

2017 DRAFTING REQUEST**Assembly Amendment (AA-AB499)**

For: **Christine Sinicki (608) 266-8588** Drafter: **mpfotenh**
 By: **Mary Beth** Secondary Drafters:
 Date: **10/31/2017** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email: **Rep.Sinicki@legis.wisconsin.gov**
 Carbon copy (CC) to: **mary.pfotenhauer@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Local liability

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mpfotenh 10/31/2017	jdyer 11/1/2017			
/1	mpfotenh 11/1/2017		mbarman 11/1/2017	mbarman 11/1/2017	
/2		jdyer 11/1/2017	dwalker 11/1/2017	dwalker 11/1/2017	

FE Sent For:

<END>

Pfotenhauer, Mary

From: Champagne, Rick
Sent: Tuesday, October 31, 2017 4:47 PM
To: Pfotenhauer, Mary; Hanaman, Cathlene; Kreye, Joseph
Subject: Fwd: HI Rick , Rep. Sinicki would like these two amendments drafted to AB 499 (as amended in committee) for the floor.

Sent from my iPhone

Begin forwarded message:

From: Rep.Sinicki <Rep.Sinicki@legis.wisconsin.gov>
Date: October 31, 2017 at 4:08:04 PM CDT
To: "Champagne, Rick" <Rick.Champagne@legis.wisconsin.gov>
Cc: "Sinicki, Christine" <Christine.Sinicki@legis.wisconsin.gov>, "Pearson2, Mike" <Mike.Pearson2@legis.wisconsin.gov>
Subject: HI Rick , Rep. Sinicki would like these two amendments drafted to AB 499 (as amended in committee) for the floor.

- 1) hold all county, municipal, and local governments in Wisconsin harmless from financial liability created by pollution created within their boundaries by a sulfide-ore mine, even if the mine itself has become public property as a result of unpaid taxes or some other type of fiscal default.
- 2) define the term "capable" to refer to technology that has already been created and used in other mining/mining clean-up situations and found effective.
(please do not use the term "proven" in the definition.) This refers to AA4 to AB 499.

Thank you!!!! Please have your drafter call with any questions (my cell is 608.576.5191).

Mary Beth George

Office of State Rep. Christine Sinicki
20th Assembly District
Room 114, North Capitol
608-266-8588
rep.sinicki@legis.wi.gov

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State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa1483/?

MCP:...

ASAP 11/1 AM.

jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 499

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

2 1. Page 32, line 1: after that line insert:

3 "SECTION ~~37a~~ 293.505 of the statutes is created to read:

4 **293.505 Liability for pollution from mining of sulfide ore bodies. (1)**

5 In this section:

6 (a) "Pollution" means degradation that results in any violation of any

7 environmental law as determined by an administrative proceeding, civil action,

8 criminal action, or other legal proceeding. For the purpose of this paragraph,

9 issuance of an order or acceptance of an agreement requiring corrective action or a

10 stipulated fine, forfeiture, or other penalty is considered a determination of a

11 violation, regardless of whether there is a finding or admission of liability.

1 (b) "Sulfide ore body" means a mineral deposit in which nonferrous metals are
2 mixed with sulfide minerals.

3 (2) No city, village, town, or county may be held liable for any pollution within
4 its boundaries that is caused by the exploration, bulk sampling, mining, or
5 prospecting of a sulfide ore body, regardless of whether the activity occurs on
6 property that is owned, either at the time of the activity or subsequently, by the city,
7 village, town, or county.

8 (END)



State of Wisconsin
2017 - 2018 LEGISLATURE

ASAP

12
LRBa1483/1
MCP:jld

**ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 499**

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

2 **1.** Page 32, line 1: after that line insert:

3 **"SECTION 37am.** 293.505[✓] of the statutes is created to read:

4 **293.505 Local liability for pollution from mining of sulfide ore bodies.**

5 (1) In this section:

6 (a) "Pollution" means degradation that results in any violation of any
7 environmental law as determined by an administrative proceeding, civil action,
8 criminal action, or other legal proceeding. For the purpose of this paragraph,
9 issuance of an order or acceptance of an agreement requiring corrective action or a
10 stipulated fine, forfeiture, or other penalty is considered a determination of a
11 violation, regardless of whether there is a finding or admission of liability.

12 (b) "Sulfide ore body" means a mineral deposit in which nonferrous metals are
13 mixed with sulfide minerals.

1 (2) No city, village, town, or county may be held liable for any pollution within
 2 its boundaries that is caused by the exploration, bulk sampling, mining, or
 3 prospecting of a sulfide ore body, regardless of whether the activity occurs on
 4 property that is owned, either at the time of the activity or subsequently, by the city,
 5 village, town, or county.”

6 (END)

*when the activity occurs or is discovered
 or where the activity occurs, including*