and the applicant may proceed without further notice,
2 hearing, permit, or approval if the discharge is carried out in compliance with all of
3 the conditions of the general permit, ~~except as provided in s. 295.60 (3) (b).~~

4 **SECTION 72.** 281.65 (2) (a) of the statutes is amended to read:

5 281.65 (2) (a) "Best management practices" means practices, techniques or
6 measures, except for dredging, identified in areawide water quality management
7 plans, which are determined to be effective means of preventing or reducing
8 pollutants generated from nonpoint sources, or from the sediments of inland lakes
9 polluted by nonpoint sources, to a level compatible with water quality objectives
10 established under this section and which do not have an adverse impact on fish and
11 wildlife habitat. The practices, techniques or measures include land acquisition,
12 storm sewer rerouting and the removal of structures necessary to install structural
13 urban best management practices, facilities for the handling and treatment of
14 milkhouse wastewater, repair of fences built using grants under this section and
15 measures to prevent or reduce pollutants generated from mine tailings disposal sites
16 for which the department has not approved a plan of operation under s. 289.30 ~~or s.~~
17 ~~295.51.~~

18 **SECTION 73.** 281.75 (17) (b) of the statutes is amended to read:

19 281.75 (17) (b) This section does not apply to contamination which is
20 compensable under subch. II of ch. 107 or s. 293.65 (4) ~~or 295.61 (8).~~

21 **SECTION 74.** 283.84 (3m) of the statutes is amended to read:

22 283.84 (3m) A person engaged in mining, as defined in s. 293.01 (9) ~~or 295.41~~
23 ~~(26)~~, prospecting, as defined in s. 293.01 (18), ~~bulk sampling, as defined in s. 295.41~~
24 ~~(7)~~, or nonmetallic mining, as defined in s. 295.11 (3), may not enter into an
25 agreement under sub. (1).

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1 **SECTION 75.** 287.13 (5) (e) of the statutes is amended to read:

2 287.13 (5) (e) Solid waste produced by a commercial business or industry which
3 is disposed of or held for disposal in an approved facility, as defined under s. 289.01
4 (3), ~~or a mining waste site, as defined in s. 295.41 (31), covered by a mining permit~~
5 ~~under s. 295.58, owned or leased by the generator or on which the generator holds~~
6 ~~an easement~~ and designed and constructed for the purpose of accepting that type of
7 solid waste.

8 **SECTION 76.** 289.62 (2) (g) 2. of the statutes is amended to read:

9 289.62 (2) (g) 2. For nonhazardous tailing solids or for nonacid producing
10 taconite tailing solids, 0.2 cent per ton.

11 **SECTION 77.** 289.62 (2) (g) 6. of the statutes is amended to read:

12 289.62 (2) (g) 6. For nonhazardous waste rock or for nonacid producing taconite
13 waste rock, 0.1 cent per ton.

14 **SECTION 78.** 292.01 (1m) of the statutes is amended to read:

15 292.01 (1m) “Approved mining facility” has the meaning given in s. 289.01 (4)
16 ~~and includes a mining waste site, as defined in s. 295.41 (31).~~

17 **SECTION 79.** Chapter 293 (title) of the statutes is amended to read:

18 **CHAPTER 293**

19 **NONFERROUS METALLIC MINING**

20 **SECTION 80.** 293.01 (5) of the statutes is amended to read:

21 293.01 (5) “Mineral exploration” or “exploration”, unless the context requires
22 otherwise, means the on-site geologic examination from the surface of an area by
23 core, rotary, percussion or other drilling, where the diameter of the hole does not
24 exceed 18 inches, for the purpose of searching for ~~nonferrous~~ metallic minerals or
25 establishing the nature of a known ~~nonferrous~~ metallic mineral deposit, and includes

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1 associated activities such as clearing and preparing sites or constructing roads for
2 drilling.

3 **SECTION 81.** 293.01 (7) of the statutes is amended to read:

4 293.01 (7) "Merchantable by-product" means all waste soil, rock, mineral,
5 liquid, vegetation and other material directly resulting from or displaced by the
6 mining, cleaning or preparation of ~~nonferrous metallic~~ minerals during mining
7 operations which are determined by the department to be marketable upon a
8 showing of marketability made by the operator, accompanied by a verified statement
9 by the operator of his or her intent to sell such material within 3 years from the time
10 it results from or is displaced by mining. If after 3 years from the time merchantable
11 by-product results from or is displaced by mining such material has not been
12 transported off the mining site, it shall be considered and regulated as refuse unless
13 removal is continuing at a rate of more than 12,000 cubic yards per year.

14 **SECTION 82.** 293.01 (8) of the statutes is created to read:

15 293.01 (8) "Minerals" mean unbeneficiated metallic ore but does not include
16 mineral aggregates such as stone, sand, and gravel.

17 **SECTION 83.** 293.01 (9) of the statutes is amended to read:

18 293.01 (9) "Mining" or "mining operation" means all or part of the process
19 involved in the mining of ~~nonferrous~~ metallic minerals, other than for exploration or
20 prospecting, including commercial extraction, agglomeration, beneficiation,
21 construction of roads, removal of overburden and the production of refuse.

22 **SECTION 84.** 293.01 (12) of the statutes is amended to read:

23 293.01 (12) "Mining site" means the surface area disturbed by a mining
24 operation, including the surface area from which the ~~nonferrous metallic~~ minerals
25 or refuse or both have been removed, the surface area covered by refuse, all lands

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1 disturbed by the construction or improvement of haulageways, and any surface areas
2 in which structures, equipment, materials and any other things used in the mining
3 operation are situated.

4 **SECTION 85.** 293.01 (12m) of the statutes is repealed.

5 **SECTION 86.** 293.01 (18) of the statutes is amended to read:

6 293.01 (18) "Prospecting" means engaging in the examination of an area for the
7 purpose of determining the quality and quantity of ~~nonferrous metallic~~ minerals,
8 other than for exploration but including the obtaining of a ~~nonferrous metallic~~
9 ~~mineral~~ an ore sample, by such physical means as excavating, trenching,
10 construction of shafts, ramps and tunnels and other means, other than for
11 exploration, which the department, by rule, identifies, and the production of
12 prospecting refuse and other associated activities. "Prospecting" shall not include
13 such activities when the activities are, by themselves, intended for and capable of
14 commercial exploitation of the underlying ~~nonferrous~~ ore body. However, the fact
15 that prospecting activities and construction may have use ultimately in mining, if
16 approved, shall not mean that prospecting activities and construction constitute
17 mining within the meaning of sub. (9), provided such activities and construction are
18 reasonably related to prospecting requirements.

19 **SECTION 87.** 293.01 (25) of the statutes is amended to read:

20 293.01 (25) "Refuse" means all waste soil, rock, mineral, liquid, vegetation and
21 other material, except merchantable by-products, directly resulting from or
22 displaced by the prospecting or mining and from the cleaning or preparation of
23 ~~nonferrous metallic~~ minerals during prospecting or mining operations, and shall
24 include all waste materials deposited on or in the prospecting or mining site from
25 other sources.

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1 **SECTION 88.** 293.21 (1) (a) of the statutes is amended to read:

2 293.21 (1) (a) “Driller” means a person who performs core, rotary, percussion
3 or other drilling involved in exploration for ~~nonferrous~~ metallic minerals.

4 **SECTION 89.** 293.25 (2) (a) of the statutes is amended to read:

5 293.25 (2) (a) *Applicability.* Except as provided under par. (b), ss. 293.21 and
6 293.81 and rules promulgated under those sections apply to radioactive waste site
7 exploration, to activities related to radioactive waste site exploration and to persons
8 engaging in or intending to engage in radioactive waste site exploration or related
9 activities in the same manner as those sections and rules are applicable to
10 ~~nonferrous metallic~~ mineral exploration, to activities related to ~~nonferrous metallic~~
11 mineral exploration and to persons engaging in or intending to engage in ~~nonferrous~~
12 ~~metallic~~ mineral exploration or related activities.

13 **SECTION 90.** 293.25 (4) of the statutes is amended to read:

14 293.25 (4) REGULATION OF EXPLORATION AND RELATED PROVISIONS. Sections
15 293.13, 293.15 (1) to (12), 293.85, 293.87 and 293.89 and rules promulgated under
16 those sections apply to radioactive waste site exploration, to activities related to
17 radioactive waste site exploration and to persons engaging in or intending to engage
18 in radioactive waste site exploration or related activities in the same manner as
19 those sections and rules are applicable to ~~nonferrous metallic~~ mineral exploration,
20 to activities related to ~~nonferrous metallic~~ mineral exploration and to persons
21 engaging in or intending to engage in ~~nonferrous metallic~~ mineral exploration or
22 related activities.

23 **SECTION 91.** 293.37 (4) (b) of the statutes is amended to read:

24 293.37 (4) (b) If the department finds that the anticipated life and total area
25 of a ~~nonferrous metallic~~ mineral deposit are of sufficient magnitude that reclamation

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1 of the mining site consistent with this chapter requires a comprehensive plan for the
2 entire affected area, it shall require an operator to submit with the application for
3 a mining permit, amended mining site or change in mining or reclamation plan, a
4 comprehensive long-term plan showing, in detail satisfactory to the department, the
5 manner, location and time for reclamation of the entire area of contiguous land which
6 will be affected by mining and which is owned, leased or under option for purchase
7 or lease by the operator at the time of application. Where a ~~nonferrous~~ ~~metallie~~
8 mineral deposit lies on or under the lands of more than one operator, the department
9 shall require the operators to submit mutually consistent comprehensive plans.

10 **SECTION 92.** 293.47 (1) (b) of the statutes is amended to read:

11 293.47 (1) (b) “Geologic information” means information concerning
12 descriptions of a ~~nonferrous~~ an ore body, descriptions of reserves, tonnages and
13 grades of ~~nonferrous~~ ore, descriptions of a drill core or bulk sample including
14 analysis, descriptions of drill hole depths, distances and similar information related
15 to the ~~nonferrous~~ ore body.

16 **SECTION 93.** 293.50 (1) (b) of the statutes is amended to read:

17 293.50 (1) (b) “Sulfide ore body” means a mineral deposit in which ~~nonferrous~~
18 metals are mixed with sulfide minerals.

19 **SECTION 94.** 293.50 (2) (a) of the statutes is amended to read:

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

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1 **SECTION 95.** 293.50 (2) (b) of the statutes is amended to read:

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

9 **SECTION 96.** 293.51 (1) of the statutes is amended to read:

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

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1 **SECTION 97.** 293.65 (3) (a) of the statutes is amended to read:

2 293.65 (3) (a) An approval under s. 281.34 is required to withdraw groundwater
3 ~~for prospecting or mining~~ or to dewater mines if the capacity and rate of withdrawal
4 of all wells involved in the withdrawal of groundwater or the dewatering of mines
5 exceeds 100,000 gallons each day. A permit under s. 283.31 is required to discharge
6 pollutants resulting from the dewatering of mines.

7 **SECTION 98.** 293.65 (3) (b) of the statutes is amended to read:

8 293.65 (3) (b) The department may not issue an approval under s. 281.34 if the
9 withdrawal of groundwater for prospecting or mining purposes or the dewatering of
10 mines will result in the unreasonable detriment of public or private water supplies
11 or the unreasonable detriment of public rights in the waters of the state. No
12 withdrawal of groundwater ~~for prospecting or mining purposes~~ or the dewatering of
13 mines may be made to the unreasonable detriment of public or private water supplies
14 or the unreasonable detriment of public rights in the waters of the state.

15 **SECTION 99.** 293.86 of the statutes is amended to read:

16 **293.86 Visitorial powers of department.** Any duly authorized officer,
17 employee or representative of the department may enter and inspect any property,
18 premises or place on or at which any prospecting or metallic mining operation or
19 facility is located or is being constructed or installed at any reasonable time for the
20 purpose of ascertaining the state of compliance with this chapter and chs. 281, 285,
21 289 to 292, 295, and 299, subchs. I and II of ch. 295, and rules adopted pursuant
22 thereto. No person may refuse entry or access to any such authorized representative
23 of the department who requests entry for purposes of inspection, and who presents
24 appropriate credentials, nor may any person obstruct, hamper or interfere with any
25 such inspection. The department shall furnish to the prospector or operator, as

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1 indicated in the prospecting or mining permit, a written report setting forth all
2 observations, relevant information and data which relate to compliance status.

3 **SECTION 100.** Chapter 295 (title) of the statutes is amended to read:

4 **CHAPTER 295**

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

6 **METALLIC MINING**

7 **SECTION 101.** 295.16 (4) (f) of the statutes is amended to read:

8 295.16 (4) (f) Any mining operation, the reclamation of which is required in a
9 permit obtained under ch. 293 or subch. III of ch. 295.

10 **SECTION 102.** Subchapter III of chapter 295 [precedes 295.40] of the statutes
11 is repealed.

12 **SECTION 103.** 299.85 (7) (a) 2. and 4. of the statutes are amended to read:

13 299.85 (7) (a) 2. Notwithstanding minimum or maximum forfeitures specified
14 in ss. 29.314 (7), 29.334 (2), 29.604 (5) (a), 29.611 (11), 29.889 (10) (c) 2., 29.969,
15 29.971 (1) (a), (1m) (a), (3), (3m), (11g) (b), (11m) (b), and (11r) (b), 30.298 (1), (2), and
16 (3), 30.49 (1) (a) and (c), 31.23 (2), 281.75 (19), 281.98 (1), 281.99 (2) (a) 1., 283.91 (2),
17 285.41 (7), 285.57 (5), 285.59 (8), 285.87 (1), 287.95 (1), (2) (b), and (3) (b), 287.97,
18 289.96 (2) and (3) (a), 291.97 (1), 292.99 (1) and (1m), 293.81, 293.87 (3) and (4) (a),
19 295.19 (3) (a) and (b) 1., 295.37 (2), ~~295.79 (2) and (4)~~, 299.15 (4), 299.51 (5), 299.53
20 (4) (c) 1., 299.62 (3) (a) and (c), and 299.97 (1), if a regulated entity that qualifies
21 under sub. (2) for participation in the Environmental Compliance Audit Program
22 corrects violations that it discloses in a report that meets the requirements of sub.
23 (3) within 90 days after the department receives the report that meets the
24 requirements of sub. (3), the regulated entity may not be required to forfeit more than

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1 \$500 for each violation, regardless of the number of days during which the violation
2 continues.

3 4. Notwithstanding minimum or maximum forfeitures specified in ss. 29.314
4 (7), 29.334 (2), 29.604 (5) (a), 29.611 (11), 29.889 (10) (c) 2., 29.969, 29.971 (1) (a), (1m)
5 (a), (3), (3m), (11g) (b), (11m) (b), and (11r) (b), 30.298 (1), (2), and (3), 30.49 (1) (a) and
6 (c), 31.23 (2), 281.75 (19), 281.98 (1), 281.99 (2) (a) 1., 283.91 (2), 285.41 (7), 285.57
7 (5), 285.59 (8), 285.87 (1), 287.95 (1), (2) (b), and (3) (b), 287.97, 289.96 (2) and (3) (a),
8 291.97 (1), 292.99 (1) and (1m), 293.81, 293.87 (3) and (4) (a), 295.19 (3) (a) and (b)
9 1., 295.37 (2), ~~295.79 (2) and (4)~~, 299.15 (4), 299.51 (5), 299.53 (4) (c) 1., 299.62 (3) (a)
10 and (c), and 299.97 (1), if the department approves a compliance schedule under sub.
11 (6) and the regulated entity corrects the violations according to the compliance
12 schedule, the regulated entity may not be required to forfeit more than \$500 for each
13 violation, regardless of the number of days during which the violation continues.

14 **SECTION 104.** 299.95 of the statutes is amended to read:

15 **299.95 Enforcement; duty of department of justice; expenses.** The
16 attorney general shall enforce chs. 281 to 285 and 289 to 295 and this chapter, except
17 ss. 285.57, 285.59, and 299.64, and all rules, special orders, licenses, plan approvals,
18 permits, and water quality certifications of the department, except those
19 promulgated or issued under ss. 285.57, 285.59, and 299.64 and except as provided
20 in ss. 281.36 (14) (f), 285.86 and 299.85 (7) (am). ~~Except as provided in s. 295.79 (1),~~
21 ~~the~~ The circuit court for Dane county or for any other county where a violation
22 occurred in whole or in part has jurisdiction to enforce chs. 281 to 285 and 289 to 295
23 or this chapter or the rule, special order, license, plan approval, permit, or
24 certification by injunctive and other relief appropriate for enforcement. For
25 purposes of this proceeding where chs. 281 to 285 and 289 to 295 or this chapter or

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1 the rule, special order, license, plan approval, permit or certification prohibits in
2 whole or in part any pollution, a violation is considered a public nuisance. The
3 department of natural resources may enter into agreements with the department of
4 justice to assist with the administration of chs. 281 to 285 and 289 to 295 and this
5 chapter. Any funds paid to the department of justice under these agreements shall
6 be credited to the appropriation account under s. 20.455 (1) (k).

7 **SECTION 105.** 323.60 (1) (gm) of the statutes is repealed.

8 **SECTION 106.** 323.60 (5) (d) 3. of the statutes is amended to read:

9 323.60 (5) (d) 3. All facilities with 10 or more employees in major group
10 classifications 10 to 13 in the standard industrial classification manual, 1987
11 edition, published by the U.S. office of management and budget, at which a toxic
12 chemical is used at or above an applicable threshold quantity, except that compliance
13 with the toxic chemical release form requirements under this subdivision is not
14 required for the placement of a toxic chemical in a storage or disposal site or facility
15 that is located at a facility with a permit under ch. 293 ~~or a mining permit under~~
16 ~~subch. III of ch. 295~~ if the toxic chemical consists of or is contained in merchantable
17 by-products, as defined in s. 293.01 (7) ~~or 295.41 (25)~~, minerals, as defined in s.
18 293.01 (8), or refuse, as defined in s. 293.01 (25) ~~or 295.41 (41)~~.

19 **SECTION 107.** 706.01 (9) of the statutes is amended to read:

20 706.01 (9) "Mining company" means any person or agent of a person who has
21 a prospecting permit under s. 293.45 or a mining permit under s. 293.49 ~~or 295.58~~.

22 **SECTION 108.** 710.02 (2) (d) of the statutes is amended to read:

23 710.02 (2) (d) An exploration mining lease as defined in s. 107.001 (1) and land
24 used for mining and associated activities ~~under chs. 293 and 295~~.

25 **SECTION 109.** 2013 Wisconsin Act 1, section 103 is repealed.

ASSEMBLY BILL 436**1 SECTION 110. Nonstatutory provisions.**

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

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

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

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

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

10 (c) Revise the rules promulgated under 2013 Wisconsin Act 1, section 103 (1)

11 (c) so that the exemptions specified in those rules do not apply to ferrous mining and
12 associated activities.

13 (2) The department of natural resources shall present the statement of scope
14 of the rules required under subsection (1) to the governor for approval under section
15 227.135 (2) of the statutes no later than the 30th day after the effective date of this
16 paragraph. The department of natural resources shall submit in proposed form the
17 rules required under subsection (1) to the legislative council staff under section
18 227.15 (1) of the statutes no later than the first day of the 5th month beginning after
19 the governor approves the statement of scope of the rules.

20 (END)