

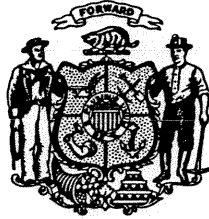
WISCONSIN LEGISLATIVE COUNCIL STAFF



RULES CLEARINGHOUSE

JUN 28 REC'D

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CLEARINGHOUSE REPORT TO AGENCY

[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 99-082

AN ORDER to repeal and recreate NR 45.10 (3) and (4); and to create NR 45.10 (2m), relating to camping and reservations on state parks, forests and other public lands and waters under the department's jurisdiction.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

05-11-99 RECEIVED BY LEGISLATIVE COUNCIL.

06-04-99 REPORT SENT TO AGENCY.

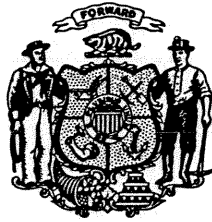
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CLEARINGHOUSE RULE 99-082

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.]

2. Form, Style and Placement in Administrative Code

a. Section NR 45.10 (4) (d) more properly belongs with the subject matter in s. NR 45.10 (2m). This could be accomplished by dropping the word "outdoor" from the title of s. NR 45.10 (2m) and clearly indicating the applicability of each paragraph of that subsection in the text.

b. The fiscal estimate for the rule should be updated. It includes references to several dates that have already passed. Also, "'97-97 biennial budget" should be changed to "1997-99 biennial budget."

c. The first sentence of s. NR 45.10 (4) (intro.) states that the department may establish minimum and maximum group sizes for indoor group camps. Will these be established by rule? Can a cross-reference be included?

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. The first sentence of s. NR 45.10 (2m) (a) needs to indicate what types of campsites are referred to in the paragraph. The words "in a group or backpack campsite" should be inserted after the word "remain." Also, what is a "unit," referred to in the second sentence of that paragraph? Finally, a comma should be inserted following the first occurrence of "unit."

b. In s. NR 45.10 (2m) (d), it appears that the phrase "in state parks, recreation areas and other state forests offering these backpack campsites" is superfluous. Are there other types of state properties that offer backpack campsites? Also, should "in a backpack campsite" be inserted at the end of the second sentence?

c. Section NR 45.10 (2m) (e) should be rewritten in the active voice, clearly stating whose responsibility it is to pack out refuse.

d. In s. NR 45.10 (3) (title), a comma should be inserted following the word "FAMILY."

e. The second sentence of s. NR 45.10 (3) (a) is unclear. When is the minimum three-day occupancy requirement not "applicable"? Also, parenthetical material should not be used in a rule. Could the final part of that sentence be rewritten along the following lines: ". . . for a minimum of 3 days during the Memorial Day or Labor Day weekend or during the Fourth of July weekend if July 4 falls on a Friday, Saturday, Sunday or Monday."

f. Section NR 45.10 (3) (a) to (c) should use the same format to refer to the date of occupancy. The phrase "the date of occupancy" is suggested.

g. In s. NR 45.10 (3) (g), "Walk in" should be hyphenated and "shall" should replace "will."

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

The Wisconsin Natural Resources Board proposes an order to repeal and recreate NR 45.10(3) and (4); and to create NR 45.10(2m) relating to camping and reservations on state parks, forests and other public lands and waters under the Department's jurisdiction

PR-3-98

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 27.01(11)(b) and 227.11(2)(a), Stats.
Statutes interpreted: s. 27.01(11)(a), Stats.

The proposed rules implement the new automated reservation system. The new system allows reservation requests to be processed up to 11 months before a customer wants to occupy a site, rather than having to wait until January 10 of each calendar year. Rather than having to submit a paper reservation form to the park of their choice, or to call the park during business hours in the summer, the new system allows customers to call one toll-free number or access one web site to make a reservation anytime within the reservation window.

The proposed rules also reorganize the rules affecting outdoor group and backpack camping.

[Drafter's Note: This order will be reconciled with Natural Resources Board Order No. LF-20-99 following public hearings.]

SECTION 1. NR 45.10(2m) is created to read: ^{where?}

NR 45.10(2m) OUTDOOR GROUP AND BACKPACK CAMPING. (a) No person may camp and no camping unit may remain for a period exceeding that noted on the registration and in no case for a period exceeding 21 days. After a site is occupied, in person or by a unit for the maximum period authorized, the camping unit and camping party shall be removed from the property at least 7 days before being eligible to return. ^{what is a unit?}

(b) Juvenile groups shall be accompanied by at least one adult for each 10 members of the group.

(c) No more than 10 persons may be permitted at each designated backpack campsite in the Kettle Moraine state forest. A permit shall be issued for no more than one night at each designated backpack campsite in the Kettle Moraine state forest.

(d) No more than one camping party is permitted at a backpack campsite [in state parks, recreation areas and other state forests offering these backpack campsites]. No camping party consisting of a non-family group may exceed 6 persons. A permit may be issued for up to 14 nights at each designated backpack site at these areas. ^{in a backpack site?}

(e) All refuse shall be packed out of backpack campsites. ^{active voice}

SECTION 2. NR 45.10(3) and (4) are repealed and recreated to read:

NR 45.10(3) FAMILY, ⁽⁵⁾OUTDOOR GROUP AND BACKPACK CAMPSITE RESERVATIONS. The department may grant reservations for family, outdoor group and backpack campsites and shall upon request provide a list of parks and forests where reservations are accepted. Reservations for family, outdoor group and backpack campsites may be granted under the following conditions:

(a) Reservation applications shall be accepted for camping 11 months prior to the date of occupancy and shall be for a minimum of 2 consecutive days and a maximum of 21 consecutive days. Reservation applications shall be accepted for camping for a minimum of 3 days during a holiday weekend (Memorial Day, Fourth of July and Labor Day) when applicable.] ^{the date} ^{parents?} (3)

(b) One day reservations may be made starting 90 days prior to ^{the date} day of occupancy.

(c) The department may close the processing of reservations 2 days ^{the} prior to date of occupancy.

(d) Reservations may be made for all available sites until all sites have been reserved for that date.

(e) A reservation fee plus full payment, in the form of a Mastercard or Visa credit card, or a check or money order, shall be included with each application.

(4) INDOOR GROUP CAMPING RESERVATIONS. The department may grant reservations and establish minimum and maximum group sizes for indoor group camps. Upon request, the department shall provide a list of parks and forests where reservations are accepted. The department may grant reservations for indoor group camps under the following conditions:

(a) Group camp reservations for Wyalusing shall be accepted only for a minimum of 2 days on weekends.

(b) Reservation applications for indoor group camp facilities shall arrive at the park or forest office no more than one year in advance of the date the camp is to be occupied. Walk-in reservations will be held for 5 days and treated equally with mail in reservations postmarked the same day by using a random selection list.

(c) The reservation fee plus full payment, in the form of a check or money order, shall be included with each application.

(d) Juvenile groups shall be accompanied by at least one adult for each 10 members of the group. (2)

include in
(2m)

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

SEP 08 1999

NOTICE TO PRESIDING OFFICERS
OF PROPOSED RULEMAKING

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. PR-3-98

Legislative Council Rules Clearinghouse Number 99-082

Subject of Rules Camping and reservations on state parks, forests and other public lands and waters under the Department's jurisdiction

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 45.10, Wis. Adm. Code
Camping and reservations on state parks, forests
and other public lands and waters under the Department's jurisdiction

Board Order No. PR-3-98
Clearinghouse Rule No. 99-082

Statement of Need

Legislation directed the Department to promulgate rules for the operation of a Wisconsin state park campground reservation system. Under the new rule, the period that reservations will be accepted is changed from a January 10 start date to an 11-month rolling window. In addition, Mastercard or Visa credit cards, checks and money orders would be accepted for payment. The use of the telephone and Internet would be the communication methods used to make reservations rather than the mail.

The proposed rule has been modified from the emergency rule to reflect the public's and the department's desire to allow the long standing park policy of accepting group camp reservations for one night in length.

Modifications as a Result of Public Hearing

There were no modifications as a result of public hearing.

Appearances at the Public Hearings and Their Position

June 24, 1999 – Madison

In support:

Barney Bernander, Wisconsin Association of Campground Owners, Box 580, Pardeeville, WI 53954

In opposition – none

As interest may appear – none

June 28, 1999 – Wausau – No appearances

June 29, 1999 – Milwaukee – No appearances

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 AND RECREATING RULES AND CREATING RULES

The Wisconsin Natural Resources Board proposes an order to repeal and recreate NR 45.10(3) and (4); and to create NR 45.10(2m) relating to camping and reservations on state parks, forests and other public lands and waters under the Department's jurisdiction

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Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 27.01(11)(b) and 227.11(2)(a), Stats.
Statutes interpreted: s. 27.01(11)(a), Stats.

The proposed rules implement the new automated reservation system. The new system allows reservation requests to be processed up to 11 months before a customer wants to occupy a site, rather than having to wait until January 10 of each calendar year. Rather than having to submit a paper reservation form to the park of their choice, or to call the park during business hours in the summer, the new system allows customers to call one toll-free number or access one web site to make a reservation anytime within the reservation window.

The proposed rules also reorganize the rules affecting outdoor group and backpack camping.

SECTION 1. NR 45.10(2m) is created to read:

NR 45.10(2m) OUTDOOR GROUP AND BACKPACK CAMPING. (a) No person may camp and no camping unit may remain on a group or backpack campsite for a period exceeding that authorized by the registration and in no case for a period exceeding 21 days. After a site is occupied, in person or by a camping unit, for the maximum period authorized, the camping unit and camping party shall be removed from the property at least 7 days before being eligible to return.

(b) Juvenile groups shall be accompanied by at least one adult for each 10 members of the group.

(c) No more than 10 persons may be permitted at each designated backpack campsite in the Kettle Moraine state forest. A permit shall be issued for no more than one night at each designated backpack campsite in the Kettle Moraine state forest.

(d) No more than one camping party is permitted at a backpack campsite in state parks, recreation areas and other state forests offering these backpack campsites. Except as provided in par. (c), no camping party consisting of a non-family group may exceed 6 persons on a backpack campsite. A permit may be issued for up to 14 nights at each designated backpack site at these areas.

(e) All backpack campers shall pack out refuse generated while camping.

SECTION 2. NR 45.10(3) and (4) are repealed and recreated to read:

NR 45.10(3) FAMILY, OUTDOOR GROUP AND BACKPACK CAMPSITE RESERVATIONS. The department may grant reservations for family, outdoor group and backpack campsites and shall upon request provide a list of parks and forests where reservations are accepted. Reservations for family, outdoor group and backpack campsites may be granted under the following conditions:

(a) Reservation applications shall be accepted for camping up to 11 months prior to the date of occupancy and may be for a minimum of 2 consecutive days for family sites, and for one day for backpack and group sites. The maximum reservation period for family campsites shall be 21 consecutive days. The maximum reservation period for outdoor group campsites shall be 21 consecutive days. The maximum reservation period for backpack sites is 14 consecutive days. Reservation applications for family campsites shall be accepted for camping for a minimum of 3 days during the holiday weekends of Memorial Day, Fourth of July and Labor Day when the holiday occurs on a Monday or Friday.

(b) One day family campsite reservations may be made starting on June 1 and ending September 1 each year for anytime between those dates within the calendar year.

(c) The department may close the processing of reservations 2 days prior to date of occupancy.

(d) Reservations may be made for all available sites until all sites have been reserved for that date.

(e) A vendor reservation fee plus full payment of camping fees, in the form of a Mastercard or Visa credit card, or a check or money order, shall be included with each application.

(4) Indoor GROUP CAMPING AND RESERVATIONS. The department may grant reservations and establish minimum and maximum group sizes for indoor group camps. Upon request, the department shall provide a list of parks and forests where reservations are accepted and the minimum and maximum group sizes for indoor group camps. The department may grant reservations for indoor group camps under the following conditions:

(a) Group camp reservations for Wyalusing shall be accepted only for a minimum of 2 days on weekends.

(b) Reservation applications for indoor group camp facilities shall arrive at the park or forest office no more than one year in advance of the date the camp is to be occupied. Walk in reservations shall be held for 5 days and treated equally with mail in reservations postmarked the same day by using a random selection list.

(c) The reservation fee plus full payment of camping fees, in the form of a check or money order, shall be included with each application.

(d) Juvenile groups shall be accompanied by at least one adult for each 10 members of the group.

(e) Unless waived by the department, no group may camp for a period greater than 7 days in any 4-week period in the indoor group camp in the property of registration.

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on August 25, 1999.

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)