

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

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RNK:wlj:rs

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As you know, I have made significant changes to the appropriations in this version of the draft. In general, the draft requires that UTV fees be credited to one appropriation that sunsets on June 30, 2013. Beginning on July 1, 2013, the fees are credited to various other appropriations created in the draft. This approach allows for the amounts in the ch. 20, stats., appropriations schedule to be established in the next biennial budget bill. The appropriations in the draft that take effect on July 1, 2013, are based on similar appropriations in current law under the ATV program. Please note, however, that I have not created separate UTV appropriations for state law enforcement or law enforcement aids. Instead, the amounts appropriated for law enforcement apply to both ATV and UTV law enforcement. I have taken this approach because the activities of law enforcement officers cannot easily be attributed to either ATV law enforcement or UTV law enforcement. I recommend that you have Erin Probst at the Legislative Fiscal Bureau review this version of the draft to ensure that the appropriations and the overall funding mechanism established in the draft for the UTV program are workable.

Under the UTV pilot program in current law, the term "federal agency" is defined to mean a federal agency that receives state aid for a nonstate ATV project. I'm not sure why that definition exists in current law but I do not think it is necessary in this draft so I have eliminated it.

As we have discussed on previous occasions, the definition of a UTV in this draft specifically excludes certain vehicles such as mini-trucks, dune buggies, go-karts, and neighborhood electric vehicles. These terms are not defined in the draft. The term "neighborhood electric vehicle" is particularly vague. Without definitions, these terms are not particularly meaningful. For example, when is a truck a mini-truck? The fact that a manufacturer calls a vehicle a mini-truck does not necessarily make it a mini-truck. Furthermore, under the draft, a UTV is a motor driven device that does not meet federal motor vehicle safety standards. Would a go-kart generally meet such standards? If not, why is it listed? I think the listing of these vehicles has the potential to cause confusion. As we have previously discussed, you may wish to consider eliminating them.

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