

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:

Changes concerning contested case hearing

Instructions:

Contested case hearing before the permit decision, eliminate the frivolous claims provision, eliminate the standing provision

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	csicilia 2/22/2013	rschluet 2/22/2013	_____			
/P1	btradewe 2/22/2013			_____	sbasford 2/22/2013		
/1		csicilia 2/22/2013	jmurphy 2/22/2013	_____	sbasford 2/22/2013	sbasford 2/22/2013	

FE Sent For:

<END>

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*Please send
stripes to hfb.*

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/P1		<i>1 js 2/2 13</i>	<i>Jm 2/22</i>	<i>self</i>	sbasford 2/22/2013		

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/? btradewe

Handwritten notes: /P1 qjs 2/22/12 [Signature] 2/22/13

FE Sent For:

<END>



State of Wisconsin
2013 - 2014 LEGISLATURE

Today

a0102/P1
LRPa0058/1
RCT:cjs:rs
T
stays
vmmv

SENATE AMENDMENT 14,
To Senate Substitute Amendment 2,
TO SENATE BILL 1

Note

February 5, 2013 - Offered by Senators JAUCH and LEHMAN.

- #. Page 19, line 20: delete lines 20 to 24. ✓
- #. Page 66, line 6: delete "420" and substitute "570". ✓

At the locations indicated, amend the bill as follows:

1. Page ⁷⁵100, line ⁸21: delete "informational".
2. Page ⁹⁹124, line ¹9: delete "informational".
3. Page ⁹⁹124, line ³11: delete "for" and substitute "concerning".
4. Page ⁹⁹124, line ³11: delete "(1) and (2)".
5. Page ¹⁰¹126, line ²9: delete the material beginning with "20th" and ending with "(a)" on line ³10 and substitute "10th day after the date of publication of the notice under s. 295.57 (4) (b)".
6. Page ¹⁰⁴129, line ¹⁰12: delete "public informational".
7. Page ¹⁰⁵130, line ⁹12: delete "public informational".
8. Page ¹⁰⁵130, line ¹²15: delete "public informational".
9. Page ¹⁰⁵130, line ¹⁴17: delete "public informational".

- ① 10. Page ¹⁰⁵130, line ¹⁸21: delete "public".
- ② 11. Page ¹⁰⁵130, line ¹⁹22: delete "informational".
- ③ 12. Page ¹⁰⁶131, line ¹⁰14: delete that line and substitute:
4 "⑤) MASTER HEARING. The department shall hold a hearing, consisting of a
5 public informational hearing and a contested case hearing,".

- ⑥ 13. Page ¹⁰⁶131, line ¹¹15: delete "hearing".
- ⑦ 14. Page ¹⁰⁶131, line ¹³17: delete "public informational".
- ⑧ 15. Page ¹⁰⁶131, line ¹⁵19: delete "public informational".
- ⑨ 16. Page ¹⁰⁶131, line ¹⁷21: delete "public informational".
- ⑩ 17. Page ¹⁰⁶131, line ¹⁸22: delete "public".
- ⑪ 18. Page ¹⁰⁶131, line ¹⁹23: delete "informational".
- ⑫ 19. Page ¹⁰⁶131, line ²³25: delete the material beginning with "The public" and
⑬ ending with "ch. 227." on page 132, line ²⁴24

⑭ 20. Page ¹⁰⁷132, line ¹⁴15: delete lines ¹⁴15 to ¹⁷18 and substitute:
15 "⑥) PARTICIPATION, RECORD. (a) Any person who wishes to participate as a party
16 in the hearing under sub. (5) shall file a written notice with the hearing examiner
17 setting forth the person's interest within 30 days after the department provides
18 notice under sub. (4), unless good cause is shown.

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

- 1 21. Page ¹⁰⁷132, line ²⁰19: delete "420" and substitute "570".
- 2 22. Page ¹¹⁸142, line ¹⁴9: delete the material beginning with "may" and ending
- 3 with "of" on line ¹⁵10 and substitute "is entitled to a contested case hearing under ch.
- 4 227 on".
- 5 23. Page ¹¹⁸142, line ¹⁷12: delete "seek review" and substitute "to a contested case
- 6 hearing".
- 7 24. Page ¹⁵¹173, line ⁸24: delete "s. 295.77 (3)" and substitute "ch. 227".
- 8 25. Page ¹⁵¹174, line ²¹12: delete "public hearing" and substitute "hearing".
- 9 26. Page ¹⁵¹174, line ²⁵16: delete "close of the public comment period" and
- 10 substitute "completion of the hearing under s. 295.57 (5)".
- 11 27. Page ¹⁷⁵197, line ⁶9: delete that line and substitute:
- 12 "295.77 Limits on contested case hearings. No person is entitled".
- 13 28. Page ¹⁷⁵197, line ¹⁰13: delete ", except as provided in subs. (2) and (3)" and
- 14 substitute "covered in a hearing under s. 295.57 (5)".
- 15 29. Page ¹⁷⁵197, line ¹¹14: delete the material beginning with that line and ending
- 16 with page ¹⁷⁷199, line ⁶10.
- 17 30. Page ¹⁷⁸200, line 8: delete "s. 295.77 (3)" and substitute "ch. 227".
- 18

(END)

#. Page ¹⁷⁷177, line 8: delete "under sub. (a) or (3)"

and substitute "involving a decision of the department under this subchapter involving"

Note

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

a 0122

LRBa0058/P1dn
RCT:cjs:jf

February 4, 2013

- 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. *The amendment extends the deadline for*

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

DNR
DNR to act on the mining permit application by 150 days
to allow time for the contested case hearing. The amendment
returns to current law on who may participate in the ^{contested} case hearing and eliminates the provision in ch. 227 ^{referred}
to as the ^{referred} ~~frivolous~~ claims provision.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0122/P1dn
RCT:cjs:rs

February 22, 2013

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. The amendment extends the deadline for DNR to act on the mining permit application by 150 days to allow time for the contested case hearing. The amendment returns to current law on who may participate in the contested case hearing and eliminates the provision in ch. 227, referred to as the frivolous claims provision.

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

Tradewell, Becky

From: Stafford, Beau
Sent: Friday, February 22, 2013 1:14 PM
To: Tradewell, Becky
Subject: FW: Draft review: LRB a0122/P1 Topic: Changes concerning contested case hearing
Attachments: 13a0122/P1; DraftersNote1

This one looks good to jacket. Thanks for all your help today Becky!

Beau Stafford

Chief of Staff
Office of Senator John Lehman
21st Senate District
319 South
608-266-1832
Beau.stafford@legis.wisconsin.gov

From: LRB.Legal
Sent: Friday, February 22, 2013 12:52 PM
To: Stafford, Beau
Subject: Draft review: LRB a0122/P1 Topic: Changes concerning contested case hearing

Draft Requester: Sen. Jennifer Shilling

Following is the PDF version of draft LRB a0122/P1 and drafter's note.



Now

stays

YMY

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

TO SENATE SUBSTITUTE AMENDMENT 2,

TO SENATE BILL 1

followish

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- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 19, line 20: delete lines 20 to 24.
- 3 **2.** Page 66, line 6: delete "420" and substitute "570".
- 4 **3.** Page 75, line 8: delete "informational".
- 5 **4.** Page 99, line 1: delete "informational".
- 6 **5.** Page 99, line 3: delete "for" and substitute "concerning".
- 7 **6.** Page 99, line 3: delete "(1) and (2)".
- 8 **7.** Page 101, line 2: delete the material beginning with "20th" and ending with
- 9 "(a)" on line 3 and substitute "10th day after the date of publication of the notice
- 10 under s. 295.57 (4) (b)".

- 1 **8.** Page 104, line 10: delete “public informational”.
- 2 **9.** Page 105, line 9: delete “public informational”.
- 3 **10.** Page 105, line 12: delete “public informational”.
- 4 **11.** Page 105, line 14: delete “public informational”.
- 5 **12.** Page 105, line 18: delete “public”.
- 6 **13.** Page 105, line 19: delete “informational”.
- 7 **14.** Page 106, line 10: delete that line and substitute:
8 “(5) MASTER HEARING. The department shall hold a hearing, consisting of a
9 public informational hearing and a contested case hearing.”.
- 10 **15.** Page 106, line 11: delete “hearing”.
- 11 **16.** Page 106, line 13: delete “public informational”.
- 12 **17.** Page 106, line 15: delete “public informational”.
- 13 **18.** Page 106, line 17: delete “public informational”.
- 14 **19.** Page 106, line 18: delete “public”.
- 15 **20.** Page 106, line 19: delete “informational”.
- 16 **21.** Page 106, line 23: delete the material beginning with “The public” and
17 ending with “ch. 227.” on line 24.
- 18 **22.** Page 107, line 14: delete lines 14 to 17 and substitute:
19 “(6) PARTICIPATION, RECORD. (a) Any person who wishes to participate as a party
20 in the hearing under sub. (5) shall file a written notice with the hearing examiner
21 setting forth the person’s interest within 30 days after the department provides
22 notice under sub. (4), unless good cause is shown.

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

6 **23.** Page 107, line 20: delete “420” and substitute “570”.

7 **24.** Page 118, line 14: delete the material beginning with “may” and ending
8 with “of” on line 15 and substitute “is entitled to a contested case hearing under ch.
9 227 on”.

10 **25.** Page 118, line 17: delete “seek review” and substitute “a contested case
11 hearing”.

12 **26.** Page 151, line 8: delete “s. 295.77 (3)” and substitute “ch. 227”.

13 **27.** Page 151, line 21: delete “public hearing” and substitute “hearing”.

14 **28.** Page 151, line 25: delete “close of the public comment period” and
15 substitute “completion of the hearing under s. 295.57 (5)”.

16 **29.** Page 175, line 6: delete that line and substitute:

17 **“295.77 Limits on contested case hearings. No person is entitled”.**

18 **30.** Page 175, line 10: delete “, except as provided in subs. (2) and (3)” and
19 substitute “covered in a hearing under s. 295.57 (5)”.

20 **31.** Page 175, line 11: delete the material beginning with that line and ending
21 with page 177, line 6.

22 **32.** Page 177, line 8: delete “under sub. (2) or (3)” and substitute “involving
23 a decision of the department under this subchapter”.

