

00-110

State of Wisconsin
Department of Natural Resources

**NOTICE TO PRESIDING OFFICERS
OF PROPOSED RULEMAKING**

Pursuant to s. 227.19, Stats., notice is hereby given that final draft rules are being submitted to the presiding officer of each house of the legislature. The rules being submitted are:

Natural Resources Board Order No. LE-32-00

Legislative Council Rules Clearinghouse Number 00-110

Subject of Rules ATV, snowmobile, bowhunter and
hunter education fees.

Date of Transmittal to Presiding Officers February 6, 2001

Send a copy of any correspondence or notices pertaining to this rule to:

Carol Turner, Rules Coordinator
DNR Bureau of Legal Services
LS/5, 101 South Webster

Telephone: 266-1959
e-mail: turnec@dnr.state.wi.us

An electronic copy of the proposed rule may be obtained by contacting Ms. Turner

WISCONSIN LEGISLATIVE COUNCIL STAFF



RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

Richard Sweet
Assistant Director
(608) 266-2982



Terry C. Anderson, Director
Legislative Council Staff
(608) 266-1304

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 00-110

AN ORDER to repeal NR 64.09 (3); and to create NR 19.50, relating to ATV, snowmobile, bowhunter and hunter education fees.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

07-05-00 RECEIVED BY LEGISLATIVE COUNCIL.

07-31-00 REPORT SENT TO AGENCY.

RNS:GAA:jal;tlu

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO

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CLEARINGHOUSE RULE 00-110

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

- a. In s. NR 19.50 (1), "program" in the first sentence should be "programs."

Also, since "atv" is not a defined term, it should be replaced by "all-terrain vehicle."

b. The analysis in the Report to the Legislative Council Rules Clearinghouse states that "the proposed rule stems from the budget which transfer" The reference to "transfer" should be replaced by "transfers." Also, the statement is made that the department fees have remained at \$3 per student for several years. This is not correct. Section NR 64.09 (4), which is repealed by SECTION 3 of the rule, provides that the fee for the all-terrain vehicle safety certification program is \$5 per person. This should be reflected in the analysis.

4. Adequacy of References to Related Statutes, Rules and Forms

a. Citation is made in the analysis to "s. 227 (11) (a)." What is intended as the cite? Is it s. 227.11 (2) (a)?

b. No reference is made to s. 350.055, Stats., which is the statutory authority for the department to establish a snowmobile safety certification program.

Fiscal Estimate — 1999 Session

- Original Updated
 Corrected Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number

Subject
 Student Fees for ATV, Bowhunter, Snowmobile, and Hunter Education

Fiscal Effect

- State: No State Fiscal Effect
 Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.
- | | | |
|--|--|---|
| <input type="checkbox"/> Increase Existing Appropriation | <input checked="" type="checkbox"/> Increase Existing Revenues | <input type="checkbox"/> Increase Costs — May be possible to absorb within agency's budget.
<input type="checkbox"/> Yes <input type="checkbox"/> No |
| <input type="checkbox"/> Decrease Existing Appropriation | <input type="checkbox"/> Decrease Existing Revenues | |
| <input type="checkbox"/> Create New Appropriation | | <input type="checkbox"/> Decrease Costs |

Local: No Local Government Costs

- | | | |
|--|---|--|
| 1. <input type="checkbox"/> Increase Costs
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 3. <input type="checkbox"/> Increase Revenues
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 5. Types of Local Governmental Units Affected:
<input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities |
| 2. <input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 4. <input type="checkbox"/> Decrease Revenues
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | <input type="checkbox"/> Counties <input type="checkbox"/> Others
<input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts |

- Fund Sources Affected
 GPR FED PRO PRS SEG SEG-S

Affected Chapter 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

Summary of Bill

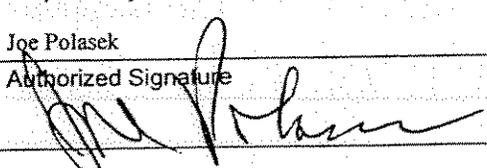
Annually there are approximately 30,000 graduates of the hunter education programs, 8,000 in the snowmobile program and 2,000 in the ATV program. If 50% of the student fees collected are returned to the department based on the \$10.00 per student fee, this would come to a total of \$200,000 annually. The \$200,000 is a minimum. If the course expenses do not reach 50% of the student fee, the remainder must also be returned to the department. The fiscal year 2000 revenue from the safety education programs was \$100,800; the new fee will result in a \$99,200 in increased revenue for the department.

This provides no net increase in expenditures to the safety programs, but does represent an increase in the proportion of expenditures funded by student fees.

Spending authority in the enforcement accounts was reduced by an equal amount under 1999 Wis Act 9 so that there is no net increase in expenditure authority.

Long-Range Fiscal Implications

This will maintain the budget for safety education courses at the current level only.

Prepared By: Joe Polasek	Telephone No. (608) 266-2974	Agency DNR
Authorized Signature 	Telephone No. 36-2744	Date (mm/dd/ccyy) 12/06/2000

Fiscal Estimate Worksheet — 1999 Session

Detailed Estimate of Annual Fiscal Effect

Original Updated
 Corrected Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number

Subject
 Student Fees for ATV, Bowhunter, Snowmobile, and Hunter Education

One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

Annualized Costs:	Annualized Fiscal Impact on State Funds from:	
A. State Costs by Category	Increased Costs	Decreased Costs
State Operations — Salaries and Fringes	\$	\$ -
(FTE Position Changes)	(FTE)	(FTE)
State Operations — Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
Total State Costs by Category	\$	\$ -
B. State Costs by Source of Funds	Increased Costs	Decreased Costs
GPR	\$	\$ -
FED		-
PRO/PRS		-
SEG/SEG-S		-
State Revenues <small>Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</small>	Increased Revenue	Decreased Revenue
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS		-
SEG/SEG-S	99,200	-
Total State Revenues	\$ 99,200	\$ -

Net Annualized Fiscal Impact

	<u>State</u>	<u>Local</u>
Net Change in Costs	\$	\$
Net Change in Revenues	\$ 99,200	\$

Prepared By: Joe Polasek Authorized Signature 	Telephone No.	Agency
	(608) 266-2794	DNR
	Telephone No.	Date (mm/dd/ccyy)
	6-2794	12/06/2000

REPORT TO LEGISLATURE

NR 19.50 and 64.09(3) and (4), Wis. Adm. Code
ATV, snowmobile, bowhunter and hunter education fees

Board Order No. LE-32-00
Clearinghouse Rule No. 00-110

Statement of Need

This proposal stems from the last budget that transferred authority from the statutes to administrative code to regulate student fees for the all-terrain vehicle education, snowmobile education, and hunter education programs. The department fees have remained the same for the hunter education program since 1967 at \$3.00 per student. The all-terrain vehicle program has a fee of \$5.00 per student. This increase in the per student fees are needed as support for the volunteer instructors, students and to aid in meeting program goals.

Modifications as a Result of Public Hearing

No modifications were made to the rule.

Appearances at the Public Hearings and Their Position

August 28, 2000 – La Crosse – no appearances

August 28, 2000 – Eau Claire

In support – none

In opposition:

LeAnne Loesel, S696 State Road 88, Mondovi, WI 54755

As interest may appear:

Roger Herman, E5154 750th Avenue, Menomonie, WI 54751

August 29, 2000 – Spooner

In support – none

In opposition:

Bill Clark, 103 Pederson Drive, Shell Lake, WI 54871

Gary Dunsmoor, N4961 Beaverbrook Avenue, Spooner, WI 54801

George O. Hanson, 610 Ash Street, Spooner, WI 54801

As interest may appear – none

August 29, 2000 – Rhinelander

In support:

Phil Zipp, N10194 Pine Shore Lane, Tomahawk, WI 54487

In opposition – none

As interest may appear:

Jon Tiedemann, 1998 County C, Rhinelander, WI 54501

September 1, 2000 – Madison – no appearances

Response to Legislative Council Rules Clearinghouse Report

The recommendations were accepted.

Final Regulatory Flexibility Analysis

The rules do not regulate small businesses; therefore, a final regulatory flexibility analysis is not required.

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
REPEALING AND CREATING RULES

The Natural Resources Board proposes an order to repeal NR 64.09(3) and (4); and to create NR 19.50 relating to ATV, snowmobile, bowhunter and hunter education fees.

LE-32-00

Statutory authority: ss. 20.370(3)(at), 23.33(4z)(a), 29.591(3), 227.11(2)(a), 350.055 and 350.108(1), Stats.

Statutes interpreted: ss. 23.33(4z)(a), 23.33(5)(d), 29.563(11)(b)1., 29.59(1), 29.591(3) and 350.108(1), Stats.

The Department of Natural Resources has been directed by new legislative changes to create rules on student course fees for ATV, Snowmobile, Hunter and Bowhunter Education. The Department is directed by current statutory language to create administrative rules to regulate the student fees for these courses.

SECTION 1. NR 19.50 is created to read:

NR 19.50 All-terrain vehicle, bowhunter, snowmobile and hunter education program fee.

The fee for the all-terrain vehicle, bowhunter, snowmobile and hunter education certification programs shall be \$10.00. The department may authorize the instructors to retain up to 50% of the fee to defray expenses incurred locally to operate the program based on the actual cost incurred to the instructor. The remaining funds shall be turned in to the department to defray expenses incurred to operate these programs during the year.

SECTION 2. NR 64.09(3) is repealed.

SECTION 3. NR 64.09(4) is repealed.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on January 24, 2001.

The rules shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
George E. Meyer, Secretary

(SEAL)

March 1, 2001

Mr. Darrell Bazzell, Secretary
Department of Natural Resources
101 South Webster Street
Madison, WI 53703

Dear Secretary Bazzell:

The Assembly Natural Resources Committee adopted the following motion with respect to Clearinghouse Rule 00-110:

The Assembly Committee on Natural Resources, pursuant to s. 227.19 (4) (b) 2., Stats., requests the Department of Natural Resources to consider modifications to Clearinghouse Rule 00-110, relating to ATV, snowmobile, bowhunter and hunter education fees.

The motion was adopted on a vote of Ayes, 13; and Noes, 0.

Please respond to this request in writing by 5 p.m. on March 5.

Thank you for your consideration of this recommendation.

Sincerely,

Representative Du Wayne Johnsrud
Chairperson, Assembly Committee on
Natural Resources

Eskeitz, Anne

From: Loomans, Scott
Sent: Tuesday, March 06, 2001 11:29 AM
To: Eskeitz, Anne
Subject: RE: Re Modifications on CR 00-110

The Secretary agreed to take the rule back. We did not request anything specific, only that the DNR consider modifications.

-----Original Message-----

From: Eskeitz, Anne
Sent: Tuesday, March 06, 2001 11:27 AM
To: Loomans, Scott
Subject: Re Modifications on CR 00-110

Do you have anything that tells what the requested modifications were?
Also, has the Secretary responded.

Eskeitz, Anne

From: Eskeitz, Anne
Sent: Wednesday, March 07, 2001 8:35 AM
To: Doyle, Donna
Cc: Stolzenberg, John
Subject: Rule in Committee CR 00-110 - Action by Assembly Committee

We have this rule (re ATV, snowmobile, bowhunter & yhunter education fees) in our committee. Our 30 days expires March 9. (referred Feb. 7th)

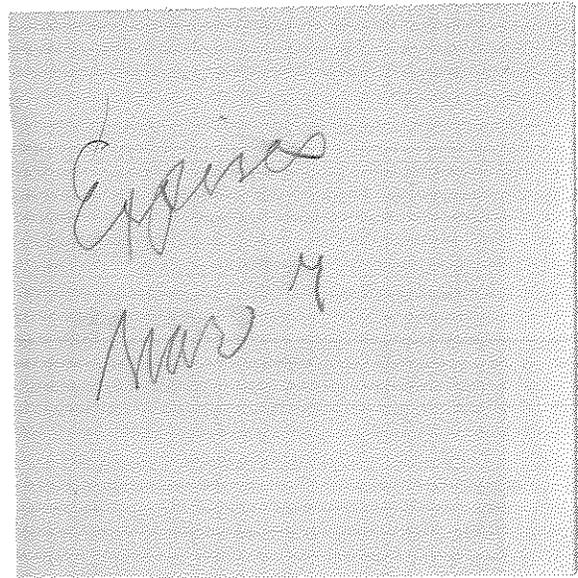
Johnsrud's Assembly Natural Resources Committee held a hearing on this rule. Scoot Loomans, the committee clerk was in our office & I asked him what they did so this is what he e-mailed me.(see letter below). I asked him another question & his e-mail reply was: "The Secretary agreed to take the rule back. We did not request anything specific, only that the DNR consider modifications."

Do I do anything at all or wait for the DNR to recall if or what?

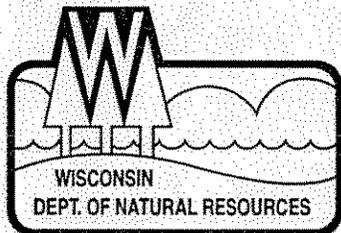
Anne



HunterSafetyRule.doc



Mar 9 no return



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor
Darrell Bazzell, Secretary

101 S. Webster St.
Box 7921
Madison, Wisconsin 53707-7921
Telephone 608-266-2621
FAX 608-267-3579
TTY 608-267-6897

February 1, 2002

Honorable DuWayne Johnsrud, Chair
Assembly Natural Resources Committee
Room 323 North
State Capitol

Honorable James Baumgart, Chair
Senate Environmental Resources Committee
Room 306 South
State Capitol

Subject: Clearinghouse Rule No. 00-110
ATV, snowmobile, bowhunter and hunter education fees

Gentlemen:

On January 24, 2001, the Natural Resources Board approved Clearinghouse Rule No. 00-110 and it was referred to your committees for review. The proposed rule established a \$10.00 fee for all-terrain vehicle, bowhunter, snowmobile and hunter education certification programs. The Assembly Natural Resources Committee requested the Department to modify the proposed rule. Subsequent to that request, the Legislature, in 2001 Wisconsin Act 16, eliminated the fee for the bowhunter and hunter education programs.

Attached is a revised copy of Natural Resources Board Order No. LE-32-00 with the references to the bowhunter and hunter education fees removed.

Under s. 227.19(4)(b)3., Stats., the Department of Natural Resources submits this as a germane modification to Clearinghouse Rule No. 00-110. Your review period is extended 10 working days from the receipt of this letter.

Sincerely,

Darrell Bazzell
Secretary

cc: Karl Brooks – LE/5
Michael Lutz – LS/5
Carol Turner – LS/5

Enc.

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
REPEALING AND CREATING RULES

The Natural Resources Board proposes an order to repeal NR 64.09(3) and (4); and to create NR 19.50 relating to ATV and snowmobile education fees.

LE-32-00

Statutory authority: ss. 23.33(4z)(a), 227.11(2)(a), 350.055 and 350.108(1), Stats.
Statutes interpreted: ss. 23.33(4z)(a), 23.33(5)(d), and 350.108(1), Stats.

The Department of Natural Resources has been directed by new legislative changes to create rules on student course fees for ATV and snowmobile education. The Department is directed by current statutory language to create administrative rules to regulate the student fees for these courses.

SECTION 1. NR 19.50 is created to read:

NR 19.50 All-terrain vehicle and snowmobile education program fee. The fee for the all-terrain vehicle and snowmobile education certification programs shall be \$10.00. The department may authorize the instructors to retain up to 50% of the fee to defray expenses incurred locally to operate the program based on the actual cost incurred to the instructor. The remaining funds shall be turned in to the department to defray expenses incurred to operate these programs during the year.

SECTION 2. NR 64.09(3) is repealed.

SECTION 3. NR 64.09(4) is repealed.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on January 24, 2001.

The rules shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Darrell Bazzell, Secretary

(SEAL)