

2011 DRAFTING REQUEST

Bill

Received: 11/11/2011

Received By: **agary**

Wanted: **As time permits**

Companion to LRB:

For: **Andre Jacque (608) 266-9870**

By/Representing: **Michael Murphy**

May Contact:

Drafter: **agary**

Subject: **Transportation - highways**

Addl. Drafters:

Extra Copies: **EVM**

Submit via email: **YES**

Requester's email: **Rep.Jacque@legis.wi.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Realignment or relocation of outdoor advertising signs that are nonconforming under a local ordinance in connection with a DOT highway project

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>
/?				_____			S&L
/P1	agary 11/21/2011	mduchek 12/07/2011	rschluet 12/07/2011	_____	sbasford 12/07/2011		S&L
/P2	agary 12/13/2011	mduchek 12/14/2011	phenry 12/14/2011	_____	sbasford 12/14/2011		S&L
/1	agary	mduchek	jmurphy	_____	ggodwin	sbasford	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	12/21/2011	12/22/2011	12/22/2011	_____	12/22/2011	02/03/2012	

FE Sent For:

atqtr
2/23

<END>

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11/22/11 JM
12/22/11 JM
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12/14/11
M
P2

12/14
ph

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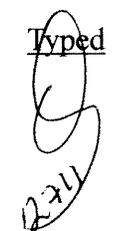
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/?	agary			_____			S&L

FE Sent For:

<END>

1/11

Gary, Aaron

From: Murphy, Michael
Sent: Friday, November 11, 2011 12:59 PM
To: Gary, Aaron
Subject: FW: Realignment of signs
Attachments: Drafting instructions - realignment 11-10-11.doc

Hello Aaron,

Could you put together a bill draft based on these instructions?

Thanks!

Michael P. Murphy
Office of Representative André Jacque
2nd Assembly District

9 West
P.O. Box 8952
Madison, WI 53708
608.266.9870

From: Janet Swandby [mailto:Swandby@swandby.com]
Sent: Thursday, November 10, 2011 11:04 AM
To: Murphy, Michael
Cc: Kathi Kilgore
Subject: Realignment of signs

Michael:

I hope that you had a chance to review the drafting instructions that I emailed to you earlier this week. The OAAW members met yesterday and another point was raised that should be included in the bill draft. I've revised the drafting instructions to reflect this concern. The new document is attached.

I hope that this new version can be shared with the drafter at LRB.

Please let me know if this meets with your approval.

Thanks.

Janet

Janet R. Swandby
Swandby/Kilgore Associates, Inc.
608.286.9599
swandby@swandby.com

11/11/2011

Michael:

Thanks again for the opportunity to brief you and Representative Jacque on the realignment/relocation issue. As promised, I have attached suggested drafting instructions for the bill. Please let me know if you have any questions or concerns. I can be reached on my cell at 262.370.1714.

The members of the Outdoor Advertising Association of Wisconsin (OAAW) appreciate Representative Jacque's offer to introduce this legislation.

Again, many thanks.

Janet

11/11/2011

Drafting instructions

Change the language in 84.30(5r) to reflect the original intent of the amendment offered by Representative Robin Vos and adopted by the Joint Committee on Finance in the 2012-2013 budget bill.

Amend 84.30(5r) as follows:

1. Change "realignment" to "relocation".
2. Remove "on the same site" and replace with "within the same city, village or town."
3. Clarify that the new location for the sign must meet all requirements for a state sign permit.
4. Clarify that (1) the size of the sign face and (2) the number of sign faces on the relocated sign must be the same as the sign that was removed for the State highway project.
5. Add that the height above road grade (HARG) of the relocated sign must be the same as the height above road grade for the sign that was removed for the State highway project.
6. Clarify that relocation of the sign can mean that the original sign is dismantled and moved to the new location or a replacement sign can be constructed with new comparable materials at the new location.

Gary, Aaron

From: Murphy, Michael
Sent: Friday, November 18, 2011 12:45 PM
To: Gary, Aaron
Subject: RE: Realignment of signs

Hello Aaron,

Thank you for getting back to me. The changes are intended to apply only for the relocation of an outdoor advertising sign that does not conform to a local ordinance.

The source for the bill idea presented a case where DOT raised the road grade all along a site's distance, eclipsing a sign. The development placed the sign in nonconformity, and realignment anywhere on the same site (given that the ordinance mandated a standard height for all business signs) would result in the same eclipse by the road.

According to our source, their expectation was that Vos' motion (before its entry into drafting) would ensure that, in the event of local ordinance nonconformity, "realignment" of a sign would not be limited merely to its replacement on the same site. In fact, I believe they were counting on the more vigorous force of the word "relocation" in their idea to allow for replacement of signs anywhere within the town, city, village, etc., thereby avoiding situations like the one described. This is a notable change to the statute, but one we would like to affect in your draft.

Feel free to contact me with additional questions - your help is greatly appreciated!

Michael P. Murphy
Office of Representative André Jacque
2nd Assembly District

9 West
P.O. Box 8952
Madison, WI 53708
608.266.9870

From: Gary, Aaron
Sent: Friday, November 18, 2011 10:14 AM
To: Murphy, Michael
Subject: RE: Realignment of signs

Michael,

I am confused by the attached drafting instructions. Are these changes intended to apply only for relocation of an outdoor advertising sign that does not conform to a local ordinance? Or are they intended to apply to relocation of any outdoor advertising sign?

I am also confused by the representation in the instructions that the changes are meant to reflect the original intent of the motion offered by Rep. Vos and adopted by JFC. I drafted that motion with the help of LFB (and DOT was given an opportunity to review the draft and have input). I am attaching the drafting file for your reference,

11/18/2011

which contains the motion and some comments on it. If you compare the motion with the statutory text, there was a little interpretation required but mostly the motion and the statute are almost identical. What is being proposed here does not reflect the motion at all - it is a total revision and goes miles beyond that motion. Please see attached motion and compare with s. 84.30 (5r). I assume this expansion is OK with you but just wanted you to be aware of that. I do need an answer to the question above.

Thanks. Aaron

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

From: Murphy, Michael
Sent: Friday, November 11, 2011 12:59 PM
To: Gary, Aaron
Subject: FW: Realignment of signs

Hello Aaron,

Could you put together a bill draft based on these instructions?

Thanks!

Michael P. Murphy
Office of Representative André Jacque
2nd Assembly District

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P.O. Box 8952
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From: Janet Swandby [mailto:Swandby@swandby.com]
Sent: Thursday, November 10, 2011 11:04 AM
To: Murphy, Michael
Cc: Kathi Kilgore
Subject: Realignment of signs

Michael:

I hope that you had a chance to review the drafting instructions that I emailed to you earlier this week. The OAAW members met yesterday and another point was raised that should be included in the bill draft. I've revised the drafting instructions to reflect this concern. The new document is attached.

11/18/2011



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11/21

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

6000

1 AN ACT ...; relating to: outdoor advertising signs that are relocated because of
2 state highway projects.

Analysis by the Legislative Reference Bureau

Under current law, if a highway project of the Department of Transportation (DOT) causes the realignment of an outdoor advertising sign that does not conform to a local ordinance (sign), the realignment does not affect the sign's nonconforming status under the ordinance. "Realignment" is defined as relocation on the same site. If DOT proposes the realignment of a sign in connection with a highway project, DOT must notify the municipality or county that adopted the ordinance to which the sign does not conform of the sign's proposed realignment. The municipality or county may then petition DOT to condemn the sign instead of realigning the sign, but must pay DOT for certain costs of condemnation if DOT succeeds in condemning the sign.

This bill expands these provisions to relocation of a sign to a new location within the same municipality, not just on the same site. The bill also specifies that relocation of a sign means either the dismantling and moving of the sign or the removal of the sign and erection of a replacement sign constructed of new comparable materials. The bill also requires all of the following with respect to relocation of a sign caused by a DOT highway project: 1) that the size of the sign face, and the number of sign faces on the sign, after relocation must be the same as prior to relocation; 2) that the height of the sign, as measured from road-grade level, after relocation must be equal to or greater than prior to relocation; and 3) that the new location for the sign must meet all requirements for a sign permit.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 84.30 (5r) (title) of the statutes, as created by 2011 Wisconsin Act
2 32, is amended to read:

3 84.30 (5r) (title) SIGNS NONCONFORMING UNDER LOCAL ORDINANCES THAT ARE
4 ~~REALIGNED~~ RELOCATED BECAUSE OF STATE HIGHWAY PROJECTS.

History: 1971 c. 197; 1975 c. 196, 340, 418; 1977 c. 29 ss. 946, 1654 (1), (8) (a); 1977 c. 43, 273; 1977 c. 418 s. 924 (48); 1979 c. 90 s. 24; 1979 c. 154, 253; 1981 c. 347; 1983 a. 92, 189, 463; 1989 a. 56; 1991 a. 316; 1993 a. 16, 112, 357; 1997 a. 27; 1999 a. 9, 185; 2001 a. 109; 2005 a. 149, 464; 2007 a. 20; 2011 a. 32.

5 SECTION 2. 84.30 (5r) (a) of the statutes, as created by 2011 Wisconsin Act 32,
6 is amended to read: *renumbered 84.30 (5r) (a) (intro.) and*

7 84.30 (5r) (a) *(Intro.)* ~~In this subsection, "realignment" means relocation on the same~~
8 site;

9 2. "Relocation" means the dismantling and moving of a sign to a new location
10 within the same municipality or the removal of a sign and erection of a replacement
11 sign, constructed of new comparable materials, at a new location within the same
12 municipality.

History: 1971 c. 197; 1975 c. 196, 340, 418; 1977 c. 29 ss. 946, 1654 (1), (8) (a); 1977 c. 43, 273; 1977 c. 418 s. 924 (48); 1979 c. 90 s. 24; 1979 c. 154, 253; 1981 c. 347; 1983 a. 92, 189, 463; 1989 a. 56; 1991 a. 316; 1993 a. 16, 112, 357; 1997 a. 27; 1999 a. 9, 185; 2001 a. 109; 2005 a. 149, 464; 2007 a. 20; 2011 a. 32.

13 SECTION 3. 84.30 (5r) (a) 1. of the statutes is created to read:
14 84.30 (5r) (a) 1. "Municipality" means a city, village, or town.

15 SECTION 4. 84.30 (5r) (b) of the statutes, as created by 2011 Wisconsin Act 32,
16 is amended to read:

17 84.30 (5r) (b) If a highway project of the department causes the realignment
18 relocation of a sign that does not conform to a local ordinance, the realignment
19 relocation shall not affect the sign's nonconforming status under the ordinance.

History: 1971 c. 197; 1975 c. 196, 340, 418; 1977 c. 29 ss. 946, 1654 (1), (8) (a); 1977 c. 43, 273; 1977 c. 418 s. 924 (48); 1979 c. 90 s. 24; 1979 c. 154, 253; 1981 c. 347; 1983 a. 92, 189, 463; 1989 a. 56; 1991 a. 316; 1993 a. 16, 112, 357; 1997 a. 27; 1999 a. 9, 185; 2001 a. 109; 2005 a. 149, 464; 2007 a. 20; 2011 a. 32.

1 **SECTION 5.** 84.30 (5r) (c) of the statutes, as created by 2011 Wisconsin Act 32,
2 is amended to read:

3 84.30 (5r) (c) If in connection with a highway project of the department the
4 department proposes the ~~realignment~~ relocation of a sign that does not conform to
5 a local ordinance, the department shall notify the governing body of the municipality
6 or county where the sign is located and which adopted the ordinance of the sign's
7 proposed ~~realignment~~ relocation. Upon receiving this notice, the governing body
8 may petition the department to acquire the sign and any real property interest of the
9 sign owner. If the department succeeds in condemning the sign, the governing body
10 that made the petition to the department shall pay to the department an amount
11 equal to the condemnation award, less relocation costs for the sign that would have
12 been paid by the department if the sign had been ~~realigned~~ relocated rather than
13 condemned. Notwithstanding s. 86.30 (2) (a) 1. and (b) 1., 1g., and 1r., if the
14 governing body fails to pay this amount, the department may reduce the
15 municipality's or county's general transportation aid payment under s. 86.30 by an
16 equal amount.

History: 1971 c. 197; 1975 c. 196, 340, 418; 1977 c. 29 ss. 946, 1654 (1), (8) (a); 1977 c. 43, 273; 1977 c. 418 s. 924 (48); 1979 c. 90 s. 24; 1979 c. 154, 253; 1981 c. 347;
1983 a. 92, 189, 463; 1989 a. 56; 1991 a. 316; 1993 a. 16, 112, 357; 1997 a. 27; 1999 a. 9, 185; 2001 a. 109; 2005 a. 149, 464; 2007 a. 20; 2011 a. 32.

17 **SECTION 6.** 84.30 (5r) (e) of the statutes is created to read:

18 84.30 (5r) (e) If a highway project of the department causes the relocation of
19 a sign that does not conform to a local ordinance, all of the following shall apply with
20 respect to relocation of the sign:

21 1. The size of the sign face, and the number of sign faces on the sign, after
22 relocation shall be the same as prior to relocation.

23 2. The height of the sign, as measured from road-grade level, after relocation
24 shall be equal to or greater than prior to relocation.

Gary, Aaron

From: Murphy, Michael
Sent: Monday, December 12, 2011 12:06 PM
To: Gary, Aaron
Subject: FW: Bill draft - relocation of signs

Hello Aaron,

Could you incorporate the suggested changes into a revision of LRB 3474?

Thanks!

Michael P. Murphy
Office of Representative André Jacque
2nd Assembly District

9 West
P.O. Box 8952
Madison, WI 53708
608.266.9870

From: Janet Swandby [mailto:Swandby@swandby.com]
Sent: Monday, December 12, 2011 11:43 AM
To: Murphy, Michael
Cc: Kathi Kilgore
Subject: Bill draft - relocation of signs

Michael:

We've reviewed LRB 3474/P1 and have a couple proposed changes to the draft:

1. Page 2, line 11 – delete “comparable”. We realized that if the replacement sign has to be considerably higher than the original sign that the materials may have to be “stronger” from an engineering standpoint.
2. Page 3, line 23 – we would like this line clarified to assure that the height of the sign, as measured from road-grade level be the road-grade to which the sign is oriented (that is, the highway from which travelers are expected to be able to view the sign face).

We hope that you can forward these changes to the drafter for incorporation into a second draft. If you, or the drafter, have any questions, please feel free to contact me at 262.370.1714.

Thanks again for all of your help.

Janet

Janet R. Swandby
Swandby/Kilgore Associates, Inc.
608.286.9599
swandby@swandby.com



State of Wisconsin
2011 - 2012 LEGISLATURE

in
12/13



LRB-3474/PZ
ARG:med:rs

wanted
by 12/20

Steph LMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Rejer

1 **AN ACT** to renumber and amend 84.30 (5r) (a); to amend 84.30 (5r) (title),
2 84.30 (5r) (b) and 84.30 (5r) (c); and to create 84.30 (5r) (a) 1. and 84.30 (5r) (e)
3 of the statutes; relating to: outdoor advertising signs that are relocated
4 because of state highway projects.

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relocation must be equal to or greater than prior to relocation; and 3) that the new location for the sign must meet all requirements for a sign permit.

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5 **SECTION 2.** 84.30 (5r) (a) of the statutes, as created by 2011 Wisconsin Act 32,
6 is renumbered 84.30 (5r) (a) (intro.) and amended to read:

7 84.30 **(5r)** (a) (intro.) In this subsection, ~~“realignment” means relocation on the~~
8 ~~same site:~~

9 2. “Relocation” means the dismantling and moving of a sign to a new location
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18 relocation of a sign that does not conform to a local ordinance, the ~~realignment~~
19 relocation shall not affect the sign’s nonconforming status under the ordinance.

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to view the sign

Gary, Aaron

From: Murphy, Michael
Sent: Wednesday, December 21, 2011 9:45 AM
To: Gary, Aaron
Subject: RE: Bill draft - relocation of signs

Hello Aaron,

We may now draft this as a /1.

Thanks!

Michael P. Murphy
Office of Representative André Jacque
2nd Assembly District

9 West
P.O. Box 8952
Madison, WI 53708
608.266.9870

From: Gary, Aaron
Sent: Monday, December 12, 2011 3:21 PM
To: Murphy, Michael
Subject: RE: Bill draft - relocation of signs

Hi Michael,

~~Do you want the redraft to be a "1" or an introducible "1"? Thanks. Aaron~~

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

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12/21/2011



State of Wisconsin
2011 - 2012 LEGISLATURE

in
12/21



LRB-3474/28 1
ARG:med:ph

wanted
by 12/23

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

No changes

1 **AN ACT to renumber and amend** 84.30 (5r) (a); **to amend** 84.30 (5r) (title),
2 84.30 (5r) (b) and 84.30 (5r) (c); and **to create** 84.30 (5r) (a) 1. and 84.30 (5r) (e)
3 of the statutes; **relating to:** outdoor advertising signs that are relocated
4 because of state highway projects.

Analysis by the Legislative Reference Bureau

Under current law, if a highway project of the Department of Transportation (DOT) causes the realignment of an outdoor advertising sign that does not conform to a local ordinance (sign), the realignment does not affect the sign's nonconforming status under the ordinance. "Realignment" is defined as relocation on the same site. If DOT proposes the realignment of a sign in connection with a highway project, DOT must notify the municipality or county that adopted the ordinance to which the sign does not conform of the sign's proposed realignment. The municipality or county may then petition DOT to condemn the sign instead of realigning the sign, but must pay DOT for certain costs of condemnation if DOT succeeds in condemning the sign.

This bill expands these provisions to relocation of a sign to a new location within the same municipality, not just on the same site. The bill also specifies that relocation of a sign means either the dismantling and moving of the sign or the removal of the sign and erection of a replacement sign constructed of new materials. The bill also requires all of the following with respect to relocation of a sign caused by a DOT highway project: 1) that the size of the sign face, and the number of sign faces on the sign, after relocation must be the same as prior to relocation; 2) that the height of the sign, as measured from road-grade level, after relocation must be equal

to or greater than prior to relocation; and 3) that the new location for the sign must meet all requirements for a sign permit.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 84.30 (5r) (title) of the statutes, as created by 2011 Wisconsin Act
2 32, is amended to read:

3 84.30 (5r) (title) SIGNS NONCONFORMING UNDER LOCAL ORDINANCES THAT ARE
4 ~~REALIGNED~~ RELOCATED BECAUSE OF STATE HIGHWAY PROJECTS.

5 **SECTION 2.** 84.30 (5r) (a) of the statutes, as created by 2011 Wisconsin Act 32,
6 is renumbered 84.30 (5r) (a) (intro.) and amended to read:

7 84.30 (5r) (a) (intro.) In this subsection, ~~“realignment” means relocation on the~~
8 ~~same site:~~

9 2. “Relocation” means the dismantling and moving of a sign to a new location
10 within the same municipality or the removal of a sign and erection of a replacement
11 sign, constructed of new materials, at a new location within the same municipality.

12 **SECTION 3.** 84.30 (5r) (a) 1. of the statutes is created to read:

13 84.30 (5r) (a) 1. “Municipality” means a city, village, or town.

14 **SECTION 4.** 84.30 (5r) (b) of the statutes, as created by 2011 Wisconsin Act 32,
15 is amended to read:

16 84.30 (5r) (b) If a highway project of the department causes the ~~realignment~~
17 relocation of a sign that does not conform to a local ordinance, the ~~realignment~~
18 relocation shall not affect the sign’s nonconforming status under the ordinance.

19 **SECTION 5.** 84.30 (5r) (c) of the statutes, as created by 2011 Wisconsin Act 32,
20 is amended to read:

1 84.30 (5r) (c) If in connection with a highway project of the department the
2 department proposes the ~~realignment~~ relocation of a sign that does not conform to
3 a local ordinance, the department shall notify the governing body of the municipality
4 or county where the sign is located and which adopted the ordinance of the sign's
5 proposed ~~realignment~~ relocation. Upon receiving this notice, the governing body
6 may petition the department to acquire the sign and any real property interest of the
7 sign owner. If the department succeeds in condemning the sign, the governing body
8 that made the petition to the department shall pay to the department an amount
9 equal to the condemnation award, less relocation costs for the sign that would have
10 been paid by the department if the sign had been ~~realigned~~ relocated rather than
11 condemned. Notwithstanding s. 86.30 (2) (a) 1. and (b) 1., 1g., and 1r., if the
12 governing body fails to pay this amount, the department may reduce the
13 municipality's or county's general transportation aid payment under s. 86.30 by an
14 equal amount.

15 **SECTION 6.** 84.30 (5r) (e) of the statutes is created to read:

16 84.30 (5r) (e) If a highway project of the department causes the relocation of
17 a sign that does not conform to a local ordinance, all of the following shall apply with
18 respect to relocation of the sign:

19 1. The size of the sign face, and the number of sign faces on the sign, after
20 relocation shall be the same as prior to relocation.

21 2. The height of the sign, as measured from road-grade level of the highway
22 from which motorists are intended to view the sign, after relocation shall be equal
23 to or greater than prior to relocation.

24 3. The new location for the sign shall meet all requirements for a sign permit
25 under this section, to the extent the department issues permits for signs.

Parisi, Lori

From: Jacque, Andre
Sent: Friday, February 03, 2012 10:31 AM
To: LRB.Legal
Subject: Draft Review: LRB 11-3474/1 Topic: Realignment or relocation of outdoor advertising signs that are nonconforming under a local ordinance in connection with a DOT highway project

Please Jacket LRB 11-3474/1 for the ASSEMBLY.