

**Wisconsin Department of Natural Resources
Natural Resources Board Agenda Item**

SUBJECT:

Request that the Board adopt LE-17-13, proposed rules affecting ch(s). NR 50.12, NR 50.13 and NR 64.15 related to Law Enforcement Aids to Counties and Municipalities

FOR: February 2015 Board meeting

PRESENTER'S NAME AND TITLE: Roy Zellmer, Warden Supervisor-Boating Law Administrator

SUMMARY:

The Bureau of Law Enforcement recommends adoption of administrative rules that modify sections of Chapter NR 50 and NR 64. The proposed revisions will provide consistency and standardization of eligibility and reimbursement standards for the state, counties, and municipalities in the administration of the law enforcement aids program. Inconsistencies include the definition of allowable hours for patrol units, limits to the percentage of reimburseable administrative hours, eligibility to include time law enforcement officers spend teaching safety education classes, and depreciation methods. The proposed revisions would also increase the allowable fringe rate percentage and change the dollar amount of capital equipment and repairs to capital equipment from \$1,000 to \$2,500 to reflect current day practices and expenditures. The proposed revisions would also increase the number of patrol hours required for reimbursement eligibility as follows: all-terrain vehicle from 20 to 40 hours, snowmobile from 20 to 40 hours and waters safety patrol from 40 to 80 hours providing an increased law enforcement presence throughout the state which will have a positive effect on health and safety.

The Natural Resources Board approved the Statement of Scope and authorized public hearing at its September 2014 meeting. The Natural Resources Board was notified on October 27, 2014 of the intent to solicit information and advice for the preparation of an economic impact analysis. A public hearing was held December 12, 2014 in Fitchburg. There were 2 attendees at this hearing, however, neither provided comments or requested a formal appearance.

Revisions will affect county sheriff, city, village, township, and lake protection districts conducting ATV, snowmobile and water safety patrol activities.

RECOMMENDATION: That the Board adopt LE-17-13.

LIST OF ATTACHED MATERIALS (check all that are applicable):

- | | |
|---|---|
| <input checked="" type="checkbox"/> background memo | <input type="checkbox"/> Attachments to background memo |
| <input checked="" type="checkbox"/> Fiscal estimate and economic impact analysis (EIA) form | <input type="checkbox"/> Environmental assessment or impact statement |
| <input type="checkbox"/> Response summary | <input checked="" type="checkbox"/> Board order/rule |

Approved by	Signature	Date
Todd Schaller	<i>Acting Kurt R. Schaller</i>	1-14-15
Not Applicable		
Cathy Stepp, Secretary	<i>Cathy Stepp</i>	2/3/15

cc: Board Liaison - AD/8

Program attorney - LS/8

Department rule coordinator - LS/8

CORRESPONDENCE/MEMORANDUM

DATE: January 7, 2015

TO: All Members of the Natural Resources Board

FROM: Cathy Stepp, Secretary

SUBJECT: Background memo on Board Order LE-17-13, relating to chapter NR 50 and NR 64 – Law Enforcement Aids to Counties and Municipalities

1. **Subject of Proposed Rule:** The proposed rule modifies ch(s). NR 50.12, NR 50.13 and NR 64.15 relating to law enforcement aids to counties and municipalities.
2. **Background:** Make revisions to ss. NR 50.12 and NR 50.13, Wis. Adm. Code, and move language from s. NR 64.15 to ch. NR 50, Wis. Adm. Code, pertaining to law enforcement aids to counties and municipalities for boat, All-Terrain/Utility Terrain vehicle, and snowmobile patrol units.
3. **Why is the rule being proposed?** The proposed revisions will provide consistency and standardization of eligibility and reimbursement standards for the state, counties and municipalities in the administration of the law enforcement aids program. Inconsistencies include the definition of allowable hours for patrol units, limits to the percentage of reimburseable administrative hours, eligibility to include time law enforcement officers spend teaching safety education classes, and depreciation methods.
4. **Summary of the rule.**
 - Clarifies the definition of Enforcement Officer in order for the patrol agency to qualify for state aid.
 - Provides consistency for the patrol agencies and reduces the number of copies required to be submitted to the department.
 - Creates requirements for the all-terrain/utility terrain law enforcement aid program in NR 50 to provide consistency for the patrol agencies.
 - Add Municipal Boat Patrol U.S. Coast Guard Annual Report (Form 8700-330) to the list of forms required as part of the annual reimbursement claim submittal. Information collected on this form is required in the U.S. coast guard federal grant application process.
 - Reduces the maximum allowable administrative percentage to 30% of the total hours claimed. Provides consistency across the three patrol unit types and limits the administrative hours claimed by a patrol unit to ensure patrol units are reimbursed for time spent patrolling vs. administrative tasks, thereby reducing the cost per citation.
 - Creates the ability for patrols to include hours for safety education teaching as a reimbursable cost, consistent with water safety patrol requirements. Allowing safety education teaching hours as exempt hours will allow the patrol units to include all relevant hours on their claim, while keeping the patrol hours as actual hours spent patrolling.
 - Removes all terrain law enforcement aids program requirements from NR 64 in order to create language in NR 50 to provide consistency for the patrol agencies.

5. **How does this proposal affect existing policy?** See above
6. **Has Board dealt with these issues before?** The Natural Resources Board approved the Statement of Scope and authorized public hearing at its September 2014 meeting. The Natural Resources Board was notified on October 27, 2014 of the intent to solicit information and advice for the preparation of an economic impact analysis.
7. **Who will be impacted by the proposed rule?** Revisions will affect county sheriff, city, village, township and lake protection districts conducting ATV, snowmobile and water safety patrol activities.
8. **Soliciting public input on economic impact synopsis.**

A notice soliciting comments regarding an Economic Impact Analysis for revision to chapter NR 50, law enforcement aids to counties and municipalities was posted on the internet October 27, 2014.

Proposed changes will have an overall positive economic impact on the county sheriff's departments and local municipalities identified in the list at the end of this document. A review of the reimbursement payments for the past three years indicates that increasing the minimum patrol hour requirement could affect 5 ATV patrol units, 12 water safety patrol units and 5 snowmobile patrol units that would have to increase their patrol efforts in order to meet the minimum standards. However, the revision will provide for an increased law enforcement presence thereby providing a positive impact for health and safety.

The revisions propose capping the reimbursable administrative time to 30%, which is close to the amount used for federal grants and other aids program within the State of Wisconsin. While reducing the maximum administrative time allowed will impact patrol unit reimbursement claims, the intent of the law enforcement aids program is to provide reimbursement for law enforcement activities.

An analysis of the 174 patrol claims received for the 2013 boating season and the 2013-2014 ATV and Snowmobile seasons indicates that 78% of the patrols would receive an increase in their reimbursement payment, 10% would see a decrease in their reimbursement payment, and 12% of the patrols would need to increase their patrol numbers in order to meet the minimum standards proposed in this rule.

These rules are applicable to country sheriff's departments and local municipality enforcement units and impose no compliance or reporting requirements for small business

9. **Environmental Analysis.** A strategic analysis under s. NR 150.10(1m), Wis. Adm. Code is not required for Board Order LE-17-13 because the proposed rules do not involve unresolved conflicts concerning alternative uses of available resources. The Department has also determined that the rulemaking process for Board Order LE-17-13 constitutes an equivalent analysis action, under s. NR 150.20(2)(b), Wis. Adm. Code.
10. **Small Business Analysis.** There is no economic impact to small businesses. No comments were submitted to the Department in response to the Economic Impact Analysis that was developed and posted for public input.
11. **Response to Comments.** The DNR has worked very closely with the local recreation patrols and feel the input and comments provided by the local agencies has been heard and are reflective in the proposed revisions. Specifically, we received comments from three water safety patrol units:

- City of LaCrosse Police Department commented that they fully supported the proposed revisions.
- Town of Oakland Police commented that they opposed the allowance of 2 written warnings being given the same credit as a citation and suggested patrols be allowed to include citations issued for Juvenile Alcohol and Under-Age Alcohol. While this suggestion has merit and would be supported by the Department, current statutory requirements limit the scope of enforcement and time reimbursed through this grant program.
- Town of Oakland Police also commented that they opposed the change in depreciation dollar amount. The proposed change will allow the patrols to be reimbursed in the same year for equipment purchased or repaired with a dollar amount up to \$2,500. Currently, there is a \$1,000 limit that is reimbursed over a five year period.
- Town of Troy commented that they agreed with all of the proposed revisions except for the requirement that DNR pre-approve purchases of capital equipment. Approval of capital equipment purchases ensures that grant funds are distributed equitably across the patrol units. Approvals will be based on the type of equipment appropriate to the agency's necessary patrol operation per the statutory requirements in place. Patrols would be able to purchase equipment that is not pre-approved by the department. However, unapproved items may not be accepted as part of the reimbursement claim and payment.

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis
 Original Updated Corrected

2. Administrative Rule Chapter, Title and Number
NR 50 – Law Enforcement Aids to Counties and Municipalities

3. Subject
The Bureau of Law Enforcement recommends promulgating administrative rules that modify section of Chapter NR 50.12, NR 50.13 and NR 64.15 relating to law enforcement aids to counties and municipalities

4. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	5. Chapter 20, Stats. Appropriations Affected
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6. Fiscal Effect of Implementing the Rule
 No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)
 State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?
 Yes No

9. Policy Problem Addressed by the Rule
The proposed revisions are intended to provide consistency of eligibility and reimbursement standards for recreational vehicle patrol units. Inconsistencies include the definition of allowable hours for patrol units, limits to the percentage of reimburseable administrative hours, eligibility to include time law enforcement officers spend teaching safety education classes, and depreciation methods. The proposed revisions would also increase the allowable fringe rate percentage and change the dollar amount of capital equipment and repairs to capital equipment from \$1,000 to \$2,500 to reflect current day practices and expenditures

The proposed revisions would increase the number of patrol hours required for reimbursement eligibility as follows: all-terrain vehicle from 20 to 40 hours, snowmobile from 20 to 40 hours and waters safety patrol from 40 to 80 hours providing an increased law enforcement presence throughout the state which will have a positive effect on health and safety

The proposed revisions will provide consistency and standardization for the state, counties, and municipalities in the administration of the law enforcement aids program.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.
Revisions will affect county sheriff, city, village, township and lake protection districts conducting ATV, snowmobile and water safety patrol activities.

11. Identify the local governmental units that participated in the development of this EIA.
See list at end of this document.

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

Proposed changes will have an overall positive economic impact on the county sheriff's departments and local municipalities identified in the list at the end of this document.

A review of the reimbursement payments for the past three years indicates that increasing the minimum patrol hour requirement could affect 5 ATV patrol units, 12 water safety patrol units and 5 snowmobile patrol units that would have to increase their patrol efforts in order to meet the minimum standards. However, the revision will provide for an increased law enforcement presence thereby providing a positive impact for health and safety.

The revisions propose capping the reimbursable administrative time to 30%, which is close to the amount used for federal grants and other aids program within the State of Wisconsin. While reducing the maximum administrative time allowed will impact patrol unit reimbursement claims, the intent of the law enforcement aids program is to provide reimbursement for law enforcement activities.

An analysis of the 174 patrol claims received for the 2013 boating season and the 2013-2014 ATV and Snowmobile seasons indicates that 78% of the patrols would receive an increase in their reimbursement payment, 10% would see a decrease in their reimbursement payment, and 12% of the patrols would need to increase their patrol numbers in order to meet the minimum standards proposed in this rule.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The proposed revisions will provide consistency of eligibility and reimbursement standards for recreational vehicle patrol units. The revision will also provide for an increased law enforcement presence thereby providing a positive impact for health and safety.

14. Long Range Implications of Implementing the Rule

None

15. Compare With Approaches Being Used by Federal Government

Not applicable

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

N/A

17. Contact Name

Roy Zellmer

18. Contact Phone Number

608-212-5385

This document can be made available in alternate formats to individuals with disabilities upon request.

ATV	BOAT	SNOWMOBILE	MUNICIPALITY
1	1	1	ADAMS COUNTY SHERIFF'S DEPT
1	1	1	ASHLAND COUNTY SHERIFF'S DEPT
	1		BALSAM LAKE, VILLAGE OF
1	1	1	BARRON COUNTY SHERIFF'S DEPT
1	1	1	BAYFIELD COUNTY SHERIFF'S DEPT
	1		BIG CEDAR LAKE P&R DISTRICT
1	1	1	BROWN COUNTY SHERIFF'S DEPT
	1		BURLINGTON, TOWN OF

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATV	BOAT	SNOWMOBILE	MUNICIPALITY
1	1	1	BURNETT COUNTY SHERIFF'S DEPT
	1	1	CALUMET COUNTY SHERIFF'S DEPT
	1		CHENEQUA, VILLAGE OF
1	1	1	CHIPPEWA COUNTY SHERIFF'S DEPT
	1		CHURCH PINE, ROUND & BIG LAKE
1	1	1	CLARK COUNTY SHERIFF'S DEPT
	1		COLOMA, TOWN OF
1	1	1	COLUMBIA COUNTY SHERIFF'S DEPT
1	1	1	DANE COUNTY SHERIFF'S DEPT
	1		DEERFIELD, TOWN OF
	1		DELAFIELD, CITY OF
	1		DELAVAN, TOWN OF
1	1	1	DODGE COUNTY SHERIFF'S DEPT
	1	1	DOOR COUNTY SHERIFF'S DEPT
1	1	1	DOUGLAS COUNTY SHERIFF'S DEPT
	1		DOVER, TOWN OF
		1	DUNN COUNTY SHERIFF'S DEPT
	1		EAGLE, TOWN OF
	1		EAST TROY, TOWN OF
1	1	1	EAU CLAIRE COUNTY SHERIFF'S DEPT
	1		ELKHART LAKE, VILLAGE OF
	1		FARMINGTON, TOWN OF
1	1	1	FLORENCE COUNTY SHERIFF'S DEPT
	1	1	FOND DU LAC COUNTY SHERIFF'S DEPT
	1		FONTANA, VILLAGE OF
1	1	1	FOREST COUNTY SHERIFF'S DEPT
	1		FOX LAKE, TOWN OF
	1		GENEVA LAKE LAW ENFORCEMENT
	1		GENEVA, TOWN OF
1		1	GREEN COUNTY SHERIFF'S DEPT
	1		GREEN BAY, CITY OF
1	1	1	GREEN LAKE COUNTY SHERIFF'S DEPT
	1		HANCOCK, VILLAGE OF
	1		HARTFORD, TOWN OF
1	1	1	IRON COUNTY SHERIFF'S DEPT
1	1	1	JACKSON COUNTY SHERIFF'S DEPT
1	1	1	JEFFERSON COUNTY SHERIFF'S DEPT
1	1	1	JUNEAU COUNTY SHERIFF'S DEPT
1	1	1	KENOSHA COUNTY SHERIFF'S DEPT
		1	KEWAUNEE COUNTY SHERIFF'S DEPT
	1		LA GRANGE, TOWN OF
	1		LAC LA BELLE, VILLAGE OF
	1		LACROSSE COUNTY SHERIFF'S DEPT
1			LAFAYETTE COUNTY SHERIFF'S DEPT

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATV	BOAT	SNOWMOBILE	MUNICIPALITY
	1		LAKE DELTON, VILLAGE OF
	1		LAKE GENEVA, CITY OF
	1		LAKE MILLS, TOWN OF
1		1	LANGLADE COUNTY SHERIFF'S DEPT
	1		LAUDERDALE LAKE MGMT
	1		LAVALLE, TOWN OF
	1		LEGEND LAKE PRD
1	1	1	LINCOLN COUNTY SHERIFF'S DEPT
	1		LINCOLN, TOWN OF (LAKE WAPAGASSET/BEAR TRAP)
	1		LINN, TOWN OF
	1		LITTLE CEDAR LAKE P&R DISTRICT
	1		MANITOWISH WATERS, TOWN OF
1	1	1	MANITOWOC COUNTY SHERIFF'S DEPT
1	1	1	MARAHON COUNTY SHERIFF'S DEPT
1	1	1	MARINETTE COUNTY SHERIFF'S DEPT
	1		MARION, TOWN OF
	1	1	MARQUETTE COUNTY SHERIFF'S DEPT
1	1	1	MENOMINEE COUNTY SHERIFF'S DEPT
	1		MEQUON, CITY OF
	1		MERTON, TOWN OF
1	1	1	MILWAUKEE COUNTY SHERIFF'S DEPT
	1		MILWAUKEE, CITY OF
	1		MINOCQUA/WOODRUFF BOAT PATROL
	1		MUKWONAGO, TOWN OF
	1		MUSKEGO, CITY OF
	1		NORWAY, TOWN OF
	1		OAKLAND, TOWN OF
	1		OCONOMOWOC LAKE, VILLAGE OF
	1		OCONOMOWOC, CITY OF
	1		OCONOMOWOC, TOWN OF
1	1	1	OCONTO COUNTY SHERIFF'S DEPT
1	1	1	ONEIDA COUNTY SHERIFF'S DEPT
	1		OSCEOLA, TOWN OF
	1	1	OUTAGAMIE COUNTY SHERIFF'S DEPT
		1	OZAUKEE COUNTY SHERIFF'S DEPT
	1		PADDOCK LAKE, VILLAGE OF
	1		PARK LAKE MGMT DISTRICT
	1		PEWAUKEE, CITY OF
1	1	1	PIERCE COUNTY SHERIFF'S DEPT
1	1	1	POLK COUNTY SHERIFF'S DEPT
	1		PORT WASHINGTON, CITY OF
1	1	1	PORTAGE COUNTY SHERIFF'S DEPT
1	1	1	PRICE COUNTY SHERIFF'S DEPT
1	1	1	RACINE COUNTY SHERIFF'S DEPT

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATV	BOAT	SNOWMOBILE	MUNICIPALITY
	1		RANDALL, TOWN OF
	1		RICHFIELD, TOWN OF
		1	RICHLAND COUNTY SHERIFF'S DEPT
	1	1	ROCK COUNTY SHERIFF'S DEPT
	1		ROCK RIVER SAFETY PATROL
	1		ROME, TOWN OF
1	1	1	RUSK COUNTY SHERIFF'S DEPT
	1	1	ST CROIX COUNTY SHERIFF'S DEPT
	1		SALEM, TOWN OF
1	1	1	SAUK COUNTY SHERIFF'S DEPT
1	1	1	SAWYER COUNTY SHERIFF'S DEPT
1	1	1	SHAWANO COUNTY SHERIFF'S DEPT
1	1	1	SHEBOYGAN COUNTY SHERIFF'S DEPT
	1		SILVER LAKE P&R DISTRICT
	1		SILVER LAKE, VILLAGE OF
	1		SPRINGWATER, TOWN OF
	1		STEPHENSON, TOWN OF
	1		STURGEON BAY, CITY OF
	1		SUMMIT, TOWN OF
		1	TAYLOR COUNTY SHERIFF'S DEPT
	1		THREE LAKES, TOWN OF
	1		TROY TOWN OF
	1		TWIN LAKES, VILLAGE OF
	1	1	VILAS COUNTY SHERIFF'S DEPT
1	1	1	WALWORTH COUNTY SHERIFF'S DEPT
1		1	WASHBURN COUNTY SHERIFF'S DEPT
		1	WASHINGTON COUNTY SHERIFF'S DEPT
	1		WATERFORD, TOWN OF
1	1	1	WAUKESHA COUNTY SHERIFF'S DEPT
	1	1	WAUPACA COUNTY SHERIFF'S DEPT
	1	1	WAUSHARA COUNTY SHERIFF'S DEPT
	1		WEBB LAKE, TOWN OF
	1		WHEATLAND, TOWN OF
	1		WHITEWATER, TOWN OF
	1		WILLIAMS BAY, VILLAGE OF
1	1	1	WINNEBAGO COUNTY SHERIFF'S DEPT
	1	1	WOOD COUNTY SHERIFF'S DEPT
46	123	62	

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
-

DRAFT #3
[December 15, 2014]

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

The Wisconsin Natural Resources Board proposes an order to **repeal** NR 64.15; to **amend** NR 50.03 (8), 50.12 (3) (d) (intro.), 1. to 4., 50.12 (3) (e) 4., 50.13 (1m) (a), (e), (3), (4) (c), (d) (intro.), 1. to 4., and (6); and to **create** NR 50.12 (3) (e) 7., 8., 50.125, and 50.13 (4) (d) 6. and (7), relating to law enforcement aids to counties and municipalities.

LE-17-13

Analysis Prepared by the Department of Natural Resources

1. Statute Interpreted: ss. 30.79, 23.33 (9), 350.12 (4), Stats.

2. Statutory Authority: ss. 30.79, and 227.11(2)(a), Stats.

3. Explanation of Agency Authority: The chapter relating to water safety patrol units in s. 30.79, Stats., establishes that the department shall promulgate rules that restrict the costs eligible for state aid. Authority provided in s. 227.11(2)(a), Stats., allows the department to promulgate rules for the all terrain/utility terrain and snowmobile enforcement aid programs.

4. Related Statutes or Rules: N/A

5. Plain Language Analysis:

Section 1 - Clarifies the definition of Enforcement Officer in order for the patrol agency to qualify for state aid.

Section 2, 3, 4, and 5 - Provides consistency for the patrol agencies and reduces the number of copies required to be submitted to the department. Creates requirements for the all-terrain/utility terrain law enforcement aid program in NR 50 to provide consistency for the patrol agencies.

Section 6 - Add Municipal Boat Patrol U.S. Coast Guard Annual Report (Form 8700-330) to the list of forms required as part of the annual reimbursement claim submittal. Information collected on this form is required in the U.S. coast guard federal grant application process.

Section 7 - Reduces the maximum allowable administrative percentage to 30% of the total hours claimed. Provides consistency across the three patrol unit types and limits the administrative hours claimed by a patrol unit to ensure patrol units are reimbursed for time spent patrolling vs. administrative tasks, thereby reducing the cost per citation.

Section 8 - Creates the ability for patrols to include hours for safety education teaching as a reimbursable cost, consistent with water safety patrol requirements. Allowing safety education teaching hours as exempt hours will allow the patrol units to include all relevant hours on their claim, while keeping the patrol hours as actual hours spent patrolling.

Section 9 - Removes all terrain law enforcement aids program requirements from NR 64 in order to create language in NR 50 to provide consistency for the patrol agencies.

6. Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations: Not applicable.

7. Comparison with Similar Rules in Adjacent States: Not applicable

8. Summary of Factual Data and Analytical Methodologies Used and How Any Related Findings Support the Regulatory Approach Chosen: Proposed changes will have an overall positive economic impact on the county sheriff's departments and local municipalities identified in the list at the end of this document.

A review of the reimbursement payments for the past three years indicates that increasing the minimum patrol hour requirement could affect 5 ATV patrol units, 12 water safety patrol units and 5 snowmobile patrol units that would have to increase their patrol efforts in order to meet the minimum standards. However, the revision will provide for an increased law enforcement presence thereby providing a positive impact for health and safety.

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These rules are applicable to county sheriff's departments and local municipality enforcement units and impose no compliance or reporting requirements for small business.

9. Analysis and Supporting Documents Used to Determine the Effect on Small Business or in Preparation of an Economic Impact Report:

10. Effect on Small Business (initial regulatory flexibility analysis): None

11. Agency Contact Person: Roy Zellmer, Bureau of Law Enforcement, Boating Law Administrator, roy.zellmer@wisconsin.gov, 608-212-5385

12. Place where comments are to be submitted and deadline for submission:

Written comments may be submitted at the public hearings, by regular mail, fax or email to:

Roy Zellmer
Department of Natural Resources
Bureau of Law Enforcement
101 S Webster St,
Madison, WI 53703

Phone: 608-212-5358
Fax: 608-266-3696
E-mail: roy.zellmer@wisconsin.gov

Penny Kanable
Department of Natural Resources
Bureau of Law Enforcement
101 S Webster Street
Madison, WI 53703

608-228-9352
608-266-3696
penny.kanable@wisconsin.gov

Written comments may also be submitted to the Department using the Wisconsin Administrative Rules

SECTION 1. NR 50.03 (8) is amended to read:

50.03 (8) "Enforcement" means the detection and prevention of crimes and civil violations, and the arrest of those persons who violate such laws. To qualify for state aids under ss. 23.33 (9), 30.79, and 350.12, Stats., and ss. NR 50.12, 50.125, and 50.13, officers involved in the "enforcement" of ss. 23.33 or 30.50 to 30.80, Stats., or ch. 350, Stats., must meet the requirements in s. 165.85, Stats., by the end of the patrol period and must have the authority to make arrests for the violations of the laws they are employed to enforce.

SECTION 2. NR 50.12 (3) (d) (intro.) and 1. to 4. and (3) (e) 4. are amended to read:

50.12 (3) (d) (intro.) ~~On or about April 1 of each year, 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 An appropriate official of the snowmobile patrol shall fill out complete the following forms, retains one set for the county's records, and files submits 2 1 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 that~~ are received by the department after June 1 will not be processed for payment.

1. 'Form 8700-60 — Application for state aid.' ~~This form~~ Form 8700-60 is to shall be completed by the appropriate county official, who shall list the total net cost of the snowmobile patrol claimed by the county.

2. 'Form 8700-61 — Salary schedule.' ~~This form is to~~ Form 8700-61 shall be completed by the appropriate county official, who shall list the names and salaries of persons engaged in the enforcement of ch. 350, Stats. Salary rate is restricted to no more than the regular straight time rate ~~which~~ that the officer normally receives. ~~Eligible~~ Allowable fringe benefit rates are actual costs up to a maximum of ~~29~~ 50 percent of the reimbursable straight time salary rate.

3. 'Form 8700-62 — Travel, materials, and supplies schedule.' ~~This form is to~~ Form 8700-62 shall be completed by the appropriate county official, who shall list all reimbursable expenditures other than salaries and depreciable items.

4. 'Form 8700-63 — Depreciation schedule — straight line method.' ~~This form is to~~ Form 8700-63 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 20 percent annually on all equipment over \$1,000.00.~~ Purchase of capital equipment shall be preapproved by the department. Depreciation shall be calculated at the rate of 20 percent ~~annually on all equipment over \$1,000.00~~ for each new item of capital equipment for which the cost is \$2,500 or greater. All costs of repairs that are \$2,500 or greater to an item of capital equipment shall be reimbursed by the department on a 20 percent per year straight line depreciation schedule.

(e) 4. A minimum of ~~20~~ 40 patrol hours is required in order to be eligible for reimbursement.

SECTION 3. NR 50.12 (3) (e) 7. and 8. are created to read:

50.12 (3) (e) 7. A county may be reimbursed for the actual teaching hours of a law enforcement officer who conducts an authorized department snowmobile safety education course. Teaching hours are considered exempt hours and may not be included in patrol hour totals. Reimbursement will be limited to 2 snowmobile safety education courses per patrol year.

8. Administrative time that exceeds 30 percent of the total number of hours claimed on from 8700-61 is not eligible for reimbursement. Hours claimed for teaching snowmobile safety education courses do not count as administrative time for purposes of this subdivision.

SECTION 4. NR 50.125 is created to read:

50.125 Law enforcement aids to counties (s. 23.33, Stats.). (1) Counties may receive up to 100 percent reimbursement of monies spent on the enforcement of s. 23.33, Stats. Officers involved in the enforcement of s. 23.33, Stats., must have authority pursuant to s. 23.33 (12), Stats. Claims for reimbursement shall be made on claim forms filed with the bureau of law enforcement, department of natural resources on or before June 1 of the year following the 12-month period from May 1 to April 30 for which the claim is made.

(2) The following forms shall be used in the all-terrain/utility terrain vehicle enforcement aid program:

(a) *'Form 8700-59 — Notice of intent to patrol.'* In order to be eligible for the state aids, an

all-terrain/utility terrain vehicle patrol shall function as an enforcement unit and file form 8700-59 with the department listing the authority under which the all-terrain/utility terrain vehicle patrol will operate. On or before June 1 of each year, a county shall file an intent to patrol form with the department, sent to the attention of the Department of Natural Resources, Bureau of Law Enforcement, P.O. Box 7921, Madison, Wisconsin 53707.

(b) '*Form 8700-89 — Daily log.*' Form 8700-89 shall be used in compiling a summary of the all-terrain/utility terrain vehicle patrol's daily activities and expenses. It is not to be filed with the department, but is to be used for assembling information necessary to complete form 8700-90. This form shall be kept on file by the all-terrain/utility terrain vehicle patrol to augment its records and shall be available in chronological order for periodic checks by representatives of the department during normal business hours and at the time of the annual audit.

(c) '*Form 8700-90 — Monthly report.*' Form 8700-90 shall be completed and filed with the department no later than the tenth day following the month covered. The information shown on this form will be a computation of the information taken from the daily logs in form 8700-89.

(d) An appropriate official of the all-terrain/utility terrain vehicle patrol shall complete the following forms, retain one set for the county's records, and file one set with the bureau of law enforcement, department of natural resources on or before June 1, covering the patrol expense for the preceding 12-month period of May 1 to April 30. Claims that are received by the department after June 1 will not be processed for payment.

1. *'Form 8700-60 — Application for state aid.'* Form 8700-60 shall be completed by the appropriate county official, who shall list the total net cost of the all-terrain/utility terrain vehicle patrol claimed by the county.

2. *'Form 8700-61 — Salary schedule.'* Form 8700-61 shall 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 shall be restricted to no more than the regular straight time rate that the officer normally receives. Allowable fringe benefit rates are actual costs up to a maximum of 50 percent of the reimbursable straight time salary rate.

3. *'Form 8700-62 — Travel, materials, and supplies schedule.'* Form 8700-62 shall be completed by the appropriate county official, who shall list all reimbursable expenditures other than salaries and depreciable items.

4. *'Form 8700-63 — Depreciation schedule — straight line method.'* Form 8700-63 shall be completed by the appropriate county official, who shall list all capital outlay equipment and the resulting depreciation. Purchase of capital equipment shall be preapproved by the department. Depreciation shall be calculated at the rate of 20 percent annually on each new item of capital equipment for which the cost is \$2,500 or greater. All costs of repairs that are \$2,500 or greater to an item of capital equipment shall be reimbursed by the department on a 20 percent per year straight line depreciation schedule.

5. 'Form 8700-64 — Record of court cases for violations of s. 23.33, Stats.' Form 8700-64 shall be completed by the appropriate county official, who shall list all violations and court actions for the calendar year.

(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 October 1. Reimbursement of the actual cost and maintenance of all-terrain/utility terrain vehicle enforcement patrols is authorized. Travel expenses and salaries for training purposes are authorized only for attendance of all-terrain/utility 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/utility terrain vehicle enforcement patrol training sessions as a condition of receiving aids under this section and s. 23.33, Stats.

(f) Should funds not be sufficient to satisfy the total request of eligible audited costs, funds shall be distributed on a proportional basis.

(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/utility terrain vehicle sheriff

patrol records. Two documented written warnings will be given the same weight as an arrest. No more than 50 percent 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 percent above the average depreciation cost of the prior year for all all-terrain/utility terrain vehicle patrols claiming depreciation. If a personal all-terrain/utility terrain vehicle is used for patrol, the reimbursement rate shall be no more than the maximum rate for leased all-terrain/utility terrain vehicles prorated for the days of use.

3. When more than 50 percent of the eligible patrols submit claims, no one patrol may receive more than 20 percent of funds available.

4. A minimum of 40 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/utility 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/utility terrain vehicles and all-terrain/utility terrain vehicle trailers.

7. A county may be reimbursed for the actual teaching hours of a law enforcement

officer who conducts an authorized department all-terrain/utility terrain safety education course. Teaching hours are considered exempt hours and may not be included in patrol hour totals. Reimbursement will be limited to 2 all-terrain/utility terrain safety education courses per patrol year.

8. Administrative time that exceeds 30 percent of the total number of hours claimed on from 8700-61 is not eligible for reimbursement. Hours claimed for teaching all-terrain/utility terrain safety education courses do not count as administrative time for purposes of this subdivision.

SECTION 5. 50.13 (1m) (a) (intro.) (e), (3) and (4) (c) and (d) (intro.) and 1. to 4. are amended to read:

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 percent 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. Two documented written warnings will be given the same weight as an arrest. No more than 50 percent of the credits to reach the standard may be for written warnings.

Patrols are also subject to all of the following guidelines:

(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 80 hours of fundable on-the-water patrol time during the calendar year.

(3) Claim forms shall be filed with the ~~appropriate district office of the~~ bureau of law enforcement, department of natural resources, as specified in s. 30.79, Stats. Claims are to be made for the calendar year immediately preceding the filing date.

(4) (c) *Form 8700-90 — Monthly report.* ~~This form is to~~ Form 8700-90 shall be completed and filed with the ~~appropriate district office~~ department no later than the tenth day following the month covered. The information shown on this form will be a computation of the information taken from the daily logs in form 8700-89.

(d) (intro.) ~~On or about September 1 of each year, 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~~ complete the following forms, retain one set for the municipality's records, and file ~~2~~ one sets with the ~~appropriate regional office~~ bureau of law enforcement, department of natural resources as specified in s. 30.79, Stats., covering the patrol expense for the preceding calendar year. Claims which are received by the department after January 31 will not be processed for payment.

1. 'Form 8700-60 — Application for state aid.' ~~This form is to~~ Form 8700-60 shall be

completed by the appropriate municipal official, who shall list the total net cost of the water safety patrol claimed by the municipality.

2. 'Form 8700-61 — Salary schedule.' ~~This form is to~~ Form 8700-61 shall be completed by the appropriate municipal official, who shall list the names and salaries of persons engaged in the local enforcement of ss. 30.50 to 30.80, Stats., and any administrative rules and ordinances enacted pursuant thereto. Salary rate is restricted to no more than the regular straight time rate which the officer normally receives. Allowable fringe rates are actual costs up to a maximum of ~~29~~ 50 percent of the reimbursable straight time salary rate.

3. 'Form 8700-62 — Travel, materials, and supplies schedule.' ~~This form is to~~ Form 8700-62 shall be completed by the appropriate municipal official, who shall list all reimbursable expenditures other than salaries and depreciable items.

4. 'Form 8700-63 — Depreciation schedule — straight line method.' ~~This form is to~~ Form 8700-63 shall be completed by the appropriate local unit of government official, who shall list all capital outlay equipment and the resulting depreciation. Purchase of capital equipment shall be preapproved by the department. Depreciation shall be calculated at the rate of 20 percent annually ~~on all~~ for each new item of capital equipment for which the cost is (~~\$1000~~\$2,500 or over greater). ~~Repairs \$1,000 and under to authorized capital equipment may be reimbursed during the year the repairs were paid for.~~ All costs of repairs over \$1,000-\$2,500 or greater to an item of capital equipment shall be reimbursed on a 20 percent per year straight line depreciation schedule.

SECTION 6. NR 50.13 (4) (d) 6. is created to read:

50.13 (4) (d) 6. 'Form 8700-330 – U.S. Coast Guard Annual Report.' Form 8700-330 shall be used to compile a summary of the water safety patrol activities for submittal to the U.S. coast guard.

SECTION 7. NR 50.13 (6) is amended to read:

50.13 (6) ~~Except for time spent teaching boating education courses, No local unit of government is eligible for more than 40 percent of the total number of hours claimed on form 8700-61 for administrative time.~~ Administrative time that exceeds 30 percent of the total number of hours claimed on form 8700-61 is not eligible for reimbursement. Hours claimed for teaching boating safety education courses do not count as administrative time for purposes of this subdivision.

SECTION 8. NR 50.13 (7) is created to read:

50.13 (7) A municipality may be reimbursed for the actual teaching hours of a law enforcement officer who conducts an authorized department boat safety education course. Teaching hours are considered exempt hours and may not be included in patrol hour totals. Reimbursement will be limited to 2 boat safety education courses per patrol year.

SECTION 9. NR 64.15 is repealed.

SECTION 10. STATEMENT OF EMERGENCY. [Include for all emergency rules, even if the rule making is statutorily exempt from requiring a finding of emergency (in which case so state). For permanent rules, delete this section].

SECTION 11. EFFECTIVE DATE. This rule takes effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats. OR This rule shall take effect on [DATE].

SECTION 12. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on [DATE].

Dated at Madison, Wisconsin _____.

STATE OF Wisconsin DNR

DEPARTMENT OF NATURAL RESOURCES

BY _____

Cathy Stepp, Secretary

(SEAL)