

1 **AN ACT to amend** 23.33 (8) (a) of the statutes; **relating to:** promulgation of rules to
 2 establish standards and procedures for certifying the designation of all-terrain
 3 vehicle routes and trails.

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.** 23.33 (8) (a) of the statutes is amended to read:

5 23.33 (8) (a) *Department authority.* The department shall encourage and supervise a
 6 system of all-terrain vehicle routes and trails. The department ~~may~~ shall promulgate rules that
 7 establish standards and procedures for certifying the designation of all-terrain vehicle routes
 8 and trails. In promulgating these rules, the department shall consider the recommendations
 9 of the state trails council and any other user groups with an interest in the various recreational
 10 uses of trails.

NOTE: Under current all-terrain vehicle (ATV) statutes, the department of natural resources (DNR) is directed to encourage and supervise a system of ATV routes and trails. To fulfill this charge, the statutes permit the DNR to establish standards and procedures for certifying the designation (i.e., approval to receive state funds) of ATV routes and trails.

The DNR has issued current standards and procedures as guidance documents. This bill draft requires DNR to promulgate administrative rules to establish standards and procedures for certifying the designation of ATV routes and trails under the control of the department. By requiring the standards and procedures to be promulgated as rules, this draft will require public hearings on the current policies, and any changes to those policies, through the agency process for developing rules and the legislative administrative rule review process. Under this draft, the department must consider the interests of the state trails council

and other trail user groups when promulgating the rules required under this section.

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(END)