

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1480/P1dn
ARG:eev:jf

February 22, 2013

ATTN: Jason Vick

Please review the attached draft carefully to ensure that it is consistent with your intent.

The requested change to the definition of “viewing zone” in the drafting instructions is internally contradictory and cannot be used as written. If the sign sits at an angle to the highway, the line of the viewing zone cannot both extend directly in front of the sign and be parallel to the highway. In this draft, I have eliminated this inconsistency but the provision may not accomplish your objective. The intent of the viewing zone is to mark the relevant area through which a motorist is passing the sign. To define the viewing zone as extending straight in front of the sign suggests that the viewer would pass directly through or under the sign (that is, off the roadway). To identify the line of vision in this way fundamentally changes the way the “500 continuous feet” language in s. 84.305 (2) and (3) (a) operates. Is the intent to provide a “viewing area” for motorists proceeding in the lanes for the opposite direction of travel? If so, perhaps the changes to the definition of “viewing area” could be drafted to directly address this and modifications to the “500 continuous feet” language could be made for motorists proceeding in the lanes for the opposite direction of travel.

The attached draft refers to tree “leaders.” I am not familiar with this term but assume that it is well-known in the industry. If not, the term should be defined or we should use a different term.

I have included the requested initial applicability provision in this draft, but I consider it to be problematic. At this point, it is not known when this bill will be enacted. It is conceivable that permits will be issued, permit holders will incur the cost of replacing vegetation, this bill will pass, and then the initial applicability provision will require permit holders to incur the double expense of paying \$140 per tree for the same vegetation that has already been replaced. I recommend against trying to impose the changes in this bill retroactively, as it may have unintended and undesired consequences.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible “/1” draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us