



WISCONSIN LEGISLATIVE COUNCIL  
REPORT TO THE LEGISLATURE

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SPECIAL COMMITTEE ON  
STATE TRAILS POLICY

[2007 SENATE BILL 185]

May 16, 2007

RL 2007-09



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# Special Committee on State Trails Policy

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May 16, 2007

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# **PART I**

## **KEY PROVISIONS**

### **OF COMMITTEE RECOMMENDATION**

The Joint Legislative Council recommends the following for introduction in the 2007-08 Session of the Legislature.

#### **2007 Senate Bill 185, Relating to All-Terrain Vehicle Operation and Funding, and Other Off-Road Vehicle Issues**

2007 Senate Bill 185 has the following key provisions:

##### **All-Terrain Vehicle Trail Certification Rules**

The bill requires the Department of Natural Resources (DNR) to promulgate administrative rules to establish standards and procedures for certifying the designation of all-terrain vehicle (ATV) routes and trails under the control of the department. The bill requires the department to consider the interests of the State Trails Council and other trail user groups when promulgating the rules.

##### **ATV, Snowmobile, and Off-Road Vehicle Trespass**

The bill expands the current statute that prohibits trespass with an ATV, snowmobile, or off-road vehicle to apply to all property, rather than just private property, and increases the penalty for violation of the amended statute.

##### **ATV Damage Claim Program**

The bill creates an ATV damage claim program under which an applicant may receive a payment for the repair or restoration of property damaged by the operation of ATVs in any area not designated as an ATV route or ATV trail.

##### **Certificate of Title for ATVs**

The bill creates a requirement for the owner of an ATV to obtain a certificate of title. The titling requirement applies to the owner of a newly acquired ATV and to the owner of an ATV who applies for registration without holding a previously issued certificate of title. Any ATV that is exempt from registration in this state is also exempt from the titling requirement.

##### **Display of ATV Registration Number**

The bill creates a requirement for the operator of an ATV to display the registration number on an ATV that is registered for public use (i.e., for use on public trails or routes). The DNR is required by the bill to specify the manner of displaying the registration number. The registration number must be displayed in a prominent manner and, at a minimum, must be displayed at the rear of the ATV.

## **ATV Gas Tax Payment**

The bill repeals the current formula for the ATV gas tax payment, and replaces it with a new formula. The funds generated by the formula are paid to the conservation fund in the DNR and are used to provide aid to towns, villages, cities, counties, and federal agencies for nonstate ATV projects.

## **ATV Fee Increases**

The bill increases the following fees:

- The fee for issuance of a registration certificate for public use of an ATV.
- The fee for issuance of a registration certificate for private use of an ATV.
- The fee for issuance or renewal of a certificate for commercial use of an ATV.
- The annual fee for a nonresident ATV trail pass. The draft also creates a seven-day nonresident trail pass.

## **Appropriation Changes**

The bill increases the following appropriations:

- Funds for the DNR to reroute a segment of the Ice Age Trail that currently allows the use of ATVs.
- Funds for DNR to provide aid to towns, villages, cities, counties, and federal agencies for nonstate ATV projects.
- Aid for local ATV law enforcement.

## **Income Tax Checkoff for Nonmotorized Trails**

The bill creates a nonmotorized trail program, to be administered by DNR, and funded from the individual income tax checkoff for nonmotorized trails.

## PART II

### COMMITTEE ACTIVITY

#### Assignment

The Joint Legislative Council established the Special Committee on State Trails Policy and appointed the chairperson by a June 9, 2006 mail ballot. The Special Committee was directed: (1) to review the current policies for the acquisition, development, and management of public use trails in Wisconsin by all state agencies and local governmental units, and including connecting trails that are privately owned; (2) to review issues related to public use trails within the state, including planning for trail acquisition and use, involvement of trail user groups, design and construction of trails, location and connection of trails, designation of certain trails for specific uses, methods for addressing user conflicts, benefits of trails for economic development, and funding for trails; (3) to place particular emphasis on issues related to trail uses by motorized vehicles; and (4) to recommend, as appropriate, a comprehensive policy for trails in this state or methods for the development of a state trails policy, and methods for state agencies and local governmental units to implement state trail policies..

Membership of the Special Committee, appointed by an August 1, 2006 mail ballot, consisted of two Senators, two Representatives, and 8 public members. A list of committee members is included as **Appendix 3** to this report.

#### Summary of Meetings

The Special Committee held three meetings on the following dates:

October 5, 2006  
November 10, 2006  
January 4, 2007

At the October 5, 2006 meeting, the Special Committee heard testimony from invited speakers from the DNR who described the trails that are currently established on DNR property, described the state trails network plan (which identifies trails that the DNR intends to purchase), and described the role of the State Trails Council in developing policies and plans for trails. DNR staff observed that trail demand for user groups is rapidly out-pacing land supply. DNR staff also described the source of revenue for snowmobile and ATV trails in the gas tax formula and registration fees.

Staff from the Department of Transportation (DOT) described the involvement of DOT in trail issues, focusing primarily on a transportation purpose rather than solely on a recreational purpose. DOT staff described funding that is currently available through the transportation enhancements program.

In public testimony, speakers focused on suggestions for increasing the fuel tax formula for ATVs and the accountability of funds distributed by the state to local governments for trail maintenance.

Chairperson Breske led the committee members in a discussion of the information that had been presented by invited speakers and in public testimony and questions raised by committee members.

At the November 10, 2006 meeting, the Special Committee met in Merrill to take public testimony on issues related to state trails policy. A number of individuals spoke to the committee and many more attended to observe. The testimony focused on damages to trails and to off-trail areas caused by ATVs, and the conflicts between ATVs and other trail uses. Suggestions for addressing these

concerns included more state aids for local trails, an off-trail damage compensation program, separate trails for different user groups, keeping ATVs away from fragile forests and waters, and increased ATV law enforcement. Also, the Special Committee received a substantial number of written communications that supplement the oral testimony.

At the January 4, 2007 meeting, the Special Committee discussed and approved seven draft provisions intended to improve trails for ATV and nonmotorized users. The committee generally agreed that a policy of maintaining separate trail systems for motorized and nonmotorized users was in order. The committee also generally agreed that ATV users need increased trail funding to expand the current recreational opportunities.

The drafts approved by the committee included several funding initiatives in the form of increased registration fees and gas tax payment. The committee also addressed the issue of damage caused by the trespass or unauthorized use of ATVs. These provisions included an increase in the off-road vehicle trespass penalties, an ATV license plate requirement, and a new ATV damage claim program for victims of ATV damages. The committee agreed to require the DNR to promulgate rules for certifying the designation of certain ATV trails and routes. The committee directed staff to prepare two additional drafts, one that creates a line on state tax forms which will allow citizens to donate funds for expansion and maintenance of nonmotorized trails and another that requires a title for ATV ownership.

# **PART III**

## **RECOMMENDATION INTRODUCED BY THE JOINT LEGISLATIVE COUNCIL**

This part of the report provides background information on, and a description of, 2007 Senate Bill 185, as recommended by the Special Committee on State Trails Policy.

### **Establishment and Use of Trails**

#### **ATV Trail Certification**

##### **Background**

Current ATV statutes require the DNR to encourage and supervise a system of ATV routes and trails. To fulfill this charge, the statutes permit the DNR to establish standards and procedures for certifying the designation (i.e., approval to receive state funds) of ATV routes and trails. The DNR has issued current standards and procedures for ATV use on department lands as guidance documents. The committee proposes to make the internal guidance documents law through the administrative rule-making process, further exposing the current standards and procedures to public and legislative scrutiny.

##### **Description**

The bill requires DNR to promulgate administrative rules to establish standards and procedures for certifying the designation of ATV routes and trails under the control of the department. By requiring the standards and procedures to be promulgated as rules, this draft will require public hearings on the current policies, and any changes to those policies, through the agency process for developing rules and the legislative administrative rule review process. The department must also consider the interests of the state trails council and other trail user groups when promulgating the rules required under this provision.

#### **ATV, Snowmobile, and Off-Road Vehicle Trespass**

##### **Background**

The committee heard public testimony regarding the extensive damage caused by motorized vehicle trespassers. Testimony indicated that such damage was not limited to private property. The committee proposes to reduce such activity by extending the trespass prohibitions for ATVs, snowmobiles, and other motor-driven craft or vehicles to all property, and by increasing the penalties for trespassing. The committee elected to exempt the rights-of-way of public highways because the use of such areas is regulated under other statutes.

The current statutes contain a general provision on trespass to land in s. 943.13. This statute prohibits any person from entering the land of another without the express or implied consent of the owner or occupant, or remaining on the land of another after being notified to leave. This statute applies whether or not the person is in a vehicle, and therefore would apply to trespass by a person who is operating an ATV, snowmobile, or other off-road vehicle. The penalty for violation of this statute is a Class B forfeiture, which is a civil penalty of forfeiture not to exceed \$1,000. The trespass statute is enforced by local law enforcement authorities. DNR wardens do not have authority to enforce the trespass statute. The trespass statute is enforced by a citation system, similar to that for a traffic citation. The judicial conference sets the actual amount of the bond for violations of the trespass

statute, and the basic deposit amount that has been set by the judicial conference is \$100. The statutes impose a variety of other surcharges on the basic amount, with the result that the total deposit amount for a person who pleads no contest to a trespass citation is \$249.

The current statutes also have provisions regarding entry onto the private property of another without the consent of the owner or lessee, when operating an ATV, snowmobile, or other off-road vehicle. The current penalty for violation of these statutes is a forfeiture not to exceed \$250. The judicial conference has also set the amount of the deposit for these violations at \$100, with a total deposit for the citation of \$249. This statute is enforced by DNR wardens.

## **Description**

The bill expands the prohibition on the operation of ATVs, snowmobiles, or other motor-driven craft or vehicles from the current private property standard, to any property that is not the right-of-way of a public highway. As previously mentioned, it also creates an exception so that the expanded statute does not apply to a public highway right-of-way.

The bill increases the penalty for violation of the current statute that prohibits trespass with an ATV, snowmobile, or other motor-driven craft or vehicle to a forfeiture of not less than \$250 and not more than \$1,000. If the judicial conference sets the deposit amount at the minimum of \$250, the total deposit for this violation would be \$438.

It is also possible, under the bill, that the district attorney could issue a complaint and summons and seek a forfeiture up to the maximum of \$1,000.

## **ATV Damage Claim Program**

### **Background**

In furtherance of efforts to minimize landowner damage due to ATV trespass, the committee also recommended the establishment of a reimbursement program for victims of ATV damage. There is no ATV damage claim program under current law. If a person's property is damaged by the operation of an ATV in an area not designated for ATV use, the only remedy would be through court-ordered restitution as the judgment in a lawsuit.

### **Description**

The bill establishes an ATV damage claim program under which an applicant may receive a payment for the repair or restoration of property damaged by the operation of ATVs in any area not designated as an ATV route or ATV trail. The provision requires the DNR to promulgate rules for implementation of the program.

The provision requires the department to verify that certain minimum standards are met regarding the awarding of the payments. These standards include:

1. That the damage to the property was caused by the operation of ATVs in an area not designated as an ATV route or ATV trail.
2. That the applicant reports the trespass and makes reasonable efforts to identify the responsible individual and obtain payment from the individual.
3. That the applicant makes reasonable efforts to prevent reoccurrence of the damage.

In addition, the draft provides that the DNR may submit a claim only if all eligible claims in an annual payment cycle are paid in full.

# **ATV Title and Registration**

## **Certificate of Title for ATVs**

### **Background**

Public concerns were expressed to the committee regarding establishing correct ownership of ATVs and verification that ATVs are clear of liens at the transfer of ownership. In response to these concerns, the committee proposes that all ATVs be required to have a certificate of title.

### **Description**

The bill creates a requirement for the owner of an ATV to obtain a certificate of title. Any owner of an ATV that is subject to registration in this state must comply with the titling requirement. The titling requirement applies to the owner of a newly acquired ATV and to the owner of an ATV who applies for registration without holding a previously issued certificate of title. Any ATV that is exempt from registration in this state is also exempt from the titling requirement. Although nonresidents who register an ATV in another state are not required to apply for a certificate of title, a nonresident may choose to obtain a Wisconsin title for an ATV purchased in this state.

The DNR is directed to implement the provisions of the draft by promulgating administrative rules applicable to the procedures for application for a certificate of title, issuance of a certificate of title, recordkeeping, replacements, transfer of title, security interests, and all other provisions necessary for the titling program. The DNR is directed to set and collect fees established by rule which shall, as closely as possible, equal the cost of providing services related to ATV titling. The funds collected by the DNR will be placed in the Conservation Fund.

The bill also contains a prohibition on the intentional falsification of an application for a certificate of title or a certificate of title, and the intentional authorization, removal, or change of any number or character in an ATV engine serial number or ATV serial number. This provision makes violation of those prohibitions a Class H felony. The maximum penalty for a Class H felony is a fine not to exceed \$10,000 or imprisonment not to exceed six years, or both.

The effective date of the draft is prospective and commences January 1, 2009. This effective date provides that the owner of an ATV newly purchased on or after January 1, 2009 or the owner of an ATV who applies for registration on or after January 1, 2009 and does not have a valid certificate of title previously issued must obtain a certificate of title for the ATV.

## **Display of ATV Registration Number**

### **Background**

Under the current ATV statutes, no person may operate or give permission to operate an ATV unless the ATV is registered for public use (i.e., for use on public trails or routes) or for private use (i.e., used exclusively on private property), or is exempt from registration, or is issued a commercial ATV certificate (i.e., manufacturers, dealers, or distributors, or persons engaged in the business of renting ATVs). Under the current statutes, a person who registers an ATV for public use must display two registration decals on the vehicle. The DNR, by administrative rule, specifies the size of the decals and the information required to be contained on the decals. The DNR also designates authorized distributors of registration decals. Under the current statutes, there is no license plate or other requirement to display registration numbers on an ATV.

The committee heard testimony indicating that the recovery of damages caused by ATV trespass was often hampered by landowners' inability to identify the trespassing offender. The testimony also indicated that the inability to identify an ATV trespasser was often due to the inability to see the

registration numbers on the trespasser's ATV as the offender fled the scene. Thus, the committee proposes that the DNR promulgate rules for the prominent display of registration numbers with a minimum requirement of the display of the registration number at the rear of the ATV.

## **Description**

This bill creates a requirement for the operator to display the registration number on an ATV that is registered for public use. The DNR is required by the bill to specify the manner of displaying the registration number. The registration number must be displayed in a prominent manner and at a minimum, must be displayed at the rear of the ATV.

## **Fees and Appropriations**

### **ATV Gas Tax Payment**

#### **Background**

After hearing public testimony regarding limited funding, the committee sought to identify ways to increase funds for ATV trails. The first source identified was the gas tax payment made to the Conservation Fund under s. 25.29 (1), Stats. The gas tax payment formula was derived from the notion that because ATVs, snowmobiles, and boats are not operated on highways, they should be allowed to contribute less fuel tax to highway construction and maintenance and use those tax dollars for construction and improvements to trails or waterways. Funds generated by the ATV gas tax formula are paid to the DNR Conservation Fund and are used to provide aid to towns, villages, cities, counties, and federal agencies for nonstate ATV projects.

The current gas tax payment is calculated by multiplying the sum of the number of ATVs registered for public use (i.e., on public trails or routes) and the number of reflectorized plates issued for commercial ATV use (i.e., manufacturers, dealers, or distributors, or other persons engaged in the business of renting ATVs) on the last day of February of the previous fiscal year. This number is multiplied by 25 gallons and that product is multiplied by the excise tax on the last day of February of the previous fiscal year (currently, \$0.309 per gallon).

The committee decided that current ATV gas tax payments are inadequate because there are currently more ATVs than snowmobiles in Wisconsin and ATVs are operable on a year-long basis. Thusly, the committee argued that more total fuel and time is spent on ATV trails than for which the current payment provides. This provision of the bill is intended to remedy the gas tax funding shortfall for ATVs.

#### **Description**

The bill repeals the current ATV gas tax formula and replaces it with a new formula similar to the snowmobile gas tax payment. The new ATV gas tax payment, created by the bill, is calculated by multiplying the number of ATVs registered for public use and the number of reflectorized plates issued for commercial ATV use on the last day of February of the previous fiscal year by 50 gallons and multiplying that product by the motor vehicle fuel excise tax on the last day of February of the previous fiscal year. This total is then increased by an additional 40%.

Based on DNR estimates of approximately 230,000 public ATV registrations, and assuming that those registrations will not increase, the current fee raises about \$1.7 million annually. Assuming the same 230,000 registrations, the fee increase in this provision of the draft would raise approximately \$5 million annually. The result is an increase in revenue of approximately \$3.3 million annually.

## **ATV Fee Increases**

### **Background**

The next source of ATV trail funding identified by the committee comes from ATV registration fees. Under current law, no person may operate, and no owner may give permission for the operation of, an ATV within the State of Wisconsin unless the ATV is registered for public use (i.e., for use on public trails or routes), private use (i.e., used exclusively on private property), is exempt from registration, or is certified for commercial use (i.e., manufacturers, dealers, or distributors or persons engaged in the business of renting ATVs), or has a nonresident trail pass. The committee recommends that additional funding for ATV trails and enforcement be derived from increases in current registration and trail pass fees.

### **Description**

The bill increases the fee for issuance or renewal of a registration certificate for public use of an ATV from \$30 to \$50. This registration is valid for two years.

Based on current DNR estimates that approximately 230,000 ATVs share a public registration (calculated at 115,000 registrations per year to generate the annual number), the current fee raises about \$3.5 million annually. Assuming the same 230,000 registrations, under this provision of the bill, the fee increase would raise approximately \$5.75 million annually. The result is an increase in revenue of approximately \$2.25 million annually.

The bill increases the fee for issuance of a registration certificate for private use of an ATV from \$15 to \$25. The private registration is valid from initial purchase of the registration to the time that ownership is transferred.

The DNR estimates that approximately 5,000 ATVs are registered for private use each year. The current fee of \$15 raises about \$75,000 annually. Assuming a continued 5,000 private registrations each year, the increased fee, at \$25, would raise approximately \$125,000 per year. The result is a revenue increase of approximately \$50,000 annually.

The bill increases the fee for issuance or renewal of a certificate for commercial use of an ATV from \$90 to \$100. The commercial certificate is valid for two years.

Based on DNR estimates that approximately 650 ATVs are registered for commercial use annually, the fee currently raises about \$60,000 annually. Assuming the same 650 annual registrations in the future, under this provision of the bill, the new fee would raise approximately \$65,000 annually. This results in a revenue increase of about \$5,000 annually.

The fee for additional plates is also increased under the bill. The current fee of \$30 per reflectorized plate is increased to \$40 per plate for each additional plate that is issued beyond the three plates that are issued with the commercial certificate.

The DNR estimates of approximately 100 additional plates sold per year result in revenue of approximately \$3,000 annually under current law and approximately \$4,000 annually under the new provisions. The increase results in an approximate increase of \$1,000 annually.

The bill increases the annual fee for a nonresident ATV trail pass from \$17.25 to \$44.25 and establishes a new seven-day nonresident trail pass for a fee of \$17.25. The current statute requires the DNR to collect an issuing fee of \$0.75 for issuing a nonresident ATV trail pass. This provision will increase the amount of the total fee for each annual and seven-day nonresident trail pass to \$45 and \$18, respectively.

Based on current nonresident ATV trail pass sales estimates of 12,500 annually, the current fee raises approximately \$215,000 annually. Assuming, under the new fees, that 80% of the nonresidential ATV trail users will purchase a weekly pass and the remaining 20% of nonresident ATV trail users will purchase an annual pass, the weekly pass will raise approximately \$250,000 annually and the annual pass approximately \$63,000 annually. This results in total annual revenue projection of approximately \$313,000, an increase of approximately \$98,000 annually.

For more information regarding the ATV revenue proposals, please consult Appendix 1.

## **Appropriation Changes**

### **Background**

The committee appropriated the increased funding derived from registrations and passes to ATV project aids and ATV enforcement in order to promote ATV trail development and limit damages due to trespass or unauthorized use.

In addition, the committee heard testimony from users of the Ice Age Trail System that a portion of the system that is routed through the Wild River Trail and the Tuscobia Trail is no longer practical for hiking use because these trails have been opened to ATV use. The committee agreed to provide funding to reroute the Ice Age Trail System away from these trails to restore hiking use.

### **Description**

The bill increases the ATV project aids appropriation under s. 20.370 (5) (cu), Stats., from \$1,600,000 for each fiscal year 2005-2006 and 2006-2007, to \$3,900,000 for each fiscal year 2007-2008 and 2008-2009. It increases the ATV enforcement appropriation under s. 20.370 (5) (er), Stats., from \$200,000 for each fiscal year 2005-2006 and 2006-2007, to \$500,000 for each fiscal year 2007-2008 and 2008-2009.

The bill also provides funds in the amount of \$500,000 total (\$250,000 per biennium 2007-2009) for DNR to reroute a segment of the Ice Age Trail which is now part of two trails, the Wild River Trail and the Tuscobia Trail, that allow the use of ATVs.

For more information regarding the ATV appropriations proposals, please consult Appendix 2.

## **Income Tax Checkoff for Nonmotorized Trails**

### **Background**

While the majority of the committee primarily emphasized the importance of improving trail access for ATVs as is evidenced by the prior motorized vehicle proposals, several members also wanted to include nonmotorized trail funding in the committee package. After deliberation, the committee agreed to increase nonmotorized trail funding through an individual income tax check-off.

### **Description**

The bill establishes a nonmotorized trail program to be administered by the DNR. The program is funded from an individual income tax check-off that will be placed on income tax forms. Donations to the program will be made by individual taxpayers on a voluntary basis.

## Appendix 1

### ATV State Revenues

<b>Annual Estimates</b>			
<b>Fees</b>	<b>FY 06-07 Current Revenues</b>	<b>FY 07-08 Proposed New Fees (Current and Increase)</b>	<b>Proposed Fee Increase in Drafts</b>
Gas tax payment	\$1,700,000	\$5,000,000	\$3,300,000
Public use fee	\$3,500,000	\$5,750,000	\$2,250,000
Private use fee	\$75,000	\$125,000	\$50,000
Commercial certificate	\$60,000	\$65,000	\$5,000
Commercial plates	\$3,000	\$4,000	\$1,000
Non-resident trail pass	\$215,000	\$313,000	\$98,000
<b>TOTALS – ALL FEES</b>	<b>\$5,553,000</b>	<b>\$11,257,000</b>	<b>\$5,704,000</b>
Total (minus gas tax payment)	\$3,830,000	\$6,257,000	\$2,404,000



## Appendix 2

### ATV State Appropriations

	<b>Current State Budget</b>	<b>Proposed Appropriations in Committee Bill Drafts</b>	
	FY 06-07 Appropriations	FY 07-08	FY 08-09
State ATV Projects (s. 20.370 (1) (ms))	\$225,000	\$475,000 (\$225,000 + \$250,000 Ice Age Trail Redevelopment)	\$475,000 (\$225,000 + \$250,000 Ice Age Trail Redevelopment)
State ATV Law Enforcement (s. 20.370 (3) (as))	\$1,102,000	\$1,102,000	\$1,102,000
Aid for Local and Federal ATV Projects (s. 20.370 (5) (cu))	\$1,600,000	\$3,900,000	\$3,900,000
ATV Safety Program Grants (s. 20.370 (5) (cx))	\$250,000	\$250,000	\$250,000
ATV Damage Program (s. 20.370 (5) (cz))	[n/a]	\$30,000	\$30,000
ATV Enforcement Aids (s. 20.370 (5) (er))	\$200,000	\$500,000	\$500,000
Split Funded Administration	\$467,000	\$470,000	\$470,000
<b>TOTALS</b>	<b>\$3,844,000</b>	<b>\$6,257,000</b>	<b>\$6,257,000</b>
Gas Tax Payment (s. 20.370 (5) (ct))	\$1,700,000	\$5,000,000	\$5,000,000
<b>GRAND TOTALS</b>	<b>\$5,553,000</b>	<b>\$11,257,000</b>	<b>\$11,257,000</b>



## Appendix 3

### Committee and Joint Legislative Council Votes

2007 Senate Bill 185, relating to ATV operation and funding, and other off-road vehicle issues, was recommended by the Special Committee on State Trails Policy to the Joint Legislative Council for introduction in the 2007-08 Session of the Legislature.

#### Special Committee Vote

At its January 4, 2007 meeting, the Special Committee reviewed, discussed changes to, and initially approved seven individual bill drafts that had been mailed to the committee prior to the meeting. The committee requested a number of changes to the seven drafts, and requested the committee staff to prepare two additional bill drafts. The Special Committee agreed that these nine bill drafts in final form would be retained as separate bill drafts to facilitate review by the committee, and that the nine bill drafts would be submitted to members with a mail ballot following the January 4 meeting. The mail ballot would consist of a vote to recommend all nine bill drafts to the Joint Legislative Council for introduction in the 2007-08 Session of the Legislature, and to authorize Chairperson Breske to determine how to combine the bill drafts. The vote of the committee was Ayes, 7 (Sens. Breske and Schultz; Reps. Hubler and Ott; and Public Members Decker, Ruf, and Sauer); Noes, 5 (Public Members Carpenter, Marcouiller, McFadzen, Patenaude, and Pettis); and Not Voting, 0.

Following the vote of the Special Committee, Chairperson Breske directed the committee staff to combine the bill drafts into a single draft. The individual drafts were submitted to the Legislative Reference Bureau for drafting, and were combined as LRB-2482/1.

#### Joint Legislative Council Vote

At the May 10, 2007 meeting, the Joint Legislative Council voted as follows on the recommendation of the Special Committee:

- Rep. Wieckert moved, seconded by Rep. Schneider, that LRB-2482/1, relating to ATV operation and funding, and other off-road vehicle issues, be introduced by the Joint Legislative Council. The motion passed on a roll call vote as follows: Ayes, 17 (Sens. Risser, Breske, Carpenter, Coggs, Darling, Fitzgerald, Harsdorf, Miller, and Robson; and Reps. Wieckert, Ballweg, Berceau, Fitzgerald, Huebsch, Kaufert, Pohan, and Schneider); Noes, 1 (Rep. Gottlieb); and Absent, 4 (Sens. Decker and Lasee; and Reps. Kreuser and Rhoades).



Joint Legislative Council

*[Joint Legislative Council Members Who Selected and Appointed Committee and Its Membership]*

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**ANN NISCHKE**  
202 W. College Avenue  
Waukesha, WI 53186

This 22-member committee consists of the majority and minority party leadership of both houses of the Legislature, the co-chairs and ranking minority members of the Joint Committee on Finance, and 5 Senators and 5 Representatives appointed as are members of standing committees.

# Joint Legislative Council

*[Current Joint Legislative Council Members Who Received Committee Report]*

## Co-Chair

### **FRED RISSER**

*Senate President*

5008 Risser Road  
Madison, WI 53705

## Co-Chair

### **STEVE WIECKERT**

*Representative*

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## **SENATORS**

### **ROGER BRESKE**

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### **TIM CARPENTER**

*President Pro Tempore*  
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### **G. SPENCER COGGS**

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This 22-member committee consists of the majority and minority party leadership of both houses of the Legislature, the co-chairs and ranking minority members of the Joint Committee on Finance, and 5 Senators and 5 Representatives appointed as are members of standing committees.

Special Committee on State Trails Policy

Senator Roger M. Breske, **Chair**  
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Eland, WI 54427

Representative Alvin R. Ott  
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Forest Junction, WI 54123

Ken Carpenter  
N3255 County Road A  
Fort Atkinson, WI 53538-9151

Dave Marcouiller  
UW-Madison  
101 Old Music Hall, 925 Bascom Hall  
Madison, WI 53706

Joel Patenaude  
Silent Sports  
506 Highland Dr.  
Waupaca, WI 54981

John Ruf  
11518 Hwy. G  
Darlington, WI 53530

Representative Mary Hubler  
P.O. Box 544  
Rice Lake, WI 54868

Senator Dale W. Schultz  
70515 N. Central Avenue  
Richland Center, WI 53581

Richard Decker  
P.O. Box 1447  
Eagle River, WI 54521

Michael McFadzen  
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Mark L. Pettis  
3984 State Road 70  
Hertel, WI 54845

Jack Sauer  
Lafayette County Board  
11165 Burke Rd.  
Darlington, WI 53530

STUDY ASSIGNMENT: The committee directed: (1) to review the current policies for the acquisition, development, and management of public use trails in Wisconsin by all state agencies and local governmental units, and including connecting trails that are privately owned; (2) to review issues related to public use trails within the state, including planning for trail acquisition and use, involvement of trail user groups, design and construction of trails, location and connection of trails, designation of certain trails for specific uses, methods for addressing user conflicts, benefits of trails for economic development, and funding for trails; (3) to place particular emphasis on issues related to trail uses by motorized vehicles; and (4) to recommend, as appropriate, a comprehensive policy for trails in this state or methods for the development of a state trails policy, and methods for state agencies and local governmental units to implement state trail policies.

12 MEMBERS: 2 Senators, 2 Representatives, and 8 Public Members.

LEGISLATIVE COUNCIL STAFF: Dan Schmidt, Senior Analyst; Mark C. Patronsky, Senior Staff Attorney; and Kelly Mautz, Support Staff.



**Committee Materials List**

(Copies of documents are available at [www.legis.state.wi.us/lc](http://www.legis.state.wi.us/lc))

<b>Report to the Legislature</b>					
<ul style="list-style-type: none"> <li>• Report to the Legislature 2007-09, <i>Special Committee on State Trails Policy</i> (April 27, 2007).</li> </ul>					
<b>Recommendation to the Joint Legislative Council (May 10, 2007)</b>					
<ul style="list-style-type: none"> <li>• <a href="#">Proposed</a> Report to the Legislature 2007-09, <i>Special Committee on State Trails Policy</i> (April 27, 2007).</li> <li>• <a href="#">LRB-2482/1</a>, relating to all-terrain vehicle operation and funding, and other off-road vehicle issues.</li> </ul>					
<b>January 18, 2007 Mail Ballot Results</b>					
<ul style="list-style-type: none"> <li>• <a href="#">Results</a> of January 18, 2007 mail ballot.</li> </ul>					
<b>January 18, 2007 Mail Ballot</b>					
<ul style="list-style-type: none"> <li>• <a href="#">WLC: 0036/2</a>, relating to trespass by operators of snowmobiles, all-terrain vehicles, and other off-road vehicles and providing a penalty.</li> <li>• <a href="#">WLC: 0037/2</a>, relating to increasing the appropriations for certain all-terrain vehicle programs.</li> <li>• <a href="#">WLC: 0038/2</a>, relating to fees for registration of all-terrain vehicles for public and private use, fees for commercial all-terrain vehicle certificates, and fees for nonresident all-terrain vehicle trail passes.</li> <li>• <a href="#">WLC: 0039/2</a>, relating to creating an all-terrain vehicle damage claim program, and making an appropriation.</li> <li>• <a href="#">WLC: 0040/2</a>, relating to the all-terrain vehicle gas tax payment.</li> <li>• <a href="#">WLC: 0041/2</a>, relating to promulgation of rules to establish standards and procedures for certifying the designation of all-terrain vehicle routes and trails.</li> <li>• <a href="#">WLC: 0042/2</a>, relating to the display of all-terrain vehicle registration numbers.</li> <li>• <a href="#">WLC: 0056/1</a>, relating to creating individual income tax checkoff for non-motorized trails, creating the non-motorized trails program, and making appropriations.</li> <li>• <a href="#">WLC: 0064/1</a>, relating to requiring a certificate of title for an all-terrain vehicle, creating penalties, and making appropriations.</li> </ul>					
<b>January 4, 2007 Meeting</b>		<a href="#">Notice</a>	<a href="#">Agenda</a>	<a href="#">Audio</a>	<a href="#">Minutes</a>
<ul style="list-style-type: none"> <li>• <a href="#">Memo No. 2</a>, <i>Bill Drafts Prepared for Consideration by the Special Committee</i> (December 21, 2006)</li> <li>• <a href="#">WLC: 0036/1</a>, relating to all-terrain, snowmobile, and off-road vehicle trespass</li> <li>• <a href="#">WLC: 0037/1</a>, relating to increasing the appropriations for certain all-terrain vehicle programs</li> <li>• <a href="#">WLC: 0038/1</a>, relating to fees for registration of all-terrain vehicles for public and private use, fees for commercial all-terrain vehicle certificates, and fees for nonresident all-terrain vehicle trail passes</li> <li>• <a href="#">WLC: 0039/1</a>, relating to creating an all-terrain vehicle damage claim program, and making an appropriation</li> <li>• <a href="#">WLC: 0040/1</a>, relating to the all-terrain vehicle gas tax payment</li> <li>• <a href="#">WLC: 0041/1</a>, relating to promulgation of rules to establish standards and procedures for certifying the designation of all-terrain vehicle routes and trails</li> <li>• <a href="#">WLC: 0042/1</a>, relating to the display of all-terrain vehicle registration numbers</li> <li>• <a href="#">Email</a>, from Public Member Michael McFadzen (December 5, 2006)</li> <li>• <a href="#">Letter</a>, from Dana Johnson</li> <li>• <a href="#">Email</a>, from Mary Fleming</li> <li>• <a href="#">Email</a>, from Nancy and Richard Windsor</li> <li>• <a href="#">Email</a>, from Terry Mason</li> <li>• <a href="#">Email</a>, from Sandra Miller</li> <li>• <a href="#">Email</a>, from Cindy and Roy Pumplun</li> <li>• <a href="#">Email</a>, from Mark Altmann</li> <li>• <a href="#">Email</a>, from Tanya Sue Kramer</li> <li>• <a href="#">Email</a>, from Janet Huebner</li> <li>• <a href="#">Email</a>, from William Duncanson</li> </ul>					

- [Emails](#), to Chair Breske
- [Email](#), from Public Member Joel Patenaude (December 28, 2006)
- [Email](#), from Public Member Joel Patenaude (December 28, 2006)
- [ATV Damage Account Claims Narratives](#) (December 26, 2006)
- [ATV Damage Account Claims](#) (December 26, 2006)
- [Emails](#), to Chair Breske
- [Letter](#), from Sam Tobias (January 3, 2007)
- [Emails](#), to Chair Breske (January 3, 2007)
- [Email](#), from Don Erickson
- [Email](#), from Sue Drum
- [Letter](#), from Fred and Sally Lippert
- [Email](#), from Sandy Gillum
- [Memorandum](#), *Proposed WLC: 0040/1, Gas Tax on ATVs*, from Mark Wolfgram, WisDOT, Administrator of the Division of Transportation Investment Management (January 3, 2007)
- [Emails](#), to Chair Breske (January 5, 2007)

#### November 10, 2006 Meeting & Public Hearing

[Notice](#)

[Agenda](#)

[Audio](#)

[Minutes](#)

- [Email](#), with attachments, from Dan Schmidt, Senior Analyst, Legislative Council (November 2, 2006)
  - [Attachment 1](#)
  - [Attachment 2](#)
  - [Attachment 3](#)
  - [Attachment 4](#)
  - [Attachment 5](#)
  - [Attachment 6](#)
- [Letter](#), from Mike and Paula Clay (November 1, 2006)
- [Letter](#), from Don Erickson (October 26, 2006)
- [Letter](#), to Representative Mary Hubler (undated)
- [Letter](#), from Bill Pearson (undated)
- [Letter](#), from Dennis and Carole Landro (October 4, 2006)
- [Letter](#), from Gigi Stafne (October 31, 2006)
- [Current Vilas County Trail Policy](#) (October 30, 2006)
- [Email](#), from Davie Phillips, to Chair Breske (November 4, 2006)
- [Email](#), from David Drake (November 2, 2006)
- [Memorandum](#), to Chair Breske, from Mike Hendrick, President, Fox Cities Greenways, Inc. (November 8, 2006)
- [Letter](#), from Ann Milne (November 8, 2006)
- [Meeting Minutes](#), of the Northern Highland-American Legion State Forest, DNR, distributed by Randy Harden (November 1, 2006)
- [Letter](#), from Richard Lamb (November 2, 2006)
- [Letter](#), from Dave Phillips (October 11, 2006)
- [Letter](#), from Jerry Woolpy (October 15, 2006)
- [Letter](#), from Mark Haag (October 15, 2006)
- [Letter](#), from Randy Harden, President, WATVA (October 17, 2006)
- [Letter](#), from Fred Clark, Wisconsin Council of Forestry (November 2, 2006)
- [Letter](#), from Randy Harden (October 18, 2006)
- [Letter](#), from Chris Worth (July 25, 2003)
- [Meeting Minutes](#), of the Sustainable ATV Trail Stakeholders Group (October 9, 2006), submitted by Randy Harden
- [Article](#), ATV Riders Team Up to Help Manage Recreation, submitted by Randy Harden (August 2003)
- [Testimony](#), from Jerry Woolpy, (November 10, 2006)
- [Letter](#), from Jeanine Vorland (September 12, 2006)
- [Testimony](#), of Brook Waalen (November 9, 2006)
- [ATV Facts](#), distributed by Brook Waalen (November 10, 2006)
- [Note](#), from Ambrose "Mark" Landmark (November 10, 2006)
- [Testimony](#), from Tom Rulseh (November 10, 2006)
- [Testimony](#), from Steven M. Jackson, Langlade County Forest Administrator (November 10, 2006)
- [Letter](#), from Mark G. Westphal (November 13, 2006)

- [Testimony](#), from Dick and Carol Horneck (November 10, 2006)
- [Testimony](#), from Don Erickson (November 10, 2006)
- [Testimony](#), from Diane Muri (November 10, 2006)
- [Testimony](#), from Denny Landro (November 10, 2006)
- [Testimony](#), from Al Eschenbauch
- [Testimony](#), from Frank Trimmel (November 11, 2006)
- [Testimony](#), from Mike Peterson, Washburn County Forest Administrator (November 7, 2006)
- [Memo](#), from Jane Severt, Lincoln County Forest Administrator/ATV Trail Coordinator and John Bilogan, Oneida County Forest Administrator/ATV Trail Coordinator
- [Email](#), from Jane Severt with letter from Frank Trimmel as attachment
- [DNR ATV Enforcement Program](#), distributed by Gary Eddy, ATV/Snowmobile Administrator, Bureau of Law Enforcement, DNR
- [Email](#), from Tom Huber (November 1, 2006)
- [Email](#), from Tom Huber, with attachment (November 9, 2006)
  - [Attachment](#) to email
- [Letter](#), from Vernon Relich, to member Representative Mary Hubler (November 18, 2006)
- [Letter](#), from Sue Drum
- [Email](#), from Mary Fleming
- [Email](#), from Aaron Crandall
- [Email](#), from Nancy Atwater
- [Email](#), from Merlin and Gloria Passow
- [Testimony](#), from Sharon Iltis
- [Petition](#), from Bob Fenske
- [Letter](#), from June Schmaal
- [Email](#), from Andrew Hanson
- [Email](#), from Arthur Baseler
- [Email](#), from Wayne Wallace
- [Email](#), from Matt Peterson
- [Testimony](#), from Carol Horneck
- [Letter](#), from Tom Tillman to Randy Harden

October 5, 2006 Meeting & Public Hearing	<a href="#">Notice</a>	<a href="#">Agenda</a>	<a href="#">Audio AM</a> <a href="#">Audio PM</a>	<a href="#">Minutes</a>
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- [Memo No. 1](#), *Summary of State Statutes and Administrative Rules Related to Trails* (September 28, 2006)
- [Funding for Wisconsin Trails](#), Department of Natural Resources (April 2002; edited December 2003)
- [Wisconsin State Trails spreadsheet](#) (September 28, 2006)
- [Letter](#), to Senator Breske, Chair, Special Committee on State Trails Policy (September 23, 2006)
- [Letter](#), from Randy Harden, President, Wisconsin ATV Association (October 2, 2006)
- [Distribution of Ecologically-Invasive Plants Along Off-Road Vehicle Trails in the Chequamegon National Forest](#), Wisconsin, *The Michigan Botanist*, Vol. 44
- [SCORP](#), The 2005-2010 Wisconsin Statewide Comprehensive Outdoor Recreation Plan
- [Memorandum](#), *State Trails and Traveler Spending*, from Jim Holperin, Secretary, Department of Tourism (October 4, 2006)
  - [Tourism's Economic Impact](#), Wisconsin Department of Tourism (May 2006)
  - [2003 Profile of Wisconsin's ATV Users](#), Department of Tourism Research (undated)
- [Presentation](#) by Brigit Brown, State Trails Coordinator, Bureau of Parks and Recreation, and Larry Freidig, Financial Assistance Specialist, Bureau of Community Financial Assistance, DNR (October 5, 2006)
- [Letter](#), ATV Topics, distributed by Randy Harden, President, Wisconsin ATV Association (undated)
- [Testimony](#), of Holly and Tom Tomlanovich (October 5, 2006)
- [Letter](#), from Randy Harden, President, Wisconsin ATV Association (undated)
- [Letter](#), from Sue Drum, Secretary, Northwoods Citizens for Responsible Stewardship (undated)
- [Letter](#), from Dale Crisler and Tim McRaith, Co-Coordinators, Superior Lobe Chapter (September 28, 2006)
- [Testimony](#), from Frank Trimmel (October 5, 2006)
- [Testimony](#), from Denis Laddusire (October 5, 2006)

- [Testimony](#), from Carol Horneck (October 5, 2006)
- [Testimony](#), from Dick Horneck (October 5, 2006)