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(FORM UPDATED: 08/11/2010)

## WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

### 2005-06

(session year)

### Senate

(Assembly, Senate or Joint)

### Committee on Natural Resources and Transportation...

#### COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

#### INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)  
(**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)  
(**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

\* Contents organized for archiving by: Stefanie Rose (LRB) (June 2012)

Clearinghouse Rule 05-088

Report to  
Legislative Council Rules Clearinghouse  
NR 19.50, Wis. Adm. Code  
Natural Resources Board Order No. LE-39-05

Wisconsin Statutory Authority

ss. 29.563(11)(b)1. and 29.591(3), Stats.

Federal Authority

N/A

Court Decisions Directly Relevant

None

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

Language in the recent Budget Bill requires hunter education instructors to charge a \$10 fee for the hunter education course and that the Department promulgate rules to implement this fee. Instructors would be allowed to charge students the fee and keep up to 50% (or up to \$5) of that amount to offset their expenses. The remainder of the fee (at least \$5) is to be returned to the Department.

The Department is required to develop administrative rules before the fee can be implemented at the same time that the Department's funding to reimburse instructors for their expenses has been eliminated. Therefore, the Department will be processing this rule as an emergency rule so that this safety instruction will be continued while the permanent rule is being processed.

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 Contacts

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

Submitted on September 7, 2005

BUDGET BILL DID  
NOT SPECIFY THE  
FEE  
↙

Statute  
says  
this

Statute  
Doesn't  
okay this

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.

**Agency Contact Person:** Tim Lawhern, 101 S. Webster St., P.O. Box 7921, Madison, WI 53707-7921. (608) 266-1317.

**Place Where Comments are to be Submitted and Deadline:** Tim Lawhern, WDNR, S. Webster St., P.O. Box 7921, Madison, WI 53707-7921. email [timothy.lawhern@dnr.state.wi.us](mailto:timothy.lawhern@dnr.state.wi.us). The deadline for written comments is October 14, 2005.

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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. 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 or continuing education courses shall only be the amount necessary, but not to exceed \$50. Only instructors certified by the department to teach advanced or continuing education courses under this section can charge a fee for the advanced or continuing 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 \_\_\_\_\_.

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

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

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

(SEAL)

BEFORE THE  
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PUBLIC HEARING  
LE-39-05  
LE-40-05(E)

NOTICE IS HEREBY GIVEN that pursuant to ss. 29.563(11)(b)1. and 29.591(3), Stats., interpreting ss. 29.563(11)(b)1. and 29.591(3), Stats., the Department of Natural Resources will hold a public hearing on the amendment of s. NR 19.50, Wis. Adm. Code, relating to establishing hunter education fees. Language in the recent budget bill requires hunter education instructors to charge a fee for the hunter education course and that the Department promulgate rules to implement this fee. Instructors will be allowed to charge students \$10.00 and keep up to \$5 of that amount to offset their expenses. The remainder of the fee is to be returned to the Department.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to s. 227.114, Stats., it is not anticipated that the proposed rule will have an economic impact on small businesses. The Department's Small Business Regulatory Coordinator may be contacted at SmallBusinessReg.Coordinator@dnr.state.wi.us or by calling (608)266-1959.

NOTICE IS HEREBY FURTHER GIVEN that the Department has made a preliminary determination that this action does not involve significant adverse environmental effects and does not need an environmental analysis under ch. NR 150, Wis. Adm. Code. However, based on the comments received, the Department may prepare an environmental analysis before proceeding with the proposal. This environmental review document would summarize the Department's consideration of the impacts of the proposal and reasonable alternatives.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to ss. 29.563(11)(b)1., 29.591(3) and 227.24, Stats., interpreting ss. 29.563(11)(b)1. and 29.591(3), Stats., the Department of Natural Resources will hold a public hearing Natural Resources Board Emergency Order No. LE-40-05(E) relating to establishing hunter education fees. The emergency rule allows instructors to charge students \$10.00 and keep up to \$5 of that amount to offset their expenses. The remainder of the fee is to be returned to the Department.

NOTICE IS HEREBY FURTHER GIVEN that the hearing will be held on:

October 12, 2005      Room 717, GEF #2, 101 South Webster Street, Madison  
Wednesday          8:00 a.m.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of information material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call Tim Lawhern at (608) 266-1317 with specific information on your request at least 10 days before the date of the scheduled hearing.

The proposed rule, emergency rule and fiscal estimate may be reviewed and comments electronically submitted at the following Internet site: [adminrules.wisconsin.gov](http://adminrules.wisconsin.gov). Written comments on the proposed rule may be submitted via U.S. mail to Mr. Tim Lawhern, Bureau of Law Enforcement, P.O. Box 7921, Madison, WI 53707. Comments may be submitted until October 14, 2005. Written comments whether submitted electronically or by U.S. mail will have the same weight and effect as oral statements presented at the public hearings. A personal copy of the proposed rule and fiscal estimate may be obtained from Mr. Lawhern.

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

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

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