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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

Committee on ... Transportation, Tourism,
Forestry, and Natural Resources (SC-TTFNR)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Mike Barman (LRB) (June/2012)

Senate

Record of Committee Proceedings

Committee on Transportation, Tourism, Forestry, and Natural Resources

Senate Bill 241

Relating to: modifying the definition of all-terrain vehicle.

By Senators Holperin, Taylor, Vinehout, Harsdorf, A. Lasee and Grothman; cosponsored by Representatives Hraychuck, Brooks, Roys, Townsend, Jorgensen, Radcliffe, Suder, Petrowski, Hubler, Gunderson, Tauchen, Murtha, Ballweg, Ripp and Spanbauer.

July 21, 2009 Referred to Committee on Transportation, Tourism, Forestry, and Natural Resources.

August 13, 2009 **PUBLIC HEARING HELD**

Present: (0) None.

Absent: (0) None.

Appearances For

- Jim Holperin, Eagle River — 12th Senate District
- Ed Folger, Monona — Marshview Riders ATV
- Randy Harden, Sheboygan — Wisconsin ATV Association
- Bob McConnell, Madison — Wisconsin ATV Association
- Mike Peterson, Spooner — Washburn County
- Al Hogen, Amery — Polaris Industries
- Jane Severt, Tomahawk — Wisconsin County Forests Association

Appearances Against

- None.

Appearances for Information Only

- None.

Registrations For

- Michelle Kussow — Wisconsin Powersport Dealers Association
- Doug Lau, Potter
- Charles Fields, Shullsburg
- Dean Wepking, Highland
- Tony Maglio, Verona
- Mike Swan, Tomhawk
- Jon Ulrich, Stratford

Registrations Against

- Curt Hart, Petosi

- Robert Woodward, Darlington

Registrations for Information Only

- None.

September 3, 2009

EXECUTIVE SESSION HELD

Present: (7) Senators Holperin, Sullivan, Plale, Hansen, Leibham, Kedzie and Grothman.

Absent: (0) None.

Moved by Senator Sullivan, seconded by Senator Kedzie that **Senate Bill 241** be recommended for passage.

Ayes: (7) Senators Holperin, Sullivan, Plale, Hansen, Leibham, Kedzie and Grothman.

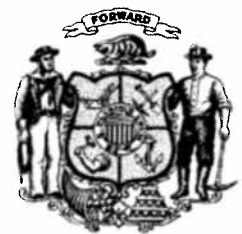
Noes: (0) None.

PASSAGE RECOMMENDED, Ayes 7, Noes 0

Elizabeth Novak
Committee Clerk



WISCONSIN STATE LEGISLATURE



Regarding: Senate Bill 241 – Amendment to State Statute 340.01 (g) to change definition of an ATV

From: Sue Drum, 11384 CTH B, Presque Isle, WI, 54557
Phone: 715-686-2655, adrum@centurytel.net
August 7, 2009

Dear Senator Holperin,

I would like to offer some well-researched opposition to passage of Senate Bill 241.

1. Please give consideration to the needs of the majority of your constituents

By far the largest number of people, in the 11 counties that you represent, are non-motorized users of public land. I am one of your supporters and, as you know, my major concern is to protect and preserve the remaining wild ecosystems of northern Wisconsin. The WDNR SCORP Report consistently shows that 85% of public land users are non-motorized. The majority of people who come to your northern districts are trying to find a quiet place, away from motor noise, to enjoy outdoor exercise and nature. The SCORP survey also shows that these people listed as their number one barrier to outdoor recreation an increase in ATV encounters. In other words quiet recreationists are looking for an exact opposite experience to what ATV riders enjoy. Therefore these two types of users can not co-exist.

2. Is there a net benefit to your constituents?

Allowing wider ATVs will not improve the economy of your “poverty stricken” communities. This is a Bill requested by Polaris and other ATV manufacturers. ATV and other Off Highway Vehicles (OHVs) and their retailers are propped up by an array of corporations that manufacture and market their products with multimillion-dollar ad campaigns, television shows, sporting events and direct sponsorships. This is where the money goes.

I doubt that individual sales of these more expensive models will increase in Forest and Florence counties during a recession. Also I doubt that wider ATVs will bring more tourists to ride trails in these counties. The SCORP Report lists the five top demands from out of state tourists: **Chicago** – 1. Canoeing 2. Hiking 3. Fishing 4 downhill skiing 5. Camping **Twin Cities** – 1. Fishing 2. Sightseeing by car 3. Boating 4. Camping 5. Hiking I don't see ATV riding in any form.

If this amendment should encourage more ATV riding, it will come with the loss of silent sport recreationists. Since quiet users represent a much larger group they offer a greater economic stimulus. (See attached article, “Noise About Quiet Recreation in National Forests”) If you are serious about creating a long-term boost to the northwoods economy, consider promoting the interests of quiet users. When you were in the Department of Tourism your “Travel Green” and “Great Wisconsin Birding Program” were a success.

Appealing to quiet users has a double whammy – it increases monetary benefits without damaging our wild ecosystems.

3. ATV enthusiasts are not underdogs.

Although OHV riders like to characterize themselves as downtrodden Americans in danger of losing their right to use public land, this is a myth. They actually have a similar demographic to environmentalists. Surveys of Wisconsin OHVers show that riders are upper-middle class, about 42 years old, predominantly male, better educated and more likely to work in the professional sector than the average U.S. citizen. This is an expensive sport!

In short, the majority of your constituents do not want bigger, more powerful machines in their northwoods. The multimillion-dollar OHV industry does not need a financial boost. What possible benefit can wider ATVs with larger tires bring to our forests, wetlands rivers and lakes that would offset their increased potential for ecosystem damage?

Bike trail towns, like Boulder Junction, and campgrounds, especially rustic campgrounds in the Northern Highland American Legion State Forest, are attracting more people than ever this summer. This type of recreation is what people want and need, not bigger OHVs.

Sue Drum







John Muir Chapter

Sierra Club - John Muir Chapter
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Telephone: (608) 256-0565 Fax: (608) 256-4562
<http://wisconsin.sierraclub.org>

RE: Testimony on SB 241 – ATV Definition

DATE: August 13, 2009

Good afternoon, I am the Conservation Chair for Wisconsin's John Muir Chapter Sierra Club. Our membership of 16,000 Wisconsin residents includes almost 6,500 members who identify themselves as Sierra Sportsmen, members who buy licenses to hunt and/or fish in Wisconsin. Wisconsin's Sierra Sportsmen represent the third largest Sierra Sportsmen group behind California and Florida. This is larger than any of the other states, including our neighbors Michigan, Minnesota or Illinois.

I speak today for information only, Sierra Club and Sierra Sportsmen do not support or oppose the proposed definition change as there is really no basis to do so and suggesting a friendly amendment may not be considered germane to the issue.

That said, Sierra Club likens the proposal to increase the frame size definition of an All Terrain Vehicle in Wisconsin from 48" to 50" inches to solving a weight problem by buying bigger pants. By changing the frame definition of an ATV, the legislature will also green-light a larger frame's cousins, more horsepower and heavier machines.

Sierra Club members and Sierra Sportsmen remain very concerned about impacts of ATVs, especially in wetland areas where these vehicles can seriously damage lands outside of the designated trails. We also have increasing concerns about noise levels, air pollution, and the potential for spreading non-native invasive species.

This proposed definition change will, in turn, allow the larger machines onto our Wisconsin public trail system – trails already heavily impacted by erosion, heavy wear and in some cases, abuses of associated resources by riders of the smaller machines already allowed there.

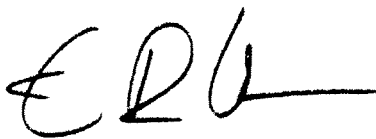
This proposed definition change will not help offset public costs for trail maintenance.

The proposed definition change will increase per mile impacts from ATVs on Wisconsin trails. Recreation that requires small engines increases per capita carbon emissions. According to the EPA, nationwide, each year ATVs emit over 381,000 tons of hydrocarbons, 1,860,000 tons of carbon monoxide, and 11,000 tons of nitrogen oxide (US EPA, 2001). EPA studies show that one two-stroke ATV can emit more pollution than thirty automobiles operating in the same time frame. ATVs produce 4,000 times more carbon monoxide emissions and 118 times as many smog-producing pollutants as a modern automobile on a per mile basis.

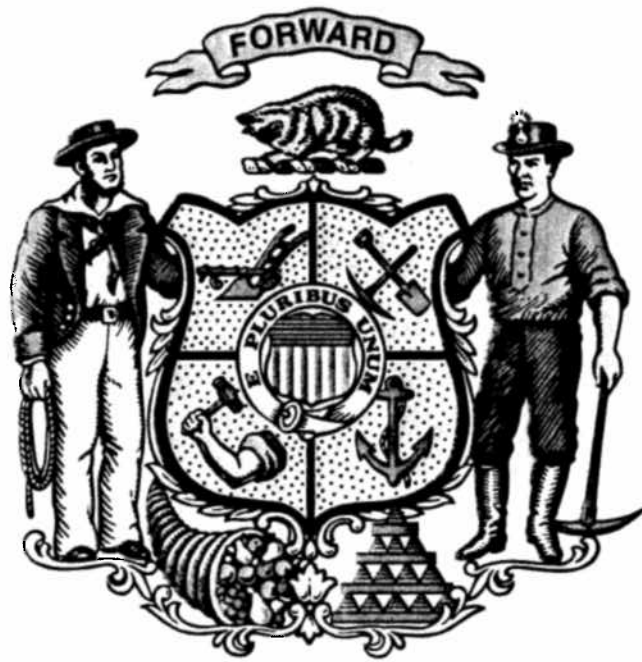
The proposed definition change will increase the spread of invasive species. Additionally, considerations must be undertaken to control ATV access to slow the spread of invasive insect and plant species. ATVs are one of the greatest threats to native herbaceous plant populations by carrying seeds of introduced invasive species and exotic insect eggs and larvae into less disturbed areas.

The proposed definition change will not help offset public costs from associated air and noise pollution or from increased movement of invasive plants and insects.

Sierra Club encourages the author and other sponsors of this bill to consider the associated impacts, and to consider the need to address the shortcomings in making the definition change without making supporting changes in fees or other ATV use aspects that would benefit the trail system and the public lands that 16,000 Sierra Club members and 6,500 Sierra Sportsmen support with their license fees and tax dollars. Thank-you for the opportunity to testify for information.

A handwritten signature in black ink, appearing to read 'ERU', with a long horizontal line extending to the right.

Eric Uram
Conservation Chair, Sierra Club- John Muir Chapter





Wisconsin County Forests Association

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**WCFA Testimony presented by Jane Severt for
August 13, 2009 Public Hearing of the
Senate Committee on Transportation, Tourism, Forestry, and Natural Resources**

2009 Senate Bill 241

Chair Holperin and members of the Senate Committee on Transportation, Tourism, Forestry, and Natural Resources:

Good morning and thank you for the opportunity to provide this testimony on 2009 SB 241. My name is Jane Severt and I serve as the Executive Director for the Wisconsin County Forests Association (WCFA). WCFA represents the 29 counties in Wisconsin with county forest lands established under state statutes §28.10 & 28.11. Collectively these 29 counties manage nearly 2.4 million acres of forests, the largest public land base in Wisconsin.

Many County Forest Administrators or members of their staff serve as ATV trail coordinators in their respective counties. County Forestry Departments provide the majority of ATV trail miles in our state. For the most part, county ATV trail coordinators are supportive of the ATV definition changes contained in SB 241.

Only one County Forest Administrator has expressed serious concerns with the proposed changes. The basis for these concerns is the fact that this particular county has approximately 25 gates with cemented posts designed to accommodate ATVs with a 48" width. Availability of funds for retrofitting these gates to accommodate the extra width proposed in SB 241 is an issue.

In addition, ATV Trail Coordinators are hopeful that this increase in width will not become a frequent occurrence. They would like some assurance that the WI definition of an ATV will not continually change based on manufactures specification but rather that manufacturers will remain sensitive and receptive to the opinions of the agencies building and maintaining the ATV trail systems in Wisconsin.

Again, thank you for the opportunity to provide this testimony. For the record; at this time WCFA supports SB 241 with the exception of the aforementioned county.



Wisconsin Wildlife Federation

SB 241
folder

Date

Good morning Chairman Holperin and Committee Members,

My name is Jack Nissen.. I am the President of the Wisconsin Wildlife Federation. The Federation is comprised of 168 hunting, fishing and trapping clubs located throughout the state who have a combined membership in excess of 100,000 members.

The Federation and the clubs we represent are very strong supporters of restoring the appointment authority of the DNR Secretary back to the Natural Resources Board. It is a fundamental belief of sportsmen and women in this state that natural resource management should be led by natural resource professionals not selected on a partisan political basis. This long-standing position goes back to 1928 when sportsmen and women in this state led by Aldo Leopold, Haskell Noyes, Bill Aberg and the Isaac Walton League were successful in getting legislation passed that established the Wisconsin Conservation Department headed by a natural resource professional appointed by the then six-citizen Conservation Commission. This system worked well with the Wisconsin Conservation Department and its successor, the Department of Natural Resources. During that period the Wisconsin DNR was recognized as one of the finest and innovative natural resources agencies in the country.

That system was abruptly changed when, without public hearing and without the support of hunters, anglers and trappers, a provision was placed in the 1995 state budget making the Secretary of the Department a partisan political appointee of the Governor. Ever since that time, sportsmen and women have worked very hard to have the Secretary's appointment authority restored to the Natural Resources Board. This question has been on the spring questionnaire of the Wisconsin Conservation Congress at least four times with the results always being in favor of restoring the Board authority by at least an 8 or 9 to 1 ratio. In the summer of 2004, the Wisconsin Wildlife Federation conducted a scientifically valid poll of hunters, anglers and trappers in this state on this issue and seventy-nine percent of those surveyed stated that the Secretary's appointment authority should be restored to the natural Resources Board. There is no reason to believe that those numbers do not remain valid today. Just ask the membership of your local sports club when you attend their next meeting.

Now our Executive Director, George Meyer, will share his experiences and the policy reasons for having a Board appointed Secretary. Chairman Holperin, thank you for the opportunity to testify here today on behalf of the Wildlife Federation.

Submitted by:
Jack Nissen, President
Wisconsin Wildlife Federation

August 13, 2009





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Public Hearing

8/13/09

Committee on Transportation, Tourism, Forestry, and Natural Resources

Testimony provided by Randy Harden & Rob McConnell of the Wisconsin ATV Association

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Chair - Senator Jim Holperin

Senators' Jim Sullivan, Jeff Pyle, Dave Hansen, Joe Leibham, Neal Kedzie, Glenn Grothman

Re: SB 241 - Relating to modifying the definition of an All-Terrain Vehicle (ATV)

Our Wisconsin ATV Association's highest priority is what's in the best interest of the Wisconsin ATV registration program. At the same time our organization and program management partners, in conjunction with ATV rider's in general, continue to play a vital role in providing economic tourism dollars into Wisconsin's businesses that cater to ATV trail traffic.

The three provisions inside this bill make subtle but important changes to our state ATV statutes, thus allowing Wisconsin to become more consistent with surrounding state's that are also competing to attract ATV tourism traffic.

There are also ramifications created by what have become technology improvements to the ATV design and manufacturing to provide for a better end product. Our original state statutes, created back in the mid-1980's are simply in need of updating. This bill will allow our Wisconsin ATV citizens, our retail dealership businesses, and our tourism guests alike to be in compliance with state laws that more closely resemble those in our neighboring states. Especially in these economic times, it is vital to remedy what has become an unfair situation for those who wish to take advantage of the latest engineering improvements to a vastly different ATV landscape from what it was 20 + years ago!

Our statewide organization had numerous discussions and workshops on this topic late last year. In April of this year at our annual meeting, the club leaders and members from around the state voted overwhelmingly to support this language now known as SB 241.

Thank you for your considerations.