

2013 DRAFTING REQUEST

Senate Amendment (SA-SB219)

Received: 1/6/2014 Received By: agary
Wanted: As time permits Same as LRB:
For: Thomas Tiffany (608) 266-2509 By/Representing: Tyler Wenzlaff
May Contact: Drafter: agary
Subject: Transportation - highways Addl. Drafters:
Extra Copies: EVM

Submit via email: YES
Requester's email: Sen.Tiffany@legis.wi.gov
Carbon copy (CC) to: aaron.gary@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Changes related to maintenance and removal of vegetation obstructing outdoor advertising signs

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>
/?	agary 1/15/2014			_____			
/P1	agary 1/16/2014	jdyer 1/16/2014	rschluet 1/16/2014	_____	sbasford 1/16/2014		
/P2	agary 1/22/2014	jdyer 1/17/2014	jfrantze 1/17/2014	_____	sbasford 1/17/2014		

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/P3	agary 1/24/2014	jdyer 1/23/2014	jmurphy 1/23/2014	_____	mbarman 1/23/2014		
/1		jdyer 1/24/2014	jfrantze 1/24/2014	_____	srose 1/24/2014	srose 1/24/2014	

FE Sent For:

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/?	agary 1/15/2014	P3 1/23 jld jd	jd	Jan 1/23			
/P1	agary 1/16/2014	jdyer 1/16/2014	rschluet 1/16/2014	_____	sbasford 1/16/2014		
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/P1		jdye 1/16/2014	rschluet 1/16/2014		sbasford 1/16/2014		

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/?	agary	PI 1/16 jld	jd	J 1/16			

FE Sent For:

<END>

Gary, Aaron

From: Wenzlaff, Tyler
Sent: Monday, January 06, 2014 12:00 PM
To: Gary, Aaron
Subject: Amendment to SB 219
Attachments: Drafting Instructions - Amendment AB 258 and SB 219 12-18-13.docx

Aaron,

Sen. Tiffany was looking to draft an amendment to SB 219. Drafting instructions are attached. If you have any questions please do not hesitate to contact our office. Thank you.

Tyler Wenzlaff
Office of Wisconsin State Senator Tom Tiffany
12th Senate District
608-266-2509
[facebook.com/WIStateSenTomTiffany](https://www.facebook.com/WIStateSenTomTiffany)

Drafting Instructions for an Amendment to AB 258 and SB 219

Page 4, line 14: change "4 inches" to "2 inches"

Page 4, line 23: change "4 inches" to "2 inches"

Page 5, line 5: remove "or"

Page 5, line 6: remove the period at the end of the sentence and add ", or in the clear zone."

Page 5, line 10: change "4 inches" to "2 inches"

Page 5, line 15: change "\$140" to "\$200"

Page 5, line 23: change "\$140" to "\$200"

Gary, Aaron

From: Wenzlaff, Tyler
Sent: Wednesday, January 15, 2014 1:19 PM
To: Gary, Aaron
Subject: FW: Amendment to SB 219

Additional changes.

We also needed to change the references in the bill from "3 feet from the ground" to "chest height". The changes would be on:

Page 4, line 15
Page 4, line 24
Page 5, line 10

Thank you.

From: Wenzlaff, Tyler
Sent: Tuesday, January 14, 2014 12:07 PM
To: Gary, Aaron
Subject: RE: Amendment to SB 219

Aaron,

Here are the new drafting instructions. Thank you for your help. Let me know if you have any questions.

Page 4, line 14: change "4 inches" to "2 inches"
Page 4, line 23: change "4 inches" to "2 inches"
Page 5, line 10: change "4 inches" to "2 inches"
Page 5, line 15: change "\$140" to "\$200"
Page 5, line 23: change "\$140" to "\$200"

Add to the appropriate section: "A permit issued under this section may not authorize the permittee to trim or remove vegetation in the median."

* The proposed changes to Page 5, lines 5 and 6 from the previous drafting instructions are no longer needed as there is no need for mention of the clear zone.

From: Gary, Aaron
Sent: Wednesday, January 08, 2014 3:55 PM
To: Wenzlaff, Tyler
Subject: RE: Amendment to SB 219

Hi Tyler,

I've made all the changes except the 3rd and 4th items in the list. The term "clear zone" is not used anywhere else in the bill or existing statute and I'm not sure what it means. Can you tell me what the term "clear zone" refers to? Also, the way I read page 5, lines 5 to 6 of the bill, the phrase "at the time of its removal" is intended to modify not only the phrase "determined to be an invasive species" but also "dead" and "diseased." With the suggested change, this would no longer be true. Is this consistent with the intent?

Thanks. Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Wenzlaff, Tyler
Sent: Monday, January 06, 2014 3:25 PM
To: Gary, Aaron
Subject: RE: Amendment to SB 219

Whenever its ready. Its not a rush. Thanks.

From: Gary, Aaron
Sent: Monday, January 06, 2014 3:19 PM
To: Wenzlaff, Tyler
Subject: RE: Amendment to SB 219

Hi Tyler,

I have entered this amendment request as LRBa1368. When do you need the amendment? Thanks. Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Wenzlaff, Tyler
Sent: Monday, January 06, 2014 12:00 PM
To: Gary, Aaron
Subject: Amendment to SB 219

Aaron,

Sen. Tiffany was looking to draft an amendment to SB 219. Drafting instructions are attached. If you have any questions please do not hesitate to contact our office. Thank you.

Tyler Wenzlaff
Office of Wisconsin State Senator Tom Tiffany
12th Senate District
608-266-2509
[facebook.com/WIStateSenTomTiffany](https://www.facebook.com/WIStateSenTomTiffany)



in
1/15



LRBa1368/P1

ARG:.....

needed
1/17

JLd

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT ,
TO SENATE BILL 219

x

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 13: after that line insert:

3 **"SECTION 3m.** 84.305 (3) (a) of the statutes is amended to read:

4 84.305 (3) (a) Subject to pars. (d) to ~~(h)~~ (i) and subs. (2m) (b), (4), and (6), a
5 permit issued under this section authorizes the permittee to trim or remove
6 obstructing vegetation to the extent necessary to eliminate the obstruction and
7 provide an unobstructed view of a sign for 500 continuous feet within the viewing
8 zone. A permit issued under this section shall specify the vegetation or the portion
9 of the highway right-of-way to which the permit applies."

History: 2005 a. 465; 2011 a. 230.

10 **2.** Page 4, line 3: after that line insert:

11 **"SECTION 5m.** 84.305 (3) (i) of the statutes is created to read:

Gary, Aaron

From: Wenzlaff, Tyler
Sent: Thursday, January 16, 2014 3:22 PM
To: Gary, Aaron
Subject: RE: Draft review: LRB a1368/P1 Topic: Changes related to maintenance and removal of vegetation obstructing outdoor advertising signs

Aaron,

Please add the repeal of these terms to the amendment:
84.305(1)(g) – definition of “unzoned commercial or industrial area”
84.305(1)(j) – definition of “zone commercial or industrial area”

Neither of these terms are referenced in the statute after enactment of 2011 Act 230.

Thanks.

Tyler

From: LRB.Legal
Sent: Thursday, January 16, 2014 9:47 AM
To: Sen.Tiffany
Subject: Draft review: LRB a1368/P1 Topic: Changes related to maintenance and removal of vegetation obstructing outdoor advertising signs

Following is the PDF version of draft LRB a1368/P1.



Soon



LRBa1368/PZ
ARG:jld:rs

in
1/16

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT ,
TO SENATE BILL 219

Insert 1-1 ✓
Insert 1-2 ✓

1
2
3
4
5
6
7
8
9
10
11

At the locations indicated, amend the bill as follows:

1. Page 3, line 13: after that line insert:

SECTION 3m. 84.305 (3) (a) of the statutes is amended to read:

84.305 (3) (a) Subject to pars. (d) to (h) (i) and subs. (2m) (b), (4), and (6), a permit issued under this section authorizes the permittee to trim or remove obstructing vegetation to the extent necessary to eliminate the obstruction and provide an unobstructed view of a sign for 500 continuous feet within the viewing zone. A permit issued under this section shall specify the vegetation or the portion of the highway right-of-way to which the permit applies.”

2. Page 4, line 3: after that line insert:

SECTION 5m. 84.305 (3) (i) of the statutes is created to read:

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1368/P2ins
ARG:.....

1

2

3

INSERT 1-1:

4

1. Page 3, line 5: after that line insert:

5

“SECTION **2m.** [✓] 84.305 (1) (g) [✗] of the statutes is repealed.”.

6

7

INSERT 1-2:

8

“SECTION **3g.** [✓] 84.305 (1) (j) [✗] of the statutes is repealed.

Gary, Aaron

From: Wenzlaff, Tyler
Sent: Tuesday, January 21, 2014 1:49 PM
To: Gary, Aaron
Subject: RE: LRB 1368/2

Ok thanks. If its ok I'll forward your explanation to DOT.

From: Gary, Aaron
Sent: Tuesday, January 21, 2014 1:18 PM
To: Wenzlaff, Tyler
Subject: RE: LRB 1368/2

Hi Tyler,

I can make the change in item 1.

Regarding item 2, our drafting protocol is to use "shall" in the affirmative and "may not" (rather than "shall not") in the negative. There is no difference in meaning here between "may not" and "shall not" but our convention is to use "may not." ("May not" does not suggest that it is negotiable.)

Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Wenzlaff, Tyler
Sent: Tuesday, January 21, 2014 11:06 AM
To: Gary, Aaron
Subject: LRB 1368/2

Aaron,

We had DOT review the amendment and they recommended the following changes.

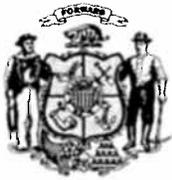
1. Recommend changing the reference to "chest height" to "diameter at breast height." It is a common term in the field by arborists.
2. **Medians.** Recommend using "shall" instead of "may" to make it clear that it's not a point of negotiation.

Page 2, Lines 3-4

"84.305 (3) (i) A permit issued under this section may shall not authorize the permittee to trim or remove vegetation in the median of a divided highway."

Please let me know if you have any questions. Thanks again.

Tyler



Soon



LRBa1368/112 P3

ARG:jld:jf

in
4/22

KAR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT ,
TO SENATE BILL 219

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 5: after that line insert:

3 “SECTION 2m. 84.305 (1) (g) of the statutes is repealed.”.

4 **2.** Page 3, line 13: after that line insert:

5 “SECTION 3g. 84.305 (1) (j) of the statutes is repealed.

6 SECTION 3r. 84.305 (3) (a) of the statutes is amended to read:

7 84.305 (3) (a) Subject to pars. (d) to ~~(h)~~ (i) and subs. (2m) (b), (4), and (6), a
8 permit issued under this section authorizes the permittee to trim or remove
9 obstructing vegetation to the extent necessary to eliminate the obstruction and
10 provide an unobstructed view of a sign for 500 continuous feet within the viewing
11 zone. A permit issued under this section shall specify the vegetation or the portion
12 of the highway right-of-way to which the permit applies.”.

Gary, Aaron

From: Wenzlaff, Tyler
Sent: Friday, January 24, 2014 10:02 AM
To: Gary, Aaron
Subject: LRB 1368/3

Aaron,

Thank you for your help with this. We are ready for introduction.

Tyler Wenzlaff
Office of Wisconsin State Senator Tom Tiffany
12th Senate District
608-266-2509
[facebook.com/WIStateSenTomTiffany](https://www.facebook.com/WIStateSenTomTiffany)



in
1/24
TODAY

RAIN

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT ,
TO SENATE BILL 219

No changes

1 At the locations indicated, amend the bill as follows:

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12 of the highway right-of-way to which the permit applies.”

