

2013 DRAFTING REQUEST

Senate Amendment (SA-SSA2-SB1)

Received: 2/21/2013 Received By: btradewe
Wanted: As time permits Same as LRB:
For: Jennifer Shilling (608) 266-5490 By/Representing: Kara Pennoyer
May Contact: Drafter: btradewe
Subject: Environment - mining Addl. Drafters:
Extra Copies:
Submit via email: YES
Requester's email: Sen.Shilling@legis.wisconsin.gov
Carbon copy (CC) to: Beau.Stafford@legis.wisconsin.gov

Pre Topic:

No specific pre topic given


Topic:

Stop work order

Instructions:

Authorize DNR to issue stop work order as in s. 293.83 (4)

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 2/22/2013			_____			
/P1	btradewe 2/22/2013	scalvin 2/22/2013	jmurphy 2/22/2013	_____	srose 2/22/2013		
/1		scalvin 2/22/2013	rschluet 2/22/2013	_____	srose 2/22/2013	srose 2/22/2013	

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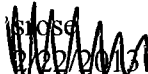
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*11 SAC
02/22/2013*

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/?	btradewe	/PI sac					
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02/22/2013

jm
2/22

Self

FE Sent For:

<END>



Today

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT,
TO SENATE SUBSTITUTE AMENDMENT 2,
TO SENATE BILL 1**

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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 upon 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)

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

LRBa0123/P1dn

RCT:/.....

Sec

- date -

This amendment is based on s. 293.83 (4), with nonsubstantive modifications to improve clarity.

Rebecca C. Tradewell
Managing Attorney
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E-mail: becky.tradewell@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0123/P1dn
RCT:sac:jm

February 22, 2013

This amendment is based on s. 293.83 (4), with nonsubstantive modifications to improve clarity.

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

Tradewell, Becky

From: Stafford, Beau
Sent: Friday, February 22, 2013 12:09 PM
To: Tradewell, Becky
Subject: FW: Draft review: LRB a0123/P1 Topic: Stop work order
Attachments: 13a0123/P1; DraftersNote1

This amendment looks great – This one needs to be to LFB before 1pm. Thanks Becky!

Beau Stafford

Chief of Staff
Office of Senator John Lehman
21st Senate District
319 South
608-266-1832
[Beu.stafford@legis.wisconsin.gov](mailto:Beau.stafford@legis.wisconsin.gov)

From: LRB.Legal
Sent: Friday, February 22, 2013 11:37 AM
To: Stafford, Beau
Subject: Draft review: LRB a0123/P1 Topic: Stop work order

Draft Requester: Sen. Jennifer Shilling

Following is the PDF version of draft LRB a0123/P1 and drafter's note.

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no changes

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