

## 2013 DRAFTING REQUEST

### Senate Amendment (SA-SB1)

Received: 1/31/2013 Received By: btradewe  
Wanted: As time permits Same as LRB:  
For: John Lehman (608) 266-1832 By/Representing: Beau Stafford  
May Contact: Drafter: btradewe  
Subject: Environment - mining Addl. Drafters:  
Extra Copies:

Submit via email: YES  
Requester's email: Sen.Lehman@legis.wisconsin.gov  
Carbon copy (CC) to:

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#### Pre Topic:

No specific pre topic given

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#### Topic:

Contested case hearing before decision on mining permit

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#### Instructions:

Have the contested case hearing happen before the approval/denial of the mining permit

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#### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	btradewe 2/1/2013			_____			
/P1	btradewe 2/4/2013	csicilia 2/4/2013	jfrantze 2/4/2013	_____	lparisi 2/4/2013		
/1		csicilia 2/4/2013	rschluet 2/4/2013	_____	lparisi 2/4/2013	lparisi 2/4/2013	

FE Sent For:

<END>

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/?	btradewe 2/1/2013			_____			
/P1		csicilia 2/4/2013	jfrantze 2/4/2013	_____	lparisi 2/4/2013		

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Handwritten notes:  
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 END>

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1/?	btradewe	Pl cjs 2/3 13	JL 2/4	JL 2/4			
FE Sent For:							

<END>



State of Wisconsin  
2013 - 2014 LEGISLATURE

Man o.m.



LRBa0058/P1  
RCT: /:....

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**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
**SENATE AMENDMENT ,**  
**TO SENATE BILL 1**

Wte

Bill 1

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 100, line 21: delete "informational".
- 3 **2.** Page 124, line 9: delete "informational".
- 4 **3.** Page 124, line 11: delete "for" and substitute "concerning".
- 5 **4.** Page 124, line 11: delete "(1) and (2)".
- 6 **5.** Page 129, line 12: delete "public informational".
- 7 **6.** Page 130, line 12: delete "public informational".
- 8 **7.** Page 130, line 15: delete "public informational".
- 9 **8.** Page 130, line 17: delete "public informational".
- 10 **9.** Page 130, line 21: delete "public".
- 11 **10.** Page 130, line 22: delete "informational".

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*Ng Bsd*

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**11.** Page 131, line 14: delete that line and substitute:

**(5)** MASTER HEARING. The department shall hold a hearing, consisting of a public informational hearing and a contested case hearing.”

**12.** Page 131, line 15: delete “hearing”.

**13.** Page 131, line 17: delete “public informational”.

**14.** Page 131, line 19: delete “public informational”.

**15.** Page 131, line 21: delete “public informational”.

**16.** Page 131, line 22: delete “public”.

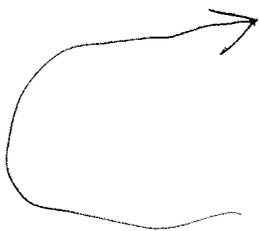
**17.** Page 131, line 23: delete “informational”.

**18.** Page 131, line 25: delete the material beginning with “The public” and ending with “ch. 227.” on page 132, line 1.

**19.** Page 132, line 15: delete lines 15 to 18 and substitute:

**(6)** PARTICIPATION, RECORD. (a) Any person who wishes to participate as a party in the hearing under sub. (5) shall file a written notice with the hearing examiner setting forth the person’s interest within 30 days after the department provides notice under sub. (4), unless good cause is shown.

(b) The record of the hearing under sub. (5) consists of the contested case portion of the proceeding. Views given in the informational portion of the hearing and all written comments submitted from any source shall be placed in the file of the proceeding and shall be given appropriate probative value by the hearing examiner or decisionmaker.”



INSERT 2-21



Insert 2-21

① #. Page 132, line 19: delete ~~"420"~~ and substitute  
"570"①

a0658/P1

Insert 1-5

④ #. Page 126, line 9: delete the material beginning with "20th" and ending with "(a)" on line 10 and substitute "10th day after the date of publication of the notice under sub. (4)(b) <sup>✓</sup>."

s. 295.57

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBa0058/P1dn

RCT/.....

gs

~~date~~

Beau Stafford:

Under this amendment, the contested case hearing is combined with the public informational hearing (as under current law) and takes place before DNR makes its decisions on the mining permit application.

Please contact me with any questions or redraft instructions.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: [becky.tradewell@legis.wisconsin.gov](mailto:becky.tradewell@legis.wisconsin.gov)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBa0058/P1dn  
RCT:cjs:jf

February 4, 2013

Beau Stafford:

Under this amendment, the contested case hearing is combined with the public informational hearing (as under current law) and takes place before DNR makes its decisions on the mining permit application.

Please contact me with any questions or redraft instructions.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: [becky.tradewell@legis.wisconsin.gov](mailto:becky.tradewell@legis.wisconsin.gov)



*Today*

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**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

**SENATE AMENDMENT ,  
TO SENATE BILL 1**

*no changes*

*submit*

- 1           At the locations indicated, amend the bill as follows:
- 2           **1.** Page 100, line 21: delete "informational".
- 3           **2.** Page 124, line 9: delete "informational".
- 4           **3.** Page 124, line 11: delete "for" and substitute "concerning".
- 5           **4.** Page 124, line 11: delete "(1) and (2)".
- 6           **5.** Page 126, line 9: delete the material beginning with "20th" and ending with
- 7           "(a)" on line 10 and substitute "10th day after the date of publication of the notice
- 8           under s. 295.57 (4) (b)".
- 9           **6.** Page 129, line 12: delete "public informational".
- 10          **7.** Page 130, line 12: delete "public informational".
- 11          **8.** Page 130, line 15: delete "public informational".

1           **9.** Page 130, line 17: delete “public informational”.

2           **10.** Page 130, line 21: delete “public”.

3           **11.** Page 130, line 22: delete “informational”.

4           **12.** Page 131, line 14: delete that line and substitute:

5           “(5) MASTER HEARING. The department shall hold a hearing, consisting of a  
6 public informational hearing and a contested case hearing,”.

7           **13.** Page 131, line 15: delete “hearing”.

8           **14.** Page 131, line 17: delete “public informational”.

9           **15.** Page 131, line 19: delete “public informational”.

10          **16.** Page 131, line 21: delete “public informational”.

11          **17.** Page 131, line 22: delete “public”.

12          **18.** Page 131, line 23: delete “informational”.

13          **19.** Page 131, line 25: delete the material beginning with “The public” and  
14 ending with “ch. 227.” on page 132, line 1.

15          **20.** Page 132, line 15: delete lines 15 to 18 and substitute:

16          “(6) PARTICIPATION, RECORD. (a) Any person who wishes to participate as a party  
17 in the hearing under sub. (5) shall file a written notice with the hearing examiner  
18 setting forth the person’s interest within 30 days after the department provides  
19 notice under sub. (4), unless good cause is shown.

20          (b) The record of the hearing under sub. (5) consists of the contested case  
21 portion of the proceeding. Views given in the informational portion of the hearing  
22 and all written comments submitted from any source shall be placed in the file of the

1 proceeding and shall be given appropriate probative value by the hearing examiner  
2 or decisionmaker.”.

3 **21.** Page 132, line 19: delete “420” and substitute “570”.

4 **22.** Page 142, line 9: delete the material beginning with “may” and ending  
5 with “of” on line 10 and substitute “is entitled to a contested case hearing under ch.  
6 227 on”.

7 **23.** Page 142, line 12: delete “seek review” and substitute “to a contested case  
8 hearing”.

9 **24.** Page 173, line 24: delete “s. 295.77 (3)” and substitute “ch. 227”.

10 **25.** Page 174, line 12: delete “public hearing” and substitute “hearing”.

11 **26.** Page 174, line 16: delete “close of the public comment period” and  
12 substitute “completion of the hearing under s. 295.57 (5)”.

13 **27.** Page 197, line 9: delete that line and substitute:

14 **“295.77 Limits on contested case hearings.** No person is entitled”.

15 **28.** Page 197, line 13: delete “, except as provided in subs. (2) and (3)” and  
16 substitute “covered in a hearing under s. 295.57 (5)”.

17 **29.** Page 197, line 14: delete the material beginning with that line and ending  
18 with page 199, line 10.

19 **30.** Page 200, line 8: delete “s. 295.77 (3)” and substitute “ch. 227”.

20 (END)