

**1999 DRAFTING REQUEST**

**Bill**

Received: **01/11/99**

Received By: **nilsepe**

Wanted: **As time permits**

Identical to LRB:

For: **Jim Baumgart**

By/Representing: **Pat**

This file may be shown to any legislator: **NO**

Drafter: **nilsepe**

May Contact:

Alt. Drafters:

Subject: **Transportation - miscellaneous**

Extra Copies: **ISR, TNF**

**Topic:**

Billboard elimination grant program

**Instructions:**

See Attached

**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>
/?	nilsepe 01/11/99	wjackson 01/12/99		_____			S&L
/1			hhagen 01/12/99	_____	lrb_docadmin 01/12/99	lrb_docadmin 01/26/99	

FE Sent For:

01-27-99

<END>

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1?	nilsepe	1 1/11 WLJ 1 1/12 JLG	1 1/12	1 1/15 1/12			

FE Sent For:

<END>

WLJ  
JLJ 1685/1

1997 ASSEMBLY BILL 543

1999 Bill

September 30, 1997 - Introduced by Representatives BAUMGART, BLACK and KEDZIE, cosponsored by Senators RISSER, ROSENZWEIG and ROESSLER. Referred to Committee on Small Business and Economic Development.

REGEN

d-note

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) (hs), 84.30 (2) (am), 84.30 (3m) and 84.305 of the  
3 statutes; relating to: the billboard elimination grant program, prohibiting the  
4 erection of new billboards, granting rule-making authority and making an  
5 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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**ASSEMBLY BILL 543**

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:*

PR

1 SECTION 1. 20.395 (1) ~~was~~ of the statutes is created to read:

2 20.395 (1) ~~(a)~~ <sup>(i)</sup> *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  
elimination grant program under s. 84.305.

NOTE: ~~was~~

5 SECTION 2. 59.70 (22) of the statutes is amended to read:

PROOF W/STATS.

6 59.70 (22) BILLBOARD REGULATION. The board may regulate, by ordinance, the  
7 maintenance ~~and construction~~ of billboards and other similar structures on premises  
8 abutting on highways maintained by the county so as to promote the safety of public  
9 travel thereon. Such ordinances shall not apply within cities, villages and towns  
10 which have enacted ordinances regulating the same subject matter.

11 SECTION 3. 60.23 (29) of the statutes is amended to read:

12 60.23 (29) BILLBOARD REGULATION. Enact and enforce an ordinance, and provide  
13 a forfeiture for a violation of the ordinance, that regulates the maintenance ~~and~~  
14 ~~construction~~ of billboards and other similar structures on premises abutting on  
15 highways in the town that are maintained by the town or by the county in which the  
16 town is located so as to promote the safety of public travel on the highways.

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

PROOF W/STATS.

18 84.30 (2) (am) "Billboard" means any structure, whether freestanding or  
19 supported, that is designed or used for the principal purpose of having advertising  
20 or informative content displayed upon it.

21 SECTION 5. 84.30 (2) (j) of the statutes is amended to read:

Solution: H. CR. 25.40 (1)(a) 18.  
25.40(1)(a) 18. Moneys received under s. 84.30(10)(a) that are deposited in the  
general fund and credited to the appropriation under s. 20.395(1)(i) 10

00700/0000

ASSEMBLY BILL 543

PROOF W/STATS.

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

SECTION 6. 84.30 (3) (e) of the statutes is amended to read:

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

SECTION 7. 84.30 (3m) of the statutes is created to read:

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

SECTION 8. 84.30 (10) (a) of the statutes is amended to read:

84.30 (10) (a) ~~On or after January 1, 1972, no~~ No person shall engage or continue to engage in the business of outdoor advertising in areas subject to this section without first obtaining a license therefor from the department. The fee for the issuance of a license or for the renewal thereof shall be ~~\$250~~ is \$300 payable in advance. Fifty dollars from each fee collected under this paragraph shall be credited to the appropriation account under s. 20.395 (1) ~~and~~ (Gj). Each license shall remain in force until the next succeeding December 31 and may be renewed annually.

PROOF W/STATS.

SECTION 9. 84.305 of the statutes is created to read:

deposited in  
the general fund  
and

1 **84.305 Billboard elimination grant program.** (1) In this section, "political  
2 subdivision" means a city, village, town or county.

3 (2) The department shall administer the billboard elimination grant program  
4 to award grants of assistance to political subdivisions to acquire and eliminate  
5 billboards. *Grants under this section shall be paid from the appropriation under s. 23.395*  
6 selecting grant recipients under this section. The criteria shall consider the physical *(i)(j).*  
7 condition, age and proximity to a highway of the billboard that the political  
8 subdivision proposes to acquire and eliminate. Grants under this section shall be  
9 awarded annually from applications submitted on or before February 1 of each year.  
10 If the amounts available for awards under this section are insufficient to award  
11 grants to all qualified applicants, the department shall give priority in awarding  
12 grants under this section in the following year to political subdivisions that applied  
13 for but, because of insufficient funds, did not receive a grant under this section  
14 during the previous year.

15 **SECTION 10. Initial applicability.**

16 (1) The treatment of section <sup>✓</sup>84.30 (10) (a) <sup>✓</sup> of the statutes first applies to  
17 applications for licenses submitted on the effective date of this subsection.

18 (2) The treatment of section <sup>✓</sup>84.30 (3m) <sup>✓</sup> of the statutes first applies to billboards  
19 for which a license is not issued under section 84.30 (10) <sup>✓</sup> of the statutes before the  
20 effective date of this subsection.

21 (END)

DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3412/2dn

PEN: wd:hmb

WJ + JLG

-1685/ldn

New date → Thursday, August 7, 1997

This bill is identical to 1997 Assembly Bill 543.

Senator  
=  
Representative Baumgart:

The definition of billboard is modeled after Hawaii's definition [HRS 445-111 (2) (1996)]. Please check the proposed definition closely. See HRS 445-112 (1996), copy enclosed. Hawaii prohibits the erection or maintenance of all billboards and outdoor advertising devices, with specific exceptions that are narrower than Wisconsin's purposes permitted under s. 84.30, stats. See HRS 445-112 (1996), copy enclosed. Please review Hawaii's exceptions closely to determine whether you want to allow the erection of billboards for similar specific purposes. Alaska, Maine and Vermont also prohibit the erection of billboards.

Please note that this draft prohibits only the erection of new billboards. Under the draft billboards for which WisDOT has already issued a license may be erected or maintained as provided under current law.

Also, note that under s. 20.395 (4) (ch), stats., WisDOT currently has authority to receive private gifts, grants, donations, bequests and devises and to expend such moneys for the purposes for which made and received.

Paul E. Nilsen  
Legislative Attorney  
261-6926

WisDot could use this existing appropriation to ~~and~~ pay for billboard elimination from gifts to WisDot for that purpose.



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

LRB-1685/1dn  
PEN:wlj&jlg:hnh

Tuesday, January 12, 1999

Senator Baumgart:

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Legislative Attorney  
261-6926

**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU**  
**Legal Section Telephone: 266-3561**  
**5th Floor, 100 N. Hamilton Street**

**JAN 12 1999**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

**Date:** 1/12/99

**To:** Senator Baumgart

**Relating to LRB drafting number:** LRB-1685

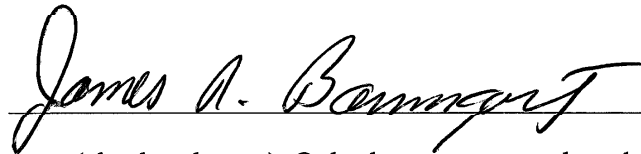
**Topic**

Billboard elimination grant program

**Subject(s)**

Transportation - miscellaneous

1. **JACKET** the draft for introduction



in the **Senate**  or the **Assembly** \_\_\_\_\_ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached \_\_\_\_\_.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction \_\_\_\_\_.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Paul E. Nilsen, Legislative Attorney  
Telephone: (608) 261-6926