



2001 SENATE BILL 219

July 12, 2001 – Introduced by Senators BAUMGART and RISSER, cosponsored by Representatives BLACK, MILLER and BOYLE. Referred to Committee on Environmental Resources.

1 **AN ACT to amend** 59.70 (22), 60.23 (29), 84.30 (2) (j), 84.30 (3) (e), 84.30 (10m)
2 and 84.30 (17); and **to create** 20.395 (1) (ij), 25.40 (1) (a) 21., 84.30 (2) (am),
3 84.30 (3m) and 84.305 of the statutes; **relating to:** the billboard elimination
4 grant program, prohibiting the erection of new billboards, requiring the
5 exercise of rule-making authority, and making an appropriation.

Analysis by the Legislative Reference Bureau

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 the department of transportation (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. DOT may remove signs that are improperly placed or 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.

This bill prohibits the erection of new billboards but allows existing billboards to be maintained and to vary their advertising and informative displays, except that the height of any existing billboard may not be increased.

The bill also creates a billboard elimination grant program, administered by DOT, to provide grants of financial assistance to cities, villages, towns, and counties to acquire and eliminate billboards. The bill requires DOT to promulgate a rule

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requiring payment of an annual permit fee for the sign and provides that the fee must be at least \$200, of which \$200 from each fee is used to fund the grants. If a billboard is eliminated, and it meets the eligibility criteria for a specific information sign or a tourist-oriented directional sign, review of its application is expedited and, with respect to a specific information sign, the application is given priority over other applicants if all spaces for business signs on the specific information sign are currently being used.

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 (1) (ij) of the statutes is created to read:

2 20.395 (1) (ij) *Billboard elimination grant program, state funds.* From the
3 general fund, all moneys received from annual permit fees that are credited to this
4 appropriation under s. 84.30 (10m), for the purpose of the billboard elimination grant
5 program under s. 84.305.

6 **SECTION 2.** 25.40 (1) (a) 21. of the statutes is created to read:

7 25.40 (1) (a) 21. Moneys received under s. 84.30 (10m) that are deposited in the
8 general fund and credited to the appropriation under s. 20.395 (1) (ij).

9 **SECTION 3.** 59.70 (22) of the statutes is amended to read:

10 59.70 (22) BILLBOARD REGULATION. The board may regulate, by ordinance, the
11 maintenance and construction of billboards and other similar structures on premises
12 abutting on highways maintained by the county so as to promote the safety of public
13 travel thereon. Such ordinances shall not apply within cities, villages, and towns
14 which have enacted ordinances regulating the same subject matter.

15 **SECTION 4.** 60.23 (29) of the statutes is amended to read:

16 60.23 (29) BILLBOARD REGULATION. Enact and enforce an ordinance, and provide
17 a forfeiture for a violation of the ordinance, that regulates the maintenance and

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1 ~~construction~~ of billboards and other similar structures on premises abutting on
2 highways in the town that are maintained by the town or by the county in which the
3 town is located so as to promote the safety of public travel on the highways.

4 **SECTION 5.** 84.30 (2) (am) of the statutes is created to read:

5 84.30 (2) (am) "Billboard" means any structure, whether freestanding or
6 supported, that is designed or used for the principal purpose of having advertising
7 or informative content displayed upon it.

8 **SECTION 6.** 84.30 (2) (j) of the statutes is amended to read:

9 84.30 (2) (j) "Sign" means any outdoor advertising sign, display, device, notice,
10 figure, painting, drawing, message, placard, poster, billboard, or other thing, which
11 is designed, intended, or used to advertise or inform, any part of the advertising or
12 informative contents of which is visible from any place on the main-traveled way of
13 any portion of an interstate highway or primary highway.

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

15 84.30 (3) (e) Signs, other than billboards, to be erected in business areas
16 subsequent to March 18, 1972, which when erected will comply with sub. (4).

17 **SECTION 8.** 84.30 (3m) of the statutes is created to read:

18 84.30 (3m) ERECTION OF BILLBOARDS PROHIBITED. No billboard that is visible
19 from the main-traveled way of any interstate highway or primary highway may be
20 erected on or after the effective date of this subsection [revisor inserts date]. This
21 subsection does not prohibit the maintenance of a billboard, or the varying of the
22 advertising or informative contents of a billboard, that was lawfully erected before
23 the effective date of this subsection [revisor inserts date], except that the height
24 of any such billboard may not be increased after the effective date of this subsection
25 [revisor inserts date].

SENATE BILL 219**SECTION 9**

1 **SECTION 9.** 84.30 (10m) of the statutes is amended to read:

2 **84.30 (10m) ANNUAL PERMIT FEE REQUIREMENT.** The department ~~may~~ shall
3 promulgate a rule requiring persons specified in the rule to pay annual permit fees
4 for signs. ~~If the department establishes an annual permit fee under this subsection,~~
5 ~~failure to pay the fee~~ The fee for the annual permit shall be not less than \$200. From
6 each annual permit fee collected under this subsection, \$200 shall be deposited in the
7 general fund and credited to the appropriation under s. 20.395 (1) (ij). Failure to pay
8 an annual permit fee under this subsection within 2 months after the date on which
9 payment is due is evidence that the sign has been abandoned for the purposes of s.
10 TRANS 201.10 (2) (f), Wis. Adm. Code.

11 **SECTION 10.** 84.30 (17) of the statutes is amended to read:

12 **84.30 (17) TRANSPORTATION FUND.** ~~All~~ Except as provided in sub. (10m), all fees
13 collected for the issuance of permits provided for under this section shall be paid into
14 the transportation fund.

15 **SECTION 11.** 84.305 of the statutes is created to read:

16 **84.305 Billboard elimination grant program. (1)** In this section, “political
17 subdivision” means a city, village, town, or county.

18 **(2)** The department shall administer the billboard elimination grant program
19 to award grants of assistance to political subdivisions to acquire and eliminate
20 billboards. Grants under this section shall be paid from the appropriation under s.
21 20.395 (1) (ij). The department shall prescribe by rule the procedure and criteria for
22 selecting grant recipients under this section. The criteria shall consider the physical
23 condition, age, and proximity to a highway of the billboard that the political
24 subdivision proposes to acquire and eliminate. Grants under this section shall be
25 awarded annually, beginning in 2003, from applications submitted on or before

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1 February 1 of each year. If the amounts available for awards under this section are
2 insufficient to award grants to all qualified applicants, the department shall give
3 priority in awarding grants under this section in the following year to political
4 subdivisions that applied for but, because of insufficient funds, did not receive a
5 grant under this section during the previous year.

6 **(3)** If the advertising or informative content of any billboard eliminated under
7 sub. (2) is a motorist service, as defined in s. 86.195 (1) (c), for purposes of a specific
8 information sign under s. 86.195 or is a tourist-related business, service, or activity,
9 as defined in s. 86.196 (1) (b), for purposes of a tourist-oriented directional sign under
10 s. 86.196, the department shall expedite review of any application of a person with
11 respect to such advertising or informative content for a specific information sign or
12 a tourist-oriented directional sign at a location reasonably close to the location of the
13 billboard elimination under sub. (2). If space for a business sign is not available for
14 an applicant under this subsection on a specific information sign under s. 86.195 (5)
15 (b), the department shall give priority to an applicant under this subsection over
16 other applicants whenever space for the business sign is available on the specific
17 information sign.

18 **SECTION 12. Initial applicability.**

19 (1) The treatment of section 84.30 (3m) of the statutes first applies to billboards
20 for which a license is not issued under section 84.30 (10) of the statutes before the
21 effective date of this subsection.

22 (2) The treatment of section 84.30 (10m) of the statutes first applies to
23 applications for licenses submitted on the effective date of this subsection.

24 **SECTION 13. Effective date.**

