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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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**Ronald Sklansky**  
*Clearinghouse Director*

**Terry C. Anderson**  
*Legislative Council Director*

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**Laura D. Rose**  
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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 **02-098**

AN ORDER to amend NR 50.12 (3) (a) and (d), 50.13 (1m) (a) (intro.) and 1. and (b) 2. and (4) (d) (intro.) and 64.15 (2), (3) (a), (d) (intro.) and 4. and (e), relating to water safety patrols.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

07-08-2002 RECEIVED BY LEGISLATIVE COUNCIL.

07-23-2002 REPORT SENT TO AGENCY.

RNS:PGC

**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 02-098

#### 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.]**

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

The last sentence in ss. NR 50.12 (3) (d), 50.13 (4) (d) (intro.), and 64.15 (3) (d) (intro.) uses the term "this date." Since some of these provisions contain more than one date, it may be helpful to substitute the actual date for "this date." Those should be June 1 in ss. NR 50.12 (3) (d) and 64.15 (3) (d) (intro.); it is not clear what date should be inserted in s. NR 50.13 (4) (d) (intro.).

Report to  
Legislative Council Rules Clearinghouse  
NR 50 and 64, Wis. Adm. Code  
Natural Resources Board Order No. LE-40-02

Wisconsin Statutory Authority

ss. 30.79(2m) and 227.11(2)(a), Stats., interpreting ss. 23.33(9)(a), 30.79 and 350.12(4), Stats.

Federal Authority

N/A

Court Decisions Directly Relevant

None

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

The Winnebago County Sheriff has requested that the Department include the water safety patrols that operate on Lake Winnebago under s. NR 50.13(1m)(b)2., so that they can also be funded to staff their boats with 3 officers for safety reasons. Currently s. NR 50.13(1m)(a) states that the ratio of fundable on-water patrol hours per arrest may not be less than 15. The patrols that operate on outlying waters are authorized to staff their patrol boats with an additional officer and are requesting that separate minimum ratios be established for inland water and outlying water patrols to recognize their additional personnel costs.

The proposed rule will also eliminate the requirement for the Department to mail three sets of forms to each county for water safety, snowmobile and ATV patrols. The Department has electronic versions of the patrol forms available and copy machines eliminate the need for triplicate sets to be mailed.

Currently the Department makes grant funds available to sheriff patrols that enforce snowmobile and ATV statutes at two separate times each year. The proposed rule will change the grant submission deadlines and payment disbursement dates for both programs to be the same. The changes are expected to reduce county and Department personnel time and expense.

Currently the ATV equipment reimbursement rate for equipment items that are not ATVs or trailers is capped at \$100. The ATV equipment needed by patrols to effectively perform enforcement functions is often higher than \$100 per item. The proposed change would raise the equipment cap to a maximum of \$1000, which is identical to the snowmobile program.

Agency Procedures for Promulgation

Public hearings, Natural Resources Board final adoption, followed by legislative review.

Description of any Forms (attach copies if available)

No new forms.

Name and Telephone Number of Agency Liaisons

Karl Brooks, Bureau of Law Enforcement (ATVs & snowmobile) – 267-7455

John Lacenski, Bureau of Law Enforcement (Water safety) – 264-8970

Michael Lutz, Bureau of Legal Services – 267-7456

Carol Turner, Bureau of Legal Services - 266-1959

Submitted on July 8, 2002

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD  
AMENDING RULES

The State of Wisconsin Natural Resources Board proposes an order to amend NR 50.12(3)(a) and (d), 50.13(1m)(a) (intro.), 1. and (b)2. and (4)(d)(intro.) and 64.15(2), (3)(a), (d)(intro.) and 4. and (e) relating to water safety patrols

LE-40-02

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 30.79 (2m) and 227.11(2)(a), Stats.  
Statute interpreted: ss. 23.33(9)(a), 30.79 and 350.12(4), Stats.

**Section 1.** Amends the deadline for filing the Intent to Patrol form to June 1 for Snowmobile Patrols and amends the requirement for the Department to mail 3 sets of forms to each patrol, to require the Department to send one set of forms.

**Section 2.** Establishes a separate minimum ratio of on-water patrol hours per arrest for patrols that operate on outlying waters or on lakes of over 100,000 acres to reflect their additional personnel costs.

**Section 3.** Add patrols that operate on lakes of over 100,000 acres to those patrols that are authorized to staff their patrol boats with 3 officers.

**Section 4.** Amends the requirement for the Department to mail 3 sets of forms to each patrol, to require the Department to mail one set of forms to each patrol

**Section 5.** Amends the deadline dates for filing claims and Intent to Patrol forms to June 1 for ATV Patrols. Amends the cost limit for equipment that is required to be depreciated from \$100 to \$1000. Amends the requirement for the Department to mail 3 sets of forms to each patrol, to require the Department to send one set of forms and changes the funds disbursement date to October 1.

SECTION 1. NR 50.12(3)(a) and (d) are amended to read:

NR 50.12(3)(a) Form 8700-59 — Notice of intent to patrol. In order to be eligible for the state aids, a snowmobile patrol must function as an enforcement unit and file an intent to patrol form with the department of natural resources listing the authority under which the snowmobile patrol will operate. On or before ~~July 4~~ June 1 of each year a county must file an intent to patrol form with the department, sent to the attention of the Office of the Coordinator of Snowmobile Safety, P.O. Box 7921, Madison, Wisconsin.

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

SECTION 2. NR 50.13 (1m)(a)(intro.) is amended to read:

NR 50.13 (1m) (a) (intro.) On-water patrol hours for each water safety patrol are fundable based on a formula of the number of on-water patrol hours per arrest. The maximum number of on-water patrol hours per arrest shall be not more than 50% above the state average of on-water patrol hours per arrest for the past 3 years computed from the statewide municipal patrol records. This ratio may not be less

than 15 on-water patrol hours per arrest for inland water patrols or less than 22 on-water patrol hours per arrest for patrols that operate on outlying waters or on lakes of over 100,000 acres. Patrols with a ratio of on-water patrol hours per arrest in excess of the maximum ratio may be funded only for those hours that result in a ratio equal to the maximum ratio allowed. Patrols are also subject to the following guidelines:

SECTION 3. NR 50.13 (1m) (a) 1. and (b) 2. are amended to read:

NR 50.13 (1m) (a) 1. For the purpose of establishing the average patrol hour per arrest for each claim, the inland patrols shall be based on the average of all inland water patrols and the outlying water patrols shall be based on the average of all the outlying patrols that operate on outlying waters or on lakes of over 100,000 acres participating in the program of aids to municipal water safety patrol units.

(b) 2. Three certified law enforcement officers per boat on outlying waters or on lakes of over 100,000 acres, having authority to make arrests.

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

NR 50.13 (4) (d) On or about September 1 of each year, ~~3 sets~~ one set 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 shall fill out ~~all of~~ the forms, retain one set for the municipality's records, and file 2 sets with the appropriate 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 will not be processed for payment.

SECTION 5. NR 64.15(2), (3)(a), (d)(intro.) and 4. and (e) are amended to read:

NR 64.15 (2) Claim forms shall be filed with the department's appropriate law enforcement safety specialist on or before ~~September 4~~ June 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~~ May 1 to April 30 period immediately preceding the filing date.

(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 4~~ June 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 7921, Madison, Wisconsin 53707.

(d)(intro.) On or about ~~June 4~~ April 1 of each year, ~~3 sets~~ one set 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 appropriate law enforcement safety specialist on or before ~~September 4~~ June 1, covering the patrol expense for the preceding 12-month period of ~~July 1 to June 30~~ May 1 to April 30. Claims which are received by the department after this date may not be processed for payment.

4. Form 8700-63 - Depreciation schedule - straight line method. This form shall be completed by the appropriate county official, who shall list all capital outlay equipment and the resulting depreciation. Depreciation shall be calculated at the rate of 12 1/2% annually of all equipment (over \$400.00 \$1000.00) except all-terrain vehicles which shall be figured at the rate of 20% annually.

(e) Each claim shall be audited by the department as soon as possible after the claim has been received. Payment of claims shall be made no later than ~~November 4~~ October 1. Reimbursement of the actual cost and maintenance of all-terrain vehicle enforcement patrols is authorized. Travel expenses and salaries for training purposes are authorized only for attendance of all-terrain vehicle enforcement

training sessions conducted by the department. The person in charge of the patrol or designee is required to attend all designated department all-terrain vehicle enforcement patrol training sessions as a condition of receiving aids under this section and s. 23.33, Stats.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on

The rules 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 \_\_\_\_\_  
Darrell Bazzell, Secretary

(SEAL)