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## WISCONSIN LEGISLATIVE COUNCIL

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### STATE TRAILS POLICY

Legislative Council Conference Room  
One East Main Street, Suite 401  
Madison, WI

January 4, 2007  
10:00 a.m. – 2:45 p.m.

[The following is a summary of the January 4, 2007 meeting of the Special Committee on State Trails Policy. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting. A digital recording of the meeting is available on our Web site at <http://www.legis.state.wi.us/lc>.]

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#### Call to Order and Roll Call

Chair Breske called the meeting to order. The roll was called and it was determined that a quorum was present.

COMMITTEE MEMBERS PRESENT: Sen. Roger Breske, Chair; Sen. Dale Schultz; Reps. Mary Huber and Al Ott; and Public Members Ken Carpenter, Richard Decker, Michael McFadzen, and Joel Patenaude.

COMMITTEE MEMBERS EXCUSED: Public Members Dave Marcouiller and Mark Pettis.

COUNCIL STAFF PRESENT: Mark C. Patronsky, Senior Staff Attorney, and Dan Schmidt, Senior Analyst.

#### Approval of the Committee's October 5 and November 10, 2006 Minutes

*Mr. McFadzen moved, seconded by Representative Ott, to accept the October 5 and November 10, 2006 minutes of the committee. The committee approved the minutes by a unanimous voice vote.*

<p><b>*ATTENTION:</b> This was the final meeting of the Special Committee on State Trails Policy. Committee members are requested to send any corrections regarding these Minutes to the Legislative Council staff. After the incorporation of any corrections, these Minutes will be considered approved by the committee.</p>
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### **Description of Materials Distributed**

Mark Patronsky of the committee staff described the materials that were distributed to the committee prior to the meeting.

### **Discussion of Committee Assignment**

Chair Breske opened the discussion session by giving committee members the opportunity to engage in conversation about the committee's charge, the testimony heard to date, and the proposed drafts before the committee.

Mr. McFadzen and Representative Hubler discussed the heavy use of nonmotorized trails and indicated that they would like to see more funding options for the non-motorized trail users in addition to all-terrain vehicle (ATV) trail users.

Representative Schultz and Mr. Sauer each replied that they did not see a problem for the non-motorized trail users and that there is no logical source from which to increase funding for non-motorized trails as bicycles and hikers are not generally required to pay registration fees and do not pay gas tax to engage in non-motorized activities.

Mr. McFadzen indicated he would support the use of moneys from tribal gaming, gas tax credits, or a bicycle licensure requirement.

Mr. Patenaude indicated that he also supported a bicycle licensure requirement to derive funding for bicycle trails and that he was also disappointed that the committee was not considering a bill to increase non-motorized trail funding.

Senator Schultz stated that hundreds of miles of bicycle trails have been created in Wisconsin and that some of these bicycle trails have even been funded with gas-tax dollars. He reiterated that it was time to correct the problem of the lack of ATV trails and to reallocate funding accordingly.

Chair Breske indicated that the non-motorized trail users were not left out of the process. He reminded members that the committee began its work by considering shared trails between both motorized and non-motorized users. Non-motorized users overwhelmingly indicated that the shared trails notion was not acceptable, therefore, he supported their preference for a separate trail system. He concluded that if a separate trail system were to be created and maintained, the ATV users would need more funding.

Representative Hubler stated that she would like to have the committee correct the issue of portions of the Ice Age Hiking Trail being converted to ATV use trails. She added that she would recommend including some funding in the committee package that would pay for the re-routing of the portions of the Ice Age Trail that are being used by motorized vehicles.

Mr. McFadzen stated that non-motorized users represent a larger portion of the population according to the Department of Natural Resources (DNR) SCORP Report and that funding should be allocated accordingly.

Mr. Sauer responded that user statistics on motorized and non-motorized recreation vary depending on who is presenting the information and which statistics are presented.

Representative Ott stated that the committee should indicate support for the reintroduced version of Representative Mursau's ATV access bill (formerly 2005 Assembly Bill 375) in the committee's report to the Legislature.

Mr. Patenaude asked the committee to consider funding the contained ATV park option that the DNR is investigating.

Senator Schultz responded that the next reauthorization of the Stewardship Program takes care of the potential ATV park funding needs.

Representative Ott requested that the committee consider a recommendation to the Joint Legislative Council to create a new trail committee in the next session to cope with ongoing problems.

Chair Breske then asked Dan Schmidt and Mr. Patronsky, committee staff, to describe each of the drafts before the committee followed by committee comment and amendment proposals. Committee recommendations were as follows:

**WLC: 0036/1**

The committee requested that staff include exceptions for public highways or roadways and their rights of way.

The committee agreed to hold WLC: 0037/1 until other drafts were discussed.

**WLC: 0038/1**

The committee generally agreed that the initial registration and trail use fees created in the draft were too high. The committee requested that staff change the fees as follows:

1. The public use registration was increased to \$50 from the \$30 under current law.
2. The private use registration was increased to \$25 from the current \$15.
3. The commercial license was increased to \$100 from the current \$90 and the cost of an additional commercial plate was increased to \$40 from the current \$30.
4. The annual non-resident trail pass was increased to \$45 from the current \$18 and the newly created seven-day non-resident trail pass will be instituted at \$20.

**WLC: 0039/1**

The committee requested that staff change the draft so that DNR would not be eligible for damage claims until all valid non-DNR claims have been paid without prorating. The committee also requested amendments that will require a claimant to report a trespass that leads to damage prior to

being eligible for the damage claims program and that will require DNR to involve the local ATV clubs in the damage claim program processes.

**WLC: 0040/1**

The committee recommended this draft without amendment.

**WLC: 0041/1**

The committee also recommended this draft without amendment.

**WLC: 0042/1**

The committee requested that staff amend the draft to include a titling requirement for all ATVs and to require a license plate on the rear of all ATVs registered for public use.

**WLC: 0037/1**

The committee requested that staff amend state ATV appropriations under the draft as follows:

1. Increase the state ATV project appropriation by \$250,000 per year for the redevelopment of the portions of the Ice Age Trail that are now used for motorized vehicles.
2. Maintain the current state ATV law enforcement appropriation of \$1,102,000 annually.
3. Increase overall aid for local and federal ATV projects appropriations by \$2,300,000 annually.
4. Maintain the ATV safety grants appropriation of \$250,000 annually.
5. Establish an ATV damage program appropriation of \$30,000 annually.
6. Increase the annual ATV enforcement aids appropriation by \$300,000.

The committee also requested that staff prepare a new draft which will add a line to income tax forms that will permit individuals to donate money from their tax returns for the funding of non-motorized trails in Wisconsin.

The committee voted on the recommended proposals as follows:

*Rep. Hubler moved, seconded by Sen. Schultz, that WLC: 0036/1 be approved, as amended. The motion passed by a vote of Ayes, 9 (Sens. Breske and Schutlz; Rep. Hubler; and Public Members Carpenter, Decker, McFadzen, Patenaude, Ruf, and Sauer); Noes, 0; and Absent 3 (Rep. Ott; and Public Members Marcouiller, and Pettis).*

*Rep. Hubler moved, seconded by Sen. Schultz, that WLC: 0038/1 be approved, as amended. The motion passed by a vote of Ayes, 7 (Sens.*

*Breske and Schutlz; Rep. Hubler; and Public Members Carpenter, Decker, Ruf, and Sauer); Noes, 2 (Public Members McFadzen and Patenaude); and Absent, 3 (Rep. Ott; and Public Members Marcouiller and Pettis).*

*Rep. Hubler moved, seconded by Sen. Schultz, that WLC: 0039/1 be approved by the committee. The motion passed by a vote Ayes, 9 (Sens. Breske and Schutlz; Rep. Hubler; and Public Members Carpenter, Decker, McFadzen, Patenaude, Ruf, and Sauer); Noes, 0; and Absent 3 (Rep. Ott; and Public Members Marcouiller, and Pettis).*

*Chair Breske moved, seconded by Sen. Schultz, that WLC: 0040/1 be approved by the committee. The motion passed by a vote Ayes, 7 (Sens. Breske and Schutlz; Rep. Hubler; and Public Members Carpenter, Decker, Ruf, and Sauer); Noes, 2 (Public Members McFadzen and Patenaude); and Absent, 3 (Rep. Ott; and Public Members Marcouiller and Pettis).*

*Rep. Hubler moved, seconded by Sen. Schultz, that WLC: 0041/1 be approved by the committee. The motion passed by a vote Ayes, 8 (Sens. Breske and Schutlz; Rep. Hubler; and Public Members Carpenter, Decker, Patenaude, Ruf, and Sauer); Noes, 1 (Public Member McFadzen); and Absent, 3 (Rep. Ott; and Public Members Marcouiller and Pettis).*

*Rep. Hubler moved, seconded by Mr. McFadzen, that WLC: 0041/1 be approved by the committee. The motion passed by a vote Ayes, 9 (Sens. Breske and Schutlz; Rep. Hubler; and Public Members Carpenter, Decker, McFadzen, Patenaude, Ruf, and Sauer); Noes, 0; and Absent, 3 (Rep. Ott; and Public Members Marcouiller and Pettis).*

*Rep. Hubler moved, seconded by Sen. Schultz, that WLC: 0037/1 be approved, as amended, by the committee. The motion passed by a vote Ayes, 9 (Sens. Breske and Schutlz; Rep. Hubler; and Public Members Carpenter, Decker, McFadzen, Patenaude, Ruf, and Sauer); Noes, 0; and Absent 3 (Rep. Ott; and Public Members Marcouiller and Pettis).*

*[Rep. Ott noted that had he been present, he would have voted “aye” on all of the above motions.]*

### **Other Business**

The committee agreed that all of the drafts will be voted on as a single package by mail ballot following final drafting. The committee approved the packaging of the final draft proposal at the discretion of Chair Breske following passage.

### **Plans for Future Meetings**

This was the final meeting of the committee.

## **Adjournment**

The meeting was adjourned at 2:45 p.m.

MCP:DWS:ksm