

WISCONSIN LEGISLATIVE COUNCIL STAFF

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FORM 2

APR 14 1999

**RULES CLEARINGHOUSE**

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**CLEARINGHOUSE REPORT TO AGENCY**

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[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 99-047**

AN ORDER to repeal NR 64.14 (2) (c); to renumber NR 50.09 (4) (f) 4.; to renumber and amend NR 50.09 (4) (f) 3.; to amend NR 8.01 (1), 50.09 (7), 50.10 (5), 50.11 (4) (intro.), 50.13 (4) (a) and (d) (intro.), 64.03 (4), 64.04 (3), 64.13 (8), 64.14 (2) (a) and (b) and (11) and 64.15 (2) and (3) (a) (intro.) and 2.; to repeal and recreate NR 50.10 (3) (a) 2., 60.09 (4) (c) 3. b. and (f) 1. a., b. and c. and 2., 50.12 (3) (e) and 64.14 (9) (a) 1.; and to create NR 6.08 (6), 6.11, 6.12, 8.02 (1m), 50.09 (4) (f) 3., 64.085, 64.14 (9) (am) and 64.15 (3) (e), relating to snowmobiles.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

03-10-99 RECEIVED BY LEGISLATIVE COUNCIL.

04-06-99 REPORT SENT TO AGENCY.

RS:GAA:rv;jal

**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

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## CLEARINGHOUSE RULE 99-047

### Comments

**[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

#### 1. Statutory Authority

Section NR 6.11 provides that no person may operate and no owner may permit operation of a snowmobile not currently registered in Wisconsin without a snowmobile trail sticker. However, under s. 350.12 (3j), Stats., a snowmobile that is registered under s. 350.12, Stats., *or that is exempt* from registration under s. 350.12 (2) (a), Stats., need not carry a trail use sticker. Furthermore, under s. 350.12 (3j) (a) 2., Stats., no person who is the owner of a snowmobile may operate or give permission for another person to operate a snowmobile on a *public snowmobile corridor* in Wisconsin unless a trail sticker issued under this subsection is displayed on the snowmobile. A public snowmobile corridor is a snowmobile trail or other established snowmobile corridor that is open to the public but does not include a snowmobile route. Therefore, the requirement in s. NR 6.11 that all unregistered snowmobiles have a snowmobile trail sticker wherever operated appears to exceed the department's statutory authority.

#### 2. Form, Style and Placement in Administrative Code

a. The analysis states that SECTION 21 is repealed. The analysis should explain that SECTION 21 repeals a provision relating to the year-round maintenance rate.

b. In several places in the rule, reference is made to the Department of Natural Resource's regional offices. In view of this change, the definition contained in s. NR 50.03 (7)

of "district" should be repealed. Also, a definition of "region" should be created in s. NR 50.03 to replace the definition of "district."

c. In s. NR 50.09 (4) (c) 3. b., either the term "information signs" or "informational signs" should be used consistently.

d. In s. NR 50.09 (4) (f) 1. b., "DNR" should be replaced by "department." The change can be made by showing "DNR" as stricken through and inserting "department" before "regional." This same change should be made in s. NR 50.09 (4) (f) 4.

e. In s. NR 50.09 (4) (f) 3., "shall be" should be replaced by "are."

f. In s. NR 50.10 (3) (a) 2., "department of transportation" should precede "division of highways."

g. The introductory clause of SECTION 13 should state that "NR 50.12 (3) (e) is repealed and recreated to read:".

h. In s. NR 50.12 (3) (e), the introductory sentence should not be underscored, since the provision is repealed and recreated.

i. In s. NR 50.12 (3) (e) 2., should "years" be shown as a possessive? See also s. NR 64.15 (3) (e) 4.

j. In s. NR 50.12 (3) (e) 4., "shall be met" should be replaced by "is required."

k. In s. NR 50.12 (3) (e) 5., a comma should be inserted after "be" and the phrase "and are" should be replaced by "or."

l. In s. NR 50.13 (4) (d) (intro.), the second sentence should be revised to state that "The appropriate official shall fill out all of the forms, retain one set for the municipality's records and file two sets with the appropriate regional office as specified in s. 35.79, Stats., covering the patrol expense for the preceding year." "Fills" should be shown as stricken and be replaced by "shall fill," "retains" should be shown as stricken through and replaced by "retain" and "files" should be shown as stricken through and followed by "file." In the third sentence, "cannot and" should be deleted.

m. In s. NR 64.03 (4), "it's" should be replaced by "its." The same change should be made in s. NR 64.04 (3).

n. In s. NR 64.085, the final part of the sentence refers to requirements "found in ss. 23.33, or Stats. (give cites)." References should be included to the additional statutory provisions.

o. In s. NR 64.14 (9) (a) 1., "up to" should be replaced by "for not more than."

p. In s. NR 64.15 (3) (e) 1., following "patrol," "will be" should be replaced by "is."

q. In s. NR 64.15 (3) (e) 4., "shall be met" should be replaced by "is required."

r. In s. NR 64.15 (3) (e) 5., "shall be eligible cost for officers only" should be replaced by "are eligible costs only for officers." A comma should be inserted in the last line following "be" and "and are" should be replaced by "or."

LE 17 98

Legislation Committee on Natural Resources

Station 2000, 2000 (2000) - 2000 State  
Business Information (2000) - 2000

In the original version of the bill, the language in section 3.01(3)(e)4. and 5. was identical. The bill was amended to change the language in section 3.01(3)(e)4. to "is required" and in section 3.01(3)(e)5. to "are eligible costs only for officers." The bill also amended section 3.01(3)(e)5. to insert a comma after the word "be" and to replace "and are" with "or".

SECTION 3.01(3)(e)4. shall be replaced by "is required"

NR 64.15(3)(e)5. shall be replaced by "are eligible costs only for officers." A comma should be inserted in the last line following "be" and "and are" should be replaced by "or."

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD  
REPEALING, RENUMBERING, RENUMBERING AND AMENDING, AMENDING,  
REPEALING AND RECREATING AND CREATING RULES

The Wisconsin Natural Resources Board proposes an order to repeal NR 64.14(2)(c); to renumber NR 50.09(4)(f)4.; to renumber and amend NR 50.09(4)(f)3.; to amend NR 8.01(1), 50.09(7), 50.10(5), 50.11(4)(intro.), 50.13(4)(a), (d)(intro.), 64.03(4), 64.04(3), 64.13(8), 64.14(2)(a) and (b), 64.14(11), 64.15(2), (3)(a)(intro.) and 2.; and to repeal and recreate NR 50.10(3)(a)2., 60.09(4)(c)3.b., (f)1.a., b., c. and 2., 50.12(3)(e), 64.14(9)(a)1.; and to create NR 6.08(6), 6.11, 6.12, 8.02(1m), 50.09(4)(f)3., 64.085, 64.14(9)(am), 64.15(3)(e) relating to snowmobiles

LE-13-99

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 23.33(2)(h) and 227.11(2)(a), Stats.  
Statutes interpreted: 350.12(4)(b)3, and 350.13, Stats.

In this order Section 1. creates inspection authority for and testing of snowmobiles and snowmobile equipment. Section 2 creates display and transfer regulations of trail use stickers. Section 3 regulates the sale of the trail use sticker. Section 4 requires the issuance of trail use stickers by all license agents. Section 5 provides regulations for signs for snowmobile trails. Sections 6 and 7 changes supplemental application deadline dates and changes the contacts from district to regional offices. Section 8 places a cap on supplemental maintenance reimbursements. Sections 9, 11, 12, 14 and 15 change contacts from district to regional offices. Section 10 provides regulations for signs on snowmobile routes. Section 13 is created to give guidelines for patrol reimbursement. Sections 16 and 17 allow duplicates and receipts to be issued by authorized agents. Section 18 creates test of equipment authority. Section 19 allows fringe rates as part of project costs. Section 20 changes the winter maintenance rate from \$60 to \$80 and the summer maintenance rate from \$125 to \$220 per mile. Section 21 ~~is repealed~~ Section 22 allows for up to 100% of ATV trail development costs and up to 75% of payment once a signed contract has been approved. Section 23 allows 75% of advanced payment of an ATV major rehabilitation project. Sections 24 and 25 change the location where applications are to be sent. Sections 26 and 27 provide guidelines for patrol reimbursement.

*repeals  
year  
should  
number*

**SECTION 1. NR 6.08(6) is created to read:**

**NR 6.08(6) Refusal to allow testing.** No operator or owner of any snowmobile may deny inspection of or may refuse to operate his or her snowmobile in a manner prescribed by the law enforcement officer who reasonably suspects a violation of snowmobile equipment requirements found in either ch. 350, Stats., or this subchapter.

See § 352.12(2j)

**SECTION 2. NR 6.11 to 6.12 are created to read:**

**NR 6.11 Display of trail use sticker.** No person may operate and no owner may permit operation of a snowmobile not currently registered in Wisconsin without a snowmobile trail sticker which is permanently affixed by its own adhesive to the bottom center portion of the snowmobile windshield. If there is no windshield, the sticker shall be displayed in a highly visible location on the front of the cowling of the snowmobile.

5 new  
Councils

**NR 6.12 Transfer of trail use sticker.** Once affixed a trail use sticker may not be removed or transferred to another snowmobile.

**SECTION 3. NR 8.01(1) is amended to read:**

**NR 8.01 (1)** "Approval" means any type of approval or authorization issued by the department under ch. 29, Stats., through the automated license issuance system, including any license, permit, certificate, card, stamp, tag, sticker, purchase receipt or customer identification number, unless the context requires a different meaning.

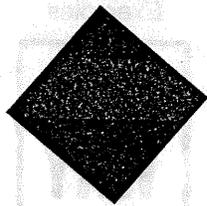
**SECTION 4. NR 8.02(1m) is created to read:**

**NR 8.02(1m)** All license agents shall issue nonresident snowmobile trail use stickers under s. 350.12, Stats.

**SECTION 5. NR 50.09(4)(c)3.b. is repealed and recreated to read:**

**NR 50.09(4)(c)3.b.** With the exception of snowmobile guide and information signs, signs for use on snowmobile trails to regulate snowmobile traffic or advise the snowmobile user of a specific trail condition shall be totally reflectorized. Guide signs which assist the snowmobile driver to reach a destination shall have the letters and legend reflectorized. Informational signs do not need to be reflectorized. Trail signs shall also conform with the following specifications and illustrations:

Trail Blazer



Purpose: To delineate the trail and to reassure the user that he or she is on the trail.

Size: 6" x 6"

Color: Orange

Field Staking



Purpose: Acceptable alternative to use of blazers in agricultural areas and other cleared areas.

Size: Minimum of 6 square inches of reflective orange material mounted 4" - 6" below top of stake. Material is mounted on each side of stake and stakes are installed in pairs. Top 12" - 16" of stake is painted non-reflective orange.

### Directional Arrow



**Purpose:** Indicates a change in trail direction.  
**Size:** 9" x 9"  
**Color:** Orange background with back arrow and border  
**Legend:** 5" directional arrow

### Regulatory Signs - Right of Way



#### STOP SIGN

**Purpose:** Halt snowmobile operators at a road crossing, railroad crossing or trail intersection.  
**Minimum size:** 12" x 12"  
**case letters**

**Color:** Red background and white letters and border.  
**Legend:** 4" Upper case letters



#### YIELD SIGN

**Purpose:** To notify snowmobile operator that the right of way should be given to other vehicles, snowmobiles or other trail users at trail intersections and limited vehicle crossings.

**Minimum size:** 12' x 12" x 12"  
**Color:** Red background and letters with white border and center  
**Legend:** 4" Upper case letters

### Regulatory - Movement

**Purpose:** To inform snowmobile operator of laws or regulations.  
**Minimum size:** Either 12" x 18" or 12" x 12"  
**Color:** White background and black letters and border. Additional colors such as red or green may be added to reinforce sign message of snowmobile prohibition or permission.

### Examples



ONE WAY  
12" x 18"



SPEED LIMIT  
12" x 18"



RESTRICTIVE  
12" x 12"



DO NOT ENTER  
12" x 12"

#### Caution Signs

Purpose: To advise the snowmobile operator to proceed with caution at a reduced speed or to advise of a specific trail condition.

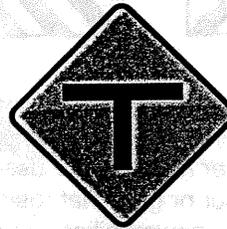
Minimum size: 12" x 12"

Color: Yellow background and black letters and/or legend.

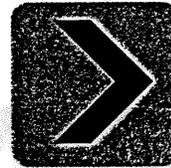


STOP AHEAD  
12" X 12"

#### Examples



INTERSECTION  
12" X 12"



CHEVRON  
12" X 12"

### Hazard Markers



Left



Right

Purpose: Used in pairs, hazard markers indicated the trail opening through which a snowmobile operator may pass over a bridge or culvert. The stripes of each sign face inward and show the bridge opening. Used singly, a hazard marker indicates a trail obstruction. The stripes of the sign point down toward the path around the obstruction.

Minimum size: 6" x 12"

Colors: Alternate black and yellow 45° diagonal stripes.

### Barrier Markers



Left



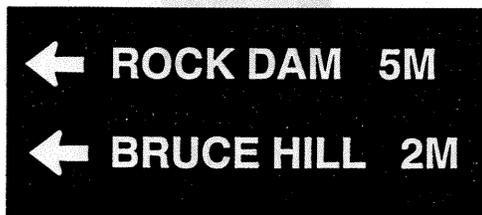
Right

Purpose: Barrier markers are used in pairs to indicate a barrier or gate that restricts entry to a trail or road for snowmobiling. The stripes of each sign face inward and toward the center of the trail or road.

Minimum size: 6" x 12"

Colors: Alternate red and white 45° diagonal stripes..

### Guide Sign



Purpose: Directs snowmobile operator to a destination

Size: Variable - 2" upper case letters  
Colors: Brown background with reflective white letters and legend.

Information Signs



Purpose: Furnish information about trails or facilities.  
Size: Variable - 2" upper case letters  
Colors: Brown background with white letters.

*50.03 (3) rev*

*create signs*

Special Sign - Corridor Marker



Purpose: To indicate that the trail is part of the designated state corridor trail system.  
Size: 6" X 6"  
Colors: Blue background with reflective white border, shield and letters

SECTION 6. NR 50.09(4)(f)1.a., b., c., and 2 are amended to read:

**NR 50.09(4)(f)1.a.** The county applies for a supplementary snowmobile trail maintenance payment for the snowmobile trail maintenance expenses of the previous fiscal year by ~~October 1~~ August 1 of the current fiscal year.

**b.** The reimbursement claim for the previous fiscal year maintenance expenses is submitted to the appropriate DNR district regional office prior to ~~October 1~~ August 1 of the current fiscal year.

*department*

**c.** The county has expended the entire amount of ~~\$200 per mile~~ specified under s. 350.12(4)(b)1., Stats., on eligible snowmobile trail maintenance cost items in the previous year.



2. All counties qualifying under subd. 1 shall be subject to a cap of ~~\$150~~ \$250 per mile for all eligible non-snow grooming activities listed in s. NR 50.03(19) in the calculation of a supplemental snowmobile trail maintenance payment.

**SECTION 7. NR 50.09(4)(f)3. and 4. are renumbered 4. and 5, and 50.09(4)(f)4., as renumbered, is amended to read:**

**NR 50.09(4)(f)4.** Counties requesting supplemental snowmobile trail maintenance payments shall submit full financial documentation prescribed by the department to the appropriate DNR district regional office for audit purposes. Counties may request an advance payment of 50% of the audited supplemental request prior to ~~October 1~~ August 1 of the current fiscal year.

*Renumbered*

**SECTION 8. NR 50.09(4)(f)3. is created to read:**

NR 50.09(4)(f)3. All counties qualifying under subd. 1 ~~shall be~~ subject to a cap of 3 times the per mile maximum for maintenance specified under s. 350.12(4)(b)1., Stats., for all eligible snowmobile maintenance activities in the calculation of a supplemental snowmobile maintenance payment.

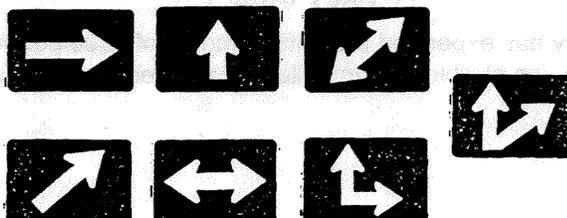
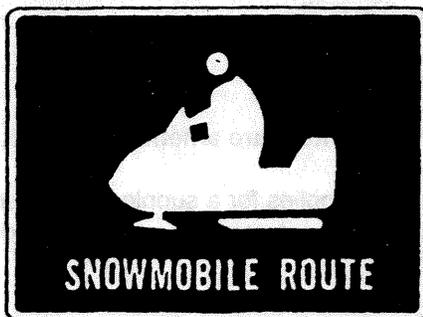
**SECTION 9. NR 50.09(7) is amended to read:**

NR 50.09(7) PROCEDURE FOR APPLYING FOR GRANT. Contact appropriate department ~~district regional~~ office for prescribed application forms and instructions. Submit completed application to the ~~district regional~~ office by April 15.

**SECTION 10. NR50.10(3)(a)2. Is repealed and recreated to read:**

NR 50.10(3)(a)2. Reflectorization. The reflective material for all reflectorized signs shall meet the specifications of paragraph 637.2.2.1 on reflective sheeting in the state of Wisconsin division of highways standard specifications for road and bridge construction, edition of 1981.

*MECPA b.  
ref.  
DOT: small hand  
ent*



**SECTION 11. NR 50.10(5) is amended to read:**

NR 50.10(5) APPLICATION PROCEDURE. Application forms and instructions are available from any department ~~district~~ regional office. Completed applications shall be submitted to the appropriate ~~district~~ regional office by April 15.

**SECTION 12. NR 50.11(4)(intro.) is amended to read:**

NR 50.11(4) PROCEDURES FOR APPLICATION. (intro.) Submit department application to the proper ~~district~~ regional office by October 1. Application shall include:

**SECTION 13. NR 50.12(3)(e) is repealed and recreated:**

NR 50.12(3)(e) In order to help achieve uniformity, accountability and cost controls, the following standards are established:

1. For the purpose of patrol reimbursement, each patrol shall be eligible for reimbursement for only those hours up to 20 hours of patrol per arrest or documented written warning. For the purpose of crediting arrests and warnings to meet this criteria, 2 documented written warnings will be given the same weight as an arrest. No more than 50% of the credits to reach the minimum may be for written warnings.
2. For the purpose of reimbursement of leased capital equipment, the amount may not be more than 30% above the average depreciation cost of the prior years average depreciation costs for each of all snowmobile patrols claiming depreciation. If a personal snowmobile is used for patrol, the reimbursement rate shall be no more than what a prorated use would be. This is based on the number of days prorated to a season under this section.
3. When more than 50% of the eligible patrols are submitting claims, no one patrol may receive more than 10% of funds available and at no time may any patrol receive more than 20% of funds available.
4. A minimum of 20 patrol hours shall be met in order to be eligible for reimbursement.
5. For the purpose of administering reimbursement, search and rescue enforcement costs shall be an eligible cost for officers only actively looking for a person or persons who are, or who are reasonably believed to be, alive, in distress and are in a life threatening situation.

**SECTION 14. NR 50.13(4)(a) is amended to read:**

NR 50.13(4)(a) Form 8700-59 --- Notice of intent to patrol. In order to be eligible for state aids, a water safety patrol must function as a law enforcement unit and file an intent to patrol form with the department, listing the authority under which the water safety patrol will operate. On or before March 1 of each year the municipality shall file an intent to patrol form with the department, sent to the attention of the coordinator of boating safety, Madison, Wisconsin in the appropriate regional law enforcement safety specialist.

*shall*  
**SECTION 15. NR 50.13(4)(d)(intro.) is amended to read:** *file* *retain*

*file*  
NR 50.13(4)(d)(intro.) On or about September 1 of each year, 3 sets of the following forms will be sent by the department to each municipality which has an active intent to patrol form on file. The appropriate official *fills* out all of the forms, *retains* one set for the municipality's records, and *files* 2 sets with the appropriate *district regional* office as specified in s. 30.79, Stats., covering the patrol expense for the preceding calendar year. Claims which are received by the department after this date ~~cannot and will not be processed for payment.~~

**SECTION 16 NR 64.03(4) is amended to read:**

*CT5*  
**NR 64.03(4) Duplicate.** If a registration certificate or registration decal is lost or destroyed, the owner may apply for a duplicate on a form provided by the department. Upon receipt of a proper application and the required fee, the department or its authorized agents shall issue a duplicate registration certificate or registration decals to the owner.

**SECTION 17. NR 64.04(3) is amended to read:**

*CT5*  
**NR 64.04(3)** A person may operate an all-terrain vehicle without having the registration decals displayed as provided in sub. (2) if the owner has a receipt validated by the department or its authorized agents. The operator shall have the validated receipt in his or her possession at all times when operating the all-terrain vehicle and shall exhibit it upon demand for inspection by any person authorized to enforce this section under s. 23.33(12), Stats. Upon receipt, the registration decals shall be displayed in the manner indicated in sub. (2).

**SECTION 18. NR 64.085 is created to read:**

**NR 64.085 Refusal to allow testing.** No operator or owner of any all-terrain vehicle may deny inspection or may refuse to operate his or her all-terrain in a manner prescribed by the law enforcement officer who reasonably suspects a violation of all-terrain equipment requirement found in ss. 23.33, or Stats., in (give cites). *?*

**SECTION 19. NR 64.13(8) is amended to read:**

NR 64.13(8) Actual fringe benefits ~~not exceeding 20% of~~ paid as part of the direct labor costs claimed are eligible project costs.

**SECTION 20. NR 64.14(2)(a) and (b) are amended to read:**

NR 64.14(2)(a) ~~\$60~~ \$80 per mile for winter maintenance. Trails eligible for winter maintenance shall be maintained and groomed for a total of not less than 2 months nor more than 6 months per year including the months of January and February.

(b) ~~\$125~~ \$220 per mile for summer maintenance. Trails eligible for summer maintenance shall be maintained for a total of not less than 3 months nor more than 8 months per year including the months of June, July and August.

**SECTION 21. NR 64.14(2)(c) is repealed**

**SECTION 22. NR 64.14(9)(a)1. is repealed and recreated to read:**

NR 64.14(9)(a)1. Reimbursement of costs of development of all-terrain vehicle areas and trails shall be up to 100% of approved eligible project costs. Sponsors may request an advance payment of up to 75% of the signed contract amount for development.

**SECTION 23. NR 64.14(9)(am) is created to read:**

NR 64.14(9)(am)1. Reimbursement of costs of major rehabilitation of all-terrain vehicle bridges or trail segments shall be up to 100% of approved eligible project costs. Sponsors may request an advance payment of up to 75% of the signed contract amount for major rehabilitation.

2. Major rehabilitation project costs may not be incurred until a project agreement has been approved by the department and the sponsor.

**SECTION 24. NR 64.14(11) is amended to read:**

NR 64.14(11) APPLICATION FOR AID. A local unit of government or a federal agency which seeks to receive aids for all-terrain vehicle projects for the following year shall contact the appropriate department district regional office for prescribed application forms and instructions and submit a completed application by April 15.

**SECTION 25. NR 64.15(2) is amended to read:**

NR 64.15(2) Claim forms shall be filed with the department's bureau of law enforcement appropriate regional law enforcement safety specialist on or before September 1 of the year following the 12-month period for which the claim is made. Claims shall be made for the July 1 to June 30 period immediately preceding the filing date.

**SECTION 26. NR 64.15(3)(a), (d)(intro.) and 2. are amended to read:**

NR 64.15(3)(a) Form 8700-59 — Notice of intent to patrol. In order to be eligible for the state aids, an all-terrain vehicle patrol shall function as an enforcement unit and file an intent to patrol form with the department of natural resources listing the authority under which the all-terrain vehicle patrol will operate. On or before July 1 of each year a county shall file an intent to patrol form with the department, sent to the attention of the Bureau of Law Enforcement, P.O. Box 7021, Madison, Wisconsin 53707 appropriate regional law enforcement safety specialist.

(d)(intro.) On or about June 1 of each year, 3 sets of the following forms shall be sent by the department to each county which has an intent to patrol form on file. The appropriate official shall fill out all of the forms, retain one set for the county's records, and file 2 sets with the department's bureau of law enforcement appropriate law enforcement safety specialist on or before September 1, covering the patrol expense for the preceding 12-month period of July 1 to June 30. Claims which are received by the department after this date may not be processed for payment.

2. Form 8700-61-Salary schedule. This form is to be completed by the appropriate county official who shall list the names and salaries of persons engaged in the enforcement of s. 23.33, Stats. Salary rate is restricted to no more than regular straight time rate which the certified law enforcement officer normally receives. Fringe benefit rates are actual costs up to a maximum of 29% of the reimbursable straight time salary rate.

**SECTION 27. NR.64.15(3)(e) is created to read:**

NR 64.15(3)(e) In order to help achieve uniformity, accountability and cost controls, the following standards are established:

1. For the purpose of patrol reimbursement, each patrol will be eligible for reimbursement for only those hours up to 20 hours of patrol per arrest or documented written warning. For the purpose of crediting arrests and warnings to meet this criteria, 2 documented written warnings will be given the same weight as an arrest. No more than 50% of the credits to reach the minimum may be for written warnings.

2. For the purpose of reimbursement of leased capital equipment, the amount may not be more than 30% above the average depreciation cost of the prior years average depreciation costs for each of all all-terrain vehicle patrols claiming depreciation.

3. When more than 50% of the eligible patrols are submitting claims, no one patrol may receive more than 10% of funds available and at no time may any patrol receive more than 20% of funds available.

4. A minimum of 20 patrol hours shall be met in order to be eligible for reimbursement.

5. For the purpose of administering reimbursement, search and rescue enforcement costs shall be eligible cost for officers only actively looking for a person or persons who are, or who are reasonably believed to be alive, in distress and are in a life threatening situation.

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on \_\_\_\_\_.

The rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

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

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By \_\_\_\_\_  
George E. Meyer, Secretary

(SEAL)

State of Wisconsin  
Department of Natural Resources

SEP 08 REC'D

NOTICE TO PRESIDING OFFICERS  
OF PROPOSED RULEMAKING

SEP 08 1999

Pursuant to s. 227.19, Stats., notice is hereby given that final draft rules are being submitted to the presiding officer of each house of the legislature. The rules being submitted are:

Natural Resources Board Order No. LE-13-99

Legislative Council Rules Clearinghouse Number 99-047

Subject of Rules Snowmobiles

Date of Transmittal to Presiding Officers September 7, 1999

Send a copy of any correspondence or notices pertaining to this rule to:

Carol Turner, Rules Coordinator  
DNR Bureau of Legal Services  
LC/5, 101 South Webster

266-1959

## REPORT TO LEGISLATURE

NR 6, 8, 50 and 64, Wis. Adm. Code  
Snowmobiles

Board Order No. LE-13-99  
Clearinghouse Rule No. 99-047

### Statement of Need

The proposed rule revision makes changes for the automated licensing procedures and snowmobile and ATV trail and enforcement codes. The proposed rules clarify trail signing requirements, give flexibility on trail reimbursements for both the snowmobile clubs and the Department and clarifies standards for the reimbursement of sheriff patrols to help achieve uniformity, accountability and cost control. The licensing changes assist the new on-line licensing procedure.

### Modifications as a Result of Public Hearings

The Department has increased the maximum reimbursement rate for leased snowmobiles and equipment from 30% to 50% of average depreciated cost from the prior year. The Department will send to the patrols what the amount is for the next year shortly after audits are complete so maximum lease rates will be known for the next patrol season.

### Appearances at the Public Hearings and Their Position

*April 20, 1999 – Madison*

In support – none  
In opposition – none

As interest may appear:

Craig Cervenka, Motorcycle Product News, 1406 Seminole Highway, Madison, WI 53711

*April 21, 1999 – Wausau*

In support:

Dennis Sorensen, 1877 Renner Road, St. Germain, WI

In opposition – none

As interest may appear:

Dale Mayo, Vilas County Forestry, Box 330 Court Street, Eagle River, WI 54521  
Dan Bullis, Vilas Co. Snowmobile Alliance, 7140 Old 70, St. Germain, WI 54558

### Response to Legislative Council Rules Clearinghouse Report

The recommendations were accepted.

### Final Regulatory Flexibility Analysis

The proposed rules do not regulate small businesses; therefore, a final regulatory flexibility analysis is not required.

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD  
REPEALING, RENUMBERING, RENUMBERING AND AMENDING, AMENDING,  
REPEALING AND RECREATING AND CREATING RULES

The Wisconsin Natural Resources Board proposes an order to repeal NR 64.14(2)(c); to renumber NR 50.09(4)(f)4.; to renumber and amend NR 50.03(7), NR 50.09(4)(f)3.; to amend NR 8.01(1), 50.09(7), 50.10(5), 50.11(4)(intro.), (d)(intro.), 64.03(4), 64.04(3), 64.13(8), 64.14(2)(a) and (b), 64.14(11), 64.15(2), (3)(d)(intro.) and 2.; to repeal and recreate NR 50.10(3)(a)2., 60.09(4)(c)3.b., (f)1.a., b., c. and 2., 50.12(3)(e), 64.14(9)(a)1.; and to create NR 6.08(6), 6.11, 6.12, 8.02(1m), 50.09(4)(f)3., 64.085, 64.14(9)(am), 64.15(3)(g) relating to snowmobiles

LE-13-99

Statutory authority: ss. 23.33(2)(h) and 227.11(2)(a), Stats.  
Statutes interpreted: ss. 23.33(2),(6) and (9); 350.05 , 350.12 and 350.13, Stats.

In this order section 1 creates inspection authority for and testing of snowmobiles and snowmobile equipment. Section 2 creates display and transfer regulations of trail use stickers. Section 3 regulates the sale of the trail use sticker. Section 4 requires the issuance of trail use sticker by all license agents. Section 5 creates the definition of department regional office. Section 6 provides regulations for signs for snowmobile trails. Sections 7 and 8 changes supplemental application deadline dates and changes the contacts from district to regional offices. Section 9 creates a cap on supplemental maintenance reimbursements. Sections 10, 12,13 and 15 change contacts from district to regional; offices. Section 11 provides regulations for signs on snowmobile routes. Section 14 is created to give guidelines for patrol reimbursement. Sections 16 and 17 allow duplicates and receipts to be issued by authorized agents. Section 18 creates test of equipment authority. Section 19 allows fringe rates as part of project costs. Section 20 changes the winter maintenance rate from \$60 to \$80 and the summer maintenance rate from \$125 to \$220 per mile. Section 21 repeals the year around maintenance rate. Section 22 allows for up to 100% of ATV trail development costs and up to 75% of payment once a signed contract has been approved. Section 23 allows 75% of advanced payment of an ATV major rehabilitation project. Sections 24 and 25 change the location where applications are to be sent. Sections 26 and 27 provide guidelines for patrol reimbursement.

**SECTION 1. NR 6.08(6) is created to read:**

**NR 6.08(6) Refusal to allow testing.** No operator or owner of any snowmobile may deny inspection of the equipment or operating system of a snowmobile or may refuse to operate his or her snowmobile in a manner prescribed by the law enforcement officer who reasonably suspects a violation of snowmobile equipment requirements found in either ch. 350, Stats., or this subchapter.

**SECTION 2. NR 6.11 to 6.12 are created to read:**

**NR 6.11 Display of trail use sticker.** No person may operate and no owner may permit operation of a snowmobile which is subject to the snowmobile trail sticker requirement of s. 350.12(3), Stats., unless a snowmobile trail sticker is permanently affixed by its own adhesive to the bottom center portion of the snowmobile windshield. If there is no windshield, the sticker shall be displayed in a highly visible location on the front of the cowling of the snowmobile.

**NR 6.12 Transfer of trail use sticker.** Once affixed a trail use sticker may not be removed or transferred to another snowmobile.

**SECTION 3. NR 8.01(1) is amended to read:**

**NR 8.01 (1)** "Approval" means any type of approval or authorization issued by the department under ch. 29, Stats., through the automated license issuance system, including any license, permit, certificate, card, stamp, tag, sticker, purchase receipt or customer identification number, unless the context requires a different meaning.

**SECTION 4. NR 8.02(1m) is created to read:**

**NR 8.02(1m)** All license agents shall issue the nonresident snowmobile trail use stickers required under s. 350.12, Stats.

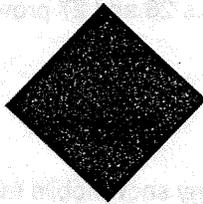
**SECTION 5. NR 50.03(7) is renumbered NR 50.03(17m) and amended to read:**

**NR 50.03(17m)** "~~District~~" "Region" means one of ~~6~~ 5 field administrative offices of the department.

**SECTION 6. NR 50.09(4)(c)3.b. is repealed and recreated to read:**

**NR 50.09(4)(c)3.b.** With the exception of snowmobile guide and information signs, signs for use on snowmobile trails to regulate snowmobile traffic or advise the snowmobile user of a specific trail condition shall be totally reflectorized. Guide signs which assist the snowmobile driver to reach a destination shall have the letters and legend reflectorized. Information signs do not need to be reflectorized. Trail signs shall also conform with the following specifications and illustrations:

**Trail Blazer**



**Purpose:** To delineate the trail and to reassure the user that he or she is on the trail.  
**Size:** 6" x 6"  
**Color:** Orange

**Field Staking**



**Purpose:** Acceptable alternative to use of blazers in agricultural areas and other cleared areas.  
**Size:** Minimum of 6 square inches of reflective orange material mounted 4" - 6" below top of stake. Material is mounted on each side of stake and stakes are installed in pairs. Top 12" - 16" of stake is painted non-reflective orange.

### Directional Arrow



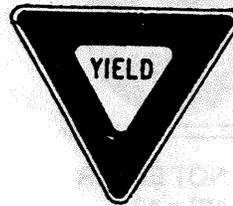
**Purpose:** Indicates a change in trail direction.  
**Size:** 9" x 9"  
**Color:** Orange background with black arrow and border  
**Legend:** 5" directional arrow

### Regulatory Signs - Right of Way



#### STOP SIGN

**Purpose:** Halt snowmobile operators at a road crossing, railroad crossing or trail intersection.  
**Minimum size:** 12" x 12"  
**Color:** Red background and white letters and border.  
**Legend:** 4" Upper case letters



#### YIELD SIGN

**Purpose:** To notify snowmobile operator that the right of way should be given to other vehicles, snowmobiles or other trail users at trail intersections and limited vehicle crossings.  
**Minimum size:** 12" x 12" x 12"  
**Color:** Red background and letters with white border and center  
**Legend:** 4" Upper case letters

### Regulatory – Movement

**Purpose:** To inform snowmobile operator of laws or regulations.  
**Minimum size:** Either 12" x 18" or 12" x 12"  
**Color:** White background and black letters and border. Additional colors such as red or green may be added to reinforce sign message of snowmobile prohibition or permission.

### Examples



ONE WAY  
12" x 18"



SPEED LIMIT  
12" x 18"



RESTRICTIVE  
12" x 12"



DO NOT ENTER  
12" x 12"

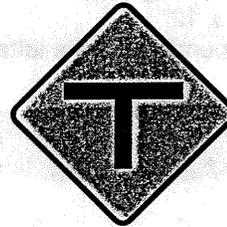
#### Caution Signs

Purpose: To advise the snowmobile operator to proceed with caution at a reduced speed or to advise of a specific trail condition.

Minimum size: 12" x 12"

Color: Yellow background and black letters and/or legend.

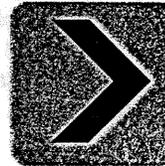
#### Examples



INTERSECTION  
12" X 12"



STOP AHEAD  
12" X 12"



CHEVRON  
12" X 12"

### Hazard Markers



Left



Right

Purpose: Used in pairs, hazard markers indicated the trail opening through which a snowmobile operator may pass over a bridge or culvert. The stripes of each sign face inward and show the bridge opening. Used singly, a hazard marker indicates a trail obstruction. The stripes of the sign point down toward the path around the obstruction.

Minimum size: 6" x 12"

Colors: Alternate black and yellow 45° diagonal stripes.

### Barrier Markers



Left



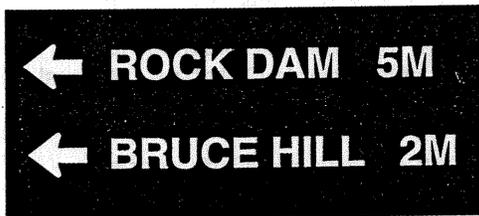
Right

Purpose: Barrier markers are used in pairs to indicate a barrier or gate that restricts entry to a trail or road for snowmobiling. The stripes of each sign face inward and toward the center of the trail or road.

Minimum size: 6" x 12"

Colors: Alternate red and white 45° diagonal stripes.

### Guide Sign



Purpose: Directs snowmobile operator to a destination

Size: Variable - 2" upper case letters

Colors: Brown background with reflective white letters and legend.

Information Signs



Purpose: Furnish information about trails or facilities.  
Size: Variable - 2" upper case letters  
Colors: Brown background with white letters.

Special Sign - Corridor Marker



Purpose: To indicate that the trail is part of the designated state corridor trail system.  
Size: 6" X 6"  
Colors: Blue background with reflective white border, shield and letters

**SECTION 7. NR 50.09(4)(f)1.a., b., c., and 2 are amended to read:**

NR 50.09(4)(f)1.a. The county applies for a supplementary snowmobile trail maintenance payment for the snowmobile trail maintenance expenses of the previous fiscal year by ~~October 1~~ August 1 of the current fiscal year.

b. The reimbursement claim for the previous fiscal year maintenance expenses is submitted to the appropriate ~~DNR district~~ department regional office prior to ~~October 1~~ August 1

**SECTION 8. NR 50.09(4)(f)3. and 4. are renumbered 4. and 5, and 50.09(4)(f)4., as renumbered, is amended to read:**

**NR 50.09(4)(f)4.** Counties requesting supplemental snowmobile trail maintenance payments shall submit full financial documentation prescribed by the department to the appropriate DNR district department regional office for audit purposes. Counties may request an advance payment of 50% of the audited supplemental request prior to ~~October 1~~ August 1 of the current fiscal year.

**SECTION 9. NR 50.09(4)(f)3. is created to read:**

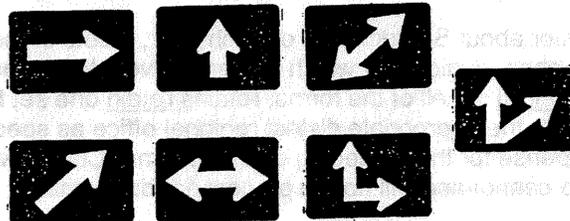
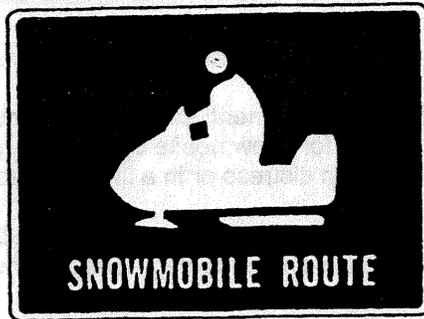
NR 50.09(4)(f)3. All counties qualifying under subd.1 are subject to a cap of 3 times the per mile maximum for maintenance specified under s. 350.12(4)(b)1., Stats., for all eligible snowmobile maintenance activities in the calculation of a supplemental snowmobile maintenance payment.

**SECTION 10. NR 50.09(7) is amended to read:**

NR 50.09(7) PROCEDURE FOR APPLYING FOR GRANT. Contact appropriate department district regional office for prescribed application forms and instructions. Submit completed application to the district regional office by April 15.

**SECTION 11. NR 50.10(3)(a)2. is repealed and recreated to read:**

NR 50.10(3)(a)2. Reflectorization. The reflective material for all reflectorized signs shall meet the specifications of paragraph 637.2.2.1 on reflective sheeting in the state of Wisconsin department of transportation division of highways standard specifications for road and bridge construction, edition of 1981.



**SECTION 12. NR 50.10(5) is amended to read:**

NR 50.10(5) APPLICATION PROCEDURE. Application forms and instructions are available from any department district regional office. Completed applications shall be submitted to the appropriate district regional office by April 15.

**SECTION 13. NR 50.11(4)(intro.) is amended to read:**

NR 50.11(4) PROCEDURES FOR APPLICATION. (intro.) Submit department application to the proper district regional office by October 1. Application shall include:

**SECTION 14. NR 50.12(3)(e) is repealed and recreated to read:**

NR 50.12(3)(e) In order to help achieve uniformity, accountability and cost controls, the following standards are established:

1. For the purpose of patrol reimbursement, each patrol is eligible for reimbursement for only those hours for which the ratio of hours per arrest is no more than 3 times the state average of hours per arrest for participating sheriff patrols for the past 3 years computed from the statewide snowmobile sheriff patrol records. Two documented written warnings will be given the same weight as an arrest. No more than 50% of the credits to reach the standard may be for written warnings.

2. For the purpose of reimbursement of leased snowmobiles or trailers, the amount may not be more than 50% above the average depreciation cost of the prior year for snowmobiles or trailers for all snowmobile patrols claiming depreciation. If a personal snowmobile is used for patrol, the reimbursement rate shall be no more than the maximum rate for leased snowmobiles prorated for the days of use.

3. When more than 50% of the eligible patrols are submitting claims, no one patrol may receive more than 10% of funds available and at no time may any patrol receive more than 20% of funds available.

4. A minimum of 20 patrol hours is required in order to be eligible for reimbursement.

5. For the purpose of administering reimbursement, search and rescue enforcement costs are eligible only for officers actively looking for snowmobile operators and passengers who are, or who are reasonably believed to be, alive, in distress or in a life threatening situation.

6. For the purpose of reimbursement of capital equipment under s. 350.12(4)(a)4., Stats., for law enforcement aids to counties, the amount is limited to depreciation for snowmobiles and snowmobile trailers.

**SECTION 15. NR 50.13(4)(d)(intro.) is amended to read:**

NR 50.13(4)(d)(intro.) On or about September 1 of each year, 3 sets of the following forms will be sent by the department to each municipality which has an active intent to patrol form on file. The appropriate official fills shall fill out all of the forms, retains retain one set for the municipality's records, and files file 2 sets with the appropriate district regional office as specified in s. 30.79, Stats., covering the patrol expense for the preceding calendar year. Claims which are received by the department after this date cannot and will not be processed for payment.

**SECTION 16. NR 64.03(4) is amended to read:**

**NR 64.03(4) Duplicate.** If a registration certificate or registration decal is lost or destroyed, the owner may apply for a duplicate on a form provided by the department. Upon receipt of a proper application and the required fee, the department or its authorized agents shall issue a duplicate registration certificate or registration decals to the owner.

**SECTION 17. NR 64.04(3) is amended to read:**

**NR 64.04(3)** A person may operate an all-terrain vehicle without having the registration decals displayed as provided in sub. (2) if the owner has a receipt validated by the department or its authorized agents. The operator shall have the validated receipt in his or her possession at all times when operating the all-terrain vehicle and shall exhibit it upon demand for inspection by any person authorized to enforce this section under s. 23.33(12), Stats. Upon receipt, the registration decals shall be displayed in the manner indicated in sub. (2).

**SECTION 18. NR 64.085 is created to read:**

**NR 64.085 Refusal to allow testing.** No operator or owner of any all-terrain vehicle may deny inspection or may refuse to operate his or her all-terrain in a manner prescribed by the law enforcement officer who reasonably suspects a violation of all-terrain equipment requirement found in s. 23.33, Stats.

**SECTION 19. NR 64.13(8) is amended to read:**

NR 64.13(8) Actual fringe benefits ~~not exceeding 20% of~~ paid as part of the direct labor costs claimed are eligible project costs.

**SECTION 20. NR 64.14(2)(a) and (b) are amended to read:**

NR 64.14(2)(a) ~~\$60~~ \$80 per mile for winter maintenance. Trails eligible for winter maintenance shall be maintained and groomed for a total of not less than 2 months nor more than 6 months per year including the months of January and February.

(b) ~~\$125~~ \$220 per mile for summer maintenance. Trails eligible for summer maintenance shall be maintained for a total of not less than 3 months nor more than 8 months per year including the months of June, July and August.

**SECTION 21. NR 64.14(2)(c) is repealed**

**SECTION 22. NR 64.14(9)(a)1. is repealed and recreated to read:**

NR 64.14(9)(a)1. Reimbursement of costs of development of all-terrain vehicle areas and trails shall be up to 100% of approved eligible project costs. Sponsors may request an advance payment of up to 75% of the signed contract amount for development.

**SECTION 23. NR 64.14(9)(am) is created to read:**

NR 64.14(9)(am)1. Reimbursement of costs of major rehabilitation of all-terrain vehicle bridges or trail segments shall be for not more than 100% of approved eligible project costs. Sponsors may request an advance payment of up to 75% of the signed contract amount for major rehabilitation.

2. Major rehabilitation project costs may not be incurred until a project agreement has been approved by the department and the sponsor.

**SECTION 24. NR 64.14(11) is amended to read:**

NR 64.14(11) APPLICATION FOR AID. A local unit of government or a federal agency which seeks to receive aids for all-terrain vehicle projects for the following year shall contact the appropriate department district regional office for prescribed application forms and instructions and submit a completed application by April 15.

**SECTION 25. NR 64.15(2) is amended to read:**

NR 64.15(2) Claim forms shall be filed with the department's bureau of law enforcement appropriate regional law enforcement safety specialist on or before September 1 of the year following the 12-month period for which the claim is made. Claims shall be made for the July 1 to June 30 period immediately preceding the filing date.

**SECTION 26. NR 64.15(3)(d)(intro.) and 2. are amended to read:**

NR 64.15(3)(d)(intro.) On or about June 1 of each year, 3 sets of the following forms shall be sent by the department to each county which has an intent to patrol form on file. The appropriate official shall fill out all of the forms, retain one set for the county's records, and file 2 sets with the department's bureau of law enforcement appropriate law enforcement safety specialist on or before September 1, covering the patrol expense for the preceding 12-month period of July 1 to June 30. Claims which are received by the department after this date may not be processed for payment.

2. Form 8700-61-Salary schedule. This form is to be completed by the appropriate county official who shall list the names and salaries of persons engaged in the enforcement of s. 23.33, Stats. Salary rate is restricted to no more than regular straight time rate which the certified law enforcement officer normally receives. Fringe benefit rates may not exceed 20% of the gross salary are actual costs up to a maximum of 29% of the reimbursable straight time salary rate.

**SECTION 27. NR 64.15(3)(g) is created to read:**

NR 64.15(3)(g) In order to help achieve uniformity, accountability and cost controls, the following standards are established:

1. For the purpose of patrol reimbursement, each patrol is eligible for reimbursement for only those hours up to 3 times the state average of arrests per hour for participating sheriff patrols for the past 3 years computed from the statewide all-terrain vehicle sheriff patrol records. Two documented written warnings will be given the same weight as an arrest. No more than 50% of the credits to reach the standard may be for written warnings.

2. For the purpose of reimbursement of leased capital equipment, the amount may not be more than 50% above the average depreciation cost of the prior year for all all-terrain vehicle patrols claiming depreciation.

3. When more than 50% of the eligible patrols are submitting claims, no one patrol may receive more than 10% of funds available and at no time may any patrol receive more than 20% of funds available.

4. A minimum of 20 patrol hours is required in order to be eligible for reimbursement.

5. For the purpose of administering reimbursement, search and rescue enforcement costs are eligible only for officers actively looking for all-terrain vehicle operators who are, or who are reasonably believed to be, alive, in distress or are in a life threatening situation.

6. For the purpose of reimbursement of capital equipment under s. 23.33(9), Stats., for law enforcement aid to counties, the amount is limited to depreciation for all-terrain vehicles and all-terrain vehicle trailers.

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on \_\_\_\_\_.

The rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

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

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By \_\_\_\_\_  
George E. Meyer, Secretary

(SEAL)

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