

2005 DRAFTING REQUEST

Bill

Received: **09/21/2005**

Received By: **mglass**

Wanted: **As time permits**

Identical to LRB:

For: **Dean Kaufert (608) 266-5719**

By/Representing: **Matt Kussow**

This file may be shown to any legislator: **NO**

Drafter: **mglass**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - boats snomos ATVs**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Kaufert@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Nighttime speed limit for snowmobiles

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>
/?				_____			S&L
/1	mglass 09/21/2005	kfollett 10/06/2005	rschlue 10/06/2005	_____	lnorthro 10/06/2005		S&L
/2	mglass 10/11/2005 mglass 10/13/2005	kfollett 10/12/2005	chaugen 10/12/2005	_____	mbarman 10/13/2005		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/3	mglass 10/17/2005	kfollett 10/18/2005	rschlue 10/18/2005	_____	lnorthro 10/18/2005	sbasford 10/19/2005	S&L
/4	mglass 11/06/2005	jdye 11/07/2005	rschlue 11/07/2005	_____	mbarman 11/07/2005	mbarman 11/07/2005	

FE Sent For:

At intro.

<END>

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14 1/7 jld
11/35 pb

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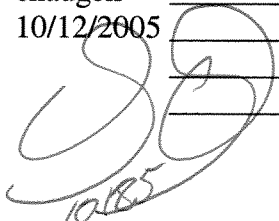
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10/12
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10-14
KST

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/?	mglass	11/gf 10/6		_____ _____			

FE Sent For:

<END>



DEAN R. KAUFERT

Memo

WISCONSIN STATE REPRESENTATIVE

To: LRB – Drafting

From: Rep. Kaufert

Please draft the enclosed proposal on a 55 mph speed limit for snowmobiles.

If you have any questions please contact Matt in my office at 266-5719.

Thank you.

Member, Joint Committee on Finance

P.O. Box 8952 • State Capitol • Madison, WI 53708-8952 • Telephone: (608) 266-5719

Toll-Free Legislative Hotline: (800) 362-9472 • Rep.Kaufert@legis.state.wi.us

Printed on recycled paper with soy based ink.

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

1 **SECTION 1.** 350.10 (1) (n) of the statutes is created to read:

2 350.10 **(1)** (n) At a rate of speed in excess of 55 miles per hour during
3 hours of darkness. The 55 miles per hour speed limit is the maximum allowable
4 speed limit during hours of darkness and lower limits may be applicable as set
5 forth in Subsections (c), (g), (i) and ss. 350.02(2m) and 350.18

generator driven directly by the motor by means of gears, friction wheel, chain or belt.

(b) The head lamp shall display a white light of sufficient illuminating power to reveal any person, vehicle or substantial object at a distance of 200 feet ahead.

(c) If the snowmobile is equipped with a multiple beam head lamp, the upper beam shall meet the minimum requirements set forth in par. (b) and the lower most beam shall be so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead.

(d) If the snowmobile is equipped with a single beam lamp, such lamp shall be so aimed that when the vehicle is loaded none of the high intensity portion of the light, at a distance of 25 feet ahead, projects higher than the level of the center of the lamp from which it comes.

(3) After February 12, 1970, the tail lamp on a snowmobile must display a red light plainly visible during darkness from a distance of 500 feet to the rear.

(4) Every snowmobile shall be equipped with at least one brake operated either by hand or by foot, capable of bringing the snowmobile to a stop, under normal conditions, within 40 feet when traveling at a speed of 20 miles per hour with a 150 pound driver on a level, hard-packed snow surface, or capable of locking the track on a level, hard-packed snow surface. The design shall permit simple and easy adjustment to compensate for wear. There shall be no other control linked to the brake which impairs braking operation.

(5) All snowmobiles manufactured after July 1, 1972, and offered for sale or sold in this state shall be equipped with side marker reflectors meeting the visibility requirements of society of automotive engineers standards or reflex material standards in compliance with federal specifications.

(6) No snowmobile shall be manufactured, sold, offered for sale, or operated unless it is equipped with a muffler in good working order, which blends the exhaust noise into the overall engine noise and is in constant operation to prevent excessive or unusual noise.

(7) Every snowmobile manufactured after July 1, 1972, and offered for sale or sold in this state shall be so constructed as to limit total vehicle noise to not more than 82 decibels of A sound pressure at 50 feet, as measured by society of automotive engineers standards. Every snowmobile manufactured after July 1, 1975, and offered for sale or sold in this state shall be so constructed as to limit total vehicle noise to not more than 78 decibels of A sound pressure, as measured by society of automotive engineers standards. No snowmobile shall be modified by any person in any manner that shall amplify or otherwise increase total noise emission above that emitted by the snowmobile as originally constructed, regardless of date of manufacture.

(8) Subsection (7) does not apply to snowmobiles competing in a sanctioned race or derby or to snowmobiles being tested by manufacturers, distributors or dealers on lands under their control.

(8m) No person may operate, offer for sale or sell a snowmobile that is manufactured after May 7, 1994, if the width of the snowmobile exceeds 48 inches.

(9) All snowmobiles competing in a sanctioned race or derby shall be equipped with a device wired into the motor's electrical system that will shut off the motor if the operator falls from the snowmobile or otherwise leaves the operator's position. The device shall be capable of being attached to the body of the operator and shall be so attached when the snowmobile is being operated.

History: 1971 c. 277; 1981 c. 295; 1993 a. 436.

Reference: See also s. NR 6.01, Wis. adm. code.

This section does not include the act of sitting on a parked snowmobile with its engine off. A person was not negligent per se for failing to have the head and tail lamp illuminated on a snowmobile that was not running at the time of an accident.

Wisconsin Casualty Insurance Co. 2002 WI 76, 254 Wis. 2d 36, 645 N.W.2d

350.10 Miscellaneous provisions for snowmobile operation. (1) No person shall operate a snowmobile in the following manner:

(a) At a rate of speed that is unreasonable or improper under the circumstances.

(b) In any careless way so as to endanger the person or property of another.

(c) Without complying with all stop signs, yield signs or other regulatory signs established by rule under s. 350.13 that are located along snowmobile routes, snowmobile trails or other established snowmobile corridors that are open to the public.

(d) In such a way that the exhaust of the motor makes an excessive or unusual noise.

(e) Without a functioning muffler.

(f) On the private property of another without the consent of the owner or lessee. Failure to post private property does not imply consent for snowmobile use. Any other motor-driven craft or vehicle principally manufactured for off-highway use shall at all times have the consent of the owner before operation of such craft or vehicle on private lands.

(g) Between the hours of 10:30 p.m. and 7 a.m. when within 150 feet of a dwelling at a rate of speed exceeding 10 miles per hour.

(h) In any forest nursery, planting area or on public lands posted or reasonably identified as an area of forest or plant reproduction when growing stock may be damaged.

(i) On the frozen surface of public waters within 100 feet of a person not in or upon a vehicle or within 100 feet of a fishing shanty unless operated at a speed of 10 miles per hour or less.

(j) On a slide, ski or skating area except for the purpose of serving the area, crossing at places where marked or after stopping and yielding the right-of-way.

(k) On or across a cemetery, burial ground, school or church property without consent of the owner.

(l) On the lands of an operating airport or landing facility except for personnel in performance of their duties or with consent.

(m) On Indian lands without the consent of the tribal governing body or Indian owner. For purposes of this paragraph, "Indian lands" means lands owned by the United States and held for the use or benefit of Indian tribes, bands, or individual Indians and lands owned by Indian tribes, bands, or individual Indians which are subject to restrictions on alienation. Failure to post Indian lands does not imply consent for snowmobile use. Any other motor-driven craft or vehicle principally manufactured for off-highway use shall at all times have the consent of the owner before operation of such craft or vehicle on private lands.

(2) Subsection (1) (c) does not apply to a person operating a snowmobile on land under the management and control of the person's immediate family.

History: 1971 c. 219, 277; 1981 c. 79 s. 17; 1983 a. 459; 1987 a. 399; 1997 a. 34.

350.101 Intoxicated snowmobiling. (1) **OPERATION.** (a) *Operating while under the influence of an intoxicant.* No person may engage in the operation of a snowmobile while under the influence of an intoxicant to a degree which renders him or her incapable of safe snowmobile operation.

(b) *Operating with alcohol concentrations at or above specified levels.* No person may engage in the operation of a snowmobile while the person has an alcohol concentration of 0.08 or more.

(bm) *Operating with a restricted controlled substance.* No person may engage in the operation of a snowmobile with a detectable amount of a restricted controlled substance in his or her blood.

(c) *Operating with alcohol concentrations at specified levels; below age 19.* If a person has not attained the age of 19, the person may not engage in the operation of a snowmobile while he or she has an alcohol concentration of more than 0.0 but not more than 0.08.

→ insert
(n)



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-3699/1

MGG:...

D-N

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Gen

1 AN ACT ...; relating to: a speed limit for nighttime operation of snowmobiles.

Analysis by the Legislative Reference Bureau

X Under current law, with certain exceptions, there are no statutory speed restrictions imposed of the operation of snowmobiles unless they are being operated along or adjacent to the roadways of highways or of other thoroughfares. In those cases, the roadway speed limit applies. This bill creates an overall prohibition that X no person may operate a snowmobile at a speed in excess of 55 miles per hour during the nighttime regardless of where the person is operating the snowmobile. Current law defines "nighttime" to be the time between one hour after sunset on one day and one hour before sunrise on the following day.

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:

2 SECTION 1. 350.10 (1) (g) of the statutes is amended to read:

3 350.10 (1) (g) Between In excess of 55 miles per hour during the nighttime or
4 in excess of 10 miles per hour if the person is operating the snowmobile between the

1 hours of 10:30 p.m. and 7 a.m. ~~when~~ within 150 feet of a dwelling at a rate of speed
2 ~~exceeding 10 miles per hour.~~

History: 1971 c. 219, 277; 1981 c. 79 s. 17; 1983 a. 459; 1987 a. 399; 1997 a. 34.

3 **SECTION 2. Effective date.**

4 (1) This act takes effect on the first day of the 3rd month beginning after
5 publication.

6 (END)

D-Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3699¹/dn

MGG: *ljf*

Date

1. The definition of "nighttime" is found in s. 990.01 (23) and applies throughout the statutes.
2. I created a delayed effective date to give DNR some time to publicize this new speed limit.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3699/1dn
MGG:kjf:rs

October 6, 2005

1. The definition of "nighttime" is found in s. 990.01 (23) and applies throughout the statutes.
2. I created a delayed effective date to give DNR some time to publicize this new speed limit.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

Gibson-Glass, Mary

From: Kussow, Matt
Sent: Monday, October 10, 2005 9:56 AM
To: Gibson-Glass, Mary
Subject: FW: Chapter 340 - FYI

Hi Mary. Thanks for sending the snowmobile draft over so quickly. There was some concern with the "10:30 pm - 7:00 am" language on the second page of the draft. Can we mimic the language used for hunting seasons, as described below? Thanks for your help.

-----Original Message-----

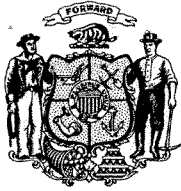
From: Bob Jentz [mailto:bjentz@execpc.com]
Sent: Saturday, October 08, 2005 7:28 PM
To: Kussow, Matt
Subject: Chapter 340 - FYI

340.01(23)

(23) "Hours of darkness" means the period of time from one-half hour after sunset to one-half hour before sunrise and all other times when there is not sufficient natural light to render clearly visible any person or vehicle upon a highway at a distance of 500 feet.

--

CoreComm Webmail.
<http://home.core.com>



D-N

Very soon

2005 BILL

"hours of darkness" ^{by} ~~of~~ ~~the~~ ~~hours~~ ~~of~~ ~~darkness~~ ^{before} ^{and one-half hour}

hours of darkness

Regen

natural

and one-half hour

Sunrise and any other time when there is not enough light to clearly see a person or vehicle 500 feet away

1 AN ACT to amend 350.10 (1) (g) of the statutes; relating to: a speed limit for
 2 nighttime operation of snowmobiles ^{during the hours of darkness} ^{one-half}

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, there are no statutory speed restrictions imposed on the operation of snowmobiles unless they are being operated along or adjacent to the roadways of highways or of other thoroughfares. In those cases, the roadway speed limit applies. This bill creates an overall prohibition that no person may operate a snowmobile at a speed in excess of 55 miles per hour during the ~~nighttime~~ ^{hours of darkness} regardless of where the person is operating the snowmobile. Current law defines "nighttime" to be the time between ~~one~~ ^{one} hour after sunset ~~on one day and one hour before sunrise on the following day~~.

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:

3 SECTION 1. 350.10 (1) (g) of the statutes is amended to read: ^{hours of darkness}
 4 350.10 (1) (g) Between In excess of 55 miles per hour during the nighttime or
 5 in excess of 10 miles per hour if the person is operating the snowmobile between the

BILL

1 hours of 10:30 p.m. and 7 a.m. when within 150 feet of a dwelling at a rate of speed
2 exceeding 10 miles per hour.

3 **SECTION 2. Effective date.**

4 (1) This act takes effect on the first day of the 3rd month beginning after
5 publication.

6 (END)

D-Note

Date

MGG:kjf

D-N

~~Hours~~ Under current law, "hours of darkness"
= is already defined for purposes of ch. 350.

See s. 350.01 (8)

MGG

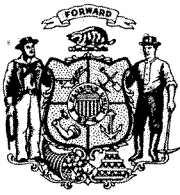
**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3699/2dn
MGG:kjf:ch

October 12, 2005

Under current law, "hours of darkness" is already defined for purposes of ch. 350. See s. 350.01 (8).

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215



State of Wisconsin
2005 - 2006 LEGISLATURE

3
LRB-3699/2
MGG:kjfk

Tues

DN

2005 BILL

Regen

exceeding
exceeding

1 AN ACT to amend 350.10 (1) (g) of the statutes; relating to: a speed limit for
2 operation of snowmobiles during the hours or darkness.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, there are no statutory speed restrictions imposed on the operation of snowmobiles unless they are being operated along or adjacent to the roadways of highways or of other thoroughfares. In those cases, the roadway speed limit applies. This bill creates an overall prohibition that no person may operate a snowmobile at a speed in excess of 55 miles per hour during the hours of darkness regardless of where the person is operating the snowmobile. Current law defines "hours of darkness" to be the time between one-half hour after sunset and one-half hour before sunrise and any other time when there is not enough natural light to clearly see a person or vehicle 500 feet away.

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:

3 SECTION 1. 350.10 (1) (g) of the statutes is amended to read:
4 350.10 (1) (g) ^(gm) Between ^{created} In excess of 55 miles per hour during the hours of
5 ~~darkness or in excess of 10 miles per hour if the person is operating the snowmobile~~
at a rate of speed exceeding 55 miles per hour.

no scoring

BILL

1 ~~between the hours of 10:30 p.m. and 7 a.m. when within 150 feet of a dwelling at a~~
2 ~~rate of speed exceeding 10 miles per hour.~~

3 **SECTION 2. Effective date.**

4 (1) This act takes effect on the first day of the 3rd month beginning after
5 publication.

6 (END)

Date (D-N)

MGG:kjf

As requested, I separated out the 55-mile per hour speed limit provision. I also used different wording to make it consistent with the existing wording in S. 350.10(1)(g).

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3699/3dn
MGG:kj:rs

October 18, 2005

As requested, I separated out the 55-mile per hour speed limit provision. I also used different wording to make it consistent with the existing wording in s. 350.10 (1) (g).

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

Gibson-Glass, Mary

To: *** Top of List ***
Subject: FW: LRB3699/3

From: Kussow, Matt
Sent: Tuesday, October 18, 2005 1:06 PM
To: Gibson-Glass, Mary
Subject: LRB3699/3

This latest draft looks good. Can I have this jacketed for intro to the Assembly as soon as possible? Thanks

Gibson-Glass, Mary

From: Kussow, Matt
Sent: Wednesday, November 02, 2005 11:35 AM
To: Gibson-Glass, Mary
Subject: Emailing: 102605_JFC_dnr

Hi Mary. We have an addition to LRB3699/3, relating to a 55 mph speed limit at night for snowmobilers. I have attached a 13.10 request JFC failed to take up at the last meeting. The request is for GPR funds to create enforcement teams around the state. We would like to add this language to 3699/3. We're trying to get this introduced for a 11/15 hearing so there is a slight rush. Sorry for the inconvenience.

Please feel free to contact me if you have any questions.

The message is ready to be sent with the following file or link attachments:

Shortcut to: http://www.legis.state.wi.us/lfb/Section1310/102605_JFC_dnr.pdf

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

October 26, 2005

TO: Members
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Natural Resources: Section 13.10 Request for Snowmobile Enforcement Operations –
Agenda Item III

REQUEST

The Department of Natural Resources (DNR) requests a transfer of \$32,700 in general purpose revenue (GPR) from the Joint Committee on Finance supplemental appropriation in 2005-06 to increase resources available for snowmobile patrol and safety efforts. The funding is requested as one-time only.

BACKGROUND

The Department's responsibilities include the investigation and enforcement of laws relating to fish and wildlife, recreational vehicles, environmental protection, and water regulation and zoning. These activities are performed primarily by conservation wardens whose enforcement authority varies depending on the type, location, and severity of the violation. Currently, 12 FTE of effort is allocated annually by DNR for snowmobile enforcement efforts. These costs (totaling \$1,082,700 annually for the 2005-07 biennium) are supported by tribal gaming revenues.

Other enforcement costs are funded out of the segregated snowmobile account of the conservation fund. These costs include aids to counties for up to 100% of eligible county costs incurred enforcing snowmobile laws. Aid payments are prorated if claims exceed the appropriation level. For enforcement activities that occurred over the winter of 2004-05, counties were reimbursed \$347,200, which represented 100% of the eligible costs of their local snowmobile patrol activities.

The Department is also responsible for coordinating snowmobile safety courses taught by instructors certified by DNR. 1999 Act 9 created a requirement that effective January 1, 2001, any person born after January 1, 1985, must hold a valid snowmobile safety certificate in order to operate a snowmobile.

Unlike the other accounts in the conservation fund, which were administratively created by the agency, the snowmobile account is statutorily designated to ensure that certain revenues are utilized for specific purposes. The major source of revenue to the snowmobile account is the snowmobile fuel tax revenue transferred to the account. An appropriation is made annually, which equals the amount of motor fuel tax assessed on 50 gallons of gasoline as of the last day of February of the previous fiscal year multiplied by the number of registered snowmobiles as of the same date, with this result multiplied by 1.4. The next largest revenue source for the account is registration fees. A fee of \$30 (increased from \$20 under 2001 Act 16) is assessed for each snowmobile registered for general use in the state. The registration is valid for two years. Snowmobiles registered in other states or countries need not be registered in Wisconsin if they are in the state for a period of less than 15 consecutive days. Other fees are charged for registering public use, commercial use and antique snowmobiles. In addition, snowmobiles not registered in Wisconsin are required to display an annual trail use sticker to use public snowmobile corridors beginning with the winter of 1998-99. The fee for the annual sticker, originally set at \$10, was increased to \$13 in 1997 Act 237 and to \$18 under 2001 Act 16.

The Snowmobile Recreational Council provides recommendations to DNR and elected officials on matters related to snowmobile policy. The Council consists of 15 members appointed by the Governor with the advice and consent of the Senate for staggered, three-year terms. Under statute, at least five members of the council are appointed from the territory north, and at least five members from the territory south, of a line running east and west through the southern limits of the City of Stevens Point.

ANALYSIS

The Department has indicated that it would use funds provided under the request to increase snowmobile patrol efforts, focusing on alcohol-related enforcement. Funds would support a portion of the overtime costs incurred to assign an additional six conservation wardens per weekend (including Friday, Saturday, and Sunday) to trail patrol duties from late December through the end of February. Remaining costs associated with warden overtime, lodging, mileage, and meals (anticipated to total \$16,300 in 2005-06) would be reallocated from existing DNR operations funding.

The Department anticipates that the additional warden patrols and increased law enforcement presence in the field may reduce accidents through the enforcement of snowmobile safety laws. Further, the increase in a visible law enforcement presence may serve as a deterrent to individuals who may otherwise operate their snowmobiles in an unsafe manner (such as speeding or driving

under the influence). Funding is requested on a one-time basis to allow DNR to evaluate the effectiveness of the initiative at the end of the season before deciding whether to invest further resources in the effort. The Department indicates that both the Recreational Snowmobile Council and the Association of Wisconsin Snowmobile Clubs support the request.

During the 2004-05 snowmobiling season, Wisconsin recorded 37 snowmobile fatalities. The following table presents information regarding snowmobile fatalities over the last several years.

TABLE 1

Snowmobile Fatalities in Wisconsin

<u>Year</u>	<u>Fatalities</u>	<u>Fatalities per 100,000 Registrations</u>	<u>Percent Showing Alcohol as a Contributing Factor</u>
1998-99	20	10	61%
1999-00	39	18	66
2000-01	26	12	46
2001-02	15	6	47
2002-03	26	11	84
2003-04	25	12	72
2004-05	37	17	76

It should be noted that the Natural Resources Board passed an emergency rule imposing a 50 mile per hour night-time speed limit for the 2000-01 snowmobiling season, largely in response to the record number of fatalities recorded in 1999-00. The rule was not renewed after the 2000-01 season due largely to the lack of support for the initiative.

The Department's proposal assumes that increasing the presence of conservation wardens in the field during times of high snowmobile traffic may decrease the number of fatalities by increasing warden contacts with snowmobile operators, and providing a deterrent to individuals who might otherwise disregard snowmobile regulations. However, historically, the number of fatalities has not appeared to have been strongly correlated to variations in the number of hours allocated to snowmobile enforcement or the number of citations issued in a given year. The following table shows the number of warden enforcement hours and citations issued for the last five fiscal years, compared to the number of snowmobiling fatalities that occurred in each of those years.

TABLE 2

Warden Enforcement Effort and Snowmobile Fatalities

<u>Year</u>	<u>Enforcement Hours</u>	<u>Citations Issued</u>	<u>Fatalities</u>
1999-00	6,753	921	39
2000-01	6,765	2,062	26
2001-02	5,639	1,130	15
2002-03	6,262	869	26
2003-04	8,942	1,447	25

The impact of increasing snowmobile enforcement hours on reducing fatalities is difficult to determine. Other factors, including weather, trail conditions, and snowfall vary from year to year, and may dramatically affect snowmobiling conditions and the likelihood of accidents occurring.

In recent years, snowmobile fatality rates have been lower in neighboring states than in Wisconsin. During the 2004-05 snowmobiling season, Minnesota reported 15 fatal snowmobile accidents, and Michigan reported 25 snowmobile-related fatalities. As shown in the following table, both states have a higher number of registered snowmobiles than Wisconsin, yet posted significantly lower fatality rates for the 2004-05 snowmobiling season.

TABLE 3

Snowmobile Fatalities by State, 2004-05 Season

<u>State</u>	<u>Fatalities</u>	<u>Registered Snowmobiles</u>	<u>Fatalities per 100,000 Registrations</u>
Wisconsin	37	222,900	17
Minnesota	15	269,000	6
Michigan	25	381,000	7

From 1992 through the 1997 snowmobiling season, Minnesota averaged 24.4 fatalities per year, while Wisconsin averaged 25.8. After an increase in the number of fatalities during the 1996-97 season (to 32 fatalities, including two separate crashes where snowmobilers who had been drinking had collided with non-snowmobiling children), Minnesota revised its snowmobile enforcement regulations. Since these modifications were enacted, Minnesota has averaged 16 fatalities per year, while Wisconsin continued to average approximately 26 per year. Further, the number of registered snowmobiles in Minnesota has remained consistently higher than in Wisconsin (by approximately 40,000 machines).

While the specific cause of this disparity is uncertain, some comparisons may be made between snowmobile operating regulations in Wisconsin and those in surrounding states. Minnesota, Michigan, and Wisconsin each offer a snowmobile safety course, and impose requirements as to who must have safety certification prior to operating a snowmobile. Minnesota and Michigan both require a helmet when operating a snowmobile (although Minnesota exempts individuals who are traveling on land owned by immediate relatives from this requirement). Wisconsin does not require the use of a helmet.

Both Minnesota and Michigan link operating violations committed on snowmobiles to the operator's driver's license. In Michigan, a person convicted of manslaughter, negligent homicide, or any felony resulting from snowmobile operation, or who operates a snowmobile under the influence of alcohol or a controlled substance or with an unlawful blood alcohol content would have six points assessed against their driver record. A person who is convicted of operating a snowmobile while visibly impaired due to consumption of alcohol or a controlled substance would have four points assessed against their record. In Minnesota, operators who appear to be impaired are required to submit to a field sobriety test by enforcement officers. Impaired individuals lose snowmobile operating privileges for one year, as do operators who refuse to submit to a field test. Convictions and refusals related to operating a snowmobile under the influence are also recorded on the violator's drivers license record, and are treated the same as if they had occurred in a motor vehicle.

Wisconsin does not link operating under the influence violations that occur on recreational vehicles with the operator's drivers license records. In Wisconsin, an individual who has had their driver's license revoked or suspended may still register and operate a snowmobile. Individuals operating a snowmobile under the influence generally receive citations, but do not lose snowmobile operating privileges, even in the case of repeat offenses.

Minnesota also imposes a 50 mile per hour speed limit on all public lands and waters, with the exception that counties may enact a daytime speed limit of 65 miles per hour for marked trails on lakes that are over 10,000 acres.

Historically, increasing the number of hours dedicated to snowmobile enforcement has not clearly demonstrated a measurable impact on reducing the number of fatalities, or a reduction in the percentage of fatal accidents linked to alcohol consumption. From this perspective, it may be argued that increasing funds for additional law enforcement patrol efforts may not be the most effective means of addressing the issue. Rather than approving the request, DNR could instead investigate which of the strategies employed by neighboring states seems to be most effective at reducing snowmobile fatalities. The Department could then seek any funding modification necessary in conjunction with legislation that would include any regulatory changes that might be recommended. The Department also has the ability to pursue some changes to snowmobile regulations under the administrative rule process (as the Natural Resources Board did in 2000-01 when it imposed a night time speed limit on snowmobiles by emergency rule). However, given the negative response to the Board's past action in this area, DNR may be reluctant to pursue this option without guidance from the Legislature.

Alternatively, it may be argued that the general public's perception of the safety of snowmobiling in Wisconsin may be negatively impacted by the increase in snowmobile fatalities. From this perspective, a visible increase in the presence of conservation wardens on snowmobile trails may provide some assurance to concerned snowmobilers, easing concern over potential tourism impacts.

Under 2005 Act 25, expenditures from the snowmobile account of the conservation fund were expected to exceed revenues by over \$800,000 during the 2005-07 biennium. However, fiscal year 2004-05 revenues appear to have exceeded expectations by over \$1 million, primarily as a result of the growing popularity of DNR's online registration system expediting snowmobile registration responses. While the benefit of the expedited registration system on revenue collections is anticipated to be primarily one-time in nature, the snowmobile account is now anticipated to have a balance of over \$200,000 as of June 30, 2007.

Therefore, the snowmobile account of the conservation fund is expected to have sufficient funds to support the Department's expenditure request. Although GPR has not been appropriated for snowmobile law enforcement, previously, the snowmobile program received \$125,000 GPR annually for local trail aids. However, this funding ended in 2002-03. Since that time, the snowmobile program has been supported by the gas tax transfer, registration revenues, and tribal gaming revenues. Currently, snowmobile account SEG supports county enforcement and snowmobile safety training efforts as well as trail maintenance and development activities. From this perspective, it may be argued that the snowmobile account would be a more appropriate source of revenue for the request.

ALTERNATIVES

- ① 1. Approve the Department's request to transfer \$32,700 GPR in 2005-06 only from the Committee's supplemental appropriation to DNR appropriation 20.370(3)(ma) to increase resources available for snowmobile patrol and safety efforts.
2. Provide \$32,700 snowmobile SEG in 2005-06 only to appropriation 20.370(3)(aq) to increase resources available for snowmobile patrol and safety efforts.
3. Deny the request. (The Department could investigate which strategies employed by neighboring states appear most effective at reducing snowmobile fatalities, and draft legislation with the recommended regulatory, and, if necessary, funding changes that may be most effective.)

Prepared by: Rebecca Hotynski



State of Wisconsin
2005 - 2006 LEGISLATURE

RMR
LRB-3699/8 4
MGG:kjfrs
Mon
Tues 9 AM
JLD

D-N

2005 BILL

enforcement and safety
relating to the operation
of snowmobiles,

Regen

1 AN ACT to create 350.10 (1) (gm) of the statutes; relating to: a speed limit for
2 operation of snowmobiles during the hours of darkness, and making an appropriation ✓

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, there are no statutory speed restrictions imposed on the operation of snowmobiles unless they are being operated along or adjacent to the roadways of highways or of other thoroughfares. In those cases, the roadway speed limit applies. This bill creates an overall prohibition that no person may operate a snowmobile at a speed exceeding 55 miles per hour during the hours of darkness regardless of where the person is operating the snowmobile. Current law defines "hours of darkness" to be the time between one-half hour after sunset and one-half hour before sunrise and any other time when there is not enough natural light to clearly see a person or vehicle 500 feet away.

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:

3 SECTION 1. 350.10 (1) (gm) of the statutes is created to read:
4 350.10 (1) (gm) During the hours of darkness at a rate of speed exceeding 55
5 miles per hour.

INS
1-3A
INS
1-3B

BILL

1
2
3
4

Fix component

SECTION 2. Effective date

⑤ NO ④

any

NO ④

This act takes effect on the first day of the 3rd month beginning after publication

except as follows:

INS 2-11

(END)

INS 2-3

2005

LRB _____ / _____

File With Statute **20.005 (3)** Schedule

_____ : _____ : _____

\$\$\$ SCHEDULE

Eno 1-3A

In the component bar:

For the action phrase, execute: create → action: → ch20

For the table layout, execute: create → <Table> → \$sched

SECTION #. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

	2005-06	2006-07
20. <u>370</u> <i>Natural resources, department</i>		
<i>of</i>		
(<u>3</u>) <i>Enforcement and science</i>		
.		
<i>af</i> (<u>af</u>) <i>Law enforcement</i> ← ^{fm}		
<i>snowmobile enforcement;</i>		
<i>general fund</i> ^{GPR} GRF <u>A</u> <i>32,700</i> <i>-0-</i>		

(end ins 1-3A)

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2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3699/3ins
MGG:kjf:rs

INS
1-3B

1 SECTION 1. 20.370 (3) (af) ^x of the statutes is created to read:

2 20.370 (3) (af) *Law enforcement — snowmobile enforcement; general fund.*

3 From the general fund, the amounts in the schedule for state snowmobile
4 enforcement and safety operations.

5 SECTION 2. 20.370 (3) (af) ^x of the statutes, as created by 2005 Wisconsin Act
6 (this act), is repealed. (end ins 1-3B)

7 SECTION 3. Effective dates. This act takes effect on the day after publication,
8 except as follows: (NS

9 (1) The repeal of sections ^y 20.370 (3) (af) ^y of the statutes takes effect on June ²⁻³
10 30, 2006. [✓] (end ins 2-3)

as it is in current law,

D-N

The GPR appropriation under S. 20.370 (3) (ma) may not be used for snowmobile safety and enforcement. It, therefore, created a separate GPR appropriation that is in effect only for fiscal year 2005-06.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3699/4dn
MGG:jld:rs

November 7, 2005

The GPR appropriation under s. 20.370 (3) (ma), as it is in current law, may not be used for snowmobile safety and enforcement. I, therefore, created a separate GPR appropriation that is in effect only for fiscal year 2005-06.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

Emery, Lynn

From: Emery, Lynn
Sent: Friday, November 11, 2005 1:32 PM
To: Rep.Kaufert
Subject: LRB 05-3699/4 (attached as requested)

Attachments: 05-3699/4



05-36994.pdf (16
KB)

Lynn Emery
Program Assistant
Legislative Reference Bureau
(608) 266-3561