

1999 SENATE BILL 18

January 27, 1999 – Introduced by Senators BAUMGART and RISSER, cosponsored by Representatives BOYLE and BLACK. Referred to Committee on Insurance, Tourism, Transportation and Corrections.

1 **AN ACT to amend** 59.70 (22), 60.23 (29), 84.30 (2) (j), 84.30 (3) (e) and 84.30 (10)
2 (a); and **to create** 20.395 (1) (ij), 25.40 (1) (a) 18., 84.30 (2) (am), 84.30 (3m) and
3 84.305 of the statutes; **relating to:** the billboard elimination grant program,
4 prohibiting the erection of new billboards, granting rule-making authority and
5 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 an annual permit issued by the department of transportation (DOT) and the sign complies with applicable regulations. 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.

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 increases the annual license fee for an outdoor advertising sign by \$50, to \$300, to fund the grants.

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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.* All moneys
3 received from the fees collected under s. 84.30 (10) (a) to be used for the billboard
4 elimination grant program under s. 84.305.

5 **SECTION 2.** 25.40 (1) (a) 18. of the statutes is created to read:

6 25.40 (1) (a) 18. Moneys received under s. 84.30 (10) (a) that are deposited in
7 the general fund and credited to the appropriation under s. 20.395 (1) (ij)

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

9 59.70 (22) BILLBOARD REGULATION. The board may regulate, by ordinance, the
10 maintenance ~~and construction~~ of billboards and other similar structures on premises
11 abutting on highways maintained by the county so as to promote the safety of public
12 travel thereon. Such ordinances shall not apply within cities, villages and towns
13 which have enacted ordinances regulating the same subject matter.

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

15 60.23 (29) BILLBOARD REGULATION. Enact and enforce an ordinance, and provide
16 a forfeiture for a violation of the ordinance, that regulates the maintenance ~~and~~
17 ~~construction~~ of billboards and other similar structures on premises abutting on
18 highways in the town that are maintained by the town or by the county in which the
19 town is located so as to promote the safety of public travel on the highways.

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

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1 84.30 (2) (am) “Billboard” means any structure, whether freestanding or
2 supported, that is designed or used for the principal purpose of having advertising
3 or informative content displayed upon it.

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

5 84.30 (2) (j) “Sign” means any outdoor advertising sign, display, device, notice,
6 figure, painting, drawing, message, placard, poster, billboard, or other thing, which
7 is designed, intended, or used to advertise or inform, any part of the advertising or
8 informative contents of which is visible from any place on the main-traveled way of
9 any portion of an interstate highway or primary highway.

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

11 84.30 (3) (e) Signs, other than billboards, to be erected in business areas
12 subsequent to March 18, 1972, which when erected will comply with sub. (4).

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

14 84.30 (3m) ERECTION OF BILLBOARDS PROHIBITED. No billboard that is visible
15 from the main-traveled way of any interstate highway or primary highway may be
16 erected after the effective date of this subsection [revisor inserts date]. This
17 subsection does not prohibit the maintenance of a billboard, or the varying of the
18 advertising or informative contents of a billboard, that is lawfully erected on the
19 effective date of this subsection [revisor inserts date].

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

21 84.30 (10) (a) ~~On or after January 1, 1972, no~~ No person shall engage or
22 continue to engage in the business of outdoor advertising in areas subject to this
23 section without first obtaining a license therefor from the department. The fee for
24 the issuance of a license or for the renewal thereof ~~shall be \$250~~ is \$300 payable in
25 advance. Fifty dollars from each fee collected under this paragraph shall be deposited

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1 in the general fund and credited to the appropriation account under s. 20.395 (1) (ij).

2 Each license shall remain in force until the next succeeding December 31 and may
3 be renewed annually.

4 **SECTION 10.** 84.305 of the statutes is created to read:

5 **84.305 Billboard elimination grant program. (1)** In this section, “political
6 subdivision” means a city, village, town or county.

7 **(2)** The department shall administer the billboard elimination grant program
8 to award grants of assistance to political subdivisions to acquire and eliminate
9 billboards. Grants under this section shall be paid from the appropriation under s.
10 20.395 (1) (ij). The department shall prescribe by rule the procedure and criteria for
11 selecting grant recipients under this section. The criteria shall consider the physical
12 condition, age and proximity to a highway of the billboard that the political
13 subdivision proposes to acquire and eliminate. Grants under this section shall be
14 awarded annually from applications submitted on or before February 1 of each year.
15 If the amounts available for awards under this section are insufficient to award
16 grants to all qualified applicants, the department shall give priority in awarding
17 grants under this section in the following year to political subdivisions that applied
18 for but, because of insufficient funds, did not receive a grant under this section
19 during the previous year.

20 **SECTION 11. Initial applicability.**

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

