

AUG 01 2000

LCRC  
FORM 2

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)]

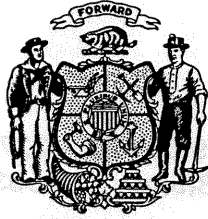
Comment Attached YES  NO

# 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 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.

Report to  
Legislative Council Rules Clearinghouse  
NR 19.50 and 64.09, Wis. Adm. Code  
Natural Resources Board Order No. LE-32-00

Wisconsin Statutory Authority

ss. 20.370(3)(at), 23.33(4Z)(a), 29.591(3), 227.11(2)(a) and 350.108(1), Stats., interpreting ss. 23.33(4Z)(a), 23.33(5)(d), 29.563(11)(b)1., 29.591(1) and (3) and 350.108(1), Stats.

Federal Authority

N/A

Court Decisions Directly Relevant

None

Analysis of the Rule - Rule Effect - Reason for the Rule

The proposed rule stems from the budget which transfer authority from state statutes to administrative code to regulate student fees for the ATV education, snowmobile education and hunter education programs. The department fees have remained at \$3.00 per student for several years. The proposed fee is an increase from \$3 to \$10 per student. Of this amount, the volunteer instructors would still be able to retain up to 50% of the student fee to cover incurred expenses. This proposal also standardizes the per student fee.

NO  
ATV  
\$5

Agency Procedures for Promulgation

Public hearings, Natural Resources Board final adoption, followed by legislative review.

Description of any Forms (attach copies if available)

None

Name and Telephone Number of Agency Liaisons

Tim Lawhern, Bureau of Law Enforcement – 266-1317  
Michael Lutz, Bureau of Legal Services – 267-7456  
Carol Turner, Bureau of Legal Services - 266-1959

Submitted on July 5, 2000

ORIGINAL  UPDATED  
 CORRECTED  SUPPLEMENTAL

**FISCAL ESTIMATE**  
DOA-2048 N(R10/94)

**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.

- Increase Existing Appropriation
- Decrease Existing Appropriation
- Create New Appropriation
- Increase Existing Revenues
- Decrease Existing Revenues

- Increase Costs - May be possible to Absorb Within Agency's Budget  Yes  No
- Decrease Costs

Local:  No local government costs

- 1.  Increase Costs
  - Permissive  Mandatory
- 2.  Decrease Costs
  - Permissive  Mandatory

- 3.  Increase Revenues
  - Permissive  Mandatory
- 4.  Decrease Revenues
  - Permissive  Mandatory

5. Types of Local Government Units Affected:
- Towns  Villages  Cities
  - Counties  WTCS Districts
  - School Districts  Others

**Fund Sources Affected**

- GPR  FED  PRO  PRS  SEG  SEG-S

**Affected Ch. 20 Appropriations**

20.370(3)(at)

**Assumptions Used in Arriving at Fiscal Estimate**

**SUMMARY OF BILL -**

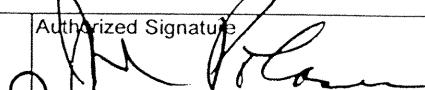
Annually there are approximately 30,000 graduates of the hunter education program, 8,000 in the snowmobile and 2,000 in the ATV program. If 50% of the student fees collected are returned to the department based on a \$10.00 per student fee, this would come to a total of \$200,000 annually. This figure is a minimum. If the course expenses do not reach 50% of the student fee then the remainder must also be returned to the Department.

This provides no net increase in funding to the safety programs, but does represent an increase in the proportion of expenses 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 buget for safety education courses at the current level only.

Agency	Prepared By	Phone No.	Authorized Signature	Phone No.	Date
DNR	Joe Polasek	(608) 266-2794		(608) 266-2794	05/24/2000

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 to create NR 19.50 relating to ATV, snowmobile, bowhunter and hunter education fees.

LE - 32-00

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 20.370(3)(at), 23.33(4Z)(a), 29.591 (3), 227(11)(a), and 350.108(1), Stats.  
Statutes interpreted: ss. 23.33(4Z) (a), 23.33(5)(d), 29.563 (11)(b) 1., 29.591(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:

5 NR 19.50 The fee for the atv, bowhunter, snowmobile and hunter education certification program 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 rule was approved and adopted by the State of Wisconsin Natural Resources Board on \_\_\_\_\_, 2000.

The rule 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)