

**2005 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-AB26)**

Received: **11/29/2005**

Received By: **rnelson2**

Wanted: **Today**

Identical to LRB:

For: **Legislative Fiscal Bureau 6-8742**

By/Representing: **Rebecca H**

This file may be shown to any legislator: **NO**

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **vicki.holten@legis.state.wi.us**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Natural resources wildlife violator compact surcharge

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**Instructions:**

Charge a \$5 surcharge see attached

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**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>
/1	rnelson2 11/30/2005	lkunkel 11/30/2005	jfrantze 11/30/2005	_____	sbasford 11/30/2005	sbasford 11/30/2005	
/2	rnelson2 11/30/2005	lkunkel 11/30/2005	jfrantze 11/30/2005	_____	sbasford 11/30/2005	sbasford 11/30/2005	

FE Sent For:

<END>

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FE Sent For:

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u 30  
<END>

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/1	rnelson2	1/mk 11/30	Jg 11/30	Jg/SP 11/30			

FE Sent For:

<END>

**Nelson, Robert P.**

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**From:** Hotynski, Rebecca  
**Sent:** Wednesday, November 30, 2005 8:35 AM  
**To:** Nelson, Robert P.  
**Cc:** Hinz, Daryl  
**Subject:** amendment request

**Importance:** High

Here it is... I owe you cookies for your patience on this...

RH - 266-8742

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"To help pay for this program, the department would recommend the creation of a s. 29.99 and 814.77(16), Wis. Stats., for a "**Wildlife Violator Compact Surcharge**", so the law abiding hunter/fisherman or the general public is not paying the entire costs of tracking the revocations of these convicted individuals. This language would read:

**Section XX. 29.99 of the Statutes is created to read:**

s. 29.99 **Wildlife Violator Compact Surcharge.** (1) If a court imposes a fine or forfeiture for a violation of a provision of this chapter or an order issued under this chapter, the court shall impose a wildlife violators surcharge under ch. 814 of **\$5 for a forfeiture or for a criminal violation.**

(2) 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 wildlife violators surcharge under this section. If the deposit is forfeited, the amount of the wildlife violators surcharge shall be transmitted to the secretary of administration under sub. (3). If the deposit is returned, the wildlife violators surcharge shall also be returned.

(3) The clerk of the court shall collect and transmit to the county treasurer the Wildlife Violator Compact 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 into the **Conservation Fund.**

**Section XX. 814.77(16) of the Statutes is created to read:**

s. 814.77(16) The wildlife violators surcharge under s. 29.99.

Create

973.05 (2<sup>m</sup>)

**Section XX. 20.370 (3)(?) of the statutes is created to read:**

**Wildlife Violator Compact Program.** All moneys received from the surcharges under 29.99 to be used for the administration of the Wildlife Violator Compact Program under s. 29.03.

**Rebecca J. Hotynski**  
**Fiscal Analyst**  
**Legislative Fiscal Bureau**  
**(608) 266-3847**



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRBa1606/1

RPN:.....

lmk

11/30 AM

ASSEMBLY AMENDMENT,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2005 ASSEMBLY BILL 26

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

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

3 "SECTION 1g. 20.370 (3) (mx) of the statutes is created to read:

4 20.370 (3) (mx) *Wildlife violator compact program*. All moneys received from  
5 the surcharge under s. 29.91 to be used for the administration of the wildlife violator  
6 compact under s. 29.03."

7 2. Page 2, line 1: delete "SECTION 1" and substitute "SECTION 1m".

8 3. Page 13, line 24: after that line insert:

9 "SECTION 7g. 29.91 of the statutes is created to read:

10 29.91 **Wildlife violator compact surcharge.** (1) LEVY OF WILDLIFE VIOLATOR  
11 COMPACT SURCHARGE. (a) If a court imposes a fine or forfeiture for a violation of a

1 provision of this chapter or an order issued under this chapter, the court shall impose  
2 a wildlife violator compact surcharge under ch. 814 equal to \$5 for the violation. ✓

3 (b) If a fine or forfeiture is suspended in whole or in part, the wildlife violator  
4 compact surcharge shall be reduced in proportion to the suspension unless the court  
5 directs otherwise. ✓

6 (c) If any deposit is made for an offense to which this section applies, the person  
7 making the deposit shall also deposit a sufficient amount to include the wildlife  
8 violator compact surcharge under this section. If the deposit is forfeited, the amount  
9 of the wildlife violator compact surcharge shall be transmitted to the secretary of  
10 administration under par. (d). ✓ If the deposit is returned, the wildlife violator compact  
11 surcharge shall also be returned. ✓

12 (d) The clerk of the court shall collect and transmit to the county treasurer the  
13 wildlife violator compact surcharge and other amounts required under s. 59.40 (2) ✓

14 (m). The county treasurer shall then make payment to the secretary of  
15 administration as provided in s. 59.25 (3) (f) 2. The secretary of administration shall  
16 deposit the amount of the ~~natural resources restitution~~ surcharge wildlife violator  
17 compact in the conservation fund. ✓

18 (2) USE OF WILDLIFE VIOLATOR COMPACT SURCHARGE FUNDS. All moneys collected  
19 from wildlife violator compact surcharges shall be appropriated for use under s.  
20 20.370 (3) (mx).

21 SECTION 7m. 814.75 (25g) of the statutes is created to read:

22 814.75 (25g) The wildlife violator compact surcharge under s. 29.91. ✓

23 SECTION 8g. 814.76 (18g) of the statutes is created to read:

24 814.76 (18g) The wildlife violator compact surcharge under s. 29.91. ✓

25 SECTION 8m. 814.77 (14g) of the statutes is created to read:

814.77 (14g) The wildlife violator compact surcharge under s. 29.91.

SECTION 9g. 973.05 (2m) of the statutes is amended to read:

973.05 (2m) Payments under this section shall be applied first to payment of the penalty surcharge until paid in full, shall then be applied to the payment of the jail surcharge until paid in full, shall then be applied to the payment of part A of the crime victim and witness assistance surcharge until paid in full, shall then be applied to part B of the crime victim and witness assistance surcharge until paid in full, shall then be applied to the crime laboratories and drug law enforcement surcharge until paid in full, shall then be applied to the deoxyribonucleic acid analysis surcharge until paid in full, shall then be applied to the drug abuse program improvement surcharge until paid in full, shall then be applied to the drug offender diversion surcharge until paid in full, shall then be applied to payment of the driver improvement surcharge until paid in full, shall then be applied to the truck driver education surcharge if applicable until paid in full, shall then be applied to payment of the domestic abuse surcharge until paid in full, shall then be applied to payment of the consumer protection surcharge until paid in full, shall then be applied to payment of the natural resources surcharge if applicable until paid in full, shall then be applied to payment of the natural resources restitution surcharge until paid in full, shall then be applied to the payment of the environmental surcharge if applicable until paid in full, shall then be applied to the payment of the wild animal protection surcharge if applicable until paid in full, shall then be applied to the payment of the wildlife violator compact surcharge if applicable until paid in full, shall then be applied to payment of the weapons surcharge until paid in full, shall then be applied to payment of the uninsured employer surcharge until paid in full, shall then be applied to payment of the enforcement surcharge under s. 253.06 (4)

5-16B  
 as affected by 2005 Wisconsin Act 259  
 9

1 (c), if applicable, until paid in full, and shall then be applied to payment of the fine  
2 and the costs and fees imposed under ch. 814.” ✓

**History:** 1977 c. 29; 1979 c. 34, 111; 1981 c. 20, 88, 352; 1983 a. 27, 535; 1985 a. 36; 1987 a. 27, 339, 398; 1989 a. 64, 107, 359; 1991 a. 39; 1993 a. 16; 1995 a. 227, 438, 448; 1997 a. 3, 27, 35, 148, 248; 1999 a. 9, 32; 2001 a. 16, 56, 105; 2003 a. 139; 2005 a. 25.

3

**(END)**



1W  
14-1-1  
Doctor Colon

ASSEMBLY BILL 26 AND SENATE BILL 33

Wildlife Violator Compact Surcharge

Motion:

Move to create a wildlife violator compact surcharge of \$5 to be added to any fine or forfeiture related to fish and wildlife regulations. Specify that if any deposit is made for an offense relating to fish and wildlife violations, the person making the deposit also deposit a sufficient amount to include the wildlife violator surcharge under this section. If the deposit is forfeited, the amount of the wildlife violator surcharge would be transmitted to the secretary of administration. If the deposit is returned, the wildlife violator surcharge would also be returned. The clerk of the court would collect and transmit to the county treasurer the Wildlife Violator Compact Surcharge and other amounts required under s. 59.40 (2) (m). The county treasurer would then make payment to the secretary of administration as provided in s. 59.25 (3) (f) 2. The secretary of administration would deposit the amount of the surcharge into the conservation fund.

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Note:

Based on the average number of wildlife related violations committed over the previous four fiscal years, it is estimated that the \$5 surcharge would be applied to approximately 8,800 citations annually, generating revenues totaling \$44,000. However, it may take some time for this annual amount to be fully realized.

[Change to Bill: \$44,000 SEG-REV]



**ASSEMBLY AMENDMENT ,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2005 ASSEMBLY BILL 26**

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

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

3 **"SECTION 1g.** 20.370 (3) (mx) of the statutes is created to read:

4 20.370 (3) (mx) *Wildlife violator compact program.* All moneys received from  
5 the surcharge under s. 29.99 to be used for the administration of the wildlife violator  
6 compact under s. 29.03."

7 **2.** Page 2, line 1: delete **"SECTION 1"** and substitute **"SECTION 1m"**.

8 **3.** Page 13, line 24: after that line insert:

9 **"SECTION 7g.** 29.99 of the statutes is created to read:

10 **29.99 Wildlife violator compact surcharge. (1) LEVY OF WILDLIFE VIOLATOR**  
11 **COMPACT SURCHARGE. (a)** If a court imposes a fine or forfeiture for a violation of a

1 provision of this chapter or an order issued under this chapter, the court shall impose  
2 a wildlife violator compact surcharge under ch. 814 equal to \$5 for the violation.

3 (b) If a fine or forfeiture is suspended in whole or in part, the wildlife violator  
4 compact surcharge shall be reduced in proportion to the suspension unless the court  
5 directs otherwise.

6 (c) If any deposit is made for an offense to which this section applies, the person  
7 making the deposit shall also deposit a sufficient amount to include the wildlife  
8 violator compact surcharge under this section. If the deposit is forfeited, the amount  
9 of the wildlife violator compact surcharge shall be transmitted to the secretary of  
10 administration under par. (d). If the deposit is returned, the wildlife violator compact  
11 surcharge shall also be returned.

12 (d) The clerk of the court shall collect and transmit to the county treasurer the  
13 wildlife violator compact surcharge and other amounts required under s. 59.40 (2)  
14 (m). The county treasurer shall then make payment to the secretary of  
15 administration as provided in s. 59.25 (3) (f) 2. The secretary of administration shall  
16 deposit the amount of the wildlife violator compact surcharge in the conservation  
17 fund.

18 ~~(2) USE OF WILDLIFE VIOLATOR COMPACT SURCHARGE FUNDS. All moneys collected~~  
19 ~~from wildlife violator compact surcharges shall be appropriated for use under s.~~  
20 ~~20.370 (3) (mx).~~

21 **SECTION 7m.** 814.75 (27) of the statutes is created to read:

22 814.75 (27) The wildlife violator compact surcharge under s. 29.99.

23 **SECTION 8g.** 814.76 (20) of the statutes is created to read:

24 814.76 (20) The wildlife violator compact surcharge under s. 29.99.

25 **SECTION 8m.** 814.77 (16) of the statutes is created to read:

1           814.77 (16) The wildlife violator compact surcharge under s. 29.99.

2           **SECTION 9g.** 973.05 (2m) of the statutes, as affected by 2005 Wisconsin Act 25,  
3 is amended to read:

4           973.05 (2m) Payments under this section shall be applied first to payment of  
5 the penalty surcharge until paid in full, shall then be applied to the payment of the  
6 jail surcharge until paid in full, shall then be applied to the payment of part A of the  
7 crime victim and witness assistance surcharge until paid in full, shall then be  
8 applied to part B of the crime victim and witness assistance surcharge until paid in  
9 full, shall then be applied to the crime laboratories and drug law enforcement  
10 surcharge until paid in full, shall then be applied to the deoxyribonucleic acid  
11 analysis surcharge until paid in full, shall then be applied to the drug abuse program  
12 improvement surcharge until paid in full, shall then be applied to the drug offender  
13 diversion surcharge until paid in full, shall then be applied to payment of the driver  
14 improvement surcharge until paid in full, shall then be applied to the truck driver  
15 education surcharge if applicable until paid in full, shall then be applied to payment  
16 of the domestic abuse surcharge until paid in full, shall then be applied to payment  
17 of the consumer protection surcharge until paid in full, shall then be applied to  
18 payment of the natural resources surcharge if applicable until paid in full, shall then  
19 be applied to payment of the natural resources restitution surcharge until paid in  
20 full, shall then be applied to the payment of the environmental surcharge if  
21 applicable until paid in full, shall then be applied to the payment of the wild animal  
22 protection surcharge if applicable until paid in full, shall then be applied to the  
23 payment of the wildlife violator compact surcharge if applicable until paid in full,  
24 shall then be applied to payment of the weapons surcharge until paid in full, shall  
25 then be applied to payment of the uninsured employer surcharge until paid in full,

1 shall then be applied to payment of the enforcement surcharge under s. 253.06 (4)  
2 (c), if applicable, until paid in full, and shall then be applied to payment of the fine  
3 and the costs and fees imposed under ch. 814.”.

4 (END)

*now*

2  
*[Signature]*  
↑  
STAYS

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6 compact under s. 29.03.”

7 **2.** Page 2, line 1: delete “SECTION 1” and substitute “SECTION 1m”.

8 **3.** Page 13, line 24: after that line insert:

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10 **29.99 Wildlife violator compact surcharge. (1) LEVY OF WILDLIFE VIOLATOR**  
11 **COMPACT SURCHARGE. (a)** If a court imposes a fine or forfeiture for a violation of a

*keep*  
*MOVE (NO F)*

1 provision of this chapter or an order issued under this chapter, the court shall impose  
2 a wildlife violator compact surcharge under ch. 814 equal to \$5 for the violation.

3 (2) (b) If a fine or forfeiture is suspended in whole or in part, the wildlife violator  
4 compact surcharge shall be reduced in proportion to the suspension unless the court  
5 directs otherwise.

6 (3) (b) If any deposit is made for an offense to which this section applies, the person  
7 making the deposit shall also deposit a sufficient amount to include the wildlife  
8 violator compact surcharge under this section. If the deposit is forfeited, the amount  
9 of the wildlife violator compact surcharge shall be transmitted to the secretary of  
10 administration under par. (d). If the deposit is returned, the wildlife violator compact  
11 surcharge shall also be returned.

12 (4) (d) The clerk of the court shall collect and transmit to the county treasurer the  
13 wildlife violator compact surcharge and other amounts required under s. 59.40 (2)  
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17 fund.

18 (2) ~~USE OF WILDLIFE VIOLATOR COMPACT SURCHARGE FUNDS. All moneys collected~~  
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1           814.77 (16) The wildlife violator compact surcharge under s. 29.99.

2           **SECTION 9g.** 973.05 (2m) of the statutes, as affected by 2005 Wisconsin Act 25,  
3 is amended to read:

4           973.05 (2m) Payments under this section shall be applied first to payment of  
5 the penalty surcharge until paid in full, shall then be applied to the payment of the  
6 jail surcharge until paid in full, shall then be applied to the payment of part A of the  
7 crime victim and witness assistance surcharge until paid in full, shall then be  
8 applied to part B of the crime victim and witness assistance surcharge until paid in  
9 full, shall then be applied to the crime laboratories and drug law enforcement  
10 surcharge until paid in full, shall then be applied to the deoxyribonucleic acid  
11 analysis surcharge until paid in full, shall then be applied to the drug abuse program  
12 improvement surcharge until paid in full, shall then be applied to the drug offender  
13 diversion surcharge until paid in full, shall then be applied to payment of the driver  
14 improvement surcharge until paid in full, shall then be applied to the truck driver  
15 education surcharge if applicable until paid in full, shall then be applied to payment  
16 of the domestic abuse surcharge until paid in full, shall then be applied to payment  
17 of the consumer protection surcharge until paid in full, shall then be applied to  
18 payment of the natural resources surcharge if applicable until paid in full, shall then  
19 be applied to payment of the natural resources restitution surcharge until paid in  
20 full, shall then be applied to the payment of the environmental surcharge if  
21 applicable until paid in full, shall then be applied to the payment of the wild animal  
22 protection surcharge if applicable until paid in full, shall then be applied to the  
23 payment of the wildlife violator compact surcharge if applicable until paid in full,  
24 shall then be applied to payment of the weapons surcharge until paid in full, shall  
25 then be applied to payment of the uninsured employer surcharge until paid in full,



1 shall then be applied to payment of the enforcement surcharge under s. 253.06 (4)  
2 (c), if applicable, until paid in full, and shall then be applied to payment of the fine  
3 and the costs and fees imposed under ch. 814.”

4 (END)