



**SENATE AMENDMENT 4,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 37**

February 13, 2001 - Offered by Senators PANZER, FARROW, WELCH, HUELSMAN and DARLING.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 8, line 2: after that line insert:

3 “**SECTION 5m.** 281.36 of the statutes, as created by 2001 Wisconsin Act (this
4 act), is repealed.”.

5 **2.** Page 8, line 12: after that line insert:

6 “**SECTION 7m.** 281.98 (1) of the statutes, as affected by 2001 Wisconsin Act
7 (this act), is amended to read:

8 281.98 (1) Except as provided in ss. 281.47 (1) (d), 281.75 (19) and 281.99 (2),
9 any person who violates this chapter or any rule promulgated or any plan approval,
10 license, or special order, or water quality certification issued under this chapter shall
11 forfeit not less than \$10 nor more than \$5,000 for each violation. Each day of

1 continued violation is a separate offense. While an order is suspended, stayed or
2 enjoined, this penalty does not accrue.”.

3 **3.** Page 9, line 4: after that line insert:

4 “**SECTION 8m.** 299.95 of the statutes, as affected by 2001 Wisconsin Act ... (this
5 act), is amended to read:

6 **299.95 Enforcement; duty of department of justice; expenses.** The
7 attorney general shall enforce chs. 281 to 285 and 289 to 295 and this chapter, except
8 ss. 281.48, 285.57, 285.59, and 299.64, and all rules, special orders, licenses, plan
9 approvals, and permits, ~~and water quality certifications~~ of the department, except
10 those promulgated or issued under ss. 281.48, 285.57, 285.59, and 299.64 and except
11 as provided in s. 285.86. The circuit court for Dane county or for any other county
12 where a violation occurred in whole or in part has jurisdiction to enforce chs. 281 to
13 285 and 289 to 295 or this chapter or the rule, special order, license, plan approval,
14 or permit, ~~or certification~~ by injunctive and other relief appropriate for
15 enforcement. For purposes of this proceeding where chs. 281 to 285 and 289 to 295
16 or this chapter or the rule, special order, license, plan approval, or permit or
17 ~~certification~~ prohibits in whole or in part any pollution, a violation is considered a
18 public nuisance. The department of natural resources may enter into agreements
19 with the department of justice to assist with the administration of chs. 281 to 285 and
20 289 to 295 and this chapter. Any funds paid to the department of justice under these
21 agreements shall be credited to the appropriation account under s. 20.455 (1) (k).”.

22 **4.** Page 9, line 22: after “effective” insert “or after December 31, 2001,
23 whichever is earlier”.

24 **5.** Page 10, line 1: substitute “6th” for “13th”.

