

FEB 07 2001

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

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)

RULES CLEARINGHOUSE

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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

WISCONSIN LEGISLATIVE COUNCIL STAFF

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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.