

2013 DRAFTING REQUEST

Assembly Amendment (AA-AB40)

Received: **5/24/2013** Received By: **agary**
Wanted: **As time permits** Same as LRB:
For: **Legislative Fiscal Bureau** By/Representing: **Dyck**
May Contact: Drafter: **agary**
Subject: **Transportation - highways** Addl. Drafters:
Extra Copies: **EVM**

Submit via email: **YES**
Requester's email: **Legislative Fiscal Bureau**
Carbon copy (CC) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

LFB:.....Dyck -

Topic:

Motion 431, item 28., relocation of outdoor advertising signs

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>
/P1	agary 6/4/2013	jdyer 5/29/2013	rschluet 5/29/2013	_____	mbarman 5/29/2013		
/P2		scalvin 6/4/2013	phenry 6/4/2013	_____	mbarman 6/4/2013		

FE Sent For:

<END>

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/P1	agary 5/28/2013	jdyer 5/29/2013	rschluet 5/29/2013	_____	mbarman 5/29/2013		

FE Sent For:

*1P2 sac
06/04/2013*

6/4 ph

ph/jm

<END>

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/P1	agary	P1 5/29 jld	9 SM	==			

FE Sent For:

<END>

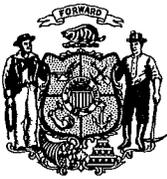
specify that, for the purposes of determining eligibility for the "food" category under the specific information sign program, bakery items produced by the retailer shall be counted toward the types of food that are counted towards the 50% minimum of food sales that an establishment must have to qualify for placement of a sign.

26. *Environmental Impact Statement for East Arterial Highway and Bridge.* Require the Department of Transportation to begin an environmental impact statement (EIS) in the 2013-15 biennium for a proposed east arterial highway running from the intersection of STH 54 and STH 73 in Port Edwards to the intersection of STH 54 and Wood County CTH W in Wisconsin Rapids, including a new crossing of the Wisconsin River. Require the Department to fund the EIS from the major highway development program and specify that the current law requirement that the Transportation Projects Commission provide prior approval of an EIS do not apply to this study.

27. *Environmental Impact Statement for USH 12 in Walworth County.* Require the Department of Transportation to begin an environmental impact statement (EIS) in the 2013-15 biennium for a proposed project on USH 12 from Elkhorn to Whitewater in Walworth County. Require the Department to fund the EIS from the major highway development program and specify that the current law requirement that the Transportation Projects Commission provide prior approval of an EIS do not apply to this study.

28. *Relocation of Outdoor Advertising Signs.* Modify current law provisions related to outdoor advertising signs that are classified as "nonconforming" with respect to a local ordinance and that are caused to be "realigned" as the result of a highway project, and that require local governments to make a payment to DOT equal to the cost of sign condemnation (minus relocation costs) in cases where the sign is condemned rather than realigned, as follows: (a) eliminate the term "realignment" (meaning the relocation of the sign on the same site) and replace it with the term "relocation," defined as the dismantling and moving of a sign to a new location within the same municipality or the removal of a sign and erection of a replacement sign, constructed of new materials, at a new location within the same municipality; (b) specify that the owner of a nonconforming sign that would be affected by a highway project may elect to relocate a sign within the municipality; (c) define the term "municipality" for the purpose of this provision, as a city, village, or town; and (d) specify that the relocation of a nonconforming sign (instead of, under current law, sign realignment) does not affect the sign's nonconforming status. Specify that if a highway project causes the relocation of a nonconforming sign, all of the following apply with respect to the relocation: (a) the size of the sign face and the number of sign faces on the sign after relocation shall be the same as prior to relocation; (b) the height of the sign, as measured from road-grade level of the highway from which motorists are intended to view the sign, after relocation shall be equal to or greater than prior to relocation; and (c) the new location for the sign shall meet all requirements for a sign permit, to the extent the Department issues permits for signs. Specify that these provisions first apply to signs relocated on the 30th day after the effective date of the bill.

29. *Regulation of Golf Carts by Municipalities and Counties.* Specify that a municipality or county may, by ordinance, allow the operation of golf carts on any highway that has a speed limit of 25 miles per hour or less and that is located within the territorial boundaries of the municipality or county, as applicable, regardless of whether the municipality or county has jurisdiction, for



in
5/28



JLD + SAC

LFB:.....Dyck – Motion 431, item 28., relocation of outdoor advertising signs

FOR 2013-2015 BUDGET – NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 40

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

2 1. Page 756, line 2: after that line insert: ✓

3 **INSERT A** ✓ Insert A ✓

4 2. Page 1069, line 13: after that line insert:

5 “(7^c) RELOCATED NONCONFORMING OUTDOOR ADVERTISING SIGNS. The treatment of
6 section 84.30 (5r) (title), (a) 1., (b), (c), and (e) of the statutes and the renumbering
7 and amendment of section 84.30 (5r) (a) of the statutes first apply to signs relocated
8 on the effective date of this subsection.” ✓

3
L, and the creation of
section 84.30 (5r) (a)
1. and 2. of the statutes

9 3. Page 1079, line 21: after that line insert:

10 “(7^c) RELOCATED NONCONFORMING OUTDOOR ADVERTISING SIGNS. The treatment of
11 section 84.30 (5r) (title), (a) 1., (b), (c), and (e) of the statutes and the renumbering

1
2
3

and amendment of section 84.30 (5r) (a) of the statutes take effect on the 30th day after the day of publication." ✓

(END)

and the creation of section 84.30(5r) (a) 1. and 2. of the statutes



2013 BILL

4

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

BILL

to the height above road-grade 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:

Insert A

1556m X

1 SECTION 1. 84.30 (5r) (title) of the statutes is amended to read:

2 84.30 (5r) (title) SIGNS NONCONFORMING UNDER LOCAL ORDINANCES THAT ARE
3 REALIGNED ~~RELOCATED~~ BECAUSE OF STATE HIGHWAY PROJECTS.

4 SECTION 2. 84.30 (5r) (a) of the statutes is renumbered 84.30 (5r) (a) (intro.) and
5 amended to read:

6 84.30 (5r) (a) (intro.) In this subsection, "realignment" means relocation on the

7 same site: ~~5~~ ← strike period

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

plain NO scoring

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

12 84.30 (5r) (a) 1. "Municipality" means a city, village, or town.

13 SECTION 4. 84.30 (5r) (b) of the statutes is amended to read:

14 84.30 (5r) (b) If a highway project of the department causes the realignment
15 relocation of a sign that does not conform to a local ordinance, the realignment
16 relocation shall not affect the sign's nonconforming status under the ordinance.

17 SECTION 5. 84.30 (5r) (c) of the statutes is amended to read:

18 84.30 (5r) (c) If in connection with a highway project of the department the
19 department proposes the realignment relocation of a sign that does not conform to
20 a local ordinance, the department shall notify the governing body of the municipality

move

SECTION 1556g. CR; 84.30(5r)(a)2.
(CS) (B)

BILL

Insert
A
cont'd

1 or county where the sign is located and which adopted the ordinance of the sign's
2 proposed ~~realignment~~ relocation. Upon receiving this notice, the governing body
3 may petition the department to acquire the sign and any real property interest of the
4 sign owner. If the department succeeds in condemning the sign, the governing body
5 that made the petition to the department shall pay to the department an amount
6 equal to the condemnation award, less relocation costs for the sign that would have
7 been paid by the department if the sign had been ~~realigned~~ relocated rather than
8 condemned. Notwithstanding s. 86.30 (2) (a) 1. and (b) 1., 1g., and 1r., if the
9 governing body fails to pay this amount, the department may reduce the
10 municipality's or county's general transportation aid payment under s. 86.30 by an
11 equal amount.

1556t

12

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

13

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

16

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

18

2. The height of the sign, as measured from road-grade level of the highway
19 from which motorists are intended to view the sign, after relocation shall be equal
20 to the height above road-grade prior to relocation.

21

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

(end insert A) ↑ ↑

23

SECTION 7. Initial applicability.

24

(1) This act first applies to signs relocated on the effective date of this
25 subsection.

BILL

1

SECTION 8. Effective date.

2

(1) This act takes effect on the 30th day after the day of publication.

3

(END)

Gary, Aaron

From: Dyck, Jon
Sent: Wednesday, May 29, 2013 12:08 PM
To: Gary, Aaron
Subject: 0209/P1

Aaron,

I have a couple of changes to LRBb 0209/P1. First, s. 84.30 (5r) needs a modification to reflect part (b) of the motion: "specify that the owner of a nonconforming sign that would be affected by a highway project may elect to relocate a sign within the municipality". This was proposed to us as a slight modification to existing par. (c). However, it seems like a significant change that may need to stand on its own in a new paragraph, or else be incorporated into a substantial modification to par (c). Let me know if you want to discuss this.

Second, under (e) 2., the draft says "equal to" with respect to height, but the motion uses the phrase "equal to or greater than." I think we should add "or greater than".

Third, I think the effective date provision should include a reference to the initial applicability subsection s. 9345 (7c). correct?

Jon Dyck
Fiscal Analyst
Legislative Fiscal Bureau
1 East Main, Suite 301
Madison, WI 53703
(608) 266-9919
jon.dyck@legis.wisconsin.gov



State of Wisconsin
2013 - 2014 LEGISLATURE

in
6/4



LRBb0209/1 PZ
ARG:jld&sac:rs

RMR

LFB:.....Dyck – Motion 431, item 28., relocation of outdoor advertising signs

FOR 2013-2015 BUDGET – NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 40

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 756, line 2: after that line insert:
- 3 **“SECTION 1556m.** 84.30 (5r) (title) of the statutes is amended to read:
- 4 84.30 (5r) (title) SIGNS NONCONFORMING UNDER LOCAL ORDINANCES THAT ARE
- 5 ~~REALIGNED~~ RELOCATED BECAUSE OF STATE HIGHWAY PROJECTS.
- 6 **SECTION 1556n.** 84.30 (5r) (a) of the statutes is renumbered 84.30 (5r) (a)
- 7 (intro.) and amended to read:
- 8 84.30 (5r) (a) (intro.) In this subsection, ~~“realignment” means relocation on the~~
- 9 ~~same site.;~~
- 10 **SECTION 1556p.** 84.30 (5r) (a) 1. of the statutes is created to read:
- 11 84.30 (5r) (a) 1. “Municipality” means a city, village, or town.

1 **SECTION 1556q.** 84.30 (5r) (a) 2. of the statutes is created to read:

2 84.30 (5r) (a) 2. "Relocation" means the dismantling and moving of a sign to
3 a new location within the same municipality or the removal of a sign and erection of
4 a replacement sign, constructed of new materials, at a new location within the same
5 municipality.

6 **SECTION 1556r.** 84.30 (5r) (b) of the statutes is amended to read:

7 84.30 (5r) (b) If a highway project of the department causes the realignment
8 relocation of a sign that does not conform to a local ordinance, the realignment
9 relocation shall not affect the sign's nonconforming status under the ordinance.

10 **SECTION 1556s.** 84.30 (5r) (c) of the statutes is amended to read:

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

25 **SECTION 1556t.** 84.30 (5r) (e) of the statutes is created to read:

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0209/P2ins
ARG:.....

1
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11
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13
14

INSERT 2-12:

(no H)

or condemnation

INSERT 2-13:

(no H)

sign owner may elect to relocate the sign within the same municipality. If the

sign owner does not make such an election and the department proposes the

relocation of the sign, the



LFB:.....Dyck – Motion 431, item 28., relocation of outdoor advertising signs

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

10 **SECTION 1556p.** 84.30 (5r) (a) 1. of the statutes is created to read:

11 84.30 (5r) (a) 1. “Municipality” means a city, village, or town.

1 **SECTION 1556q.** 84.30 (5r) (a) 2. of the statutes is created to read:

2 84.30 (5r) (a) 2. “Relocation” means the dismantling and moving of a sign to
3 a new location within the same municipality or the removal of a sign and erection of
4 a replacement sign, constructed of new materials, at a new location within the same
5 municipality.

6 **SECTION 1556r.** 84.30 (5r) (b) of the statutes is amended to read:

7 84.30 (5r) (b) If a highway project of the department causes the ~~realignment~~
8 relocation of a sign that does not conform to a local ordinance, the ~~realignment~~
9 relocation shall not affect the sign’s nonconforming status under the ordinance.

10 **SECTION 1556s.** 84.30 (5r) (c) of the statutes is amended to read:

11 84.30 (5r) (c) If in connection with a highway project of the department the
12 department proposes the ~~realignment~~ relocation or condemnation of a sign that does
13 not conform to a local ordinance, the sign owner may elect to relocate the sign within
14 the same municipality. If the sign owner does not make such an election and the
15 department proposes the relocation of the sign, the department shall notify the
16 governing body of the municipality or county where the sign is located and which
17 adopted the ordinance of the sign’s proposed ~~realignment~~ relocation. Upon receiving
18 this notice, the governing body may petition the department to acquire the sign and
19 any real property interest of the sign owner. If the department succeeds in
20 condemning the sign, the governing body that made the petition to the department
21 shall pay to the department an amount equal to the condemnation award, less
22 relocation costs for the sign that would have been paid by the department if the sign
23 had been ~~realigned~~ relocated rather than condemned. Notwithstanding s. 86.30 (2)
24 (a) 1. and (b) 1., 1g., and 1r., if the governing body fails to pay this amount, the

1 department may reduce the municipality’s or county’s general transportation aid
2 payment under s. 86.30 by an equal amount.

3 **SECTION 1556t.** 84.30 (5r) (e) of the statutes is created to read:

4 84.30 (5r) (e) If a highway project of the department causes the relocation of
5 a sign that does not conform to a local ordinance, all of the following shall apply with
6 respect to relocation of the sign:

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

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

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

14 **2.** Page 1069, line 13: after that line insert:

15 “(7c) RELOCATED NONCONFORMING OUTDOOR ADVERTISING SIGNS. The treatment of
16 section 84.30 (5r) (title), (b), (c), and (e) of the statutes, the renumbering and
17 amendment of section 84.30 (5r) (a) of the statutes, and the creation of section 84.30
18 (5r) (a) 1. and 2. of the statutes first apply to signs relocated on the effective date of
19 this subsection.”.

20 **3.** Page 1079, line 21: after that line insert:

21 “(7c) RELOCATED NONCONFORMING OUTDOOR ADVERTISING SIGNS. The treatment of
22 section 84.30 (5r) (title), (b), (c), and (e) of the statutes, the renumbering and
23 amendment of section 84.30 (5r) (a) of the statutes, and the creation of section 84.30

1 (5r) (a) 1. and 2. of the statutes, and SECTION 9345 (7c) of this act, take effect on the
2 30th day after the day of publication.”.

3 (END)