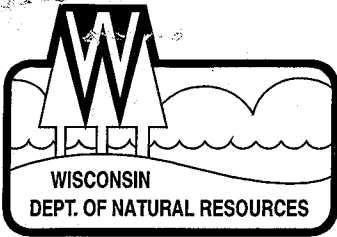


Clearinghouse Rule 98-161

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES



Tommy G. Thompson, Governor
George E. Meyer, Secretary

Box 7921
101 South Webster Street
Madison, Wisconsin 53707-7921
TELEPHONE 608-266-2621
FAX 608-267-3579
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STATE OF WISCONSIN)
) ss
DEPARTMENT OF NATURAL RESOURCES)

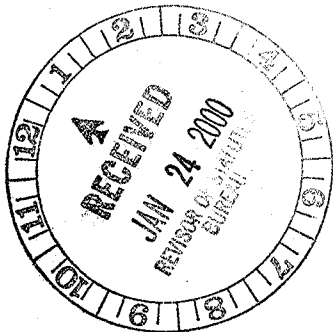
TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, George E. Meyer, 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-47-98 was duly approved and adopted by this Department on October 27, 1999. 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 hereunto set my hand and affixed the official seal of the Department at the Natural Resources Building in the City of Madison, this 18th day of January, 2000


George E. Meyer, Secretary

(SEAL)



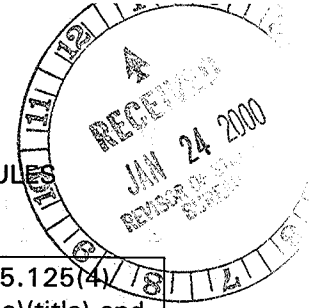
98-161

4-1-00

Quality Natural Resources Management
Through Excellent Customer Service



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



The Natural Resources Board proposes an order to renumber NR 5.125(3); to amend NR 5.125(4) and 5.15; to repeal and recreate NR 5.125(1)(b); and to create NR 5.001(7m), 5.125(3)(a)(title) and (b), 5.17 and 5.18 relating to boating enforcement and education

LE-47-98

Analysis Prepared by Department of Natural Resources

Statutory authority: ss. 30.61(9), 30.74(1)(b), 30.62(2)(d)2. and 3. and 227.11(2)(a), Stats.
Statutes interpreted: ss. 30.52(3)(m) and (5)(a)3., 30.523(2)(c) and (3), 30.62(2)(d)2. and 3., 30.61(9), 30.66, 30.74(1)(b) and 30.77(4), Stats.

The Department of Natural Resources has been directed by new legislative changes to create rules on student course fees for boating safety and to clarify the dealer law language. The Department is directed by current statutory language to update the state requirements on boat lighting to comply with federal regulations and the Department is requesting to update the current noise level testing procedures to comply with requirements of current statutory language to meet technological advances and consistency in testing methods.

SECTION 1. NR 5.001(7m) is created to read:

NR 5.001(7m) "Lake", for the purpose of s. 30.66, Stats., means a lake, reservoir, flowage or millpond, or portion thereof, that is listed by the department in the most current version of Wisconsin Lakes, Publ-FH-800, or any other body of water determined by the department to be a lake consistent with the test established in *Ne-pee-nauk Club v. Wilson*, 96 Wis. 2d 290 (1897), with the exception of the Kilbourn flowage in Juneau and Adams counties.

SECTION 2. NR 5.125(1)(b) is repealed and recreated to read:

NR 5.125(1)(b) An officer requesting a boat operator to submit to a noise test shall test the boat using testing methods J34a, J1970 or J2005.

SECTION 3. NR 5.125(3) is renumbered NR 5.125(3)(a).

SECTION 4. NR 5.125(3)(a)(title) is created to read:

NR 5.125(3)(a)(title) *Manufacturer's standard.*

SECTION 5. NR 5.125(3)(b) is created to read:

NR 5.125(3)(b) *Operation standard.* Noise level testing procedures J34a, J1970 or J2005 of the Society of Automotive Engineers shall be adhered to by boat operators when requested to submit to one or more of them by officers conducting noise tests on boats operating in the state of Wisconsin.

SECTION 6. NR 5.125(4) is amended to read:

NR 5.125(4) CUTOUT MECHANISMS. No person may operate a boat that is equipped with a muffler cut out, by-pass switch or similar device unless the operator of the boat can demonstrate at the time of inspection that the boat cannot operate contrary to s. 30.62(2)(b), Stats.

SECTION 7. NR 5.15 is amended to read:

NR 5.15 Posting requirements. The posting requirements for local authorities under s. 30.77(4), Stats., shall be a sign with a minimum of 3 inch lettering stating "Local Ordinance" posted at each public landing ~~listing~~. The sign shall list, in letters with a minimum height of one inch, a summary, synopsis, or outline of those regulations more restrictive than state law, or shall contain a map made of a durable material showing those areas with local restrictions, or both, including but not limited to speed limits, water ski hours and personal watercraft restrictions, if any.

SECTION 8. NR 5.17 is created to read:

NR 5.17 Lighting requirements. In addition to the lighting requirements specified in s. 30.61, Stats., operators of boats in the state of Wisconsin shall also comply with all federal lighting requirements.

SECTION 9. NR 5.18 is created to read:

NR 5.18 Boating education certification program fee. The fee for the boating education certification program shall be \$10.00. The department may authorize the instructors to retain up to 50% of the fee to defray expenses incurred locally to operate the program based on the actual cost incurred to the instructor. The remaining funds shall be turned in to the department to defray expenses incurred to operate the boating safety program during the year. The fees for certification of courses taught by the United States power squadron, United States coast guard auxiliary and other entities which are covered by a memorandum of understanding with the department regarding boating education courses shall be \$1.00.

Note: Copies of the Society of Automotive Engineers Recommended Practice Report J34a, J1970 and J2005 entitled "Exterior Sound Level Measurement Procedure for Pleasure Motorboats" may be obtained from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, Pennsylvania 15096. Copies of the Department of Natural Resources publication Publ-FH-800 entitled "Wisconsin Lakes" may be obtained from the Department of Natural Resources, Boating Program, 101 S. Webster, Madison, Wisconsin 53707-7921.

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on October 27, 1999.

The rule 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

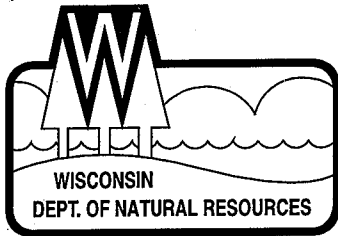
January 18, 2000

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By

George E. Meyer
George E. Meyer, Secretary

(SEAL)



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary

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January 18, 2000

Mr. Gary L. Poulson
Assistant Revisor of Statutes
131 West Wilson Street - Suite 800
Madison, WI



Gary
Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. LE-47-98. These rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Agriculture, Environmental Resources and Campaign Finance Reform 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,

George
George E. Meyer
Secretary

Enc.