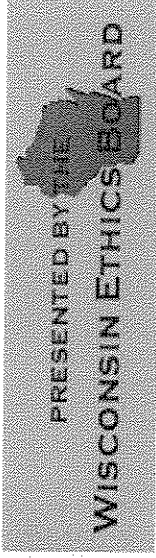


- ▶ Home
- ▶ Lobbying in Wisconsin
- ▶ Organizations employing lobbyists
- ▶ Lobbyists



as of Tuesday, October 14, 2003

2003-2004 legislative session

Legislative bills and resolutions

(search for another legislative bill or resolution at the bottom of this page)

- Text, Sponsors and Analysis
- Status and Fiscal Estimate
- Lobbying Effort on this item

Senate Bill 239

the removal of nonconforming outdoor advertising signs.

Organization		These organizations have reported lobbying on this proposal:		
Profile	Interests	Date Notified	Position	Comments
●	●	10/10/2003	↕	
●	●	9/22/2003	↕	
●	●	10/14/2003	↕	
●	●	10/8/2003	?	
●	●	9/4/2003	↕	
●	●	6/13/2003	↕	
●	●	10/8/2003	↕	
●	●	10/14/2003	↕	
●	●	10/14/2003	↕	
●	●	10/6/2003	↕	
●	●	10/2/2003	↕	
●	●	10/14/2003	↕	
●	●	9/30/2003	↕	

Place pointer on icon to display comments, click icon to display prior comments

Darlene M. and Norman F. Olson



114 Green Lake Pass ◆ Madison, WI 53705-4755 ◆ USA
Home Phone: 608 - 233 6233 ◆ Email: nolson@cdr.wisc.edu

6 October 2002

Representative John Ainsworth
Chairman, Assembly Transportation Committee
P.O. Box 8952
Madison, WI 53708

Dear Representative Ainsworth:

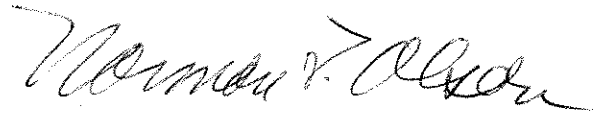
We are opposed to Assembly Bill 496.

This bill would allow non-conforming billboards to be maintained and operated as if they were the usual legally-placed billboards. As we drive around the state, we readily become aware that there too many billboards cluttering our landscape already.

Non-conforming billboards are in scenic agricultural and rural areas, and we prefer that they be taken down as soon as possible and as the law intends so as to make our state more inviting for visitors.

Sincerely,


Darlene M. Olson


Norman F. Olson

N3801 US Hwy 63
Shell Lake, WI
Oct. 4, 2003

Rep. John Ainsworth
Chairman Assembly Transportation Committee
Wisconsin State Capitol
PO Box 8952
Madison WI 53708

Dear Representative Ainsworth,

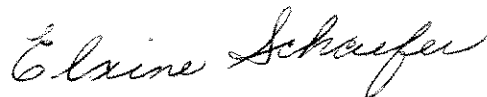
I am opposed to Assembly Bill 496.

This bill would allow non-conforming billboards to be maintained and operated as if they were usual legally-placed billboards and there are too many billboards out there already.

Non-conforming billboards are in scenic agricultural and rural areas, and I prefer that they be taken down as soon as possible as the law intends.

Billboards are cluttering and spoiling our scenery and I want less of them, not more.

Elaine Schaefer



N3801 US Hwy 63
Shell Lake, WI
Oct. 4, 2003

Rep. John Ainsworth
Chairman Assembly Transportation Committee
Wisconsin State Capitol
PO Box 8952
Madison WI 53708

Dear Representative Ainsworth,

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Marvin Schaefer

Shell Lake, WI
Oct. 6, 2003

Rep. John Ainsworth
Chairman Assembly Transportation Committee
Wisconsin State Capitol
PO Box 8952
Madison WI 53708

Dear Representative Ainsworth,

I am opposed to Assembly Bill 496.

This bill would allow non-conforming billboards to be maintained and operated as if they were usual legally-placed billboards and there are too many billboards out there already.

Non-conforming billboards are in scenic agricultural and rural areas, and I prefer that they be taken down as soon as possible as the law intends.

Billboards are cluttering and spoiling our scenery and I want less of them, not more.

We are so opposed to letting in more billboards. We were in Alabama when a new highway was opened - before the opening date every mile of it was filled with billboards, that were for sale.

Keep Wisconsin free from the clutter - so we can see our beautiful state - not billboards.

John Beardsley

Naomi H. Beardsley
Box 446
Shell Lake, Wis.
54871

Ronald G. Harris
2802 50th St. S.
Wisconsin Rapids WI 54494-7171
715-421-4113
harris@wetc.net

October 4, 2003

Representative John Ainsworth
Chairman, Assembly Transportation Committee
P.O. Box 8952
Madison WI 53708

Dear Representative Ainsworth:

I understand there is an Assembly Bill that would allow non-conforming billboards to continue to stand along our scenic highways. (AB 496)

I am very much against such a bill. I am in support of the Senate Bill that would put a moratorium on new billboards, and cannot imagine allowing currently illegal signs to stand.

Recently, billboards were put up near Necedah that block the view of Petenwell Rock, and between the Lake Delton and Baraboo huge new billboards have been erected that block out roadside scenery, and are so large and close to the highway, they block out the sky. My out-of-state relatives and friends have commented on the increased proliferation of billboards in our state.

I am aware of the strong lobbying done by the billboard industry, but I hope reason and common sense will prevail. When I called the company that put up the Necedah boards, they told me the area was not zoned and so they could put up what they pleased where they pleased, and if I did not like it, I should chose another highway.

Can you tell me who wrote this bill and who is submitting it for consideration?

I hope we can someday follow other tourist states and ban the mammoth billboards completely—just as the city of Marshfield has just done. It will be good for the tourist industry and good for our reputation.

Thank you.

Sincerely,


Ronald G. Harris

cc: Marlin Schneider

Larry and Jeanette Heath
M 241 Sugarbush Lane
Marshfield, WI 54449
October 4, 2003

Rep. John Ainsworth
Chairman Assembly Transportation Committee
Wisconsin State Capitol
PO Box 8952
Madison WI 53708

Dear Representative Ainsworth,

We are opposed to Assembly Bill 496.

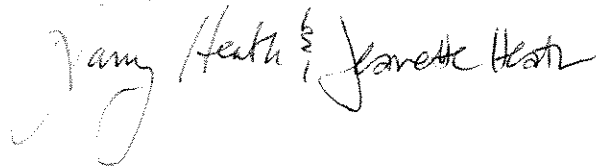
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Non-conforming billboards are in scenic agricultural and rural areas, and I prefer that they be taken down as soon as possible as the law intends.

Billboards are cluttering and spoiling our scenery and we want less of them, not more.

Having just returned from Norway and Sweden, where we saw NO billboards, made us even more aware of what a blight they are on the landscape. Let's try to make a statement about how beautiful our state is and let it sell itself.

Larry and Jeanette Heath

Handwritten signatures of Larry and Jeanette Heath. The signature for Larry is on the left and for Jeanette is on the right, both written in cursive.

10/3/03

Pat R. Miller
4814 Bark Road
Sturgeon Bay, WI
54235-9584

Rep. John Ainsworth
Chairman Assembly Transportation Committee
Wisconsin State Capitol
PO Box 8952
Madison WI 53708

Dear Representative Ainsworth,

I am opposed to Assembly Bill 496.

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Billboards are cluttering and spoiling our scenery and I want less of them, not more.

Ms. Pat R. Miller

Pat R. Miller

4725 Sheboygan Ave. #337
Madison, WI 53705
October 5, 2003

Rep. John Ainsworth
Chairman Assembly Transportation Committee
Wisconsin State Capitol
PO Box 8952
Madison WI 53708

Dear Representative Ainsworth,

I am opposed to Assembly Bill 496.

This bill would allow non-conforming billboards to be maintained and operated as if they were usual legally-placed billboards and there are too many billboards out there already.

Non-conforming billboards are in scenic agricultural and rural areas, and I prefer that they be taken down as soon as possible as the law intends.

Billboards are cluttering and spoiling our scenery and I want less of them, not more.



Jean Maas

810 Redland Dr.
Madison WI 53714

< Address > Oct 5 03

< Date >

Rep. John Ainsworth
Chairman Assembly Transportation Committee
Wisconsin State Capitol
PO Box 8952
Madison WI 53708

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Billboards are cluttering and spoiling our scenery and I want less of them, not more.

Henry A Payne
Henry A Payne

< Signature > *Merikay Payne*

< Name > MERIKAY PAYNE

Although I work & will be unable to attend the public hearing on Oct 9th at 10 AM because of work I hope you do all in your power to help eliminate the billboard blight. I have travelled in Hawaii & Alaska & really can see how their lack of billboards increase the state's beauty. Have you travelled along 41 (Hiway 41) near Oshkosh? Its ugly & disgusting - all the billboards. Please help Wisconsin get rid of this blight.
Thank you

MARSHALL R. JENNISON, M.D.

2545 Maple Hill Lane
Brookfield, WI 53045

Telephone: (414) 786-1819

Oct. 4, 2003


Rep. John Ainsworth
Chairman Assembly Transportation Committee
Wisconsin State Capitol
PO Box 8952
Madison WI 53708

Dear Representative Ainsworth,

I am appalled by Assembly Bill 496.
There is something basically wrong with our system if citizens can unite over a just, common cause and when they have made their will known and gone "home", the moneyed interests can continue to work quietly behind the scenes to thwart that will.

The *bottom line* is not always the bottom line Rep. Ainsworth and I hope you see this.

Sincerely


Marshall R. Jennison, M.D.

GERALD T. PETERSEN

**N7622 Pleasant Point Circle
Elkhorn, WI 53121
(262) 742-2367
FAX (262) 742-4235
E-MAIL silverfx@genevaonline.com**

October 5, 2003

Rep. John Ainsworth
Chairman Assembly Transportation Committee
Wisconsin State Capitol
PO Box 8952
Madison WI 53708

Dear Representative Ainsworth,

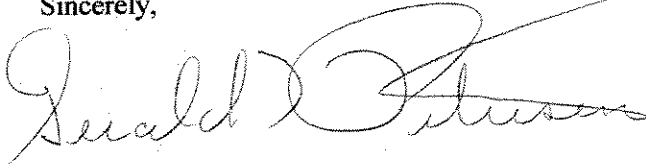
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Billboards are cluttering and spoiling our scenery and I want less of them, not more.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gerald T. Petersen". The signature is written in dark ink and is positioned below the word "Sincerely,". A long, thin horizontal line extends from the right side of the signature across the page.

October 6, 2003

Rep. John Ainsworth
Chairman Assembly Transportation Committee
Wisconsin State Capitol
PO Box 8952
Madison WI 53708

Dear Representative Ainsworth,

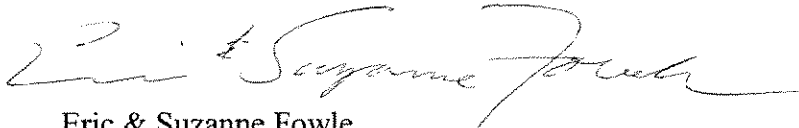
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Non-conforming billboards are in scenic agricultural and rural areas, and we prefer that they be taken down as soon as possible as the law intends.

Billboards are cluttering and spoiling our scenery and we want less of them, not more.

Sincerely,



Eric & Suzanne Fowle
1327 South Monroe Street
Appleton, WI 54915
(920) 993-2976

Redell, Carol

From: HBVMOE@aol.com

Sent: Tuesday, October 07, 2003 10:42

To: rep.ainsworth@legis.state.wi.us

Subject: Re: AB496

Dear Mr John Arnsworth:

Since I cannot attend the public hearing on October 9 regarding AB496, a bill that would allow restoration of non-conforming billboards, I would like to express to you how important it is for our beautiful state to contains these hideous over-sized billboards. You must not let the lobbyists for the billboard companies to get approval for this bill.

I just returned from Door County and was horrified by the billboards on the stretch into Egg Harbor- I will not support any businesses up there that erect these ugly signs. The Dells has already been ruined by them, we must put a stop to this. Please at least keep non-conforming billboards off our highways.

I support all the efforts by the "Scenic Wisconsin" group and hope you will too.

Sincerely,

Barbara Moe

Boardman, Kristina

From: DSchlieman@aol.com

Sent: Wednesday, October 08, 2003 3:06 PM

To: Rep.Ainsworth@legis.state.wi.us

Subject: Transportation Committee Chair

Rep. Ainsworth,

Because you are the Chair of the Transportation Committee I am asking you to reject AB 496. This bill would allow repair and maintenance of nonconforming billboards in scenic, rural areas. The present law provides that these billboards be demolished. We need to strengthen our billboard regulations, not weaken them

Thank you.

Donna Schlieman

1300 N. Prospect Ave. apt. 423

Milwaukee WI. 53202

10/08/2003

Redell, Carol

From: Barbara Barrington [bbarrington@dwave.net]
Sent: Wednesday, October 08, 2003 12:11 PM
To: Rep.Ainsworth@legis.state.wi.us
Cc: Russ Decker; Greg Huber
Subject: oppose AB496

Oct. 8, 2003

Rep. John Ainsworth
Chairman, Assembly Transportation Committee
Wisconsin State Capitol
P.O.Box 8952
Madison, WI 53708

Dear Representative Ainsworth:

I am writing to oppose AB496. I regret I cannot attend your hearing on 10-9-03.

It is not in the public or economic interest to allow non-conforming billboards to be repaired, maintained and operated as if they were legal. Billboards on farmland and rural (scenic) lands are to be removed, not repaired. There are too many billboards already spoiling the scenery and natural beauty for all of us, especially tourists traveling to Northern Wisconsin to enjoy our landscape.

I would prefer that a bill like SB165 progress through your committee, which would halt the proliferation of more and unsightly billboards. In the meantime, defeat of AB496 is an important step towards compliance and restoration of part of that scenery.

Barbara M. Barrington
102 Pine Crest Ave.
Wausau, WI 54401

OAAW

OUTDOOR ADVERTISING ASSOCIATION OF WISCONSIN

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

October 9, 2003

MEMORANDUM

TO: Members of the Assembly Transportation Committee

FROM: Janet R. Swandby and Kathi Kilgore, Lobbyists

RE: **Support for AB 496 – Repair and Maintenance of Nonconforming Signs**

The Members of the Outdoor Advertising Association of Wisconsin are the companies which own and maintain almost 6000 billboards in our State. This is a \$61 million industry. Our members employ 339 people full-time with an average annual salary of \$47,000.

OAAW asks you to support AB 496. This bill will clarify that repairs can be made annually to nonconforming signs up to 50% of replacement cost of the sign. Passage of this law will help the DOT and sign owners determine what repairs can be made to signs and will help avoid costly litigation. AB 496 will also encourage sign owners to complete needed repairs to their signs which will be in the best interest of the traveling public and Wisconsin's tourism industry.

What's the problem?

Every year, lawfully constructed billboards become nonconforming. The owners of these signs did nothing to change the status of the sign. Most often, a change made by the State Department of Transportation, or a change in zoning, means that a legal sign becomes nonconforming.

Since 1972, Wisconsin law and administrative rules have limited the repairs that can be made to a nonconforming sign. This bill would clarify that repairs up to 50% of replacement cost can be made each year.

What do other states allow?

Almost all states have similar regulations. This bill is modeled after Minnesota and North Carolina's laws.

Why is this issue important for Wisconsin?

Most of the nonconforming signs in Wisconsin advertise hotels, tourism attractions, restaurants, golf courses, campgrounds, and gas stations. The State's economy is heavily dependent on the tourism industry.

Today owners of nonconforming signs are wary of making repairs to their signs because the limits are so vague. As a result, there are signs which are obviously in need of repair. Dilapidated signs are an eyesore and do not reflect well on the State, especially to the out-of-state traveler. Well-maintained signs which can continue to advertise Wisconsin businesses are beneficial to the State and its economy.

Please vote to recommend passage of AB 496.



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

REPAIR AND MAINTENANCE OF NONCONFORMING SIGNS

What are nonconforming signs?

Nonconforming signs are those which were lawfully erected, but which do not now meet all of the state laws regulating outdoor advertising signs.

What is the current law?

State Statutes (84.30) indicate that nonconforming signs may continue to exist, and that customary maintenance is allowed on these signs.

The Federal Highway Beautiful Act directed all states to regulate outdoor advertising signs. The Federal Highway Administration has directed each state to develop its own criteria to define what constitutes customary maintenance and destruction of a sign. Federal rules suggest the use of a "percentage of replacement cost" language to define destruction of a sign.

In DOT Administrative Rules (Trans. 201), the definitions are expanded to state that:

1. Signs must remain substantially the same.
2. Signs must not be enlarged.
3. Reasonable repair and maintenance of the sign is allowed.
4. Customary maintenance ceases and a substantial change occurs if repair and maintenance of a sign exceeds 50% of the replacement cost of the sign.

Over the years, the interpretation of the rule by DOT personnel has changed and this rule is used to force the removal of nonconforming signs. DOT personnel now interpret the rule to mean that the cost of all of the cumulative repairs made to a sign over its entire life cannot exceed 50% of the replacement cost of the sign.

Almost all states have regulations about the repair of nonconforming signs. None has as strict an interpretation as Wisconsin. To our knowledge, no state calculates the cumulative cost of all repairs over the life of the sign. In fact, we know of many states which allow repairs to nonconforming signs on a regular basis.

In addition, it should be noted that in Wisconsin, the courts have consistently recognized the right of the owner of a nonconforming structure to make repairs. The courts have allowed repairs of nonconforming structures even when the repair may extend the life of the nonconforming structure.

What do other states allow?

North Carolina

Total repairs to a sign in any 12 consecutive months may not exceed 50% of the sign's replacement cost.

Minnesota

Allows the repair and maintenance of nonconforming structures (including signs). If a nonconforming sign is "destroyed by fire or other peril to the extent of 50 percent of its market value" it must be removed.

Ohio

Allows repairs up to 70% of the replacement cost of the sign.

Iowa

Allows any repair to the extent of 60% of the replacement cost of the structure.

Arizona

Allows "any reasonable repairs".

Nevada

Specifically states that municipalities cannot prohibit repairs to a nonconforming outdoor advertising structure. However, a sign that is "destroyed or damaged in excess of 50% of its material structural value as a result of a natural disaster, including, without limitation, a fire, flood, earthquake, windstorm, rainstorm and snowstorm" must be removed.

Why is this issue important for Wisconsin?

Tourism is one of the top three industries in Wisconsin. Tourism businesses rely on outdoor advertising signs to direct customers to their establishments. Most of the nonconforming signs in Wisconsin advertise tourism-related businesses such as hotels, tourism attractions, restaurants, golf courses, campgrounds, and gas stations.

The current practices of DOT personnel will result in the removal of many nonconforming signs which will reduce the options tourism businesses have to advertise.

Under the current practices of the DOT, owners of nonconforming signs are wary of making any repairs to their signs. The fear is that the DOT will determine that repairs exceed 50% of replacement cost and the Department will require the removal of the sign.

The result is a number of nonconforming signs which are obviously in need of repair. Dilapidated signs are an eyesore and do not reflect well on the State, especially to the out-of-state traveler. Well-maintained signs which can continue to advertise Wisconsin businesses are in the best interests of the State and its economy.

What is the solution?

The OAAW would like to see the law changed in Wisconsin to clarify that repair and maintenance of nonconforming signs can be conducted on a regular basis. The Wisconsin Statutes can be changed to clarify the definition of "customary maintenance".

New statutory language should include these points:

1. Customary maintenance of nonconforming signs is allowed.
2. Customary maintenance ceases, and a sign is considered destroyed, when the cost of repairs and maintenance to a sign made in 12 consecutive months exceeds 50% of the replacement cost of the sign.
3. A destroyed nonconforming sign must be removed.

Who should be contacted about this proposal?

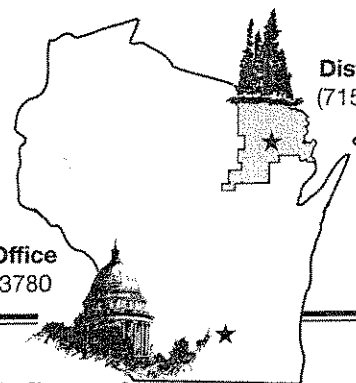
Please contact Janet Swandby or Kathi Kilgore at 608.286.0764 or by email at swandby@swandby.com or kilgore@swandby.com.

**LORRAINE M.
SERATTI**
STATE REPRESENTATIVE
36TH ASSEMBLY DISTRICT

P.O. Box 8953, State Capitol • Madison, Wisconsin 53708-8953
Toll-Free: (888) 534-0036 • Fax: (608) 282-3636 • Rep.Seratti@legis.state.wi.us

Madison Office
(608) 266-3780

District Office
(715) 696-3513



**Testimony of Representative Lorraine M. Seratti
on Assembly Bill 496: Repair and Maintenance of Nonconforming Signs**

**Assembly Transportation Committee
October 9, 2003**

Good morning Mr. Chairman and members of the transportation committee. Thank you for hearing Assembly Bill 496 today.

I have introduced AB 496 to help clarify current law regarding the removal of nonconforming outdoor advertising signs. In 1965, the Federal Highway Beautification Act was passed by Congress setting up guidelines for billboards. This federal legislation was intended to regulate and set standards for billboards, but not eliminate them completely.

Wisconsin adopted the federal law in 1972 and signs that did not meet the new requirements were grandfathered in as legal, nonconforming signs. The federal act allowed states to define their own standards for what constitutes customary maintenance and destruction of a sign. As a guideline, the federal rules suggested a percentage of replacement cost language to define destruction of a sign.

In Administrative Rules Trans. 201, the state further defines this requirement: the sign must remain substantially the same, it may not be enlarged, reasonable repair and maintenance is allowed, including a change of message would not terminate the nonconforming rights. Customary maintenance ceases and a substantial change occurs if repairs or maintenance, excluding message changes exceeds 50% of the replacement cost of the sign.

My bill will allow removal of a sign without compensation, if the customary maintenance costs exceeds 50% of the replacement cost of the sign in any 12 consecutive months period. Changing this language will clarify the interpretation of the 50% provision. Over the years, DOT's interpretation has changed and repairs that were allowed in the past are now prohibited. They are calculating the cumulative costs of repairs made over the entire life of the sign to reach the 50% threshold.

At a time when our economy is struggling, we should be doing things to encourage growth in Wisconsin. Tourism is one of the top 3 industries in our state and it relies very heavily on billboards to reach potential customers. Under the current DOT practice, sign owners are hesitant to make needed repairs, in fear that DOT will order removal of the sign.

Current trends show that there are more dual income families; with both parents working and average commuting time has increased. This means more people are spending more time in their cars making outdoor advertising a very effective and affordable way for small businesses to advertise. Local banks, grocery stores, restaurants, shopping malls, gas stations, and car dealerships all use billboards. Well-maintained signs are not only in the best interest of those businesses using the signs, but Wisconsin as a whole, as we try to promote a positive image of our state.

I ask for your support of this bill and will be happy to answer any questions.

October 15, 2003

Rep. Scavitti
Senator Meyer + Briske

Senate Committee on Transportation and Information Infrastructure
Testimony on SB 239

Dear Committee Colleagues,

Over the course of this legislative session, both the Legislature and the Governor have focused on stimulating job growth and revitalizing our State economy. Several committees have had many hearings on numerous pieces of legislation with the goal of promoting and advertising the fact that Wisconsin is "OPEN FOR BUSINESS." As the author of Senate Bill (SB) 239, I feel that this bill is another important step in the process of promoting Wisconsin's pro-job and pro-investment attitude, encouraging businesses to locate here and consumers to shop here.

Under current law, the federal Highway Beautification Act requires states to restrict advertising along interstate and federal-aid primary highways. With certain exceptions, the erection or maintenance of outdoor advertising signs cannot be within 600 feet of, or otherwise visible (and intended to be visible) from, the main-traveled way of an interstate or federal-aid primary highway. The Wisconsin Department of Transportation (WisDOT) may remove signs that do not conform to applicable requirements but, for each sign removed, must pay just compensation to the owner of the sign and to the owner of the land on which the sign is located. Current law permits customary maintenance of certain nonconforming signs but, if the nonconforming sign is enlarged, replaced or relocated, the sign may be removed without compensation.

* SB 239 attempts to clarify the current laws and rules that regulate the repair and maintenance of nonconforming outdoor advertising signs. Over the years the interpretation of the rule by DOT personnel has varied. DOT personnel now interpret the rule to mean that the cost of all of the cumulative repairs made to a sign over its entire life cannot exceed 50% of the replacement cost of the sign. SB 239 states that any nonconforming sign may be removed without compensation if the costs of repairing and maintaining the sign within any 12 consecutive months exceed 50% of the replacement costs of the sign and that such repairs and maintenance do not constitute customary maintenance.

SB 239 seeks to not only to support new economic development and job growth, but to provide job protection to the hundreds of individuals who help to advertise the great natural and business climate that Wisconsin has to

offer. Outdoor advertising signs throughout Wisconsin promote business in our State, both large and small, for the most part encouraging those who view them to help grow Wisconsin. The companies that offer outdoor advertising signs provide hundreds of jobs in our State with an annual industry economic impact of over \$60 million. Additionally, the outdoor advertising industry provides employment to the men and women who design the advertising message and the companies who print the final product to be placed on the outdoor advertising sign.

Businesses both large, like the Kohler Company, and small, like B'loonie Gifts, use outdoor advertising signs to promote their business and their products and services.

Billboards not only promote business, but also provide information and messages on a variety of issues from community events to health and education.

Tourism is one of the State's top industries, employing thousand of residents and bringing in millions of dollars in private and public revenues. Over 50% of the outdoor advertising signs in this State promote tourism in Wisconsin. SB 239 encourages the companies that do utilize outdoor advertising signs as a form of advertising to invest in their boards, which reflect on their business and in turn, reflect on Wisconsin.

SB 239 is not about promoting the proliferation or expansion of billboards. SB 239 is about allowing the private owners of outdoor advertising signs to maintain and repair their signs, their business and their private property. State law should not discourage the maintenance and repair of private property. Dilapidated signs are an eyesore and do not reflect well on the State, especially to the out-of-state traveler. Well-maintained signs, which can continue to advertise Wisconsin businesses, are in the best interests of the State and its economy.

Let's support the appropriate maintenance and repair of private property and promote and advertise a strong message that Wisconsin is "OPEN FOR BUSINESS" and welcoming to private enterprise.

I thank you for your attention to SB 239 and hope that you will support this bipartisan bill, supported by the Democratic members of the Senate Transportation and Information Infrastructure Committee.

Thank you.



Joe Leibham

STATE SENATOR

October 15, 2003

Senate Committee on Transportation and Information Infrastructure
Testimony on SB 239

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Over the course of this legislative session, both the Legislature and the Governor have focused on stimulating job growth and revitalizing our State economy. Several committees have had many hearings on numerous pieces of legislation with the goal of promoting and advertising the fact that Wisconsin is "OPEN FOR BUSINESS." As the author of Senate Bill (SB) 239, I feel that this bill is another important step in the process of promoting Wisconsin's pro-job and pro-investment attitude, encouraging businesses to locate here and consumers to shop here.

Under current law, the federal Highway Beautification Act requires states to restrict advertising along interstate and federal-aid primary highways. With certain exceptions, the erection or maintenance of outdoor advertising signs cannot be within 600 feet of, or otherwise visible (and intended to be visible) from, the main-traveled way of an interstate or federal-aid primary highway. The Wisconsin Department of Transportation (WisDOT) may remove signs that do not conform to applicable requirements but, for each sign removed, must pay just compensation to the owner of the sign and to the owner of the land on which the sign is located. Current law permits customary maintenance of certain nonconforming signs but, if the nonconforming sign is enlarged, replaced or relocated, the sign may be removed without compensation.

SB 239 attempts to clarify the current laws and rules that regulate the repair and maintenance of nonconforming outdoor advertising signs. Over the years the interpretation of the rule by DOT personnel has varied. DOT personnel now interpret the rule to mean that the cost of all of the cumulative repairs made to a sign over its entire life cannot exceed 50% of the replacement cost of the sign. SB 239 states that any nonconforming sign may be removed without compensation if the costs of repairing and maintaining the sign within any 12 consecutive months exceed 50% of the replacement costs of the sign and that such repairs and maintenance do not constitute customary maintenance.

SB 239 seeks to not only to support new economic development and job growth, but to provide job protection to the hundreds of individuals who help to advertise the great natural and business climate that Wisconsin has to offer. Outdoor advertising signs throughout Wisconsin promote business in our State, both large and small, for the most part encouraging those who view them to help grow Wisconsin. The companies that offer outdoor advertising signs provide hundreds of jobs in our State with an annual industry economic impact of over \$60 million. Additionally, the outdoor advertising industry provides employment to the men and women who design the advertising message and the companies who print the final product to be placed on the outdoor advertising sign.

Businesses both large, like the Kohler Company, and small, like B'loonie Gifts, use outdoor advertising signs to promote their business and their products and services.

Billboards not only promote business, but also provide information and messages on a variety of issues from community events to health and education.

Tourism is one of the State's top industries, employing thousand of residents and bringing in millions of dollars in private and public revenues. Over 50% of the outdoor advertising signs in this State promote tourism in Wisconsin. SB 239 encourages the companies that do utilize outdoor advertising signs as a form of advertising to invest in their boards, which reflect on their business and in turn, reflect on Wisconsin.

SB 239 is not about promoting the proliferation or expansion of billboards. SB 239 is about allowing the private owners of outdoor advertising signs to maintain and repair their signs, their business and their private property. State law should not discourage the maintenance and repair of private property. Dilapidated signs are an eyesore and do not reflect well on the State, especially to the out-of-state traveler. Well-maintained signs, which can continue to advertise Wisconsin businesses, are in the best interests of the State and its economy.

Let's support the appropriate maintenance and repair of private property and promote and advertise a strong message that Wisconsin is "OPEN FOR BUSINESS" and welcoming to private enterprise.

I thank you for your attention to SB 239 and hope that you will support this bipartisan bill, supported by the Democratic members of the Senate Transportation and Information Infrastructure Committee.

Thank you.



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October 15, 2003

MEMORANDUM

TO: Members of the Senate Transportation Committee

FROM: Janet R. Swandby and Kathi Kilgore, Lobbyists

RE: Support for SB 239 – Repair and Maintenance of Nonconforming Signs

The Members of the Outdoor Advertising Association of Wisconsin are the companies which own and maintain almost 6000 billboards in our State. This is a \$61 million industry. Our members employ 339 people full-time with an average annual salary of \$47,000.

OAAW asks you to support SB 239. This bill will clarify that repairs can be made annually to nonconforming signs up to 50% of replacement cost of the sign. Passage of this law will help the DOT and sign owners determine what repairs can be made to signs and will help avoid costly litigation. SB 239 will also encourage sign owners to complete needed repairs to their signs which will be in the best interest of the traveling public and Wisconsin's tourism industry.

What's the problem?

Every year, lawfully constructed billboards become nonconforming. The owners of these signs did nothing to change the status of the sign. Most often, a change made by the State Department of Transportation, or a change in zoning, means that a legal sign becomes nonconforming.

Since 1972, Wisconsin law and administrative rules have limited the repairs that can be made to a nonconforming sign. This bill would clarify that repairs up to 50% of replacement cost can be made each year.

What do other states allow?

Almost all states have similar regulations. This bill is modeled after Minnesota and North Carolina's laws.

Why is this issue important for Wisconsin?

Most of the nonconforming signs in Wisconsin advertise hotels, tourism attractions, restaurants, golf courses, campgrounds, and gas stations. The State's economy is heavily dependent on the tourism industry.

Today owners of nonconforming signs are wary of making repairs to their signs because the limits are so vague. As a result, there are signs which are obviously in need of repair. Dilapidated signs are an eyesore and do not reflect well on the State, especially to the out-of-state traveler. Well-maintained signs which can continue to advertise Wisconsin businesses are beneficial to the State and its economy.

Please vote to recommend passage of SB 239.