

2003 DRAFTING REQUEST

Bill

Received: 12/11/2003

Received By: rnelson2

Wanted: As time permits

Identical to LRB:

For: Robert Welch (608) 266-0751

By/Representing: Brad B

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Courts - costs and fees

Extra Copies:

Submit via email: YES

Requester's email: Sen.Welch@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

DOJ settlement money for DNR violations

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			State
/1	rnelson2 01/28/2004	jdyer 02/02/2004 jdyer 02/02/2004	jfrantze 02/02/2004	_____	sbasford 02/02/2004	sbasford 02/10/2004 sbasford 02/10/2004	State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	rnelson2 02/17/2004	jdyer 02/18/2004	pgreensl 02/18/2004	_____	Inorthro 02/18/2004	Inorthro 02/18/2004	State
/3	rnelson2 02/18/2004	jdyer 02/19/2004	rschluet 02/19/2004	_____	lemery 02/19/2004	lemery 02/19/2004	State

FE Sent For:

At
Intro.

<END>

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Handwritten notes and signatures:

- 13 2/19 jld
- Large signature scribble over the 'Proofed' column.
- 2 154 JF

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Amg - 7/17 apply prospectively

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1/2 2/18 jld
2/18
P8 SELF

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By/Representing: Brad B

Drafter: rnelson2

Addl. Drafters:

Claritin-D 12 Hour
(5 mg loratadine/120 mg pseudoephedrine sulfate, USP)
Extended Release Tablets

Claritin-D 24 Hour
(10 mg loratadine/240 mg pseudoephedrine sulfate, USP)
Extended Release Tablets

Claritin RediTabs
10 mg (loratadine rapidly disintegrating tablets)

Claritin Syrup
(loratadine) 10 mg per 10 mL

Handwritten note in a cloud shape:

Brad - Welch
LRB-3871/
Wants stripes

See
Per RPN

FE Sent For:

<END>

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/?	rnelson2	1 2/2 jld	2002/2	2/2			

FE Sent For:

<END>

Nelson, Robert P.

From: Boycks, Brad
Sent: Wednesday, December 10, 2003 11:54 AM
To: Nelson, Robert P.
Subject: Bill draft idea

Hi Bob-

This is what I am looking for:

A bill that would earmark 10% (or whatever percentage would equal \$750,000 per year) that the Department of Justice receives from a settlement from violators of DNR rules and regulations.

If the money DOJ receives from DNR type violations is not going to get that much money, I would be open to having it expanded to other or all DOJ settlements.

The earmarked % would be sent to the DNR Foundation for Youth Education. ?

Please give me a call with any questions.

Thank you-
Brad Boycks

6-0751

He will check on this

Nelson, Robert P.

From: Tradewell, Becky
Sent: Thursday, January 15, 2004 1:35 PM
To: Nelson, Robert P.
Subject: That request

Bob,

I think that courts or settlement agreements themselves at least sometimes direct what has to be done with money paid as settlement of an environmental lawsuit. That would seem to create a problem with that request.

Becky

Nelson, Robert P.

From: Boycks, Brad
Sent: Tuesday, January 27, 2004 3:30 PM
To: Nelson, Robert P.
Subject: update

Bob-

Just wanted to see if you need any more information from me on the bill to use DOJ fine money for the "Foundation for Youth Education."

Also, want to get an idea from you on how much longer you thought this would be to get out of drafting.

Thanks-

Brad Boycks, Chief of Staff
Senator Bob Welch

*Grants for youth education
about DNR programs*

Nelson, Robert P.

From: Boycks, Brad
Sent: Thursday, January 22, 2004 4:21 PM
To: Nelson, Robert P.
Subject: follow up info on the bill draft

6-0751

Bob-

I did some checking and I believe if there is no language for the "Natural Resource Foundation for Youth Education" (it should be in DNR but related to the Natural Resource Foundation) then we need to create it in the statutes.

Hopefully this makes sense, if not let me know.

Brad Boycks, Chief of Staff
Senator Bob Welch

not foundation
program used
to educate youth re:
DNR staff --
Grants for

20.370(2)(du)

(du) *Solid waste management — site-specific remediation.* From the environmental fund, all moneys not otherwise appropriated, other than fines and forfeitures, that are received under settlement agreements or orders in settlement of actions or proposed actions for violations of chs. 280 to 299 and that are designated to be used to restore or develop environmental resources, to provide restitution, or to make expenditures required under an agreement or order and all moneys received in settlement of actions initiated under 42 USC 9601 to 9675 for environmental remediation, restoration, and development, including the replacement of fish or wildlife, that has not been conducted when the moneys are received, to carry out the purposes for which received.



JLD

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen

- 1 AN ACT ...; relating to: use of settlement ^{moneys} ~~money~~ received by the state for
- 2 environmental violations for youth education programs regarding natural
- 3 resources and granting rule-making authority.

payment

Analysis by the Legislative Reference Bureau

* Under this bill, the Department of Natural Resources (DNR) ^{may} ~~can~~ 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. ~~The~~ ^{each} Department is required to promulgate rules establishing the eligibility for the ~~the~~ ^{DNR} 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 the Department during and at the end of the program. The bill requires an organization or agency that wants a payment to enter into a contract with the Department and comply with conditions imposed by the Department. The program is funded with ~~money~~ ^{moneys} paid into the environmental fund as the result of the settlement of actions against persons alleged to have violated environmental laws.

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:

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

3 2003-04 2004-05

4 20.370 Natural resources, department of

5 (3) ENFORCEMENT AND SCIENCE

6 (du) Enforcement-^{EM} youth education SEG A 750,000 750,000

7 SECTION 2. 20.370 (3) (du) of the statutes is created to read:

8 20.370 (3) (du) Enforcement-^{EM} youth education. From the environmental fund,
9 the amounts in the schedule from the moneys that are received under settlement
10 agreements or orders of settlement of actions or proposed actions for violations of chs.
11 280 to 299 that are not designated for a particular purpose in the settlement
12 agreement or order, for the youth education program under s. 23.099.

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

14 ~~23.099~~ ⁹ Youth education program. (1) From the appropriation under s.
15 20.370 (3) (du), the department may make annual payments to organizations or
16 agencies that provide ~~education~~ ^{educational programs} to persons under the ~~the~~ age of 18 regarding the
17 programs that are funded or administered by the department.

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

21 (3) The department shall promulgate rules establishing the eligibility criteria
22 for a payment, the application procedures, the types and content of educational
23 programs that may receive a payment, the maximum amount of a payment, and the

1 information that the organization or agency must provide to the department during
2 and at the end of the educational program funded by the payment. ✓

3

4

(END)



2003 BILL

Regen

1 AN ACT *to create* 20.370 (3) (du) and 23.099 of the statutes; **relating to:** use of
2 settlement moneys received by the state for environmental violations for youth
3 education programs regarding natural resources and granting rule-making
4 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 the settlement of actions against persons alleged to have violated environmental laws.

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:

BILL

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
3		
4	20.370 Natural resources, department of	

5 (3) ENFORCEMENT AND SCIENCE

6	(du) Enforcement — youth education	SEG	A	750,000	750,000
---	------------------------------------	-----	---	---------	---------

7 **SECTION 2.** 20.370 (3) (du) of the statutes is created to read:

8 20.370 (3) (du) *Enforcement — youth education.* From the environmental fund,
9 the amounts in the schedule from the moneys that are received under settlement
10 agreements or orders of settlement of actions or proposed actions for violations of chs.
11 280 to 299 that are not designated for a particular purpose in the settlement
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16 agencies that provide educational programs to persons under the age of 18 regarding
17 the programs that are funded or administered by the department.

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23 programs that may receive a payment, the maximum amount of a payment, and the

BILL

1 information that the organization or agency must provide to the department during
2 and at the end of the educational program funded by the payment.

3

(END)

insert

3-2



**2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3871/2ins
RPN:jld:jf

1 insert 3-2

2 **SECTION 1. Initial applicability.**

3 (1) This act first applies to settlement agreements entered into or orders of
4 settlement issued on the effective date of this subsection. ✓



2003 SENATE BILL

Reger

1 AN ACT to create 20.370 (3) (du) and 23.099 of the statutes; relating to: use of
2 settlement moneys received by the state for environmental violations for youth
3 education programs regarding natural resources and granting rule-making
4 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 the settlement of actions against persons ~~alleged to have violated environmental laws~~ *a surcharge of 100% on the*

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:

percent
or
For a violation
of any
environmental
law

SENATE BILL

SECTION 1

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
3		
4	20.370 Natural resources, department of	
5	(3) ENFORCEMENT AND SCIENCE	
6	(du) Enforcement — youth education SEG A	750,000 750,000
7	SECTION 2. 20.370 (3) (du) of the statutes is created to read:	
8	20.370 (3) (du) <i>Enforcement — youth education.</i> From the environmental fund,	
9	the amounts in the schedule from the moneys that are received under settlement	
10	agreements or orders of settlement of actions or proposed actions for violations of chs.	
11	280 to 299 that are not designated for a particular purpose in the settlement	
12	agreement or order, for the youth education program under s. 23.099.	

✓
Insert
2-13

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

14 **23.099 Youth education program.** (1) From the appropriation under s.
15 20.370 ~~(3)~~ ^{to du} ~~(4)~~, the department may make annual payments to organizations or
16 agencies that provide educational programs to persons under the age of 18 regarding
17 the programs that are funded or administered by the department.

18 (2) To be eligible for a payment under this section, the organization or agency
19 shall enter into a contract with the department that contains conditions consistent
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21 (3) The department shall promulgate rules establishing the eligibility criteria
22 for a payment, the application procedures, the types and content of educational
23 programs that may receive a payment, the maximum amount of a payment, and the

SENATE BILL

1 information that the organization or agency must provide to the department during
2 and at the end of the educational program funded by the payment.

✓
1 insert
3-2
2
3

SECTION 4. Initial applicability.

4 (1) This act first applies to settlement agreements entered into or orders of
5 settlement ~~issued on the effective date of this subsection.~~

✓
1 insert
3-5
5
6

(END)

insert 2-13:

2003-04 2004-05

20.370 Natural resources, department of

(6) ENVIRONMENTAL AIDS

(du) Youth environmental education SEG C -0- -0-

SECTION 1. 20.370 (6) (du) of the statutes is created to read:

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

insert 3-2:

SECTION 2. 25.46 (22) of the statutes is created to read:

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

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

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

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

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

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

SECTION 4. 814.75 (27) of the statutes is created to read:

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

SECTION 5. 814.76 (20) of the statutes is created to read:

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

SECTION 6. 814.77 (15) of the statutes is created to read:

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

insert 3-5:

~~8~~
(8) This act first applies to violations committed on the effective date of this subsection.