

State of Misconsin 2013 - 2014 LEGISLATURE



## **ASSEMBLY AMENDMENT 10,**

## TO SENATE BILL 1

- March 6, 2013 Offered by Representatives BERNARD SCHABER, BARCA, BARNES, BERCEAU, CLARK, DOYLE, GENRICH, GOYKE, HEBL, HESSELBEIN, JOHNSON, OHNSTAD, PASCH, POPE, RICHARDS, RINGHAND, SHANKLAND, SMITH, C. TAYLOR, WACHS, WRIGHT, ZAMARRIPA, MASON, YOUNG, BEWLEY, DANOU, ZEPNICK, KOLSTE, BILLINGS and HULSEY.
- 1 At the locations indicated, amend the bill, as shown by senate substitute 2 amendment 2, as follows:
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- **1.** Page 179, line 4: delete lines 4 to 9 and substitute:

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

8 (b) If no hearing on the stop order was held before issuance of the order, the 9 department shall schedule a hearing on the stop order, to be held within 5 days after 10 issuance and shall incorporate notice of the hearing in the copy of the order served 11 on the operator. The department also shall give notice to any other persons who 12 previously requested notice of such proceedings. 2013 – 2014 Legislature

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.

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- 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)