

<p><b>Notice of Public Meeting</b>  <b>Tuesday, September 12, 2017</b>  <b>3:00 p.m.</b></p>	<p><b>LEGISLATIVE  COMMITTEE</b></p>	<p><i>Door County Government Center  Chambers Room (C102), 1st floor  421 Nebraska Street, Sturgeon Bay, WI</i></p>
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**AGENDA**

1. Call Meeting to Order
2. Establish a Quorum ~ Roll Call
3. Adopt Agenda / Properly Noticed
4. Approve Minutes of July 18, 2017 Legislative Committee Meeting
5. Communications –
  - A. County Administrator Email on Mining Amendments
6. Public Comment
7. Supervisor Response
8. Old Business
  - A. Potential Changes to the Visa Program
  - B. Status on State Budget and Modifications from Joint Finance
  - C. Discussion on Process for County Referendum – WI United to Amend
9. New Business
  - A. Review Resolutions from Other Counties and Refer to Appropriate Committees for Recommendation as to Action of the County Board
    1. Outagamie County – Opposing Legislation which proposes to sell the current Green Bay Correctional Institution
    2. Village of Ephraim, City of Sturgeon Bay, Village of Egg Harbor, Town of Forestville, Town of Gibraltar, Town of Sturgeon Bay - Supporting a Constitutional Amendment to Allow Limits on Campaign Contributions and Conducting a Non-Binding Statewide Referendum
    3. Outagamie County – Supporting Any Legislation Reducing the Forfeiture to \$100 for Possessing or Attempting to possess Not More Than 10 Grams of Marijuana
    4. LaCrosse County, Wood County – Supporting Creation of a Non-Partisan Redistricting Plan
    5. Forest County – Supporting Recount Reform
    6. Wood County – Prevailing Wage Law
  - B. Review Badger Care Plus Legislation
  - C. Review SB395 (from Erin)
  - D. Review WIDNR Legislative Status on Manure Application Rules
  - E. Report on WCA Resolutions Committee Meeting – Chair Kohout
  - F. Review Committee Budget for 2018
10. Matters to be Placed on a Future Agenda or Referred to a Committee, Official, or Employee
11. Next Meeting Date: tbd
12. Meeting Per Diem Code
13. Adjourn

*Deviation from the order shown may occur*

**MINUTES**  
Tuesday, July 18, 2017

**LEGISLATIVE  
COMMITTEE**

*Door County Government Center  
Chambers Room (C102), 1st floor  
421 Nebraska Street, Sturgeon Bay, WI*

**Call Meeting to Order**

Chair Susan Kohout called the July 18, 2017 meeting of the Legislative Committee to order at 3:00 p.m. at the Door County Government Center.

**Establish a Quorum – Roll Call**

Committee members present – Steve Sohns, Susan Kohout, Roy Englebert, David Enigl, and Helen Bacon.

Others present – Administrator Ken Pabich, Assistant Corp Counsel Karyn Behling, County Conservationist Erin Hanson, County Clerk Jill Lau, and public.

**Adopt Agenda / Properly Noticed**

Motion by Bacon, seconded by Sohns to approve the agenda. Motion carried by unanimous voice vote.

"These minutes have **not** been reviewed by the oversight committee and are subject to approval at the next regular committee meeting."

**Approve Minutes of June 13, 2017 Legislative Committee Meeting**

Motion by Englebert, seconded by Enigl to approve the meeting minutes of June 13, 2017. Motion carried by unanimous voice vote.

**Communications**

- Memos and emails were included in the meeting packet
- Chair Kohout noted she had also received correspondence from - Allin Walker, Charlene Hunter Peterson, Rick Giraud, Don Freix and that many calls were received by her and other committee members

**Public Comment**

Chair Kohout announced to those in attendance who wished to comment regarding the Back Forty Mine will be allowed to do so under the agenda topic.

**Supervisor Response**

N/A.

**New Business**

**Discussion / Action on the proposed “Back Forty Mine” – Aquila Resources**

Bob Wagner and Jim Soletski presented information on the mine and the proposed mining process. The Back Forty project is a metallic sulfide, 800’ open pit mine proposed by Aquila Resources and is proposed to be located on the back section of the Menominee River. Representative Kitchens office memo to Chair Kohout, which was included in the meeting packet, was reviewed.

**Public Comment:**

- Guy Reiter, Menominee Indian Reservation, commented on the mine and noted the mine site has been proposed for the past 15 years. In 2015 Aquila Resources submitted a permit to mine. \$400 - \$500M will need to be raised before the mine opens. The permit in place allows the mine to operate for seven years. Plans call for mining under the river at some point for a total of 16 years. The mine will be located 150’ from the river. Acid mine drainage reviewed. 580 acres are expected to be mined. Guy distributed a handout to committee members. Guy reviewed the benefits of Door County tourism and the increase in tourism; if Door County’s water and land become contaminated from the mine it may have an impact on tourism in the county. The Menominee tribe has concerns that the mine will disturb burial grounds and prehistoric garden beds of the tribes ancestors along the river that are used for research and historical purposes. Guy reviewed a listing of the municipalities, associations, and organizations that have adopted resolutions opposing the mine.

- Dennis Skahen, commented considering the county's close proximity to the mine it would be wise for the county to support a resolution opposing the mine.
- Rich Girod, 4159 Hammarstrom Rd, explained after attending an informational meeting he and his wife put together and circulated a petition urging the County to support a resolution in opposition of the mine. Rich presented the petition to the committee.
- Don Freix, Fish Creek, recommends that the county obtain and view a presentation from Mr. Al Gedicks. The Menominee River is the major nursery for the lake sturgeon in all of Michigan. Don suggested the County sign on to Senator Hanson's legislation.
- Charlene Hunter Peterson, Michigan, participated in a work group that wrote the mining regulations in Michigan. Charlene resides in Michigan and lives on property bordering the proposed mine. Charlene provided information to Chair Kohout and Supervisor Bacon prior to the meeting which was shared with committee members. Charlene noted the poll of the public opinion is anti-mine. There are concerns regarding air and water quality and property values. The permits applied for is for an open pit mine however all of Aquila Resources press releases call for an open pit and underground mine. Charlene stated Aquila Resources has never mined. People in the area and surrounding areas are feeling neglected and ignored. Charlene believes if Door County supports a resolution in opposition it does matter. No municipalities in Michigan have passed a resolution in opposition.
- Jeffery J. Budish, Peshtigo, explained the Menominee River is rated one of the ten most endangered rivers in the US because of the mine. It is expected that 1.52M gallons of polluted water per day will be discharged into the river. Tourism, fishing, and livelihoods will be affected.
- Markus Ritter, 1336 Utah Street, once you have sulfide pollution there is no remediation.
- Scott Lindquist, Menominee Michigan, expressed his mistrust with a variety of different mining companies. Scott expressed that he believes all sulfide mines are dangerous and the Back Forty Mine will wreck the river. Scott presented information on the Flambeau Mine.
- Jessica Adams, Green Bay, commented on the human impact noting concerns with sex trafficking in an area where familyless men will be camped for an extended period of time.
- Gregory Hitch, Perch Lane, Town of Nasewaupee acknowledge we are on traditional Menominee lands here in Door County and to remember and honor their ancestry. Gregory expressed concerns about the impacts on water quality if the mine project moves forward.
- Mary Hanson, Peshtigo, commented on mines that have caused contamination and left toxic messes to be cleaned up at the costs of the areas where the mine was located.
- Deborah Logerquist, Jacksonport, heavy metals will be leached and the fish will be contaminated. Need to be proactive and oppose the mine.
- Lia Montgomery, Glidden Dr, Sturgeon Bay, expressed concerns regarding contamination and the potential effects on wildlife.
- David Daniel, Town of Nasewaupee, worked for 37 years in this region in natural resources in water regulation. Expressed concerns about water quality
- Paula Mohan, Madison, WI specializes in inter-governmental relations. Door County will be impacted and will have no access to clean-up money and the county has every right to take action.
- Regina Chaltry, Birch Creek, north of Menominee. Presented information regarding the Flambeau Mine; predictions made to what actually is occurring. Regina doesn't believe the creation of jobs for the mine will not help the local community. Regina noted concerns the digging of the pit will de-water the area which is of great concern for the forest area.
- Jaywin Zoyer, noted Wisconsin is being attacked. This will affect all of Wisconsin.

Chair Kohout thanked those in attendance for their concerns and compassion for this issue. Chair Kohout noted she had reached out to some local residents and the responses she has received have convinced her that the mining project is too risky. Supervisors expressed her concerns about the project. Assistant Corp Counsel Behling drafted a resolution for consideration which was included in the meeting packet. Committee members would like the resolution to be forwarded to the Wisconsin DNR and Michigan DNR along with those already included in the draft resolution.

Motion by Bacon, seconded by Englebert to approve the draft resolution, with the addition of sending it to the Wisconsin DNR and Michigan DNR, and to send it on to County Board. Motion carried by unanimous voice vote.

## **Discussion on Process for County Referendum – WI United to Amend**

City of Sturgeon Bay, Town of Baileys Harbor, Egg Harbor, and Liberty Grove, and the Villages of Egg Harbor and Ephraim have adopted supporting resolutions.

Assistant Corp Counsel Behling explained the process for a county referendum. This would be an advisory only referendum. The County Clerk must publish a Type A notice of the referendum. A resolution must be adopted by the county board calling for the referendum. Behling noted there has not been a county-wide referendum in the past twenty years. Drafting a resolution and the process of adopting and filing will take some time and may have some costs. Dan Powers explained United to Amend is looking for some action from the county rather than something concrete. Dan suggested a referendum be held at a November election if the county decides to move forward on calling for a referendum. Nine other counties have held a referendum. Administrator Pabich will compile a formal timeline for holding a referendum and the process to do so for committee review.

## **Old Business**

### **Potential Changes to the Visa Program**

DCEDC is slowly working on this.

### **Status on State Budget and Modifications from Joint Finance**

No new information.

### **Update on Federal Budget and Impact on Counties**

NACo information included in the meeting packet. Senate bill is not expected to move forward; no action needed.

## **New Business**

### **Review Resolutions from Other Counties and Refer to Appropriate Committees for Recommendation as to Action of the County Board**

#### **Outagamie County – Opposing Legislation to Repeal Wisconsin’s Prevailing Wage Law**

Reviewed. No action taken.

#### **Outagamie County, Chippewa County, Forest County, Portage County – Supporting Creation of a Non-Partisan Redistricting Plan**

Door County has already adopted.

#### **Outagamie County – Opposing Legislation Permitting Inmates Confined to County Jails, County Houses of Correction, or Tribal Jails, Under a Department of Corrections Contract to Leave the Facility to Participate in Employment Related Activities or Other Approved Programs**

Reviewed. No action taken.

#### **Outagamie County – Opposing Legislation to Allow a Person, Meeting Certain Requirements, to File a Petition for Expungement with the Sentencing Court After He/She Completes Their Sentence**

Reviewed. No action taken.

#### **Shawano County – Recommending Change in Unemployment Compensation Laws**

Door County has reviewed. Next agenda item addresses action taken.

### **Discussion / Action on Unemployment Compensation Laws**

The draft resolution included in the meeting packet was reviewed. Discussion. No action taken.

#### **Town of Baileys Harbor, Town of Liberty Grove, Town of Egg Harbor – Supporting a Constitutional Amendment to Allow Limits on Campaign Contributions and Conducting a Non-Binding Statewide Referendum**

Reviewed.

**Discussion of Medicaid Reimbursement**

The Human Services Board addressed this issue and decided to take no action on it or make any recommendations to the Legislative Committee.

**Matters to be Placed on a Future Agenda or Referred to a Committee, Official, or Employee**

- Discussion on Process for County Referendum – WI United to Amend

**Next Meeting Date: tbd**

At call of chair.

**Meeting Per Diem Code**

721.

**Adjourn**

Motion by Enigl, seconded by Englebert to adjourn. Time 5:22 p.m. Motion carried by voice vote.

Respectfully submitted by Jill M. Lau, County Clerk

**PABICH, KEN**

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**From:** PABICH, KEN  
**Sent:** Wednesday, August 30, 2017 11:15 AM  
**To:** 'Rep.Kitchens@legis.wisconsin.gov'  
**Cc:** 'Sen.Fitzgerald@legis.wisconsin.gov'; 'Rep.Steineke@legis.wisconsin.gov'; 'Sen.Shilling@legis.wisconsin.gov'; 'Rep.Barca@legis.wisconsin.gov'; Kohout, Susan; Kyle Christianson  
**Subject:** Mining Amendments / Budget Bill

Representative Kitchens –

I wanted to reach out on the potential changes being suggested with the mining amendments. I was informed of the potential changes through our County Association. While frac mining is not a significant issue in Door County, the logic behind my support in this email is based on trying to find a balance between 'growing' Wisconsin's economy and balancing the impact to local government and citizens.

The pressure on local governments to provide clean water and sound infrastructure is immense. In Door County, we have incredible pressure for spreading manure, using more water with high capacity wells and hauling more weight on roads than what are local roads can handle. At the same time, residents and tourists expect clean water to swim and drink and roads that are safe and well maintained.

There is a difficult and fine line to define between what is good economic development policy and balancing that policy with the true cost of implementation. In the last budget, there were multiple non-budgetary items added that had good intentions, but had negative impacts at the local level. It seems only logical that more thought should be given before inserting legislation into the budget.

Based on these comments, I would support the following:

1. Efforts to restrict local government authority to regulate should be included in a separate bill, not the state budget.
2. Counties must maintain the ability to protect health, safety, roads, and property values.
3. Counties are always open to discussing an appropriate regulatory framework; however, those conversations should occur in an environment outside the state budget.

The Counties are an extension of the State of Wisconsin. To address our limited resources, we need to become better partners at growing our economy without burdening the resources at the state or local level.

Thanks for your consideration.

Ken Pabich  
County Administrator  
Door County  
421 Nebraska St  
Sturgeon Bay, WI 54235  
920-746-2552

**LAU, JILL**

**From:** Kohout, Susan  
**Sent:** Wednesday, September 06, 2017 9:28 AM  
**To:** PABICH, KEN; LAU, JILL  
**Subject:** Fw: J-1 Visa Program  
**Attachments:** Americans+for+Cultural+Exchange+talking+points+August+18.pdf; J-1 Visa Letter-08-08-2017.pdf; LoBiondo\_SupportLetterSWTPProgram\_July2017.pdf; WSJArticle\_BAHA\_20170827.pdf

Good morning,

Here's Caleb's email regarding the J-1 Visa program. Please also include his email in the packet.

Thanks,  
 Susie

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**From:** Caleb Frostman <caleb@doorcountybusiness.com>  
**Sent:** Monday, August 28, 2017 3:49 PM  
**To:** 'Ryan Heise'; PABICH, KEN; Zeke Jackson; Lienau, David; Kohout, Susan; VanLieshout, Josh; Birmingham, Thad; bbristol@ephraim-wisconsin.com; 'Dick Skare'  
**Cc:** Jack Moneyppenny; 'Phil Berndt'  
**Subject:** J-1 Visa Program

All,  
 A troubling story was published in the Wall Street Journal yesterday suggesting that the current Presidential administration is considering eliminating the J-1 Visa program as part of a greater initiative to "hire American." Due to the J-1's significant effect on our county from an economic, workforce, and cultural exchange perspective, I will be drafting a letter to our national legislators, WEDC, WEDA, and possibly others for my board's approval to officially oppose that potential action. I would implore you and/or your respective committee / board to consider doing the same due to the J-1's beneficial impact on our county's highly-stressed employers who are already reducing hours of operation and losing business because they can't find enough workers, American or otherwise.

The group that monitors this situation, InterExchange, encourages phone calls over letters, so perhaps a belt and suspenders approach of doing both might work best, should you be so inclined. Or leave a testimonial at <https://www.americansforculturalexchange.org/leave-a-testimonial>.

It sounds like Jack and the Visitor Bureau are already in contact with InterExchange, Congressman Gallagher, and Wisconsin Tourism Secretary Klett's office. Jack is also working with Assemblyman Kitchens to determine the most efficient way of communicating with local legislators if it's not bombarding them with phone calls.

U.S. Senators Baldwin and Johnson have both signed a letter in support of keeping the J-1 Visa program (see attached). Congressman Gallagher has not (Congressional letter attached, as well), but Jack's group is working closely with his office. Jack is meeting with Congressman Gallagher twice in the next two weeks on separate matters and I'm involved in one of those meetings too, and we will certainly bring this up at one or both of those meetings.

Also attached are talking points from InterExchange for testimonials and phone calls, should you feel compelled to express opposition. I have additional Door County-specific J-1 info if you'd like that, as well (I didn't want to overload this initial communication).

Within the last hour, folks from both Al Johnson's and Gordon Lodge have reached out to DCEDC with great concern and I'm sure more will as the story makes its way across the county.

Please let me know if you have any questions. Thanks.

Caleb Frostman  
 Executive Director  
 Door County Economic Development Corporation  
 185 E. Walnut St.  
 Sturgeon Bay, WI 54235  
[caleb@doorcountybusiness.com](mailto:caleb@doorcountybusiness.com)  
 920-743-3113 xtn. 203

United States Senate  
WASHINGTON, DC 20510

August 8, 2017

The Honorable Rex W. Tillerson  
Secretary of State  
U.S. Department of State  
Washington, DC 20520

Dear Secretary Tillerson:

We write in support of the Department of State's J-1 Visa Summer Work Travel (SWT) program. This public diplomacy program has a long track record of success, providing an enriching exchange experience to a diverse pool of college and university students from across the globe, including from countries key to U.S. national security interests. It does so at no expense to the American taxpayer.

As you know, the SWT program awards visas to international students who wish to travel to the United States during their schools' summer breaks. The program affords these students the opportunity to experience the American way of life, American business culture, work alongside Americans, and improve their English-language skills. Through the built-in work component that places them in temporary, seasonal jobs, they can defray their living and travel expenses.

The SWT program also plays an important role for local communities across the United States. Many small businesses in our states are dependent on the program to meet their seasonal labor needs. According to a recent study commissioned by the Alliance for International Exchange, one quarter of surveyed employers state that they could not operate at capacity during peak season without SWT students to supplement their seasonal workforce.<sup>1</sup> For these businesses, an inability to staff all of their positions, in turn, would result in fewer hours, lower salaries, less benefits, and even job losses for their American employees. It is important to note that SWT program regulations contain provisions to ensure that exchange visitors do not displace American workers.

SWT exchange students not only work in our local businesses, they also shop in our stores, eat in our restaurants, and rent local accommodations. Their absence would have a real-world impact on local economies throughout the country.

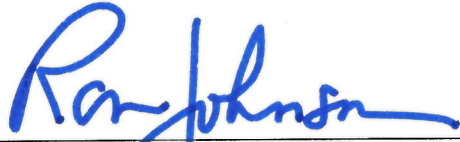
For these reasons, as the Administration reviews all U.S. visa programs, we urge you to work with stakeholders in the SWT community to continue to strengthen this important and successful cultural exchange program that enriches and supports communities across the United States.

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<sup>1</sup> Jorge Restrepo, ET AL., *Review of Summer Work Travel Program: Program Effects and Economic Impact*, ALL. FOR INT'L EXCH. (June 12, 2017), [http://www.alliance-exchange.org/sites/default/files/SWTReportExecSum\\_EurekaFacts\\_20170612.pdf](http://www.alliance-exchange.org/sites/default/files/SWTReportExecSum_EurekaFacts_20170612.pdf).



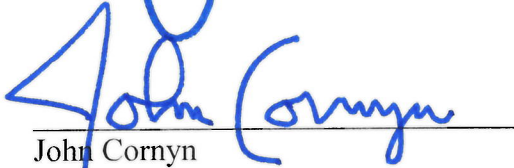
Sincerely,



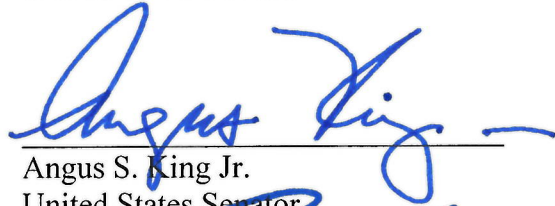
Ron Johnson  
United States Senator



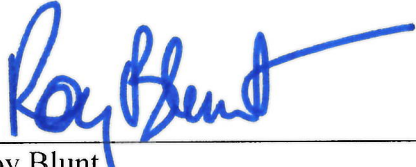
Jeanne Shaheen  
United States Senator



John Cornyn  
United States Senator




Angus S. King Jr.  
United States Senator



Roy Blunt  
United States Senator



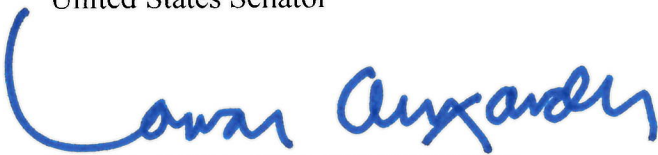
Chris Van Hollen  
United States Senator



Thom Tillis  
United States Senator



Amy Klobuchar  
United States Senator



Lamar Alexander  
United States Senator



Benjamin Cardin  
United States Senator



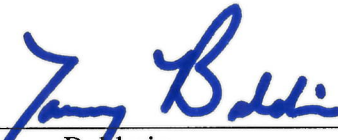
Susan Collins  
United States Senator



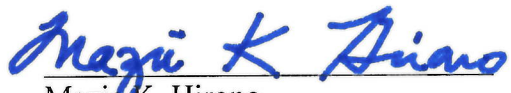
Patrick Leahy  
United States Senator



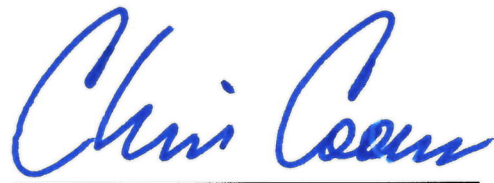
Steve Daines  
United States Senator



Tammy Baldwin  
United States Senator



Mazie K. Hirono  
United States Senator



Christopher A. Coons  
United States Senator



Cory A. Booker  
United States Senator

**Congress of the United States**  
**Washington, DC 20515**

July 12, 2017

The Honorable Rex W. Tillerson  
United States Department of State  
2201 C Street NW  
Washington, DC 20520

Dear Secretary Tillerson,

We are writing today in support of the State Department-managed J-Visa Summer Work Travel (SWT) program. This public diplomacy program has a long track record of success, engaging students from countries all over the world, including those key to U.S. national security interests. At a time when the values of the United States are misrepresented in many parts of the world this program plays an ever-increasing role to correct those impressions of America, expose international students to our culture and values, and give Americans the opportunity to learn about corners of the world to which they may never travel. In addition to these long-term benefits, many small businesses in our districts fill their seasonal labor shortages through the Summer Work Travel program. The SWT program does all this at no expense to American taxpayers.

The SWT program enables international students to afford to travel to the United States for a period of up to four months during their summer breaks. The work component that is built into the program model helps these exchange visitors defray their living and travel expenses by allowing them to accept temporary seasonal jobs in the U.S. and ensures a more diverse group of students can experience the U.S. first-hand.

A recent study shows the lack of enough seasonal employees is a problem for many American businesses. In fact, one quarter of surveyed employers state without SWT students to supplement their seasonal workforce, they cannot operate at capacity during peak season. This, in turn, will result in fewer hours, lower salaries, less benefits, and even job losses for their American employees. We appreciate the fact that the SWT program regulations contain provisions to ensure that exchange visitors do not displace American workers and commend the Department for the productive manner in which they continue to strengthen these protections.

We have also heard from local chambers of commerce that the SWT program benefits these businesses, enhances customers' experience and adds tremendous economic and cultural value to the communities in our Districts in which the SWT participants are hosted. These exchange students not only work in our local businesses, they also shop in our stores, eat in our restaurants and rent local accommodations. Their absence would mean real sacrifice for many small towns in reduced public services like emergency responders.

As the Administration reviews all visa programs, we urge you to work with stakeholders to continue to strengthen this valuable cultural exchange program which enriches and supports American communities across the country.

*Frank A. LoBiondo*

Frank A. LoBiondo  
Member of Congress

*William R. Keating*

William R. Keating  
Member of Congress

*Andy Harris, M.D.*

Andy Harris, M.D.  
Member of Congress

*Juan Vargas*

Juan Vargas  
Member of Congress

*Barbara Comstock*

Barbara Comstock  
Member of Congress

*Charles W. Dent*

Charles W. Dent  
Member of Congress

*Chellie Pingree*

Chellie Pingree  
Member of Congress

*Elise M. Stefanik*

Elise Stefanik  
Member of Congress

*Stevan Pearce*

Stevan Pearce  
Member of Congress

*Rob Bishop*

Rob Bishop  
Member of Congress

*Richard Neal*

Richard Neal  
Member of Congress

*Jimmy Panetta*

Jimmy Panetta  
Member of Congress

*Jim Himes*

Jim Himes  
Member of Congress


*Carol Shea-Porter*


Carol Shea-Porter  
Member of Congress


  
Billy Long  
Member of Congress



Val Butler Demings  
Member of Congress

  
Chris Stewart  
Member of Congress

  
Scott Peters  
Member of Congress

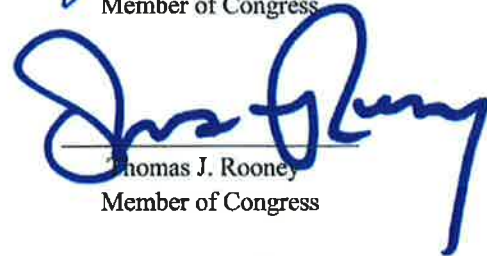
  
Collin C. Peterson  
Member of Congress

  
Glenn 'GT' Thompson  
Member of Congress

  
Scott Tipton  
Member of Congress


  
Jared Polis  
Member of Congress

  
Alcee L. Hastings  
Member of Congress

  
Thomas J. Rooney  
Member of Congress

  
Marsha Blackburn  
Member of Congress

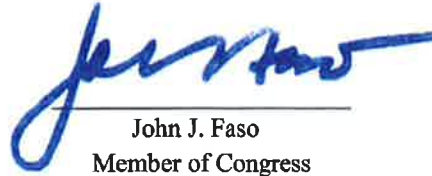
  
Gwen Moore  
Member of Congress

  
Eliot L. Engel  
Member of Congress

  
Tom Rice  
Member of Congress



Bruce Poliquin  
Member of Congress



John J. Faso  
Member of Congress



Mark Pocan  
Member of Congress



Greg Gianforte  
Member of Congress



Peter Welch  
Member of Congress

<https://www.wsj.com/articles/trump-administration-considering-cuts-to-summer-work-visas-1503857856>

## **Trump Administration Considering Cuts to Cultural Exchange Visas Summer work travel, au pair visas under review**

By Laura Meckler  
Aug. 27, 2017 2:17 p.m. ET

WASHINGTON—The Trump administration is considering major reductions in cultural exchange programs, including those for au pairs and summer workers, that allow young people from foreign countries to work in the U.S., people familiar with the administration's planning said.

President Donald Trump's "Buy American and Hire American" executive order, issued in April, calls for a review of U.S. immigration rules to ensure that the interests of domestic workers are protected. No decisions have been made, but supporters of the program worry changes will be made without a full public debate.

A White House-led interagency working group is particularly focused on five employment-based programs that are part of the J-1 visa exchange visitor program, according to people familiar with the discussion.

"The administration has concerns" about all of the visas that allow for guest workers, said Jessica Vaughan, director of policy studies at the Center for Immigration Studies, which wants to limit legal and illegal immigration. "But there are particular programs that need more attention because of their size, their effect on the U.S. labor market, and because a significant number of people overstay their visas."

People familiar with the conversations said the review includes the summer work-travel program, which brings more than 100,000 students to the U.S. each summer, often stationed in tourist destinations such as beach resorts and national parks. It also includes the smaller au pair program, where foreigners live in American homes and provide child care as well as take classes and participate in intercultural exchanges with their host families. Other programs under discussion include those for camp counselors, interns and trainees.

The J-1 visa program also includes 10 other categories that don't involve work, such as college students, which aren't under review, people familiar with the talks said.

The visa was instituted by statute, but the individual categories were created by past administrations and could be changed or eliminated by executive action. Some changes might need to go through the regulatory process, which provides an opportunity for public comment.

Options on the table include eliminating these visa classes, as well as imposing new requirements on participants. For instance, employers could be required to show that they

couldn't find Americans for these jobs, as is required for other visa programs, according to the people who are tracking the internal debate.

***A recent directive to the agency at the State Department responsible for these programs instructs officials to rewrite regulations in a way that would effectively end these five categories of the J-1 visa program, according to an administration official.*** [Emphasis added.] It was unclear whether the intent was to move forward with such a regulation or if the request was aimed at facilitating internal discussion.

A State Department official declined to comment on the debate and referred questions to the White House. "Presently, we continue to implement the J-1 visa programs at the same levels we have for the past few years, and we appreciate the support that American businesses have shown for the program and its value to their local communities," the official said.

White House press secretary Sarah Huckabee Sanders said she had "nothing to announce at this time."

Supporters view these programs as facilitating cross-cultural exchanges while filling gaps in the U.S. labor market. They give young people from foreign countries the opportunity to come to the U.S. and gain exposure to American culture and values before returning home.

This month, a bipartisan group of 17 senators wrote Secretary of State Rex Tillerson to [express support for the summer work travel program](#) as helpful to both the students and the businesses that use them for seasonal labor needs. A [similar letter](#) came in July from 33 members of the House.

"This public diplomacy program has a long track record of success, providing an enriching exchange experience to a diverse pool of college and university students across the globe, including countries key to U.S. national security interests," the senators wrote.

The program also fills the need for summer workers, said Denise Beckson, director of human resources at Morey's Piers, which operates amusement park rides and restaurants in Wildwood, N.J. The company has 1,500 summer workers, including 550 from the J-1 program.

"They allow us to have the types of hours and provide the offerings that guests coming for their summer vacation expect to have," she said. The company hosts such events as country-western night and "Thanksgiving in July."

Workers have their home countries on their nametags, she said, prompting conversation with customers.

Critics say foreign workers are a source of cheap labor who create unfair competition for American workers. That includes such conservatives as Attorney General Jeff Sessions, who want to restrict immigration but also some liberals who worry about the impact on U.S. workers. Sen. Bernie Sanders (I., Vt.), for instance, [singled out the J-1 program for criticism](#) during the 2013 Senate debate over sweeping immigration legislation.



“The J-1 program for foreign college students is supposed to be used as a cultural exchange program, a program to bring young people into this country to learn about our customs and to support international cooperation and understanding,” he said on the Senate floor during a 2013 immigration debate. “But instead of doing that, this program has morphed...into a low-wage jobs program to allow corporations...to replace young American workers with cheaper labor from overseas.”

Supporters of the program plan to mobilize their backers in hopes of blocking changes they see as harmful, said Ilir Zherka, executive director of the Alliance for International Exchange, which represents organizations that sponsor these programs.

“These exchange programs enjoy wide support in the House and Senate, among Republicans and Democrats,” he said. “The reason some in the administration have kept this quiet is they understand this is true. Our job is to make sure our supporters are aware of what’s happening and they get engaged.”

**Write to** Laura Meckler at [laura.meckler@wsj.com](mailto:laura.meckler@wsj.com)

## J-1 Exchange Visitor Program Talking Points

### Background

- As reported in the [Wall Street Journal](#), an administration working group led by White House staff is seeking to eliminate a majority of privately-funded J1 Visitor Exchange Programs. Five cultural exchange programs – Summer Work Travel, Camp Counselor, Intern and Trainee, and Au Pair – are slated for elimination.
- Shutting down the J1 Program is ostensibly part of a broader effort to “protect the interests of U.S. workers” under the Buy American, Hire American (BAHA) Executive Order, which was issued by the Administration in April.
- There are reports that the White House interagency group focused on shutting down J1s is led by Senior Advisor, Stephen Miller.

### General Talking Points

- At a time of economic and diplomatic uncertainty, an administration working group led by White House staff is seeking to eliminate programs that have long-term benefits to both our position in the world and our economy. These privately-funded programs operate at no cost to the U.S. taxpayer.
- **If eliminated, it will be a huge economic blow to thousands of American businesses** that will be forced to dramatically reduce hours of operation due to a lack of employees, resulting in the shutdown of portions of their businesses, and ultimately, the laying-off of year-round American employees due to lost revenue.
- The U.S. economy will take a substantial hit. It’s estimated that J1 visa holders in the Summer Work Travel program alone **contribute more than \$500 million into the economy each year.**
- **Fundamentally, the J1 is a cultural exchange program—and those intended exchange goals are being achieved.** International participants come here to learn about U.S. culture, strengthen their English skills, and make personal connections to Americans. According to a recent report, 76 percent of SWT participants have a higher overall regard for the United States after the program; a statistic that is consistent with State Department reports of cultural exchange programs.
- **These programs have broad bipartisan and overwhelming business support.** Presidents Ronald Reagan, George W. Bush, and Barack Obama made these programs a hallmark of their administrations. In fact, Bush dramatically increased cultural exchange

# AMERICANS *for*

## CULTURAL EXCHANGE

programs in

response to the September 11 attacks as a way to show global unity and acceptance.

- In [recent letters to Secretary of State Tillerson, Members of Congress—17 in the U.S. Senate and 33 in the House of Representatives—urged him to oppose making changes to the J1 program](#). Preserving it will benefit American businesses, the economy, and the country's image worldwide at a time when the U.S. favorability rating worldwide is below 50 percent.
- **We urge the Trump administration to reject this dangerous approach to foreign policy.** We also call on supporters of cultural exchange in Congress to add their strong voices to the fight to save these critical public diplomacy tools from people who would put our nation's national security at risk and harm local communities.

### Summer Work Travel

- J1 participants experience American culture through their interactions at work, on their own during non-work hours, and through organized activities.
- **SWT students do not displace American workers.** To the contrary, this program creates and sustains American jobs. The infusion of SWT students enables our businesses to stay open longer and at greater scale. And they enable us to employ more Americans and keep more Americans on year-round payrolls.
- **Cutting Summer Work Travel will devastate my business.** I will be forced to [depending on applicability]:
  - Reduce my hours of operation
  - Close portions of my business
  - Lay off year-round American employees
  - Possibly even shut down my facilities
- **SWT students supplement our American employees.** SWT students help us surge our operations during peak season [if applicable: especially in remote, underpopulated locations]. They also help us fill the critical labor gap in our shoulder seasons when American students are back in school.
- A recent study of SWT host employers like us supports this:
  - **97 percent said they have more seasonal jobs than they can fill, even after hiring as many Americans as possible and J1 SWT students too**
  - 51 percent of employers said labor shortages and lack of available American staff were their most important reason for participating in the program
  - The labor shortage issue is being greatly exacerbated by record low

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# AMERICANS *for*

## CULTURAL EXCHANGE

unemployment, with 50 percent of the country falling under 4 percent

- J1 participants contribute significantly to the economy (through program fees, travel, housing, and entertainment).
  - \$500+ million: estimated contribution of SWT participants to the U.S. economy in 2016 (roughly \$5,300 per participant)

### Camp Counselor

- J1 participants experience American culture through their interactions at work, on their own during non-work hours, and through organized activities.
- **Cutting the Camp Counselor program will devastate my camp.** I will be forced to [depending on applicability]:
  - Reduce the number of young American campers I can serve
  - Close portions of my facilities
  - Lay off my American employees
  - Disappoint hundreds/thousands of American families who send us campers, which will increase the pressure on two income households to find other enriching summer experiences for their children
- **The J1 international Camp Counselor program is enormously popular with our campers and our campers' families.** Our international counselors are celebrities at our camp and the kids absolutely love learning from them about their home countries and cultures. This program is a huge selling point for our camp.
- **Sleepaway camps, which rely heavily on J1 counselors, are an important economic driver for many parts of the country.**
  - Without them, my/these camp(s) would be devastated
- Americans with the proper camper focus and basic skill sets easily find camp jobs. International counselors supplement our American counselors; they don't displace them. International counselors:
- Fill out counselor positions I'm unable to find Americans for, [if applicable: especially in our remote location]
- [If applicable] Bring special talents, hobbies, and skills [such as. . .] that are not commonly held in the United States

# AMERICANS *for*

## CULTURAL EXCHANGE

### Intern/Trainee

- J1 participants experience American culture through their interactions at work, on their own during non-work hours, and through organized activities.
- **Cutting intern/trainee programs will damage my ability to do business.** Specifically, it will damage my ability to:
  - Create new business abroad
  - Expand into new international markets
  - Train my American staff to create new business in international markets
- **International interns and trainees support my business interests,** [if applicable: at no cost, because they are unpaid]. They help me to:
  - Train my American staff on overseas markets and opportunities
  - Train my American staff on business and cultural practices overseas, giving them better ability to create new business for us
  - Create new partnerships with our interns and trainees once they return home, leading to new business opportunities
- **The intern and trainee programs are good for U.S. diplomacy and security.**
  - The program creates leaders and partners for the future
  - It creates a crop of young business leaders around the world who will move into positions of leadership and who truly understand America and how to do business with us

## Timeline for Referendum

### November 6, 2018-GENERAL ELECTION

May 8, 2018, or June 12, 2018—Legislative Committee Meeting--Approve and Send a Resolution for Referendum to County Board

June 26, 2018-Resolution on County Board Agenda (if any changes requested or sent back to legislative committee for some reason, then we still have the July 24, 2018, meeting to get approval in time for the August deadline).

**August 28, 2018**—Last day for the filing officer to receive referendum questions or petitions for referendum intended for the General Election ballot. 8.37—70 days prior to the election.

August 29, 2018—Deadline for filing officer to file a copy of the referendum question intended for the Spring Election with the county clerk. 8.37—next business day after receipt by filing officer

October 9, 2018—County clerks publish Type A notice of referenda. 10.01(2)(a), 10.06(2)(f), —4<sup>th</sup> Tuesday before the election.

November 5, 2018—County clerks publish Type C notice of referenda for the Spring Election. 10.01(2)(c), 10.06(2)(g),—Monday before the election

### November 6, 2018-GENERAL ELECTION

**OUTAGAMIE COUNTY BOARD MEETING  
JUNE 13, 2017**

RESOLUTION NO. 12—2017-18

At the June 13, 2017 meeting, Supervisor Sturn moved, seconded by Supervisor Patience, for adoption.

Chairperson Nooyen stepped down to discuss the resolution; Supervisor De Groot assumed chair. After discussion, Chairperson Nooyen retook the chair.

RESOLUTION NO. 12—2017-18 IS ADOPTED.

RollCall-Pro Advanced Tuesday, June 13, 2017					
1. THOMPSON	YES	13. WEGAND	YES	25. NOOYEN	YES
2. MILLER	YES	14. DE GROOT	NO	26. DUNCAN	YES
3. GRADY	YES	15. VANDEN HEUVEL	Absent	27. CULBERTSON	Absent
4. PATIENCE	YES	16. LEMANSKI	Absent	28. STURN	YES
5. GABRIELSON	YES	17. CROATT	YES	29. BUCHMAN	YES
6. FOSS	ABSTAIN	18. SPEARS	YES	30. GRIESBACH	NO
7. HAMMEN	YES	19. STUECK	Absent	31. CLEGG	YES
8. T. KRUEGER	YES	20. THOMAS	NO	32. VANDERHEIDEN	YES
9. J. KRUEGER	NO	21. THYSSEN	YES	O'CONNOR-SCHEVERS	YES
10. LAMERS	NO	22. HAGEN	Absent	34. RETTLER	NO
11. MEYER	YES	23. KLEMP	YES	35. MELCHERT	YES
12. McDANIEL	YES	24. PLEUSS	YES	36. SUPRISE	NO
Item 5                      Passed (23 Y - 7 N - 1 A - 5 Absent)                      Majority Vote    >					

**OUTAGAMIE COUNTY BOARD MEETING  
MAY 23, 2017**

**RESOLUTION NO. 12—2017-18**

Supervisor Sturn moved, seconded by Supervisor J. Krueger, for adoption.

Supervisor Duncan moved, seconded by Supervisor T. Krueger, to refer Resolution No. 12—2017-18 to the Public Safety Committee. Supervisor Culbertson questioned the sponsorship of the resolution. Corporation Counsel Joe Guidote noted that the resolution should be sponsored by Legislative/Audit & Human Resources Committee. After discussion, Supervisor Duncan and Supervisor T. Krueger agreed to change their amendment so that the resolution be referred to both the Public Safety Committee and the Legislative/Audit & Human Resources Committee. Supervisor Thyssen noted that the agenda for the committees should have the referred resolution put on the back end of the Legislative/Audit & Human Resources Committee agenda and on the front end of Public Safety Committee agenda so that the public can be present at both committees for comment.

**ROLL CALL on referral: 34 aye, 2 absent. RESOLUTION NO. 12—2017-18 IS REFERRED TO THE PUBLIC SAFETY COMMITTEE AND THE LEGISLATIVE/AUDIT & HUMAN RESOURCES COMMITTEE.**

RollCall-Pro Advanced Tuesday, May 23, 2017					
1. THOMPSON	YES	13. WEGAND	YES	25. NOOYEN	YES
2. MILLER	YES	14. DE GROOT	YES	26. DUNCAN	YES
3. GRADY	YES	15. VANDEN HEUVEL	YES	27. CULBERTSON	YES
4. PATIENCE	YES	16. LEIMANSKI	Absent	28. STURN	YES
5. GABRIELSON	YES	17. CROATT	YES	29. BUCHMAN	YES
6. FOSS	YES	18. SPEARS	YES	30. GRIESBACH	YES
7. HAMMEN	YES	19. STUECK	YES	31. CLEGG	YES
8. T. KRUEGER	YES	20. THOMAS	YES	32. VANDERHEIDEN	YES
9. J. KRUEGER	YES	21. THYSSEN	YES	O'CONNOR-SCHEVERS	YES
10. LAMERS	YES	22. HAGEN	YES	34. RETTLER	Absent
11. MEYER	YES	23. KLEMP	YES	35. MELCHERT	YES
12. McDANIEL	YES	24. PLEUSS	YES	36. SUPRISE	YES
<b>Item 12                      Passed (34 Y - 0 N - 0 A - 2 Absent)                      Majority Vote      &gt;</b>					



***RESOLUTION NO.: 12—2017-18***

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

***MAJORITY***

1           A proposal has been submitted that requires the Department of Administration (DOA) to  
2           solicit public bids to sell the Green Bay Correctional Institution and other specified  
3           parcels of land in the Village of Allouez. The proposal further requires the DOA to solicit  
4           bids for a contract to build per DOA's specifications, and lease to the state with an option  
5           to purchase, a prison facility in Brown County or in an adjacent county to have an  
6           occupancy date of no later than November 1, 2022. The proposal further requires that the  
7           facility be managed and staffed by employees of the Department of Corrections. The  
8           DOA must enter into a lease with the purchaser of the Green Bay Correction Institution  
9           that will allow the state to continue to use the institution and property until the occupancy  
10          date of the new facility. If the state purchases the new facility, the state will make an  
11          annual payment to the municipality where the facility is located equal to the property  
12          taxes paid by the owner of the facility for the last year in which the property was subject  
13          to taxation.

14  
15          NOW THEREFORE, the undersigned members of the Finance Committee recommend adoption  
16 of the following resolution.

17          BE IT RESOLVED, that the Outagamie County Board of Supervisors does oppose any  
18 legislation proposing the selling of the current Green Bay Correctional Institution and building a new,  
19 privately-owned facility, and

20          BE IT STILL FURTHER RESOLVED, that the Outagamie County Board of Supervisors does  
21 encourage the Governor to require the creation of an inventory of facilities with open and rentable jail  
22 beds, and

23          BE IT FINALLY RESOLVED, that the Outagamie County Clerk be directed to forward a copy  
24 of this resolution to the Outagamie County Executive, all Wisconsin counties, and the Outagamie  
25 County Lobbyist for distribution to Governor Walker and the state legislators.

26          Dated this 23<sup>rd</sup> day of May 2017

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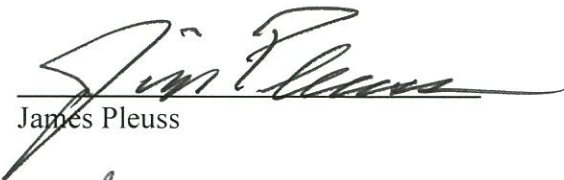
Respectfully Submitted,  
FINANCE COMMITTEE



Kevin Sturn



Peter Stueck



James Pleuss

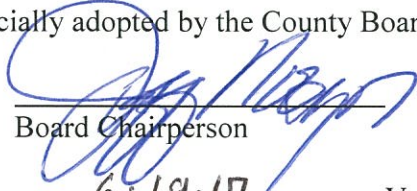


Nadine Miller



Chris Croatt

Duly and officially adopted by the County Board on: June 13, 2017

Signed:   
Board Chairperson

  
County Clerk

Approved: 6.19.17 Vetoed: \_\_\_\_\_

Signed:   
County Executive



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-2289/2  
CMH&JK:klm

## 2017 BILL

1     **AN ACT** *to repeal* 13.48 (8) and 302.01 (4); *to amend* 302.02 (1m) (b) and 302.21  
2             (title) and (1); and *to create* 20.835 (5) (b), 70.1191, 301.16 (1p), 301.19 (3) (c)  
3             and 302.01 (1) (k) of the statutes; **relating to:** sale of Green Bay Correctional  
4             Institution and construction and lease with a purchase option of a correctional  
5             institution in Brown County or an adjacent county and making an  
6             appropriation.

---

***Analysis by the Legislative Reference Bureau***

This bill requires the Department of Administration to solicit public bids to sell the Green Bay Correctional Institution and other specified parcels of land in the village of Allouez. This bill also requires DOA to solicit bids for a contract to build per DOA's specifications, and lease to the state with an option to purchase, a prison facility in Brown County or in an adjacent county to have an occupancy date of no later than November 1, 2022. This bill requires that the facility be managed and staffed by employees of the Department of Corrections. Under this bill, DOA must also enter into a lease with the purchaser of the GBCI that will allow the state to continue to use the institution and property until the occupancy date of the new facility. If the state purchases the new facility, the state will make an annual payment to the municipality where the facility is located equal to the property taxes paid by the owner of the facility for the last year in which the property was subject to taxation.

2017 - 2018 Legislature

- 2 -

LRB-2289/2  
CMH&JK:klm**BILL**

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 13.48 (8) of the statutes is repealed.

2           **SECTION 2.** 20.835 (5) (b) of the statutes is created to read:

3           20.835 (5) (b) *Payment in lieu of taxes; correctional institution.* A sum sufficient  
4 to make the payments in lieu of taxes under s. 70.1191.

5           **SECTION 3.** 70.1191 of the statutes is created to read:

6           **70.1191 Payment in lieu of taxes; correctional institution.** If the state  
7 exercises its option to purchase the facility described under 2017 Wisconsin Act ....  
8 (this act), section 9101 (1) (b), the department of administration shall make a  
9 payment from the appropriation account under s. 20.835 (5) (b) to the municipality  
10 where the facility is located equal to the amount of the property taxes paid by the  
11 previous owner of the facility for the last year in which the property was subject to  
12 taxation. The department shall make the payment on or before July 31 of each year  
13 beginning with the year in which the facility becomes exempt from taxation under  
14 s. 70.11 (1). The department shall make the payment under this section for every  
15 year in which the facility is exempt under s. 70.11 (1).

16           **SECTION 4.** 301.16 (1p) of the statutes is created to read:

17           301.16 (1p) In addition to the institutions under sub. (1), the department shall  
18 lease the facility under 2017 Wisconsin Act .... (this act), section 9101 (1) (b), to use  
19 as a correctional institution. The institution shall be staffed with Wisconsin state  
20 employees in the classified service.

21           **SECTION 5.** 301.19 (3) (c) of the statutes is created to read:

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- 3 -

LRB--2289/2  
CMH&JK:klm  
SECTION 5

**BILL**

1           301.19 (3) (c) A facility described under 2017 Wisconsin Act .... (this act),  
2 section 9101 (1) (b).

3           **SECTION 6.** 302.01 (1) (k) of the statutes is created to read:

4           302.01 (1) (k) The correctional institution under 2017 Wisconsin Act .... (this  
5 act), section 9101 (1) (b).

6           **SECTION 7.** 302.01 (4) of the statutes is repealed.

7           **SECTION 8.** 302.02 (1m) (b) of the statutes is amended to read:

8           302.02 (1m) (b) ~~Green-Bay Correctional Institution.~~ The ~~Green-Bay~~  
9 ~~Correctional Institution~~ correctional institution under 2017 Wisconsin Act .... (this  
10 act), section 9101 (1) (b) and its precincts are considered to be in ~~Brown County~~, and  
11 ~~the Brown County~~ the county in which the institution is physically located, and that  
12 county's circuit court has jurisdiction of all crimes committed within the county.

13           **SECTION 9.** 302.21 (title) and (1) of the statutes are amended to read:

14           **302.21 (title) Vocational education program in auto body repair at the**  
15 **~~Green-Bay Correctional Institution.~~** (1) The department may maintain and  
16 operate a vocational education program in auto body repair at the ~~Green-Bay~~  
17 ~~Correctional Institution~~ correctional institution under 2017 Wisconsin Act .... (this  
18 act), section 9101 (1) (b). Notwithstanding s. 303.06 (1), in connection with the  
19 vocational education program the institution may receive from licensed automobile  
20 dealers and regularly established automobile repair shops vehicles to be repaired,  
21 painted or otherwise processed by residents enrolled in the program.

22           **SECTION 9101. Nonstatutory provisions; Administration.**

23           (1) SALE OF GREEN BAY CORRECTIONAL INSTITUTION; LEASE OF NEW FACILITY.

24           (a) Notwithstanding sections 13.48 (14) (am), 16.848 (1), and 301.24 (4) of the  
25 statutes, the department of administration shall solicit public bids for the purchase

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LRB-2289/2  
CMH&JK:klm  
SECTION 9101**BILL**

1 of the Green Bay Correctional Institution, including the parcels of land in the village  
2 of Allouez AL-119, AL-119-9, and AL-119-10, contingent upon a contract under  
3 paragraph (b). The department of administration reserves the right to reject any bid  
4 in the best interest of the state. If the department of administration receives no  
5 acceptable bid under this paragraph, paragraph (b) does not apply. If the department  
6 of administration accepts a bid, the department shall enter into a lease with the  
7 purchaser that will allow the state to use the institution and parcels until November  
8 1, 2022, or a later date as agreed upon by the department and the purchaser.

9 (b) Notwithstanding section 301.18 (4) of the statutes, the department of  
10 administration shall solicit bids to contract with a person to build and lease to the  
11 state, with the option to purchase, a prison facility in Brown County or an adjacent  
12 county that shall have an occupancy date of not later than November 1, 2022. The  
13 contract shall have a provision that its terms are contingent upon an accepted bid  
14 under paragraph (a). The department of administration shall, in consultation with  
15 the department of corrections, ensure that the contract establishes construction and  
16 design specifications for the prison facility, including a requirement that the facility's  
17 design and function shall reasonably accommodate at least 100 inmates, who may  
18 not be maximum security inmates in a segregated portion of the facility. The  
19 specifications shall be in compliance with American Corrections Association  
20 standards. The contract shall permit inspection of the site and facility by agents of  
21 the department of administration. The contract shall contain the requirement that  
22 the facility be managed and staffed by employees of the department of corrections.

23 (c) When the department of administration determines the occupancy date  
24 under paragraph (b), the department shall provide notice to the legislative reference  
25 bureau of the occupancy date. If the department does not provide notice by

2017 - 2018 Legislature

- 5 -

LRB-2289/2  
CMH&JK:klm  
**SECTION 9101****BILL**

1 November 22, 2022, the treatment of sections 13.48 (8), 301.16 (1p), 301.19 (3) (c),  
2 302.01 (1) (k) and (4), 302.02 (1m) (b), and 302.21 (title) and (1) of the statutes is void.

3 **SECTION 9452. Effective dates; Other.**

4 (1) CORRECTIONAL INSTITUTIONS. The treatment of sections 13.48 (8), 301.16 (1p),  
5 301.19 (3) (c), 302.01 (1) (k) and (4), 302.02 (1m) (b), and 302.21 (title) and (1) of the  
6 statutes takes effect on the day after the occupancy date provided by the department  
7 of administration under SECTION 9101 (1) (c) of this act.

8

(END)

**RESOLUTION 03-2017**

**Village of Ephraim**

Supporting a Constitutional Amendment to Allow Limits on Campaign Contributions  
And  
Conducting a Non-Binding Statewide Referendum

**Whereas**, free and fair elections are essential to democracy and effective self-governance, and;

**Whereas**, even the appearance of being able to buy access to candidates or influence policy and governing decisions based on large donations erodes the voters' confidence in our elections and democracy

**Whereas**, the U.S. Supreme Court's decisions in Citizens United and related cases allow unlimited spending by certain groups known as Super-PACs to influence local, state, and federal elections

**Whereas**, the above mentioned Supreme Court cases:

- 1) have granted Corporations, Unions, SuperPACs, and other man-made entities the same Constitutional protections given only to "We the People..." (i.e., individual human beings) by the Framers of the Constitution, and;
- 2) have declared money to be 'free speech'

**Now therefore, be it resolved that the Village Board of Ephraim, Door County, Wisconsin**, does hereby respectfully request the Door County Board of Supervisors to support this Resolution and ask the Wisconsin State Legislature, and our locally elected state representatives, to provide the voters of the state with the opportunity to speak through a non-binding state-wide Referendum asking if they, the voters, support an amendment to the United States Constitution stating:

- 1. Only human beings –not corporations, unions, SuperPACs or other artificial entities—are endowed with individual constitutional rights, and
- 2. Money is not speech, and therefore limiting political contributions and spending is not equivalent to restricting political speech.

**Be it further resolved**, that the Clerk for the Village of Ephraim send a copy of this Resolution to the Door County Board and to our state and federal representatives with instructions to enact resolutions, referenda, and legislation to advance this effort.

Introduced by James Black \*\*\*\*\*

Moved by Trustee Cindy Nelson, seconded by Trustee Tim Nelson  
That said resolution be adopted.

Passed by the Village of Ephraim on the 11 day of July, 2017.

President of the Village of Ephraim [Signature]



**RESOLUTION**  
**City of Sturgeon Bay Common Council**  
Supporting a Constitutional Amendment to Allow Limits on Campaign Contributions  
And  
Conducting a Non-Binding Statewide Referendum

**Whereas**, free and fair elections are essential to democracy and effective self-governance, and;

**Whereas**, even the appearance of being able to buy access to candidates or influence policy and governing decisions based on large donations erodes the voters' confidence in our elections and democracy

**Whereas**, the U.S. Supreme Court's decisions in Citizens United and related cases allow unlimited spending by certain groups known as Super-PACs to influence local, state, and federal elections

**Whereas**, the above mentioned Supreme Court cases:

- 1) have granted Corporations, Unions, SuperPACs, and other man-made entities the same Constitutional protections given only to "We the People..." (i.e., individual human beings) by the Framers of the Constitution, and;
- 2) have declared money to be 'free speech'

**Now therefore, be it resolved that the Common Council of the City of Sturgeon Bay, Door County, Wisconsin**, does hereby respectfully request the Wisconsin State Legislature, and our locally elected state representatives, to provide the voters of the state with the opportunity to speak through a non-binding state-wide Referendum asking if they, the voters, support an amendment to the United States Constitution stating:

- 1. Only human beings –not corporations, unions, SuperPACs or similar associations –are endowed with individual constitutional rights, and
- 2. Money is not speech, and therefore limiting political contributions and spending is not equivalent to restricting political speech.

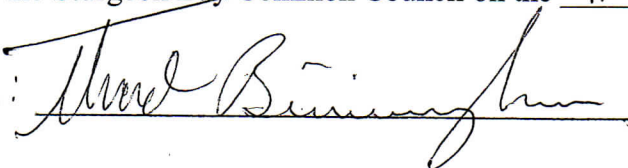
**Be it further resolved**, that the Clerk for the City of Sturgeon Bay send a copy of this Resolution to our state and federal representatives with instructions to enact resolutions, referenda, and legislation to advance this effort.

\*\*\*\*\*

Introduced by Wiesner

Moved by Ald. Wiesner, seconded by Ald. Gregory  
That said resolution be adopted.

Passed by the Sturgeon Bay Common Council on the 21<sup>st</sup> day of March, 2017.

Adopted: 

**RESOLUTION 2017-16**  
**Village of Egg Harbor**  
 Supporting a Constitutional Amendment to Allow Limits on Campaign Contributions  
 And  
 Conducting a Non-Binding Statewide Referendum

**Whereas**, free and fair elections are essential to democracy and effective self-governance, and;

**Whereas**, even the appearance of being able to buy access to candidates or influence policy and governing decisions based on large donations erodes the voters' confidence in our elections and democracy

**Whereas**, the U.S. Supreme Court's decisions in Citizens United and related cases allow unlimited spending by certain groups known as Super-PACs to influence local, state, and federal elections

Whereas, the above mentioned Supreme Court cases:

- 1) Have granted Corporations, Unions, SuperPACs, and other man-made entities the same Constitutional protections give only to "We the People..." (i.e., individual human beings) by the Framers of the Constitution, and;
- 2) Have declared money to be 'free speech'

**Now therefore, be it resolved that the Village Board of the Village of Egg Harbor, Door County, Wisconsin**, does hereby respectfully request the Door County Board of Supervisors to support this Resolution and ask the Wisconsin State Legislature, and our locally elected state representatives, to provide the voters of the state with the opportunity to speak through a non-binding state-wide Referendum asking if they, the voters, support an amendment to the United States Constitution stating:

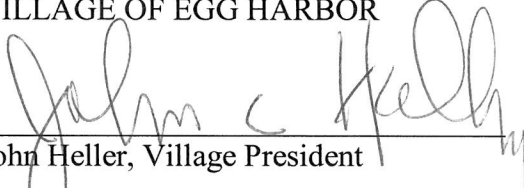
1. Only human beings – not corporations, unions, SuperPACs or similar association – are endowed with individual constitutional rights, and
2. Money is not speech, and therefore limiting political contributions and spending is not equivalent to restricting political speech.

**Be it further resolved**, that the Clerk for the Village of Egg Harbor send a copy of this Resolution to the Door County Board and to our state and federal representatives with instructions to enact resolutions, referenda, and legislation to advance this effort.


ADOPTED this 10<sup>th</sup> day of July, 2017.

APPROVED this 10<sup>th</sup> day of July, 2017.

VILLAGE OF EGG HARBOR

  
 John Heller, Village President

ATTEST:

  
 Lynn Ohnesorge, Village Clerk/Treasurer

## TOWN OF FORESTVILLE, DOOR COUNTY

Resolution # 2017-2

Resolution for Supporting a Constitutional Amendment to allow  
Limits on Campaign Contributions And  
Conducting a Non-Binding Statewide Referendum

**Whereas**, free and fair elections are essential to democracy and effective self-governance, and;

**Whereas**, even the appearance of being able to buy access to candidates or influence policy and governing decisions based on large donations erodes the voters' confidence in our elections and democracy

**Whereas**, the U.S. Supreme Court's decisions in Citizens United and related cases allow unlimited spending by certain groups known as Super-PACs to influence local, state, and federal elections

**Whereas**, the above mentioned Supreme Court cases:

- 1) have granted Corporations, Unions, Super PACs, and other man-made entities the same Constitutional protections given only to "We the People..." (i.e. individual human beings) by the Framers of the Constitution, and;
- 2) have declared money to be "free speech"

**Now therefore, be it resolved that the Town Board of the Town of Forestville, Door County, Wisconsin**, does hereby respectfully request the Door County Board of Supervisors to support this Resolution and ask the Wisconsin State Legislature and our locally elected state representatives to provide the voters of the state with the opportunity to speak through a non-binding state-wide Referendum asking if they, the voters, support an amendment to the United States Constitutions stating;

- 1) Only human beings – not corporations, unions, Super PACs or similar associations-are endowed with individual constitutional rights, and
- 2) Money is not speech, and therefore limiting political contributions and spending is not equivalent to restricting political speech.

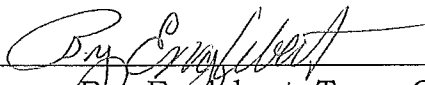
**Be it further resolved**, that the Clerk for the Town of Forestville send a copy of this Resolution to the Door County Board and to our state and federal representatives with instructions' to exact resolutions, referenda, and legislation to advance this effort.

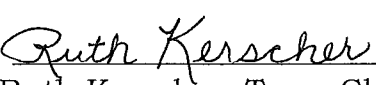
Introduced by Dan Powers

Moved Larry Huber

Seconded by Supervisor Jason Tlachac, that said Resolution be adopted.

Passed on this 18th day of July, 2017, by the Town Board of Forestville.

  
\_\_\_\_\_  
Roy Englebort, Town Chair

Attested by:   
\_\_\_\_\_  
Ruth Kerscher, Town Clerk

**RESOLUTION**  
**Town of Gibraltar**  
 Supporting a Constitutional Amendment to Allow Limits on Campaign Contributions  
 And  
 Conducting a Non-Binding Statewide Referendum

**Whereas**, free and fair elections are essential to democracy and effective self-governance, and;

**Whereas**, even the appearance of being able to buy access to candidates or influence policy and governing decisions based on large donations erodes the voters' confidence in our elections and democracy

**Whereas**, the U.S. Supreme Court's decisions in *Citizens United* and related cases allow unlimited spending by certain groups known as Super-PACs to influence local, state, and federal elections

**Whereas**, the above mentioned Supreme Court cases:

- 1) have granted Corporations, Unions, SuperPACs, and other man-made entities the same Constitutional protections given only to "We the People..." (i.e., individual human beings) by the Framers of the Constitution, and;
- 2) have declared money to be 'free speech'

**Now therefore, be it resolved that the Town Board of the Town of Gibraltar, Door County, Wisconsin**, does hereby respectfully request the Door County Board of Supervisors to support this Resolution and ask the Wisconsin State Legislature, and our locally elected state representatives, to provide the voters of the state with the opportunity to speak through a non-binding state-wide Referendum asking if they, the voters, support an amendment to the United States Constitution stating:

1. Only human beings –not corporations, unions, SuperPACs or similar associations –are endowed with individual constitutional rights, and
2. Money is not speech, and therefore limiting political contributions and spending is not equivalent to restricting political speech.

**Be it further resolved**, that the Clerk for the Town of Gibraltar send a copy of this Resolution to the Door County Board and to our state and federal representatives with instructions to enact resolutions, referenda, and legislation to advance this effort.

\*\*\*\*\*

Introduced by CHAIRMAN SKARE

Moved by CHAIRMAN Supervisor SKARE, seconded by Supervisor DAUBNER  
 That said resolution be adopted.

Passed by the Town Board of the Town of Gibraltar on the 2 day of August 2017.

Town of Gibraltar Chairperson Richard Skare

**RESOLUTION**  
**Town of Sturgeon Bay**  
Supporting a Constitutional Amendment to Allow Limits on Campaign Contributions  
And  
Conducting a Non-Binding Statewide Referendum

**Whereas**, free and fair elections are essential to democracy and effective self-governance, and;

**Whereas**, even the appearance of being able to buy access to candidates or influence policy and governing decisions based on large donations erodes the voters' confidence in our elections and democracy

**Whereas**, the U.S. Supreme Court's decisions in Citizens United and related cases allow unlimited spending by certain groups known as Super-PACs to influence local, state, and federal elections

**Whereas**, the above mentioned Supreme Court cases:

- 1) have granted Corporations, Unions, SuperPACs, and other man-made entities the same Constitutional protections given only to "We the People..." (i.e., individual human beings) by the Framers of the Constitution, and;
- 2) have declared money to be 'free speech'

**Now therefore, be it resolved that the Town Board of the Town of Sturgeon Bay, Door County, Wisconsin**, does hereby respectfully request the Door County Board of Supervisors to support this Resolution and ask the Wisconsin State Legislature, and our locally elected state representatives, to provide the voters of the state with the opportunity to speak through a non-binding state-wide Referendum asking if they, the voters, support an amendment to the United States Constitution stating:

- 1. Only human beings –not corporations, unions, SuperPACs or similar associations –are endowed with individual constitutional rights, and
- 2. Money is not speech, and therefore limiting political contributions and spending is not equivalent to restricting political speech.

**Be it further resolved**, that the Clerk for the Town of Sturgeon Bay send a copy of this Resolution to the Door County Board and to our state and federal representatives with instructions to enact resolutions, referenda, and legislation to advance this effort.

Introduced by *Daniel Cihlar* \*\*\*\*\*

Moved by Supervisor *Phil D. G.*, seconded by Supervisor *C. Schuster*  
That said resolution be adopted.

Passed by the Town Board of the Town of Sturgeon Bay on the 4 day of Sept, 2017.

Town of Sturgeon Bay Chairperson *DANIEL CIHLAR*

**OUTAGAMIE COUNTY BOARD MEETING  
JULY 11, 2017**

RESOLUTION NO. 34—2017-18

Supervisor Patience moved, seconded by Supervisor Duncan, for adoption.

RESOLUTION NO. 34—2017-18 IS ADOPTED.

Ro/Call-Pro Advanced Tuesday, July 11, 2017					
1. THOMPSON	YES	13. WEGAND	Absent	25. NOOYEN	YES
2. MILLER	YES	14. DE GROOT	YES	26. DUNCAN	YES
3. GRADY	YES	15. VANDEN HEUVEL	Absent	27. CULBERTSON	YES
4. PATIENCE	YES	16. LEMANSKI	YES	28. STURN	YES
5. GABRIELSON	YES	17. CROATT	YES	29. BUCHMAN	YES
6. FOSS	YES	18. SPEARS	YES	30. GRIESBACH	YES
7. HAMMEN	YES	19. STUECK	YES	31. CLEGG	YES
8. T. KRUEGER	YES	20. THOMAS	YES	32. VANDERHEIDEN	YES
9. J. KRUEGER	Absent	21. THYSSEN	YES	O'CONNOR-SCHEVERS	YES
10. LAMERS	YES	22. HAGEN	YES	34. RETTLER	YES
11. MEYER	YES	23. KLEMP	YES	35. MELCHERT	YES
12. McDANIEL	YES	24. PLEUSS	YES	36. SUPRISE	YES
Item 19                      Passed (33 Y - 0 N - 0 A - 3 Absent)                      Majority Vote    >					

**RESOLUTION NO.: 34—2017-18**

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

**MAJORITY**

1 Current law prohibits a person from possessing or attempting to possess marijuana. A  
 2 person who is convicted of violating the prohibition may be fined not more than \$1,000  
 3 or imprisoned for not more than six months, or both, for a first conviction and is guilty  
 4 of a Class I felony for a second or subsequent conviction. Proposed legislation reduces  
 5 the forfeiture to \$100 for possessing or attempting to possess not more than 10 grams of  
 6 marijuana and eliminates the increase in penalty if second or subsequent violations  
 7 involve not more than 10 grams of marijuana. This resolution supports reducing the  
 8 forfeiture to \$100 for possessing or attempting to possess not more than 10 grams of  
 9 marijuana and eliminating the increase in penalty if second or subsequent violations  
 10 involve not more than 10 grams of marijuana.

11  
 12 NOW THEREFORE, the undersigned members of the Public Safety Committee recommend  
 13 adoption of the following resolution.

14 BE IT RESOLVED, that the Outagamie County Board of Supervisors does support any  
 15 legislation reducing the forfeiture to \$100 for possessing or attempting to possess not more than 10  
 16 grams of marijuana and eliminating the increase in penalty if second or subsequent violations involve  
 17 not more than 10 grams of marijuana, and

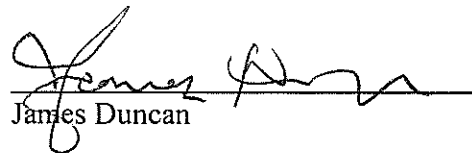
18 BE IT FINALLY RESOLVED, that the Outagamie County Clerk be directed to forward a copy  
 19 of this resolution to the Outagamie County Executive, all Wisconsin counties, and the Outagamie  
 20 County Lobbyist for distribution to the Governor and the Legislature.

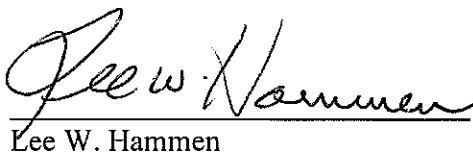
21 Dated this 11~~th~~ day of July 2017

Respectfully Submitted,

PUBLIC SAFETY COMMITTEE

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 James Duncan

  
 Lee W. Hammen

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Katrin Patience  
Katrin Patience

Tony Krueger  
Tony Krueger

Mike Thomas  
Mike Thomas

Duly and officially adopted by the County Board on: July 11, 2017

Signed: [Signature]  
Board Chairperson

[Signature]  
County Clerk

Approved: 7.12.17

Vetoed: \_\_\_\_\_

Signed: [Signature]  
County Executive





State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-1507/1  
CMH:kjf

## 2017 ASSEMBLY BILL 409

June 27, 2017 - Introduced by Representatives JARCHOW, GOYKE, BROSTOFF, BERNIER, KITCHENS, KOOYENGA, SCHRAA, TITTL, ANDERSON, BERCEAU, BOWEN, CONSIDINE, CROWLEY, HINTZ, KESSLER, KOLSTE, MASON, SARGENT, SPREITZER, SUBECK, C. TAYLOR and ZEPNICK, cosponsored by Senators RISSER, L. TAYLOR, HANSEN, JOHNSON and MILLER. Referred to Committee on Criminal Justice and Public Safety.

1     **AN ACT** *to renumber and amend* 961.41 (3g) (e); and *to amend* 59.54 (25) (a)  
2             (intro.) and 66.0107 (1) (bm) of the statutes; **relating to:** possession of not more  
3             than 10 grams of marijuana.

---

***Analysis by the Legislative Reference Bureau***

Current law prohibits a person from possessing or attempting to possess marijuana. A person who is convicted of violating the prohibition may be fined not more than \$1,000 or imprisoned for not more than six months, or both, for a first conviction and is guilty of a Class I felony for a second or subsequent conviction. This bill reduces to a \$100 forfeiture the penalty for possessing or attempting to possess not more than 10 grams of marijuana and eliminates the increase in penalty if second or subsequent violations involve not more than 10 grams of marijuana.

---

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

4             **SECTION 1.** 59.54 (25) (a) (intro.) of the statutes is amended to read:  
5             59.54 (25) (a) (intro.) The board may enact and enforce an ordinance to prohibit  
6             the possession of marijuana, as defined in s. 961.01 (14), subject to the exceptions in  
7             s. 961.41 (3g) (intro.), and provide a forfeiture for a violation of the ordinance; except

2017 - 2018 Legislature

- 2 -

LRB-1507/1

CMH:kjf

**ASSEMBLY BILL 409****SECTION 1**

1 that if a complaint is issued regarding an allegation of possession of more than 25  
2 grams of marijuana, or possession of ~~any amount~~ more than 10 grams of marijuana  
3 following a conviction in this state for possession of more than 10 grams of  
4 marijuana, the subject of the complaint may not be prosecuted under this subsection  
5 for the same action that is the subject of the complaint unless all of the following  
6 occur:

7 **SECTION 2.** 66.0107 (1) (bm) of the statutes is amended to read:

8 66.0107 (1) (bm) Enact and enforce an ordinance to prohibit the possession of  
9 marijuana, as defined in s. 961.01 (14), subject to the exceptions in s. 961.41 (3g)  
10 (intro.), and provide a forfeiture for a violation of the ordinance; except that if a  
11 complaint is issued regarding an allegation of possession of more than 25 grams of  
12 marijuana, or possession of ~~any amount~~ more than 10 grams of marijuana following  
13 a conviction in this state for possession of more than 10 grams of marijuana, the  
14 subject of the complaint may not be prosecuted under this paragraph for the same  
15 action that is the subject of the complaint unless the charges are dismissed or the  
16 district attorney declines to prosecute the case.

17 **SECTION 3.** 961.41 (3g) (e) of the statutes is renumbered 961.41 (3g) (e) 1. and  
18 amended to read:

19 961.41 (3g) (e) 1. If a person possesses or attempts to possess not more than  
20 10 grams of tetrahydrocannabinols included under s. 961.14 (4) (t), or a controlled  
21 substance analog of tetrahydrocannabinols, the person may be subject to a forfeiture  
22 of not more than \$100.

23 2. If a person possesses or attempts to possess more than 10 grams of  
24 tetrahydrocannabinols included under s. 961.14 (4) (t), or a controlled substance  
25 analog of tetrahydrocannabinols, the person may be fined not more than \$1,000 or

2017 - 2018 Legislature - 3 -

LRB-1507/1  
CMH:kjf  
SECTION 3**ASSEMBLY BILL 409**

1 imprisoned for not more than 6 months or both upon a first conviction and is guilty  
2 of a Class I felony for a 2nd or subsequent ~~offense~~ conviction under this subdivision.  
3 For purposes of this ~~paragraph, an offense subdivision, a conviction~~ is considered a  
4 2nd or subsequent ~~offense~~ conviction if, prior to the offender's conviction of the  
5 offense, the offender has at any time been convicted of any felony or misdemeanor  
6 under this chapter or under any statute of the United States or of any state relating  
7 to controlled substances, controlled substance analogs, narcotic drugs, marijuana,  
8 or depressant, stimulant, or hallucinogenic drugs.

9 **SECTION 4. Initial applicability.**

10 (1) The treatment of section 961.41 (3g) (e) of the statutes first applies to  
11 violations committed on the effective date of this subsection, but no prior conviction  
12 under section 961.41 (3g) (e) of the statutes involving not more than 10 grams of  
13 tetrahydrocannabinols may be counted for the purposes of sentencing a person.

14 (END)



**RESOLUTION #** 24-8/17

**TO: HONORABLE MEMBERS OF THE LA CROSSE COUNTY BOARD OF SUPERVISORS**

**ITEM #** 825

**BOARD ACTION**

Adopted:   
For: 25  
Against: -  
Abstain: -  
Abs/Excd: 4  
Vote Req: -  
Other Action: -

**EXECUTIVE COMMITTEE ACTION**

Adopted:   
For: 9  
Against: 0  
Abstain: 0  
Abs/Excd: 0

**RE: CREATING A NONPARTISAN PROCEDURE FOR THE PREPARATION OF LEGISLATIVE AND CONGRESSIONAL REDISTRICTING PLANS**

**WHEREAS**, currently under the state constitution, the legislature is directed to redistrict legislative districts according to the number of inhabitants at its next session following the decennial federal census by the majority party; and at the same intervals, the legislature also reapportions congressional districts pursuant to federal law; and

**WHEREAS**, legislative and congressional redistricting plans enacted pursuant to this procedure are used to elect members of the legislature and members of Congress in the fall of the second year following the year of the census; and

**WHEREAS**, historically legislative and congressional plans in Wisconsin have been viewed by many to be subject to partisan influence; and

**WHEREAS**, the 2011 process to draw the maps and fight litigation contesting those maps cost taxpayers nearly \$1.9 million; and

**WHEREAS**, a panel of federal district court judges has ruled that the redistricting that was done in Wisconsin in 2011 was unconstitutional, and that case is now on appeal to the United States Supreme Court; and

**WHEREAS**, redistricting to achieve partisan gains is improper, whether it is done by Republicans or Democrats;

**NOW THEREFORE BE IT RESOLVED** that the La Crosse County Board of Supervisors insists upon the creation of a nonpartisan procedure for the preparation of legislative and congressional redistricting plans; and

**BE IT FURTHER RESOLVED** that the process chosen must promote accountability and transparency and prohibit the consideration of voting patterns, party information, and incumbents' residence information or demographic information in drawing the maps, except as necessary to ensure minority participation as required by the U.S. Constitution; and

**BE IT FURTHER RESOLVED** that the County Clerk is directed to send a copy of this resolution to the Governor of the State of Wisconsin, the Wisconsin Counties Association, the Wisconsin Towns Association, the Wisconsin League of Municipalities, all members of the state legislature, and to each Wisconsin County.

**FISCAL NOTE:** No cost to La Crosse County.

Date: Aug 17 2017

[Signature]  
**EXECUTIVE COMMITTEE CHAIR**

[Signature]  
**RECORDING CLERK**

	Reviewed Only	Recommended	Not Recommended
Co. Admin.	<u>SO</u>	_____	_____
Fin. Director	<u>SO</u>	_____	_____
Corp. Counsel	<u>[Signature]</u>	_____	_____
Board Chair	<u>[Signature]</u>	_____	_____

Requested By: Maureen Freedland and Jerome Gundersen  
Date Requested: July 20, 2017  
Drafted By: Corporation Counsel

Adopted by the La Crosse County Board this 17 Day of August, 2017

STATE OF WISCONSIN  
COUNTY OF LA CROSSE  
I, Ginny Dankmeyer, County Clerk of La Crosse County do hereby certify that this document is a true and correct copy of the original resolution required by law to be in my custody and which the County Board of Supervisors of La Crosse County adopted at a meeting held on the 17<sup>th</sup> day of August 2017.

[Signature]  
Ginny Dankmeyer, La Crosse County Clerk

(15)

ITEM# 5-2  
 DATE July 18, 2017  
 Effective Date July 18, 2017

RESOLUTION# 17-7-7

Introduced by Judicial & Legislative Committee  
 Page 1 of 1

Motion: Adopted:   
 1<sup>st</sup> Hamilton Lost:   
 2<sup>nd</sup> LaFontaine Tabled:   
 No: 1 Yes: 18 Absent: 0  
 Number of votes required:  
 Majority  Two-thirds  
 Reviewed by: PAK, Corp Counsel  
 Reviewed by: \_\_\_\_\_, Finance Dir.

LAD

INTENT & SYNOPSIS: To support the creation of a bipartisan procedure at the state level for the preparation of legislative and congressional redistricting plans.

FISCAL NOTE: None.

WHEREAS, currently under the state constitution, the legislature is directed to redistrict legislative districts according to the number of inhabitants at its next session following the decennial federal census by the majority party, and at the same intervals, the legislature also reapportions congressional districts pursuant to federal law; and

WHEREAS, legislative and congressional redistricting plans enacted pursuant to this procedure are used to elect members of the legislature and members of Congress in the fall of the second year following the year of the census; and

WHEREAS, historically legislative and congressional plans in Wisconsin have been subject to partisan influence that put the desire of politicians ahead of the electoral prerogative of the people; and

WHEREAS, the 2011 process to draw the maps and fight litigation contesting those maps cost taxpayers nearly \$1.9 million; and

WHEREAS, a panel of federal district court judges has ruled that the redistricting that was done in Wisconsin in 2011 was unconstitutional; and

WHEREAS, redistricting to achieve partisan gains is improper, whether it is done by Republicans or Democrats.

NOW, THEREFORE, THE WOOD COUNTY BOARD OF SUPERVISORS HEREBY RESOLVES to support the creation of a bipartisan procedure at the state level for the preparation of legislative and congressional redistricting plans, and

BE IT FURTHER RESOLVED that the process promotes more accountability and transparency and prohibits the consideration of voting patterns, party information, and incumbents' residence information or demographic information in drawing the maps, except as necessary to ensure minority participation as required by the U.S. Constitution.

BE IT FURTHER RESOLVED that the County Clerk is directed to send a copy of this resolution to the Governor of the State of Wisconsin, the Wisconsin Counties Association, the Wisconsin Towns Association, the League of Wisconsin Municipalities, all members of the state legislature, and to each Wisconsin County.

_____	_____
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Adopted by the County Board of Wood County, this 18<sup>th</sup> day of July 20 17.

Cynthia Capress County Clerk

William F. Clendenning County Board Chairman

## RESOLUTION 28-2017

---

Resolution offered by Executive Committee:

**RESOLVED by the Board of Supervisors of Forest County, Wisconsin, That**

**WHEREAS**, After the general election, a candidate that lost by over 1.3 million votes and only received 1% of the total vote petitioned for and initiated a full statewide vote recount. The recount prevented clerks from attending to their regular duties and resulted in unanticipated expense; and

**WHEREAS**, The Recount Reform Bill preserves the right to request a recount but limits them to the margin of error. Only “aggrieved parties” can petition for a recount. An aggrieved party is a candidate that is within 1% of the winning candidate in an election with over 4,000 votes or within 40 votes in a race under 4,000 votes; and

**WHEREAS**, The Recount Reform proposal also improves the recount process to ensure tax payers are not responsible for any unnecessary recount costs and to ensure submission of Wisconsin Electoral College votes. Changes include: The Wisconsin Elections Commission will be reimbursed for any costs incurred in a recount; extends the time to submit recount costs from 30 to 45 days; shortens the recount petition deadline by two days to ensure submission of Wisconsin’s Electoral College votes; gives the county board of canvassers an additional day to begin their recount. The proposal does not affect Wisconsin’s free recount margin of 0.25%; and

**WHEREAS**, the undersigned members of the Legislative Committee recommend adoption of this resolution, in support of the Recount Reform Bill.

**NOW, THEREFORE, BE IT RESOLVED THAT THE FOREST COUNTY BOARD OF SUPERVISORS** does support legislation to allow only aggrieved parties to petition for a recount to ensure tax payers are not responsible for any unnecessary recount costs, to allow the Wisconsin Elections Commission to be reimbursed for any costs incurred in a recount; extend the time to submit recount costs from 30 to 45 days; shorten the recount petition deadline by two days to ensure submission of Wisconsin’s Electoral College votes; give the county board of canvassers an additional day to begin their

recount.

**BE IT FURTHER RESOLVED,** That the County Clerk is hereby directed to transmit a copy of this Resolution to the Governor of the State of Wisconsin, to legislators representing Forest County constituents, and to the Wisconsin Counties Association and all Wisconsin Counties.

I, County Clerk, in and for the said County of Forest, State of Wisconsin, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the County Board of Supervisors of Forest County, Wisconsin, in legal session on the 15<sup>th</sup> day of August, 2017.

Dated this 15<sup>th</sup> day of August, 2017.

Nora Matuszewski  
Nora Matuszewski, Forest County Clerk

Paul Millan  
Supervisor

ROLL CALL SHEET			
COUNTY BOARD			
Date <u>8/15/17</u>			
No. <u>28-2017</u>	Resolution <input checked="" type="checkbox"/>	Ordinance _____	
Motion:		Adopted _____	
1st <u>Connors</u>		Lost _____	
2nd <u>Berg</u>		Tabled _____	
	Aye	No	Absent
Berg	X		
Bunda	X		
Campbell	X		
Chaney	X		
Collins	X		
Connors, Jr.	X		
Dailey	X		
Dehart	X		
Gallion	X		
Houle	X		
Huettl			X
Karl	X		
Laabs			X
Lukas	X		
Marvin	X		
Matuszewski	X		
Millan	X		
Otto	X		
*Shaffer	X		
Stamper	X		
Tauer	X		
TOTAL	19		2

14

RESOLUTION# 17-7-6

ITEM# 5-1

DATE July 18, 2017

Effective Date July 18, 2017

Introduced by Judicial & Legislative Committee  
Page 1 of 1

Motion: Adopted:

1<sup>st</sup> Hamilton Lost:

2<sup>nd</sup> LaFontaine Tabled:

No: 6 Yes: 13 Absent: 0

Number of votes required:  
 Majority  Two-thirds

Reviewed by: PAK, Corp Counsel  
 Reviewed by: \_\_\_\_\_, Finance Dir.

LAD

INTENT & SYNOPSIS: To oppose legislation to repeal Wisconsin's prevailing wage law.

FISCAL NOTE: none

**WHEREAS**, Wisconsin's prevailing wage law was enacted in 1931 and required employers to pay workers what local workers were being paid in the area. Changes were made to the law in 1996 and significant changes were made in the 2015-17 State Budget. Beginning January 1, 2017, prevailing wage was eliminated for all but state projects, state agencies, and state highway projects if they are \$48,000 or more for single trade and \$100,000 or more for multi-trade. Federal prevailing wage laws are still effective on any public building or works project that receives \$2,000 or more of federal funds; and

**WHEREAS**, Governor Walker's 2017-19 Biennial Executive Budget includes language repealing Wisconsin's prevailing wage requirement. Both the Senate and Assembly have also proposed legislation eliminating Wisconsin's prevailing wage law; and

**WHEREAS**, this resolution urges the Legislature to support Wisconsin workers by opposing the repeal of Wisconsin's prevailing wage law because the skilled construction tradesmen and women working on our public infrastructure deserve to be paid a fair minimum wage. Wisconsin is already experiencing a worker shortage and a skills gap. Repealing prevailing wage will only make the problem worse.

**NOW, THEREFORE, THE WOOD COUNTY BOARD OF SUPERVISORS HEREBY RESOLVES** to urge the Governor and State Legislature to protect Wisconsin workers by opposing legislation to repeal Wisconsin's prevailing wage law.

**BE IT FURTHER RESOLVED** that the Wood County Clerk be directed to forward a copy of this resolution to all Wisconsin counties, and to the Governor and Legislature.

		NO	YES	A
1	LaFontaine, D		✓	
2	Rozar, D	✓		
3	Feirer, M		✓	
4	Wagner, E		✓	
5	Fischer, A	✓		
6	Breu, A		✓	
7	Ashbeck, R		✓	
8	Kremer, B	✓		
9	Winch, W	✓		
10	Henkel, H	✓		
11	Curry, K		✓	
12	Machon, D		✓	
13	Hokamp, M		✓	
14	Polach, D		✓	
15	Clendenning, B		✓	
16	Pliml, L	✓		
17	Zurfluh, J		✓	
18	Hamilton, B		✓	
19	Leichtnam, B		✓	

\_\_\_\_\_  
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Adopted by the County Board of Wood County, this 18<sup>th</sup> day of July 2017

Cynthia Copres County Clerk

William F. Chubbey  
 BILL CLENDENNING (Chairman)  
Bill Wagner  
 ED WAGNER  
Bill Leichtnam  
 BILL LEICHTNAM  
Ken Curry  
 KEN CURRY  
David LaFontaine  
 DAVE LAFONTAINE

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County Board Chairman





State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-3785/1  
SWB:wlj

## 2017 BILL

- 1     **AN ACT to create** 49.471 (4m) of the statutes; **relating to:** BadgerCare Plus and  
2             assistance for childless adults demonstration project purchase options.

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***Analysis by the Legislative Reference Bureau***

This bill requires the Department of Health Services to request a waiver or submit amendments to the state Medical Assistance plan to permit certain individuals whose income is greater than the income eligibility limit for the BadgerCare Plus program or the assistance for childless adults demonstration project to purchase coverage through these programs through a separate purchase option. The bill also requires DHS to include a request to allow an option for small businesses to purchase coverage under these programs for their employees.

Currently, DHS administers the Medical Assistance program, which is a joint federal and state program that provides health services to individuals who have limited financial resources. Some services are provided through programs that operate under a waiver of federal Medicaid laws, including services provided through the BadgerCare Plus program and the childless adults demonstration project. Under current law, certain parents and caretaker relatives with incomes of not more than 100 percent of the federal poverty line, before a 5 percent income disregard is applied, are eligible for BadgerCare Plus benefits. Under current law, childless adults who 1) are under age 65; 2) have family incomes that do not exceed 100 percent of the FPL, before a 5 percent income disregard is applied; and 3) are not otherwise eligible for Medical Assistance, including BadgerCare Plus, are eligible for benefits under the assistance for childless adults demonstration project.

This bill requires DHS to request a waiver from or submit amendments to the state Medical Assistance plan to the secretary of the federal Department of Health

**BILL**

and Human Services that would allow individuals whose income is greater than the eligibility limit for the BadgerCare Plus or the childless adults demonstration project, but who otherwise meet the eligibility requirements, to purchase coverage through a separate purchase option program that meets criteria specified in the bill. The bill also requires DHS to include a request for any federal waiver or state plan amendments necessary to allow an option for small businesses to purchase coverage for their employees as part of the Small Business Health Options Program through an exchange established under federal law. Under the bill, DHS must submit a report providing information on the status on the progress of receiving a federal waiver and the results from actuarial and economic analyses that are necessary for a waiver proposal. If any necessary waiver or state plan amendments are approved, DHS must implement the program.

Under the bill, DHS must also seek any federal waiver and state Medical Assistance plan amendments necessary to allow qualified individuals who choose to purchase the BadgerCare Plus option or the childless adults demonstration project option to use advanced tax credits and cost-sharing credits, if eligible, to purchase one of these options. If DHS is authorized to implement the program, and if 1) any waiver or state plan amendment is necessary and is approved or 2) DHS determines neither a waiver nor state plan amendment is necessary, DHS shall allow the use of advanced tax credits and cost-sharing credits to purchase the BadgerCare Plus option or the childless adults demonstration project option.

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.** 49.471 (4m) of the statutes is created to read:

2           49.471 (4m) PURCHASE OPTIONS FOR BADGERCARE PLUS AND THE ASSISTANCE FOR  
3 CHILDLESS ADULTS DEMONSTRATION PROJECT. (a) 1. The department shall, if required,  
4 request a waiver from or submit amendments to the state Medical Assistance plan  
5 to the secretary of the federal department of health and human services to establish  
6 a program that allows individuals with income above the maximum income  
7 eligibility limit applicable under this section or the assistance for childless adults  
8 demonstration project under s. 49.45 (23), and who otherwise meet the eligibility  
9 requirements under this section or under s. 49.45 (23), the option of purchasing  
10 coverage through this section or through the demonstration project under s. 49.45

**BILL**

1 (23) instead of purchasing an individual health plan through private insurance. The  
2 department shall also include a request for any federal waiver or state Medical  
3 Assistance plan amendments necessary to allow an option for small businesses to  
4 purchase coverage for their employees under this section as part of the small  
5 business health options program through an exchange under 42 USC 18031.

6 2. The department shall seek any federal waiver and state Medical Assistance  
7 plan amendments necessary to allow individuals who qualify under subd. 1. to use  
8 advanced tax credits and cost-sharing credits, if eligible, to purchase one of the  
9 options described under subd. 1.

10 (b) 1. The department shall coordinate the administration of the purchase  
11 options under this subsection with the programs under this section and s. 49.45 (23)  
12 to maximize efficiency and improve the continuity of care, consistent with the  
13 requirements of this section and s. 49.45 (23). The department shall seek to  
14 implement mechanisms to ensure the long-term financial sustainability of the  
15 programs under this section and s. 49.45 (23). These mechanisms must address  
16 issues related to minimizing adverse selection, the state financial risk and  
17 contribution, and negative impacts to premiums in the individual and group  
18 insurance markets.

19 2. The purchase option program shall include, at a minimum, all of the  
20 following attributes:

21 a. Establishment of an annual per enrollee premium rate similar to the average  
22 rate paid by the state to managed care plan contractors.

23 b. Establishment of a benefit set equal to the benefits covered under this section  
24 and s. 49.45 (23).

**BILL****SECTION 1**

1 c. Annual enrollment that is limited to the same annual open enrollment  
2 periods established for the programs under this section and s. 49.45 (23).

3 d. The ability for the department to adjust the purchase option's actuarial value  
4 to a value no lower than 87 percent.

5 e. Reimbursement mechanisms for addressing potential increased costs to the  
6 programs under this section and s. 49.45 (23).

7 (c) By March 1, 2018, the department of health services shall submit a report  
8 to the appropriate standing committee in each house of the legislature under s.  
9 13.172 (3) that provides information on the status of the request for a federal waiver  
10 and the results from actuarial and economic analyses that are necessary for a waiver  
11 proposal.

12 (d) If any necessary waiver or amendments to the state plan described under  
13 par. (a) 1. are approved, the department shall implement the program. If the  
14 department is authorized to implement the program, and if any waiver or state plan  
15 amendment described under par. (a) 2. is necessary and is approved, or if the  
16 department determines neither a waiver nor state plan amendment is necessary, the  
17 department shall allow the purchase options described under par. (a) 2.

18

(END)

## BadgerCarePlus, Release Excerpt.8.8.17

For Immediate Release-- July 5, 2017

Contacts: Robert Kraig, (414) 322-5324 robert.kraig@citizenactionwi.org

Kevin Kane (414) 550-8280 kevin.kane@citizenactionwi.org

### New Legislation Creates BadgerCare “Public Option” to Immediately Lower Health Costs

*Following insurance company threats to leave markets, legislation introduced to allow all Wisconsinites to purchase BadgerCare.*

Madison - At a Capital media event today, Citizen Action of Wisconsin and legislative allies announced legislation written by State Representative Eric Genrich and State Senator LaTonya Johnson that would allow all Wisconsinites the chance to purchase BadgerCare as a “public option”. The **proposed legislation** would allow Wisconsin residents, both individuals and small businesses, to enroll in BadgerCare at full price. A BadgerCare Public Option would save consumers on average over 15% vs existing health insurance options in Dane County and 30% vs lowest silver plan on average statewide.

Many Wisconsin counties have seen insurance companies drop out of the marketplace, as they seek to cherry pick consumers, with Anthem being the most recent example. Health leaders have called for a government run public option to compete with insurance companies and negotiate with pharmaceutical corporations. This legislation will expand BadgerCare to become a public option, to help both Wisconsin residents who have lost their coverage and residents struggling with medical costs.

BadgerCare currently enrolls over 700,000 children and moderate income residents in every community. If opened up for all, residents would have access to a public option with a long successful history of providing affordable quality care. Until then, Wisconsinites over the poverty line are at the mercy of private insurance threatening to exit following Donald Trump's sabotage of the marketplace. Already states like Nevada and Minnesota have made similar efforts to introduce public options at the state level.

A BadgerCare public option would save consumers immediately. The state **Legislative Fiscal Bureau estimates** that a BadgerCare “buy-in” would cost

adults \$7,224 per year, while the lowest cost Silver plan in Dane County available through Healthcare.gov would cost a 40 year old applicant \$8,350 per year in premiums and deductibles. That is 15% higher, or \$1,117 more, than BadgerCare. BadgerCare does not have annual deductibles. Statewide, that same private insurance plan would be on average 30% more, or \$2,162 more per person per year than this BadgerCare public option.

“.....it presents the best way to rein in skyrocketing health costs for consumers,” said Robert Kraig, Executive Director at Citizen Action of Wisconsin. “With just one - word change in state law BadgerCare could become a public option that could compete with insurers and negotiate with pharmaceutical corporations.

“Under our plan, BadgerCare would be treated like any other health insurance plan available on the federal marketplace for individuals and small businesses”, said State Representative Eric Genrich, D-Green Bay. “It would be more affordable and more comprehensive than most other plans and it would be able to hold down the cost of prescription drugs that continue to skyrocket.”

“No matter who you are or how much money you make, under this plan, you would have the option to buy into BadgerCare—the state’s bipartisan plan that is popular, successful and cost effective”, said State Senator Dave Hansen, D-Green Bay. “The state can use its buying power to negotiate lower drug prices and services. This means lowers out of pocket costs and lower premiums.”

*This content of this document has been excerpted from the full “release” provided by Citizens Action Council on July 5, 2017, as cited above,  
Wayne Kudick, Door County Human Services Board*

**From:** Wayne Kudick <[wjkudick@charter.net](mailto:wjkudick@charter.net)>  
**Sent:** Monday, September 4, 2017 11:09 PM  
**To:** Kohout, Susan  
**Cc:** KREBSBACH, JOE; Moeller, Mark; Bacon, Helen; Sohns, Steve; Joe Miller  
**Subject:** Re: Badger Care Plus information - HS Board Meeting

Susan, thank you for the offer to confer over the phone tomorrow morning regarding pending State Legislation to create BadgerCare Plus. Just as your day presents problems to accomplish this, my day does not allow for a call. Hence, allow me to summarize a rationale for support of Assembly Genrich's proposal to open enrollment of BadgerCare to purchasers, as follows:

1. BadgerCare is a proven Health Care Insurance long standing Wisconsin product for minimal income citizens.
2. BadgerCare Plus should be politically neutral given it's origins date to former Republican Governor Thompson who proudly took this concept as a Wisconsin success story to Washington as Secretary of Health. Surely with that history bi-partisan support for this should be possible as an exception to the current majority party preferences that inhibit bringing Wisconsin workers affordable and quality health care insurance.
3. This expansion will be paid for by purchasers and not require tax funding.
4. Support for this Legislation is an opportunity for the Door County Board to visibly fulfill its duty to protect all its citizens including those working and currently above poverty circumstance and who are working.
5. With support for expanded BC+'s quality health insurance Door County can provide a financial protection from bankruptcies, knowing un-covered medical catastrophic circumstances / Medical debt, is the most frequent cause for bankruptcy, as proven by the Kaiser Family Foundation research and further confirmed by the following research:

A. Snopes article:

<http://www.snopes.com/643000-bankruptcies-in-the-u-s-every-year-due-to-medical-bills/>.

B. Huffington Post's article based on Harvard University research:

<http://m.huffpost.com/us/entry/6887642>

6. Furthermore, having personally tracked the Health Insurance coverage trends evidenced at The Door County Medical Center, far too many working people purchase insurances that have low costs but only provide financially risk ridden high deductibles and low limits to total costs covered. BadgerCare will perform much better than these "low cost" comparatives.
7. As a member of the Human Services Board, my experience teaches me that we are only able to deal ex-post-facto with what State and Federal Legislation funding arrives...and we do little to support proposed legislation that prevents our neighbors from falling into eligibility for poverty programs. This is frustrating and BadgeeCare+ is a rare exception that warrants attention and potentially preventive action.

Expanding quality and affordable BadgerCare as an option for our working purchasers is a rare opportunity to prevent working people from becoming victims of inadequate health insurances that result financial collapse...and becoming eligible for BadgerCare because of a poverty condition.

I urge the Legislative Committee to communicate support for Assemblyman Genrich's pending legislation.

Thank you and your Committee members for consideration,

Wayne Kudick, Fish Creek  
 and D.C. Human Services Board,

Menu » 2017 » Related Documents » Proposal Text » SB395: Bill Text

**CORRECTED COPY**

LRB-2652/1

MCP:all

**2017 - 2018 LEGISLATURE**

**2017 SENATE BILL 395**

August 29, 2017 - Introduced by Senators TIFFANY, FITZGERALD, DARLING, LEMAHIEU, MOULTON, FEYEN, STROEBEL, KAPENGA, WANGGAARD, CRAIG, LASEE, NASS and VUKMIR, cosponsored by Representatives HUTTON, KULP, JARCHOW, RODRIGUEZ, HORLACHER, QUINN, MACCO, SANFELIPPO, EDMING, KREMER, GANNON, TAUCHEN, DUCHOW, KLEEFISCH, SKOWRONSKI, WICHGERS, KNODL, BERNIER, KOOYENGA, R. BROOKS, ZIMMERMAN and BRANDTJEN. Referred to Committee on Sporting Heritage, Mining and Forestry.

1       **AN ACT** *to repeal* 227.42 (4), 293.43 (2), 293.43 (3), 293.43 (4), 293.43 (5)  
 2           and  
 3           293.50; *to amend* 20.370 (2) (gh), 70.375 (4) (h), 281.35 (5) (e), 283.84  
 4           (3m),  
 5           293.01 (9), 293.01 (18), 293.13 (2) (b) (intro.), 293.13 (2) (b) 4., 293.13 (2) (b)  
 6           7.,  
 7           293.13 (2) (c) (intro.), 293.13 (2) (c) 7., 293.15 (8), 293.31 (title), 293.31 (1),  
 8           293.31 (2), 293.31 (3), 293.31 (4), 293.43 (1), 293.43 (1m) (b), 293.49 (1) (a)  
 9           (intro.), 293.51 (title), 293.51 (3), 293.55 (1) (c), 293.55 (1) (d), 293.65 (3) (b)  
 10          and  
 11          293.81; *to repeal and recreate* 293.95; and *to create* 293.01 (2m), 293.15  
 12          (7m), 293.26, 293.31 (4m), 293.32 (4), 293.37 (5), 293.40, 293.43 (2m),  
           293.43  
           (3m), 293.43 (4m), 293.495, 293.51 (2m), 293.51 (5) and 293.66 of the  
           statutes;  
           **relating to:** the regulation of nonferrous metallic mining, prospecting,  
           exploration, and bulk sampling, repealing administrative rules relating to  
           wetlands, granting rule-making authority, and making an appropriation.

*Analysis by the Legislative Reference Bureau*



This bill makes changes in the laws relating to the regulation and permitting of nonferrous metallic mineral prospecting and mining. Nonferrous metallic

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minerals are metallic minerals other than iron, such as copper or zinc. Under current law, the Department of Natural Resources regulates exploration, prospecting, and mining for nonferrous metallic minerals.

#### **SULPHIDE ORE MORATORIUM**

This bill repeals the existing prohibition on issuing sulfide ore mining permits.

Current law prohibits DNR from issuing any permits for the purpose of mining a sulfide ore body until DNR determines that 1) there is a mining operation in a potentially acid-generating sulfide ore body in the United States or Canada that has

been in operation for at least ten years without resulting in the pollution of groundwater or surface water from acid drainage or from the release of heavy metals;

and 2) there is a mining operation that operated in a potentially acid-generating sulfide ore body in the United States or Canada that has been closed for at least ten

years without resulting in the pollution of groundwater or surface water from acid drainage or from the release of heavy metals.

#### **POINT OF APPLICATION FOR GROUNDWATER STANDARDS**

This bill also makes changes to the locations at which groundwater standards

may apply at nonferrous metallic mining and prospecting sites. The bill does not make changes to numerical groundwater standards.

Under current law, DNR establishes enforcement standards for certain substances that contaminate groundwater. When determining whether a groundwater enforcement standard at certain facilities, including mining or prospecting operations, has been met or exceeded, the enforcement standard may apply at any point beyond a three-dimensional design management zone (DMZ) established by DNR by rule. Under DNR's current rules, for a nonferrous metallic mining site the DMZ extends vertically from the land surface through all saturated geological formations.

This bill requires DNR, for each mining or prospecting site, to determine the

depth in the Precambrian bedrock below which the groundwater is not reasonably capable of being used for human consumption and is not hydrologically connected to

other sources of groundwater that are suitable for human consumption. Under the bill, for a nonferrous metallic mining or prospecting site, DNR may not apply groundwater enforcement standards at any point deeper than that identified depth for the site.

#### **WETLANDS**

Pursuant to the laws of 1977, DNR promulgated rules designed to ensure that metallic mining activities would result in a minimization of disturbance to wetlands while taking into consideration the fact that, in siting some mining operations, it may be virtually impossible to avoid impacts to wetlands. To help weigh and evaluate these competing considerations when reviewing proposed sites for mining operations, DNR promulgated section NR 132.06 (4) of the Wisconsin Administrative Code. This section was later modified to apply only to nonferrous metallic mining.

After section NR 132.06 (4) was promulgated, this state enacted section 281.36 of the statutes, which requires DNR to issue wetland permits, in a manner consistent with the federal Clean Water Act, for any activity that may affect wetlands, including nonferrous metallic mining operations. This bill repeals section NR 132.06 (4) of the

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administrative code. As a result, the only provisions that DNR may apply in evaluating a proposed site for a prospecting or mining operation are those contained in s. 281.36 and in rules promulgated under that section and under other provisions under current law.

#### **BULK SAMPLING**

This bill creates a separate process for engaging in bulk sampling for nonferrous metallic minerals. Current law regulates activities relating to nonferrous metallic minerals differently depending on whether the activity involves exploration, prospecting, or mining. Under current law, a person who wants to engage in exploration for nonferrous metallic minerals must first obtain a license from DNR. Exploration consists of drilling holes that are less than 18 inches in diameter into the surface of an area to search for nonferrous metallic minerals. Current law also provides that a person may not prospect for nonferrous metallic minerals without a prospecting permit from DNR. Prospecting means examining an area to determine the quality and quantity of nonferrous metallic minerals by means other than drilling, for example by excavating. Under current law, the process for obtaining a prospecting permit is similar to the process for obtaining a mining permit. When a person completes a prospecting operation, the person must conduct reclamation, which means rehabilitation of the site to either its original state or, if that is not feasible, to a state that provides long-term environmental stability.

The bill defines “bulk sampling” as excavating in a potential mining site by removing less than 10,000 tons of material to assess the quality and quantity of nonferrous metallic mineral deposits and to collect and analyze data to prepare an application for a mining permit or other approval. Under the bill, bulk sampling

does not constitute prospecting, and prospecting activities do not include bulk sampling.

The bill allows a person who intends to engage in bulk sampling to file a bulk sampling plan with DNR. A person who files a bulk sampling plan must 1) describe the bulk sampling site and the methods to be used for bulk sampling; 2) submit a plan for controlling surface erosion that identifies how adverse impacts to plant and wildlife habitats will be avoided or minimized; 3) submit a plan for revegetation that describes how adverse environmental impacts will be avoided or minimized; 4) provide the estimated time for completing bulk sampling and revegetation of the site; 5) describe any known adverse environmental impacts that are likely to be caused by bulk sampling and how those impacts will be avoided or minimized; and 6) describe any adverse effects that the bulk sampling might have on any historic property or on any scenic or recreational areas and plans to avoid or minimize those adverse effects. The bill also requires a person to submit, with the bulk sampling plan, a \$5,000 bond. DNR may require the amount of the bond to be increased if it is unlikely that the bond will be adequate to fund the state's cost for completing the revegetation plan.

The bill requires DNR, within 14 days of receipt of a bulk sampling plan, to identify in writing any kind of approval that DNR issues that is needed to conduct the proposed bulk sampling, such as a wastewater discharge permit or a permit for a discharge into wetlands, and any waivers, exemptions, or exceptions to those approvals that may be available. The bill also requires a person who has submitted

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a bulk sampling plan to submit all applications for approvals and all applications for waivers, exemptions, or exceptions to approvals for the bulk sampling at one time.

The bill specifies deadlines for DNR to act on approvals needed to conduct bulk sampling. When a person who files a bulk sampling plan applies for an approval or a waiver, exemption, or exception to an approval, the application is considered to be complete on the 30th day after DNR receives the application, unless before that day DNR informs the person that the application is not complete. Once an application is complete, DNR must act within 30 days on an application for a waiver, exemption, or exception to an approval, for a determination that an activity is below the threshold that requires an approval, or for a determination of eligibility for coverage under a general permit or a registration permit. For other approvals, DNR must act within 60 days after the application is complete, except that DNR must act on an approval for an individual permit for which federal law requires an opportunity for public comment or a hearing, such as a wastewater discharge permit, within 180 days.

The bill provides that DNR is not required to prepare an environmental impact statement (EIS) for an approval required for bulk sampling. Finally, the bill requires DNR to act on any required construction site erosion control or storm water management approval required for bulk sampling, even if DNR has authorized a local program to issue approvals for construction site erosion control or storm water management.

#### APPLICATION, REVIEW, AND PERMITTING PROCESS

Under current law, a person who proposes to prospect or mine for nonferrous metallic minerals must obtain a prospecting or mining permit and any other permit, license, certification, or other authorization (approval) that is required under the environmental and natural resources laws, for example wastewater discharge permits, high capacity well approvals, and permits for discharges into wetlands.

This bill makes changes to certain parts of the preapplication, application, review, and hearing process for these permits and approvals.

##### ***Preapplication process***

Under current law, a person who intends to apply for a permit to prospect or mine for nonferrous metallic minerals must notify DNR of that intent, and may not collect data intended to be used to support the application before submitting the notice of intent to apply. DNR is required to provide public notice when it receives a notice of intent to apply for a prospecting or mining permit, and is required to receive and consider public comments within 45 days after giving the public notice. After considering public comments, DNR must tell the person who filed the notice of intent what data DNR believes is needed to support an application for a prospecting or mining permit and the methodologies that must be used to collect that data, along with certain other information relating to groundwater in the area and to other approvals that are required for the proposed prospecting or mining project.

This bill requires a person who intends to apply for a prospecting or mining permit to provide DNR with a notice of intent at least 12 months before filing an application for a prospecting or mining permit. The bill removes the prohibition on collecting data before filing the notice of intent to apply. The bill requires DNR, upon

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the request of a person who intends to file a notice of intent to apply, to review the person's proposed methodology for collecting data, and to either approve the proposed methodology or provide the methodology that DNR requires to be used. Under the bill, DNR may assess the person a fee to cover DNR's costs in reviewing or providing these methodologies. The bill also provides that, if DNR holds a public informational hearing to solicit the required public comments on a notice of intent to apply, the hearing must be held within the 45-day period for soliciting public comments. In addition, the bill requires DNR to inform the person within 90 days after the 45-day period for soliciting public comments of the required data and

methodologies for the application, the information that should be included in the person's environmental impact report, and the information DNR will need to prepare

an EIS. Under the bill, DNR must begin the process of entering into a memorandum

of understanding with the applicant, the U.S. army corps of engineers, and other relevant federal agencies before informing the person of the required data and methodologies for the application and providing the other required information.

The

bill provides that such a memorandum of understanding may include an agreement between DNR and the applicant regarding timelines for the permitting process.

#### ***Application process — predictive modeling***

Currently, under rules promulgated by DNR, a person who wishes to operate

a solid waste disposal facility for a nonferrous metallic mineral mining operation must submit information based on predictive modeling to demonstrate that there is a reasonable certainty that the facility will not violate groundwater quality standards. This bill provides that, if DNR requires an applicant for a nonferrous metallic mining permit to conduct modeling to determine whether the proposed mining operation's waste site complies with groundwater or surface water quality standards, DNR may not require the applicant to examine a period longer than the proposed operating period of the waste site plus 250 years.

#### ***Application process — financial assurance requirement***

Under current law, an operator of a nonferrous mining or prospecting operation

must file a bond, cash, certificates of deposit, or government securities with DNR to ensure that the operator will be able to cover the cost of the reclamation plan for the

mining or prospecting site. An operator must also submit a certificate of insurance certifying that the operator has a liability insurance policy in place that adequately covers personal injury and property damage and must maintain proof of financial responsibility for complying with the long-term care requirements of the mining or prospecting site after the site is closed. Under rules promulgated by DNR, an applicant for a nonferrous metallic mining permit must also create and maintain an

irrevocable trust in perpetuity to ensure the availability of funds for preventative and remedial activities, such as responding to a spill of a hazardous substance at the mining site.

This bill limits the forms of proof of financial responsibility for long-term care

that DNR may require to a bond, cash, certificates of deposit, government securities,

or insurance. The bill provides that DNR may not require an operator to provide a form of financial assurance other than those listed in the statutes.

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#### ***Review timeline***

This bill creates a timeline for DNR to review an application for a prospecting or mining permit, request additional information from the applicant, and prepare a draft environmental impact statement, a draft prospecting or mining permit, and other draft approvals.

Under the bill, DNR has 180 days after an applicant submits an application for a prospecting or mining permit, an environmental impact report, and any application for other related approvals, to provide comments and request additional information. If DNR requests additional information, it has 90 days after the applicant submits additional information to again provide comments and request additional information. If DNR requests this additional information, it has 180 days after the applicant submits additional information to prepare a draft environmental impact statement, a draft prospecting or mining permit, and any other related draft approvals. The applicant and DNR may agree to modify all or part of this timeline. DNR may request additional information after these time periods expire, but may not delay the application and review process based on a request for additional information.

If, during the 90-day period described above, the DNR secretary determines that the applicant has made a substantial modification to the mining or prospecting plan that significantly changes the information necessary to prepare the environmental impact statement or adequately review an application, DNR may request additional information from the applicant. When the applicant submits additional information, the timeline described above resets and begins again.

#### ***Issuing a mining permit — effects on other waters***

Under current law, an applicant must obtain an approval for a high capacity well if the applicant will withdraw groundwater for prospecting or mining or dewater mines and if the capacity and rate of withdrawal or dewatering exceeds 100,000 gallons each day. Current law prohibits DNR from issuing an approval for a high capacity well if the withdrawal of groundwater or the dewatering of mines will result in the unreasonable detriment of public or private water supplies or the unreasonable detriment of public rights in the waters of the state.

Under this bill, if DNR determines that the withdrawal of groundwater or the dewatering of mines will result in the unreasonable detriment of public or private water supplies or the unreasonable detriment of public rights in the waters of the state, DNR must include conditions in the high capacity well approval or in the prospecting or mining permit to ensure that those detriments will not occur. These conditions may include a requirement that the applicant provide a replacement water supply or temporarily augment the quantity of water in, or flowing into or from, the affected body of water.

#### ***Hearing and review process***

Under current law, DNR holds a public informational hearing on DNR's draft EIS, after which DNR prepares a final EIS. DNR then conducts a master hearing on the final EIS, the draft mining or prospecting permits that DNR has prepared, and all other approvals that are required for the prospecting or mining project, to the extent possible. Under current law, the provisions related to notice, hearing, and

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comment in the nonferrous metallic mining law apply to any other needed approval, unless the applicant fails to apply for an approval in time for it to be considered at the master hearing. The master hearing includes both a contested case hearing, with testimony under oath and the opportunity for cross-examination, and a public informational hearing. After the master hearing, DNR either denies the application for a prospecting or mining permit or approves the application and issues the permit and related approvals.

This bill requires DNR to hold a public informational hearing on the draft prospecting or mining permit, the draft EIS, and all other approvals that are related to the prospecting or mining project, unless the application for a related approval is filed too late to allow the approval to be considered at the hearing in which case another public informational hearing is held using the same procedure as for the mining or prospecting permit hearing. The hearing does not include a contested case hearing. Before the hearing, DNR must make the applications for the permit and any additional approvals, and the draft EIS, the draft permit, any other draft approvals, available for review in the city, town, or village in which the proposed prospecting or mining site is located. DNR must also publish a notice with the date, time, and location of the public informational hearing, and accept public comments within 45 days after the notice is published. DNR must publish the hearing notice within 30 days of completing the draft EIS and draft mining or prospecting permit under the timeline described above.

Under current law, any person who is aggrieved by a DNR decision relating to nonferrous metallic exploration, prospecting, or mining may request an administrative contested case hearing, unless the matter was heard at the master hearing.

Under the bill, a person may not request a contested case hearing on a DNR decision relating to exploration or bulk sampling. However, a person may request a contested case hearing on a DNR decision relating to a mining or prospecting permit, including a decision related to the EIS for the proposed prospecting or mining operation or a decision on any approval related to the prospecting or mining permit application. A person seeking such a contested case hearing must request the hearing within 30 days after DNR issues the decision to approve or deny the mining

or prospecting permit. In addition, the bill requires the hearing examiner in such a contested case hearing to issue a decision within 270 days after DNR approves or denies the mining or prospecting permit. The hearing examiner may not issue an order prohibiting an activity that is authorized by the DNR decision being reviewed in the contested case hearing. Under the bill, a person seeking judicial review of a decision in such a contested case hearing must bring the action within 30 days of the decision. The bill also allows a person to request a contested case hearing on other DNR decisions relating to prospecting or mining that are issued after DNR's final decision to grant or deny a prospecting or mining permit. Under the bill, a person seeking judicial review of a decision in a contested case hearing or of any DNR decision relating to nonferrous metallic mining, prospecting, exploration, or bulk sampling must bring the action in the court for the county in which the majority of

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the mining or prospecting site is located or in which the majority of the exploration or bulk sampling will occur.

### FEES

This bill exempts nonferrous metallic mining from certain solid waste disposal fees that are required under current law. Under current law, a generator of solid or hazardous waste, including at a nonferrous metallic mining waste site, must generally pay license and review fees; tonnage fees; groundwater and well compensation fees; a solid waste facility siting board fee; a recycling fee; and an environmental repair fee and repair surcharge. This bill exempts nonferrous metallic mining waste sites from the review and license fees, tonnage fees, and recycling fee. Under the bill, the operator of a mining waste site must continue to pay the groundwater fee, the environmental repair fee and surcharge, and the solid waste facility siting board fee.

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 regulation and administration.*  
3                   The amounts in the schedule for the administration, regulation, and enforcement of  
4                   nonferrous metallic mining exploration, bulk sampling, 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.** 70.375 (4) (h) of the statutes is amended to read:  
8                   70.375 (4) (h) The cost of premiums for bonds required under s. 293.26 (9),  
9                   293.51, 295.45 (5), or 295.59.  
10                   **SECTION 3.** 227.42 (4) of the statutes is repealed.  
11                   **SECTION 4.** 281.35 (5) (e) of the statutes is amended to read:  
12



281.35 (5) (e) *Right to hearing.* ~~Except as provided in s. 227.42 (4), any~~ Any person who receives notice of a denial or modification requirement under par. (c) is

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entitled to a contested case hearing under ch. 227 if the person requests the hearing within 30 days after receiving the notice.

**SECTION 5.** 283.84 (3m) of the statutes is amended to read:

283.84 (3m) A person engaged in mining, as defined in s. 293.01 (9) or 295.41 (26), prospecting, as defined in s. 293.01 (18), bulk sampling, as defined in s. 293.01 (2m) or 295.41 (7), or nonmetallic mining, as defined in s. 295.11 (3), may not enter into an agreement under sub. (1).

**SECTION 6.** 293.01 (2m) of the statutes is created to read:

293.01 (2m) "Bulk sampling" means excavating in a potential mining site by removing less than 10,000 tons of material for the purposes of obtaining site-specific data to assess the quality and quantity of the nonferrous metallic mineral deposits and of collecting data from and analyzing the excavated materials in order to prepare the application for a mining permit or for any other approval. Bulk sampling does not constitute prospecting within the meaning of sub. (18).

**SECTION 7.** 293.01 (9) of the statutes is amended to read:

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

**SECTION 8.** 293.01 (18) of the statutes is amended to read:

293.01 (18) "Prospecting" means engaging in the examination of an area for the purpose of determining the quality and quantity of nonferrous metallic minerals, other than for exploration or bulk sampling but including the obtaining of a nonferrous metallic mineral sample, by such physical means as excavating,

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trenching, construction of shafts, ramps and tunnels and other means, other than for exploration or bulk sampling, which the department, by rule, identifies, and the production of prospecting refuse and other associated activities. "Prospecting" shall not include such activities when the activities are, by themselves, intended for and capable of commercial exploitation of the underlying nonferrous ore body. However, the fact that prospecting activities and construction may have use ultimately in mining, if approved, shall not mean that prospecting activities and construction constitute mining within the meaning of sub. (9), provided such activities and construction are reasonably related to prospecting requirements.

**SECTION 9.** 293.13 (2) (b) (intro.) of the statutes is amended to read:

293.13 (2) (b) (intro.) Minimum standards for exploration, bulk sampling, prospecting, and mining shall include the following:

**SECTION 10.** 293.13 (2) (b) 4. of the statutes is amended to read:

293.13 (2) (b) 4. Adequate diversion and drainage of water from the exploration, bulk sampling, prospecting, or mining site.

**SECTION 11.** 293.13 (2) (b) 7. of the statutes is amended to read:

293.13 (2) (b) 7. Removal and stockpiling, or other measures to protect topsoils prior to exploration, bulk sampling, prospecting, or mining.

**SECTION 12.** 293.13 (2) (c) (intro.) of the statutes is amended to read:

293.13 (2) (c) (intro.) Minimum standards for reclamation of exploration and

bulk sampling sites, where appropriate, and for prospecting and mining sites shall conform to s. 293.01 (23) and include provision for the following:

**SECTION 13.** 293.13 (2) (c) 7. of the statutes is amended to read:

293.13 (2) (c) 7. Revegetation to stabilize disturbed soils and prevent air and water pollution, with the objective of reestablishing a variety of populations of plants

and animals indigenous to the area immediately prior to exploration, bulk sampling, prospecting, or mining.

**SECTION 14.** 293.15 (7m) of the statutes is created to read:

293.15 (7m) Issue approvals necessary for bulk sampling.

**SECTION 15.** 293.15 (8) of the statutes is amended to read:

293.15 (8) Promulgate rules regulating the production, storage and disposal of radioactive waste from exploration, bulk sampling, prospecting, or mining after seeking comments from the department of health services. At a minimum, rules promulgated under this subsection shall achieve the margin of safety provided in applicable federal statutes and regulations. If the department promulgates rules under this subsection, the department shall investigate the need for standards more restrictive than the applicable federal statutes and regulations.

**SECTION 16.** 293.26 of the statutes is created to read:

**293.26 Bulk sampling plan. (1)** A person who intends to engage in bulk sampling may file a bulk sampling plan with the department. The collection of data under a bulk sampling plan may include sampling and analysis related to geophysical, geochemical, groundwater, and surface water conditions, as well as any other data or studies necessary to prepare an application for a mining permit, including the mining plan, reclamation plan, mining waste site feasibility study and plan of operation, or any other approval required for the proposed mining.

**(2)** A person shall include all of the following in a bulk sampling plan:

(a) A description and map of the bulk sampling site, including the number of

23 acres in the site, the number of acres of land that will be disturbed, if any,  
24 associated  
25 with each bulk sampling location, and the locations and types of sampling or  
studies  
to be conducted at each bulk sampling location.

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1 (b) A description of the methods to be used for the bulk sampling.  
2 (c) A site-specific plan for controlling surface erosion that conforms to  
3 requirements under ss. 281.33 (3) and 283.33 and that identifies how impacts to  
4 plant and wildlife habitats will be avoided or minimized to the extent practicable.  
5 (d) A revegetation plan for each area where bulk sampling will be  
6 performed  
7 that describes how adverse impacts to the environment will be avoided or  
8 minimized  
9 to the extent practicable and how the site will be revegetated and stabilized and  
10 that  
11 identifies how adverse impacts to plant and wildlife habitats will be avoided or  
12 minimized to the extent practicable.  
13 (e) The estimated time for completing the bulk sampling and revegetation  
14 of  
15 the bulk sampling locations.  
16 (f) A description of any known adverse environmental impacts that are  
17 likely  
18 to be caused by the bulk sampling and how those impacts will be avoided or  
19 minimized to the extent practicable.  
20 (g) A description of any adverse effects, as defined in s. 44.31 (1), that the  
21 bulk  
22 sampling might have on any historic property, as defined in s. 44.31 (3), that is a  
23 listed property, as defined in s. 44.31 (4), that is on the Wisconsin inventory of  
24 historic  
25 places, as defined in s. 44.31 (12), or that is on the list of locally designated historic  
places under s. 44.45; or any scenic or recreational areas; and plans to avoid or  
minimize those adverse effects to the extent practicable.  
**(3)** The department shall protect as confidential any information, other  
than  
effluent data, contained in a bulk sampling plan and in any application for an  
approval that is required before the bulk sampling may be implemented, upon a  
showing that the information is entitled to protection as a trade secret, as defined  
in  
s. 134.90 (1) (c), and any information relating to the location, quality, or quantity of

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1 a nonferrous metallic mineral deposit, to production or sales figures, or to processes  
2 or production unique to the applicant or that would tend to adversely affect the  
3 competitive position of the applicant if made public.  
4 **(4)** Within 14 days of receipt of a bulk sampling plan, the department shall  
5 identify for the applicant, in writing, all approvals that are required before the bulk  
6 sampling may be implemented, any waivers, exemptions, or exceptions to those  
7 approvals that are potentially available, and any information that the department

8 needs to issue the approvals or to issue a decision on any waiver, exemption, or  
9 exception. If no approvals are required, the department shall notify the applicant  
10 that no approvals are required and that the applicant may proceed with the bulk  
11 sampling.

12 (5) If a storm water discharge permit under s. 283.33 (1) (a) or a water  
13 quality  
14 certification under rules promulgated under subch. II of ch. 281 to implement 33  
15 USC 1341 (a) is required before bulk sampling may be implemented, the person  
16 filing  
17 the bulk sampling plan may apply for and be issued the permit or certification.

18 (6) The department shall act on any required construction site erosion  
19 control  
20 and storm water management approval, notwithstanding any authorization by the  
21 department of a local program to administer construction site erosion control and  
22 storm water management requirements.

23 (7) An applicant shall submit all of the following at the same time:

24 (a) Applications for individual approvals identified under sub. (4).

25 (b) Applications for coverage under general permits or registration permits  
identified under sub. (4).

(c) Applications for waivers, exemptions, or exceptions identified under  
sub.  
(4).

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1 (d) A bond, as provided in sub. (9).

2 (8) (a) Notwithstanding any provision in ch. 23, 29, 30, 31, 169, 281, 283,  
285,

3 289, or 291 or in a rule promulgated under those chapters that is applicable to an  
4 approval identified under sub. (4), the application for any approval, for a waiver,  
5 exemption, or exception to an approval, or for a determination that the proposed  
6 bulk

7 sampling activity is below the threshold that requires an approval, is considered to  
8 be complete on the 30th day after the department receives the application, unless,  
before that day, the department provides the applicant with written notification  
that

9 the application is not complete, stating the reason for the determination and  
10 describing the specific information necessary to make the application complete.

11 (b) If the department provides a notice under par. (a), the applicant shall  
12 supplement the application by providing the specified information. The application  
13 is complete when the applicant provides the information.

14 (c) If the department determines that the issuance of an approval is  
contingent

15 upon the issuance of a permit under s. 29.604 (6m), and if the application for the  
16 permit under s. 29.604 (6m) is filed with the approval application, the department  
17 may not determine that the approval application is incomplete on the basis that the  
18 department has not yet issued the permit under s. 29.604 (6m).

19 (9) (a) A person who intends to engage in bulk sampling shall submit with  
the

20 bulk sampling plan a bond in the amount of \$5,000 that is conditioned on faithful  
21 performance of the requirements of this section, that is issued by a surety company

22 licensed to do business in this state, and that provides that the bond may not be  
23 canceled by the surety, except after not less than 90 days' notice to the department  
24 in writing by registered or certified mail.

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1 (b) If the surety for a bond submitted under par. (a) issues a cancellation notice,  
2 the person who filed the bulk sampling plan shall deliver a replacement bond at  
least  
3 30 days before the expiration of the 90-day notice period. If the person fails to  
submit  
4 a replacement bond, the person may not engage in bulk sampling until the person  
5 submits a replacement bond.

6 (c) If the license of the surety company for a bond submitted under par. (a)  
is  
7 revoked or suspended, the person who filed the bulk sampling plan, within 30 days  
8 after receiving written notice from the department, shall deliver a replacement  
bond.  
9 If the person fails to submit a replacement bond, the person may not engage in bulk  
10 sampling until the person submits a replacement bond.

11 (d) The department may require that the amount of the bond submitted  
under  
12 this subsection be increased at any time, if the department determines that it is  
13 unlikely that the bond would be adequate to fund the cost to this state of  
completing  
14 the revegetation plan.

15 (e) The department shall release a bond submitted under this subsection  
one  
16 year after the time for completing the bulk sampling and the revegetation set forth  
17 in the bulk sampling plan if the department determines that the person who  
engaged  
18 in bulk sampling has complied with this section.

19 **(10)** Notwithstanding any provision in ch. 23, 29, 30, 31, 169, 281, 283,  
285,  
20 289, or 291 or a rule promulgated under those chapters applicable to an approval  
21 identified under sub. (4), the department shall require the bulk sampling activity  
for  
22 which the approval is issued to be conducted at locations that result in the fewest  
23 overall adverse environmental impacts.

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1 **(11)** (a) In determining whether to approve or deny an application for an  
2 approval identified under sub. (4), the department shall consider the site-specific  
3 erosion control plan, the revegetation plan, and any wetland mitigation program.

4 (b) The department may modify the application for an approval identified  
5 under sub. (4) in order to meet the requirements applicable to the approval, and, as  
6 modified, approve the application.

7 **(12)** Notwithstanding any inconsistent period in ch. 23, 29, 30, 31, 169,  
281,  
8 283, 285, 289, or 291 or in a rule promulgated under those chapters that is  
applicable

9 to an approval identified under sub. (4), the department shall approve or deny an  
10 application within 30 days after the day on which the application is considered to  
be  
11 complete under sub. (8) if any of the following applies:  
12 (a) The application is for a waiver, exemption, or exception to an approval  
for  
13 a bulk sampling activity or for a determination that the proposed bulk sampling  
14 activity is below the threshold that requires an approval.  
15 (b) The application is for a determination of eligibility for coverage or  
16 authorization to proceed under a general permit or a registration permit.  
17 **(13)** (a) Notwithstanding any inconsistent period in ch. 23, 29, 30, 31, 169,  
18 281,  
283, 285, 289, or 291 or in a rule promulgated under those chapters that is  
applicable  
19 to an approval identified under sub. (4), the department shall approve or deny any  
20 application for an approval identified under sub. (4) to which sub. (12) does not  
apply  
21 within 60 days after the date on which the application is considered to be complete  
22 under sub. (8), unless the application is for an individual permit for which federal  
law  
23 requires the opportunity for public comment or the ability to request a public  
hearing  
24 prior to issuance of the approval.

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1 (b) The department shall publish a class 1 notice, under ch. 985, and shall  
2 publish notice on the department's Internet site, that describes the availability of  
3 information concerning the activity for which an approval described in par. (a) is  
4 required, its proposed decision, its draft approval, information or summaries  
related  
5 to the approval, the department's analyses and preliminary determinations  
relating  
6 to the approval, any additional information that a law concerning the approval  
7 requires to be made available, and the opportunity to submit written comments  
8 within 30 days after the date of the publication of the notice. The date on which the  
9 department first publishes the notice on its Internet site shall be considered the  
date  
10 of the publication of the notice required to be published under this paragraph.  
11 (c) In the notice under par. (b), the department shall also specify the date,  
time,  
12 and location of the public informational hearing under par. (e). The department  
shall  
13 send the notice to any person to whom the department is required to give notice of  
14 any proposed determination, application, or hearing concerning an approval  
15 described in par. (a) under the laws relating to the issuance of the approval and to  
16 any person who has requested notice. The department's notice to interested persons  
17 under this paragraph may be given through an electronic notification system  
18 established by the department.  
19 (d) If there is more than one approval described in par. (a), the department  
shall

20 issue one notice and coordinate the public comment period for all of the approvals.  
 21 If possible, the department shall coordinate the notice and the public comment  
 22 period for an approval that is an individual permit for which federal law requires  
 the  
 23 opportunity for public comment or the ability to request a public hearing prior to  
 24 issuance of the approval with notice and the public comment period for the  
 approvals  
 25 described in par. (a).

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1 (e) The department shall hold a public informational hearing within 30 days  
 2 after the date of the publication of the notice under par. (b). The department shall  
 3 hold the public informational hearing in the county where the majority of the  
 4 proposed bulk sampling site is located. If there is more than one approval described  
 5 in par. (a), the department shall hold a single public informational hearing covering  
 6 all of the approvals. If possible, the department shall include consideration of an  
 7 approval that is an individual permit for which federal law requires the  
 opportunity  
 8 for public comment or the ability to request a public hearing prior to issuance of the  
 9 approval in the public informational hearing under this paragraph. The public  
 10 informational hearing under this paragraph is not a contested case hearing under  
 11 ch. 227.

12 (14) (a) If it is not possible to coordinate the public comment period and  
 public  
 13 informational hearing for an approval that is an individual permit for which  
 federal  
 14 law requires the opportunity for public comment or the ability to request a public  
 15 hearing prior to issuance of the approval with the public comment period and  
 public  
 16 informational hearing under sub. (13), the department shall issue a separate public  
 17 notice and hold a separate public informational hearing for the approval in  
 18 accordance with the law governing the approval.

19 (b) The department shall approve or deny the application for an approval  
 that  
 20 is an individual permit for which federal law requires the opportunity for public  
 21 comment or the ability to request a public hearing prior to issuance of the approval  
 22 within 180 days after the date on which the application is considered to be  
 complete  
 23 under sub. (8).

24 (15) An approval identified under sub. (4) is issued upon mailing and is  
 final  
 25 and effective upon issuance.

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1 (16) The department is not required to prepare an environmental impact  
 2 statement or an environmental assessment for an approval required for bulk  
 3 sampling.

4 SECTION 17. 293.31 (title) of the statutes is amended to read:  
 5 293.31 (title) ~~Data~~ **Preapplication notification; data collection.**

6                   **SECTION 18.** 293.31 (1) of the statutes is amended to read:  
7                   293.31 (1) Any At least 12 months before filing an application for a  
8 prospecting  
9 permit under s. 293.35 or a mining permit under s. 293.37, a person proposing to  
10 engage in a prospecting or mining project shall notify the department in writing of  
11 the intention to apply for a prospecting or mining permit. A person who intends to  
12 give notice of intent to apply for a prospecting or mining permit may, prior to  
13 obtaining, collecting, or generating environmental data intended to be used to  
14 support the permit application, submit to the department the methodology that the  
15 person intends to use in obtaining, collecting, or generating the data. The  
16 department shall review the proposed methodology and shall either inform the  
17 person that the proposed methodology will be accepted by the department or  
18 provide  
19 the person with the methodology that the department requires to be used. The  
20 department may assess the person submitting the proposed methodology a fee  
21 equal  
22 to the department's costs for reviewing the proposed methodology. If a person  
23 intending to submit an application for a prospecting or mining permit shall notify  
24 the  
25 department prior to the collection of obtains, collects, or generates data or  
information intended to be used to support the a prospecting or mining permit  
application. Specific environmental data which would be pertinent to a specific  
prospecting or mining application, but which was obtained or collected or generated  
prior to the notice of intent to apply for a prospecting or mining permit, shall be

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1 submitted in writing to the department together with any substantiating  
2 background information which would assist the department in establishing the  
3 validity of the data. The department shall review the data and, if it concludes that  
4 the benefits of permitting the admission of the data outweigh the policy reasons for  
5 excluding it, and if the data is otherwise admissible, inform the person giving the  
6 notice of intent to prospect or mine that the data will be accepted by the  
7 department.  
8 Such exclusion shall not relate to without obtaining department approval of the  
9 person's methodology under sub. (4), the department may not exclude any of the  
10 data  
11 or information that consists of general environmental information such as soil  
12 characteristics, hydrologic conditions, and air and water data contained in  
13 publications, maps, documents, studies, reports, and similar sources, whether  
14 public  
15 or private, not prepared by or for the applicant. Such exclusion shall likewise not  
16 relate to data which is otherwise admissible that is collected prior to notification  
17 under this subsection for purposes of evaluating another site or sites and which is  
18 not collected with intent to evade the provisions of this section.

16                   **SECTION 19.** 293.31 (2) of the statutes is amended to read:  
17                   293.31 (2) Upon receipt of notification under sub. (1), the department shall  
18 give  
19 public notice of the notification in the same manner as provided under s. 293.43 ~~(3)~~  
20 (2m) (b).

20                   **SECTION 20.** 293.31 (3) of the statutes is amended to read:



21                   293.31 (3) The department shall also receive and consider any comments  
 22 from  
 23 interested persons received within 45 days after public notice is given under sub.  
 24 (2)  
 25 as to the information which they believe should be requested from the person  
 giving  
 notice of intent to apply for a prospecting or mining permit and the information  
 which they believe the department should seek through independent studies. If the

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1                   department holds a public informational hearing to receive comments from  
 2 interested persons under this section, the hearing shall be completed within 45  
 3 days  
 4 after public notice is given under sub. (2).

5                   **SECTION 21.** 293.31 (4) of the statutes is amended to read:

6                   293.31 (4) ~~After~~ No later than 90 days after the receipt period for receiving  
 7 and  
 8 ~~consideration of~~ considering comments from interested persons under sub. (3), the  
 9 department shall inform the person giving notice of intent to apply for a  
 10 prospecting  
 11 or mining permit of the type and quantity of information that it then believes to be  
 12 needed to support an application, and, where applicable, the methodology to be  
 13 used  
 14 in gathering information. The department shall specifically inform the person  
 15 giving  
 16 notice of intent to apply for a prospecting or mining permit of the type and quantity  
 17 of information on the characteristics of groundwater resources in the area in which  
 18 prospecting or mining is anticipated to occur which the department believes is  
 19 needed to support an application, including the information that the department  
 20 believes should be included in the applicant's environmental impact report and the  
 21 information that the department will need to prepare an environmental impact  
 22 statement. The department shall also ~~begin informing~~ inform the person giving  
 23 notice of intent to apply for a prospecting or mining permit ~~as to of the timely~~  
 24 application date and other filing requirements for all other approvals, licenses, and  
 25 permits, ~~so as to facilitate the consideration of all other matters at the hearing on~~  
 the  
 prospecting or mining permit relating to the proposed prospecting or mining  
project.

22                   **SECTION 22.** 293.31 (4m) of the statutes is created to read:

23                   293.31 (4m) Before providing the information required under sub. (4), the  
 24 department shall seek to enter into a memorandum of understanding with the  
 25 applicant, the U.S. army corps of engineers, and any other federal regulatory  
 agency

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1                   with responsibilities related to the potential prospecting or mining operation to  
 2 address sampling methodology and any other issue of mutual concern related to  
 3 processing an application for a prospecting or mining permit. The memorandum  
 4 may include an agreement between the department and the applicant relating to  
 5 timelines, including timelines for the parties to conduct environmental studies and

6 for granting or denying the prospecting or mining permit. The U.S. army corps of  
7 engineers, and any other federal agency that is a party to the memorandum, is not  
8 required to be a party to any agreement relating to timelines between the  
9 department and the applicant.

10 **SECTION 23.** 293.32 (4) of the statutes is created to read:

11 293.32 (4) Subchapter VI of ch. 289 does not apply to mining waste  
disposed  
12 of in a mining waste site covered by a mining permit, except that an operator shall  
13 pay the fees specified in ss. 289.63 (4), 289.64 (3), and 289.67 (1) (d).

14 **SECTION 24.** 293.37 (5) of the statutes is created to read:

15 293.37 (5) If the department requires an applicant for a mining permit to  
16 conduct engineering and hydrologic modeling to assess a mining waste site's  
17 performance relative to compliance with applicable groundwater quality standards  
18 and surface water quality standards, the department may not require the applicant  
19 to examine a period longer than the period in which the mining waste site is  
proposed  
20 to operate plus 250 years after closure of the mining waste site.

21 **SECTION 25.** 293.40 of the statutes is created to read:

22 **293.40 Timeline for review. (1)** Subject to subs. (4) and (5), within 180  
days  
23 after an applicant submits an application for a prospecting or mining permit, an  
24 environmental impact report, if required, and any applications for other approvals,  
25 licenses, or permits relating to the prospecting or mining operation the department

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1 shall review the information submitted and, if necessary, provide comments to the  
2 applicant and request additional information from the applicant relating to the  
3 proposed prospecting or mining project.

4 **(2)** Subject to subs. (4) and (5), if the department requests additional  
5 information from an applicant under sub. (1), within 90 days after the applicant  
6 provides additional information the department shall review the information  
7 submitted and, if necessary, provide comments to the applicant and request  
8 additional information from the applicant relating to the proposed prospecting or  
9 mining project.

10 **(3)** Subject to sub. (5), if the department requests additional information  
from  
11 an applicant under sub. (2), within 180 days after the applicant provides additional  
12 information the department shall prepare a draft environmental impact statement,  
13 a draft prospecting or mining permit, and draft approvals, licenses, or permits  
14 relating to the prospecting or mining operation. If the department requests  
15 additional information from an applicant under sub. (1) but not under sub. (2), the  
16 department shall prepare these draft documents within 180 days after the  
expiration  
17 of the 90-day period under sub. (2). If the department does not request additional  
18 information from an applicant under sub. (1) or sub. (2), the department shall  
19 prepare these draft documents within 180 days after the expiration of the 180-day  
20 period under sub. (1).

21 **(4)** Subject to sub. (5), if before the expiration of the 90-day period under  
sub.  
22 (2) the secretary of the department determines that the applicant has made a

23 substantial modification to the mining or prospecting plan that significantly  
 24 changes  
 25 the information necessary to prepare an environmental impact statement or  
 adequately review an application, the department shall notify the applicant of the

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1 secretary's determination and request additional information from the applicant.  
 2 Upon the applicant's submission of additional information, the timeline under this  
 3 section shall begin again, starting with the period described in sub. (1). A  
 4 determination by the secretary under this subsection is not subject to  
 administrative  
 5 or judicial review and may be made only once during an applicant's permitting  
 6 process.

7 (5) The department and the applicant may agree to modify all or part of  
 the  
 8 timeline under this section.

9 (6) The department may request additional information needed to process  
 a  
 10 prospecting or mining permit application or any other application for an approval,  
 11 license, or permit related to the prospecting or mining operation after making  
 12 requests for additional information under this section, but the department may not  
 13 delay the application and review process based on another request for additional  
 14 information.

15 **SECTION 26.** 293.43 (1) of the statutes is amended to read:

16 293.43 (1) APPLICABILITY. This section, ~~and ch. 227 where it is not~~  
~~inconsistent,~~  
 17 shall govern all hearings on applications for prospecting or mining permits.

18 **SECTION 27.** 293.43 (1m) (b) of the statutes is amended to read:

19 293.43 (1m) (b) Except as provided in this ~~paragraph~~ section, for all  
 20 department issued approvals, licenses, and permits relating to prospecting or  
 21 mining, including solid waste feasibility report approvals and permits related to air  
 22 and water, to be issued after April 30, 1980, the notice, hearing, and comment  
 23 ~~provisions, if any, process and the time for issuance of decisions,~~ shall be controlled  
 24 by this section and ss. 293.45 and 293.49. ~~If an applicant fails to make application~~  
 25 ~~for an approval, license or permit for an activity incidental to prospecting or mining~~

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1 ~~in time for notice under this section to be provided, the notice and comment~~  
 2 ~~requirements, if any, shall be controlled by the specific statutory provisions with~~  
 3 ~~respect to that application. If notice under those specific statutory notice~~  
 4 ~~requirements can be given for consideration of the approval, license or permit at~~  
 the  
 5 ~~hearing under this section, the application shall be considered at that hearing;~~  
 6 ~~otherwise, the specific statutory hearing provisions, if any, with respect to that~~  
 7 ~~application shall control. The substantive requirements for the issuance of any~~  
 8 approval, permit, or license incidental to prospecting or mining are not affected by  
 9 the fact that a hearing on the approval, permit, or license is conducted as part of a  
 10 hearing under this section.

11 **SECTION 28.** 293.43 (2) of the statutes is repealed.

12                   **SECTION 29.** 293.43 (2m) of the statutes is created to read:  
13                   293.43 **(2m)** PUBLIC INFORMATION AND NOTICE. (a) The department shall  
14                   make  
15                   available for review in the city, village, or town in which the proposed prospecting  
16                   or  
17                   mining site is located, information concerning the proposed prospecting or mining  
18                   site, including all of the following:  
19                   1. The application for the prospecting or mining permit, including the  
20                   mining  
21                   plan, reclamation plan, and mining waste site feasibility study and plan of  
22                   operation.  
23                   2. All of the following relating to an approval other than the prospecting or  
mining permit:  
a. The application.  
b. A draft approval.  
c. Information or summaries relating to the draft approval.

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1                   3. The draft environmental impact statement, the environmental impact  
2                   report, and any additional supporting information used in the department's  
3                   evaluation of the proposed prospecting or mining.  
4                   4. The draft prospecting or mining permit.  
5                   5. The department's analyses and preliminary determinations relating to  
6                   any  
7                   approval.  
8                   (b) Within 30 days after the expiration of the applicable time period under  
9                   293.40 (3), the department shall distribute a notice that describes the availability  
10                   of  
11                   the information under par. (a); the opportunity for written public comment,  
12                   including  
13                   an invitation for the submission of written comments by any person within 45 days  
14                   after the date of the publication of the notice; and the date, time, and location of the  
15                   public informational hearing and that includes any additional information that a  
16                   law  
17                   concerning any approval requires to be provided. The department shall publish the  
18                   notice as a class 1 notice under ch. 985 and shall publish notice on the department's  
19                   Internet site. The date on which the department first publishes the notice on its  
20                   Internet site shall be considered the date of the publication of the notice required to  
21                   be published under this paragraph. The department shall also send the notice to all  
22                   of the following:  
23                   1. The clerk of any city, village, town, or county with zoning jurisdiction  
over  
the proposed prospecting or mining site.  
2. The clerk of any city, village, town, or county within whose boundaries  
any  
portion of the proposed prospecting or mining site is located.  
3. The clerk of any city, village, or town, contiguous to any city, village, or  
town

24 within whose boundaries any portion of the proposed prospecting or mining site is  
25 located.

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1 4. The main public library of each city, village, town, or county with zoning  
2 jurisdiction over the proposed mining site or within whose boundaries any portion  
3 of the proposed prospecting or mining site is located.

4 5. Any regional planning commission for the area within which the  
5 proposed  
6 prospecting or mining site lies.

7 6. Any state agency that the department knows is required to grant a  
8 permit  
9 or other authorization necessary for the construction or operation of the proposed  
10 prospecting or mining project.

11 7. The federal environmental protection agency, U.S. army corps of  
12 engineers,  
13 and states potentially affected by the proposed discharge if a water discharge  
14 permit  
15 under ch. 283 or a wetland permit that constitutes a water quality certification as  
16 required by 33 USC 1341 (a) is to be considered at the public informational  
17 hearing.

18 8. The federal environmental protection agency and appropriate agencies  
19 in  
20 other states that may be affected if an air pollution control permit under ch. 285 is  
21 to be considered at the public informational hearing.

22 9. If a water withdrawal permit under s. 293.65 for a withdrawal of surface  
23 water is to be considered at the public informational hearing, the persons specified  
24 in s. 30.18 (4) (a).

10 10. If an individual permit under s. 30.12 for a structure through which  
11 water  
12 transferred from the Great Lakes basin would be returned to the source watershed  
13 through a stream tributary to one of the Great Lakes is to be considered at the  
14 public  
15 informational hearing, the governing body of each city, village, and town through  
16 which the stream flows or that is adjacent to the stream downstream from the  
17 point  
18 at which the water would enter the stream.

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1 11. Any person upon request. The department's notice under this subdivision  
2 may be given through an electronic notification system established by the  
3 department.

4 12. The applicant.

5 13. Any other person to whom the department is required to give notice of  
6 any  
7 proposed determination, application, or hearing concerning an approval under the  
8 laws relating to the issuance of any approval or under s. 1.11.

9 (c) The department shall coordinate the public comment period for the  
prospecting or mining permit with the public comment period for any other

approval  
 10 for the prospecting or mining operation, except that if an application for an  
 approval  
 11 is filed too late to allow public comment within the public comment period for the  
 12 prospecting or mining permit, the department shall issue separate notice, as  
 13 described in par. (b), for the approval after the application is filed.

14 **SECTION 30.** 293.43 (3) of the statutes is repealed.

15 **SECTION 31.** 293.43 (3m) of the statutes is created to read:

16 293.43 (3m) INFORMATIONAL HEARING. The department shall hold a  
 public  
 17 informational hearing before it approves or denies an application for a prospecting  
 18 or mining permit and not less than 30 days after the date of the publication of the  
 19 notice under sub. (2m) (b). The department shall hold the public informational  
 20 hearing in the county where the majority of the proposed prospecting or mining site  
 21 is located. The department shall hold a single public informational hearing  
 covering  
 22 the draft prospecting or mining permit, all other draft approvals, and the draft  
 23 environmental impact statement, except that if an application for an approval is  
 filed  
 24 too late to allow the application to be considered at the public informational  
 hearing  
 25 for the prospecting or mining permit, the department shall hold a separate public

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1 informational hearing on the draft approval in the county where the majority of the  
 2 proposed prospecting or mining site is located not less than 30 days after the date  
 of  
 3 the publication of a separate notice under sub. (2m) (b) for the approval. The  
 4 department shall publish the separate notice for the approval on its Internet site  
 not  
 5 more than 10 days after the application is considered to be complete, which is the  
 6 30th day after the department receives the application unless, before that day, the  
 7 department requests additional information, in which case the application is  
 8 considered to be complete when the applicant provides the information. A public  
 9 informational hearing under this subsection is not a contested case hearing under  
 10 ch. 227.

11 **SECTION 32.** 293.43 (4) of the statutes is repealed.

12 **SECTION 33.** 293.43 (4m) of the statutes is created to read:

13 293.43 (4m) SUMMARY. After considering the comments received under  
 subs.  
 14 (2m) and (3m) and before acting on the application for the mining permit, the  
 15 department shall prepare a summary of the comments and the department's  
 16 response to the comments.

17 **SECTION 34.** 293.43 (5) of the statutes is repealed.

18 **SECTION 35.** 293.49 (1) (a) (intro.) of the statutes is amended to read:

19 293.49 (1) (a) (intro.) Except as provided in sub. (2) ~~and s. 293.50~~ and  
 except  
 20 with respect to property specified in s. 41.41 (11), within 90 days of the completion  
 21 of the public hearing record, the department shall issue the mining permit if it  
 finds:

22                   **SECTION 36.** 293.495 of the statutes is created to read:

23                   **293.495 Subsequently filed applications for other approvals. (1) (a)**

1.

24 For purposes of this subsection, an application for an approval other than a mining  
25 or prospecting permit is considered to be complete on the 30th day after the

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1 department receives the application unless, before that day, the department  
2 requests additional information, in which case the application is considered to be  
3 complete when the applicant provides the information.

4                   2. For purposes of this subsection, an application for a mining or  
5 prospecting  
6 permit is considered to be complete on the 30th day after the department receives  
7 the  
8 application unless the department requests additional information under s. 293.40  
9 (2) or (3), in which case the application is considered to be complete when the  
10 applicant provides the information.

11                   (b) Except as provided in par. (d), if an applicant files an application for an  
12 approval other than a mining or prospecting permit no later than 60 days after the  
13 day on which the application for the mining or prospecting permit is complete  
14 under  
15 par. (a) 2., or more than 60 days after that day but in time to allow the application  
16 to be considered at the public informational hearing for the mining or prospecting  
17 permit under s. 293.43 (3m), the department shall approve the application and  
18 issue  
19 the approval, or deny the application, no later than the deadline under s. 293.45 (1)  
20 or (2) or 293.49 (1) or (2).

21                   (c) 1. Except as provided in subd. 2., if an applicant files an application for  
22 an  
23 approval other than a mining or prospecting permit too late to allow the application  
24 to be considered at the public informational hearing for the mining or prospecting  
25 permit under s. 293.43 (3m) but before the department issues the decision to grant  
or deny the application for the mining or prospecting permit, the department shall  
approve the application and issue the approval, or deny the application, after the  
separate public informational hearing for the approval required under s. 293.43  
(3m)  
and no later than 75 days after the application for the approval is complete under  
par.  
(a) 1.

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1 2. Except as provided in par. (d), the department shall approve or deny the  
2 application for an approval described in subd. 1. that is an individual permit for  
3 which federal law requires the opportunity for public comment or the ability to  
4 request a public hearing prior to issuance of the approval after the separate public  
5 informational hearing required for the approval under s. 293.43 (3m) and no later  
6 than 180 days after the application is complete under par. (a) 1.

7                   (d) The deadlines in pars. (b) and (c) do not apply to an application for an  
8 air

9 pollution control permit under s. 285.62 for which the department receives an  
10 objection from the federal environmental protection agency under s. 285.62 (6).

11 (e) The department shall incorporate any approval other than a mining or  
12 prospecting permit into a single document with the mining or prospecting permit,  
13 unless the application for the approval was filed more than 60 days after the day on  
14 which the application for the mining or prospecting permit is complete under par.

(a)

2.

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