



1995 ASSEMBLY BILL 337

April 28, 1995 - Introduced by Representatives BLACK, REYNOLDS, NOTESTEIN, BALDWIN, DUEHOLM, BOYLE, R. POTTER, BOCK, HANSON, MURAT, TRAVIS, R. YOUNG, BALDUS, CARPENTER, BAUMGART, SPRINGER, GROBSCHMIDT, PLOMBON, LA FAVE, WILDER, HUBER and VANDER LOOP, cosponsored by Senators CLAUSING, C. POTTER, DECKER, BURKE and CHVALA, by request of Wolf River Territory Business Association; Arrowhead High School Save the Earth Club; Muskies Inc.; American Association of Retired Persons; Wisconsin Wildlife Federation; Menominee Indian Tribe of Wisconsin; The Servite Center for Life; Oneida Environmental Resources Board; Wisconsin Trout Unlimited; The River Alliance of Wisconsin; Izaak Walton League of Wisconsin; Northeast Wisconsin Environmental Network; Rolling Stone Lake Protection and Rehabilitation District; Mining Impact Coalition of Wisconsin, Inc.; Post Lake Protection and Rehabilitation District; Greenpeace; UW Eau Claire Student Environmental Action Coalition; John Muir Chapter Sierra Club; Anishinaabe Nijjii; Watershed Alliance for Environmental Responsibility; UW Stevens Point Environmental Council; Pikerak Crane Lake Protection and Rehabilitation District; Environmentally Concerned Citizens of the Lakeland Area (ECCOLA); Shoreline Park Preservation, Inc.; Mining Impact Coalition of Dane County; Honor Our Neighbors and Resources (HONOR); Wisconsin's Environmental Decade; Citizens for Responsible Government; Grey Panthers of Wisconsin; Mining Impact Coalition of Southeast Wisconsin; Citizens for a Better Environment; Northwoods Conservation Association; Wisconsin Greens; Outdoor and Environmental Club of Beloit College; Wisconsin Resources Protection Council; Center for Alternative Mining Development Policy; Four Lakes Group Sierra Club; St. Croix Valley Greens; Superior Wilderness Action Network; University of Wisconsin Greens; Wolf River Trout Unlimited; Progressive Student Network; Wolf River Lakes and Stream Association; Wisconsin Environmental Law Society; Milwaukee Area Greens Mining Task Force; Midwest Office Sierra Club; Wolf River Watershed Alliance; Clean Water Action Council of Northeast Wisconsin; Rusk County Citizen Action Group, Inc.; Wolf River Conservation Club; Midwest Headwaters Earth First!; Public and Environmental Affairs Council; Forest County Potawatomi Tribe; UW Whitewater Environmental Federation; Wisconsin Public Interest Research Group (WISPIRG); Izaak Walton League -- Milwaukee Chapter; Lake Michigan Federation; Kids for Clean Water; UW Stevens Point Chapter of the Wildlife Society; Aldo Leopold Chapter - Society For Conservation Biology; Audubon Council of Wisconsin; Madison Audubon; Environmental Affairs UWGB; Round River Alliance; Northeast Wisconsin Audubon; and Northern Thunder. Referred to Committee on Environment and Utilities.

1 **AN ACT to repeal** 144.85 (5) (b) 4. c.; and **to create** 144.85 (3) (e) 1. e. and f. and
2 144.85 (5) (b) 7. of the statutes; **relating to:** information concerning persons
3 who intend to engage in mining and related entities and denial of mining
4 permits.

Analysis by the Legislative Reference Bureau

Under current law, a person must obtain a mining permit from the department of natural resources (DNR) before beginning to mine for metallic minerals. A person who applies for a mining permit must provide DNR with specified information concerning the forfeiture in the United States of mining reclamation bonds by the applicant or related persons, felony convictions of the applicant or a related person for mining-related violations of state or federal environmental protection laws, financial problems of the applicant or related persons that resulted in failure to reclaim a mining site in the United States and revocations of mining permits in the United States because of failure to reclaim a mining site.

This bill requires a person who applies for a mining permit to provide additional information to DNR. The bill requires the applicant to furnish information concerning any civil penalty or requirement to pay restitution in an amount of more than \$10,000 or to expend more than \$10,000 to remedy environmental pollution that is imposed on the applicant or a related person for a mining-related violation of a state or federal environmental protection law. The bill also requires the applicant to furnish information concerning any criminal penalty or civil penalty of more than \$10,000 Canadian, or any requirement to pay restitution in an amount of more than \$10,000 Canadian or to expend more than \$10,000 Canadian to remedy environmental pollution, that is imposed on the applicant or a related person for a violation of an environmental protection law arising out of the operation of a mining site in Canada.

Under current law, DNR is required to deny a permit to mine for metallic minerals under specified circumstances related to the conduct of the applicant or related persons. DNR is required to deny a mining permit if the applicant or a related person has, within 10 years before applying, been convicted of more than one felony for mining-related violations of state or federal environmental protection laws unless the person convicted has been pardoned, the applicant terminates its relationship with the convicted person or the applicant submits a plan to prevent the occurrence of events similar to those that resulted in the convictions.

This bill eliminates the provision that allows an applicant that has committed more than one mining-related felony, or that is related to a person that has committed more than one mining-related felony, to obtain a mining permit upon submission to DNR of a plan to prevent similar occurrences. This bill also requires DNR to deny a mining permit if the applicant or a related person has demonstrated,

by a pattern of the occurrences required to be reported to DNR, an unwillingness or inability to comply with environmental protection laws.

For further information see the *state* 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.** 144.85 (3) (e) 1. e. and f. of the statutes are created to read:

2 144.85 (3) (e) 1. e. Any forfeiture or other civil penalty of more than \$10,000
3 or any requirement to pay restitution in an amount of more than \$10,000 or to
4 remedy environmental pollution, if the cost of the remedy was more than \$10,000,
5 imposed by a court or an administrative agency on the applicant, a related person
6 or an officer or director of the applicant at the conclusion of a contested judicial or
7 administrative proceeding or by consent decree or other agreement among the
8 parties as the result of a violation of a law for the protection of the natural
9 environment arising out of the operation of a mining site in the United States.

10 f. Any criminal penalty or any civil penalty of more than \$10,000 Canadian or
11 any requirement to pay restitution in an amount of more than \$10,000 Canadian or
12 to remedy environmental pollution, if the cost of the remedy was more than \$10,000
13 Canadian, imposed by a court or an administrative agency on the applicant, a related
14 person or an officer or director of the applicant at the conclusion of a contested
15 judicial or administrative proceeding or by consent decree or other agreement among
16 the parties as the result of a violation of a law for the protection of the natural
17 environment arising out of the operation of a mining site in Canada.

18 **SECTION 2.** 144.85 (5) (b) 4. c. of the statutes is repealed.

19 **SECTION 3.** 144.85 (5) (b) 7. of the statutes is created to read:

