

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: **05/27/99**

Received By: **traderc**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Bonderud**

This file may be shown to any legislator: **NO**

Drafter: **traderc**

May Contact:

Alt. Drafters:

Subject: **Environment - mining**

Extra Copies:

Pre Topic:

LFB:.....Bonderud -

Topic:

Metallic mining local agreements

Instructions:

See Attached

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>
/?	traderc 05/27/99	gilfokm 05/27/99		_____			
/1			jfrantze 05/28/99	_____	lrb_docadmin 05/28/99		

FE Sent For:

<END>

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1/?	traderc	1-5-27-99 Kmg	205/98	26/km 5/28			

FE Sent For:

<END>

JFC Approved
5/26/99 9-7
Senator Cowles
Senator Decker

NATURAL RESOURCES -- AIR, WASTE AND CONTAMINATED LAND

Metallic Mining Local Agreements

Motion:

Move to require an agreement between a local governmental unit and the operator of a proposed mine to provide that the agreement is subject to amendment at the request of either party if additional information relevant to the issues addressed in the agreement is obtained after the agreement takes effect but before the hearing held by the Department of Natural Resources (DNR) on whether to issue a permit for the mine. Further, apply this provision to an agreement between a local governmental unit and the operator of a proposed mine that takes effect before enactment of the budget and DNR has not issued or denied the permit for the proposed mine.

Note:

This motion incorporates the provision of LRB 2725/1. Current law authorizes a local governmental unit that requires an approval or permit for a proposed metallic mineral mine to enter into an agreement with the operator of the mine. The agreement must include various provisions, including a provision for the amendment of the agreement.

1997 BILL

1 **AN ACT** *to amend* 293.41 (2) (g); and *to create* 293.41 (6) and 293.49 (2) (g) of the
2 statutes; **relating to:** required conditions in local agreements related to
3 mining, reopening local agreements related to mining and denial of a mining
4 permit by the department of natural resources.

Analysis by the Legislative Reference Bureau

Current law authorizes a local governmental unit that requires an approval or permit for a proposed metallic mineral mine to enter into an agreement with the operator of the mine. The agreement must include various provisions, including a provision for the amendment of the agreement.

This bill requires an agreement between a local governmental unit and the operator of a proposed mine to provide that the agreement is subject to amendment at the request of either party if additional information relevant to the issues addressed in the agreement is obtained after the agreement takes effect but before the hearing held by the department of natural resources (DNR) on whether to issue a permit for the mine. The bill also provides that if an agreement between a local governmental unit and the operator of a proposed mine takes effect before this bill becomes law and DNR has not issued or denied the permit for the proposed mine before this bill becomes law, the local governmental unit may ask the operator to engage in negotiations regarding an amendment to the agreement based on additional information that is relevant to the issues addressed in the agreement and

1999

Date (time) needed soon

LRB b 0445 / 1

**LFB BUDGET AMENDMENT
[ONLY FOR LFB]**

Ret: King :

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**LFB AMENDMENT
TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45**

>>FOR JT. FIN. SUB. — NOT FOR INTRODUCTION<<

At the locations indicated, amend the bill as follows:

#. Page 1197, line 21: after that line insert:

#. Page, line:

#. Page, line:

#. Page, line:

#. Page, line:

#. Page, line:

BILL

that is first obtained after the agreement takes effect but before the DNR hearing. If the operator fails to negotiate, DNR must deny the permit for the mine.

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

Handwritten notes:
1
2
3
4
5

^{2652j}
SECTION 1. 293.41 (2) (g) of the statutes is amended to read:

293.41 (2) (g) A provision for the amendment of the agreement. The agreement shall provide that the agreement is subject to amendment at the request of either party if additional information relevant to the issues addressed in the agreement is obtained after the agreement takes effect but before the hearing under s. 293.43.

^{2652k}
SECTION 2. 293.41 (6) of the statutes is created to read:

293.41 (6) If an agreement takes effect before the effective date of this subsection [revisor inserts date], with respect to a mining permit application for which the department has not issued or denied a mining permit on the effective date of this subsection [revisor inserts date], the county, town, village, city or tribal government that entered into the agreement may request the operator to engage in negotiations regarding an amendment to the agreement based on additional information that is relevant to the issues addressed in the agreement and that is first obtained after the agreement takes effect but before the hearing under s. 293.43.

^{2652L}
SECTION 3. 293.49 (2) (g) of the statutes is created to read:

293.49 (2) (g) That the applicant failed to negotiate with a county, town, village, city or tribal government under s. 293.41 (6). //

(END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0445/1
RCT:kmg:jf

LFB:.....Bonderud – Metallic mining local agreements

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1197, line 21: after that line insert:

3 *SECTION 2652j. 293.41 (2) (g) of the statutes is amended to read:

4 293.41 (2) (g) A provision for the amendment of the agreement. The agreement
5 shall provide that the agreement is subject to amendment at the request of either
6 party if additional information relevant to the issues addressed in the agreement is
7 obtained after the agreement takes effect but before the hearing under s. 293.43.

8 SECTION 2652k. 293.41 (6) of the statutes is created to read:

9 293.41 (6) If an agreement takes effect before the effective date of this
10 subsection [revisor inserts date], with respect to a mining permit application for
11 which the department has not issued or denied a mining permit on the effective date
12 of this subsection [revisor inserts date], the county, town, village, city or tribal

1 government that entered into the agreement may request the operator to engage in
2 negotiations regarding an amendment to the agreement based on additional
3 information that is relevant to the issues addressed in the agreement and that is first
4 obtained after the agreement takes effect but before the hearing under s. 293.43.

5 **SECTION 2652L.** 293.49 (2) (g) of the statutes is created to read:

6 293.49 (2) (g) That the applicant failed to negotiate with a county, town, village,
7 city or tribal government under s. 293.41 (6).”

8 (END)