



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

1 EAST MAIN, SUITE 200  
P. O. BOX 2037  
MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3561  
REFERENCE SECTION: (608) 266-0341  
FAX: (608) 264-6948

STEPHEN R. MILLER  
CHIEF

February 24, 2005

## MEMORANDUM

**To:** Representative Ainsworth

**From:** Aaron R. Gary, Legislative Attorney, (608) 261-6926

**Subject:** Technical Memorandum to **2005 AB-20** (LRB 05-0926/1)

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We received the attached technical memorandum relating to your bill. This copy is for your information and your file. If you wish to discuss this memorandum or the necessity of revising your bill or preparing an amendment, please contact me.

# CORRESPONDENCE MEMORANDUM

DT1175 97

Wisconsin Department of Transportation

Date: February 23, 2005

To: Aaron Gary  
Legislative Reference Bureau

From: David Vieth  
Division of Transportation Infrastructure Development

Subject: Technical Memo – AB 20

*2005 Assembly Bill 20:* It would be helpful if the provision in section 4 were more specific as to the type of signs regulated under s. 84.30 to which the bill refers. While clarity could be added through the rule making process, clarity in the bill would be useful to assure an understanding of the legislative intent.

Under s. 84.30 a distinction is made between many types of regulated signs. The entire section is entitled Regulation of outdoor advertising, yet there are meaningful distinctions drawn in the law about signs which advertise and other signs which direct or provide official or other types of information. With regard to this bill, it appears the intent is to assure that a person requesting installation of a business sign for an attraction would also be able to advertise that attraction on other off right of way advertising signs.

That could be accomplished by specifying that a person advertising the attraction on signs regulated under s. 84.30 (3) (c), (d), (e), (f), (g), or (h) would not be prohibited from requesting installation of a business sign.

Here is a possible revision to section 4 to make that clarification:

**Section 4.** 86.195 (2) (b) 4. of the statutes is created to read:

86.195 (2) (b) 4. Nothing in this section prohibits a person requesting installation of a business sign under sub. (3) (e) from advertising on any sign under s. 84.30 (3) (c), (d), (e), (f), (g), or (h), subject to any limitation on such signs under 84.30.

The effect would be to avoid confusion as to whether directional or official signs, and certain other signs regulated under 84.30 would be considered advertising signs for the purposes of this provision. The most relevant conflict would be from the specific regulated sign category identified under (a) as directional signs, which are distinguished from advertising signs. These signs may only provide directional information about qualifying attractions without advertising, and are subject to other limitations and criteria as to size, qualifying activities, spacing, and numbers. Because they are distinguished from advertising signs, they are not limited to locations where the zoning is commercial or industrial. Given the direct connection between off highway right-of-way directional signs, which are used for certain qualifying attractions, and an attractions category of business signs located on the highway right-of-way created in this bill, there is a need to provide clear guidance in the law.

Further, understanding that the bill intends that attractions with advertising signs are not to be prohibited from requesting installation of a sign under the specific information sign program, it is reasonable to anticipate that the administrative rule making needed to implement this proposed law will include additional criteria for choosing among applications for these limited sign opportunities.

Prepared by David Vieth, 267-8999