

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0544/P3dn
EHS:eev:jm

April 3, 2013

Dan Johnson:

You passed along a request from DNR to remove s. 281.36 (14) (f) from the draft, which required the enforcement procedure in ch. 23 to apply to violations of wetlands discharge regulations in s. 281.36. It is my understanding that DNR would like to have the option to use the ch. 23 enforcement procedure, but does not want it required in all cases. Therefore, in this draft the language allows DNR to use the ch. 23 process but does not require it. Please let me know if this is not consistent with your intent.

Also, in this draft s. 281.36 (14) (f) refers to the enforcement process in ss. 23.50 to 23.99, instead of ss. 23.50 to 23.85. This includes ss. 23.90 and 23.99, which, respectively, establish the place of a trial and allow violators to be cited as parties to a violation. The enforcement procedure in ss. 23.50 to 23.99 may be used to enforce regulations related to wells (s. 280.98 (1)), septic tanks (s. 281.48 (5s) (a)), and storm water discharge permits (s. 283.89 (2m)), among others. Let me know if you do not want these provisions included in the enforcement procedure available for wetlands discharge violations.

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