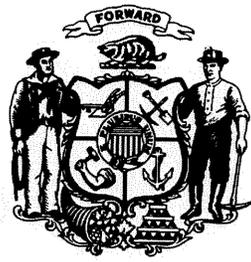


SB 39 b - pt 01

7

1-27-99  
OK  
JAB



January 27, 1999

TO: ALL LEGISLATORS  
FROM: SENATOR JIM BAUMGART  
RE: COSPONSORING LRB 2011/1 – relating to outdoor advertising of intoxication liquor.

---

I will be introducing legislation that would prohibit the advertising of intoxicating liquor on signs visible from interstates and certain highways. There are First Amendment issues to be considered. However, courts have ruled that the 21<sup>st</sup> Amendment of the U.S. Constitution grants states extra latitude in regulating the intoxicating liquor industry. This provision should meet the constitutionality for limiting liquor advertising.

If you would like to sign on to LRB 2011/1 please call my office at 6-2056 by February 10, 1999.

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*Analysis by the Legislative Reference Bureau*

Under current law, outdoor advertising signs that are located along interstates and certain other highways and that advertise activities conducted on the property on which the signs are located are subject to certain restrictions as to size, number and location. The department of transportation (DOT) is required to pay just compensation whenever DOT relocates or removes any lawful outdoor advertising sign.

This bill prohibits the advertising of intoxicating liquor on signs visible from interstates and certain other highways, unless the sign is not larger than 20 square feet in area, is attached to or within a building in which the advertised intoxicating liquor is sold and is the only sign attached to or within that building advertising that brand of intoxicating liquor. The bill authorizes DOT to remove, without compensation, any sign that violates these restrictions.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

July 28, 1999

Senator Roger Breske  
18 South, State Capitol  
Madison, WI 53707

Dear Senator Breske:

Currently, there are two bills in your committee dealing with advertising on billboards. SB 18, relating to establishing a billboard elimination grant program and SB 39, prohibiting the advertising of intoxicating liquor on billboards. I would like to request that each of these bills be given a public hearing at your earliest convenience.

SB 18 would increase the annual license fee for and outdoor advertising sign by \$50 from \$250 to \$300 to fund a billboard elimination grant program, administered by the DOT, to provide financial assistance to cities, villages, towns and counties to acquire and eliminate billboards. The bill also prohibits the erection of new billboards but allows existing billboards to be maintained and to vary their advertising. To some people and local units of government, billboards hide some of the most beautiful scenery that Wisconsin has to offer.

SB 39 prohibits the advertising of intoxicating liquor on signs visible from interstates and certain other highways, unless it is attached to or within a building in which the advertised intoxicating brand of liquor is sold. This type of advertising sends the wrong message to our children. The 21<sup>st</sup> Amendment to the U.S. Constitution provides us the right to regulate this industry and its signs.

Thank you for you holding a public hearing on SB 4, I appreciated your efforts. Your consideration and attention to this matter is also desired. If you have any questions, please feel free to contact me.

Sincerely,

Jim Baumgart  
State Senator  
9<sup>th</sup> Senate District

ORIGINAL     UPDATED  
 CORRECTED     SUPPLEMENTAL

FISCAL ESTIMATE  
DOA-2048 N(R10/94)

Subject  
Outdoor advertising of intoxicating liquors

Fiscal Effect

State:  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation  
or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb  
Within Agency's Budget     Yes     No

Increase Existing Appropriation     Increase Existing Revenues  
 Decrease Existing Appropriation     Decrease Existing Revenues  
 Create New Appropriation

Decrease Costs

LOCAL:  No local government costs

1.  Increase Costs  
     Permissive     Mandatory  
2.  Decrease Costs  
     Permissive     Mandatory

3.  Increase Revenues  
     Permissive     Mandatory  
4.  Decrease Revenues  
     Permissive     Mandatory

5. Types of Local Governmental Units Affected:  
 Towns     Villages     Cities  
 Counties     Others \_\_\_\_\_  
 School Districts     WTCS Districts

Fund Sources Affected

GPR     FED     PRO     PRS     SEG     SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

**This bill directs WisDOT to remove intoxicating liquor signs that do not comply "without compensation".**

**The "without compensation" provision conflicts with 23USC131(g) and (k) that requires just compensation to be paid by states regardless of the reason for removing a sign. The penalty provided is the loss of 10% of the federal highway funds (23USC131[b]) received in 23USC104.**

**The Wisconsin Supreme Court agrees that 23Usc131(g) requires States to pay for removal of certain signs that were lawful when first erected or lose federal moneys.**

**Using the Fiscal Year 1998 Federal Highway Funding under Section 104 our share was approximately \$400m, a 10% loss would result in a \$40m Federal Revenue reduction to the Transportation Fund.**

Long-Range Fiscal Implications

None

Agency/Prepared by: (Name & Phone No.)  
Robert A. Hardie 266-3813  
Department of Transportation

Authorized Signature/Telephone No.

*Binda Deagist* 6-2836

Date

2/24/99





State Representative  
**James R. Baumgart**

26th Assembly District:  
City of Sheboygan-  
Wards 1-3,5,6,9,11-16  
City of Sheboygan Falls  
Village of Kohler  
Town of Sheboygan  
Town of Sheboygan Falls  
Ward 4

TO: ALL LEGISLATORS  
FROM: REPRESENTATIVE JIM BAUMGART  
DATE: March 21, 1997  
RE: COSPONSORING LRB1729/1 - Relating to outdoor  
advertising of intoxicating liquor.

\*\*\*\*\*

I will be introducing legislation which prohibits the advertising of intoxicating liquor on signs visible from interstates and certain other highways, with certain exceptions.

For provisions of LRB1729/1, please review the LRB Analysis:

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***Analysis by the Legislative Reference Bureau***

Under current law, outdoor advertising signs which are located along interstates and certain other highways and which advertise activities conducted on the property on which the signs are located are subject to certain restrictions as to size, number and location. The department of transportation (DOT) is required to pay just compensation whenever DOT relocates or removes any lawful outdoor advertising sign.

This bill prohibits the advertising of intoxicating liquor on signs visible from interstates and certain other highways, unless the sign is not larger than 20 square feet in area, is attached to or within a building in which the advertised intoxicating liquor is sold and is the only sign attached to or within that building advertising that brand of intoxicating liquor. This bill authorizes DOT to remove, without compensation, any sign that violates these restrictions.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

**If you wish to sign on the bill, please call my office at 266-0656, by April 4, 1997.**

**1997 Session**

**FISCAL ESTIMATE**

DOA-2048 (R10/92)

- ORIGINAL       UPDATED  
 CORRECTED       SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.

AB 383 (-1729)

Amendment No. if Applicable

**Subject**

Outdoor advertising of intoxicating liquors

**Fiscal Effect**

State:  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation

- Increase Existing Appropriation       Increase Existing Revenues  
 Decrease Existing Appropriation       Decrease Existing Revenues  
 Create New Appropriation

Increase Costs - May be possible to Absorb Within Agency's Budget       Yes       No

Decrease Costs

Local:  No local government costs

1.  Increase Costs  
     Permissive       Mandatory  
 2.  Decrease Costs  
     Permissive       Mandatory

3.  Increase Revenues  
     Permissive       Mandatory  
 4.  Decrease Revenues  
     Permissive       Mandatory

5. Types of Local Governmental Units Affected:
- Towns       Villages       Cities  
 Counties       Others  
 School Districts       VTAE Districts

**Fund Sources Affected**

- GPR       FED       PRO       PRS       SEG       SEG-S

Affected Ch. 20 Appropriations

**Assumptions Used in Arriving at Fiscal Estimate**

This bill directs WisDOT to remove intoxicating liquor signs that do not comply "without compensation."

The "without compensation" provision conflicts with 23USC131 (g) and (k) that requires just compensation to be paid by states regardless of the reason for removing a sign. The penalty provided is the loss of 10% of the federal highway funds (23USC131[b]) received in 23USC104.

The Wisconsin Supreme Court agrees that 23USC131(g) requires States to pay for removal of certain signs that were lawful when first erected or lose federal moneys.

Using the Fiscal Year 1997 Federal Highway Funding under Section 104 our share was approximately \$300m, a 10% loss would result in a \$30m Federal Revenue reduction to the Transportation Fund.

**Long-Range Fiscal Implications**

None

Agency/Prepared by: (Name & Phone No.)

Robert Hardie 266-3813  
Department of Transportation

Authorized Signature/Telephone No.

*Robert Hardie*  
267-492

Date

6-5-97  
06/05/97

# FISCAL ESTIMATE WORKSHEET

**1997 SESSION**

Detailed Estimate of Annual Fiscal Effect  
DOA-2047(R10/92)

ORIGINAL  
 CORRECTED

UPDATED  
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.  
AB 383

Amendment No.

Subject  
Outdoor advertising of intoxicating liquor

I. One-time Costs or Revenue Fluctuations for State and/or Local Government (do not include in annualized fiscal effect):

II. Annualized Costs:

A. State Costs by Category	Annualized Fiscal Impact on State funds from:	
	Increased Costs	Decreased Costs
State Operations-Salaries and Fringes	\$	\$ -
(FTE Position Changes)	( FTE)	( - FTE)
State Operations-Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
<b>TOTAL State Costs by Category</b>	\$	\$ -
B. State Costs by Source of Funds	Increased Costs	Decreased Costs
GPR	\$	\$ -
FED	\$	\$ -
PRO/PRS	\$	\$ -
SEG/SEG-S	\$	\$ -
III. State Revenues-	Increased Rev.	Decreased Rev.
GPR Taxes <small>Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fees, etc.)</small>	\$	\$ -
GPR Earned		-
FED		- \$30,000,000
PRO/PRS		-
SEG/SEG-S		-
<b>TOTAL State Revenues</b>	\$	\$ - \$30,000,000

NET ANNUALIZED FISCAL IMPACT

STATE

LOCAL

NET CHANGE IN COSTS	\$	\$
NET CHANGE IN REVENUES	\$ (30,000,000)	\$

Agency/Prepared by: (Name & Phone No.)  
Department of Transportation  
Robert Hardie, 266-3813

Authorized Signature/Telephone No.  
267-4492  
267-4492

Date  
06/05/97

