BEFORE THE
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PUBLIC HEARING
Natural Resources Board Order LE-17-13

NOTICE IS HEREBY GIVEN THAT pursuant to ss. 227.16 and 227.17, Stats, the Department of Natural Resources, hereinafter the Department, will hold a public hearing on NR 50, relating to law enforcement aids to counties and municipalities on date, time and location listed below.

Hearing Information - ***Date / Time / Location***

Thursday, December 12, 2014, 10:00 – 11:00 a.m.
DNR Service Center
Glacier's Edge/Gathering Waters Conference Room
3911 Fish Hatchery Road
Fitchburg, WI 53711

Reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Contact Penny Kanable by E-mail to penny.kanable@wisconsin.gov or by calling (608) 228-9352. A request must include specific information and be received at least 10 days before the date of the scheduled hearing.

Availability of the Proposed Rules and Fiscal Estimate
The proposed rule and supporting documents, including the fiscal estimate, may be viewed and downloaded from the Administrative Rules System Web site which can be accessed through the link https://health.wisconsin.gov/admrules/public/Home. If you do not have Internet access, a printed copy of the proposed rule and supporting documents, including the fiscal estimate, may be obtained free of charge by contacting Penny Kanable, Department of Natural Resources, Bureau of Law Enforcement, 101 S. Webster St, Madison, WI, 53703, or by calling (608) 228-9352 .

Submitting Comments
Comments on the proposed rule must be received on or before Friday, December 19, 2014. Written comments may be submitted by U.S. mail, fax, E-mail, or through the Internet and will have the same weight and effect as oral statements presented at the public hearing. Written comments and any questions on the proposed rules should be submitted to either:

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

Internet: Use the Administrative Rules System Web site accessible through the link provided

Analysis Prepared by the Department of Natural Resources

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

Statutory Authority: ss. 30.79, 23.33 (9), 350.12 (4), Stats.

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. Snowmobile enforcement aid language statutory authority is contained in s. 350.12 (4), Stats. All terrain / utility terrain vehicle enforcement aid language is contained in s. 23.33 (9), Stats.

Related Statutes or Rules: N/A

Plain Language Analysis: The proposed rule makes several modifications to chapter NR 50.

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.

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

Comparison with Similar Rules in Adjacent States: Not applicable

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.

Effect on Small Business (initial regulatory flexibility analysis): None. The rules are applicable to country sheriff's departments and local municipality enforcement units and impose no compliance or reporting requirements for small business. The Small Business Regulatory Coordinator may be contacted at SmallBusiness@dnr.state.wi.us, or by calling (608) 266-1959.

Environmental Analysis
The Department has made a preliminary determination that adoption of the proposed rules would not involve significant adverse environmental effects and would not need an environmental analysis under ch. NR 150, Wis. Adm. Code. However, based on comments received, an environmental analysis may be prepared before proceeding. This analysis would summarize the Department's consideration of the impacts of the proposal and any reasonable alternatives.

Fiscal Estimate Summary
A Department 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.

Dated at Madison, Wisconsin 11-11-14

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By Cathy Stepp
Cathy Stepp, Secretary