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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**

Senate

Record of Committee Proceedings

Committee on Transportation, Tourism, Forestry, and Natural Resources

Senate Bill 264

Relating to: trespass by operators of snowmobiles, all-terrain vehicles, and other off-road vehicles.
By Joint Legislative Council.

August 11, 2009 Referred to Committee on Transportation, Tourism, Forestry, and Natural Resources.

September 17, 2009 **PUBLIC HEARING HELD**

Present: (7) Senators Holperin, Sullivan, Plale, Hansen, Leibham, Kedzie and Grothman.
Absent: (0) None.

Appearances For

- Jim Wendt, Oregon
- Mary Motiff, Washburn — Bayfield County Tourism & Recreation
- Brian Conger, Madison — Bicycle Federation of Wisconsin
- Mike Wollmer, Cross Plains — Ice Age Trail Alliance
- Jim Sullivan — 5th Senate District

Appearances Against

- None.

Appearances for Information Only

- None.

Registrations For

- Paul Heinen — DNR
- Gary Werner, Madison
- Darryl Jordan, Madison
- Michael Prichard
- Chris Fortune — Saris Cycling Group
- Mari-Anne Westigard, Luck
- Teri Power
- Mike Bauer, Cushing
- Barb Delaney, Dresser
- Marvin Wanders, LaCrosse
- R.J. Wickham, Omro
- Krist Pottorff, Kenosha
- Art Hicks — Kenosha Racine Bike Club

- Nancy Frank
- Wanda Brown, St Croix Falls
- Lisa Ruesch, Brookfield
- Dorothy Jeffries, Osceola
- David Cash, Whitewater — Ice Age Trail Association
- Lee Hazlett, Hancock
- Sharon Pomaville, Salem
- Gary Eddy — DNR
- Jean Schermer, Luck
- Mark Giese, Racine
- Justin Pitts, Menominee
- Jane Haasch, Waupaca
- Barb Woods, Westfield
- Mike Charron, LaCrosse — Human Powered Trails
- Ishi Buffam, Madison
- Mel Whiteside, Bayfield — North Coast Cycling Association
- Barbara Wollmer, Dane
- Michael Leger, Madison
- Christopher Schoggen, Hartford
- Shayne LaBudda, Lancaster — 151 N Tyler St
- John Siegert, Racine
- Brian Huttenburg, Madison
- Rachel Mokolke-Heineman, Middleton
- Brian Buttchen, Madison — 5253 Verona Rd
- Brian Turany, Madison
- Kent Wenger, Madison
- JoAnn Schmidt
- Brian Porter, Madison
- Dean Dversdall — Ice Age Trail Association
- Carolyn Senty, Madison
- Sue Drum, Presque Isle
- Randy Harden — WI ATV Association
- Greg Hawley, Appleton — Oshkosh Cycling Club
- Robert Skalton, Howards Grove

Registrations Against

- None.

Registrations for Information Only

- None.

September 30, 2009 **EXECUTIVE SESSION HELD**

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

Absent: (0) None.

Moved by Senator Kedzie, seconded by Senator Leibham that **Senate Substitute Amendment** be recommended for introduction and adoption.

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

Noes: (0) None.

INTRODUCTION AND ADOPTION OF SENATE SUBSTITUTE AMENDMENT
RECOMMENDED, Ayes 7, Noes 0

Moved by Senator Kedzie, seconded by Senator Sullivan that **Senate Bill 264** be recommended for passage as amended.

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

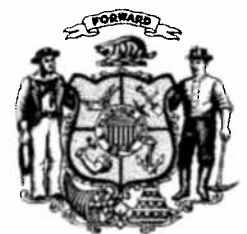
Noes: (0) None.

PASSAGE AS AMENDED RECOMMENDED, Ayes 7, Noes 0

Elizabeth Novak
Committee Clerk



WISCONSIN STATE LEGISLATURE

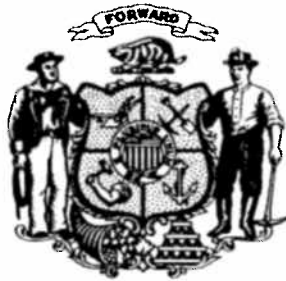


State of Wisconsin
JOINT LEGISLATIVE COUNCIL

Co-Chairs

FRED A. RISSER
President, State Senate

MARLIN D. SCHNEIDER
Representative, State Assembly



LEGISLATIVE COUNCIL STAFF
Terry C. Anderson
Director
Laura D. Rose
Deputy Director

TO: MEMBERS OF THE SENATE COMMITTEE ON TRANSPORTATION, TOURISM,
FORESTRY, AND NATURAL RESOURCES

FROM: Terry C. Anderson, Director *TCA*

RE: Hearing on 2009 Senate Bills 264, 265, and 266

DATE: September 14, 2009

Enclosed, for your information, is a copy of Wisconsin Legislative Council Report to the Legislature, RL 2009-06, dated August 14, 2009.

The following recommendations of the Special Committee on Enhancing Recreational Trails for Non-Motorized Use have been referred to your committee:

1. **2009 Senate Bill 264**, relating to trespass by operators of snowmobiles, all-terrain vehicles, and other off-road vehicles.
2. **2009 Senate Bill 265**, relating to nonmotorized trail maintenance and use, granting rule-making authority, and making appropriations.
3. **2009 Senate Bill 266**, relating to creating a Nonmotorized Recreation and Transportation Trails Council.

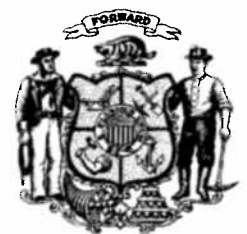
These bills are scheduled to be considered by your committee at its meeting which will be held on **Thursday, September 17, 2009, beginning at 10:01 a.m., or immediately following adjournment of the executive session, in Room 300 Southeast, State Capitol.**

If you have any questions relating to the above report or bills, please feel free to contact Don Salm, Senior Staff Attorney, at 266-8540, or Dan Schmidt, Senior Analyst, at 267-7251.

TCA:wu;ksm
Enclosure

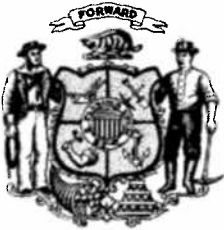


WISCONSIN STATE LEGISLATURE





WISCONSIN STATE LEGISLATURE





WE BRING CYCLING TO LIFE.

September 15, 2009

Senate Committee on Transportation, Tourism,
Forestry and Natural Resources

Dear Members of the Committee:

I would like to express my support for three bills that are being reviewed by your committee tomorrow, September 17. These bills have been introduced by the Joint Legislative Council. All bills are introduced to promote safety on non-motorized trails. There is an increase in interest in cycling, walking and running, and these bills will enhance safety of these users on Wisconsin's trails.

Senate Bill 264 expands existing statutes relating to trespassing on private property by ATV's, snowmobiles, etc. to apply to public property, giving wardens and law enforcement officers enforcement rights. Please support this bill.

Senate Bill 265 makes segregated funds set aside for the trail maintenance a continuing appropriation. Without proper maintenance, even the best of trails become unsafe. Please support this bill.

Senate Bill 266 creates a council to study and make recommendations on matters related to non-motorized recreation transportation and trails. Members are to be appointed by the governor. As the chair of another such council, the Governor's Bicycle Coordinating Council, I am well aware of the benefit that comes from public members and representatives from government meeting and working together on common issues. The result of such groups is that all output is a well thought-out, well coordinated effort that benefits the citizens of Wisconsin. Please support this bill.

Thank you for your consideration of my request.

Sincerely,

President

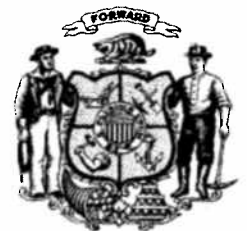
5253 Verona Road Madison, WI 53711
PH: 608.274.6550 / 800.783.7257
FX: 608.274.1702

www.saris.com

www.cycleops.com



WISCONSIN STATE LEGISLATURE



OFFICE OF SENATOR JIM HOLPERIN

Entered in *Forward*:

Date Received: 9/15 ^{2009?} Date Closed: _____

Closed in *Forward*:

Name: Sue Drum

Address: 11384 County Hwy B

City & Zip: Presque Isle

Phones: (H) 715-686-2655 (W) _____

E-Mail: _____

- visit at _____
- phone call
- e-mail
- letter
- voice mail
- office hours at _____
- Jim personal contact

Nature of Problem: _____ Assigned to: _____

Details: SB-266

SB 265

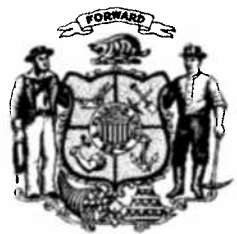
SB-264

Northwoods Citizens Responsible Steward

NCRS



WISCONSIN STATE LEGISLATURE



Holperin, Jim

From: Heinen, Paul H - DNR [Paul.Heinen@Wisconsin.gov]
Sent: Wednesday, September 16, 2009 9:53 AM
To: Novak, Elizabeth; Holperin, Jim
Subject: FW: Bike Fed Action Alert!

File w/ SB 265

FYI

You may be getting some calls and e-mails.

Paul

Bicycle Federation of Wisconsin Action Alert

September 15, 2009

We have an excellent opportunity to improve Wisconsin's non-motorized trail system but we can't do it without YOUR VOICE AND SUPPORT. Please support Senate Bill 265 which creates a new \$10 million funding source (or 1% of state motor fuel taxes) for maintenance of non-motorized trails. Without strong and immediate public support, this bill will likely die in committee. Attend the public hearing or contact the senate members listed below to voice your support of this important legislation.

Two other bills are also being considered that will positively impact the Wisconsin bike experience, SB 266 & SB 264. See below for more information on all three Senate Bills.

- What - Public hearing before the Senate Committee on Transportation, Tourism, Forestry and Natural Resources
- When - 10:00am, Thursday, September 17th
- Where - Wisconsin State Capitol, Room 300 SE

Action Needed - Attend the public hearing and voice your support of these 3 bills, especially SB 265, and/or contact the Senate Committee members listed below:

Senator Jim Holperin (Chair) -
Sen.Holperin@legis.wisconsin.gov<mailto:Sen.Holperin@legis.wisconsin.gov> , ph: (608) 266-2509
Senator Glenn Grothman -
Sen.Grothman@legis.wisconsin.gov<mailto:Sen.Grothman@legis.wisconsin.gov> , ph: (608) 266-7513
Senator Neil Kedzie -
Sen.Kedzie@legis.wisconsin.gov<mailto:Sen.Kedzie@legis.wisconsin.gov> , ph: (608) 266-2635
Senator Joseph Leibham -
Sen.Leibham@legis.wisconsin.gov<mailto:Sen.Leibham@legis.wisconsin.gov> , ph: (608) 266-2056
Senator David Hansen -
Sen.Hansen@legis.wisconsin.gov<mailto:Sen.Hansen@legis.wisconsin.gov> , ph: (608) 266-5670
Senator Jeffrey Plale -
Sen.Plale@legis.wisconsin.gov<mailto:Sen.Plale@legis.wisconsin.gov> , ph: (608) 266 - 7505
Senator Jim Sullivan -
Sen.Sullivan@legis.wisconsin.gov<mailto:Sen.Sullivan@legis.wisconsin.gov> , ph: (608) 266-2512

Senate Bill 265 -Funding for Non-motorized Trail Maintenance Senate Bill 265 would create a much needed funding source for the maintenance of Wisconsin's non-motorized trails. The bill would allocate \$10 million or 1 percent of state motor fuel taxes, whichever is less, to be spent on the maintenance of non-motorized trails.

The Wisconsin Department of Natural Resources would administer the program in manner similar to existing programs that support motorized trails. This bill would grant local

nonprofits and governments money to maintain existing non-motorized trails.

The bill was supported by the Special Committee on Enhancing Recreational Trails for Non-motorized Use, and it has received support from the horseback riding community and the Bike Fed. A strong public show of support is needed for this bill to have a chance at passing. For the full text of this bill click here<<http://www.legis.state.wi.us/2009/data/SB-265.pdf>>.

Senate Bill 266 - Non-motorized Recreation and Transportation Council

Senate Bill 266 would create a council dedicated to non-motorized recreation and transportation. This bill is predicted to pass, and is worthy of your support. For the full text of this bill click here<<http://www.legis.state.wi.us/2009/data/SB-266.pdf>>.

Senate Bill 264 - Trespassing Penalties for off-road motor vehicles

Senate Bill 264 aims to discourage trespassing of off-road motorized vehicles on non-motorized trails and properties. This bill is also likely to pass, and is worthy of your support. For the full text of the bill click here<<http://www.legis.state.wi.us/2009/data/SB-264.pdf>>.

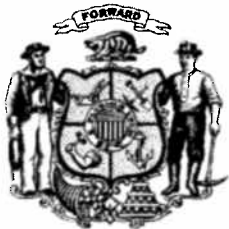
©2009 Bicycle Federation of Wisconsin<<http://www.bfw.org/>>. The BFW is a registered 501(c)(3) non-profit organization

Please support bicycle advocacy in Wisconsin by clicking here to Join<<http://join.bfw.org/>> or Donate<<http://donate.bfw.org/>>

To unsubscribe, send a blank email to
leave-1315153-7317344.724bdac6c59dbba439cf5ef2c61c6c59
@lists.bfw.org<<mailto:leave-1315153-7317344.724bdac6c59dbba439cf5ef2c61c6c59@lists.bfw.org>>



WISCONSIN STATE LEGISLATURE





Fax

To: Senator Jim Holperin

Fax: 608-267-0309

From: Michael G. Wollmer, Executive Director

Date: September 16, 2009

Pages: 3

Re: **Support for Senate Bills 264, 265 and 266**



September 16, 2009

Senator Jim Holperin
Room 409 South, State Capitol
PO Box 7882
Madison, WI 53707-7882

Dear Senator Holperin,

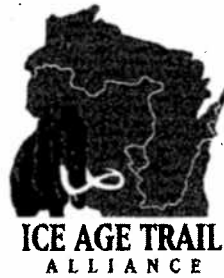
The Ice Age Trail is one of only eleven National Scenic Trails and Wisconsin's only State Scenic Trail. It stretches more than a thousand miles across the state, highlighting our world-renowned Ice Age heritage and natural resources.

The Ice Age Trail Alliance, Inc. is a nonprofit member- and volunteer based organization that creates, supports, promotes and protects the Ice Age Trail. Our organization has more than 3,000 members and hundreds of volunteers who last year dedicated more than 42,000 hours of their time to the Ice Age Trail.

The Ice Age Trail Alliance fully supports Senate Bills 264, 265 and 266.

We support Senate Bill 264 because it would allow more consistent monitoring of motorized use violations on the Ice Age Trail. Motorized use on the Ice Age Trail causes damage to the Trail's tread that must be repaired by our volunteers and may result in the closure of Trail segments, which forces hikers to walk on potentially unsafe roads. Because this bill would allow more consistent monitoring of motorized use violations on Trail segments crossing both private and public land, it will help keep off-road Ice Age Trail hiking experiences open to the public.

We support Senate Bill 265 because it would create a much-needed funding source for maintaining Wisconsin's non-motorized trails in general, and the Ice Age Trail specifically. In terms of building citizen support for the Ice Age Trail and making sure it has the reputation as an accessible, enjoyable-to-use public recreation resource, our organization's top priority is to make sure that every mile of the Trail is well-maintained. Nothing hurts our cause more than users having a poor experience while hiking the Ice Age Trail. Though volunteers working through Ice Age Trail Alliance-organized activities contributed tens of thousands of hours of their time to maintaining the Trail last year, various parts of the Trail



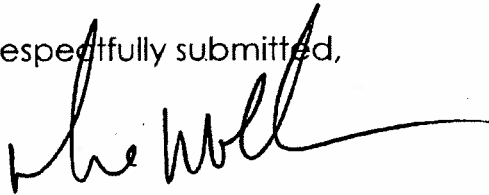
are still found by Trail users to be in need of maintenance. Adding the backing of a fund for non-motorized trail maintenance would leverage our own financial and volunteer resources, greatly increasing our ability to meet the goal of a uniformly well-maintained Ice Age Trail.

We support Senate Bill 266 because it would create a council representing the interests of non-motorized trail users that would provide recommendations on matters related to such trails at the highest levels of Wisconsin government. The fact that DNR and DOT would need to consult with the council regarding non-motorized trail planning, acquisition, development, maintenance and management is viewed by our organization as a critical means for voicing our members' and volunteers' concerns on issues affecting their enjoyment of Wisconsin's non-motorized recreational resources, such as the Ice Age Trail.

The Ice Age Trail Alliance supports Senate Bills 264, 265 and 266 and urges the Committee on Transportation, Tourism, Forestry and Natural Resources to recommend passage by the Senate.

Thank you for your consideration.

Respectfully submitted,



Michael G. Wollmer
Executive Director

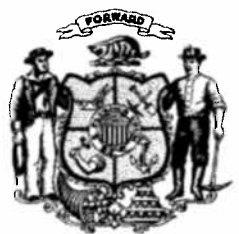
Working to Create, Support and Protect the Ice Age National Scenic Trail
Ice Age Trail Alliance (*formerly Ice Age Park & Trail Foundation*)
2110 Main Street • Cross Plains, WI 53528
800-227-0046 • www.iceagetrail.org



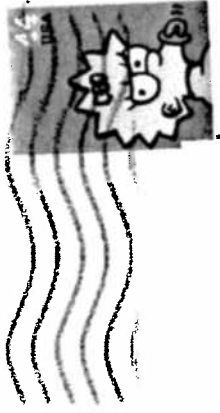
100% Recycled, Wisconsin-Based Chlorine-Free Paper



WISCONSIN STATE LEGISLATURE



Alex Engel
2411 N Campus Ave
MKE; WI 53211



MILWAUKEE WI 532

16 SEP 2009 PM 4 T

Dear Senator Jim Holperin,

As a college student in Milwaukee, biking is a very important way for me to get around. Cars are too expensive and our bus system is underfunded; biking is the best way for me to get around.

Please support Senate Bill 265. As a pollutant, gas should be taxed more heavily anyway to decrease its use. And with this mild additional tax, millions of dollars will be used to support bicycling, further reducing the amount of pollution Wisconsin creates.

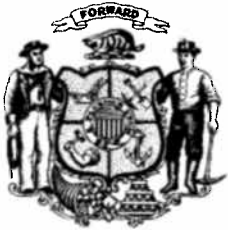
Bicycling is not a big issue, but it is important. If we act now, Wisconsin will be a better place to bike and live.

Please support Senate Bill 265, as well as Senate Bills 264 and 266.

Forward,
Alex Engel



WISCONSIN STATE LEGISLATURE



OFFICE OF SENATOR JIM HOLPERIN

Entered in *Forward*:

Date Received: 9/16 ^(2009?) Date Closed: _____

Closed in *Forward*:

Name: Jean Schermer

Address: 2803 185th St

City & Zip: Luck, WI

Phones: (H) (715) 472-4853 (W) _____

E-Mail: _____

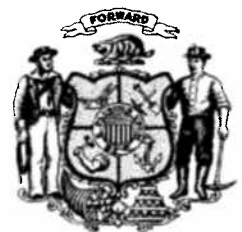
Nature of Problem: _____ Assigned to: _____

Details: Support SB 264, 265, 266

- visit at _____
- phone call
- e-mail
- letter
- voice mail
- office hours at _____
- Jim personal contact



WISCONSIN STATE LEGISLATURE



OFFICE OF SENATOR JIM HOLPERIN

Entered in *Forward*:

Date Received: 9/16/01 Date Closed: _____

Closed in *Forward*:

Name: Kent Wenger

Address: 1711 Regent

City & Zip: Madison

Phones: (H) _____ (W) _____

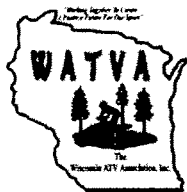
E-Mail: _____

Nature of Problem: _____ Assigned to: _____

Details: Support 264, 265, 266

- visit at _____
- phone call
- e-mail
- letter
- voice mail
- office hours at _____
- Jim personal contact





Wisconsin ATV Association
3321 Behrens Parkway - Sheboygan, WI 53081
Fax: 920-694-0584 - PH: 920-694-0583
Email: info@watva.org - www.watva.org

Public Hearing

9/17/09

Committee on Transportation, Tourism, Forestry, and Natural Resources

Testimony provided by Randy Harden (President) & Rob McConnell (Vice-President) of the
Wisconsin ATV Association

=====

Chair - Senator Jim Holperin

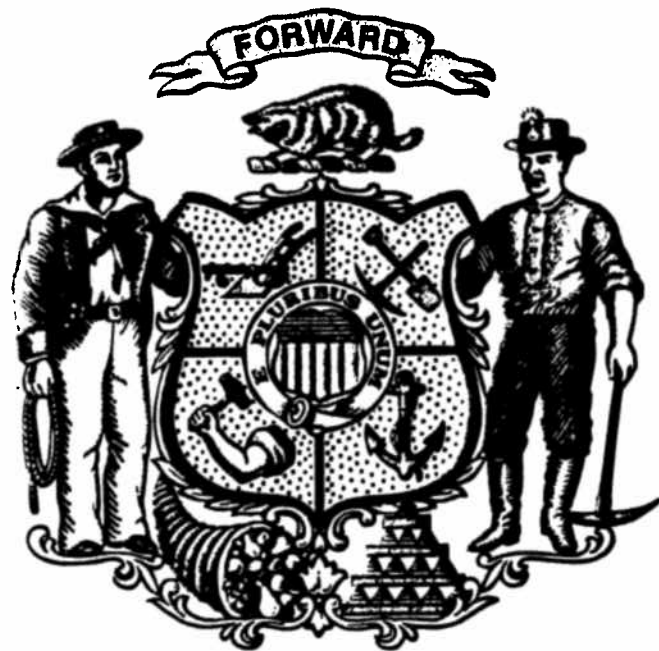
Senators' Jim Sullivan, Jeff Plale, Dave Hansen, Joe Leibham, Neal Kedzie, Glenn Grothman

Re: SB 264 – Trespass by operators of snowmobiles, all-terrain vehicles, and other off-road vehicles

The Wisconsin ATV Association (WATVA) supports this bill as it provides an updated "tool" that our law enforcement program participants can better utilize while working out in the field.

Our organization appreciates what's in the best interest of the Wisconsin ATV registration program and our members. Passage of this bill is encouraged.

Thank you for the opportunity to comment.



**Wisconsin Department of Natural Resources testimony on
SB 264**

**Snowmobile, ATV and Off-Road Vehicle Trespass
Senate Committee on Transportation, Tourism, Forestry, and
Natural Resources**

2009
?



**September 17th at 10:00 AM
Room 300 SE**

Position of Department of Natural Resources: In Favor

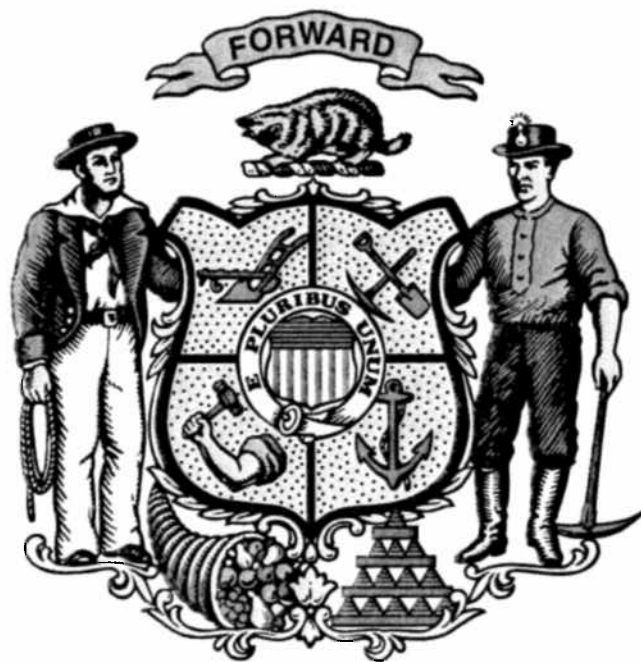
Testimony by: Gary Eddy, ATV/Snowmobile Administrator

The Department is submitting written testimony in support of SB 264 which would extend the snowmobile, ATV and off-road vehicle trespass laws to all lands public and private.

This bill provides conservation wardens and other law enforcement officers the ability to issue a specific trespass citation to any person operating a snowmobile, ATV or other off-road vehicle while operating on any properties public and private without permission. Currently, law enforcement is restricted to enforcing this law on only specifically named public locations such as cemetery, school or church property for example. If an officer encounters one of these vehicles trespassing on any other public properties not named, they must refer them to the local, municipal law enforcement agency for an ordinance citation (if such an ordinance exists) or a general trespass citation. This bill will instead allow any law enforcement officer to take enforcement action immediately through issuance of a citation.

This would be a beneficial change as recreational vehicle trespass complaints and violations occur frequently and often times are associated with property damage. This law will help curb complaints, reduce damage and keep recreational vehicles on the designated trails and routes where they belong.

I urge you to pass this bill.





Wisconsin County Forests Association

518 W. Somo Ave. Tomahawk, WI 54487

715-453-6741 wcfa@mac.com

www.wisconsincountyforests.com

**WCFA Testimony for
September 17, 2009 Public Hearing of the
Senate Committee on Transportation, Tourism, Forestry, and Natural Resources**

2009 Senate Bill 264

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

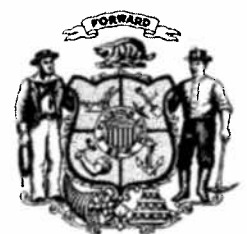
Thank you for the opportunity to provide this testimony on 2009 SB 264. Wisconsin County Forests Association (WCFA) represents the 29 counties in Wisconsin with county forest lands established under state statutes §28.10 & 28.11. Collectively these 29 counties manage nearly 2.4 million acres of forests, the largest public land base in Wisconsin.

WCFA supports the proposed legislation contained in SB 264. Many of our member counties rely on assistance from WDNR Wardens concerning matters of trespass with snowmobiles, all-terrain vehicles, and other off-road vehicles. Giving wardens the ability to enforce trespass with an ATV, snowmobile, or off-road vehicle on public lands would enhance protection of our public forest resources.

Again, thank you for the opportunity to provide this testimony.



WISCONSIN STATE LEGISLATURE



SB 507/aus 1246

Please Support

2104-65-660

Senate Bills