

1999 DRAFTING REQUEST

Bill

Received: **09/16/98**

Received By: **gibsom**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget 67973**

By/Representing: **Grinde**

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

Drafter: **gibsom**

May Contact: **See attached**

Alt. Drafters:

Subject: **Nat. Res. - boats snomos ATVs**
Nat. Res. - fish and game

Extra Copies:

Topic:

DOA:.....Grinde - DNR safety courses

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>
/1	gibsom 11/9/98	gilfokm 11/10/98	ismith 11/12/98	_____	lrb_docadmin 11/12/98		State
/2	gibsom 01/4/99	gilfokm 01/4/99	martykr 01/5/99	_____	lrb_docadmin 01/5/99		State
/3	gibsom 01/7/99	gilfokm 01/8/99	hhagen 01/12/99	_____	lrb_docadmin 01/12/99		State
/4	gibsom 01/30/99	gilfokm 01/30/99	jfrantze 01/31/99	_____	lrb_docadmin 01/31/99		State
/5	gibsom 02/2/99	ygeller 02/2/99	martykr 02/3/99	_____	lrb_docadmin 02/3/99		State

Vers. Drafted Reviewed Typist Proofed Submitted Jacketed Required

FE Sent For:

<END>

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/3	gibsom 01/7/99	gilfokm 01/8/99	hhagen 01/12/99	_____	lrb_docadmin 01/12/99		State
/4	gibsom 01/30/99	gilfokm 01/30/99	jfrantze 01/31/99	_____	lrb_docadmin 01/31/99		State

FE Sent For:

15 2/2 jlg km 2/3
cmh km 2/3

<END>

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Wanted: **Soon**

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/3	gibsom 01/7/99	gilfokm 01/8/99	hhagen 01/12/99	_____	lrb_docadmin 01/12/99		State

FE Sent For:

14-1-30
Kmg

Jb 1/31

Jb / KM
<END>
1/31

1999 DRAFTING REQUEST

Bill

Received: **09/16/98**

Received By: **gibson**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget 67973**

By/Representing: **Grinde**

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

Drafter: **gibson**

May Contact: **See attached**

Alt. Drafters:

Subject: **Nat. Res. - boats snomos ATVs**
Nat. Res. - fish and game

Extra Copies:

Topic:

DOA:.....Grinde - DNR safety courses

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>
/1	gibson 11/9/98	gilfokm 11/10/98	ismith 11/12/98	_____	lrb_docadmin 11/12/98		State
/2	gibson 01/4/99	gilfokm 01/4/99	martykr 01/5/99	_____	lrb_docadmin 01/5/99		State

FE Sent For: *3-1-99*
King *1/12* *1/15 1/12*
<END>

1999 DRAFTING REQUEST

Bill

Received: **09/16/98**

Received By: **gibsom**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget 67973**

By/Representing: **Grinde**

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

Drafter: **gibsom**

May Contact: **See attached**

Alt. Drafters:

Subject: **Nat. Res. - boats snomos ATVs
Nat. Res. - fish and game**

Extra Copies: **1 - DNR**

Topic:

DOA:.....Grinde - DNR safety courses

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>
/1	gibsom 11/9/98	gilfokm 11/10/98	ismith. 11/12/98	_____	lrb_docadmin 11/12/98		State

FE Sent For:

12-1-4-99
Kmg

Jm/s HH
Jm/s

<END>

1999 DRAFTING REQUEST

Bill

Received: 09/16/98

Received By: gibsom

Wanted: As time permits

Identical to LRB:

For: Natural Resources 72769

By/Representing: Susan Felker-Donsing

This file may be shown to any legislator: NO

Drafter: gibsom

May Contact: See attached

Alt. Drafters:

Subject: Nat. Res. - boats snomos ATVs
Nat. Res. - fish and game

Extra Copies:

Topic:

DNR safety courses

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>
/?	gibsom		25 11/12	IS/LP 11/12			

FE Sent For:

<END>

Statutory Language Proposals

Division: ENFORCEMENT & SCIENCE

Subprograms: LAW ENFORCEMENT

Issue/Topic: SAFETY EDUCATION COURSE FEES

Proposed Change: 23.33 (5), s29.225(3), s.30.74(1) (b), 350.055, Wisconsin Statutes

(b) The department shall prescribe the course content, the form of the certificate and may collect a fee as prescribed by administrative rule. The department may authorize instructors conducting such courses meeting standards established by it to retain up to one-half of the fee to defray expenses incurred locally to operate the program. The remaining fee shall be retained by the department in part to be deposited to the Conservation Fund, and in part as program revenue for the purpose of defraying a part of the expenses incurred to operate the program. This proposal would also require the creation of a program revenue appropriation for Hunter Safety Education in s.20.370 (3).

Explanatory Note: Currently, only boating safety education course fees may be retained as program revenue. This proposal allows the Department to set the fees for safety classes in boat, snowmobile and hunter education by administrative rule, and requires that the fees collected by the Department in the hunter education, snowmobile, and ATV programs be retained by the Department for the purpose of defraying part of the expenses incurred to operate the program. This proposal allows all four safety education programs to operate consistently from a fiscal standpoint and addresses issues raised as part of the audit of the Conservation Fund by the U.S. Fish & Wildlife Service. This request would maintain the current amount of the course fee (\$1.50/student) going to the Conservation Fund, but would re-direct the increase in course fees retained by the Department to the Program Revenue appropriation.

Desired Effective Date: July 1, 1999 or the effective date of the 1999-01 Biennial Budget

Contact Person: Eric Thompson (6-8251)

Revenue - only thing est that is important, limit draft to this issue

- ① - statutory fee
 - ② - appropriation, #s of
- put these into part (3) (misc)*

set to snowmobile by rule + provide emergency rules for all fees



State of Wisconsin
1999 - 2000 LEGISLATURE

RMR
LRB-0197
MGG... King

D-N Soon

DOA:.....Grinde - DNR safety courses

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

1

AN ACT...; relating to: the budget.

subject of an Act

snowmobiles, boats and
and all-terrain vehicles
and in the safe use of

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

and bows

OTHER NATURAL RESOURCES

an

Under current law, the department of natural resources (DNR) administers various programs instructing persons in the safe use of firearms, for hunting ~~snowmobiles, boats and all-terrain vehicles~~. This bill makes changes to these programs as follows:

1. For the snowmobile safety education program, under current law, the fee for ~~the~~ instruction is established at \$5, and the instructor keeps \$1 of the fee. This bill authorizes DNR to establish the fee by rule and to allow the instructor to keep up to 50% to cover his or her expenses.
2. For the all-terrain vehicle safety education program, current law authorizes DNR to charge an instruction fee. This bill requires that this fee be set by rule. It also authorizes an instructor to keep up to 50% of the fee collected to cover his or her costs.
3. For the boating safety education program, under current law, there is no limit established for the amount an instructor may keep of the instruction fee to cover his or her expenses. The bill imposes ~~the~~ maximum of 50%.
4. In the hunter education program, an instructor who is authorized by DNR to conduct the program may keep exactly 50% of the instruction fee to cover his or her expenses. Under the bill, the instructor may keep up to 50%.

Under the bill, all of these fees are credited to one appropriation to be used specifically for these safety program and for snowmobile accident reporting.

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. 20.370 (3) (mw) of the statutes is created to read:

2 20.370 (3) (mw) *Education and safety programs*. All moneys remitted to the
3 department ^{of natural resources} under ss. 23.33 (5) (d), 29.591 (3), 30.74 (1) (b) and 350.055 for programs
4 or courses of instruction under ss. 23.33 (5) (d), 29.591, 30.74 (1) (a) and 350.055 and
5 for snowmobile accident reporting.

note: bud →

6 SECTION 2. 23.33 (5) (d) of the statutes is amended to read:

7 23.33 (5) (d) *Safety certification program established*. The department shall
8 establish or supervise the establishment of ~~programs~~ a program of instruction on
9 all-terrain vehicle laws, including the intoxicated operation of an all-terrain vehicle
10 law, regulations, safety and related subjects. The department ~~may charge or~~
11 authorize shall establish by rule an instruction fee for this program. An instructor
12 conducting the program of instruction under this paragraph shall collect the fee from
13 each person who receives instruction. The department may determine ~~that~~ the
14 portion of ^{this} fee, which may not exceed 50%, ^{that} the instructor may retain to defray
15 expenses incurred by the instructor in conducting the program. The instructor shall
16 remit the remainder of the fee or, if nothing is retained, the entire fee to the
17 department. plain

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283.

18 SECTION 3. 29.591 (3) of the statutes is amended to read:

19 29.591 (3) INSTRUCTION FEE. The department shall establish by rule the fee for
20 the course of instruction under the hunter education program and the bow hunter

1 education program. The instructor shall collect the this instruction fee specified
 2 under s. 29.563(11)(b) 1. from each person who receives instruction under the hunter
 3 education program and the bow hunter education program and remit the fee to the
 4 department. The department may authorize an instructor under either program to
 5 retain 50% determine the portion of this fee, which may not exceed 50%, that the
 6 instructor may retain to defray expenses incurred by the instructor in conducting the
 7 course. The instructor shall remit the remaining portion remainder of the fee or, if
 8 nothing is retained, the entire fee to the department.

NOTE: NOTE: Sub. (3) is shown as affected by two acts of the 1997 legislature and as merged by the revisor under s. 13.93(2)(c). NOTE:

History: 1983 a. 420; 1997 a. 12, 197; 1997 a. 248 ss. 175, 420 to 426; Stats. 1997 s. 29.591; s. 13.93(2)(c).

SECTION 4. 30.74 (1) (b) of the statutes ^{is amended to read:}

as affected by 1997 Wisconsin Act 198,

10 30.74 (1) (b) The department shall prescribe the course content, and the form
 11 of the certificate ^{and} may collect a fee from each person who enrolls in the course.

12 The department may authorize instructors ^{to} conducting such courses
 13 meeting standards established by it ^{to} retain a course under this subsection shall

14 collect the instruction fee from each person who receives instruction. ^{The}
 15 department may ~~determine which~~ ^{determine the} portion of the fee, which may not exceed 50%, ^{that}

16 instructor may retain to defray expenses incurred ^{locally} to operate the program by
 17 the instructor in conducting the course. The instructor shall remit the remainder of

18 the fee ^{shall be retained by or, if nothing is retained, the entire fee to the department}
 19 for the purpose of defraying a part of its expenses incurred to operate the program.

20 The department by rule shall set the fee for the course and the amount of the fee that
 21 may be retained by instructors.

NOTE: NOTE: Par. (b) is shown as amended eff. 5-1-99 by 1997 Wis. Act 198. Prior to 5-1-99 it reads: NOTE:

22 (b) The department shall prescribe the course content, the form of the certificate and may collect \$2 from each person who enrolls in the course. The department
 23 may authorize instructors conducting such courses meeting standards established by it to retain \$1 of the fee to defray expenses incurred locally to operate the program.
 24 The remaining \$1 of the fee shall be retained by the department for the purpose of defraying a part of its expenses incurred to operate the program.

History: 1973 c. 302; 1983 a. 27 s. 2202 (38); 1995 a. 152; 1997 a. 198.

SECTION 5. 350.055 of the statutes is amended to read:

plain space

strike spaces

1 **350.055 Safety certification program established.** The department shall
 2 establish a program of instruction on snowmobile laws, including the intoxicated
 3 snowmobiling law, regulations, safety and related subjects. The program shall be
 4 conducted by instructors certified by the department. The department may procure
 5 liability insurance coverage for certified instructors for work within the scope of their
 6 duties under this section. Persons satisfactorily completing this program shall
 7 receive certification from the department. The department ~~may charge each person~~ *plain*
 8 ~~who enrolls in the course~~ shall establish by rule an instruction fee of \$5 for this
 9 program. *score* An instructor conducting a program of instruction under this section shall
 10 collect the instruction fee from each person who receives instruction. *plain* The
 11 department shall ~~may~~ authorize instructors conducting such courses meeting
 12 standards established by it to retain \$1 ~~determine which~~ *the* portion of the ~~fee~~ *this* ~~not to~~ *which may*
 13 exceed 50%. *that* the instructor may retain to defray expenses incurred locally to conduct
 14 by the instructor in conducting the program. *plain* The remaining \$4 of the fee shall be
 15 retained by the department to defray a part of its expenses incurred to conduct the
 16 safety and accident reporting program. *the office* The instructor shall remit the remainder of
 17 the fee or, if nothing is retained, the entire fee to the department. *plain* A person over the
 18 age of 12 years but under the age of 16 years who holds a valid certificate issued by
 19 another state or province of the Dominion of Canada need not obtain a certificate
 20 from the department if the course content of the program in such other state or
 21 province substantially meets that established by the department under this section.

History: 1971 c. 277; 1973 c. 298; 1987 a. 27, 399; 1991 a. 39.

SECTION 9136. Nonstatutory provisions; natural resources.

22 (1) RULES FOR SAFETY PROGRAMS OF INSTRUCTION. The department of natural
 23 resources may use the procedure under section 227.24 of the statutes to promulgate
 24

1 rules under sections 23.33 (5) (d), 29.591 (3), 30.74 (1) (b) and 350.055 of the statutes,
 2 as affected by this act. Notwithstanding section 227.24 (1) (c) and (2) of the statutes,
 3 the emergency rules may remain in effect until January 1, 2000, or the date on which
 4 permanent rules take effect, whichever is sooner. Notwithstanding section 227.24
 5 (1) (a) and (3) of the statutes, the department is not required to provide evidence that
 6 promulgating a rule under this subsection as an emergency rule is necessary for the
 7 preservation of public peace, health, safety or welfare and is not required to provide
 8 a finding of emergency for a rule promulgated under this subsection.

SECTION 9436. Effective dates; natural resources.

9
 10 (1) ~~BOATING SAFETY COURSE~~ ^{DEPARTMENTAL HUNTING AND RECREATIONAL SAFETY PROGRAMS} The treatment of section 20.370 (3) (mw), 23.33 (5)
 11 (d), 29.591 (3), 30.74 (1) (b) and 350.055 of the statutes takes effect on January 1,
 12 2000, or the ~~date of~~ ⁵ publication, whichever is later.

(END)

13
 on day after

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-01977^{dn} |
MGG. *MGG*

that
1. I have made some very technical changes in this draft to make the existing provisions covering these safety programs more consistent. Please review carefully.

or
2. Regarding s. 30.74 (1) (b): Note that I changed current law so that the course fee is set by rule but the amount an individual instructor ~~may~~ may keep is not. I did this to make it consistent with the other provisions in this draft and to make this flexible since the draft allows up to one-half of the fee (as opposed to exactly 50% of the fee) to be kept.

3. Check the time frames in the emergency rule-making and effective date provisions and let me know if you want any changes.

Mary Gibson-Glass
Senior Legislative Attorney
267-3215

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0197/1dn
MGG:kmg:ijs

November 12, 1998

1. I have made some very technical changes in this draft to make the existing provisions covering these safety programs more consistent. Please review carefully.
2. Regarding s. 30.74 (1) (b): note that I changed current law so that the course fee is set by rule but the amount that an individual instructor may keep is not. I did this to make it consistent with the other provisions in this draft and to make this flexible since the draft allows up to one-half of the fee (as opposed to exactly 50% of the fee) to be kept.
3. Check the time frames in the emergency rule-making and effective date provisions and let me know if you want any changes.

Mary Gibson-Glass
Senior Legislative Attorney
267-3215

Gibson-Glass, Mary

From: Grinde, Kirsten [kirsten.grinde@doa.state.wi.us]
Sent: Wednesday, December 23, 1998 2:57 PM
To: Gibson-Glass, Mary
Subject: LRB 0197/1

Mary,

A couple of changes to LRB 0197/1:

-- could the new appropriation [20.370(3)(mw) - page 2, lines 1-5] be created as 20.370(3)(at) instead? Giving it the "at" alpha would keep it with the other enforcement and safety appropriations in the schedule. ✓

-- under s. 29.591(3) [page 3, lines 1-10], DNR has asked that the language split the fee that is submitted to the department, so that 50% of the fee goes to the conservation fund (fish and wildlife account generally) and 50% of the fee goes to the new education and safety programs appropriation. Apparently the existing amount of hunter education course fees has to go to the fish and wildlife account to meet federal grant requirements, but they want any amounts above that (they're planning on doubling the fee) to go into the new appropriation.

Let me know if you have any questions.

Happy Holidays!

Kirsten



State of Wisconsin
1999 - 2000 LEGISLATURE

RMR
LRB-01971X2
MGG:kmg:ijs

soon

DOA:.....Grinde - DNR safety courses

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

1 AN ACT <sup>*Don't
Want
Gen Act.*</sup> relating to: the budget.

5

Instruction fees under these

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

OTHER NATURAL RESOURCES

Under current law, the department of natural resources (DNR) administers various programs instructing persons in the safe use of snowmobiles, boats and all-terrain vehicles and in the safe use of firearms and bows for hunting. This bill makes changes to these programs as follows:

1. For the snowmobile safety education program, under current law, the fee for instruction is \$5, and the instructor keeps \$1 of the fee. This bill authorizes DNR to establish the fee by rule and to allow the instructor to keep up to 50% to cover his or her expenses.
2. For the all-terrain vehicle safety education program, current law authorizes DNR to charge an instruction fee. This bill requires that this fee be set by rule. It also authorizes an instructor to keep up to 50% of the fee collected to cover his or her costs.
3. For the boating safety education program, under current law, there is no limit established for the amount that an instructor may keep of the instruction fee to cover his or her expenses. The bill imposes a maximum of 50%.
4. In the hunter education program, an instructor who is authorized by DNR to conduct the program may keep exactly 50% of the instruction fee to cover his or her expenses. Under the bill, the instructor may keep up to 50%.

INS
ANL

Under the bill, all of these fees are credited to one appropriation to be used specifically for these safety programs and for snowmobile accident reporting.

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

Fifty percent of all moneys remitted to the department of natural resources under s. 29.591(3) and

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

1 SECTION 1. 20.370 (3) ^(at) ~~(nw)~~ of the statutes is created to read:

2 20.370 (3) ^(at) ~~(nw)~~ *Education and safety programs.* All moneys remitted to the

3 department of natural resources under ss. 23.33 (5) (d), 29.591 (3), 30.74 (1) (b) and

4 350.055 for programs or courses of instruction under ss. 23.33 (5) (d), 29.591, 30.74

5 (1) (a) and 350.055 and for snowmobile accident reporting.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

6 SECTION 2. 23.33 (5) (d) of the statutes is amended to read:

7 23.33 (5) (d) *Safety certification program established.* The department shall

8 establish or supervise the establishment of ~~programs~~ a program of instruction on

9 all-terrain vehicle laws, including the intoxicated operation of an all-terrain vehicle

10 law, regulations, safety and related subjects. The department ~~may charge or~~

11 ~~authorize~~ shall establish by rule an instruction fee for this program. An instructor

12 conducting the program of instruction under this paragraph shall collect the fee from

13 each person who receives instruction. The department may determine the portion

14 of this fee, which may not exceed 50%, that the instructor may retain to defray

15 expenses incurred by the instructor in conducting the program. The instructor shall

16 remit the remainder of the fee or, if nothing is retained, the entire fee to the

17 department.

18 SECTION 3. 29.591 (3) of the statutes is amended to read:

1 29.591 (3) INSTRUCTION FEE. The department shall establish by rule the fee for
2 the course of instruction under the hunter education program and the bow hunter
3 education program. The instructor shall collect the ~~this~~ instruction fee specified
4 unders. 29.563 (11)(b) 1. from each person who receives instruction under the hunter
5 education program and the bow hunter education program and remit the fee to the
6 department. The department may authorize an instructor under either program to
7 retain 50% determine the portion of this fee, which may not exceed 50%, that the
8 instructor may retain to defray expenses incurred by the instructor in conducting the
9 course. The instructor shall remit the remaining portion remainder of the fee or, if
10 nothing is retained, the entire fee to the department.

11 SECTION 4. 30.74 (1)(b) of the statutes, as affected by 1997 Wisconsin Act 198,
12 is amended to read:

13 30.74 (1) (b) The department shall prescribe the course content, and the form
14 of the certificate and may collect a fee from each person who enrolls in the course.
15 The department may authorize instructors. An instructor conducting such courses
16 meeting standards established by it to retain a course under this subsection shall
17 collect the instruction fee from each person who receives instruction. The
18 department may determine the portion of the this fee, which may not exceed 50%,
19 that the instructor may retain to defray expenses incurred locally to operate the
20 program by the instructor in conducting the course. The instructor shall remit the
21 remainder of the fee shall be retained by or, if nothing is retained, the entire fee to
22 the department for the purpose of defraying a part of its expenses incurred to operate
23 the program. The department by rule shall set the fee for the course and the amount
24 of the fee that may be retained by instructors.

25 SECTION 5. 350.055 of the statutes is amended to read:

1 **350.055 Safety certification program established.** The department shall
2 establish a program of instruction on snowmobile laws, including the intoxicated
3 snowmobiling law, regulations, safety and related subjects. The program shall be
4 conducted by instructors certified by the department. The department may procure
5 liability insurance coverage for certified instructors for work within the scope of their
6 duties under this section. Persons satisfactorily completing this program shall
7 receive certification from the department. The department ~~may charge each person~~
8 ~~who enrolls in the course~~ shall establish by rule an instruction fee of \$5 for this
9 program. An instructor conducting a program of instruction under this section shall
10 collect the instruction fee from each person who receives instruction. The
11 department ~~shall may authorize instructors conducting such courses meeting~~
12 ~~standards established by it to retain \$1~~ determine the portion of the this fee, which
13 may not exceed 50%, that the instructor may retain to defray expenses incurred
14 ~~locally to conduct by the instructor in conducting the program.~~ The ~~remaining \$4 of~~
15 ~~the fee shall be retained by the department to defray a part of its expenses incurred~~
16 ~~to conduct the safety and accident reporting program~~ instructor shall remit the
17 remainder of the fee or, if nothing is retained, the entire fee to the department. A
18 person over the age of 12 years but under the age of 16 years who holds a valid
19 certificate issued by another state or province of the Dominion of Canada need not
20 obtain a certificate from the department if the course content of the program in such
21 other state or province substantially meets that established by the department
22 under this section.

23 **SECTION 9136. Nonstatutory provisions; natural resources.**

24 (1) **RULES FOR SAFETY PROGRAMS OF INSTRUCTION.** The department of natural
25 resources may use the procedure under section 227.24 of the statutes to promulgate

1 rules under sections 23.33 (5) (d), 29.591 (3), 30.74 (1) (b) and 350.055 of the statutes,
2 as affected by this act. Notwithstanding section 227.24 (1) (c) and (2) of the statutes,
3 the emergency rules may remain in effect until January 1, 2000, or the date on which
4 permanent rules take effect, whichever is sooner. Notwithstanding section 227.24
5 (1) (a) and (3) of the statutes, the department is not required to provide evidence that
6 promulgating a rule under this subsection as an emergency rule is necessary for the
7 preservation of public peace, health, safety or welfare and is not required to provide
8 a finding of emergency for a rule promulgated under this subsection.

9 **SECTION 9436. Effective dates; natural resources.**

10 (1) DEPARTMENTAL HUNTING AND RECREATIONAL SAFETY PROGRAMS. The treatment
11 of sections 20.370 (3) ^(at) ~~(a)~~, 23.33 (5) (d), 29.591 (3), 30.74 (1) (b) and 350.055 of the
12 statutes takes effect on January 1, 2000, or on the day after publication, whichever
13 is later.

14 (END)

**1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0197/2ins
MGG:kmg:ijs

no ANL

Under the bill and under current law, the fees not kept by the instructors are remitted to DNR and are deposited in the conservation fund. Under the bill, all of the fees remitted to DNR under the snowmobile, all-terrain vehicle and boating safety education programs, and 50% of the fees remitted under the hunter education program are credited to one appropriation to be used specifically for these safety programs and for snowmobile accident reporting. The other 50% of the fees remitted under the hunter education program are not appropriated for a specific purpose.

Gibson-Glass, Mary

From: Grinde, Kirsten [kirsten.grinde@doa.state.wi.us]
Sent: Tuesday, January 05, 1999 4:24 PM
To: Gibson-Glass, Mary
Subject: LRB 0197/2

Mary,

Sorry I didn't catch this change last time:

Modify s. 29.563(11)(b)1. to list the fee "as established by rule" or repeal this provision if you do not think it necessary in light of the changes you have made to s. 29.591(3) in this draft language.

Also, correct the reference in Section 9436 to refer to the treatment of section 20.370(3)(at) rather than 20.370(3)(mw).

Let me know if you have any questions.

Thanks,

Kirsten



State of Wisconsin
1999 - 2000 LEGISLATURE

3 RMR
LRB-0197
MGG:kmg:km

soon

DOA:.....Grinde - DNR safety courses

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

1

*Don't
Gen. Cat.*
AN ACT relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

OTHER NATURAL RESOURCES

Under current law, the department of natural resources (DNR) administers various programs instructing persons in the safe use of snowmobiles, boats and all-terrain vehicles and in the safe use of firearms and bows for hunting. This bill makes changes to these instruction fees under these programs as follows: *instruction*

1. For the snowmobile safety education program, under current law, the fee for instruction is \$5, and the instructor keeps \$1 of the fee. This bill authorizes DNR to establish the fee by rule and to allow the instructor to keep up to 50% to cover his or her expenses.

2. For the all-terrain vehicle safety education program, current law authorizes DNR to charge an instruction fee. This bill requires that this fee be set by rule. It also authorizes an instructor to keep up to 50% of the fee collected to cover his or her costs.

3. For the boating safety education program, under current law, there is no limit established for the amount that an instructor may keep of the instruction fee to cover his or her expenses. The bill imposes a maximum of 50%.

4. *Under* in the hunter education program, an instructor who is authorized by DNR to conduct the program may keep exactly 50% of the instruction fee to cover his or her expenses. Under the bill, the instructor may keep up to 50%.

hunter education

*instruction
the fee is \$3. set by statute at \$3. Under the bill,
DNR sets the fee by rule. Also, under current law,*

Under the bill and under current law, the fees not kept by the instructors are remitted to DNR and are deposited in the conservation fund. Under the bill, all of the fees remitted to DNR under the snowmobile, all-terrain vehicle and boating safety education programs and 50% of the fees remitted under the hunter education program are credited to one appropriation to be used specifically for these safety programs and for snowmobile accident reporting. The other 50% of the fees remitted under the hunter education program are not appropriated for a specific purpose.

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.** 20.370 (3) (at) of the statutes is created to read:

2 20.370 (3) (at) *Education and safety programs.* Fifty percent of all moneys
3 remitted to the department of natural resources under s. 29.591 (3) and all moneys
4 remitted to the department under ss. 23.33 (5) (d), 30.74 (1) (b) and 350.055 for
5 programs or courses of instruction under ss. 23.33 (5) (d), 29.591, 30.74 (1) (a) and
6 350.055 and for snowmobile accident reporting.

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7 **SECTION 2.** 23.33 (5) (d) of the statutes is amended to read:

8 23.33 (5) (d) *Safety certification program established.* The department shall
9 establish or supervise the establishment of ~~programs~~ a program of instruction on
10 all-terrain vehicle laws, including the intoxicated operation of an all-terrain vehicle
11 law, regulations, safety and related subjects. The department ~~may charge or~~
12 ~~authorize~~ shall establish by rule an instruction fee for this program. An instructor
13 conducting the program of instruction under this paragraph shall collect the fee from
14 each person who receives instruction. The department may determine the portion
15 of this fee, which may not exceed 50%, that the instructor may retain to defray
16 expenses incurred by the instructor in conducting the program. The instructor shall

1 remit the remainder of the fee or, if nothing is retained, the entire fee to the
2 department. ← INS 3-2 ✓

3 **SECTION 3.** 29.591 (3) of the statutes is amended to read:

4 29.591 (3) INSTRUCTION FEE. The department shall establish by rule the fee for
5 the course of instruction under the hunter education program and the bow hunter
6 education program. The instructor shall collect the this instruction fee specified
7 unders. 29.563(11)(b)1. from each person who receives instruction under the hunter
8 education program and the bow hunter education program and remit the fee to the
9 department. The department may authorize an instructor under either program to
10 retain 50% determine the portion of this fee, which may not exceed 50%, that the
11 instructor may retain to defray expenses incurred by the instructor in conducting the
12 course. The instructor shall remit the ~~remaining portion~~ remainder of the fee or, if
13 nothing is retained, the entire fee to the department.

14 **SECTION 4.** 30.74 (1) (b) of the statutes, as affected by 1997 Wisconsin Act 198,
15 is amended to read:

16 30.74 (1) (b) The department shall prescribe the course content, and the form
17 of the certificate and may collect a fee from each person who enrolls in the course.
18 The department may authorize instructors. An instructor conducting such courses
19 meeting standards established by it to retain a course under this subsection shall
20 collect the instruction fee from each person who receives instruction. The
21 department may determine the portion of the this fee, which may not exceed 50%,
22 that the instructor may retain to defray expenses incurred ~~locally to operate the~~
23 program by the instructor in conducting the course. The instructor shall remit the
24 remainder of the fee shall be retained by or, if nothing is retained, the entire fee to
25 the department for the purpose of defraying a part of its expenses incurred to operate

1 the program. The department by rule shall set the fee for the course and the amount
2 of the fee that may be retained by instructors.

3 SECTION 5. 350.055 of the statutes is amended to read:

4 **350.055 Safety certification program established.** The department shall
5 establish a program of instruction on snowmobile laws, including the intoxicated
6 snowmobiling law, regulations, safety and related subjects. The program shall be
7 conducted by instructors certified by the department. The department may procure
8 liability insurance coverage for certified instructors for work within the scope of their
9 duties under this section. Persons satisfactorily completing this program shall
10 receive certification from the department. The department ~~may charge each person~~
11 ~~who enrolls in the course~~ shall establish by rule an instruction fee of \$5 for this
12 program. An instructor conducting a program of instruction under this section shall
13 collect the instruction fee from each person who receives instruction. The
14 department shall ~~may authorize instructors conducting such courses meeting~~
15 ~~standards established by it to retain \$1~~ determine the portion of the this fee, which
16 may not exceed 50%, that the instructor may retain to defray expenses incurred
17 ~~locally to conduct by the instructor in conducting the program.~~ The remaining \$4 of
18 the fee shall be retained by the department to defray a part of its expenses incurred
19 to conduct the safety and accident reporting program instructor shall remit the
20 remainder of the fee or, if nothing is retained, the entire fee to the department. A
21 person over the age of 12 years but under the age of 16 years who holds a valid
22 certificate issued by another state or province of the Dominion of Canada need not
23 obtain a certificate from the department if the course content of the program in such
24 other state or province substantially meets that established by the department
25 under this section.

1 **SECTION 9136. Nonstatutory provisions; natural resources.**

2 (1) RULES FOR SAFETY PROGRAMS OF INSTRUCTION. The department of natural
3 resources may use the procedure under section 227.24 of the statutes to promulgate
4 rules under sections 23.33 (5) (d), 29.591 (3), 30.74 (1) (b) and 350.055 of the statutes,
5 as affected by this act. Notwithstanding section 227.24 (1) (c) and (2) of the statutes,
6 the emergency rules may remain in effect until January 1, 2000, or the date on which
7 permanent rules take effect, whichever is sooner. Notwithstanding section 227.24
8 (1) (a) and (3) of the statutes, the department is not required to provide evidence that
9 promulgating a rule under this subsection as an emergency rule is necessary for the
10 preservation of public peace, health, safety or welfare and is not required to provide
11 a finding of emergency for a rule promulgated under this subsection.

12 **SECTION 9436. Effective dates; natural resources.**

13 (1) DEPARTMENTAL HUNTING AND RECREATIONAL SAFETY PROGRAMS. The treatment
14 of sections 20.370 (3) (at), 23.33 (5) (d), 29.591 (3), 30.74 (1) (b) and 350.055 of the
15 statutes takes effect on January 1, 2000, or on the day after publication, whichever
16 is later.

17 (END)

29.563(11)(b)1.) ✓

Section #. 29.563 (11) (b) 1. of the statutes is amended to read:

29.563 (11) (b) 1. Hunter education and firearm safety instruction fee: \$3.

History: 1997 a. 248.

ed
the fee as established by rule

Ins. 3-2



State of Wisconsin
1999 - 2000 LEGISLATURE

RMR
LRB-0197/4
MGG:kmg:hmh

soon

DOA:.....Grinde - DNR safety courses

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1

Don H. Grinde
Sen. Grinde
AN ACT relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

OTHER NATURAL RESOURCES

Under current law, the department of natural resources (DNR) administers various programs instructing persons in the safe use of snowmobiles, boats and all-terrain vehicles and in the safe use of firearms and bows for hunting. This bill makes changes to these instruction fees under these programs as follows:

1. For the snowmobile safety education program, under current law, the instruction fee is \$5, and the instructor keeps \$1 of the fee. This bill authorizes DNR to establish the fee by rule and to allow the instructor to keep up to 50% to cover his or her expenses.

2. For the all-terrain vehicle safety education program, current law authorizes DNR to charge an instruction fee. This bill requires that this fee be set by rule. It also authorizes an instructor to keep up to 50% of the fee collected to cover his or her costs.

3. For the boating safety education program, under current law, there is no limit established for the amount that an instructor may keep of the instruction fee to cover his or her expenses. The bill imposes a maximum of 50%.

4. Under the hunter education program, the instruction fee is set by statute at \$3. Under the bill, DNR sets the fee by rule. Also, under current law, an instructor who is authorized by DNR to conduct the hunter education program may keep

exactly 50% of the instruction fee to cover his or her expenses. Under the bill, the instructor may keep up to 50%.

Under the bill and under current law, the fees not kept by the instructors are remitted to DNR and are deposited in the conservation fund. Under the bill, all of the fees remitted to DNR under the snowmobile, all-terrain vehicle and boating safety education programs and 50% of the fees remitted under the hunter education program are credited to one appropriation to be used specifically for these safety programs ~~and for snowmobile accident reporting~~. The other 50% of the fees remitted under the hunter education program are not appropriated for a specific purpose. ✓

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.** 20.370 (3) (at) of the statutes is created to read:

2 20.370 (3) (at) *Education and safety programs.* Fifty percent of all moneys
3 remitted to the department of natural resources under s. 29.591 (3) and all moneys
4 remitted to the department under ss. 23.33 (5) (d), 30.74 (1) (b) and 350.055 for
5 programs or courses of instruction under ss. 23.33 (5) (d), 29.591, 30.74 (1) (a) and
6 350.055 ~~and for snowmobile accident reporting~~ ✓

 ***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7 **SECTION 2.** 23.33 (5) (d) of the statutes is amended to read:

8 23.33 (5) (d) *Safety certification program established.* The department shall
9 establish or supervise the establishment of ~~programs~~ a program of instruction on
10 all-terrain vehicle laws, including the intoxicated operation of an all-terrain vehicle
11 law, regulations, safety and related subjects. The department ~~may charge or~~
12 ~~authorize~~ shall establish by rule an instruction fee for this program. An instructor
13 conducting the program of instruction under this paragraph shall collect the fee from
14 each person who receives instruction. The department may determine the portion
15 of this fee, which may not exceed 50%, that the instructor may retain to defray

1 expenses incurred by the instructor in conducting the program. The instructor shall
2 remit the remainder of the fee or, if nothing is retained, the entire fee to the
3 department.

4 **SECTION 3.** 29.563 (11) (b) 1. of the statutes is amended to read:

5 29.563 (11) (b) 1. Hunter education and firearm safety instruction fee: ~~\$3~~ the
6 fee as established by rule.

7 **SECTION 4.** 29.591 (3) of the statutes is amended to read:

8 29.591 (3) INSTRUCTION FEE. The department shall establish by rule the fee for
9 the course of instruction under the hunter education program and the bow hunter
10 education program. The instructor shall collect the ~~this~~ instruction fee specified
11 under s. 29.563 (11) (b) 1. from each person who receives instruction under the hunter
12 education program and the bow hunter education program and remit the fee to the
13 department. The department may ~~authorize an instructor under either program to~~
14 retain 50% ~~determine the portion~~ of this fee, which may not exceed 50%, that the
15 instructor may retain to defray expenses incurred by the instructor in conducting the
16 course. The instructor shall remit the ~~remaining portion~~ remainder of the fee or, if
17 nothing is retained, the entire fee to the department.

18 **SECTION 5.** 30.74 (1) (b) of the statutes, as affected by 1997 Wisconsin Act 198,
19 is amended to read:

20 30.74 (1) (b) The department shall prescribe the course content, and the form
21 of the certificate and may collect a fee from each person who enrolls in the course.
22 The department may authorize instructors. An instructor conducting such courses
23 meeting standards established by it to retain a course under this subsection shall
24 collect the instruction fee from each person who receives instruction. The
25 department may determine the portion of the ~~this~~ fee, which may not exceed 50%.

1 ~~that the instructor may retain to defray expenses incurred locally to operate the~~
2 ~~program by the instructor in conducting the course. The instructor shall remit the~~
3 ~~remainder of the fee shall be retained by or, if nothing is retained, the entire fee to~~
4 ~~the department for the purpose of defraying a part of its expenses incurred to operate~~
5 ~~the program. The department by rule shall set the fee for the course and the amount~~
6 ~~of the fee that may be retained by instructors.~~

7 SECTION 6. 350.055 of the statutes is amended to read:

8 **350.055 Safety certification program established.** The department shall
9 establish a program of instruction on snowmobile laws, including the intoxicated
10 snowmobiling law, regulations, safety and related subjects. The program shall be
11 conducted by instructors certified by the department. The department may procure
12 liability insurance coverage for certified instructors for work within the scope of their
13 duties under this section. Persons satisfactorily completing this program shall
14 receive certification from the department. The department ~~may charge each person~~
15 ~~who enrolls in the course shall establish by rule an instruction fee of \$5 for this~~
16 ~~program. An instructor conducting a program of instruction under this section shall~~
17 ~~collect the instruction fee from each person who receives instruction. The~~
18 ~~department shall may authorize instructors conducting such courses meeting~~
19 ~~standards established by it to retain \$1 determine the portion of the this fee, which~~
20 ~~may not exceed 50%, that the instructor may retain to defray expenses incurred~~
21 ~~locally to conduct by the instructor in conducting the program. The remaining \$4 of~~
22 ~~the fee shall be retained by the department to defray a part of its expenses incurred~~
23 ~~to conduct the safety and accident reporting program instructor shall remit the~~
24 ~~remainder of the fee or, if nothing is retained, the entire fee to the department. A~~
25 person over the age of 12 years but under the age of 16 years who holds a valid

1 certificate issued by another state or province of the Dominion of Canada need not
2 obtain a certificate from the department if the course content of the program in such
3 other state or province substantially meets that established by the department
4 under this section.

5 **SECTION 9136. Nonstatutory provisions; natural resources.**

6 (1) RULES FOR SAFETY PROGRAMS OF INSTRUCTION. The department of natural
7 resources may use the procedure under section 227.24 of the statutes to promulgate
8 rules under sections 23.33 (5) (d), 29.591 (3), 30.74 (1) (b) and 350.055 of the statutes,
9 as affected by this act. Notwithstanding section 227.24 (1) (c) and (2) of the statutes,
10 the emergency rules may remain in effect until January 1, 2000, or the date on which
11 permanent rules take effect, whichever is sooner. Notwithstanding section 227.24
12 (1) (a) and (3) of the statutes, the department is not required to provide evidence that
13 promulgating a rule under this subsection as an emergency rule is necessary for the
14 preservation of public peace, health, safety or welfare and is not required to provide
15 a finding of emergency for a rule promulgated under this subsection.

16 **SECTION 9436. Effective dates; natural resources.**

17 (1) DEPARTMENTAL HUNTING AND RECREATIONAL SAFETY PROGRAMS. The treatment
18 of sections 20.370 (3) (at), 23.33 (5) (d), 29.563 (11) (b) 1., 29.591 (3), 30.74 (1) (b) and
19 350.055 of the statutes takes effect on January 1, 2000, or on the day after
20 publication, whichever is later.

21 (END)

207
209

Gibson-Glass, Mary

From: Grinde, Kirsten
Sent: Friday, January 29, 1999 3:12 PM
To: Gibson-Glass, Mary
Subject: LRB 0197/3

Mary,

Please modify LRB 0197/3 as follows:

Page 2, line 6, remove "and for snowmobile accident reporting"

Thanks,

Kirsten



State of Wisconsin
1999 - 2000 LEGISLATURE

soon D-Note

RMR

LRB-0197/A 5
MGG:kmg:jf

DOA:.....Grinde - DNR safety courses

FOR 1999-01 BUDGET -- NOT READY FOR INTRODUCTION

do not gen
1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

OTHER NATURAL RESOURCES

Under current law, the department of natural resources (DNR) administers various programs instructing persons in the safe use of snowmobiles, boats and all-terrain vehicles and in the safe use of firearms and bows for hunting. This bill makes changes to these instruction fees under these programs as follows:

1. For the snowmobile safety education program, under current law, the instruction fee is \$5, and the instructor keeps \$1 of the fee. This bill authorizes DNR to establish the fee by rule and to allow the instructor to keep up to 50% to cover his or her expenses.

2. For the all-terrain vehicle safety education program, current law authorizes DNR to charge an instruction fee. This bill requires that this fee be set by rule. It also authorizes an instructor to keep up to 50% of the fee collected to cover his or her costs.

3. For the boating safety education program, under current law, there is no limit established for the amount that an instructor may keep of the instruction fee to cover his or her expenses. The bill imposes a maximum of 50%.

4. Under the hunter education program, the instruction fee is set by statute at \$3. Under the bill, DNR sets the fee by rule. Also, under current law, an instructor who is authorized by DNR to conduct the hunter education program may keep

exactly 50% of the instruction fee to cover his or her expenses. Under the bill, the instructor may keep up to 50%.

Under the bill and under current law, the fees not kept by the instructors are remitted to DNR and are deposited in the conservation fund. Under the bill, all of the fees remitted to DNR under the snowmobile, all-terrain vehicle and boating safety education programs and 50% of the fees remitted under the hunter education program are credited to one appropriation to be used specifically for these safety programs. The other 50% of the fees remitted under the hunter education program are not appropriated for a specific purpose.

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.** 20.370 (3) (at) of the statutes is created to read:

2 20.370 (3) (at) *Education and safety programs.* Fifty percent of all moneys
3 remitted to the department of natural resources under s. 29.591 (3) and all moneys
4 remitted to the department under ss. 23.33 (5) (d), 30.74 (1) (b) and 350.055 for
5 programs or courses of instruction under ss. 23.33 (5) (d), 29.591, 30.74 (1) (a) and
6 350.055.

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7 **SECTION 2.** 23.33 (5) (d) of the statutes is amended to read:

8 23.33 (5) (d) *Safety certification program established.* The department shall
9 establish or supervise the establishment of ~~programs~~ a program of instruction on
10 all-terrain vehicle laws, including the intoxicated operation of an all-terrain vehicle
11 law, regulations, safety and related subjects. The department ~~may charge or~~
12 ~~authorize~~ shall establish by rule an instruction fee for this program. An instructor
13 conducting the program of instruction under this paragraph shall collect the fee from
14 each person who receives instruction. The department may determine the portion
15 of this fee, which may not exceed 50%, that the instructor may retain to defray

1 expenses incurred by the instructor in conducting the program. The instructor shall
2 remit the remainder of the fee or, if nothing is retained, the entire fee to the
3 department.

4 **SECTION 3.** 29.563 (11) (b) 1. of the statutes is amended to read:

5 29.563 (11) (b) 1. Hunter education and firearm safety instruction fee: ~~\$\$~~ the
6 fee as established by rule.

7 **SECTION 4.** 29.591 (3) of the statutes is amended to read:

8 29.591 (3) INSTRUCTION FEE. The department shall establish by rule the fee for
9 the course of instruction under the hunter education program and the bow hunter
10 education program. The instructor shall collect the ~~this~~ instruction fee specified
11 unders. 29.563 (11)(b) 1. from each person who receives instruction under the hunter
12 education program and the bow hunter education program and remit the fee to the
13 department. The department may ~~authorize an instructor under either program to~~
14 retain 50% ~~determine the portion~~ of this fee, which may not exceed 50%, that the
15 instructor may retain to defray expenses incurred by the instructor in conducting the
16 course. The instructor shall remit the ~~remaining portion~~ remainder of the fee or, if
17 nothing is retained, the entire fee to the department.

18 **SECTION 5.** 30.74 (1) (b) of the statutes, as affected by 1997 Wisconsin Act 198,
19 is amended to read:

20 30.74 (1) (b) The department shall prescribe the course content, and the form
21 of the certificate and may collect a fee from each person who enrolls in the course.
22 The department may authorize instructors. An instructor conducting such courses
23 meeting standards established by it to ~~retain a course under this subsection shall~~
24 collect the instruction fee from each person who receives instruction. The
25 department may determine the portion of the ~~this~~ fee, which may not exceed 50%.

1 that the instructor may retain to defray expenses incurred locally to operate the
2 program by the instructor in conducting the course. The instructor shall remit the
3 remainder of the fee shall be retained by or, if nothing is retained, the entire fee to
4 the department for the purpose of defraying a part of its expenses incurred to operate
5 the program. The department by rule shall set the fee for the course and the amount
6 of the fee that may be retained by instructors.

7 **SECTION 6.** 350.055 of the statutes is amended to read:

8 **350.055 Safety certification program established.** The department shall
9 establish a program of instruction on snowmobile laws, including the intoxicated
10 snowmobiling law, regulations, safety and related subjects. The program shall be
11 conducted by instructors certified by the department. The department may procure
12 liability insurance coverage for certified instructors for work within the scope of their
13 duties under this section. Persons satisfactorily completing this program shall
14 receive certification from the department. The department ~~may charge each person~~
15 ~~who enrolls in the course~~ shall establish by rule an instruction fee of \$5 for this
16 program. An instructor conducting a program of instruction under this section shall
17 collect the instruction fee from each person who receives instruction. The
18 department shall ~~may authorize instructors conducting such courses meeting~~
19 ~~standards established by it to retain \$1~~ determine the portion of the this fee, which
20 may not exceed 50%, that the instructor may retain to defray expenses incurred
21 ~~locally to conduct by the instructor in conducting the program.~~ The ~~remaining \$4 of~~
22 ~~the fee shall be retained by the department to defray a part of its expenses incurred~~
23 ~~to conduct the safety and accident reporting program~~ instructor shall remit the
24 remainder of the fee or, if nothing is retained, the entire fee to the department. A
25 person over the age of 12 years but under the age of 16 years who holds a valid

1 ~~certificate issued by another state or province of the Dominion of Canada need not~~
 2 ~~obtain a certificate from the department if the course content of the program in such~~
 3 ~~other state or province substantially meets that established by the department~~
 4 ~~under this section.~~

5 **SECTION 9136. Nonstatutory provisions; natural resources.**

6 (1) RULES FOR SAFETY PROGRAMS OF INSTRUCTION. The department of natural
 7 resources may use the procedure under section 227.24 of the statutes to promulgate
 8 rules under sections 23.33 (5) (d), 29.591 (3), 30.74 (1) (b) and 350.055 of the statutes,
 9 as affected by this act. Notwithstanding section 227.24 (1) (c) and (2) of the statutes,
 10 the emergency rules may remain in effect until January 1, 2000, or the date on which
 11 permanent rules take effect, whichever is sooner. Notwithstanding section 227.24
 12 (1) (a) and (3) of the statutes, the department is not required to provide evidence that
 13 promulgating a rule under this subsection as an emergency rule is necessary for the
 14 preservation of public peace, health, safety or welfare and is not required to provide
 15 a finding of emergency for a rule promulgated under this subsection.

16 **SECTION 9436. Effective dates; natural resources.**

17 (1) DEPARTMENTAL HUNTING AND RECREATIONAL SAFETY PROGRAMS. The treatment
 18 of sections 20.370 (3) (at), 23.33 (5) (d), 29.563 (11) (b) 1., 29.591 (3) ^{and} 30.74 (1) (b) ^{and}
 19 ~~350.055~~ ^{and} of the statutes takes effect on January 1, 2000, or on the day after
 20 publication, whichever is later.

21 (END)

and the amendment of 350.055 (by SECTION 9436) of the statutes

D-Note

Revised Guide:

This draft reconciles LRB-019615 and -019714.

Both drafts should continue to appear in the
compile.

HYH

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0197/5dn
MGG:kmg:km

February 3, 1999

Kirsten Grinde:

This draft reconciles LRB-0196/5 and LRB-0197/4. Both drafts should continue to appear in the compile.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0197/5
MGG:kmg:km

DOA:.....Grinde - DNR safety courses

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

OTHER NATURAL RESOURCES

Under current law, the department of natural resources (DNR) administers various programs instructing persons in the safe use of snowmobiles, boats and all-terrain vehicles and in the safe use of firearms and bows for hunting. This bill makes changes to these instruction fees under these programs as follows:

1. For the snowmobile safety education program, under current law, the instruction fee is \$5, and the instructor keeps \$1 of the fee. This bill authorizes DNR to establish the fee by rule and to allow the instructor to keep up to 50% to cover his or her expenses.

2. For the all-terrain vehicle safety education program, current law authorizes DNR to charge an instruction fee. This bill requires that this fee be set by rule. It also authorizes an instructor to keep up to 50% of the fee collected to cover his or her costs.

3. For the boating safety education program, under current law, there is no limit established for the amount that an instructor may keep of the instruction fee to cover his or her expenses. The bill imposes a maximum of 50%.

4. Under the hunter education program, the instruction fee is set by statute at \$3. Under the bill, DNR sets the fee by rule. Also, under current law, an instructor who is authorized by DNR to conduct the hunter education program may keep

exactly 50% of the instruction fee to cover his or her expenses. Under the bill, the instructor may keep up to 50%.

Under the bill and under current law, the fees not kept by the instructors are remitted to DNR and are deposited in the conservation fund. Under the bill, all of the fees remitted to DNR under the snowmobile, all-terrain vehicle and boating safety education programs and 50% of the fees remitted under the hunter education program are credited to one appropriation to be used specifically for these safety programs. The other 50% of the fees remitted under the hunter education program are not appropriated for a specific purpose.

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.** 20.370 (3) (at) of the statutes is created to read:

2 20.370 (3) (at) *Education and safety programs.* Fifty percent of all moneys
3 remitted to the department of natural resources under s. 29.591 (3) and all moneys
4 remitted to the department under ss. 23.33 (5) (d), 30.74 (1) (b) and 350.055 for
5 programs or courses of instruction under ss. 23.33 (5) (d), 29.591, 30.74 (1) (a) and
6 350.055.

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7 **SECTION 2.** 23.33 (5) (d) of the statutes is amended to read:

8 23.33 (5) (d) *Safety certification program established.* The department shall
9 establish or supervise the establishment of ~~programs~~ a program of instruction on
10 all-terrain vehicle laws, including the intoxicated operation of an all-terrain vehicle
11 law, regulations, safety and related subjects. The department ~~may charge or~~
12 ~~authorize~~ shall establish by rule an instruction fee for this program. An instructor
13 conducting the program of instruction under this paragraph shall collect the fee from
14 each person who receives instruction. The department may determine the portion
15 of this fee, which may not exceed 50%, that the instructor may retain to defray

1 expenses incurred by the instructor in conducting the program. The instructor shall
2 remit the remainder of the fee or, if nothing is retained, the entire fee to the
3 department.

4 **SECTION 3.** 29.563 (11) (b) 1. of the statutes is amended to read:

5 29.563 (11) (b) 1. Hunter education and firearm safety instruction fee: ~~\$3~~ the
6 fee as established by rule.

7 **SECTION 4.** 29.591 (3) of the statutes is amended to read:

8 29.591 (3) INSTRUCTION FEE. The department shall establish by rule the fee for
9 the course of instruction under the hunter education program and the bow hunter
10 education program. The instructor shall collect the this instruction fee specified
11 under s. 29.563 (11) (b) 1. from each person who receives instruction under the hunter
12 education program and the bow hunter education program and remit the fee to the
13 department. The department may ~~authorize an instructor under either program to~~
14 ~~retain 50%~~ determine the portion of this fee, which may not exceed 50%, that the
15 instructor may retain to defray expenses incurred by the instructor in conducting the
16 course. The instructor shall remit the ~~remaining portion~~ remainder of the fee or, if
17 nothing is retained, the entire fee to the department.

18 **SECTION 5.** 30.74 (1) (b) of the statutes, as affected by 1997 Wisconsin Act 198,
19 is amended to read:

20 30.74 (1) (b) The department shall prescribe the course content, and the form
21 of the certificate ~~and may collect a fee from each person who enrolls in the course.~~
22 ~~The department may authorize instructors.~~ An instructor conducting such courses
23 ~~meeting standards established by it to retain a~~ course under this subsection shall
24 collect the instruction fee from each person who receives instruction. The
25 department may determine the portion of the this fee, which may not exceed 50%.

1 ~~that the instructor may retain~~ to defray expenses incurred ~~locally to operate the~~
2 ~~program by the instructor in conducting the course.~~ The instructor shall remit the
3 remainder of the fee shall be retained by or, if nothing is retained, the entire fee to
4 the department for the purpose of defraying a part of its expenses incurred to operate
5 the program. The department by rule shall set the fee for the course ~~and the amount~~
6 ~~of the fee that may be retained by instructors.~~

7 **SECTION 9136. Nonstatutory provisions; natural resources.**

8 (1) RULES FOR SAFETY PROGRAMS OF INSTRUCTION. The department of natural
9 resources may use the procedure under section 227.24 of the statutes to promulgate
10 rules under sections 23.33 (5) (d), 29.591 (3), 30.74 (1) (b) and 350.055 of the statutes,
11 as affected by this act. Notwithstanding section 227.24 (1) (c) and (2) of the statutes,
12 the emergency rules may remain in effect until January 1, 2000, or the date on which
13 permanent rules take effect, whichever is sooner. Notwithstanding section 227.24
14 (1) (a) and (3) of the statutes, the department is not required to provide evidence that
15 promulgating a rule under this subsection as an emergency rule is necessary for the
16 preservation of public peace, health, safety or welfare and is not required to provide
17 a finding of emergency for a rule promulgated under this subsection.

18 **SECTION 9436. Effective dates; natural resources.**

19 (1) DEPARTMENTAL HUNTING AND RECREATIONAL SAFETY PROGRAMS. The treatment
20 of sections 20.370 (3) (at), 23.33 (5) (d), 29.563 (11) (b) 1., 29.591 (3) and 30.74 (1) (b)
21 of the statutes takes effect on January 1, 2000, or on the day after publication,
22 whichever is later.

23 (END)