

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: 06/18/99

Received By: champra

Wanted: Soon

Identical to LRB:

For: Assembly Republican Caucus

By/Representing: Tompach

This file may be shown to any legislator: NO

Drafter: champra

May Contact:

Alt. Drafters:

Subject: State Finance - miscellaneous

Extra Copies:

Pre Topic:

ARC:.....Tompach - Am #27.

Topic:

State spending for billboards with likenesses of constitutional state officers

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>
/1	champra 06/22/99	gilfokm 06/22/99	martykr 06/23/99	_____	lrb_docadmin 06/23/99		
/2	champra 06/23/99	gilfokm 06/23/99	kfollet 06/23/99	_____	lrb_docadmin 06/23/99		

FE Sent For:

<END>

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/1	champra 06/22/99	gilfokm 06/22/99	martykr 06/23/99	_____	lrb_docadmin 06/23/99		

FE Sent For: *12-6-23
tamg* *Kjf
6/23* *Kjf/km
6/23*
<END>

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/1	champra	1-6-99 KMG	KMB	JFK KMB			

FE Sent For:

<END>

To Be Drafted

Agency	Elections	Amendment#	27
ARC Analyst	Matt Tompach	LRB#	
		Tax Cut	<input type="checkbox"/>

Summary

This amendment states that no constitutional state officer or candidate for a constitutional state office, other than an incumbent Governor, may have his or her name, picture or likeness placed on a billboard, other than in an advertisement which is funded as a lawful campaign expenditure.

If any such billboards exist as of the effective date of this law, the name, picture or likeness of the constitutional officer identified shall be removed or covered so as to be unreadable or indistinguishable within 30 days from the effective date of this law.

Fiscal Impact

There is no state fiscal impact

Statement of Intent

Prohibit publicly-funded billboard advertising involving elected state officials.

Budget Amendments 1999-

Statement of Intent Prohibit publicly-funded billboard advertising involving elected state officials.

Legislator	Gundrum	Amendment#
Staff contact	Jolene	Status
Agency	Elections	Tax Cut

Summary This amendment states that no constitutional state officer or candidate for a constitutional state office, other than an incumbent Governor, may have his or her name, picture or likeness placed on a billboard, other than an advertisement which is funded as a lawful campaign expenditure.

If any such billboards exist as of the effective date of this law, the name, picture or likeness of the constitutional officer identified shall be removed or covered so as to be unreadable within 30 days from the effective date of this law. *or indistinguishable*

Fiscal Impact There is no state fiscal impact

ARC Analyst Matt Tompach

Spec pending

*State bank
unless a
copy returned
DA of court
Johannes*



Representative Mark D. Gundrum
State Capitol, P.O. Box 8952
Madison, WI 53708
(608) 267-5158 Office
(608) 282-3684 *Fax*

Facsimile Transmittal Sheet

To: Bob Nelson - (608) 266-5648 *fax*

From: Jolene Rose Churchill, Legislative Assistant

Date: June 15, 1999

Total No. of Pages Including Cover: ²/₃ pages

Comments:

****** Urgent and Confidential ******

Please review & contact us as soon as possible w/ your comments.

6/15

Rep. Mark Gundrum called.

Noted that anti-tobacco billboards are appearing all over the state

that say they are "sponsored by the dept of justice, Jim Doyle, Attorney General"

Rep. Gundrum

believes this prominent mention of

Jim Doyle is for political purposes

and should be prohibited by a budget amendment.

We discussed limiting the budget and

to the atty. gen. & anti-tobacco ads,

but Rep. Gundrum thought it should

include all elected state officers (except the governor, who speaks for the whole state), but should not

affect their right to spend campaign funds in any way that they want.



Representative Mark D. Gundrum
State Capitol, P.O. Box 8952
Madison, WI 53708
(608) 267-5158 Office
(608) 282-3684 *Fax*

Facsimile Transmittal Sheet

To: Mr. Bob Nelson – (608) 264-8522 *fax*

From: Jolene Rose Churchill, Legislative Assistant

Date: June 15, 1999

Total No. of Pages Including Cover: 3 pages

Comments:

***** CONFIDENTIAL *****

JUN-11-1999 14:28
SCHEIDT

FROM WI LEGISLATIVE COUNCIL

TO

92823684 P.02

connection with the marketing, distribution, offer, sale or license of such apparel or other merchandise; or (ii) used at the site of a Brand Name Sponsorship permitted pursuant to subsection (2)(A) or (2)(B)(i) (during such event) that are not distributed (by sale or otherwise) to any member of the general public; and

(E) nothing contained in the provisions of subsection III(d) shall: (i) apply to the use of a Brand Name on a vehicle used in a Brand Name Sponsorship; or (ii) apply to Outdoor Advertising advertising the Brand Name Sponsorship, to the extent that such Outdoor Advertising is placed at the site of a Brand Name Sponsorship no more than 90 days before the start of the initial sponsored event, is removed within 10 days after the end of the last sponsored event, and is not prohibited by subsection (3)(A) above.

(4) Corporate Name Sponsorships. Nothing in this subsection (c) shall prevent a Participating Manufacturer from sponsoring or causing to be sponsored any athletic, musical, artistic, or other social or cultural event, or any entrant, participant or team in such event (or series of events) in the name of the corporation which manufactures Tobacco Products, provided that the corporate name does not include any Brand Name of domestic Tobacco Products.

(5) Naming Rights Prohibition. No Participating Manufacturer may enter into any agreement for the naming rights of any stadium or arena located within a Settling State using a Brand Name, and shall not otherwise cause a stadium or arena located within a Settling State to be named with a Brand Name.

(6) Prohibition on Sponsoring Teams and Leagues. No Participating Manufacturer may enter into any agreement pursuant to which payment is made (or other consideration is provided) by such Participating Manufacturer to any football, basketball, baseball, soccer or hockey league (or any team involved in any such league) in exchange for use of a Brand Name.

(d) Elimination of Outdoor Advertising and Transit Advertisements. Each Participating Manufacturer shall discontinue Outdoor Advertising and Transit Advertisements advertising Tobacco Products within the Settling States as set forth herein.

* (1) Removal. Except as otherwise provided in this section, each Participating Manufacturer shall remove from within the Settling States within 150 days after the MSA Execution Date all of its (A) billboards (to the extent that such billboards constitute Outdoor Advertising) advertising Tobacco Products; (B) signs and placards (to the extent that such signs and placards constitute Outdoor Advertising) advertising Tobacco Products in arenas, stadiums, shopping malls and Video Game Arcades; and (C) Transit Advertisements advertising Tobacco Products.

(2) Prohibition on New Outdoor Advertising and Transit Advertisements. No Participating Manufacturer may, after the MSA Execution Date, place or cause to be placed any new Outdoor Advertising advertising Tobacco Products or new Transit Advertisements advertising Tobacco Products within any Settling State.

*

(3) Alternative Advertising. With respect to those billboards required to be removed under subsection (1) that are leased (as opposed to owned) by any Participating Manufacturer, the Participating Manufacturer will allow the Attorney General of the Settling State within which such billboards are located to substitute, at the Settling State's option, alternative advertising intended to discourage the use of Tobacco Products by Youth and their exposure to second-hand smoke for the remaining term of the applicable contract (without regard to any renewal or option term that may be exercised by such Participating Manufacturer). The Participating Manufacturer will bear the cost of the lease through the end of such remaining term. Any other costs associated with such alternative advertising will be borne by the Settling State.

*

(4) Ban on Agreements Inhibiting Anti-Tobacco Advertising. Each Participating Manufacturer agrees that it will not enter into any agreement that prohibits a third party from selling, purchasing or displaying advertising discouraging the use of Tobacco Products or exposure to second-hand smoke. In the event and to the extent that any Participating Manufacturer has entered into an agreement containing any such prohibition, such Participating Manufacturer agrees to waive such prohibition in such agreement.

*disbanded
under
ch 17
20-903
(1)*

(5) Designation of Contact Person. Each Participating Manufacturer that has Outdoor Advertising or Transit Advertisements advertising Tobacco Products within a Settling State shall, within 10 days after the MSA Execution Date, provide the Attorney General of such Settling State with the name of a contact person to whom the Settling State may direct inquiries during the time such Outdoor Advertising and Transit Advertisements are being eliminated, and from whom the Settling State may obtain periodic reports as to the progress of their elimination.

(6) Adult-Only Facilities. To the extent that any advertisement advertising Tobacco Products located within an Adult-Only Facility constitutes Outdoor Advertising or a Transit Advertisement, this subsection (d) shall not apply to such advertisement, provided such advertisement is not visible to persons outside such Adult-Only Facility.

(e) Prohibition on Payments Related to Tobacco Products and Media. No Participating Manufacturer may, beginning 30 days after the MSA Execution Date, make, or cause to be made, any payment or other consideration to any other person or entity to use, display, make reference to or use as a prop any Tobacco Product, Tobacco Product

84.30

84.30 Regulation of outdoor advertising.

84.30(1)

(1) Legislative findings and purpose. To promote the safety, convenience and enjoyment of public travel, to preserve the natural beauty of Wisconsin, to aid in the free flow of interstate commerce, to protect the public investment in highways, and to conform to the expressed intent of congress to control the erection and maintenance of **outdoor advertising** signs, displays and devices adjacent to the national system of interstate and defense highways, it is hereby declared to be necessary in the public interest to control the erection and maintenance of **billboards** and other **outdoor advertising** devices adjacent to said system of interstate and federal-aid primary highways and the Great River Road.

84.30(2)(j)

(j) "Sign" means any **outdoor advertising** sign, display, device, notice, figure, painting, drawing, message, placard, poster, **billboard**, or other thing, which is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of any portion of an interstate highway or primary highway.

84.30(3)

(3) (intro.) Signs prohibited. No sign visible from the main-traveled way of any interstate or federal-aid highway may be erected or maintained, except the following:

84.30(3)(a)

(a) Directional and other official signs, including, but not limited to, signs pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, and which comply with rules which shall be promulgated by the department relative to their lighting, size, number, spacing and such other requirements as are appropriate to implement this section, but such rules shall not be inconsistent with, nor more restrictive than, such national standards as may be promulgated from time to time by the secretary of transportation of the United States under 23 USC 131 (c).

84.30(3)(b)

(b) Signs advertising the sale or lease of property upon which they are located if such signs comply with rules of the department.

84.30(3)(c)

(c) (intro.) Signs advertising activities conducted on the property on which they are located if such signs comply with applicable federal law and the June 1961 agreement between the department and the federal highway administrator relative to control of advertising adjacent to interstate highways. Additionally, any such sign located outside the incorporated area of a city or village shall comply with the following criteria:

84.30(3)(c)1.

1. An activity may be permitted one sign exposure visible and designed to be read from each

direction of travel on the interstate or primary highway.

84.30(3)(c)2.

2. In addition to any sign permitted under subd. 1., an activity may be permitted one sign exposure located on or within 50 feet of the building in which the advertised activity is primarily conducted or managed. For purposes of this subdivision, all signs located on and within the profile of the building in which the advertised activity is primarily conducted or managed shall be considered as one sign exposure.

84.30(3)(c)2m.

2m. In addition to any sign permitted under subds. 1. and 2., an activity may be permitted any number of signs not designed to be read from the interstate or primary highway and not exceeding 75 square feet in aggregate area, whose purpose is to direct or control traffic which has already entered the property on which the advertised activity is conducted.

84.30(3)(c)3.

3. No sign exposure permitted under subd. 1. may exceed 500 square feet in area. No sign exposure permitted under subd. 2. may exceed 200 square feet in area.

84.30(3)(c)5.

5. The area of a sign shall be measured by the smallest square, rectangle, triangle, circle or combination thereof which encompasses the entire sign, including border and trim but excluding supports. The profile of a building is bounded by the outer edges of its structure as they appear to an observer positioned in the area to which the sign is directed.

84.30(3)(j)1.

1. Signs erected by the Crime Stoppers, the nationwide organization affiliated with local police departments, on or before October 14, 1997, without regard to whether the department has issued a license for the sign. The department may not remove a sign authorized under this paragraph unless the sign does not conform to federal requirements. The requirements under s. 86.19 do not apply to signs described in this subdivision.

84.30(4)

(4) (intro.) **Sign criteria.** The department shall effectively control or cause to be controlled, the erection and maintenance of **outdoor advertising** signs, displays and devices that are erected subsequent to March 18, 1972 in all business areas. Whenever a bona fide county or local zoning authority has made a determination of customary use, as to size, lighting and spacing such determination may be accepted in lieu of controls by agreement in the zoned commercial and industrial areas within the geographical jurisdiction of such authority. In all other business areas, the criteria set forth below shall apply:

84.30(4)(a)

(a) (intro.) Size of signs shall be as follows:

84.30(4)(a)1.

1. The maximum areas for any one sign shall be 1,200 square feet with a maximum height of 30 feet and maximum length of 60 feet, inclusive of any border and trim but excluding the base or apron, supports and other structural members.

84.30(4)(a)2.

2. The areas shall be measured by the smallest square, rectangle, triangle, circle or combination thereof which will encompass the entire sign.

84.30(4)(a)3.

3. The maximum size limitations shall apply to each side of a sign structure and signs may be placed back-to-back, side-by-side, or in V-type construction with not more than 2 displays to each facing, and such sign structure shall be considered as one sign.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0724/1

RAC: *king*

JCOV

ARC:.....Tompach – Amendment 27, State spending for billboards with likenesses of constitutional state officers

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

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

2 ✓1. Page 418, line 18: after that line insert:

3 "SECTION 649x. 20.926 of the statutes is created to read:

4 **20.926 State spending for certain billboards prohibited.** No state
5 constitutional officer, other than the governor, may expend state funds, other than
6 funds disbursed under ch. 11, to place his or her name or any picture or other likeness
7 of himself or herself on a billboard or on any other outdoor sign that is used for the
8 purpose of advertising or providing information to the public."

9 ✓2. Page 1604, line 25: after that line insert:



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0724/x 2

RAC:kmg:km

RM has been
run

Jeor

ARC:.....Tompach – Am #27, State spending for billboards with likenesses of constitutional state officers

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 418, line 18: after that line insert:

3 "SECTION 649x. 20.926 of the statutes is created to read:

4 20.926 State spending for certain billboards prohibited. No state
5 constitutional officer, other than the governor, may expend state funds, other than
6 funds disbursed under ch. 11, to place his or her name or any picture or other likeness
7 of himself or herself on a billboard or on any other outdoor sign that is used for the
8 purpose of advertising or providing information to the public."

9 2. Page 1604, line 25: after that line insert:

Insert 1-9

1 “(6t) STATE SPENDING FOR CERTAIN BILLBOARDS PROHIBITED. The treatment of
2 section 20.926 of the statutes first applies to the expenditure of state funds on the
3 effective date of this subsection.”.

4 (END)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0724/2ins
RAC:kmg:km

1-9

- ✓ 1. Page 1570, line 16: after that line insert:

“(9) ^tTREATMENT OF CERTAIN BILLBOARDS. If a state constitutional officer, other than the governor, has expended any state funds, other than funds disbursed under ^{or} ~~Ch 11~~, before the effective date of this subsection to place his or her name or any picture or other ^{of the statutes} likeness of himself or herself on a billboard or on any other outdoor sign that is used for the purpose of advertising or providing information to the public, the state constitutional officer shall take appropriate action to ensure, no later than 30 days after the effective date of this subsection, that his or her name or any picture or other likeness of himself or herself on a billboard or on any other outdoor sign is removed or obstructed in such a manner that his or her name or any picture or other likeness of himself or herself is not visible.”.

chapter



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0724/2
RAC:kmg:kjf

ARC:.....Tompach – Am #27, State spending for billboards with likenesses of constitutional state officers

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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2 **1.** Page 418, line 18: after that line insert:

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4 **20.926 State spending for certain billboards prohibited.** No state
5 constitutional officer, other than the governor, may expend state funds, other than
6 funds disbursed under ch. 11, to place his or her name or any picture or other likeness
7 of himself or herself on a billboard or on any other outdoor sign that is used for the
8 purpose of advertising or providing information to the public.”.

9 **2.** Page 1570, line 16: after that line insert:

