



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

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 02-042

AN ORDER to amend Comm 2.17 (2) Table 2.17 and (5) and 8.13 (4), relating to mine safety fees.

Submitted by **DEPARTMENT OF COMMERCE**

04-04-02 RECEIVED BY LEGISLATIVE COUNCIL.
05-01-02 REPORT SENT TO AGENCY.

RNS:DLS:ksm;flu

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



P.O. Box 7970
Madison, Wisconsin 53707
(608) 266-1018
TDD#: (608) 264-8777
www.commerce.state.wi.us

Scott McCallum, Governor
Philip Edw. Albert, Secretary

April 4, 2002

Ronald Sklansky, Director
Administrative Rules Clearinghouse
Wisconsin Legislative Council
1 East Main Street, Suite 401
Madison, WI 53703

Dear Mr. Sklansky:

**TRANSMITTAL OF PROPOSED ADMINISTRATIVE RULES
FOR LEGISLATIVE COUNCIL REVIEW**

RULE NO.: Sections Comm 2.17 and 8.13

RELATING TO Mine Safety Fees

Pursuant to section 227.15, Stats., agencies are required to submit copies of the proposed rules to the Legislative Council for review.

The attached proposed rules are in the form and style specified by section 227.14, Stats, and are being forwarded to you for review. Also attached are copies of an agency rule report, public notice, fiscal estimate, and initial regulatory flexibility analysis.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Philip Edw. Albert', written in a cursive style.

Philip Edw. Albert
Secretary

STATE OF WISCONSIN
DEPARTMENT OF COMMERCE

**NOTICE OF
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that pursuant to ss. 101.15 (2) (e) and 101.19 (1) (h), Stats., the Department of Commerce will hold a public hearing on proposed rules relating to mine safety fees.

The public hearing will be held as follows:

Date and Time:

Wednesday, May 15, 2002
1:00 p.m.

Location:

Room 3C, Thompson Commerce Center
201 West Washington Avenue
Madison

Interested persons are invited to appear at the hearing and present comments on the proposed rules. Persons making oral presentations are requested to submit their comments in writing. Persons submitting comments will not receive individual responses. The hearing record on this proposed rulemaking will remain open until **May 24, 2002**, to permit submittal of written comments from persons who are unable to attend the hearing or who wish to supplement testimony offered at the hearing. Written comments should be submitted to Ronald Acker, Department of Commerce, P.O. Box 2689, Madison, WI 53701-2689.

This hearing is held in an accessible facility. If you have special needs or circumstances that may make communication or accessibility difficult at the hearing, please call (608) 266-8741 or (608) 264-8777 (TTY) at least 10 days prior to the hearing date. Accommodations such as interpreters, English translators, or materials in audio tape format will, to the fullest extent possible, be made available upon request by a person with a disability.

The proposed rules and an analysis of the proposed rules are available on the Internet at the Safety and Buildings Division web site at www.commerce.state.wi.us/SB/SB-HomePage.html. Paper copies may be obtained without cost from Roberta Ward, Department of Commerce, Program Development Bureau, P.O. Box 2689, Madison, WI 53701-2689, Email rward@commerce.state.wi.us, telephone (608) 266-8741 or (608) 264-8777 (TTY). Copies will also be available at the public hearings.

Fiscal Estimate Worksheet — 2001 Session
 Detailed Estimate of Annual Fiscal Effect

- Original Updated
 Corrected Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number Sections Comm 2.17 and 8.13

Subject
 Mine Safety Fees

One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):
 None known.

Annualized Costs:		Annualized Fiscal Impact on State Funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations — Salaries and Fringes		\$ -	\$ -
(FTE Position Changes)		(0.00 FTE)	(0.00 FTE)
State Operations — Other Costs		-	-
Local Assistance		-	-
Aids to Individuals or Organizations		-	-
Total State Costs by Category		\$ 0	\$ 0
B. State Costs by Source of Funds			
GPR		\$ -	\$ -
FED		-	-
PRO/PRS		-	-
SEG/SEG-S		-	-
State Revenues	Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Revenue	Decreased Revenue
GPR Taxes		\$ -	\$ -
GPR Earned		-	-
FED		-	-
PRO/PRS		-	59,500
SEG/SEG-S		-	-
Total State Revenues		\$ 0	\$ 59,500

Net Annualized Fiscal Impact

	State	Local
Net Change in Costs	\$ 0	\$ 0
Net Change in Revenues	\$ -59,500	\$ 0

Prepared By: Debra Bresser	Telephone No. 266-8603	Agency Commerce
Authorized Signature	Telephone No.	Date (mm/dd/yyyy) 04/02/02

Fiscal Estimate — 2001 Session

- Original Updated
 Corrected Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number Sections Comm 2.17 and 8.13

Subject
 Mine Safety Fees

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

Increase Costs — May be possible to absorb within agency's budget.
 Yes No

Decrease Costs

Local: No Local Government Costs

- | | |
|--|---|
| 1. <input type="checkbox"/> Increase Costs
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 3. <input type="checkbox"/> Increase Revenues
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory |
| 2. <input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 4. <input type="checkbox"/> Decrease Revenues
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory |

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

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Chapter 20 Appropriations
 None

Assumptions Used in Arriving at Fiscal Estimate

The Department proposes lowering the safety service fee currently charged to mine operators. This fee is based on the annual production of mines. The annual costs associated with the programs this fee funds (Explosive Materials, Fireworks Manufacture, and Mine Safety) have been re-estimated and reduced from \$270,700 to \$194,900. The re-estimate of costs results in less revenue needed to fund the programs.

The Department proposes lowering the safety service fee by 25%, resulting in revenues collected more closely matching the costs of the programs funded by the revenue.

Annualized Items	Current	Proposed	Difference
Mine Safety Training Course Revenue	\$50,000	\$50,000	\$0
Blasters Certification Fee Revenue	\$24,000	\$24,000	\$0
Safety Service Fee Revenue	\$238,000	\$178,500	-\$59,500
Total	\$312,000	\$252,500	-\$59,500
Program Costs	\$194,900	\$194,900	\$0

Long-Range Fiscal Implications

None known.

Prepared By: Debra Bresser	Telephone No. 266-8603	Agency Commerce
Authorized Signature	Telephone No.	Date (mm/dd/yyyy) 04/02/02

**NOTICE
of
ENVIRONMENTAL ANALYSIS
Department of Commerce**

Rule No.: Sections Comm 2.17 and 8.13

Relating to: Mine Safety Fees

Notice is hereby given that the Department has considered the environmental impact of the proposed rules. In accordance with chapter Comm 1, the proposed rules are a Type III action. A Type III action normally does not have the potential to cause significant environmental effects and normally does not involve unresolved conflicts in the use of available resources. The Department has reviewed these rules and finds no reason to believe that any unusual conditions exist. At this time, the Department has issued this notice to serve as a finding of no significant impact.

INITIAL REGULATORY FLEXIBILITY ANALYSIS

Department of Commerce

RULE NO.: Sections Comm 2.17 and 8.13

RELATING TO: Mine Safety Fees

1. Types of small businesses that will be affected by the rules.

The proposed rules will affect any business that operates a mine, pit or quarry in Wisconsin.

2. Reporting, bookkeeping and other procedures required for compliance with the rules.

There are no reporting or bookkeeping procedures required for compliance with the proposed rules.

3. Types of professional skills necessary for compliance with the rules.

There are no types of professional skills necessary for compliance with the proposed rules.

RULE REPORT

Department of Commerce

Rule No.: Sections Comm 2.17 and 8.13

Relating to: Mine Safety Fees

Agency contact person for substantive questions:

Name Robert DuPont

Title Director, Program Development Bureau

Telephone Number 608/266-8984

Agency contact person for internal processing:

Name Ronald Acker

Title Code Consultant

Telephone Number 608/267-7907

1. Agency statutory authority under which the agency intends to promulgate the rule(s).
Sections 101.15 (2) (e) and 101.19 (1) (h), Stats.
2. Citation of federal regulations which require adoption or which are relevant to the proposed rule(s).
None known.
3. Citation of court decisions which are applicable to the proposed rule(s).
None known.



State of Wisconsin \ Department of Commerce

HEARING DRAFT of PROPOSED RULES

Rule No.: Sections Comm 2.17 and 8.13

Relating to: Mine Safety Fees

The Department of Commerce proposes an order to amend ss. Comm 2.17 (2) Table 2.17, Comm 2.17 (5) and Comm 8.13 (4), relating to mine safety fees.

Analysis of Proposed Rules

Statutory Authority: Sections 101.15 (2) (e) and 101.19 (1) (h), Stats.
Statutes Interpreted: Sections 101.15 (2) (e) and 101.19 (1) (h), Stats.

Section 101.19, Stats., requires the Department to fix and collect fees by rule which shall, as closely as possible, equal the cost of providing services. The Department's current fees for the mine safety program in chapter Comm 2 basically consist of an annual safety service fee based on aggregate production and do not accurately relate to the level of services provided. The proposed rules reduce the production-based fees approximately 25% and create a more equitable fee-for-service mechanism. A fee of \$330 per course for the mine safety training courses conducted by the Department is created in the proposed rules.

SECTION 1. Comm 2.17 (2) Table 2.17 is amended to read:

**Table 2.17
Annual Production Safety Service Fee**

Annual Production (Tons Per Year)	Annual Safety Service Fee	
Less than 50,000	\$95.00	<u>\$70.00</u>
50,000 - 100,000	\$185.00	<u>\$140.00</u>
100,001 - 200,000	\$370.00	<u>\$280.00</u>
200,001 - 300,000	\$560.00	<u>\$420.00</u>
300,001 - 400,000	\$740.00	<u>\$560.00</u>
400,001 - 500,000	\$930.00	<u>\$700.00</u>
Over 500,000	\$1,485.00	<u>\$1120.00</u>

SECTION 2. Comm 2.17 (5) is amended to read:

Comm 2.17 (5) TRAINING. The fee for ~~persons who receive department training that is annual refresher training provided by the department and required by the federal mine safety and health administration and who are not required to pay a safety service fee~~ shall be \$20.00 per person per half day of training and \$30.00 per person per day of training \$330.00 per course.

SECTION 3. Comm 8.13 (4) is amended to read:

Comm 8.13 (4) TRAINING FEE. A training fee as specified in ch. Comm 2 shall be paid by the person ~~receiving requesting annual refresher training provided by the department training that is~~ and required by the federal mine safety and health administration, ~~if that person is not required to pay a safety service fee under sub. (1).~~

END

EFFECTIVE DATE

Pursuant to s. 227.22 (2)(intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.



P.O. Box 7970
Madison, Wisconsin 53707
(608) 266-1018
TDD#: (608) 264-8777
www.commerce.state.wi.us

Scott McCallum, Governor
Philip Edw. Albert, Secretary

June 26, 2002

Senator Fred Risser
President of the Senate
Room 220 South, State Capitol
Madison, Wisconsin 53702

Representative Scott Jensen
Speaker of the Assembly
Room 211 West, State Capitol
Madison, Wisconsin 53702

Dear Senator Risser and Representative Jensen:

NOTICE OF ADMINISTRATIVE RULES IN FINAL DRAFT FORM

CLEARINGHOUSE RULE NO.: 02-042

RULE NO.: Sections Comm 2.17 and 8.13

RELATING TO: Mine Safety Fees

Section 227.19, Stats., requires agencies to submit proposed rules in final draft form to the presiding officer of each house for referral to the appropriate legislative standing committees.

The following information, as required by law, is being submitted to you.

1. Rules in final draft form (in triplicate).
2. Report consisting of:
 - a) Rule Report.
 - b) Public Hearing Attendance Record.
 - c) Public Hearing Comment and Agency Response Form.
 - d) Legislative Council Rules Clearinghouse Report.
 - e) Response to Legislative Council Rules Clearinghouse Report.
 - f) Fiscal Estimate.
 - g) Final Regulatory Flexibility Analysis.

If you have any questions regarding this matter, please do not hesitate to contact us.

Respectfully submitted,

Philip Edw. Albert
Secretary



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Scott McCallum, Governor
Philip Edw. Albert, Secretary

June 26, 2002

Donald J. Schneider
Senate Chief Clerk
Room 501
119 Martin Luther King Blvd
Madison, Wisconsin 53703

John A. Scocos
Assembly Chief Clerk
Room 402
1 East Main Street
Madison, Wisconsin 53703

Dear Chief Clerks:

**TRANSMITTAL IN FINAL DRAFT FORM OF ADMINISTRATIVE
RULES AND REPORT**

CLEARINGHOUSE RULE NO.: 02-042

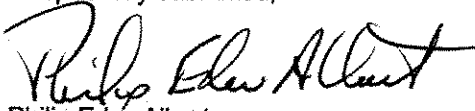
RULE NO.: Sections Comm 2.17 and 8.13

RELATING TO: Mine Safety Fees

Pursuant to section 227.19, Stats., agencies are required to submit, in triplicate, copies of the proposed administrative rules in final draft form together with a rule report and an analysis. The recommendations received from the Legislative Council are also to be submitted.

At this time, this material, together with cover letters to the President of the Senate and the Speaker of the Assembly, is being transmitted for referral to the standing committees for legislative review.

Respectfully submitted,


Philip Edw. Albert
Secretary

DEPARTMENT OF COMMERCE
PUBLIC HEARING ATTENDANCE RECORD

RULE NO.: Sections Comm 2.17 and 8.13

DATE: Wednesday, May 15, 2002

RELATING TO: Mine Safety Fees

TIME: 1:00 p.m.

LOCATION: Room 3C, Thompson Commerce Center

CITY: Madison

Name	Representation (Business, Assoc., Group, Self, etc.)	City and State	Appearing in Support	Appearing in Opposition	Appearing for Information
PAT OSBORN	Aggregate Producers of WI	Madison, WI	✓		
PAT STEVEN	WI Transporter-Builders Assn	Madison, WI			

**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number: 02-042		Hearing Location: Madison	
Rule Number: Sections Comm 2.17 and 8.13		Hearing Date: May 15, 2002	
Relating to: Mine Safety Fees			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
1	Pat Osborne Aggregate Producers of WI Madison, WI (Small Business)	<p>The APW supports the proposed rules; this is not a universal position, but a majority position based on a survey of the membership with a 42% response rate. The survey presented 3 options for members to vote on:</p> <p>Option 1 - support the rules as proposed = 17 responses</p> <p>Option 2 - 50% reduction in safety service fee and \$730 course fee = 9 responses</p> <p>Option 3 - eliminate the state training program = 14 responses</p> <p>Two responses indicated that there should be no change to the current rules. The results show that 28 of 42 responses indicate there should be a state program, 14 of 42 suggested to eliminate the state program. The comments on the returned surveys can be helpful to the Department in improving the training and program services. There is growing resentment from paying the safety service fee and not receiving training, especially from the larger operators. The Department needs to find program elements of value for those people paying the fees. The APW is willing to work with the Department to improve the program.</p>	<p>The Department is moving more towards a fee for service concept, which is the intent of this rule revision. The safety service fee is utilized to supplement activities such as Train-the-Trainer courses, Training Plan Implementation courses, New Miner Training courses, and sponsoring meetings and training with MSHA district personnel. Train-the-Trainer Refresher courses are being planned to keep industry trainers current with federal MSHA directives and changes as well as assist companies in refining their own training. The Department is open to discussing ways to provide more services of value to all segments of the industry.</p>
2	Patrick Stevens WI Transportation Builders Association Madison, WI	<p>WTBA supports lowering the safety service fee and modifying the training fee to more closely reflect the costs associated with providing training. However, WTBA questions what services are being provided to the nonmetallic industry with the resources being generated by this fee. The revenue should be used to provide services of value to the industry, or they should be eliminated. WTBA would like to discuss program services with the Department and interested parties, such as the Mines, Pits and Quarries Advisory Council.</p>	<p>The safety service fee provides the services as noted above. The Department is in the process of establishing outreach more relevant to the industry. The Department is committed to working with the industry in order to provide services that are a value to the industry. The Department plans to schedule an advisory council meeting in late summer to discuss program services and outreach activities.</p>

RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

Department of Commerce

CLEARINGHOUSE RULE NO.: 02-042

RULE NO.: Sections Comm 2.17 and 8.13

RELATING TO: Mine Safety Fees

Agency contact person for substantive questions.

Name: Robert DuPont

Title: Director, Program Development Bureau

Telephone No. 608/266-8984

Legislative Council report recommendations accepted in whole.

Yes

No

1. Review of statutory authority [s. 227.15(2)(a)]

a. Accepted

b. Accepted in part

c. Rejected

d. Comments attached

2. Review of rules for form, style and placement in administrative code [s. 227.15(2)(c)]

a. Accepted

b. Accepted in part

c. Rejected

d. Comments attached

(Continued on reverse side)

3. Review rules for conflict with or duplication of existing rules [s. 227.15(2)(d)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
4. Review rules for adequate references to related statutes, rules and forms [s. 227.15(2)(e)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
5. Review language of rules for clarity, grammar, punctuation and plainness [s. 227.15(2)(f)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
6. Review rules for potential conflicts with, and comparability to, related federal regulations [s. 227.15(2)(g)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
7. Review rules for permit action deadline [s. 227.15(2)(h)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached

FINAL REGULATORY FLEXIBILITY ANALYSIS

Department of Commerce

CLEARINGHOUSE RULE NO.: 02-042

RULE NO.: Sections Comm 2.17 and 8.13

RELATING TO: Mine Safety Fees

Final regulatory flexibility analysis not required. (Statement of determination required.)

1. Reason for including or failing to include the following methods for reducing impact of the rule on small businesses: Less stringent compliance or reporting requirements; less stringent schedules or deadlines for compliance or reporting requirements; simplification of compliance or reporting requirements; establishment of performance standards to replace design or operational standards; exemption from any or all requirements.

The Statutes require the Department to charge fees to cover the costs of the Department's services that are provided in the administration and enforcement of the Department's various programs. The proposed revisions in the Department's mine safety program revenue fees are necessary to meet the directives of the Statutes, and any less stringent requirements would be contrary to the Statutory objectives which are the basis for the rules. The revisions have been developed in order to create a more equitable fee-for-service mechanism for those persons receiving the Department's mine safety training.

2. Issues raised by small businesses during hearings, changes in proposed rules as a result of comments by small businesses and reasons for rejecting any alternatives suggested by small businesses.

Small businesses generally supported the proposed rules, and offered to work with the Department to improve the mine safety program.

3. Nature and estimated cost of preparation of any reports by small businesses.

None.

4. Nature and estimated cost of other measures and investments required of small businesses.

None.

5. Additional cost to agency of administering or enforcing a rule which includes any of the methods in 1. for reducing impact on small businesses.

None.

6. Impact on public health, safety and welfare caused by including any of the methods in 1. for reducing impact on small businesses.

None.

RULE REPORT

Department of Commerce

Rule No.: Sections Comm 2.17 and 8.13

Relating to: Mine Safety Fees

Agency contact person for substantive questions:

Name Robert DuPont

Title Director, Program Development Bureau

Telephone Number 608/266-8984

Agency contact person for internal processing:

Name Ronald Acker

Title Code Consultant

Telephone Number 608/267-7907

1. Agency statutory authority under which the agency intends to promulgate the rule(s).
Sections 101.15 (2) (e) and 101.19 (1) (h), Stats.

2. Citation of federal regulations which require adoption or which are relevant to the proposed rule(s).
None known.

3. Citation of court decisions which are applicable to the proposed rule(s).
None known.

4. Description of the proposed rule(s).

Section 101.19, Stats., requires the Department to fix and collect fees by rule which shall, as closely as possible, equal the cost of providing services. The Department's current fees for the mine safety program in chapter Comm 2 basically consist of an annual safety service fee based on aggregate production and do not accurately relate to the level of services provided. The proposed rules reduce the production-based fees approximately 25% and create a more equitable fee-for-service mechanism. A fee of \$330 per course for the mine safety training courses conducted by the Department is created in the proposed rules.

5. Reason for the proposed rule(s).

The proposed rules have been developed in order to create a more equitable fee-for-service mechanism for those persons receiving the Department's mine safety training.



State of Wisconsin \ Department of Commerce

RULES in FINAL DRAFT FORM

Rule No.: Sections Comm 2.17 and 8.13

Relating to: Mine Safety Fees

Clearinghouse Rule No.: 02-042

The Department of Commerce proposes an order to amend ss. Comm 2.17 (2) Table 2.17, Comm 2.17 (5) and Comm 8.13 (4), relating to mine safety fees.

Analysis of Proposed Rules

Statutory Authority: Sections 101.15 (2) (e) and 101.19 (1) (h), Stats.
Statutes Interpreted: Sections 101.15 (2) (e) and 101.19 (1) (h), Stats.

Section 101.19, Stats., requires the Department to fix and collect fees by rule which shall, as closely as possible, equal the cost of providing services. The Department's current fees for the mine safety program in chapter Comm 2 basically consist of an annual safety service fee based on aggregate production and do not accurately relate to the level of services provided. The proposed rules reduce the production-based fees approximately 25% and create a more equitable fee-for-service mechanism. A fee of \$330 per course for the mine safety training courses conducted by the Department is created in the proposed rules.

SECTION 1. Comm 2.17 (2) Table 2.17 is amended to read:

**Table 2.17
Annual Production Safety Service Fee**

Annual Production (Tons Per Year)	Annual Safety Service Fee	
Less than 50,000	\$95.00	<u>\$70.00</u>
50,000 - 100,000	\$185.00	<u>\$140.00</u>
100,001 - 200,000	\$370.00	<u>\$280.00</u>
200,001 - 300,000	\$560.00	<u>\$420.00</u>
300,001 - 400,000	\$740.00	<u>\$560.00</u>
400,001 - 500,000	\$930.00	<u>\$700.00</u>
Over 500,000	\$1,485.00	<u>\$1120.00</u>

SECTION 2. Comm 2.17 (5) is amended to read:

Comm 2.17 (5) TRAINING. The fee for ~~persons who receive department training that is annual refresher training provided by the department and required by the federal mine safety and health administration and who are not required to pay a safety service fee~~ shall be ~~\$20.00 per person per half day of training and \$30.00 per person per day of training~~ \$330.00 per course.

SECTION 3. Comm 8.13 (4) is amended to read:

Comm 8.13 (4) TRAINING FEE. A training fee as specified in ch. Comm 2 shall be paid by the person ~~receiving requesting annual refresher training provided by the department training that is and~~ requesting annual refresher training provided by the department training that is and required by the federal mine safety and health administration, ~~if that person is not required to pay a safety service fee under sub. (1).~~

END

EFFECTIVE DATE

Pursuant to s. 227.22 (2)(intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.
