

Wisconsin Department of Natural Resources
Natural Resources Board Agenda Item

SUBJECT:

Request that the Board approve the statement of scope for Board Order LE-17-13, and conditionally approve the public hearing notice for Board Order LE-17-13 and notice of submittal of proposed rules to the Legislative Council Rules Clearinghouse 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: September 2014 Board meeting

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

SUMMARY:

The Bureau of Law Enforcement recommends promulgating administrative rules that modify sections of Chapter NR 50.12, NR 50.13, and NR 64.15. 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

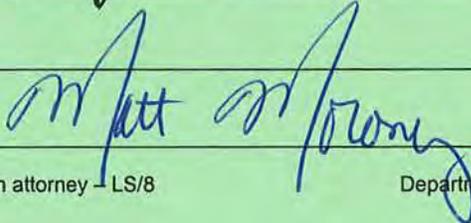
The proposed revisions would also increase the number of patrol hours required for reimbursement eligibility as follows: all-terrain vehicle from 20 to 40 hours, snowmobile from 20 to 40 hours and waters safety patrol from 40 to 80 hours providing an increased law enforcement presence throughout the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

The proposed revisions will provide consistency and standardization for the state, counties, and municipalities in the administration of the law enforcement aids program. Revisions will affect county sheriff, city, village, township, and lake protection districts conducting ATV, snowmobile and water safety patrol activities.

RECOMMENDATION: That the Board approve the statement of scope and conditionally approve the public hearing notice for Board Order LE-17-13 and notice of submittal of proposed rules to the Legislative Council Rules Clearinghouse.

LIST OF ATTACHED MATERIALS:

- Statement of scope
- Governor approval of statement of scope

Approved by	Signature	Date
Todd Schaller, Bureau Director		8/20/14
N/A		
Cathy Stepp, Secretary		9/14/14

cc: Board Liaison - AD/8

Program attorney - LS/8

Department rule officer - LS/8

STATEMENT OF SCOPE

Department of Natural Resources

Rule No.: LE-17-13

Relating to: Revisions to Law Enforcement Aids to Counties and Municipalities under ch. NR 50 and s. NR 64.15

Rule Type: Permanent

1. **Finding/nature of emergency (Emergency Rule only):** These will be permanent rules.
2. **Detailed description of the objective of the proposed rule:** 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. The proposed revisions will provide consistency and standardization for the state, counties and municipalities in the administration of the law enforcement aids program.
3. **Description of the existing policies relevant to the new policies proposed to be included in the rule, and an analysis of policy alternatives:**

All-Terrain Vehicle (ATV) Patrol Units – NR 64.15, Wis. Adm. Code.

- Move this section from ch. NR 64 to ch. NR 50, Wis. Adm. Code, to provide one code location for all law enforcement aids to municipalities. Each of the patrol units use the same forms and process for claims for reimbursement.
- Change current references to "all-terrain vehicle" to "all-terrain and/or utility terrain vehicles" to reflect law changes effective July 2012 under 2011 Wis. Act 208.
- Clarification of Definition: Under s. NR 64.02(7) "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 s. 23.33, Stats., and s. NR 64.15, Wis. Adm. Code, officers involved in the "enforcement" of s. 23.33, Stats., must meet the requirements in s. 165.85, Stats., at 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.
- 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. A local unit of government may be reimbursed for the actual teaching hours of a law enforcement officer who conducts an authorized department ATV safety education course. Teaching hours are considered "exempt" hours and may not be included in patrol hour totals. Reimbursement will be limited to two (2) ATV Safety education courses per patrol year.
- Salary Schedule: Increase the allowable fringe rate to actual costs up to a maximum of 50% of the reimbursable straight time salary rate to allow the patrol units to more accurately reflect current day practices when calculating fringe rate percentage.

- **Salary Schedule:** To provide consistency across the three patrol unit types, create a maximum percentage limited to 30% of the total hours claimed for administrative hours that patrols may be reimbursed. To provide consistency across the three patrol unit types and to limit 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. Examples of Administrative hours: creating arrest reports, daily logs, court time, equipment purchasing/specifications, preparing claim packet.
- **Patrol Hours:** Increase the minimum patrol hours required for patrol units to be eligible for a reimbursement from 20 to 40 hours.
- **Require Department approval** prior to the purchase of capital equipment to ensure consistency across the state.
- **Depreciation Schedule:** To provide consistency across the three patrol unit types, changes would be made to the depreciation methods. Capital Items (\$2,500 or over) authorized by the Department shall be depreciated over a period of five (5) years at 20% annually. Repairs under \$2,500 to authorized capital equipment may be reimbursed during the year the repairs were paid for. All repairs to capital equipment \$2,500 and over shall be depreciated over a period of five (5) years at 20% annually.
- **Remove requirement for DNR to send forms to the patrols.** Forms are available electronically on the DNR's webpage.
- **Remove requirement for patrol units to submit 2 copies of the completed forms to DNR.** Two copies are unnecessary.

Snowmobile Patrol Units – NR 50.12, Wis. Adm. Code.

- **Clarification of Definition:** Under, s.NR 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. 30.79 and 350.12, Stats., and ss. NR 50.12 and 50.13, Wis. Adm. Code, officers involved in the "enforcement" of ss. 30.50 to 30.80, Stats., or ch. 350, Stats., must meet the requirements in s. 165.85, Stats., at 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.
- **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. A local unit of government may be reimbursed for the actual teaching hours of a law enforcement officer who conducts an authorized department ATV safety education course. Teaching hours are considered "exempt" hours and may not be included in patrol hour totals. Reimbursement will be limited to two (2) ATV Safety education courses per patrol year.
- **Salary Schedule:** Increase the allowable fringe rate to actual costs up to a maximum of 50% of the reimbursable straight time salary rate to allow the patrol units to more accurately reflect current day practices when calculating fringe rate percentage.
- **Salary Schedule:** To provide consistency across the three patrol unit types, create a maximum percentage limited to 30% of the total hours claimed for administrative hours that patrols may be reimbursed. To provide consistency across the three patrol unit types and to limit 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.

Examples of Administrative hours: creating arrest reports, daily logs, court time, equipment purchasing/specifications, preparing claim packet.

- Patrol Hours: Increase the minimum patrol hours required for patrol units to be eligible for a reimbursement from 20 to 40 hours.
- Require Department approval prior to the purchase of capital equipment to ensure consistency across the state.
- Depreciation Schedule: To provide consistency across the three patrol unit types, changes would be made to the depreciation methods. Capital items (\$2,500 or over) authorized by the Department shall be depreciated over a period of five (5) years at 20% annually. Repairs under \$2,500 to authorized capital equipment may be reimbursed during the year the repairs were paid for. All repairs to capital equipment \$2,500 and over shall be depreciated over a period of five (5) years at 20% annually.
- Remove requirement for DNR to send forms to the patrols. Forms are available electronically on the DNR's webpage.
- Remove requirement for patrol units to submit 2 copies of the completed forms to DNR. Two copies are unnecessary.

Water Safety Patrol Units – NR 50.13, Wis. Adm. Code

- Clarification of Definition: Under s. NR 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. 30.79 and 350.12, Stats., and ss. NR 50.12 and 50.13, Wis. Adm. Code, officers involved in the "enforcement" of ss. 30.50 to 30.80, Stats., or ch. 350, Stats., must meet the requirements in s. 165.85, Stats., at 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.
- Salary Schedule: To provide consistency across the three patrol unit types, increase the maximum percentage from 20% to 30% of the total hours claimed for administrative hours that patrols may be reimbursed. To limit 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. Examples of Administrative hours: creating arrest reports, daily logs, court time, equipment purchasing/specifications, preparing claim packet.
- Patrol Hours: Increase the minimum patrol hours required for patrol units to be eligible for a reimbursement from 40 to 80 hours.
- Require Department approval prior to the purchase of capital equipment to ensure consistency across the state's patrol unit.
- Warnings: To provide consistency across the three patrol unit types, allow patrol units to claim written warnings in addition to citations similar to the ATV and snowmobile patrol reimbursable items. Two (2) documented written warnings will be given the same weight as an arrest. No more than 50% of the credits to reach the standard may be written warnings
- Add Municipal Boat Patrol US 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 US Coast Guard federal grant application process.
- Remove requirement for DNR to send forms to the patrols. Forms are available electronically from the DNR webpage.

- Remove requirement for patrol units to submit 2 copies of the completed forms to DNR. Two copies are unnecessary.

4. **Detailed explanation of statutory authority for the rule (including the statutory citation and language):** 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.,
5. **Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:** One month
6. **List with description of all entities that may be affected by the proposed rule:**

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
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

ATV	BOAT	SNOWMOBILE	MUNICIPALITY
	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
	1		LAKE DELSON, 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		MINOCQUAWOODRUFF 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

ATV	BOAT	SNOWMOBILE	MUNICIPALITY
	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
	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		WHITWATER, 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	

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule: Not applicable
8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses): Proposed changes will have an overall negligible economic impact on the county sheriff's departments and local municipalities identified in the list above.

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 requirements 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.

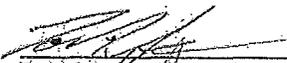
The revisions propose capping the reimbursable administrative time to 30%, which is close to the amount used for federal grants and other aids program within the State of Wisconsin. While reducing the maximum administrative time allowed will impact patrol unit reimbursement claims, the intent of the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

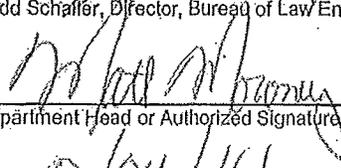
These rules are applicable to county sheriff's departments and local municipality enforcement units and impose no compliance or reporting requirements for small business.

9. Anticipated Number, month and locations of public hearings:

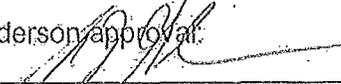
The Department anticipates hold two public hearings in the month of September 2014. Hearing cities will be Madison and Wausau.

Contact Person: Roy Zellmer, 608-212-5385

 2/21/14
 Todd Schaller, Director, Bureau of Law Enforcement


 Department Head or Authorized Signature

2/24/14
 Date Submitted

Scott Gunderson approval:
 Signature 
 Date 2-24-14



SCOTT WALKER
OFFICE OF THE GOVERNOR
STATE OF WISCONSIN

P.O. Box 7863
MADISON, WI 53707

July 29, 2014

Cathy Stepp
Secretary
Wisconsin Department of Natural Resources
101 South Webster St.
P.O. Box 7921
Madison, WI 53707-7921

**RE: Scope Statement for LE-17-13 relating to Law Enforcement Aids to Counties
and Municipalities under ch. NR 50 and s. NR 64.15**

Dear Secretary Stepp,

I hereby approve the statement of scope submitted on February 25, 2014, pursuant to Wisconsin Statutes § 227.135, in regards to a proposed rule modifying Chapters LE-17-13 of the Wisconsin Administrative Code. You may send the scope statement to the Legislative Reference Bureau for publication pursuant to Wisconsin Statutes § 227.135(3).

Sincerely,

Scott Walker
Governor