



**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 541

Relating to: maintenance and removal of vegetation obstructing the view of outdoor advertising signs along highways under the jurisdiction of the Department of Transportation and an audit of a program of the Department of Transportation.

By Senators Kanavas, Erpenbach, Breske, Brown, Grothman, Hansen, Kapanke, Olsen and Reynolds; cosponsored by Representatives Honadel, Ainsworth, Albers, Ballweg, Friske, Gielow, Gronemus, Gunderson, Hahn, Krawczyk, Lehman, Moulton, Musser, Nerison, Ott, Petrowski, Richards, Sheridan, Shilling, Staskunas, Stone, Strachota, Towns, Van Roy, Ward, Wood and Zepnick.

January 31, 2006 Referred to Committee on Natural Resources and Transportation.

April 20, 2006 **PUBLIC HEARING HELD**

Present: (4) Senators Kedzie, Kapanke, Wirch and Breske.
Absent: (1) Senator Stepp.

Appearances For

- Jason Vick — Representative Mark Honadel
- Janet Swandby — Outdoor Advertising Association of Wisconsin
- Dan Pomeroy — Clear Channel Outdoor
- Brad Yarmark — Lamar Advertising
- Bill Schroeder — Next Media Outdoor
- Keith Carson — Collins Outdoor Advertising

Appearances Against

- Chuck Mitchell — Scenic Wisconsin

Appearances for Information Only

- Scott Hassett — Secretary, WI Department of Natural Resources
- David Vieth — Wisconsin Department of Transportation

Registrations For

- Kurt Weis — Lamar Advertising
- Anthony Hickey, Milton
- Jason Saari — Adams Outdoor Advertising
- Rich Reinart — Lamar Advertising
- Tim Collins — Collins Outdoor Advertising

- Andy MacMorran — Lamar Outdoor Advertising
- Bill Smith — NFIB
- Jon Erpenbach — Senator, 27th Senate District
- Julia Hertel — WI Association of Convention and Visitors Bureau
- Matt Hauser — WI Petroleum Marketers and Convenience Store Association
- Romy Snyder — WI Dells Visitor and Convention Bureau
- Douglas Johnson — WI Merchants Federation
- Trisha Pugal — WI Innkeepers Association
- John Haka — Midwest Hardware Association
- Mary Ann Gerrard — WI Auto and Truck dealers Association
- Jane Sweasy — JAG Outdoor Advertising
- Chet Gerlach — Association of WI Tourism Attractions

Registrations Against

- Richard Chenoweth, Madison

April 20, 2006

EXECUTIVE SESSION HELD

Present: (5) Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Absent: (0) None.

Moved by Senator Breske, seconded by Senator Kapanke that **Senate Bill 541** be recommended for passage.

Ayes: (5) Senators Kedzie, Stepp, Kapanke, Wirch and Breske.

Noes: (0) None.

PASSAGE RECOMMENDED, Ayes 5, Noes 0

Matt Phillips
Committee Clerk

Vote Record

Committee on Natural Resources and Transportation

Date: 4-20-06

Bill Number: SB 541

Moved by: Breske

Seconded by: Kapanke

Motion: Passage

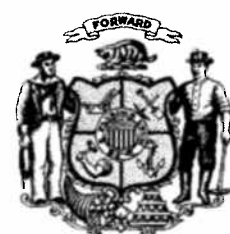
<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator Neal Kedzie, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Cathy Stepp	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Dan Kapanke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Roger Breske	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Wirch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>5</u>	<u>0</u>	<u> </u>	<u> </u>

Motion Carried

Motion Failed



WISCONSIN STATE LEGISLATURE



Chairman's Notes: Senate Committee on Natural Resources and Transportation Public Hearing – April 20, 2006

Assembly Bill 1078 and Senate Bill 640 (Petrowski and Lazich)

Relating to: licensing and activities of driver schools and instructors, granting rule-making authority, and providing a penalty.

Summary:

- Increases the annual driver school licensing fee from ~~\$77~~ to \$95. Creates a new \$10 fee that would apply to each mailing address where one or more driver school classrooms are located.
- Extends the license period for drivers schools from "the end of the calendar year" to a period determined by DOT but not more than 24 months.
- Extends the license period for instructors from 1 year to up to 24 months.
- Specifies that a driver instructor must be 19 and must have 2 years of license experience
- Allows drivers schools to provide knowledge tests
- Increases the penalties for driver school standards

Question:

- ~~What is the rational for the annual fee increase? Where does the money go and how will it be spent? What increase in services will be provided in exchange for the increased fee?~~
- What is the purpose of the \$10 fee for each classroom at a different mailing address?
- How many licensed driving school are there?

180
for teachers

Senate Bill 541 (Kanavas and Honadel)

Relating to: maintenance and removal of vegetation obstructing the view of outdoor advertising signs along highways under the jurisdiction of the Department of Transportation and an audit of a program of the Department of Transportation.

Summary:

- This bill creates a DOT permit system for the maintenance and removal by sign owners of vegetation obstructing the view of signs along highways under the jurisdiction of DOT for maintenance purposes.

- DOT must grant or deny an application for a permit within 60 days of receiving the application.
- DOT has authority to supervise and determine how the work authorized under a permit is carried out, and may require as a condition or restriction under any permit that the work authorized under the permit meet standards established by DOT.
- Finally, the bill requests the ~~Legislative Audit Bureau to conduct a performance audit of the permit program created under the bill during the 2007-08 fiscal year and to file a report by June 30, 2008.~~

Assembly Bill 842 (Moulton and Zien)

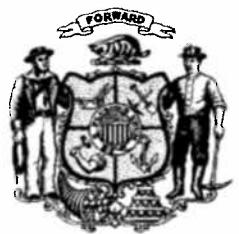
Relating to: the use by the Department of Natural Resources of seized, confiscated, or unclaimed property for educational hunting, fishing, trapping, and other conservation activities; the sale by the Department of Natural Resources of seized, perishable property and confiscated wild animals and carcasses; and the receipt of proceeds by the Department of Natural Resources for skins of fur-bearing animals that are prepared as part of the course of instruction under the trapper education program.

Summary:

- This bill specifically authorizes DNR to sell the skins that are prepared as part of the course of instruction under the program. Under the bill, the proceeds of these sales are credited to an appropriation to provide funding for the trapper education program.
- The bill also authorizes DNR to receive and use unclaimed property that is in DNR's possession and property and weapons that have been seized or confiscated as a result of violations of certain laws, including fish and game laws and the trespass law. DNR may then use the property for DNR's educational programs relating to hunting, fishing, trapping, and other conservation activities.
- This bill repeals this provision and gives DNR general authority to allow the resale of confiscated fish and game.



WISCONSIN STATE LEGISLATURE



Executive Session

Assembly Bill 1078 and Senate Bill 640 (Petrowski and Lazich)

Relating to: licensing and activities of driver schools and instructors, granting rule-making authority, and providing a penalty.

- ✓ MOTION FOR ADOPTION of SA 1 to SB640
- ✓ SECOND
- ✓ DISCUSSION
- ✓ ROLE CALL *Aye*

- ✓ MOTION FOR PASSAGE OF SB 640 AS AMENDED AND CONCURRENCE OF AB 1078
- ✓ SECOND
- ✓ DISCUSSION
- ✓ ROLE CALL *Aye*

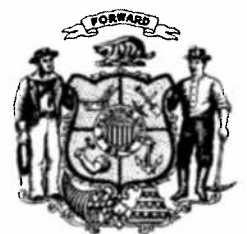
Senate Bill 541 (Kanavas and Honadel)

Relating to: maintenance and removal of vegetation obstructing the view of outdoor advertising signs along highways under the jurisdiction of the Department of Transportation and an audit of a program of the Department of Transportation.

- ✓ MOTION FOR PASSAGE OF SB 541
- ✓ SECOND
- ✓ DISCUSSION
- ✓ ROLE CALL *Aye*



WISCONSIN STATE LEGISLATURE





44 EAST MIFFLIN STREET, SUITE 101
MADISON, WISCONSIN 53703
608-286-0764

April 20, 2006

MEMORANDUM

To: Members of the Senate Committee on Natural Resources and Transportation

From: Janet R. Swandby and Kathi Kilgore, Lobbyists

Re: **Support for SB 541 – Trimming of Vegetation Along the Highway Right-of-Way**

Vegetation growing along state-owned highways has not been maintained by the DOT due to fiscal constraints. This vegetation often grows tall enough to block the view of signs on private land creating a significant problem for the outdoor advertising industry and the businesses which advertise on billboards.

The Outdoor Advertising Association of Wisconsin (OAAW) has negotiated with the Wisconsin Department of Transportation (DOT) over the past year to draft mutually acceptable guidelines for the trimming and removal of vegetation which blocks the visibility of signs. SB 541 is the result of those negotiations.

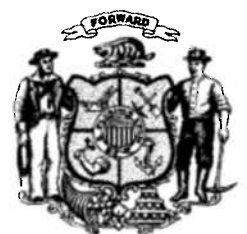
SB 541 sets guidelines for approval of vegetation management practices including:

1. A prohibition against clear cutting the right-of-way.
2. Protection for specimen trees.
3. All costs would be borne by the owner of the sign (no taxpayer money will be spent).
4. Trimming of vegetation is given priority over removal.
5. If vegetation has to be removed, it must be replaced or the cost of replacement paid to the DOT.
6. The vegetation trimming/removal would occur within a specified viewing window in the first 1000 feet in front of a sign. The size of the viewing window varies from 243 to 600 feet depending on the zoning of the adjacent land (residential and agricultural zoning mean a smaller window than commercial or industrial zoning).
7. Adjacent landowners and/or municipal governments are notified when significant changes will be made.
8. DOT continues to have discretion to approve or deny a permit in order to address unusual circumstances.
9. An appeals process.
10. A review of the program by the Legislative Audit Bureau (LAB) after two years.

Please recommend passage of SB 541.



WISCONSIN STATE LEGISLATURE



CITIZENS FOR A SCENIC WISCONSIN
7525 Oakhill Avenue
Wauwatosa WI 53213

Presentation at a Hearing of the Senate Natural Resources & Transportation Committee

By Chuck Mitchell, executive director

April 20, 2006

Subject: **Recommendation of Amendments to SB541
Removal of Trees and Shrubs along Highways**

This bill sets new rules for management of trees and shrubs growing along highways. It allows removal of more trees and shrubs that affect the view of billboards bearing outdoor advertisements. It provides benefits for owners and operators of billboards, but we are afraid that it neglects the interests of the general public and private property owners.

We must manage our trees and shrubs in the "right of way" along roads carefully because trees and shrubs provide an attractive setting for our roads and the properties along them. Trees and shrubs in that strip of public land beside our roads provide many benefits, not only scenic beauty, but erosion control, light and noise abatement and snow containment. Trees and shrubs should not be cut down without regard to these benefits.

We are concerned with two aspects of the bill:

1. The bill subordinates the rights of owners of adjacent property and diminishes the authority of the local municipality. The bill provides that vegetation may be trimmed in a viewing zone extending from the sign for 1000 feet parallel to the highway in the opposite direction of traffic in the nearest lane. A zone this long means that very often the area trimmed will be along a neighbor's property. Refer to the drawing for a graphic explanation.

Landowners often want the trees and shrubs between them and the road for an attractive background, for privacy, or as a barrier against noise, sound, dust and snow. We believe that adjacent landowners should have rights equal to the billboard owners in determining how much of the trees and shrubs are cut down or trimmed between them and the highway. Remember, we are talking about trees and shrubs on public land along the highway. No one interest group has special rights to the use of that land - our roads were constructed to provide transportation, not to be advertising corridors.

2. The bill proposes viewing zones of 243, 350, 500 and 600 feet along the highway, depending on the location of the billboard. The rule currently used by the Department of Transportation is 350 feet and this has served its purpose for many years. We believe that 600 feet is excessively wide and will result in the destruction of too much valuable vegetation. 350 feet provides 4.3 seconds of time to view a billboard at 55 mph. 600 feet provides 7.4 seconds of viewing time. We don't think that a driver should take his eyes off the road for more than 5 seconds.

We propose that the bill be amended in accordance with the two enclosed Amendments to AB967:

1. This amendment gives adjacent property owners serious consideration regarding how much vegetation is cut before the permit is granted.
 - a. It gives the DOT the job of notifying adjacent landowners and local governments, instead of leaving that responsibility to the billboard operator. Landowners and governments will understand the authority of the DOT and are more likely to respond to and accurately express their feelings about trimming to the DOT than to a billboard company.
 - b. It provides for notices to all adjacent landowners and local governments, not just when there are trees of 12-inch diameter or more in the area to be trimmed.
 - c. It leaves the DOT with the authority to deny frivolous requests from landowners.

2. This amendment allows a viewing area no longer than 500 feet, which provides 6.1 seconds of viewing time at 55 mph.

We believe these suggestions provide benefits to the public and to private property owners while maintaining the bill's basic purpose of meeting the needs of billboard owners in a timely way. We hope you find our suggestions valuable.

Thank you for the opportunity to speak. I am glad to answer any questions that you may have.

Chuck Mitchell
Executive Director
414-258-8604

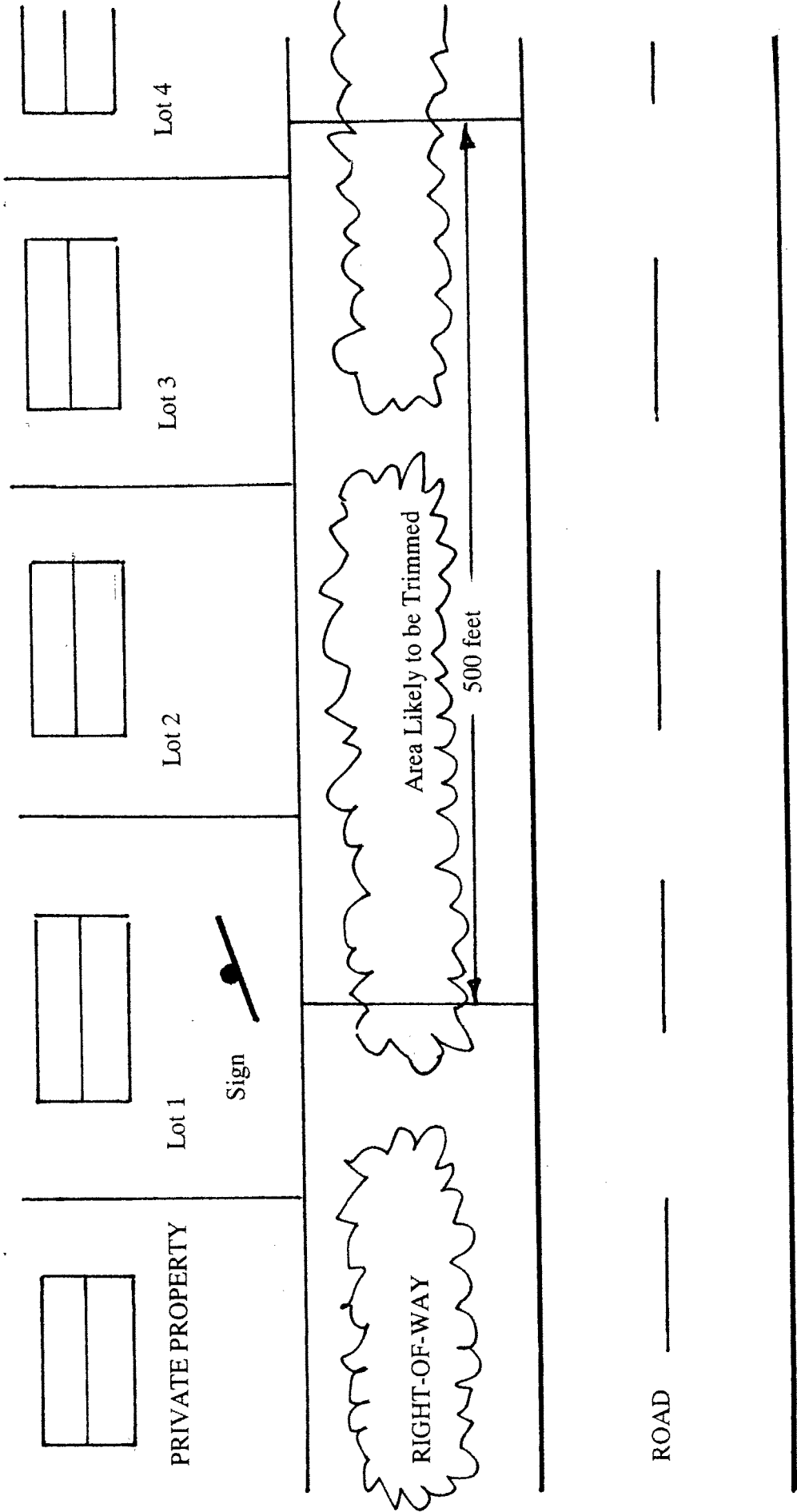
Note: This statements in this presentation apply also to companion bill AB967.

Enclosure: Amendments
Drawing
Memo from Organizations

Citizens for a Scenic Wisconsin is a non-profit organization whose mission is to preserve the scenic beauty of our natural landscape and maintain the special character of our cities and towns. We believe that scenery is a precious resource important to our quality of life and to our business climate. Founded in 2000, we have members in all parts of the state. For more information, go to www.scenicwisconsin.org

TRIMMING TREES UNDER AB967

CITIZENS FOR A SCENIC WISCONSIN
March 28, 2006



**PROPOSED
AMENDMENTS TO AB967 / SB541**

April 19, 2006

#1

**TO PROTECT THE RIGHTS OF ADJACENT LAND OWNERS AND FOR
SOME LOCAL GOVERNMENT CONTROL OF HIGHWAY VEGETATION**

Strike all language beginning with 'Within 30 days...' on line 4, page 6 through the end of line 14, page 7.

Replace with the following language:

“Within 10 days of receipt of the application, the department shall send a written notice to the property owners and municipalities listed by the applicant under par. (c). The department shall consider the objections of such property owners or municipalities in determining whether to grant or deny the application for a permit.

Within 30 days of receipt of the application, the department shall determine whether the application is complete and, if not, the department shall return the application to the applicant and inform the applicant of what information, specifically described, must be provided by the applicant to complete the application. If the department denies an application for a permit under this section, the department shall notify applicant of reasons for the denial.

- (c) Any person who makes an application for a permit under this section, shall at the time of the application, provide the department with the names and contact information for all of the following.
1. The owners of any property adjacent to the vegetation specified in the permit application.
 2. The municipalities in which any property adjacent to the vegetation specified in the permit application is located.”

**PROPOSED
AMENDMENTS TO AB 967 / SB541**

April 19, 2006

#2

TO REDUCE THE TIME A DRIVER CAN BE DISTRACTED BY A SIGN

Delete paragraph 4 on page 5, lines 12 through 15.

This eliminates the paragraph that allows a viewing area of 600 feet in industrial zones, effectively reducing the maximum viewing area in any zone to 500 feet. At 55 miles per hour, the viewing time with 500 feet the viewing area is 6.1 seconds.