

State of Misconsin 1997 - 1998 LEGISLATURE

1997 ASSEMBLY BILL 543

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.

AN ACT to amend 59.70 (22), 60.23 (29), 84.30 (2) (j), 84.30 (3) (e) and 84.30 (10) (a); and to create 20.395 (1) (hs), 84.30 (2) (am), 84.30 (3m) and 84.305 of the statutes; relating to: the billboard elimination grant program, prohibiting the erection of new billboards, granting 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 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.

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:

1	SECTION 1. 20.395 (1) (hs) of the statutes is created to read:
2	20.395 (1) (hs) 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. 59.70 (22) of the statutes is amended to read:
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:
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:

1997 – 1998 Legislature

ASSEMBLY BILL 543

1	84.30 (2) (j) "Sign" means any outdoor advertising sign, display, device, notice,
2	figure, painting, drawing, message, placard, poster, billboard, or other thing, which
3	is designed, intended, or used to advertise or inform, any part of the advertising or
4	informative contents of which is visible from any place on the main-traveled way of
5	any portion of an interstate highway or primary highway.
6	SECTION 6. 84.30 (3) (e) of the statutes is amended to read:
7	84.30 (3) (e) Signs, other than billboards, to be erected in business areas
8	subsequent to March 18, 1972, which when erected will comply with sub. (4).
9	SECTION 7. 84.30 (3m) of the statutes is created to read:
10	84.30 (3m) ERECTION OF BILLBOARDS PROHIBITED. No billboard that is visible
11	from the main-traveled way of any interstate highway or primary highway may be
12	erected after the effective date of this subsection [revisor inserts date]. This
13	subsection does not prohibit the maintenance of a billboard, or the varying of the
14	advertising or informative contents of a billboard, that is lawfully erected on the
15	effective date of this subsection [revisor inserts date].
16	SECTION 8. 84.30 (10) (a) of the statutes is amended to read:
17	84.30 (10) (a) On or after January 1, 1972, no No person shall engage or
18	continue to engage in the business of outdoor advertising in areas subject to this
19	section without first obtaining a license therefor from the department. The fee for
20	the issuance of a license or for the renewal thereof shall be \$250 is \$300 payable in
21	advance. Fifty dollars from each fee collected under this paragraph shall be credited
22	to the appropriation account under s. 20.395 (1) (hs). Each license shall remain in
23	force until the next succeeding December 31 and may be renewed annually.
24	SECTION 9. 84.305 of the statutes is created to read:

- 3 -

1997 – 1998 Legislature

ASSEMBLY BILL 543

- 84.305 Billboard elimination grant program. (1) In this section, "political
 subdivision" means a city, village, town or county.
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3 (2) The department shall administer the billboard elimination grant program 4 to award grants of assistance to political subdivisions to acquire and eliminate $\mathbf{5}$ billboards. The department shall prescribe by rule the procedure and criteria for 6 selecting grant recipients under this section. The criteria shall consider the physical 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 12grants under this section in the following year to political subdivisions that applied for but, because of insufficient funds, did not receive a grant under this section 1314during the previous year.

- 4 -

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SECTION 10. Initial applicability.

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

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