



## Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #518

### **Hunter Safety Education (DNR -- Fish, Wildlife, and Recreation)**

[LFB 2005-07 Budget Summary: Page 346, #5 (part); page 350, #13 (part); page 357, #7]

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#### **CURRENT LAW**

The Department of Natural Resources is required to establish hunter education and bow hunter education courses. Both courses provide instruction to students in the responsibilities of hunters to wildlife, the environment, landowners, and other hunters, how to recognize threatened and endangered species, and the principles of wildlife management and conservation. The hunter education program addresses safety in handling firearms and bows used in hunting, while the bow hunter education program covers only hunting with bows and arrows. With certain exceptions, no person born on or after January 1, 1973, may obtain a hunting license unless the person is issued a certificate of accomplishment from the appropriate program.

#### **GOVERNOR**

Require DNR to promulgate an administrative rule establishing a fee to be charged for hunter safety education classes. Specify that instructors would be allowed to collect the fee from attendees, and retain up to \$5 for each student to compensate the instructor for allowable costs. Direct that the remaining fees be remitted to DNR and deposited in a fish and wildlife account continuing appropriation for the costs associated with providing recreational safety education courses. Allow the Department to offer an advanced hunter education course and an advanced bow hunter education course for an additional fee to be determined by the Department. State fish and wildlife account revenues generated by the fee would be expected to total \$225,000 annually in the first full year of implementation.

## DISCUSSION POINTS

1. Under 2001 Act 16 (the 2001-03 biennial budget), the student fee requirement for both bow and gun hunter safety courses was eliminated. Course instructors are reimbursed for costs associated with offering the class, up to \$5 per student, from the fish and wildlife account of the conservation fund. Prior to Act 16, instructors were authorized to charge a fee of \$3 per student, up to one-half of which could be retained by the instructor to defer course-related costs. The remaining \$1.50 was deposited to the fish and wildlife account of the conservation fund. The statutory level of the fee had been constant since the establishment of the hunter safety education program in 1967.

2. After receiving the authority to set recreational safety course fees by administrative rule under 1997 Act 27 (the 1997-99 biennial budget), DNR proposed setting the fee at \$10 per student for all recreational safety programs (including hunting, boat, snowmobile, and ATV courses). Instructors would still have been permitted to retain up to half of the course fee (in this case, \$5) to defer costs. Remaining funds would be deposited to the appropriate account of the conservation fund. However, the portion of the administrative rule change related to hunter education was not approved by the Legislature. Rather, the fee charged for hunter safety courses was eliminated under 2001 Act 16.

3. The following table shows the estimated cost per student incurred by DNR for providing both bow and gun hunter safety education courses for the last six fiscal years. It should be noted that in addition to Department costs listed below, hunter safety courses benefit from the services of volunteer course instructors, and periodically receive donations of classroom space, equipment, shooting range time, and other support from sportsmen's groups and local communities.

**TABLE 1**

### **Hunter Safety Education Costs by Fiscal Year**

<u>Fiscal Year</u>	<u>Class Supplies</u>	<u>DNR Salary Related Costs</u>	<u>Instructor Reimbursement</u>	<u>Total Cost Per Year</u>	<u>Number of Students</u>	<u>Cost per Student</u>
1998-99	\$250,300	\$390,400	Not Applicable	\$640,700	33,594	\$19.07
1999-00	281,500	399,100	Not Applicable	680,600	32,699	20.81
2000-01	243,900	452,800	Not Applicable	696,700	32,475	21.45
2001-02	296,700	440,400	\$37,600	774,700	32,152	24.09
2002-03	348,400	434,700	67,300	850,400	30,869	27.55
2003-04	504,600	500,500	66,400	1,071,500	33,039	32.43

4. The Department allocates 6.5 positions to the hunter safety education program annually. Law enforcement staff assist with the program by participating in hunter education classes, training instructors, developing course materials, conducting "in the field" exercises

associated with the safety classes, and performing administrative duties associated with the oversight and management of the program.

5. Funding for hunter safety education is provided through both segregated funding from the fish and wildlife account of the conservation fund and federal Pittman-Robertson grants. DNR salary and fringe benefit costs are provided entirely from the fish and wildlife account, while the remaining costs are divided. The following table shows the funding provided for hunter safety education by fund source for the last six fiscal years.

**TABLE 2**

**Hunter Safety Expenditures by Funding Source**

<u>Fiscal Year</u>	<u>FED</u>	<u>SEG</u>	<u>Total</u>
1998-99	\$250,300	\$390,400	\$640,700
1999-00	169,500	511,100	680,600
2000-01	243,900	452,800	696,700
2001-02	296,700	478,000	774,700
2002-03	394,100	456,300	850,400
2003-04	854,200	217,300	1,071,500

6. The Department has indicated that it anticipates setting the hunter and bow hunter education course fee at \$10, equal to the fee currently charged for other recreational safety courses offered by DNR (including boat, ATV, and snowmobile safety courses). Implementing a \$10 per student fee for hunter safety courses is estimated to generate approximately \$225,000 annually. This estimate reflects that not all instructors retain the full \$5 authorized for costs associated with providing the class. For example, in 2003-04, instructors retained an average of approximately \$2 per student to defray their costs for offering the hunter safety classes. However, this amount may vary. Revenue estimates assume that an average of approximately \$7.50 per student would be returned to the continuing appropriation to support state hunter education course expenditures. Revenues generated by the course fee would replace a portion of existing commitments from general fish and wildlife account SEG and federal wildlife management funds, making those monies available for other fish and wildlife management uses.

7. It may be argued that as other students in DNR's recreational safety programs are currently required to pay a \$10 fee, implementing the hunter safety fee provision would seem equitable. Alternatively, it has been argued that providing free hunter safety courses may serve to interest more people who have not hunted in the past in taking up the sport. Further, to the extent that hunters trained to follow safe practices in the field are a benefit to all sportspeople, the use of general fish and wildlife SEG and federal wildlife grants to subsidize the costs of providing the class may be appropriate.

8. If the hunter safety education course fee provision is adopted several modifications should be considered. As a technical matter, \$229,900 SEG annually should be deleted from the DNR appropriation that supports supplies for safety course instruction to correct an error in the bill. The bill would transfer \$171,200 annually in estimated instructor reimbursements to the new appropriation, rather than deleting this funding to reflect that instructors could retain a portion of the course fee. The correction reflects anticipated DNR revenues from the \$10 fee (\$341,000 would remain in the continuing appropriation under this alternative to reflect anticipated revenues from hunter, boat, ATV and snowmobile safety course fees). Secondly, the revenue estimate is based on DNR implementing the fee on July 1, 2005. However, the agency must promulgate an administrative rule in order to implement the provision, if enacted. Typically, this process can take up to a year. The Committee could either (a) delete \$225,000 SEG in 2005-06 from the continuing appropriation to reflect that the fee would likely not be imposed until mid-2006; or, (b) provide that DNR may promulgate an emergency rule without the finding of an emergency in order to immediately implement the provision (\$112,500 in 2005-06 could be realized).

9. The bill repeals the current appropriation for hunter safety education instructor reimbursement funded from the fish and wildlife account upon the effective date of the bill. Further, unless the Department is provided with emergency rule making authority, new revenues from the course fee are not anticipated to be available during 2005-06. A delayed effective date of July 1, 2006, could be considered in order to allow DNR to promulgate the necessary rule and to continue reimbursing instructors from the fish and wildlife account until a fee is again collected for the course. Under alternative #1. (b), students would continue to receive hunter safety course instruction at no cost through June 30, 2006. However, estimated instructor reimbursement of \$75,000 fish and wildlife SEG would need to be retained in 2005-06 (reimbursement has not exceeded \$68,000 in any year to date).

10. Finally, the Committee could consider converting the continuing appropriation for recreational safety support from continuing to annual and specify that any unspent funds each year lapse to the appropriate conservation fund account (fish and wildlife, snowmobile, ATV or boat). Under a continuing appropriation balances are carried forward to future years and available for expenditure. However, the conservation fund contains numerous appropriations that carry these balances from year to year, effectively reducing the balance available for general appropriation in the account. Lapsing these funds would ensure that funds not needed for specified purposes in a year would become available for general appropriation from that account. This could reduce, or delay, the need to consider general account reductions or fee increases in the future.

## **ALTERNATIVES**

1. Adopt the Governor's recommendation to require DNR to promulgate an administrative rule establishing a fee to be charged for hunter safety education classes. Specify that instructors would be allowed to collect the fee from attendees, and retain up to \$5 for each student to compensate the instructor for allowable costs. Direct that the remaining fees be remitted to DNR and deposited in a fish and wildlife account continuing appropriation for the costs associated with

providing recreational safety education courses. Allow the Department to offer an advanced hunter education course and an advanced bow hunter education course for an additional fee to be determined by the Department. Finally, reestimate expenditures from the continuing appropriation for education and safety courses by deleting \$229,900 annually (providing an additional \$166,300 SEG annually rather than \$396,200 annually under the bill) to reflect the anticipated revenues.

<u>Alternative 1</u>	<u>SEG</u>
<b>2005-07 FUNDING</b> (Change to Bill)	- \$459,800

2. Approve the Governor's recommendation (as reestimated). In addition, adopt one of the following:

a. Establish an effective date of July 1, 2006. Delete \$225,000 SEG in 2005-06 from the continuing appropriation for DNR education and safety course costs and provide \$75,000 in 2005-06 for instructor reimbursement (students would continue to receive hunter safety instruction at no cost through June 30, 2006).

<u>Alternative 2a</u>	<u>SEG-REV</u>	<u>SEG</u>
<b>2005-07 REVENUE</b> (Change to Bill)	- \$225,000	
<b>2005-07 FUNDING</b> (Change to Bill)		- \$609,800

b. Provide DNR with the authority to promulgate an emergency rule without the finding of an emergency in order to immediately implement the provision. Further, delete \$112,500 SEG in 2005-06 to reflect available revenues.

<u>Alternative 2b</u>	<u>SEG-REV</u>	<u>SEG</u>
<b>2005-07 REVENUE</b> (Change to Bill)	- \$112,500	
<b>2005-07 FUNDING</b> (Change to Bill)		- \$572,300

3. Specify that the appropriation be annual, rather than continuing, and that uncommitted balances would lapse to the appropriate conservation fund account at the end of each fiscal year.

4. Maintain current law, but reestimate hunter safety course instructor reimbursement at \$75,000 annually.

<u>Alternative 4</u>	<u>SEG-REV</u>	<u>SEG</u>
<b>2005-07 REVENUE</b> (Change to Bill)	- \$450,000	
<b>2005-07 FUNDING</b> (Change to Bill)		- \$642,400

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