

CR 89-212



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny, Secretary
Box 7921
Madison, Wisconsin 53707
TELEFAX NO. 608-267-3579
TDD NO. 608-267-6897

RECEIVED

SEP 5 1990

2:30 pm
Revisor of Statutes
Bureau

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) ss

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruce B. Braun, Deputy Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. LE-79-89 was duly approved and adopted by this Department on June 28, 1990. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have here-
unto set my hand and affixed the
official seal of the Department at
the Natural Resources Building in
the City of Madison, this 29th
day of August, 1990.


Bruce B. Braun, Deputy Secretary

(SEAL)

RECEIVED

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

SEP 5 1990

Revisor of Statutes
Bureau

.....
IN THE MATTER of repealing s. NR 5.35; amending .
ss. NR 5.08(intro.), 50.13(2)(intro.) and .
50.13(4)(d)4; and creating ss. NR 50.03(22) .
and (23), 50.13(1m), (2)(a)3 and (6) of the .
Wisconsin administrative code pertaining to .
eligibility for law enforcement aids and boating .
.....

LE-79-89

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 30.67(2)(a), 30.79(2m), 227.11(2)(a) and (d) and
30.80, Stats., and 1989 Wis. Act 31, section 3040(9f)
Statutory interpreted: ss. 30.67 and 30.79, Stats.

This order creates detailed standards for eligibility for law enforcement aids to local units of government under s. 30.79, Stats., as required by s. 30.79(2m), Stats. It also modifies the accident reporting requirement to make it consistent with U.S. Coast Guard regulations and deletes an unnecessary penalty provision.

SECTION 1. NR 5.08(intro.) is amended to read:

NR 5.08 ACCIDENT REPORTS. Written reports of boating accidents required by s. 30.67, Stats., shall be submitted to the Department of Natural Resources, Box 7921, Madison, Wisconsin 53707, on forms provided by the department, postmarked within 10 days after the date of the accident. Reportable accidents are defined as all boating accidents that result in loss of life, personal injury which required medical treatment beyond first aid, damage to the boat and other property exceeding ~~\$200.00~~ \$500.00, or complete loss of the boat. All reports shall contain the following information:

SECTION 2. NR 5.35 is repealed.

SECTION 3. NR 50.03(22) and (23) are created to read:

NR 50.03(22) "Inland patrols" means water safety patrol units which operate on waters other than those designated by s. 29.01(11), Stats.

(23) "Outlying patrols" means water safety patrol units which operate on waters designated in s. 29.01(11), Stats.

SECTION 4. NR 50.13(1m) is created to read:

NR 50.13(1m) GUIDELINES FOR AIDS TO WATER SAFETY PATROL UNITS. No local unit of government may receive state aids under s. 30.79, Stats., for costs contrary to the following guidelines:

(a) On-water patrol hours for each water safety patrol are fundable based on a formula of 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. 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:

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 of the outlying patrols participating in the program of aids to municipal water safety patrol units.

2. For the purpose of establishing on-the-water patrol average, on-the-water patrol hours are one person times one hour of on-the-water on patrol.

(b) The maximum number of fundable crew members on a water safety patrol shall be limited to:

1. Two certified law enforcement officers per boat on inland waters, having authority to make arrests; and

2. Three certified law enforcement officers per boat on outlying waters, having authority to make arrests.

(c) No local unit of government is eligible for reimbursement unless it contains within its jurisdiction at least one of the following:

1. A lake of at least 100 acres in size, determined by the current department lake surveys.

2. At least one mile of river within the jurisdiction of the local unit of government.

(d) A local unit of government operating within the guidelines of this section may be reimbursed for actual expenses for search and rescue on all waters within its jurisdiction.

(e) No local unit of government may receive aid under any portion of the program of aids to municipal water safety patrol units unless its water safety patrol has performed at least 40 hours of fundable on-the-water patrol time during the calendar year.

(f) A local unit of government may be reimbursed for the actual teaching hours of a law enforcement officer who conducts an authorized department boating safety education course.

(g) Water safety patrol expenses on lakes less than 100 acres and sections of rivers less than one mile in length may only be reimbursed if the patrol qualifies under par. (c) and the expenses are justified in the interest of public health and safety. Such justification shall be documented on each daily log Form 8700-59 and included on the monthly report Form 8700-90.

SECTION 5. NR 50.13(2)(intro.) is amended to read:

NR 50.13(2)(intro.) SEARCH AND RESCUE GUIDELINES. For the purpose of administering the aids to ~~municipalities~~ local units of government provided in s. 30.79, Stats., search and rescue is defined as the activity of looking for a person or persons who are, or who are reasonably believed to be alive, in distress and ~~have a need for assistance~~ are in a life threatening situation.

SECTION 6. NR 50.13(2)(a)3. is created to read:

NR 50.13(2)(a)3. Towing where the disabled boat and occupants are in distress and in a life threatening situation.

SECTION 7. NR 50.13(4)(d)4. is amended to read:

NR 50.13(4)(d)4. Form 8700-63 - Depreciation schedule - straight line method. This form is to be completed by the appropriate ~~municipal~~ local unit of government official, who shall list all capital outlay equipment and the resulting depreciation. Depreciation shall be calculated at the rate of 12½% annually on all new capital equipment (\$500 or over \$100.00). Repairs \$1,000 and under to authorized capital equipment may be reimbursed during the year the repairs were paid for. All repairs over \$1,000 to capital equipment shall be reimbursed on a 12½% per year straight line depreciation schedule.

SECTION 8. NR 50.13(6) is created to read:

NR 50.13(6) Except for time spent on boating education courses, no local unit of government may receive more than 40% of the total amount of its claim for administrative costs.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on June 28, 1990.

The rules 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.

Dated at Madison, Wisconsin August 29, 1990

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)

RECEIVED

SEP 5 1990

Revisor of Statutes
Bureau



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny, Secretary
Box 7921
Madison, Wisconsin 53707
TELEFAX NO. 608-267-3579
TDD NO. 608-267-6897

August 29, 1990

RECEIVED

SEP 5 1990

Revisor of Statutes
Bureau

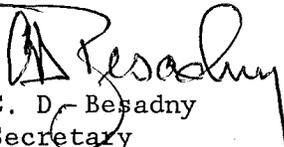
Mr. Gary L. Poulson
Assistant Revisor of Statutes
119 Martin Luther King, Jr., Blvd.

Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. LE-79-89. These rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Transportation, Conservation and Mining pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees are also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,


C. D. Besadny
Secretary

Enc.