

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD  
AMENDING RULES

The Natural Resources Board proposes an order to amend NR 19.50 relating to establishing hunter education fees.

LE-39-05

Analysis Prepared by Department of Natural Resources

**Statutory Interpreted and Explanation of Agency Authority:** Sections 29.563 (11)(b)1. and 29.591 (3), Stats., have been interpreted as allowing the department the authority to amend administrative rule to regulate the student fees for hunter education.

**Statutory Authority and Explanation of Agency Authority:** Statutes that authorize amending this rule order include ss. 29.563 (11)(b)1., and 29.591 (3), Stats. These sections grant rule making authority to the department to amend administrative rule establishing and collecting a student fee for hunter education.

**Related Statute or Rule:** This rule order establishes the student fee for hunter education including advanced and continuing education courses offered through the hunter education program.

**Plain Language Analysis:** This rule order amends our current code to reflect the department's requirement to establish the student fees for hunter education. Once the fee is established, instructors shall charge each student to take the course. For basic hunter education certification the instructors may keep up to 50% of the amount collected to offset authorized expenses. Authorized expenses will include items such as ammunition, targets, firearms cleaning supplies, rental fees for class work and rental fees for shooting ranges. For Advanced or Continuing Education courses the fees collected will only be the amount necessary to provide the course. There will be no funds from those programs remitted to the department.

**Summary of, and Comparison with, Existing or Proposed Federal Regulations:** None

**Comparison with Rules in Adjacent States:** Comparing adjacent states shows:

Illinois	\$0.00
Minnesota	\$10.00
Michigan	\$0.00 - \$10.00 (Instructors are allowed to charge up to \$10 to offset expenses.)
Iowa	\$0.00

**Summary of Factual Data and Analytical Methodologies:** The hunter safety education program was established in 1967. The course fee at that time was set at \$3.00 per student. In 1985 hunter education became mandatory for anyone born on or after January 1<sup>st</sup>, 1973 and the student fee remained at \$3.00. Of this fee instructors could retain up to 50% (or \$1.50) to offset local expenses to provide the course. Legislation was then passed that removed the course fee. This then required the department to find alternative funds to pay volunteer instructors for their out-of-pocket cost associated with the classes.

Recent legislation reinstated the fee requirement and required the department to establish an administrative rule for the student fees for the Hunter Education program. The legislation allows instructors to keep up to 50% of the fee to offset local expenses and for the department to retain the rest of the funds to be used for hunter education program costs.

Student numbers have risen along with costs of providing materials and services. Volunteer instructors have asked for greater assistance in delivering hunter education and we have arrived at a point where we can no longer add support to the program without additional funding.

The expected generated fees for this program are:

Hunter Education = 30,000 students annually X \$5.00 / student = \$150,000 annually.

**Analysis and Supporting Documents Used to Determine Effect on Small Business or in Preparation of Economic Impact Report:** This rule, and the legislation which grants the department rule making authority, do not have a significant fiscal effect on the private sector or small businesses. Additionally, no significant costs are associated with compliance to this rule.

**Effects on Small Businesses:** This rule is applicable to individuals and imposes no compliance or reporting requirements for small businesses.

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**SECTION 1. NR 19.50 is amended to read:**

**NR 19.50 (title) All-terrain vehicle and bowhunter, snowmobile and hunter education program fee.** The fee for the all-terrain vehicle and bowhunter, snowmobile and hunter education certification programs shall be \$10.00 per student. The department may authorize the instructors to retain up to 50% of the fee to defray authorized 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. The fee for advanced hunter education courses shall only be the amount necessary, but not to exceed \$50 per student. Only instructors certified by the department to teach advanced education courses under this section may charge a fee for the advanced education courses.

**SECTION 2. EFFECTIVE DATE.** This rule shall take effect the first day of the month following publication in the Wisconsin Administrative register as provided in s. 227.22(2)(intro.), Stats.

**SECTION 3. BOARD ADOPTION.** This rule was approved and adopted by the State of Wisconsin Natural Resources Board on December 7, 2005.

Dated at Madison, Wisconsin \_\_\_\_\_

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By \_\_\_\_\_  
Scott Hassett, Secretary

(SEAL)