

2003 DRAFTING REQUEST

Bill

Received: 03/18/2003

Received By: tfast

Wanted: Soon

Identical to LRB:

For: Joseph Leibham (608) 266-2056

By/Representing: Daniel Lindstedt

This file may be shown to any legislator: NO

Drafter: tfast

May Contact:

Addl. Drafters:

Subject: Transportation - highways

Extra Copies: ARG, PJH - 1

Submit via email: YES

Requester's email: Sen.Leibham@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Nonconforming outdoor advertising signs

Instructions:

1) Allow customary maintenance of nonconforming signs; 2) customary maintenance ceases and nonconforming sign shall be considered destroyed when costs of repair and maintenance made in a 12 consecutive month period exceeds 50% of the replacement cost of the sign; and 3) such destroyed nonconforming signs must be removed [See ch. Trans 201.10, Wis. Adm. Code]

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>
/?	tfast 04/16/2003	kgilfoy 04/17/2003		_____			State
/1	tfast		jfrantze	_____	mbarman	mbarman	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	08/04/2003		04/18/2003 _____		04/18/2003	08/25/2003	

FE Sent For:

Attn: [Handwritten signature]

<END>

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1?	tfast	11-4/17 Krug	26-11/18	J/Cmd 2/18			

FE Sent For:

<END>

2003

D-NOTE

Date (time) needed

MON. 4/21

LRB - 235811

BILL

TNF: King

Use the appropriate components and routines developed for bills.

AN ACT ... [generate catalog] *to repeal ... ; to renumber ... ; to consolidate and renumber ... ; to renumber and amend ... ; to consolidate, renumber and amend ... ; to amend ... ; to repeal and recreate ... ; and to create ...* of the statutes; relating to: *the removal of nonconforming outdoor advertising signs.*

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: create → anal: → title: → head

For the subheading, execute: create → anal: → title: → sub

For the sub-subheading, execute: create → anal: → title: → sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: create → anal: → text

(Attached)

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

SECTION #.

Analysis

The federal Highway Beautification Act requires states to restrict advertising along interstate and federal-aid primary highways, and current state law incorporates these requirements. Current law prohibits, with certain exceptions, the erection or maintenance of outdoor advertising signs 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 department of transportation (DOT) 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.

This bill provides 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.

FE-S

Section #. 84.30 (5) (bm) of the statutes is amended to read:

84.30 (5) (bm) Signs lawfully erected, but which do not conform to the requirements of sub. (3) (c), are declared nonconforming but are not subject to removal, except as otherwise provided in this paragraph. To allow such signs to exist, to perform customary maintenance thereon or to change the advertising message thereof, does not constitute a violation of sub. (3), but to enlarge, replace or relocate such signs, or to erect additional signs, shall constitute a violation subjecting the sign to removal without compensation, unless upon completion of such work all signs upon the property conform to the requirements of sub. (3).

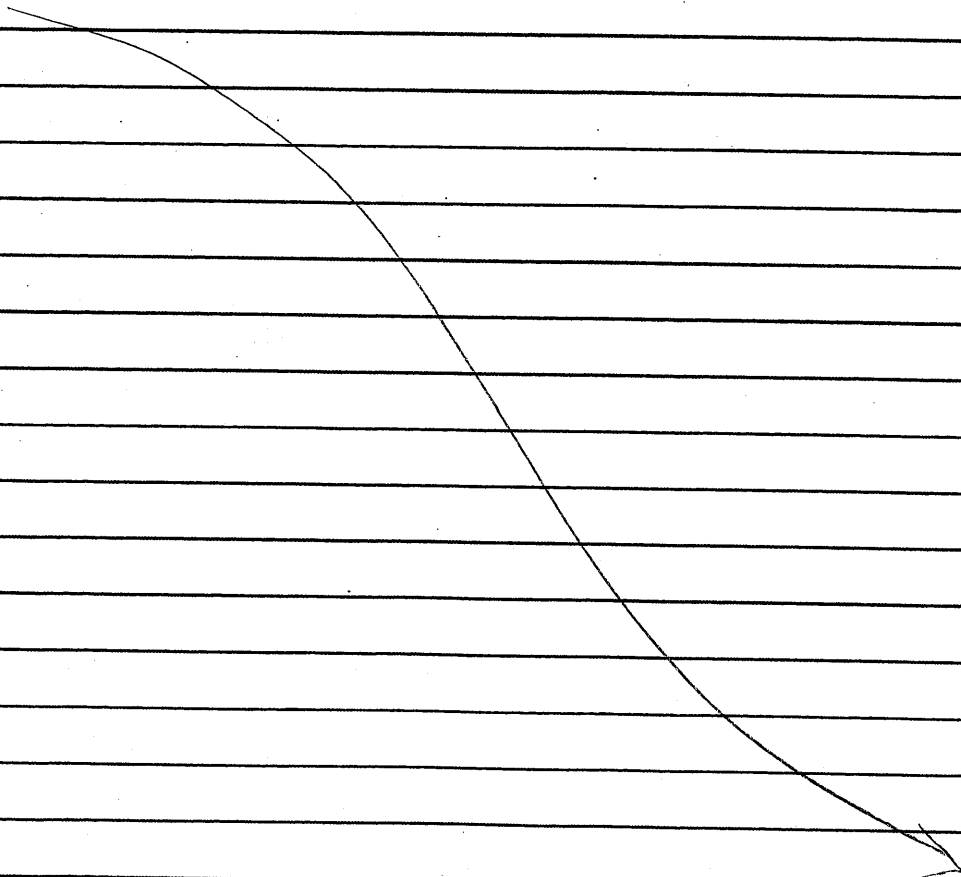
History: 1971 c. 197; 1975 c. 196, 340, 418; 1977 c. 29 ss. 946, 1654 (1), (8) (a); 1977 c. 43, 273; 1977 c. 418 s. 924 (48); 1979 c. 90 s. 24; 1979 c. 154, 253; 1981 c. 347; 1983 a. 92, 189, 463; 1989 a. 56; 1991 a. 316; 1993 a. 16, 112, 357; 1997 a. 27; 1999 a. 9, 185; 2001 a. 109.

and par. (e)

SEC. #. 84.30 (5)(e) of the
statutes is created to read:

(B)

84.30(5)(e) Any sign declared nonconforming under this subsection shall be subject to removal without compensation if the costs of repairs and maintenance to the sign within any 12-consecutive-period months exceed 50% of the replacement costs of the sign. Such repairs and maintenance do not constitute customary maintenance for the purposes of this subsection.



INITIAL APPLICABILITY

- In the component bar:
 For the action phrase, execute: create → action: → *NS: → inappl
 For the budget action phrase, execute: create → action: → *NS: → 93XX
 For the text, execute: create → text: → *NS: → inappl
- Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9300 department code.

SECTION # **[93** **]**. **Initial applicability;**

(#1) ()

The treatment of sections ..

of the statutes

first applies to

- In the component bar:
 For the action phrase, execute: create → action: → *NS: → inappl
 For the text, execute: create → text: → *NS: → inapplA
- Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed.

SECTION # **Initial applicability** (.....

(#1) This act first

applies to the consecutive 12-month period immediately
preceding the effective date of this subsection.

EFFECTIVE DATE

1. In the component bar: For the action phrase, execute: ... **create** → **action:** → *NS: → **effdate**
For the text, execute: **create** → **text:** → *NS: → **effdateA**
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed.

SECTION # 1000 • Effective date.

(#1) 1000 This act takes effect on the first day of the first month beginning after publication.

(END)
D-NOTE

1. In the component bar: For the action phrase, execute: ... **create** → **action:** → *NS: → **effdateE**
For the text, execute: **create** → **text:** → *NS: → **effdate**
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed.

SECTION # _____ • Effective dates;

..... This act takes effect on the day after publication, except as follows:

(#1) () The treatment of sections of the statutes takes effect on

1. In the component bar: For the budget action phrase, execute:.. **create** → **action:** → *NS: → **94XX**
For the text, execute: **create** → **text:** → *NS: → **effdate**
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9400 department code.

SECTION 94 _____ • Effective dates;

(#1) () The treatment of sections of the statutes takes effect on

LRB-2358/P1dn
TNF: Kmg:

DRAFTER'S NOTE

Please review this draft to ensure that it is consistent with your intent. The draft does not provide that such signs shall be considered "destroyed" because, while DOT rules refer to destroyed, abandoned, or discontinued signs, state statutes are silent on this point. If you would like the draft to mention destroyed signs, please let me know and we can discuss ways of doing this. The initial applicability and effective date provisions are structured so that the bill will take effect on the first day of the first month beginning after publication (for example, January 1, 2004) and first apply to the consecutive 12-month period immediately preceding that date (thus, with an effective date of January 1, 2004,

the 12-month period from January 1, 2003, to

December 31, 2003). Okay?
=

TNF

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2358/1dn
TNF:kmg:jf

April 18, 2003

Please review this draft to ensure that it is consistent with your intent. The draft does not provide that such signs shall be considered "destroyed" because, while DOT rules refer to destroyed, abandoned, or discontinued signs, state statutes are silent on this point. If you would like the draft to mention destroyed signs, please let me know and we can discuss ways of doing this. The initial applicability and effective date provisions are structured so that the bill will take effect on the first day of the first month beginning after publication (for example, January 1, 2004) and first apply to the consecutive 12-month period immediately preceding that date (thus, with an effective date of January 1, 2004, the 12-month period from January 1, 2003, to December 31, 2003). Okay?

Timothy N. Fast
Senior Legislative Attorney
Phone: (608) 266-9739
E-mail: tim.fast@legis.state.wi.us

Barman, Mike

From: Miller, Steve
Sent: Monday, August 25, 2003 4:13 PM
To: Emery, Lynn; Basford, Sarah; Barman, Mike
Subject: FW: Stripes for LRB-2358/1

-----Original Message-----

From: Vogel, Brad
Sent: Monday, August 25, 2003 2:50 PM
To: Miller, Steve
Subject: Stripes for LRB-2358/1

LRB -

Please send the "stripes" for LRB-2358, a bill relating to billboards, to the capitol office of Senator Joe Leibham at 409 S.

Thank you,

Brad Vogel
Office of Senator Joe Leibham