

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-AB133)**

Received: **04/30/99**

Received By: **gibsom**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau 68314**

By/Representing: **Kava**

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

Drafter: **gibsom**

May Contact:

Alt. Drafters:

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

Extra Copies:

**Pre Topic:**

LFB:.....Kava -

**Topic:**

Safety education course fees

**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 05/3/99	gilfokm 05/3/99	martykr 05/4/99	_____	lrb_docadmin 05/4/99		
/2	gibsom 05/18/99	gilfokm 05/18/99	martykr 05/20/99	_____	lrb_docadmin 05/20/99		

FE Sent For:

<END>

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-AB133)**

Received: **04/30/99**

Received By: **gibsom**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau 68314**

By/Representing: **Kava**

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

Drafter: **gibsom**

May Contact:

Alt. Drafters:

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

Extra Copies:

**Pre Topic:**

LFB:.....Kava -

**Topic:**

Safety education course fees

**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 05/3/99	gilfokm 05/3/99	martykr 05/4/99	_____	lrb_docadmin 05/4/99		
FE Sent For:		12-5-18-99 fmg	Km 5/19	JA Km 5/19			

<END>

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-AB133)**

Received: 04/30/99

Received By: gibsom

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau 68314

By/Representing: Kava

This file may be shown to any legislator: NO

Drafter: gibsom

May Contact:

Alt. Drafters:

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

Extra Copies:

**Pre Topic:**

LFB:.....Kava -

**Topic:**

Safety education course fees

**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	1-5-99 King	Jm 5/4	Jm 5/4			

FE Sent For:

<END>



# Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

1166

April 27, 1999

Joint Committee on Finance

Paper #679

## Safety Education Course Fees (DNR -- Recreational Programs)

[LFB 1999-01 Budget Summary: Page 429, #10]

### CURRENT LAW

The Department of Natural Resources is required to administer programs that instruct persons in all-terrain vehicle (ATV), boat, snowmobile and hunting laws, regulations, safety and related subjects. The programs are conducted by instructors certified by the Department. The following table summarizes the fees charged for each course, how much of that fee may be retained by the instructor and where these provisions are established.

<u>Safety Course</u>	<u>Course Fee</u>	<u>Instructor Share</u>	<u>Where Established</u>
ATV	DNR may charge fee	Not specified	Statute
Boat (eff. 5-1-99)	\$10	Up to \$5	Administrative rule
Hunter	\$3	\$1.50	Statute
Snowmobile	\$5	\$1	Statute

Fees from these safety courses are deposited into their respective accounts in the conservation fund, and revenues can be used to support any of the statutorily-authorized expenditures from those accounts.

### GOVERNOR

Provide \$195,500 annually from the conservation fund for the ATV, boat, snowmobile and hunter education programs administered by the Department in a new, continuing appropriation within DNR into which all of the money remitted to the Department for ATV, boat and snowmobile education courses and 50% of the money remitted for the hunter education courses would be deposited, for expenditures related to the education courses. (The remaining

50% of hunter education course fee revenue would be available for general fish and wildlife account expenditures.) Also, delete \$35,000 from the boat enforcement and safety appropriation and \$3,000 from the ATV enforcement and safety appropriation related to education course expenditures.

In addition, standardize the operation of the education programs, effective January 1, 2000, as follows: (a) require the Department to establish in administrative rule a fee for each of the safety programs; (b) require the instructors conducting the programs to collect the instruction fee from each person who receives instruction; (c) allow the Department to determine the portion of the fee, not to exceed 50%, that the instructors of the courses may retain to defray expenses incurred in conducting the programs; and (d) require the instructors to remit the remainder of the fee to DNR.

Allow DNR to publish emergency rules, without the finding of an emergency, to implement these provisions. Allow the rules to remain in effect until January 1, 2000, or the date on which permanent rules take effect, whichever is sooner.

## **DISCUSSION POINTS**

1. Prior to 1997 Act 198, the fee for the boat safety education course was set in statute at \$2, with the instructors of the courses allowed to retain \$1 from each course fee. That act required the Department to set the fee for the course and the amount of the fee that could be retained by instructors in rule. The budget bill would provide similar authority for the ATV, snowmobile and hunter education programs. In the DNR rule promulgated subsequent to 1997 Act 198, the fee for the boat safety education program was set at \$10, with course instructors allowed to retain up to \$5 from each course fee to defray expenses.

2. The Department anticipates, if the provisions in the bill are enacted, that the fees for the ATV, snowmobile and hunter safety education programs would also be set at \$10, with course instructors allowed to retain up to \$5 from each course fee to defray expenses.

3. The reductions in the boat and ATV enforcement and safety appropriations reflect expenditures for safety education that are being paid out of existing appropriations that would be funded from the new appropriation under the bill. A reduction of \$38,500 that would have been taken from the existing snowmobile enforcement and safety appropriation was instead reallocated to partially fund the mandatory snowmobile education initiative in the bill.

4. The Department indicates that this proposal was intended, in part, to increase the amount of money course instructors can retain from each fee. Currently, some course instructors use their own equipment and materials, and the increased instructor share from course fees was seen as an appropriate method of addressing this issue.

5. In addition, DNR indicates that by setting the fees in rule, they could be more easily adjusted in the future to be set to cover the costs of the programs. The Department notes that the

statutory fees have not been increased since the 1970s and that this proposed fee increase under rule would allow for a maintenance of current effort related to the safety programs.

6. It could be argued that if the Department intends only to maintain its current level of effort on safety education courses that no net appropriation increase should be provided under the bill. In addition to the reductions taken by the Governor, additional reductions of \$112,000 for hunter safety education and \$7,000 for ATV safety education could be taken. (The \$38,500 reallocated for mandatory snowmobile education will be considered in a separate LFB issue paper.)

7. Setting the fees in statute allows for greater legislative control of the fees charged. However, the process for legislative review of administrative rules would still allow for some oversight of the fee levels under the provisions of the bill.

8. Further, the Department argues that depositing the fees into a separate appropriation would allow the revenue from the fees to be set in line with expenditures for the courses. As a result, other sources of revenue to the account would not subsidize expenditures related to the safety courses.

9. Rather than establishing a separate appropriation for safety course fees, however, the current appropriation structure could be maintained while the authority to set fees in rule could be granted. This would increase revenue to the respective accounts to be used to fund any authorized expenditures from the accounts.

10. Under the bill, the emergency rule authority related to the safety course fees would expire on the same date the authority to promulgate rules would go into effect. The bill could be corrected to make the changes to the safety course fee structure effective on the first day of the second month after publication of the budget, with emergency rule authority effective through April 1, 2000, or upon promulgation of permanent rules, whichever is earlier. This would allow for the transition between current law and bill provisions.

## ALTERNATIVES

1. Approve the Governor's recommendation (effective on the first day of the second month after publication of the budget, with emergency rule authority effective through April 1, 2000, or upon promulgation of permanent rules, whichever is earlier) to provide \$195,500 annually in a new appropriation from the conservation fund for the all-terrain vehicle (ATV), boat, snowmobile and hunter education programs administered by the Department and to allow the Department, under emergency rule authority, to set provisions related to the course fee and the instructor's share of the fee in administrative rule. Also, delete \$35,000 from the boat enforcement and safety appropriation and \$3,000 from the ATV enforcement and safety appropriation.

2. Approve the Governor's recommendation, with the modified effective dates, and delete an additional \$112,000 related to hunter safety education and \$7,000 related to ATV safety education to maintain the current level of funding for safety education programs.

*draft*

<b>Alternative 2</b>	<b>SEG</b>
1999-01 FUNDING (Change to Bill)	- \$238,000

3. Allow the Department, under emergency rule authority, to set provisions related to the course fee and the instructor's share of the fee in administrative rule. (The current appropriation structure for the course fees would be maintained.)

<b>Alternative 3</b>	<b>SEG</b>
1999-01 REVENUE (Change to Bill)	\$315,000
1999-91 FUNDING (Change to Bill)	- \$315,000

4. Maintain current law.

<b>Alternative 4</b>	<b>SEG</b>
1999-01 FUNDING (Change to Bill)	- \$315,000

Prepared by: Russ Kava

1999

Date (time) needed soon

LRB b 0219 1 1 <sup>RMR</sup>

**LFB BUDGET AMENDMENT  
[ONLY FOR LFB]**

MGR : KMG : \_\_\_\_\_

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**LFB AMENDMENT  
TO 1999 ASSEMBLY BILL (133) AND 1999 SENATE BILL (45)**

>>FOR JT. FIN. SUB. — NOT FOR INTRODUCTION<<

At the locations indicated, amend the bill as follows:

✓ #. Page 197<sup>A</sup>, line 19.: delete that line and substitute "of the statutes takes effect on the first day of the 2nd month beginning after publication."

✓ #. Page 177<sup>A</sup>, line 20.: delete that line.

(End)

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :



**Gibson-Glass, Mary**

---

**From:** Kava, Russ  
**Sent:** Wednesday, May 12, 1999 4:54 PM  
**To:** Gibson-Glass, Mary  
**Subject:** Question on b0219/1

Mary,

For the safety education course fee amendment, wouldn't s. 9136(1) also need to be changed to allow the emergency rules to remain in effect until April 1, 2000?

Russ

\*\*\*\*\*

Russ Kava  
Legislative Fiscal Bureau  
[Russ.Kava@legis.state.wi.us](mailto:Russ.Kava@legis.state.wi.us)  
Phone: (608) 266-3847



State of Wisconsin  
1999 - 2000 LEGISLATURE

2  
LRBb0219/1  
MGG:kmg:km

*soon*

LFB:.....Kava - Safety education course fees

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1474, line 19: delete that line and substitute "of the statutes takes  
3 effect on the first day of the 2nd month beginning after publication."

4 **2.** Page 1474, line 20: delete that line.

5 (END)

✓ #. Page 1410, line 23: substitute "April" for "January".



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb0219/2  
MGG:kmg:km

LFB:.....Kava - Safety education course fees

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

**LFB AMENDMENT**

**TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1410, line 23: substitute "April" for "January".

3 **2.** Page 1474, line 19: delete that line and substitute "of the statutes takes  
4 effect on the first day of the 2nd month beginning after publication."

5 **3.** Page 1474, line 20: delete that line.

6 (END)