



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2251/1
EVM:kjf

2019 ASSEMBLY BILL 421

September 5, 2019 - Introduced by Representatives STUCK and BILLINGS. Referred to Committee on Transportation.

1 **AN ACT** *to repeal* 59.70 (22), 60.23 (29), 84.30 (4) (bm), 84.30 (5) (br) and 84.305;
2 *to renumber and amend* 84.30 (10m) and 84.30 (14); *to amend* 84.30 (1),
3 84.30 (2) (a), 84.30 (2) (j), 84.30 (3) (intro.), 84.30 (3) (c) 2., 84.30 (3) (e), 84.30
4 (3) (h), 84.30 (4) (intro.), 84.30 (4) (b) 1., 84.30 (4) (b) 2., 84.30 (4) (c) 1., 84.30 (4)
5 (c) 2., 84.30 (4) (c) 3., 84.30 (5) (bm), 84.30 (10) (a), 227.43 (1) (bg) and 289.33
6 (3) (d); *to repeal and recreate* 84.30 (10m) (title); and *to create* 20.395 (9)
7 (aq), 20.932, 41.17 (4) (dm), 66.0430, 84.30 (2) (dg), 84.30 (2) (im), 84.30 (2) (jm),
8 84.30 (3) (gm), 84.30 (4m), 84.30 (9g), 84.30 (9r), 84.30 (10m) (b), 84.30 (10s) and
9 84.30 (14) (c) of the statutes; **relating to:** outdoor advertising signs, granting
10 rule-making authority, and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill alters numerous provisions relating to the regulation of outdoor advertising signs along highways.

The federal Highway Beautification Act requires states to restrict advertising along interstate and federal-aid primary (primary) highways, and current state law incorporates these requirements. Current law prohibits, with certain exceptions,

ASSEMBLY BILL 421

the erection or maintenance of outdoor advertising signs within 660 feet of, or beyond 660 feet but visible (and erected for the purpose of being visible) from, the main-traveled way of an interstate or primary highway. The exceptions to this prohibition include, with some restrictions:

1. Directional and other official signs, including signs relating to natural wonders and scenic and historical attractions.
2. Landmark signs.
3. Signs advertising the sale or lease of property on which the signs are located.
4. On-premises signs, which are signs advertising activities conducted on the property where the signs are located.
5. Signs located beyond 660 feet of the highway in urban areas.
6. Signs located within 660 feet of the highway in areas zoned for business, industrial, or commercial activities, or in unzoned areas used for commercial or industrial activities, that were in existence on March 18, 1972.
7. Signs located within 660 feet of the highway in areas zoned for business, industrial, or commercial activities, or in unzoned areas used for commercial or industrial activities, that were erected after March 18, 1972. These signs must comply with certain size, lighting, and spacing requirements. If, however, a county or local zoning authority has made a determination of customary use regarding size, lighting, and spacing, that determination may be accepted in lieu of the statutory requirements.
8. Certain signs erected on farm buildings.

The bill freezes, as of the effective date of the bill, the application of the exception to off-premises business area signs, thereby prohibiting the erection of signs under that exception after the bill's effective date. Signs erected under this exception prior to the bill's effective date may continue to be maintained and to vary their advertising and informative displays.

The bill extends the provisions governing outdoor advertising signs along interstate and primary highways to all state trunk highways and scenic byways.

Under the bill, a determination of customary use by a county or local zoning authority does not affect the applicability of statutory size, lighting, or spacing requirements.

Under current law, the Department of Transportation generally 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. For on-property signs, if the on-property sign was lawful when it was erected but later does not comply with the applicable requirements for on-property signs, DOT must declare the sign to be nonconforming but may not remove the sign unless additional criteria are met. These signs are not subject to removal for changing the advertising message on the sign or performing customary maintenance on the sign, but are subject to removal, without compensation, if the sign is enlarged, replaced, or relocated or if additional signs are erected. For signs lawfully erected after March 18, 1972, which subsequently become nonconforming, DOT must require removal of the signs, with compensation, by the end of the fifth

ASSEMBLY BILL 421

year after they become nonconforming, but only if there are sufficient funds available to DOT to pay just compensation for the sign removal.

Additionally, under current law as enacted in 2017 Wisconsin Act 320, business area signs, directional signs, and signs outside the adjacent area (together referred to as off-property signs) that were lawfully erected but that no longer conform to applicable requirements must be declared nonconforming but are not subject to removal unless additional criteria are met. These nonconforming off-property signs are not subject to removal for changing the advertising message on the sign or performing customary maintenance on the sign. These signs must remain substantially the same as they were on the date they became nonconforming in order to be exempt from removal by DOT. "Substantially the same" is defined to mean that, since the sign became nonconforming, no "substantial change" to the sign has been made. "Substantial change" to a sign is defined to mean any of the following: increasing the number of upright supports; changing the physical location; increasing the square footage or area of the sign face; adding changeable message capability; or adding illumination to a sign that was previously not illuminated. In general, a nonconforming off-property sign is subject to removal, without compensation, if a substantial change is made to the sign and notice is provided to the sign owner.

The bill repeals the provisions of 2017 Wisconsin Act 320.

Also under the bill, "customary maintenance" is defined to mean any of the following and similar activities when performed to maintain a sign in substantially the same form as when the sign became nonconforming: preparing surfaces for painting; repairing or replacing fasteners such as nails, screws, or bolts; replacing lighting components and associated fixtures; or fastening broken pieces of a sign back together with glue or fasteners. Customary maintenance specifically does not include using different materials for any replacement or adding any structural elements such as posts, poles, braces or guy wires, crossbeams, or sign faces. Also under this bill, the owner of a nonconforming on-property sign must maintain a record of all work performed on the sign, including a photograph of each item of work performed, and provide a report to DOT of the work performed.

Under current law, off-premises business area signs may not contain flashing, intermittent, or moving lights, except:

1. Those signs giving public service information.
2. Certain signs that contain multiple or variable messages, including messages on louvers that are rotated and messages formed solely by use of lights or other electronic or digital displays.

Under the bill, the exception from the prohibition of flashing, intermittent, or moving lights for certain signs that contain multiple or variable messages is eliminated.

Under the bill, DOT must promulgate rules establishing size, height, setback, brightness, and hours of operation standards for signs that are illuminated. Signs may be illuminated only if the owner of the sign has received a permit from DOT, which is issued if the sign complies with DOT illumination rules.

ASSEMBLY BILL 421

The bill requires DOT to conduct biennial surveys of signs, including certain measurements and assessments of each sign.

Under the bill, DOT must maintain a database of information related to signs. The database must include the information from DOT sign surveys and certain additional information for each sign.

Also under the bill, an owner of a sign must provide any information required to be included in the database to DOT and must update the information whenever the information in the database is no longer accurate.

Under current law, no person may erect or maintain an outdoor advertising sign visible from the main-traveled way of an interstate or federal-aid highway unless he or she possesses a license issued by DOT, the sign complies with applicable regulations, and, if DOT has promulgated a rule requiring payment of an annual permit fee for the sign, the person has paid the annual permit fee.

Under the bill, DOT must establish a license fee and an annual permit fee. DOT is required to set the fees so as to recover its approximate costs of regulating outdoor advertising signs.

Under current law, DOT is responsible for maintenance of the highway right-of-way on highways that, for maintenance purposes, are under its jurisdiction, which are generally state trunk highways (including interstate highways) but do not include connecting highways. DOT must provide for the care and protection of trees and other roadside vegetation. DOT must also cut, trim, or remove, or allow others to cut, trim, or remove, trees and other vegetation in order to provide safety to highway users. Current law generally prohibits a person from cutting, trimming, removing, or planting a tree or other vegetation within the right-of-way of a state trunk highway without DOT's consent.

Currently, DOT administers a permit system for the maintenance and removal by sign owners of vegetation obstructing the view of signs along state trunk highways, including interstate highways. DOT is required to issue permits to sign owners for the trimming or removal of vegetation in the highway right-of-way if, within a distance of 500 continuous feet along the highway, the vegetation obstructs motorists' view of the face of a sign. A permit authorizes the sign owner, or a third-party contractor employed by the sign owner, to trim or remove obstructing vegetation to the extent necessary to eliminate the obstruction and restore an unobstructed view of the sign for the 500 continuous feet along the highway. Each permit must require a sign owner that removes certain planted vegetation to plant comparable replacement vegetation or compensate DOT for the removed vegetation.

The bill eliminates the permit system for the maintenance and removal by sign owners of vegetation obstructing the view of signs along state trunk highways.

Under current law, towns and counties are authorized to regulate the maintenance and construction of billboards and other similar structures on premises abutting on certain highways in the town or county so as to promote the safety of public travel on the highways.

Under the bill, a city, village, town, or county may enact an ordinance that regulates the construction and maintenance of billboards and other similar structures on premises abutting on highways that are maintained by the city, village,

ASSEMBLY BILL 421

town, or county. If enacted, such an ordinance must promote aesthetic values and public safety on the highways.

The bill prohibits any office, department, or independent agency in the executive branch, the legislature, or the courts from purchasing, leasing, accepting, or using billboard space on nonconforming signs.

Under current law, the Department of Tourism may award joint effort marketing funds to nonprofit organizations, including American Indian tribes or bands, for projects designed to promote attractions and facilities in this state. While an applicant for joint effort marketing funds must specify the advertising media to be used in a project funded by the funds, there is no restriction on the kinds of media that may be used. The bill prohibits the use of joint effort marketing funds for advertising on nonconforming signs.

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.** 20.395 (9) (aq) of the statutes is created to read:
- 2 20.395 (9) (aq) *Outdoor advertising regulation.* All moneys received under s.
- 3 84.30 (10) (a) and (10m) (a) for the regulation of outdoor advertising along highways.
- 4 **SECTION 2.** 20.932 of the statutes is created to read:
- 5 **20.932 Prohibition on use of certain signs.** A state agency may not
- 6 purchase, lease, accept, or use space on a sign that does not conform to the
- 7 requirements under s. 84.30. If a state agency owns space on a sign that does not
- 8 conform to the requirements under s. 84.30 on the effective date of this section ...
- 9 [LRB inserts date], the state agency shall sell the space as soon as practically
- 10 possible. If a state agency leases space on a sign that does not conform to the
- 11 requirements under s. 84.30 on the effective date of this section ... [LRB inserts
- 12 date], the state agency may not renew the lease.
- 13 **SECTION 3.** 41.17 (4) (dm) of the statutes is created to read:

ASSEMBLY BILL 421**SECTION 3**

1 41.17 (4) (dm) No funds may be used for advertising on a sign that does not
2 conform to the requirements under s. 84.30.

3 **SECTION 4.** 59.70 (22) of the statutes is repealed.

4 **SECTION 5.** 60.23 (29) of the statutes is repealed.

5 **SECTION 6.** 66.0430 of the statutes is created to read:

6 **66.0430 Regulation of billboards. (1)** In this section, “political subdivision”
7 means a city, village, town, or county.

8 **(2)** A political subdivision may enact an ordinance that regulates the
9 construction and maintenance of billboards and other similar structures on premises
10 abutting on highways in the political subdivision that are maintained by the political
11 subdivision. An ordinance under this section shall promote aesthetic values and
12 public safety on the highways.

13 **SECTION 7.** 84.30 (1) of the statutes is amended to read:

14 84.30 (1) LEGISLATIVE FINDINGS AND PURPOSE. To promote the safety, convenience
15 and enjoyment of public travel, to preserve the natural beauty of Wisconsin, to aid
16 in the free flow of interstate commerce, to protect the public investment in highways,
17 and to conform to the expressed intent of congress to control the erection and
18 maintenance of outdoor advertising signs, displays and devices adjacent to the
19 national system of interstate and defense highways, it is hereby declared to be
20 necessary in the public interest to control the erection and maintenance of billboards
21 and other outdoor advertising devices adjacent to said system of interstate and,
22 federal-aid primary, and state trunk highways and, the Great River Road, and scenic
23 byways.

24 **SECTION 8.** 84.30 (2) (a) of the statutes is amended to read:

ASSEMBLY BILL 421

1 84.30 (2) (a) “Adjacent area” means an area which is adjacent to and within 660
2 feet of the nearest edge of the right-of-way of any interstate ~~or~~, primary, or state
3 trunk highway ~~or~~, the Great River Road, or a scenic byway, which 660 feet distance
4 shall be measured horizontally along a line normal or perpendicular to the center
5 line of the highway.

6 **SECTION 9.** 84.30 (2) (dg) of the statutes is created to read:

7 84.30 (2) (dg) “Customary maintenance” means any of the following and
8 similar activities when performed to maintain a sign in substantially the same form
9 as when the sign became nonconforming: preparing surfaces for painting; repairing
10 or replacing fasteners such as nails, screws, or bolts; replacing lighting components
11 and associated fixtures; or fastening broken pieces of a sign back together with glue
12 or fasteners. “Customary maintenance” does not include using different materials
13 for any replacement or adding any structural elements such as posts, poles, braces
14 or guy wires, crossbeams, or sign faces.

15 **SECTION 10.** 84.30 (2) (im) of the statutes is created to read:

16 84.30 (2) (im) “Scenic byway” means a highway designated by the department
17 as a scenic byway under s. 84.106.

18 **SECTION 11.** 84.30 (2) (j) of the statutes is amended to read:

19 84.30 (2) (j) “Sign” means any outdoor advertising sign, display, device, notice,
20 figure, painting, drawing, message, placard, poster, billboard, or other thing, which
21 is designed, intended, or used to advertise or inform, any part of the advertising or
22 informative contents of which is visible from any place on the main-traveled way of
23 any portion of an interstate highway ~~or~~, primary highway, or state trunk highway or
24 scenic byway.

25 **SECTION 12.** 84.30 (2) (jm) of the statutes is created to read:

ASSEMBLY BILL 421**SECTION 12**

1 84.30 (2) (jm) “State trunk highway” has the meaning given in s. 340.01 (60),
2 except that it includes connecting highways.

3 **SECTION 13.** 84.30 (3) (intro.) of the statutes is amended to read:

4 84.30 (3) SIGNS PROHIBITED. (intro.) No sign visible from the main-traveled way
5 of any interstate ~~or~~, federal-aid, or state trunk highway or scenic byway may be
6 erected or maintained, except the following:

7 **SECTION 14.** 84.30 (3) (c) 2. of the statutes is amended to read:

8 84.30 (3) (c) 2. Signs that are not effectively shielded as to prevent beams or
9 rays of light from being directed at any portion of the traveled ways of the interstate
10 ~~or~~, federal-aid primary, or state trunk highway or scenic byway and that are of such
11 intensity or brilliance as to cause glare or to impair the vision of the driver of any
12 motor vehicle, or that otherwise interfere with any driver’s operation of a motor
13 vehicle, are prohibited.

14 **SECTION 15.** 84.30 (3) (e) of the statutes is amended to read:

15 84.30 (3) (e) Signs ~~to be~~ erected in business areas subsequent to March 18, 1972
16 ~~which when erected will, but before the effective date of this paragraph~~ [LRB
17 inserts date], that comply with sub. (4).

18 **SECTION 16.** 84.30 (3) (gm) of the statutes is created to read:

19 84.30 (3) (gm) Signs that were lawfully in existence on the effective date of this
20 paragraph [LRB inserts date], and that conform to the requirements of s. 84.30,
21 2017 stats.

22 **SECTION 17.** 84.30 (3) (h) of the statutes is amended to read:

23 84.30 (3) (h) Signs outside the adjacent area which are not erected with the
24 purpose of their message being read from the main-traveled way of an interstate ~~or~~,
25 primary, or state trunk highway or scenic byway.

ASSEMBLY BILL 421

1 **SECTION 18.** 84.30 (4) (intro.) of the statutes is amended to read:

2 84.30 (4) SIGN CRITERIA. (intro.) The department shall effectively control or
3 cause to be controlled, the erection and maintenance of outdoor advertising signs,
4 displays, and devices that are erected subsequent to March 18, 1972, but before the
5 effective date of this subsection ... [LRB inserts date], in all business areas.
6 ~~Whenever a bona fide county or local zoning authority has made a determination of~~
7 ~~customary use, as to size, lighting and spacing such determination may be accepted~~
8 ~~in lieu of controls by agreement in the zoned commercial and industrial areas within~~
9 ~~the geographical jurisdiction of such authority.~~ In all other business areas, the
10 criteria set forth below shall apply:

11 **SECTION 19.** 84.30 (4) (b) 1. of the statutes is amended to read:

12 84.30 (4) (b) 1. Signs which contain, include, or are illuminated by any flashing,
13 intermittent, or moving light or lights are prohibited, ~~except those specified in par.~~
14 ~~(bm)~~ and those giving public service information such as time, date, temperature,
15 weather, or similar information.

16 **SECTION 20.** 84.30 (4) (b) 2. of the statutes is amended to read:

17 84.30 (4) (b) 2. Signs which are not effectively shielded as to prevent beams or
18 rays of light from being directed at any portion of the traveled ways of the interstate
19 or, federal-aid primary, or state trunk highway or scenic byway and which are of such
20 intensity or brilliance as to cause glare or to impair the vision of the driver of any
21 motor vehicle, or which otherwise interfere with any driver's operation of a motor
22 vehicle are prohibited.

23 **SECTION 21.** 84.30 (4) (bm) of the statutes is repealed.

24 **SECTION 22.** 84.30 (4) (c) 1. of the statutes is amended to read:

ASSEMBLY BILL 421**SECTION 22**

1 84.30 (4) (c) 1. On interstate ~~and~~, federal-aid primary, and state trunk
2 highways and scenic byways signs may not be located in such a manner as to obscure,
3 or otherwise physically interfere with the effectiveness of an official traffic sign,
4 signal, or device, obstruct or physically interfere with the driver's view of
5 approaching, merging, or intersecting traffic.

6 **SECTION 23.** 84.30 (4) (c) 2. of the statutes is amended to read:

7 84.30 (4) (c) 2. On interstate highways ~~and~~, freeways on the federal-aid
8 primary system, and freeways on a state trunk highway or scenic byway no 2
9 structures shall be spaced less than 500 feet apart. Outside of incorporated villages
10 and cities, no structure may be located adjacent to or within 500 feet of an
11 interchange, intersection at grade, or safety rest area. Said 500 feet shall be
12 measured along the interstate or freeway from the beginning or ending of pavement
13 widening at the exit from or entrance to the main-traveled way.

14 **SECTION 24.** 84.30 (4) (c) 3. of the statutes is amended to read:

15 84.30 (4) (c) 3. On nonfreeway federal-aid primary and state trunk highways
16 and scenic byways outside incorporated villages and cities, no 2 structures shall be
17 spaced less than 300 feet apart. Within incorporated villages and cities, no 2
18 structures shall be spaced less than 100 feet apart.

19 **SECTION 25.** 84.30 (4m) of the statutes is created to read:

20 84.30 (4m) ILLUMINATION CRITERIA. Notwithstanding sub. (4), no sign visible
21 from the main-traveled way of any interstate, federal-aid, or state trunk highway
22 or scenic byway may be illuminated unless the owner of the sign has received a
23 permit under sub. (10m) (b).

24 **SECTION 26.** 84.30 (5) (bm) of the statutes is amended to read:

ASSEMBLY BILL 421

1 84.30 (5) (bm) Signs lawfully erected, but which do not conform to the
2 requirements of sub. (3) (c), are declared nonconforming but are not subject to
3 removal, except as otherwise provided in this paragraph. To allow such signs to exist,
4 to perform customary maintenance thereon, or to change the advertising message
5 thereof, does not constitute a violation of sub. (3), but to enlarge, replace, or relocate
6 such signs, or to erect additional signs, shall constitute a violation subjecting the sign
7 to removal without compensation, unless upon completion of such work all signs
8 upon the property conform to the requirements of sub. (3). The owner of any sign
9 declared nonconforming under this paragraph shall maintain a record of all work
10 performed on the sign, including a photograph of each item of work performed, and
11 provide a report to the department of the work performed.

12 **SECTION 27.** 84.30 (5) (br) of the statutes is repealed.

13 **SECTION 28.** 84.30 (9g) of the statutes is created to read:

14 84.30 (9g) SIGN DATABASE. (a) The department shall develop and maintain a
15 sign database containing information collected under sub. (9r) and all of the
16 following information with respect to each sign:

- 17 1. The name and address of the owner.
- 18 2. The name and address of the installer.
- 19 3. The name and address of the owner of the parcel on which the sign is located.
- 20 4. The name and address of any occupant of the parcel on which the sign is
21 located.
- 22 5. Zoning and land use status of the parcel on which the sign is located.
- 23 6. If commercial or industrial activity occurs on the parcel on which the sign
24 is located, a description of the activity.
- 25 7. Any other information required by the department.

ASSEMBLY BILL 421**SECTION 28**

1 (b) An owner of a sign shall provide all of the information required under par.

2 (a) 1. to 7. to the department and shall update the information whenever the
3 information in the database is no longer accurate.

4 **SECTION 29.** 84.30 (9r) of the statutes is created to read:

5 84.30 **(9r)** BIENNIAL SURVEY. (a) No later than 2 years after the effective date
6 of this paragraph [LRB inserts date], and biennially thereafter, the department
7 shall conduct a survey of all signs. The survey shall include all of the following for
8 each sign:

9 1. A photograph of each side.

10 2. Approximate measurement of the length and height.

11 3. An assessment of the sign's structural type.

12 4. Approximate measurement of the distance from the sign to the center line
13 of the adjacent highway and to the nearest sign.

14 (b) If the department learns at a time other than during a biennial survey of
15 a sign that information under par. (a) has changed, the department may update the
16 record for the sign.

17 (c) Notwithstanding par. (a), if the department determines that there is no
18 reasonable likelihood that information under par. (a) has changed, the department
19 may determine not to survey a sign during a biennial survey.

20 **SECTION 30.** 84.30 (10) (a) of the statutes is amended to read:

21 84.30 **(10)** (a) On or after January 1, 1972, no person shall engage or continue
22 to engage in the business of outdoor advertising in areas subject to this section
23 without first obtaining a license therefor from the department. The department
24 shall establish by rule the fee for the issuance or renewal of a license ~~or for the~~

ASSEMBLY BILL 421

1 ~~renewal thereof shall be \$250 payable in advance.~~ Each license shall remain in force
2 until the next succeeding December 31 and may be renewed annually.

3 **SECTION 31.** 84.30 (10m) (title) of the statutes is repealed and recreated to read:

4 84.30 (10m) (title) PERMIT REQUIREMENTS.

5 **SECTION 32.** 84.30 (10m) of the statutes is renumbered 84.30 (10m) (a) and
6 amended to read:

7 84.30 (10m) (a) The department ~~may~~ shall promulgate a rule requiring persons
8 ~~specified in the rule~~ to pay annual permit fees for signs. The rule shall specify that
9 no permit fee may be charged for an off-premises advertising sign that is owned by
10 a nonprofit organization. ~~If the department establishes an annual permit fee under~~
11 ~~this subsection, failure~~ Failure to pay ~~the~~ a fee within 2 months after the date on
12 which payment is due is evidence that the sign has been abandoned for the purposes
13 of s. Trans 201.10 (2) (f), Wis. Adm. Code.

14 **SECTION 33.** 84.30 (10m) (b) of the statutes is created to read:

15 84.30 (10m) (b) Upon application, the department shall issue a permit to a sign
16 owner for the illumination of a sign visible from the main-traveled way of an
17 interstate, federal-aid, or state trunk highway or scenic byway if the illumination
18 of the sign complies with sub. (4) and rules promulgated by the department under
19 sub. (14) (c).

20 **SECTION 34.** 84.30 (10s) of the statutes is created to read:

21 84.30 (10s) DETERMINATION OF FEES. The department shall set the fees under
22 subs. (10) (a) and (10m) (a) so as to recover the department's approximate cost of
23 administering s. 84.30.

24 **SECTION 35.** 84.30 (14) of the statutes is renumbered 84.30 (14) (a) and
25 amended to read:

ASSEMBLY BILL 421**SECTION 35**

1 84.30 (14) (a) The department may promulgate rules deemed necessary to
2 implement and enforce this section.

3 (b) The department shall promulgate rules to restrict the erection and
4 maintenance of signs as to their lighting, size, number, and spacing when such signs
5 are visible from the highway but outside the adjacent area.

6 (d) The department shall by rule establish a priority system for the removal or
7 relocation of all signs not specified in sub. (5) (d) which fail to conform to the
8 requirements of sub. (5).

9 **SECTION 36.** 84.30 (14) (c) of the statutes is created to read:

10 84.30 (14) (c) The department shall promulgate rules establishing size, height,
11 setback, brightness, and hours of operation standards for signs that are illuminated.

12 **SECTION 37.** 84.305 of the statutes is repealed.

13 **SECTION 38.** 227.43 (1) (bg) of the statutes is amended to read:

14 227.43 (1) (bg) Assign a hearing examiner to preside over any hearing or review
15 under ss. 84.30 (18), ~~84.305~~, 84.31 (6) (a), 85.013 (1), 86.073 (3), 86.16 (5), 86.195 (9)
16 (b), 86.32 (1), 101.935 (2) (b), 101.951 (7) (a) and (b), 114.134 (4) (b), 114.135 (9),
17 114.20 (19), 175.05 (4) (b), 194.145 (1), 194.46, 218.0114 (7) (d) and (12) (b), 218.0116
18 (2), (4), (7) (a), (8) (a) and (10), 218.0131 (3), 218.11 (7) (a) and (b), 218.22 (4) (a) and
19 (b), 218.32 (4) (a) and (b), 218.41 (4), 218.51 (5) (a) and (b), 341.09 (2m) (d), 342.26,
20 343.69, 348.105 (5) (h), and 348.25 (9).

21 **SECTION 39.** 289.33 (3) (d) of the statutes is amended to read:

22 289.33 (3) (d) "Local approval" includes any requirement for a permit, license,
23 authorization, approval, variance or exception or any restriction, condition of
24 approval or other restriction, regulation, requirement or prohibition imposed by a
25 charter ordinance, general ordinance, zoning ordinance, resolution or regulation by

ASSEMBLY BILL 421

1 a town, city, village, county or special purpose district, including without limitation
2 because of enumeration any ordinance, resolution or regulation adopted under s.
3 91.73, 2007 stats., s. 59.03 (2), 59.11 (5), 59.42 (1), 59.48, 59.51 (1) and (2), 59.52 (2),
4 (5), (6), (7), (8), (9), (11), (12), (13), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24),
5 (25), (26) and (27), 59.53 (1), (2), (3), (4), (5), (7), (8), (9), (11), (12), (13), (14), (15), (19),
6 (20) and (23), 59.535 (2), (3) and (4), 59.54 (1), (2), (3), (4), (4m), (5), (6), (7), (8), (10),
7 (11), (12), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25) and (26), 59.55 (3), (4),
8 (5) and (6), 59.56 (1), (2), (4), (5), (6), (7), (9), (10), (11), (12), (12m), (13) and (16), 59.57
9 (1), 59.58 (1) and (5), 59.62, 59.69, 59.692, 59.693, 59.696, 59.697, 59.698, 59.70 (1),
10 (2), (3), (5), (7), (8), (9), (10), (11), (21), ~~(22)~~ and (23), 59.79 (1), (2), (3), (5), (7), (8), and
11 (10), 59.792 (2) and (3), 59.80, 59.82, 60.10, 60.22, 60.23, 60.54, 60.77, 61.34, 61.35,
12 61.351, 61.353, 61.354, 62.11, 62.23, 62.231, 62.233, 62.234, 66.0101, 66.0415, 87.30,
13 196.58, 200.11 (8), 236.45, 281.43 or 349.16, subch. VIII of ch. 60, or subch. III of ch.
14 91.

SECTION 40. Initial applicability.

15
16 (1) The treatment of s. 84.30 (2) (dg) and (5) (bm) first applies to work performed
17 on a sign on the effective date of this subsection.

18 **SECTION 41. Effective dates.** This act takes effect on the day after publication,
19 except as follows:

20 (1) The treatment of ss. 20.395 (9) (aq) and 84.30 (10) (a) and (10s) and the
21 renumbering and amendment of s. 84.30 (10m) take effect on the first day of the 13th
22 month beginning after publication.

23 (END)