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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 266

Relating to: creating a Nonmotorized Recreation and Transportation Trails Council.
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

- Mike Wollmer, Cross Plains — Ice Age Trail Alliance
- Brian Conger, Madison — Bicycle Federation of Wisconsin
- Mary Motiff, Washburn — Bayfield County Tourism & Recreation
- Jim Wendt, Oregon
- Darryl Lloyd, Madison
- Jim Sullivan — 5th Senate District
- Sue Drum, Presque Isle
- Greg Hawley, Appleton — Oshkosh Cycling Club
- Brian Brunelle, Washburn

Appearances Against

- None.

Appearances for Information Only

- None.

Registrations For

- Gary Werner, Madison
- Jolene Plautz — U.S. Sportsment Alliance
- Dean Dversdall — Ice Age Trail Association
- Chris Fortune — Saris Cycling Group
- Mari-Anne Westigard, Luck
- Teri Power
- Mike Bauer, Cushing
- Barb Delaney, Dresser
- Marvin Wanders, LaCrosse

- R.J. Wickham, Omro
- Art Hicks — Kenosha Racine Bike Club
- Wanda Brown, St Croix Falls
- Dorothy Jeffries, Osceola
- David Cash, Whitewater — Ice Age Trail Association
- Sharon Pomaville, Salem
- Karen Kroll, Columbus — Wisconsin State Horse Council
- Barb Woods, Westfield
- Mike Charron, LaCrosse — Human Powered Trails
- Mel Whiteside, Bayfield — North Coast Cycling Association
- Christopher Schoggen, Hartford
- John Siegert, Racine
- Brian Huttenburg, Madison
- Rachel Mokolke-Heineman, Middleton
- Brian Buttchen, Madison — 5253 Verona Rd
- Brian Turany, Madison
- JoAnn Schmidt
- Krist Pottorff, Kenosha
- Nancy Frank
- Lisa Ruesch, Brookfield
- Lee Hazlett, Hancock
- Jean Schermer, Luck
- Mark Giese, Racine
- Justin Pitts, Menominee
- Jane Haasch, Waupaca
- Brian Porter, Madison
- Kent Wenger, Madison
- Shayne LaBudda, Lancaster — 151 N Tyler St
- Michael Leger, Madison
- Barbara Wollmer, Dane
- Michael Prichard
- Ishi Buffam, Madison
- Carolyn Senty, Madison
- 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 Sullivan, seconded by Senator Hansen that **Senate Bill 266** be recommended for passage.

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

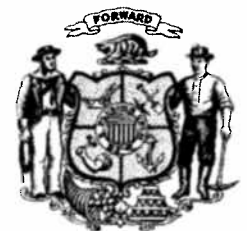
Noes: (0) None.

PASSAGE RECOMMENDED, Ayes 7, Noes 0

Elizabeth Novak
Committee Clerk



WISCONSIN STATE LEGISLATURE

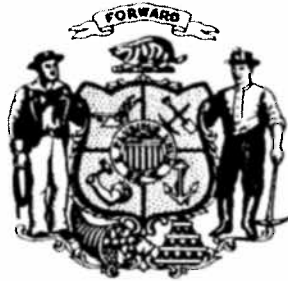


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LEGISLATIVE COUNCIL STAFF
Terry C. Anderson
Director
Laura D. Rose
Deputy Director

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.

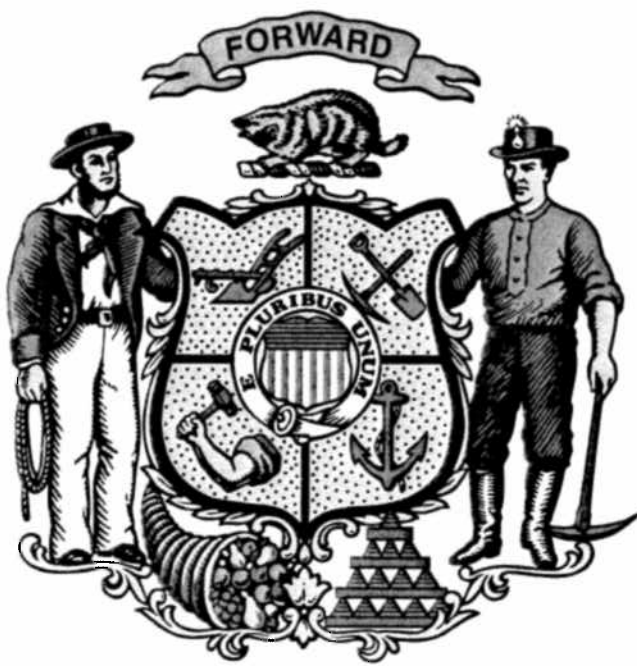
The following recommendations of the Special Committee on Enhancing Recreational Trails for Non-Motorized Use have been referred to your committee:

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.**

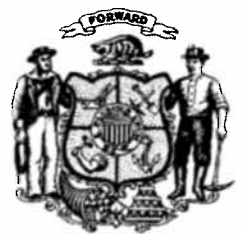
If you have any questions relating to the above report or bills, please feel free to contact Don Salm, Senior Staff Attorney, at 266-8540, or Dan Schmidt, Senior Analyst, at 267-7251.

TCA:wu;ksm
Enclosure





WISCONSIN STATE LEGISLATURE





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,

A handwritten signature in cursive script that reads "Chris Foltman".

President

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

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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



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>>.

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

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@lists.bfw.org<<mailto:leave-1315153-7317344.724bdac6c59dbba439cf5ef2c61c6c59@lists.bfw.org>>





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



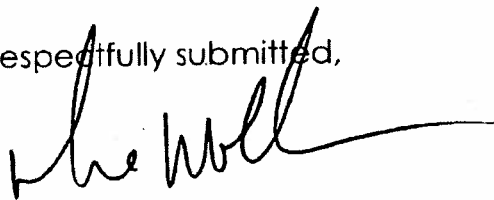
are still found by Trail users to be in need of maintenance. Adding the backing of a fund for non-motorized trail maintenance would leverage our own financial and volunteer resources, greatly increasing our ability to meet the goal of a uniformly well-maintained Ice Age Trail.

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)

[2]

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Wisconsin State Horse Council, Inc.

P.O. Box 72
Columbus, WI 53925
Phone: (920) 623-0393
Fax: (920) 623-0583

A NON-PROFIT ORGANIZATION REPRESENTING THE INTERESTS OF HORSES AND HORSEMEN IN WISCONSIN

September 16, 2009

The Honorable Jim Holperin
Wisconsin Senate
Room 409 South, State Capitol
P.O. Box 7882
Madison, Wisconsin 53707-7882

Dear Mr. Holperin:

I am contacting you as the chairman of the Senate Committee on Transportation, Tourism, Forestry, and Natural Resources. Your committee is discussing Senate Bill 265 relating to creating a non-motorized trail maintenance and use program in the Department of Natural Resources (DNR), including a funding mechanism and rule-making authority for the program and distribution of its funds.

Wisconsin State Horse Council (WSHC) is in full support of this bill. We agree with the finding that Wisconsin's non-motorized trails will benefit greatly from a purposeful program for maintenance and encouragement of use. The funding identified in Bill 265 for this program is sensible because it does not create an additional tax burden for Wisconsin citizens. Recreational riding and driving is the largest usage of horses (78%) in Wisconsin (identified in a 2008 survey for WSHC by the UW-River Falls Survey Research Center). Horse owners care a great deal about trails and keeping them usable. Funding for maintenance of non-motorized trails is a serious missing piece in the DNR budget. We feel the funding level in this bill is appropriate for a stable and aggressive trails maintenance program.

Another bill that has our support is Senate Bill 266 to create a Non-motorized Recreation and Transportation Trails Council in the DNR. Non-motorized recreation continues to increase in popularity for many reasons - enjoyment, health, education, and exploration. With increased usage comes an increased demand for quality trail experiences. An advisory group of trail users would be beneficial to state agencies and government in planning, maintaining, and managing non-motorized trails. This bill creates a good conduit between citizens and our recreation and tourism industries.

Speaking for WSHC, I ask you and your committee to vote favorably in support of these two bills.

Sincerely,

Karen Kroll
President



Alex Engel
2411 N Cramer 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



OFFICE OF SENATOR JIM HOLPERIN

Entered in *Forward*:

Date Received: 9/16/07 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 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 266

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 266. 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 creation of a Non-motorized Recreation and Transportation Trails Council (council) as proposed SB 266. However, we do have some concerns.

We feel it is imperative to have this proposed council structured similar to the State Snowmobile Council and State Waterways Commission. The council must not be under the umbrella of any WDNR division that is a possible grant recipient.

We believe the council created by the proposed legislation should be responsible for reviewing eligible projects and awarding grants through a prioritization process similar to those used by the Snowmobile Council and Waterways Commission.

Thank you again for the opportunity to provide this testimony on SB 266. We were unable to appear in person on September 17. If there are questions or a need for further input from our organization please do not hesitate to contact us.



Mary D. Motiff
Bayfield County Tourism & Recreation
PO Box 832
Washburn, WI 54891
(800) 472-6338
mmotiff@bayfieldcounty.org

Date?



Comments Regarding WLC: 0377/1 (now SB 266)

1. Prefatory note
 - a. One reference to bicyclists/bicycling should be sufficient; we need to be careful with our reference to "commuting" as this is already addressed by the Department of Transportation and may endanger the justification for a separate council.
 - b. Remove "transportation" from the last paragraph; reason is stated above.
2. Section 1
 - a. 15.347: (a) Name of council should be "Non-motorized Trails Council" which would include all uses. Again, if we include "transportation" in the name it may be problematic.
 - b. 15.347: (b) Is it necessary to include a disabled/physically challenged user on this list or can accessibility issues be addressed by the members who may or may not be physically challenged? Perhaps this can be an advisory member instead of a voting member. Also, the Tourism member could also be advisory, rather than a voting member.
3. Section 2
 - a. 23.177 Name of council should be "Non-motorized Trails Council" (as above - may endanger the justification for a separate council) and all reference to the council's duties should simply state "nonmotorized trails" (lines 1, 2, 4-5, 10)

Regarding WLC: 0343/2 (Now SB 265)

1. General comment that applies throughout: we need to be careful not to focus too much on "commuters"; **there are over 5,000 miles of trails in the state, most of which are for recreation purposes and most of which are not a part of the state trail system – these are the trails that need help the most since they are in rural areas where tourism is the primary industry.**
2. Prefatory note:
 - a. The Knowles-Nelson stewardship program does not fund maintenance at all; change the following statement "...funding for initial development of trails, but only minor funding for maintenance." to reflect that. There is no funding for maintenance of non-motorized trails other than through the Recreational Trails program (also known as RTA/RTA/NRTA), which is becoming further limited as it is a federal funding source.
 - b. Final paragraph: include "education" along with "public information"
3. Section 4 23.176 (3) Eligibility for funding (a): Remove # 4 and #6 – volunteer groups will not be able to manage the funds in many instances. The organization with whom they have an agreement (i.e. the local government unit or (501 (c) (3) nonprofit group) should be the eligible recipients, not a volunteer group.

4. Section 4 23.176 (3) Eligibility for funding (b): if a fee is already being charged, there should be a reduced rate of funding if this is allowed at all. Is there a special allocation for the DNR? If the DNR receives funds, they need to be audited to ensure that the funds are used for the specified purposes.
5. Section 4 23.176 (4): Standards should only be applied to state property and be a recommendation only for properties not owned by the state. There is no way that state standards can or should be applied to everyone.
6. Section 4 23.176 (5):
 - a. The council should be the one to evaluate and determine priorities, not the department. The department should not be making these determinations for funds that they are going to be eligible to receive.
 - b. Priority list item (c) should include trails that are in themselves tourist activities, not just *near* tourist activities
7. Section 4 23.176 (6): items (g) and (h) should specify that this is only if it is not eliminating one user group over another (i.e. paving a snowmobile trail would cause premature melting and loss of use by snowmobilers. By limiting this use, snowmobile maintenance could be jeopardized). Multi-season often times means multi-user groups
8. Section 4 23.176 (7):
 - a. The council should make this determination so the department does not bias the list towards the user groups of the state trail system
 - b. Need a separate item for "promotion" with a portion of the fund going to the Department of Tourism to do this
 - c. (f) please remove example "bike to work week" (don't have examples of other items; it's not necessary to include)
 - d. (g) construction is already covered under the Stewardship fund
 - e. (h) if they do not impede funding for a current use
9. Section 4 23.176 (8):
 - a. (a) Should be the Council making determination, not the department
 - b. (b) 1. Needs to be an allowance for at least an initial start-up grant that can be used for equipment purchase (snowmobile fund recipients are allowed to pay equipment costs out of their maintenance money) This could be a one-time purchase or something like once every 10 years (determined by life expectancy of the equipment used).
 - c. (b) 2. Need to be able to use funds for law enforcement; if not in maintenance, need separate category
 - d. (c) How does this apply to the DNR?
 - e. All recipients should be required to perform an annual audit, including the state



SB 007/aus 1240

Please Support

264-65-66

Senate Bills