

27g/14

(Gov) Agency: Tribal Gaming Revenue Allocations
Mandatory Snowmobile Education - DNR

Recommendations:

Paper No. 168: Alternative 1 (no action needed)

Comments: This use of tribal gaming revenues is only tenuously related to the MOU between the tribes and the state (see paragraph 13). However, snowmobiling is related to northern tourism and I'm sure a fair number of snowmobilers make their way into a casino from time-to-time. Therefore, the gov's recommendation is fine with me.

But, some committee members might not like the extensive mandatory education components. So, go with Decker from Decker's office. If he wants to tube this, or find some middle ground, I'm hip to that.

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May 21, 1999

Joint Committee on Finance

Paper #168

Tribal Gaming Revenue Allocations

Mandatory Snowmobile Education (DNR -- Recreational Programs)

[LFB 1999-01 Budget Summary: Page 428, #8]

CURRENT LAW

The Department of Natural Resources is required to establish a program of instruction on snowmobile laws, including snowmobile regulations and safety, the intoxicated snowmobiling law and related subjects. The program is conducted by instructors certified by the DNR. Persons satisfactorily completing this program receive certification from DNR. The Department may charge each person who enrolls in the course an instruction fee of \$5, with course instructors able to retain \$1 of the fee to defray expenses incurred in conducting the program. A person over the age of 12 years but under the age of 16 years who holds a valid certificate issued by another state or Canadian province need not obtain a Wisconsin certificate if the course content of the program in the other state or province substantially meets that established by DNR.

No person under 12 years of age may operate a snowmobile unless the person is accompanied either by a parent or guardian or by a person over 18 years of age. No person over 12 years of age but under 16 years of age may operate a snowmobile unless he or she holds a valid snowmobile safety certificate or is accompanied by a person over 18 years of age or by a person over 14 years of age having a snowmobile safety certificate. Any person who is over the age of 12 and under the age of 16 who holds a snowmobile safety certificate must carry it while operating a snowmobile and display it to a law enforcement officer on request. Persons enrolled in a safety certification program approved by DNR may operate a snowmobile in an area designated by the instructor. These age restrictions do not apply to the operation of snowmobiles by an operator under the age of 16 years upon lands owned or leased by the operator's parent or guardian. Leased lands do not include lands leased by an organization of which the operator or the operator's parent or guardian is a member.

GOVERNOR

Provide \$81,000 PR in 1999-00 and \$131,000 PR in 2000-01 and 1.0 PR position annually from tribal gaming revenue allocations and \$30,500 SEG annually from the conservation fund (the education and safety programs appropriation created under the bill) to implement a mandatory snowmobile education program. In addition, reallocate \$38,500 from the existing snowmobile enforcement and safety education appropriation for mandatory snowmobile education.

Further, effective January 1, 2001, require that any person born after January 1, 1985, must hold a valid snowmobile safety certificate in order to operate a snowmobile. Require that any person required to hold a snowmobile safety certificate carry the certificate on the snowmobile and display the certificate to a law enforcement officer on request. Allow persons enrolled in a safety certification program approved by DNR to operate a snowmobile in an area designated by the instructor. Current law provisions related to the operation of snowmobiles by persons under the age of 12, upon lands owned or leased by the operator's parent or guardian or in conjunction with a snowmobile safety course would be retained.

DISCUSSION POINTS

1. DNR has about 1,100 volunteer instructors who teach the snowmobile safety course to approximately 7,700 students each year. Since the program began in 1972, approximately 200,000 people have been certified under the snowmobile safety program. DNR estimates that about half of those who snowmobile have taken a snowmobile safety education course.

2. The following table provides information on the number of snowmobiles registered and the number of snowmobile fatalities in the state since the winter of 1987-88. The Department estimates that approximately 80 percent of operators in fatal crashes had not taken any kind of formal snowmobile safety training. The Department further estimates that about two-thirds of all snowmobile accidents involve operators with no formal safety training.

Snowmobile Registrations and Fatalities

<u>Snowmobile Season</u>	<u>Registered Snowmobiles</u>	<u>Snowmobile Fatalities</u>
1987-88	150,800	13
1988-89	150,600	15
1989-90	149,500	22
1990-91	154,800	17
1991-92	158,000	29
1992-93	163,200	22
1993-94	180,700	21
1994-95	182,100	21
1995-96	193,000	22
1996-97	203,000	34
1997-98	208,400	21
1998-99	206,800	20

3. AB 133 provides funding for salary and supplies for one conservation warden position and for educational materials, advertisements, radio and television announcements, room rental for classes and other materials for the snowmobile education program.

4. Among the benefits of this proposal cited by the Department are making snowmobiling a safer activity, reducing snowmobile-related complaints, reducing accidents, creating a better image for snowmobiling and improving winter tourism.

5. Based on data from the Association of Wisconsin Snowmobile Clubs and the U.S. Census, the Department estimates that the requirements in AB 133 would result in an additional 6,100 persons required to be certified in snowmobile education compared to current law provisions. DNR indicates that, with an effective date of January, 2001, the program will be able to handle the initial influx of students who would be required to take the class.

6. With certain exceptions, no person born on or after January 1, 1973, may purchase a hunting license unless the person has a certificate of accomplishment from a hunter education safety course. The Department indicates that the success of the hunter education program with respect to the reduction of accidents and promotion of responsible recreation is a model for mandatory snowmobile education.

7. DNR law enforcement staff indicate that one potential difference in the success of mandatory snowmobile education as compared to mandatory hunter education would be the degree to which alcohol plays a role in snowmobiling fatalities. One study, for example, found that alcohol was a contributing factor in approximately 60 percent of snowmobile fatalities. While the intoxicated use of snowmobiles is currently covered in snowmobile education classes, DNR staff indicate that a main factor in the success of mandatory snowmobile education in promoting safety and reducing fatalities would be the degree to which the program would be able to educate students

on this issue.

8. Department surveys have indicated that a hindrance to participation in hunting is access to hunter education certification. DNR has been taking steps to address this impediment, including piloting a CD-ROM program for hunter education.

9. If snowmobile education were made mandatory, it could become an impediment to participation by youth in snowmobiling, similar to the hunter safety education requirement. This could be especially problematic for nonresident snowmobilers. The Department indicates a CD-ROM education course would be developed as part of this initiative. Further, DNR will examine the possibility of testing at service centers to reduce the burden of the requirement on both residents and nonresidents.

10. Another issue to be considered is the proper role of state government in mandating safety education for citizens. Some would argue that it is the role of the individual, or the individual's parents or guardians, to ensure his or her safety in an activity such as snowmobiling, and that it should not be the role of the state to mandate these courses.

11. However, others would argue that government should be concerned with the safety of its citizens, and that, given the amount of state funding devoted to the snowmobile program, it is proper for the state to set the conditions for participation in snowmobiling. Further, a safety education program could be seen as having broader public safety benefits for snowmobile passengers, other snowmobilers and the general public by reducing property damage, injuries and law violations.

12. DNR has previously indicated that, as the number of snowmobile warden enforcement patrol hours increase, the snowmobile fatality rate decreases. 1997 Act 237 provided DNR with 18 new warden positions, in part to address snowmobile safety and intoxicated use of snowmobiles. Thus, some reduction in snowmobile fatalities should be expected from this increase in the warden force, perhaps mitigating the need for mandatory education.

13. Part of the funding for this item would come from tribal gaming revenue. One consideration for the use of this revenue is how well it fits with the memoranda of understanding (MOU) between the state and the tribes related to the use of compact revenues. One of the purposes included in most of the MOU is the promotion of tourism in the state. Use of gaming revenue for snowmobile education requirements does not clearly fall within the specified criteria. However, to the extent that mandatory snowmobile education is seen as enhancing snowmobile-related tourism, improving the image of snowmobiling and promoting public safety, it could be argued this use of tribal gaming revenue may be consistent with the compact MOU.

14. In prior Finance Committee action on the 1999-01 budget, funding for safety education programs was placed in a new appropriation and funding was deleted from existing appropriations to maintain the current level of effort for these programs. The Governor recommended that the \$38,500 annual reduction that otherwise would have been taken from

snowmobile enforcement and safety be reallocated for mandatory snowmobile education. If the Committee deletes the Governor's recommendation on mandatory snowmobile education, a reduction of \$38,500 annually could be taken consistent with previous Committee action on the safety education course fees.

ALTERNATIVES

1. Approve the Governor's recommendation to provide \$81,000 PR in 1999-00 and \$131,000 PR in 2000-01 and 1.0 PR position annually from tribal gaming revenue allocations and \$30,500 SEG annually from the conservation fund to implement a mandatory snowmobile education program and to generally require that any person born after January 1, 1985, must hold a valid snowmobile safety certificate in order to operate a snowmobile.

2. Delete the Governor's recommendation. Also, delete \$38,500 annually related to snowmobile education and safety that would have been reallocated for mandatory snowmobile education.

<u>Alternative 2</u>	<u>PR</u>	<u>SEG</u>	<u>TOTAL</u>
1999-01 FUNDING (Change to Bill)	- \$212,000	- \$138,000	- \$350,000
2000-01 POSITIONS (Change to Bill)	- 1.00	0.00	- 1.00

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