



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBa0355/1
RNK:jld:km

**ASSEMBLY AMENDMENT 1,
TO 2001 ASSEMBLY BILL 215**

March 20, 2001 - Offered by Representative KEDZIE.

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

2 **1.** Page 2, line 11: delete "any of the following" and substitute "a person who
3 discharges dredged or fill material into a nonfederal wetland if any of the following
4 applies".

5 **2.** Page 2, line 12: delete "A discharge of dredged or fill material into a
6 nonfederal wetland if" and substitute "The person has received notification from the
7 department that".

8 **3.** Page 2, line 16: delete "A discharge of dredged or fill material into a
9 nonfederal wetland if" and substitute "The person has received notification from the
10 department that".

11 **4.** Page 3, line 2: delete "if".

1 **5.** Page 3, line 5: delete “A discharge of dredged or fill material into a
2 nonfederal wetland if” and substitute “The person has received notification from the
3 department that”.

4 **6.** Page 3, line 7: after “2001,” insert “and a water quality certification required
5 by rules promulgated by the department to implement 33 USC 1341 (a) has been
6 issued by the department on or before January 8, 2001,”.

7 **7.** Page 3, line 7: delete “if”.

8 **8.** Page 3, line 9: delete “A discharge of dredged or fill material into a
9 nonfederal wetland that” and substitute “The person has received notification from
10 the department that the discharge”.

11 **9.** Page 3, line 15: after that line insert:

12 “**SECTION 2m.** 281.98 (1) of the statutes is amended to read:

13 281.98 (1) Except as provided in ss. 281.47 (1) (d), 281.75 (19) and 281.99 (2),
14 any person who violates this chapter or any rule promulgated or any plan approval,
15 license or special order issued under this chapter or who violates the prohibition
16 under s. 281.163, shall forfeit not less than \$10 nor more than \$5,000 for each
17 violation. Each day of continued violation is a separate offense. While an order is
18 suspended, stayed or enjoined, this penalty does not accrue.

19 **SECTION 3.** 299.95 of the statutes is amended to read:

20 **299.95 Enforcement; duty of department of justice; expenses.** The
21 attorney general shall enforce chs. 281 to 285 and 289 to 295 and this chapter, except
22 ss. 281.48, 285.57, 285.59 and 299.64, and all rules, special orders, licenses, plan
23 approvals and permits of the department, except those promulgated or issued under
24 ss. 281.48, 285.57, 285.59 and 299.64 and except as provided in s. 285.86, and shall

1 enforce the prohibition under s. 281.163. The circuit court for Dane county or for any
2 other county where a violation occurred in whole or in part has jurisdiction to enforce
3 chs. 281 to 285 and 289 to 295 or this chapter or the rule, special order, license, plan
4 approval or permit by injunctive and other relief appropriate for enforcement. For
5 purposes of this proceeding where chs. 281 to 285 and 289 to 295 or this chapter or
6 the rule, special order, license, plan approval or permit prohibits in whole or in part
7 any pollution, a violation is considered a public nuisance. The department of natural
8 resources may enter into agreements with the department of justice to assist with
9 the administration of chs. 281 to 285 and 289 to 295 and this chapter. Any funds paid
10 to the department of justice under these agreements shall be credited to the
11 appropriation account under s. 20.455 (1) (k).”.

12

(END)