

2013 DRAFTING REQUEST

Senate Amendment (SA-SB32)

Received: 3/5/2013 Received By: rkite
Wanted: As time permits Same as LRB:
For: Joseph Leibham (608) 266-2056 By/Representing: Lucas Moench
May Contact: Drafter: rkite
Subject: Nat. Res. - boats snomos ATVs Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.Leibham@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Restrictions on ATV speed

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rkite 3/15/2013			_____			
/P1	rkite 4/2/2013	kfollett 3/15/2013	rschluet 3/15/2013	_____	sbasford 3/15/2013		
/1		kfollett 4/2/2013	rschluet 4/2/2013	_____	sbasford 4/2/2013	sbasford 4/2/2013	

FE Sent For:

<END>

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FE Sent For:

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4/12
423
<END>

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/?	rkite	1P/15 3/15		_____	_____		
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Handwritten notes: 1P/15, 3/15, and a circled '10' with '3/5/13' written below it.

FE Sent For:

<END>

Kite, Robin

From: Moench, Lucas
Sent: Tuesday, March 05, 2013 9:48 AM
To: Kite, Robin
Subject: Amendment to SB 32

Hi Robin-

I'm hoping to get started on drafting an amendment to SB 32 to address some concerns that have been brought to my attention. The part of the bill at issue is Section 2. First, we would like to delete the entire second sentence of Section 2, that is, the material beginning with "This" and ending with "route".

In place of the deleted material, we would like to add language to accomplish the following:

- 1) Section 2 should only apply to operation occurring on public trails and frozen public water bodies.
- 2) Further specify that Section 2 should only apply to instances where the "person who is not operating a motor vehicle" is principally occupied by activities unrelated to the ATV/UTV operation.

I'm hoping that you might have some ideas on how to accomplish this, but the intent behind #2 is as follows: we DON'T want Section 2 to apply to "ATV related activities" i.e. someone who is photographing an ATV, watching an ATV being operated (like in a race), or generally involved in the operation of the ATV. We DO want Section 2 to apply to persons doing other "non-ATV" things- picking flowers, ice fishing, ice skating, jogging, walking, etc.

We haven't gotten a hearing on the bill yet, so there's no rush with the amendment, I'm just trying to get out in front of things. Also, due to the technical nature of the language here and the potential need for revisions, could you do the first draft of the amendment as a preliminary?

Let me know if you have any questions.

Thanks,

Lucas Moench
Chief of Staff
State Senator Joe Leibham
9th Senate District
608-266-2056

NR 64.07 (2)

3/14 - Per Lucas -

Don't draft item 2) above
make exception in (3)(gm), as created in draft,
for people competing in a sanctioned
race or derby (do not define)



RM
run
P1
jf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT ,
TO SENATE BILL 32

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 7: delete "At" and substitute "On the frozen surface of public
3 waters or on an all-terrain vehicle trail, at".

4 2. Page 3, line 1: delete the material beginning with "on" and ending with
5 "route" on line 2 and substitute "while competing in a sanctioned race or derby".

6 3. Page 3, line 2: after that line insert:

7 "SECTION 2m. 23.33 (3) (h) of the statutes is amended to read:

8 23.33 (3) (h) On the frozen surface of public waters within 100 feet of a person
9 not in or on an all-terrain vehicle, utility terrain vehicle, or motor vehicle or within
10 100 feet of a fishing shanty at a speed exceeding 10 miles per hour."

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35, 51, 208, 258; 13.92 (1) (bm) 2.

Kite, Robin

From: Sen. Leibham
Sent: Monday, March 25, 2013 10:59 AM
To: Kite, Robin
Subject: Draft review: LRB a0220/P1 Topic: Restrictions on ATV speed
Attachments: 13a0220/P1

Robin-

I've reviewed your amendment, and I think it accomplishes our intent overall. Only one change that I think will be necessary- as we have discussed, I think we need to include language in the amendment to prevent the department from enforcing a rule that is more restrictive than the provisions of 23.33(3)(gm) as created by the bill. This would be necessary to prevent the department from using its authority under 23.33(3)(i) to promulgate a rule such as NR 64.07(2), which circumvents the intent of the statute we are creating.

With this one change, the amendment can be drafted in introducible form as a /1.

Let me know if you have questions.

Thanks,

Lucas Moench
Chief of Staff
State Senator Joe Leibham
9th Senate District
608-266-2056

From: LRB.Legal
Sent: Friday, March 15, 2013 10:20 AM
To: Sen. Leibham
Subject: Draft review: LRB a0220/P1 Topic: Restrictions on ATV speed

Following is the PDF version of draft LRB a0220/P1.

4/2/13

Per tel conf w/ Lucas

Amend 23.33(3)(i) so speed restrictions
that are stricter than in sub(3) cannot
be imposed by rule



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TO SENATE BILL 32**

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10 100 feet of a fishing shanty at a speed exceeding 10 miles per hour.

FWS.
1-10 →

(END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0220/lins.
RNK:.....

INSERT 1-10

1 **SECTION 2r.** 23.33 (3) (i) of the statutes is amended to read:
2 23.33 (3) (i) In a manner which violates rules promulgated by the department.
3 This paragraph does not authorize the department to promulgate or enforce a rule
4 that imposes a speed restriction that is more stringent than a speed restriction
5 specified under this subsection.”.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35, 51, 208, 258; 13.92 (1) (bm) 2.