

2003 SENATE BILL 496

February 26, 2004 – Introduced by Senators STEPP, WELCH, ERPENBACH, PLALE, ZIEN, S. FITZGERALD, SCHULTZ and M. MEYER, cosponsored by Representatives SUDER and KREUSER. Referred to Committee on Judiciary, Corrections and Privacy.

1 **AN ACT** *to create* 20.370 (6) (du), 23.099, 25.46 (22), 299.94, 814.75 (27), 814.76
2 (20) and 814.77 (15) of the statutes; **relating to:** use of settlement moneys
3 received by the state for environmental violations for youth education
4 programs regarding natural resources and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under this bill, the Department of Natural Resources (DNR) may make payments to organizations or agencies that provide educational programs to persons under the age of 18 regarding the programs funded or administered by DNR. DNR is required to promulgate rules establishing the eligibility for the payment, the application procedure, the programs that may receive a payment, the maximum amount of a payment, and the information that the organization or agency must provide to DNR during and at the end of each program. The bill requires an organization or agency that wants a payment to enter into a contract with DNR and comply with conditions imposed by DNR. The program is funded with moneys paid into the environmental fund as the result of a surcharge of 10 percent on the fine or forfeiture for a violation of an environmental law.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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1 **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
 2 the following amounts for the purposes indicated:

			2003-04		2004-05
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4 **20.370 Natural resources, department of**

5 (6) ENVIRONMENTAL AIDS

	(du) Youth environmental education	SEG	C	-0-	-0-
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7 **SECTION 2.** 20.370 (6) (du) of the statutes is created to read:

8 20.370 (6) (du) *Youth environmental education*. From the environmental fund,
 9 all moneys received from the youth environmental education surcharge under s.
 10 299.94 for payments to organizations under s. 23.099.

11 **SECTION 3.** 23.099 of the statutes is created to read:

12 **23.099 Youth education program. (1)** From the appropriation under s.
 13 20.370 (6) (du), the department may make annual payments to organizations or
 14 agencies that provide educational programs to persons under the age of 18 regarding
 15 the programs that are funded or administered by the department.

16 (2) To be eligible for a payment under this section, the organization or agency
 17 shall enter into a contract with the department that contains conditions consistent
 18 with the rules promulgated under sub. (3).

19 (3) The department shall promulgate rules establishing the eligibility criteria
 20 for a payment, the application procedures, the types and content of educational
 21 programs that may receive a payment, the maximum amount of a payment, and the
 22 information that the organization or agency must provide to the department during
 23 and at the end of the educational program funded by the payment.

24 **SECTION 4.** 25.46 (22) of the statutes is created to read:

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1 25.46 **(22)** The youth environmental education surcharge imposed under s.
2 299.94 for environmental management.

3 **SECTION 5.** 299.94 of the statutes is created to read:

4 **299.94 Youth environmental education surcharge. (1)** If a court imposes
5 a fine or forfeiture for a violation of a provision of this chapter or chs. 280 to 285 or
6 289 to 295 or a rule or order issued under this chapter or chs. 280 to 285 or 289 to 295,
7 the court shall impose a youth environmental education surcharge under ch. 814
8 equal to 10 percent of the amount of the fine or forfeiture.

9 **(2)** If a fine or forfeiture is suspended in whole or in part, the youth
10 environmental education surcharge shall be reduced in proportion to the suspension.

11 **(3)** If any deposit is made for an offense to which this section applies, the person
12 making the deposit shall also deposit a sufficient amount to include the youth
13 environmental education surcharge under this section. If the deposit is forfeited, the
14 amount of the youth environmental education surcharge shall be transmitted to the
15 state treasurer before July 1, 2004, or to the secretary of administration on or after
16 July 1, 2004, under sub. (4). If the deposit is returned, the youth environmental
17 education surcharge shall also be returned.

18 **(4)** The clerk of the court shall collect and transmit to the county treasurer the
19 youth environmental education surcharge and other amounts required under s.
20 59.40 (2) (m). The county treasurer shall then make payment to the secretary of
21 administration as provided in s. 59.25 (3) (f) 2. The secretary of administration shall
22 deposit the amount of the surcharge in the environmental fund.

23 **SECTION 6.** 814.75 (27) of the statutes is created to read:

24 814.75 **(27)** The youth environmental education surcharge under s. 299.94.

25 **SECTION 7.** 814.76 (20) of the statutes is created to read:

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SECTION 7

1 814.76 **(20)** The youth environmental education surcharge under s. 299.94.

2 **SECTION 8.** 814.77 (15) of the statutes is created to read:

3 814.77 **(15)** The youth environmental education surcharge under s. 299.94.

4 **SECTION 9. Initial applicability.**

5 (1) This act first applies to violations committed on the effective date of this
6 subsection.

7 **(END)**