



**SENATE AMENDMENT 9,
TO SENATE SUBSTITUTE AMENDMENT 2,
TO SENATE BILL 1**

February 27, 2013 – Offered by Senators LEHMAN, SHILLING, VINEHOUT, CARPENTER,
HANSEN, LASSA, C. LARSON, RISSER, WIRCH, T. CULLEN, MILLER and ERPENBACH.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 179, line 4: delete lines 4 to 9 and substitute:

3 “(4) (a) The department may issue a stop order to an operator, requiring an
4 immediate cessation of mining, in whole or in part, at any time that the department
5 determines that the continuance of mining constitutes an immediate and
6 substantial threat to public health and safety or the environment.

7 (b) If no hearing on the stop order was held before issuance of the order, the
8 department shall schedule a hearing on the stop order, to be held within 5 days after
9 issuance and shall incorporate notice of the hearing in the copy of the order served
10 on the operator. The department also shall give notice to any other persons who
11 previously requested notice of such proceedings.

1 (c) Within 72 hours after commencement of any hearing under par. (b), unless
2 the parties agree to an extension, the department shall issue a decision affirming,
3 modifying, or setting aside the stop order. The department may apply to the circuit
4 court for an order extending the time, for not more than 10 days, within which the
5 stop order shall be affirmed, modified, or set aside.

6 (d) The department shall set aside the stop order at any time, with adequate
7 notice to the parties, upon a showing by the operator that the conditions upon which
8 the order was based no longer exist.”.

9 (END)