



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 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.
