

**SENATE AMENDMENT 2,
TO 2003 SENATE BILL 61**

March 9, 2004 – Offered by Senator KEDZIE.

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

2 **1.** Page 5, line 1: before that line insert:

3 “**SECTION 1c.** 23.50 (1) of the statutes, as affected by 2003 Wisconsin Act ...
4 (Assembly Bill 421), is amended to read:

5 23.50 (1) The procedure in ss. 23.50 to 23.85 applies to all actions in circuit
6 court to recover forfeitures, plus costs, fees, and surcharges imposed under ch. 814,
7 for violations of ss. 77.09, 90.21, 134.60, 167.10 (3), 167.31 (2), 281.48 (2) to (5),
8 283.33, 285.57 (2), 285.59 (2), (3) (c) and (4), 287.07, 287.08, 287.81 and 299.64 (2),
9 subch. VI of ch. 77, this chapter, and chs. 26 to 31, ch. 169, and ch. 350, and any
10 administrative rules promulgated thereunder, violations specified under s. 285.86,
11 violations of ch. 951 if the animal involved is a captive wild animal, violations of rules
12 of the Kickapoo reserve management board under s. 41.41 (7) (k), violations to which

1 s. 299.85 (7) (a) 2. or 4. applies, or violations of local ordinances enacted by any local
2 authority in accordance with s. 23.33 (11) (am) or 30.77.”.

3 **2.** Page 5, line 1: substitute “**SECTION 1m**” for “**SECTION 1**”.

4 **3.** Page 10, line 14: after “(d)” insert “, subject to par. (e)”.

5 **4.** Page 10, line 19: after “following” insert “, subject to par. (e)”.

6 **5.** Page 13, line 2: after that line insert:

7 “(e) *Waiver of enforcement record requirements.* Before January 1, 2007, the
8 secretary of natural resources may waive requirements in par. (b) 2. or 3. based on
9 the request of an applicant. The department shall provide public notice of the
10 request and shall provide at least 30 days for public comment on the request. The
11 secretary may not grant a waiver under this paragraph unless he or she finds that
12 the waiver is consistent with sub. (1m) and will not erode public confidence in the
13 integrity of the program.”.

14 **6.** Page 14, line 17: after “(d)” insert “, subject to par. (e)”.

15 **7.** Page 14, line 22: after “following” insert “, subject to par. (e)”.

16 **8.** Page 16, line 10: after that line insert:

17 “(e) *Waiver of enforcement record requirements.* Before January 1, 2007, the
18 secretary of natural resources may waive requirements in par. (b) 2. or 3. based on
19 the request of an applicant. The department shall provide public notice of the
20 request and shall provide at least 30 days for public comment on the request. This
21 public comment period may be concurrent with the notice period under sub. (6) (c)
22 to (f). The secretary may not grant a waiver under this paragraph unless he or she

1 finds that the waiver is consistent with sub. (1m) and will not erode public confidence
2 in the integrity of the program.”.

3 **9.** Page 28, line 20: after that line insert:

4 “(bm) The notice under par. (b) includes a statement, signed by an official of the
5 regulated entity who is responsible for environmental compliance, that
6 acknowledges that sub. (7) (a) does not apply to violations discovered by the
7 regulated entity before the beginning of the environmental compliance audit.”.

8 **10.** Page 33, line 1: delete “If” and substitute “Notwithstanding minimum or
9 maximum forfeitures specified in ss. 29.314 (7), 29.334 (2), 29.604 (5) (a), 29.611 (11),
10 29.889 (10) (c) 2., 29.969, 29.971 (1) (a), (1m) (a), (3), (3m), (11g) (b), (11m) (b), and
11 (11r) (b), 30.298 (1), (2), and (3), 30.49 (1) (a) and (c), 31.23 (2), 281.75 (19), 281.98 (1),
12 281.99 (2) (a) 1., 283.91 (2), 285.41 (7), 285.57 (5), 285.59 (8), 285.87 (1), 287.95 (1),
13 (2) (b), and (3) (b), 287.97, 289.96 (2) and (3) (a), 291.97 (1), 292.99 (1) and (1m),
14 293.81, 293.87 (3) and (4) (a), 295.19 (3) (a) and (b) 1., 295.37 (2), 299.15 (4), 299.51
15 (5), 299.53 (4) (c) 1., 299.62 (3) (a) and (c), and 299.97 (1), if”.

16 **11.** Page 33, line 4: delete the material beginning with “this” and ending with
17 “violations” on line 5, and substitute “the regulated entity may not be required to
18 forfeit more than \$500 for each violation, regardless of the number of days during
19 which the violation continues”.

20 **12.** Page 33, line 16: delete “If” and substitute “Notwithstanding minimum or
21 maximum forfeitures specified in ss. 29.314 (7), 29.334 (2), 29.604 (5) (a), 29.611 (11),
22 29.889 (10) (c) 2., 29.969, 29.971 (1) (a), (1m) (a), (3), (3m), (11g) (b), (11m) (b), and
23 (11r) (b), 30.298 (1), (2), and (3), 30.49 (1) (a) and (c), 31.23 (2), 281.75 (19), 281.98 (1),
24 281.99 (2) (a) 1., 283.91 (2), 285.41 (7), 285.57 (5), 285.59 (8), 285.87 (1), 287.95 (1),

1 (2) (b), and (3) (b), 287.97, 289.96 (2) and (3) (a), 291.97 (1), 292.99 (1) and (1m),
2 293.81, 293.87 (3) and (4) (a), 295.19 (3) (a) and (b) 1., 295.37 (2), 299.15 (4), 299.51
3 (5), 299.53 (4) (c) 1., 299.62 (3) (a) and (c), and 299.97 (1), if”.

4 **13.** Page 33, line 17: delete the material beginning with “this” and ending with
5 “violations” on line 18, and substitute “the regulated entity may not be required to
6 forfeit more than \$500 for each violation, regardless of the number of days during
7 which the violation continues”.

8 **14.** Page 33, line 18: after that line insert:

9 “(am) The department may issue a citation and follow the procedures under ss.
10 23.50 to 23.99 to collect a forfeiture for a violation to which par. (a) 2. or 4. applies.”.

11 **15.** Page 33, line 20: after “forfeiture” insert “not limited in amount under par.
12 (a) 2. or 4.”.

13 **16.** Page 34, line 9: after that line insert:

14 “6. The violation is discovered by the regulated entity before the beginning of
15 the compliance audit.”.

16 **17.** Page 37, line 9: delete the material beginning with “in a report” and
17 ending with “(3)” on line 10, and substitute “under this section”.

18 **18.** Page 37, line 13: after that line insert:

19 “**SECTION 3b.** 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, permits, and water quality certifications of the department, except those
24 promulgated or issued under ss. 281.48, 285.57, 285.59, and 299.64 and except as

1 provided in ~~s.~~ ss. 285.86 and 299.85 (7) (am). The circuit court for Dane county or for
2 any other county where a violation occurred in whole or in part has jurisdiction to
3 enforce chs. 281 to 285 and 289 to 295 or this chapter or the rule, special order,
4 license, plan approval, permit, or certification by injunctive and other relief
5 appropriate for enforcement. For purposes of this proceeding where chs. 281 to 285
6 and 289 to 295 or this chapter or the rule, special order, license, plan approval, permit
7 or certification prohibits in whole or in part any pollution, a violation is considered
8 a public nuisance. The department of natural resources may enter into agreements
9 with the department of justice to assist with the administration of chs. 281 to 285 and
10 289 to 295 and this chapter. Any funds paid to the department of justice under these
11 agreements shall be credited to the appropriation account under s. 20.455 (1) (k).”.

12

(END)