



**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2005-06

(session year)

Senate

(Assembly, Senate or Joint)

**Committee on Natural Resources and
Transportation...**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Senate

Record of Committee Proceedings

Committee on Natural Resources and Transportation

Senate Bill 499

Relating to: recording and filing transportation project plats.

By Senators Grothman, Roessler, Lassa and Kedzie; cosponsored by Representatives Hahn, Krawczyk, Hines, F. Lasee, Albers, Gunderson, Strachota, Ott and Van Roy.

January 06, 2006 Referred to Committee on Natural Resources and Transportation.

February 1, 2006 **PUBLIC HEARING HELD**

Present: (5) Senators Kedzie, Stepp, Kapanke, Wirch and Breske.
Absent: (0) None.

Appearances For

- Jim Emerson — Senator Glenn Grothman
- Gregory Kunz — WI Society of Land Surveyors
- Ken Brockman — WI Department of Transportation
- Francis Thousand — Wisconsin Society of Land Surveyors

Appearances Against

- None.

Appearances for Information Only

- None.

Registrations For

- Terrance Genske, Madison
- Joe Gruber — WI Society of Land Surveyors
- William O'Connor — WI Society of Land Surveyors
- Jane Licht — Wisconsin Register of Deeds Association
- Paul Hartzheim — WI Department of Transportation
- Rodney Key — WI Department of Transportation

Registrations Against

- None.

February 15, 2006

EXECUTIVE SESSION HELD

Present: (5) Senators Kedzie, Stepp, Kapanke, Wirch and Breske.
Absent: (0) None.

Moved by Senator Kapanke, seconded by Senator Breske that **Senate Bill 499** be recommended for passage.

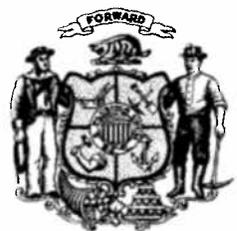
Ayes: (5) Senators Kedzie, Stepp, Kapanke, Wirch and Breske.
Noes: (0) None.

PASSAGE RECOMMENDED, Ayes 5, Noes 0

Dan Johnson
Committee Clerk



WISCONSIN STATE LEGISLATURE



Chairman's Notes: Senate Committee on Natural Resources and Transportation Public Hearing – February 1, 2006

- Welcome to today's hearing of the Senate Committee on Natural Resources and Transportation.
- Committee Clerk will take Attendance. The roll will be left open for members who have yet to arrive.
- I would like to remind individuals wishing to testify to fill out a hearing slip and give it to the member of the Sergeant's Staff.
- It is my intent to take up the items in the order listed on the hearing notice, and will take up Companion bills at the same time.

Senate Bill 84 (Assembly Bill 120) – Authored by Sen. Olsen and Rep. Petrowski

Relating to: restrictions on the operation of motor vehicles by persons holding instruction permits or probationary licenses and providing a penalty.

Summary: This bill creates an additional restriction that a probationary licensee who is under 18 years of age may not, during the first nine months following issuance of the probationary license, operate a "Class D" vehicle while using a cellular telephone, except to report an emergency. The same exceptions that apply to existing restrictions on the licensee also apply to this new restriction. The bill also stipulates that a person operating a motor vehicle under an instruction permit may not operate the motor vehicle while using a cellular telephone.

Assembly Action – AB 120:

- Passed Assembly Committee on Highway Safety on a 7-1 vote.
- Passed the Joint Committee on Finance on a 10-5 vote.
- Passed the Assembly on an 89-6 vote.

Senate Bill 499 – Authored by Senator Grothman and Representative Hahn

Relating to: recording and filing transportation project plats.

Summary: Under current law, when the Department of Transportation (DOT) or a municipality acquires land, or interests or rights in land, for a public project, it files a plat describing the acquired land in the office of the register of deeds where the land is located. The plat depicts the order authorizing the acquisition of the land and may be referred to in legal documents to describe the land or interests in the land. This bill makes changes to the way plats are filed and recorded.

Under the bill, DOT or a municipality may file a plat describing land that is either acquired or disposed of for a project, and a plat may consist of a single sheet or a detail and a title sheet that describes the limits of the project involving the land, a location map, and identification of plat symbols and abbreviations.

The bill clarifies that an affidavit of correction may be filed to correct scrivener errors but may not be used to reconfigure land parcels or rights or interests that are required for a project. The bill also allows a plat to be used to delineate a right-of-way, and allows for more flexibility in the materials used for a plat and the size of an acceptable plat.

Assembly Bill 219 – Authored by Representative Ainsworth and Senator Olsen

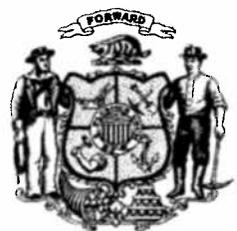
Relating to: lightweight utility vehicles, granting rule-making authority, and providing a penalty.

Summary: Creates a new classification of vehicles called “lightweight utility vehicle.” A lightweight utility vehicle is an engine-driven device that has a gross weight of more than 700 pounds but not more than 1,999 pounds that is designed to travel on four or more low-pressure tires, is equipped with a cargo area, and is used principally off a highway. The bill applies many of the same rules of the road to operators of lightweight utility vehicles that are applicable to the operators of other motor vehicles, including obedience to traffic signs and signals, rules regarding making turns, parking, and approaching other vehicles, and the prohibition against operating a vehicle while intoxicated or with a prohibited alcohol or other drug concentration.

The bill places restrictions on the operation of a lightweight utility vehicle that are similar to the restrictions placed on operating an all-terrain vehicle (ATV). Under the bill, no person may operate a lightweight utility vehicle on any part of a freeway, unless the freeway is not part of the federal system of interstate highways, and the Department of Transportation



WISCONSIN STATE LEGISLATURE



**Chairman's Notes: Senate Committee on
Natural Resources and Transportation
Executive Session – January 31, 2006**

Senate Bill 162 (Joint Legislative Council)

Relating to: creating a Council on Transportation Infrastructure in the Department of Transportation.

- **MOTION FOR INTRODUCTION AND ADOPTION OF LRB 2072/1 AS SA 1**
- **SECOND**
- **DISCUSSION**
- **ROLL CALL**

- **MOTION FOR PASSAGE OF SB 162 AS AMENDED**
- **SECOND**
- **DISCUSSION**
- **ROLL CALL**

ASSEMBLY BILL 20 (AINSWORTH/ZIEN)

Relating to: displaying attractions on highway specific information signs.

- **MOTION FOR CONCURRENCE OF AB 20**
- **SECOND**
- **DISCUSSION**
- **ROLL CALL**

Assembly Bill 509 (Rep. Albers and Senator Breske)

Relating to: liability of cities, villages, towns, and counties for damages caused by an insufficiency or want of repair of a highway. (FE)

- **MOTION FOR CONCURRENCE OF AB 509**
- **SECOND**
- **DISCUSSION**
- **ROLL CALL**

Senate Bill 499 – Authored by Senator Grothman and Rep. Hahn

Relating to: recording and filing transportation project plats.

- MOTION FOR PASSAGE OF SB 499
- SECOND
- DISCUSSION
- ROLL CALL

NO Fiscal Estimate

Assembly Bill 219 – Authored by Rep. Ainsworth and Senator Olsen

Relating to: lightweight utility vehicles, granting rule-making authority, and providing a penalty.

- MOTION FOR CONCURRENCE OF AB 219
- SECOND
- DISCUSSION
- ROLL CALL

Questions from ATV Assoc.

Assembly Bill 235 – Authored by Rep. Musser and Senator Lassa

Relating to: designating and marking STH 173 as the 173rd Airborne Brigade Highway.

- MOTION FOR CONCURRENCE OF AB 235
- SECOND
- DISCUSSION
- ROLL CALL

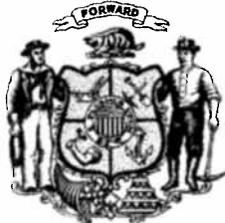
Assembly Bill 823 – Authored by Rep. Lamb and Senator Kapanke

Relating to: motor vehicle dealers.

- MOTION FOR CONCURRENCE OF AB 823
- SECOND
- DISCUSSION
- ROLL CALL



WISCONSIN STATE LEGISLATURE



PRESENTATION TO LEGISLATURE FOR SB499

Thank you for the opportunity to address SB499. My name is Ken Brockman. I am the Chief Surveying and Mapping Engineer with the Wisconsin Department of Transportation. My job responsibilities include overseeing all of the surveying, mapping and right of way plat activities in our agency.

Wisconsin DOT supports this legislation because it will address many of the deficiencies that currently exist in chapter 84.095 for Transportation Project Plats. In particular:

a. This legislation will remove the requirement for the "name of the owner of record" on the plat. This is important because the name of the owner frequently changes during the development of a project, between the time that the plat is filed and the property is purchased. The change in the name of the owner is the single most frequent reason for the need to amend a plat. By removing the name of the owner, not only will we increase the efficiency of our plat and land purchase process, but we will also greatly reduce the number of documents that are filed at the Register of Deeds Office.

b. This legislation will remove the requirement for the "remaining interest acreage". This is important, because the original acreage of a parcel is usually taken from the tax records and is not verified by a survey. This many times results in inaccurate information on the plat that has no bearing on the parcel that we are purchasing. Because the plat is a recorded document, subsequent users may mistakenly interpret this "remaining acreage" to be exact and perpetuate this approximation.

c. This legislation will remove the requirement for a silver haloid for recording of the plat. The change will allow us to record the plat on any media that is acceptable to the Register of Deeds. Not only will this allow us to do electronic filing in the future, but it also will also increase our efficiencies and reduce the impact to the environment. The chemicals used in the production of the silver haloids are harmful to the environment, and very few photolabs in Wisconsin currently produce silver haloids. The elimination of the silver haloids will also create a savings to the Department of approximately \$60,000 per year.

d. This legislation will allow the recording of plats on a larger sheet, if this is acceptable to the Register of Deeds who will file the plat. This is important to us because we have traditionally developed right of way plats, prior to recording plats, on a 22" by 34" sheet. This will allow us to, again, plat a half mile section of highway and to show the two public land survey corners that the parcels are tied to. Most Register of Deeds have indicated that they can and will accept the larger plats. This will not only reduce the number of sheets in the Register of Deeds Office, but will also significantly reduce the Department's cost of preparing and recording the Transportation Project Plats.

e. This legislation will expand the media that the Register of Deeds can use to notify the submitter of the recording information for the plat. Currently, they are required to, within three working days, assign a document number and volume and page to the plat. Then

they are required to submit this information to the agency that submitted this plat on a postcard. With the electronic age, this information can be transmitted immediately via fax or email, saving the Department approximately 5 working days to receive this notice. In addition, this would save numerous transcribing errors, because the recording information could be photocopied or electronically transferred from the plat.

f. This legislation will allow the use of a title sheet to be used in conjunction with the plat. This not only would be used to show the overall view of the project, but also would allow the transfer of much of the redundant information on a plat such as the general notes and legend to be placed on the title sheet. The end result is a plat that is easier to read and understand with much of the clutter removed.

g. This legislation will clarify what an affidavit of correction can and cannot be used for. In the past, there has been some confusion, even within the Department, as to what types of changes or corrections require an amended plat and what types or changes or corrections can be addressed with an affidavit of correction.

Many of the above changes are needed to address the efficiencies that can be achieved thru new technology. The other changes address potential efficiencies that can be achieved based upon our experience with recording Transportation Project Plats during the past five years.

In addition to these efficiencies, this legislation addresses two (2) complimentary activities:

1. The monumentation or documentation of existing right of way along areas of the project where no new right of way is required. Many times, our process requires us to spend considerable cost and effort to define the existing right of way. We would like to be able to document this on the Transportation Project Plat as a benefit to the landowner, the public and to the Department.

2. We would like to be able to use this plat as an instrument to dispose of excess transportation right of way to an adjacent landowner when it is mutually beneficial to do so.

This legislation will significantly increase the efficiencies and use of the Transportation Project Plats. The Wisconsin DOT supports this legislation.

Thank you.