

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), (d) and (e)3., 50.13(1m)(a) (intro.), 1. and (b)2. and (4)(d)(intro.) and 64.15(2), (3)(a), (d)(intro.) and 4., (e) and (g)3. relating to ATV, snowmobile and 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. Amends the ATV and snowmobile patrol reimbursement formula used during auditing procedures.

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. Amends the ATV and snowmobile patrol reimbursement formula used during auditing procedures.

SECTION 1. NR 50.12(3)(a), (d) and (e)3. 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 1~~ 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~~ June 1 will not be processed for payment.

(e) 3. When more than 50% of the eligible patrols are submitting claims, no one patrol may receive more than 10% of funds available ~~and at no time may any patrol receive more than~~ 20% of funds available.

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~~ January 31 will not be processed for payment.

SECTION 5. NR 64.15(2), (3)(a), (d)(intro.) and 4., (e) and (g)3. 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 1~~ 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 1~~ 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 1~~ 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 1~~ 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~~ June 1 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 ~~\$100.00~~ \$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 1~~ 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.

(g) 3. When more than 50% of the eligible patrols are submitting claims, no one patrol may receive more than ~~40% of funds available and at no time may any patrol receive more than~~ 20% of funds available.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on October 23, 2002.

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 _____
Scott Hassett, Secretary

(SEAL)