

REPORT TO LEGISLATURE

NR 5 and 50, Wis. Adm. Code
Boating safety and waterway markers

Board Order No. LE-5-95
Clearinghouse Rule No. 94-219

Statement of Need

The Department of Natural Resources proposed this rule in an effort to move forward the Memorandum of Agreement between Minnesota and Wisconsin on regulation rule consistency along with requests from the Lower St. Croix Management Commission, municipal water patrols and the United States Coast Guard. Changes to chs. NR 5 and 50 include:

1. Setting standards for noise testing of boats;
2. Setting the standards for personal watercraft safety decals and safety instructions;
3. Changing the restricted speed zone on the St. Croix River to meet the request of the Minnesota Department of Natural Resources and the Minnesota-Wisconsin Boundary Commission;
4. Changing the criteria for municipal boat patrols regarding depreciation of capital equipment, repairs, salary schedules and on-water ratio; and
5. Bringing the rules into compliance with federal regulations regarding the placement, maintenance and specifications of waterway markers; the size designation of fire extinguishers; and the size designation of personal flotation devices.

Modifications as a Result of Public Hearing

Section NR 5.125 on testing requirements was modified to specify the operator's requirements and options regarding noise testing. At the public hearing it was requested that the Department specify what is to be done if there is no compliance with the request to follow the officer's directions for noise testing.

Section NR 5.16 was modified to clearly define what the Department wanted the personal watercraft decals to say and to supply the rental agents with forms to eliminate the need for rental agents to develop their own forms.

Section NR 5.22 dealing with how a hearing regarding one's refusal to submit to testing for alcohol content should be conducted was created based on comments from the Legislative Council Rules Clearinghouse.

Section NR 5.33(1)(a) was created and s. NR 5.33(2)(h) was revised because people felt that the slow-no-wake speed should apply during peak use times. A slow-no-wake speed restriction is established during the hours of noon until 6:00 p.m. on weekends and holidays. The remaining time is established as "slow speed". This lesser restriction would provide the needed safety due to the reduced amount of traffic operating in this area.

Appearances at the Public Hearing and Their Position

January 17, 1995 - Madison - No appearances.

January 18, 1995 - Milwaukee - No appearances

January 19, 1995 - Hudson

In support:

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Ginny Beckett, 2271 E. Old Shakopee Road, Bloomington, MN 55425
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In opposition:

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As interest may appear:

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Michele G. Scheid, Washington Co. Public Information Officer, Washington Co. Gov. Center,
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Response to Legislative Council Rules Clearinghouse Report

The recommendations were accepted.

Final Regulatory Flexibility Analysis

The rule is not deemed to have any significant impact on small business. Its regulatory effect is primarily on individual users. A potential impact on small business may occur with the requirement that lessees of personal watercraft be given a short course of instruction on laws regulating personal watercraft. This impact is considered minimal due to the fact that the Department will provide both an instructional decal and a sample course on instruction. Furthermore, this requirement is mandated by s. 30.625, Stats.