



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-2402/1
ZDW:emw

2017 SENATE BILL 124

March 23, 2017 - Introduced by Senators MARKLEIN, LEMAHIEU, OLSEN and STROEBEL, cosponsored by Representatives FELZKOWSKI, RIPP, KRUG, NOVAK, QUINN, NYGREN, MURSAU, SWEARINGEN, E. BROOKS and PETRYK. Referred to Committee on Sporting Heritage, Mining and Forestry.

1 **AN ACT to amend** 20.370 (5) (cx), 23.33 (5m) (title), (a) and (b) (intro.), 23.33 (5m)
2 (b) 2. to 6., 23.33 (5m) (c) (intro.) and 1., 23.33 (5m) (c) 3. to 7. and 23.33 (5m)
3 (d); and **to create** 23.33 (5m) (e) of the statutes; **relating to:** funding for the
4 all-terrain vehicle and utility terrain vehicle safety enhancement program and
5 making an appropriation.

Analysis by the Legislative Reference Bureau

This bill increases the amount of moneys appropriated from the conservation fund to the Department of Natural Resources for the all-terrain vehicle (ATV) safety program, under which DNR may provide funding to groups that promote the safe operation of ATVs.

Under current law, many programs administered by DNR, including the ATV safety program, are funded by appropriations from the conservation fund. Because federal and state law require that certain revenues deposited in the conservation fund be used exclusively for specified activities, DNR has administratively created numerous accounts within the conservation fund to allocate revenues to the required activities. Under this bill, if DNR maintains an administrative account that allocates moneys appropriated from the conservation fund to programs relating to ATVs, DNR is required to treat the amount appropriated to DNR for the ATV safety program as an allocation from the administrative ATV account.

This bill also expands the ATV safety program to include groups that promote the safe operation of utility terrain vehicles and requires DNR to annually determine the amount necessary to fund the program.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.370 (5) (cx) of the statutes is amended to read:

2 20.370 (5) (cx) *Recreation aids — all-terrain vehicle and utility terrain vehicle*
3 *safety enhancement program.* ~~The amounts in the schedule for grants~~ A sum
4 sufficient equal to the amount determined under s. 23.33 (5m) (e) to provide funding
5 to organizations to assist with the all-terrain vehicle and utility terrain vehicle
6 safety enhancement program under s. 23.33 (5m) (d).

7 **SECTION 2.** 23.33 (5m) (title), (a) and (b) (intro.) of the statutes are amended to
8 read:

9 23.33 (5m) (title) SAFETY ENHANCEMENT PROGRAM. (a) The department shall
10 establish a program to ~~award grants~~ provide funding to organizations that meet the
11 eligibility requirements under par. (b).

12 (b) (intro.) To be eligible for ~~a grant~~ funding under this subsection, an
13 organization shall meet all of the following requirements:

14 **SECTION 3.** 23.33 (5m) (b) 2. to 6. of the statutes are amended to read:

15 23.33 (5m) (b) 2. The organization promotes the operation of all-terrain
16 vehicles and utility terrain vehicles in a manner that is safe and responsible and that
17 does not harm the environment.

18 3. The organization promotes the operation of all-terrain vehicles and utility
19 terrain vehicles in a manner that does not conflict with the laws, rules, and
20 departmental policies that relate to the operation of all-terrain vehicles or utility
21 terrain vehicles.

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1 4. The interest of the organization is ~~limited to~~ the recreational operation of
2 all-terrain vehicles and utility terrain vehicles on all-terrain vehicle trails and other
3 interconnected areas ~~that are off the highways~~.

4 5. The organization has a board of directors that has a majority of members who
5 are representatives of all-terrain vehicle or utility terrain vehicle clubs.

6 6. The organization provides support to all-terrain vehicle and utility terrain
7 vehicle clubs.

8 **SECTION 4.** 23.33 (5m) (c) (intro.) and 1. of the statutes are amended to read:

9 23.33 **(5m)** (c) (intro.) An organization receiving ~~a grant~~ funding under this
10 subsection shall use the ~~grant~~ moneys to promote and provide support to the program
11 established under sub. (5) by conducting activities that include all of the following:

12 1. Collecting data on the recreational operation of all-terrain vehicles ~~off the~~
13 ~~highways~~ and utility terrain vehicles.

14 **SECTION 5.** 23.33 (5m) (c) 3. to 7. of the statutes are amended to read:

15 23.33 **(5m)** (c) 3. Attempting to increase participation by current and future
16 all-terrain vehicle and utility terrain vehicle operators and owners in the program
17 established under sub. (5) (d).

18 4. Assisting the department of natural resources and the department of
19 tourism in creating an outreach program to inform local communities of appropriate
20 all-terrain vehicle and utility terrain vehicle use in their communities and of the
21 economic benefits that may be gained from promoting tourism to attract all-terrain
22 vehicle and utility terrain vehicle operators.

23 5. Attempting to improve and maintain its relationship with the department
24 of natural resources, the department of tourism, all-terrain vehicle and utility
25 terrain vehicle dealers, all-terrain vehicle and utility terrain vehicle manufacturers,

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1 off-highway motorcycle clubs, as defined in s. 23.335 (1) (r), off-highway motorcycle
2 alliances, other organizations that promote the recreational operation of
3 off-highway motorcycles, snowmobile clubs, as defined in s. 350.138 (1) (e),
4 snowmobile alliances, as defined in s. 350.138 (1) (d), and other organizations that
5 promote the recreational operation of snowmobiles.

6 6. Recruiting, assisting in the training of, and providing support to a corps of
7 volunteers that will assist in providing instruction on the safe and responsible
8 operation of all-terrain vehicles and utility terrain vehicles that is given in the field
9 to all-terrain vehicle and utility terrain vehicle operators.

10 7. ~~Publishing a manual in cooperation~~ Cooperating with the department that
11 ~~shall be used to train volunteers~~ recruit, train, and manage volunteer trail patrol
12 ambassadors in monitoring the recreational operation of all-terrain vehicles and
13 utility terrain vehicles for safety issues and other issues that relate to the responsible
14 operation of all-terrain vehicles and utility terrain vehicles.

15 **SECTION 6.** 23.33 (5m) (d) of the statutes is amended to read:

16 23.33 **(5m)** (d) The department shall ~~pay the grants~~ provide funding under this
17 subsection from the appropriation under s. 20.370 (5) (cx).

18 **SECTION 7.** 23.33 (5m) (e) of the statutes is created to read:

19 23.33 **(5m)** (e) The department shall annually determine the amount necessary
20 to provide funding under this subsection. The amount shall be the greater of
21 \$297,000 or the amount calculated by multiplying \$0.80 by the number of all-terrain
22 vehicles and utility terrain vehicles registered at the time of the calculation.

23 **SECTION 8. Nonstatutory provisions.**

24 (1) If the department of natural resources maintains an administrative account
25 that allocates moneys appropriated from the conservation fund to programs relating

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1 to all-terrain vehicles, the department of natural resources shall treat the
2 appropriation under section 20.370 (5) (cx) of the statutes as an allocation from the
3 administrative all-terrain vehicle account.

SECTION 9. Fiscal changes.

4
5 (1) RECREATION AIDS. In the schedule under section 20.005 (3) of the statutes
6 for the appropriation to the department of natural resources under section 20.370 (5)
7 (cx) of the statutes, the dollar amount for fiscal year 2017-18 is increased by
8 \$297,000 to increase funding for the all-terrain vehicle and utility terrain vehicle
9 safety enhancement program under section 23.33 (5m) of the statutes. In the
10 schedule under section 20.005 (3) of the statutes for the appropriation to the
11 department of natural resources under section 20.370 (5) (cx) of the statutes, the
12 dollar amount for fiscal year 2018-19 is increased by \$297,000 to increase funding
13 for the all-terrain vehicle and utility terrain vehicle safety enhancement program
14 under section 23.33 (5m) of the statutes.

SECTION 10. Effective date.

15
16 (1) This act takes effect on the day after publication, or on the 2nd day after
17 publication of the 2017 biennial budget act, whichever is later.

18 (END)