



# State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

## **RESEARCH APPENDIX -** **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

### Appendix F

Date Transfer Requested: 04/24/2007 (Per: RNK)



The 2007 drafting file for

LRB-2247/P2 (transferred)

LRB-2248/P2 (transferred)

LRB-2256/2 (transferred)

LRB-2271/1 (transferred)

LRB-2272/2 (transferred)



LRB-2273/1 (transferred)


LRB-2274/2 (transferred)

LRB-2275/1 (transferred)

LRB-2276/1 (transferred)

where used to create ...

# **LRB 07-2482**

 The attached 2005 draft was incorporated into the new 2005 draft listed above. For research purposes, this cover sheet and the attached drafting file were added, as a appendix, to the new 2005 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

2007 DRAFTING REQUEST

Bill

Received: 03/16/2007

Received By: mglass

Wanted: As time permits

Identical to LRB:

For: Legislative Council - JLC 69280

By/Representing: Mark Patronsky

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: mark.patronsky@legis.wisconsin.gov

Carbon copy (CC:) to: dan.schmidt@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

All-terrain vehicle damage claim program

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>
/?							
/1	mglass 04/10/2007	wjackson 04/14/2007	jfrantze 04/16/2007		lparisi 04/16/2007		S&L

FE Sent For:

<END>

2007 DRAFTING REQUEST

Bill

Received: 03/16/2007

Received By: mglass

Wanted: As time permits

Identical to LRB:

For: Legislative Council - JLC 69280

By/Representing: Mark Patronsky

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: mark.patronsky@legis.wisconsin.gov

Carbon copy (CC:) to: dan.schmidt@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

All-terrain vehicle damage claim program

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>
1/?	mglass	1 WJ 4/14	3/19 LC PG conversion				

FE Sent For:

Handwritten signatures and dates: JWP/16, JWP/16, <END>

Tues. 3/20

1 **AN ACT** to create 20.370 (5) (cz) and 23.33 (8m) of the statutes; relating to: creating  
2 an all-terrain vehicle damage claim program, and making an appropriation.

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

**JOINT LEGISLATIVE COUNCIL PREFATORY NOTE:** This bill draft was prepared for the Joint Legislative Council's Special Committee on State Trails Policy.

3 **SECTION 1:** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the  
4 following amounts for the purposes indicated:

		2007-08	2008-09
--	--	---------	---------

6 **20.370 Natural Resources, Department of**

7 (5) CONSERVATION AIDS

8 (cz) Recreation aids -- all-terrain

vehicle damage claims	SEG A	\$30,000	\$30,000
-----------------------	-------	----------	----------

10 **SECTION 2.** 20.370 (5) (cz) of the statutes is created to read:

11 20.370 (5) (cz) *Recreation aids -- all-terrain vehicle damage claims.* The amounts in  
12 the schedule to pay claims under the all-terrain vehicle damage program under s. 23.33 (8m).

13 **SECTION 3.** 23.33 (8m) of the statutes is created to read:

14 23.33 (8m) **ALL-TERRAIN VEHICLE DAMAGE PROGRAM.** (a) The department shall  
15 establish an all-terrain vehicle damage program to pay claims for the cost of restoring property  
16 that is damaged by the operation of all-terrain vehicles. Any person may submit a claim under  
17 this subsection.

1 (b) The department may pay a claim under this subsection only if all of the following  
2 apply:

3 1. The damage to the property was caused by the operation of all-terrain vehicles in an  
4 area not designated as an all-terrain vehicle route or all-terrain vehicle trail.

5 2. The applicant reports the trespass that causes the damage to local law enforcement  
6 officers.

7 3. The applicant makes reasonable efforts to identify the responsible individual and  
8 obtain payment from the responsible individual.

9 4. The applicant makes reasonable efforts to prevent reoccurrence of the damage.

10 (c) The department shall promulgate rules for eligibility and funding requirements for  
11 the all-terrain vehicle damage claim program in order to maximize the cost-effectiveness of  
12 the program. The department shall promulgate rules to establish all of the following:

13 1. Forms and procedures for processing and payment of claims, including an annual  
14 period for making claims.

15 2. Procedures and standards for determining the cost to restore all-terrain vehicle  
16 damage.

17 3. A methodology for proration of all-terrain vehicle damage claim payments if funds  
18 are not sufficient to pay all claims.

19 4. Procedures for record keeping, audits, and inspections.

20 5. Participation by local all-terrain vehicle clubs in the review of claims under this  
21 subsection.

22 (d) The department may not submit a claim under this subsection in any annual claim  
23 year unless all approved claims other than the department's claims are paid in full.

**NOTE:** There is no all-terrain vehicle (ATV) damage claim program under current law. If a person's property is damaged by the operation of an ATV in an area not designated for ATV use, the only remedy would be through court-ordered restitution as the judgment in a lawsuit.

This bill draft establishes an ATV damage claim program under which an applicant may receive a payment for the repair or restoration of property damaged by the operation of ATVs in any area not designated as an ATV route or ATV trail. The provision requires the department of natural resources to promulgate rules for implementation of the program. The provision requires the department to verify that certain minimum standards are met regarding the awarding of the payments. These standards include:

1. That the damage to the property was caused by the operation of ATVs in an area not designated as an ATV route or ATV trail.
2. That the applicant reports the trespass and makes reasonable efforts to identify the responsible individual and obtain payment from the individual.
3. That the applicant makes reasonable efforts to prevent reoccurrence of the damage.

The DNR may value a claim only if all eligible claims in an annual payment cycle are paid in full.

1           **SECTION 4. Nonstatutory provisions.**

2           (1) EMERGENCY RULES ON ALL-TERRAIN VEHICLE CLAIMS. Using the procedure under  
3 section 227.24 of the statutes, the department of natural resources shall promulgate the rules  
4 required under section 23.33 (8m) of the statutes, as created by this act, for the period before  
5 the effective date of the permanent rule promulgated under section 23.33 (8m) of the statutes,  
6 as created by this act, but not to exceed the period authorized under section 227.24 (1) (c) and  
7 (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the  
8 department of natural resources is not required to provide evidence that promulgating a rule  
9 under this subsection as an emergency rule is necessary for the preservation of the public  
10 peace, health, safety, or welfare and is not required to provide a finding of emergency for a  
11 rule promulgated under this subsection.





State of Wisconsin  
2007 - 2008 LEGISLATURE

RMR<sub>1</sub>  
LRB-2273/PA  
MGG: / :pg  
Wlj

soon

in editing  
4/10

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

This bill is explained in the <sup>(CS)</sup> NOTES provided by the Joint Legislative Council in the bill  
FE-5/L

Regen cat

1 AN ACT ~~to create~~ 20.370 (5) (cz) and 23.33 (8m) of the statutes; relating to:  
2 creating an all-terrain vehicle damage claim program, and making an  
3 appropriation ~~and~~ requiring the <sup>exercise</sup> of rule making authority <sup>and</sup>

**Analysis by the Legislative Reference Bureau**

~~This is a preliminary draft. An analysis will be provided in a later version.~~

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill ~~draft~~ was prepared for the Joint Legislative Council's Special Committee on State Trails Policy. \*

4 SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert  
5 the following amounts for the purposes indicated:



1 2007-08 2008-09

2 **20.370 Natural Resources, Department of** ✓

3 (5) CONSERVATION AIDS ✓

4 (cz) Recreation aids -- all-terrain  
5 vehicle damage claims

SEG A \$30,000 \$30,000

LPS: Please Fix formatting

6 SECTION 2. 20.370 (5) (cz) of the statutes is created to read:

7 20.370 (5) (cz) Recreation aids -- all-terrain vehicle damage claims. The  
8 amounts in the schedule to pay claims under the all-terrain vehicle damage program  
9 under s. 23.33 (8m).

10 SECTION 3. 23.33 (8m) of the statutes is created to read:

11 23.33 (8m) ALL-TERRAIN VEHICLE DAMAGE PROGRAM. (a) The department shall  
12 establish an all-terrain vehicle damage program to pay claims for the cost of  
13 restoring property that is damaged by the operation of all-terrain vehicles. Any  
14 person may submit a claim under this subsection.

15 (b) The department may pay a claim under this subsection only if all of the  
16 following apply:

17 1. The damage to the property was caused by the operation of all-terrain  
18 vehicles in an area not designated as an all-terrain vehicle route or all-terrain  
19 vehicle trail.

20 2. The applicant reports the trespass that causes the damage to local law  
21 enforcement officers.

22 3. The applicant makes reasonable efforts to identify the responsible individual  
23 and obtain payment from the responsible individual.

1           4. The applicant makes reasonable efforts to prevent reoccurrence of the  
2 damage.

3           (c) The department shall promulgate rules for eligibility and funding  
4 requirements for the all-terrain vehicle damage claim program in order to maximize  
5 the cost-effectiveness of the program. The department shall promulgate rules to  
6 establish all of the following:

7           1. Forms and procedures for processing and payment of claims, including an  
8 annual period for making claims.

9           2. Procedures and standards for determining the cost to restore all-terrain  
10 vehicle damage.

11           3. A methodology for proration of all-terrain vehicle damage claim payments  
12 if funds are not sufficient to pay all claims.

13           4. Procedures for record keeping, audits, and inspections.

14           5. Participation by local all-terrain vehicle clubs in the review of claims under  
15 this subsection.

16           (d) The department may not submit a claim under this subsection in any  
17 annual claim year unless all approved claims other than the department's claims are  
18 paid in full.

NOTE: There is no all-terrain vehicle (ATV) damage claim program under current law. If a person's property is damaged by the operation of an ATV in an area not designated for ATV use, the only remedy would be through court-ordered restitution as the judgment in a lawsuit.

This bill ~~draft~~ establishes an ATV damage claim program under which an applicant may receive a payment for the repair or restoration of property damaged by the operation of ATVs in any area not designated as an ATV route or ATV trail. The provision requires the department of natural resources to promulgate rules for implementation of the program. The provision requires the department to verify that certain minimum standards are met regarding the awarding of the payments. These standards include:

1. That the damage to the property was caused by the operation of ATVs in an area not designated as an ATV route or ATV trail.

2. That the applicant reports the trespass and makes reasonable efforts to identify the responsible individual and obtain payment from the individual.

3. That the applicant makes reasonable efforts to prevent reoccurrence of the damage.

The DNR may <sup>submit</sup> ~~value~~ a claim only if all eligible claims in an annual payment cycle are paid in full.

**SECTION 4. Nonstatutory provisions.**

(1) EMERGENCY RULES ON ALL-TERRAIN VEHICLE CLAIMS. Using the procedure under section 227.24 of the statutes, the department of natural resources shall promulgate the rules required under section 23.33 (8m) of the statutes, as created by this act, for the period before the effective date of the permanent rule promulgated under section 23.33 (8m) of the statutes, as created by this act, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department of natural resources is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

**SECTION 5. Initial applicability.**

(1) The treatment of sections ~~23.33~~ 23.33 (8m) of the statutes first applies to claims filed on the effective date of this subsection.

**SECTION 6. Effective date.**

(1) This act takes effect on the first day of the 12th month beginning after publication.

(END)

except as follows

(1) The treatment of section 23.33 (8m) (c) of the statutes and SECTION ~~4~~ 4 (1) of this act takes effect on the day after publication.

LPS: Please fix comp.

No. 8

AR A AR B



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-2273/1  
MGG:wlj:jf

## 2007 BILL

1     **AN ACT to create** 20.370 (5) (cz) and 23.33 (8m) of the statutes; **relating to:**  
2             creating an all-terrain vehicle damage claim program, requiring the exercise  
3             of rule-making authority, and making an appropriation.

---

*Analysis by the Legislative Reference Bureau*

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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:*

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on State Trails Policy.

4             **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert  
5             the following amounts for the purposes indicated:

**BILL**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

2007-08      2008-09

**20.370 Natural Resources, Department of**

(5) CONSERVATION AIDS

(cz) Recreation aids — all-terrain

vehicle damage claims	SEG	A	30,000	30,000
-----------------------	-----	---	--------	--------

**SECTION 2.** 20.370 (5) (cz) of the statutes is created to read:

20.370 (5) (cz) *Recreation aids — all-terrain vehicle damage claims.* The amounts in the schedule to pay claims under the all-terrain vehicle damage program under s. 23.33 (8m).

**SECTION 3.** 23.33 (8m) of the statutes is created to read:

**23.33 (8m) ALL-TERRAIN VEHICLE DAMAGE PROGRAM.** (a) The department shall establish an all-terrain vehicle damage program to pay claims for the cost of restoring property that is damaged by the operation of all-terrain vehicles. Any person may submit a claim under this subsection.

(b) The department may pay a claim under this subsection only if all of the following apply:

1. The damage to the property was caused by the operation of all-terrain vehicles in an area not designated as an all-terrain vehicle route or all-terrain vehicle trail.

2. The applicant reports to local law enforcement officers the trespass that causes the damage.

3. The applicant makes reasonable efforts to identify the responsible individual and obtain payment from the responsible individual.

**BILL**

1           4. The applicant makes reasonable efforts to prevent reoccurrence of the  
2 damage.

3           (c) The department shall promulgate rules for eligibility and funding  
4 requirements for the all-terrain vehicle damage claim program in order to maximize  
5 the cost-effectiveness of the program. The department shall promulgate rules to  
6 establish all of the following:

7           1. Forms and procedures for processing and payment of claims, including an  
8 annual period for making claims.

9           2. Procedures and standards for determining the cost to restore all-terrain  
10 vehicle damage.

11           3. A methodology for proration of all-terrain vehicle damage claim payments  
12 if funds are not sufficient to pay all claims.

13           4. Procedures for record keeping, audits, and inspections.

14           5. Participation by local all-terrain vehicle clubs in the review of claims under  
15 this subsection.

16           (d) The department may not submit a claim under this subsection in any  
17 annual claim year unless all approved claims other than the department's claims are  
18 paid in full.

NOTE: There is no all-terrain vehicle (ATV) damage claim program under current law. If a person's property is damaged by the operation of an ATV in an area not designated for ATV use, the only remedy would be through court-ordered restitution as the judgment in a lawsuit.

This bill establishes an ATV damage claim program under which an applicant may receive a payment for the repair or restoration of property damaged by the operation of ATVs in any area not designated as an ATV route or ATV trail. The provision requires the department of natural resources to promulgate rules for implementation of the program. The provision requires the department to verify that certain minimum standards are met regarding the awarding of the payments. These standards include:

1. That the damage to the property was caused by the operation of ATVs in an area not designated as an ATV route or ATV trail.

2. That the applicant reports the trespass and makes reasonable efforts to identify the responsible individual and obtain payment from the individual.

**BILL**

3. That the applicant makes reasonable efforts to prevent reoccurrence of the damage.

The DNR may submit a claim only if all eligible claims in an annual payment cycle are paid in full.

**SECTION 4. Nonstatutory provisions.**

(1) EMERGENCY RULES ON ALL-TERRAIN VEHICLE CLAIMS. Using the procedure under section 227.24 of the statutes, the department of natural resources shall promulgate the rules required under section 23.33 (8m) of the statutes, as created by this act, for the period before the effective date of the permanent rule promulgated under section 23.33 (8m) of the statutes, as created by this act, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department of natural resources is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

**SECTION 5. Initial applicability.**

(1) The treatment of section 23.33 (8m) of the statutes first applies to claims filed on the effective date of this subsection.

**SECTION 6. Effective dates.** This act takes effect on the first day of the 12th month beginning after publication, except as follows:

(1) The treatment of section 23.33 (8m) (c) of the statutes and SECTION 4 (1) of this act take effect on the day after publication.

(END)