

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: 06/22/99

Received By: fasttn

Wanted: Soon

Identical to LRB:

For: Assembly Republican Caucus (608) 266-1452

By/Representing: Dake

This file may be shown to any legislator: NO

Drafter: fasttn

May Contact:

Alt. Drafters:

Subject: **Transportation - highways**

Extra Copies: **PEN, ISR, LFB - 1**

Pre Topic:

ARC:.....Dake - Motion 303 (7),

Topic:

County highway improvement program/county highway departments

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>
/?	fasttn 06/23/99	wjackson 06/23/99		_____			
/1			jfrantze 06/23/99 hhagen 06/23/99	_____	lrb_docadmin 06/23/99		
/2	fasttn 06/24/99	wjackson 06/24/99	martykr 06/24/99	_____	lrb_docadmin 06/24/99		

Vers. Drafted Reviewed Typist Proofed Submitted Jacketed Required

FE Sent For:

<END>

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/?	fasttn 06/23/99	wjackson 06/23/99		_____			
/1		12 WJ 6/24	jfrantze 06/23/99 hhagen 06/23/99	_____	lrb_docadmin 06/23/99		

Handwritten signatures and dates:
Jm 6/24
Jm 6/24

FE Sent For:

<END>

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1?	fasttn	11/11/99	6/23	6/23			

FE Sent For:

<END>

and services contracted for under a bid solicited on the effective date of the emergency rules promulgated by DOT.

6. *Local Highway Assessments and Training.* Require that local governments, with the cooperation and assistance of DOT, conduct a biennial assessment of the physical condition of the highways within their jurisdiction and report the results to DOT. Require local governments to use a pavement rating system approved by DOT in making the assessments. Specify that the first assessment report would be required no later than December 15, 2001. Establish that the information collected as part of the local assessment is inadmissible as evidence, except as to show that the local government has complied with the assessment requirement. Require DOT to assess the accuracy of the highway assessments reported by local governments. Allow DOT to use field investigations to verify a portion of the data that constitutes a valid random sample or a specialized sample considered appropriate by DOT. This item would restore a provision in the Governor's bill that was removed from the bill by the Joint Committee on Finance as a non-fiscal, policy item.

Increase funding by \$75,000 SEG annually for DOT's departmental management and operations appropriation and require DOT to use this funding to contract with the University of Wisconsin-Extension to provide training and technical support to local governments in evaluating and rating local road pavements. Offset this increase by decreasing funding for the town road improvement program -- discretionary (TRIP-D) component by \$75,000 SEG annually, limited to this biennium. Specify that these increases and decreases would not be reflected in the base for preparing the Department's 2001-03 budget request.

TNF
7. *County Highway Improvement Program -- Projects Done by County Highway Departments.* Delete the following provisions that restrict the amount of work on county trunk highways that may be done by county highway departments under the county highway improvement program: (a) the provision that specifies that no improvement done by county highway departments may exceed \$100,000 in cost or 0.5% of the total amount of funds distributed to counties under the basic county formula component of the program, whichever is greater; (b) the provision that specifies that the work done by any county highway department may not exceed 40% of the county trunk highway improvements funded under the program; and (c) the provision that specifies that the work performed within any transportation district (the boundaries of which are specified by DOT by rule) by county highway departments within the district may not exceed 30% of the biennial amount allocated to counties for county trunk highway improvements in that district.

Instead, specify that county highway departments may do work under the basic county highway improvement program or the discretionary county highway improvement program if they demonstrate that doing so will be cost-effective, provided that each county highway department uses competitive bidding for projects with a combined total cost equal to at least the amount of state funds received by the county under the program. In addition, eliminate the provision that requires each county highway improvement district committee to ensure compliance with the provisions related to the amount of work that may be done by county highway departments. Instead, require these committees to review any project that a county within the district has proposed to do using the

county highway department workforce to determine whether the county highway department can do the project cost-effectively. Prohibit any county highway department from doing a project unless the county highway improvement program district committee approves of the use of the county workforce for the project. Modify the membership of county highway improvement district committees to specify that they shall be composed of the highway commissioners from each county in the district, instead of not more than five county executives, or county board chairpersons in counties that do not have county executives, or their designees.

Require DOT to amend the administrative rule for the local roads improvement program to include the following: (a) detailed criteria for determining whether a project can be done cost-effectively by county highway departments; and (b) a process for requesting a review by DOT of disputes involving the determination of whether a project can be done cost-effectively by a county highway department. In addition, require DOT to amend the rule to include criteria for determining when a contract for a project under the town road improvement program may be awarded to a county, including, at a minimum: (a) a requirement to establish a written, sealed, pre-bid estimate prior to the opening of bids, which shall note the source of the estimate and which shall not be public prior to the opening of all the bids received for the project; (b) a requirement that a town may reject all bids received and then award a project to a county, provided that the lowest bid exceeds the pre-bid estimate by at least 10% and the town board contacts the lowest two bidders, or sole bidder if only one bid was received, to provide information on the accuracy of the pre-bid estimate; (c) a requirement that a town may award a project to a county only if the amount of the county bid is at least 10% below the lowest bid received; and (d) a provision specifying that a town may re-bid the project if the county bid is less than 10% below the lowest bid received.

PEN

8. *Railroad Crossings Committee.* Create a Railroad Crossings Committee composed of: (a) three members appointed by the Secretary of the Department of Transportation, one of whom must have expertise in railroad matters, but who is not an employe of the Department; and (b) two members appointed by the Office of the Commissioner of Railroads. Specify that the members shall serve at the pleasure of the appointing authority and that initial appointment shall be made within 45 days of the budget's general effective date. Require the Committee to meet at least once annually to review all railroad crossing improvements ordered by the Office of the Commissioner of Railroads, and to determine which projects should be constructed during the following three years and in what order those projects should be constructed to maximize the total safety benefits of the improvements. Require the Committee to considering the following in making this determination: (a) train and highway traffic volume and speed; (b) physical features of the crossing, such as curves, hills or objects that may reduce the visibility of motorists at the crossing; (c) the history of accidents at the crossing; (d) anticipated changes in the volume or speed of highway or train traffic; and (e) any other factors that the Committee deems appropriate. Specify that the Office of the Commissioner of Railroads may order immediate improvements to a crossing, notwithstanding the determination made by the Committee, if the OCR determines that such improvements are needed at the crossing to protect public safety. Require the Committee to oversee a railroad crossing database and recommend to the Secretary of the Department of Transportation a desirable funding level for railroad crossing improvements.

1999

Date (time) needed SOON

LRB b 0895 1 1

**CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]**

TNF : Wlj :

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 1999 ASSEMBLY BILL 133**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated, amend the substitute amendment as follows:

#. Page 979, line 25: after that line insert:

#. Page, line

#. Page, line

#. Page, line

#. Page, line

#. Page, line



1875cb.

Section # 86.31 (1) (am) of the statutes is amended to read:

86.31 (1) (am) "County highway improvement program district committee" means a committee established by the department by rule under sub. (6) (f) consisting of ~~not more than 5 county executives or county board chairpersons in counties that do not have county executives, or their designees,~~ from counties within a county highway improvement program district.

History: 1991 a. 39, 269; 1993 a. 16, 437; 1997 a. 27.

all of
the county highway
Commissioners



SECTION 1875dc. RP; 86.31(2)(d) 1.

SECTION 1875dd. CR; 86.31(2)(d) 1m. ✓

86.31(2)(d) 1m. The county highway department demonstrates that it is cost-effective for it to perform the work and that competitive bidding is to be used for improvements with an estimated total cost at least equal to the total funds allocated for its county trunk highway improvements under the program during the current biennium.

SECTION 1875de. RP; 86.31(2)(d) 2.

SECTION 1875df. RP; 86.31(2)(d) 3.



1875 dg. j
↓
Ⓢ

Section #. 86.31 (2) (d) 5. of the statutes is renumbered 86.31 (2) (d) 5. (intro.) and amended to read:

86.31 (2) (d) 5. (intro.) Each county highway improvement program district committee shall be ~~responsible for ensuring compliance with this paragraph.~~

History: 1991 a. 39, 269; 1993 a. 16, 437; 1997 a. 27.

do all of the following with respect to any ~~proposed~~ work
to be performed by any county highway department within the
county highway improvement program district:



SECTION 1875dh. CR; 86.31(2)(d) 5. a. and b.

86.31(2)(d) 5. a. Review the ^{proposed} work ~~to be performed~~ and determine that it is cost-effective for the county highway department to perform the work.

4 b. Approve the ^{proposed} work being performed by the county highway department. "0 prior to its

#. Page 980, line 6: after that line insert:

"SECTION 1875gd., CR; 86.31(6)(g)✓

86.31(6)(g) Specific criteria for making determinations of cost-effectiveness under sub. (2)(d) 5. a. and procedures for review by the department of disputes relating to whether proposed work to be performed by a county highway department is cost-effective for purposes of sub. (2)(d) 5. a.

SECTION 1875ge., CR; 86.31(6)(h)✓ and procedures

86.31(6)(h) Criteria for contracting with a county for a town road improvement that includes at least all of the following:

¶ 1. A requirement that a written and sealed estimate of the cost of the improvement ^{that includes the source of the estimate} be prepared prior to the time set for the opening of bids for the improvement and not be opened until after the opening of all bids.

¶ 2. A requirement that all bids may be rejected and the contract awarded to a county for the improvement if the lowest bid exceeds the cost estimate under subd. 1. ✓ by at least 10% and the town board notifies the 2 lowest ~~responsive~~ bidders or, if only one ~~responsive~~ bid was received, the ~~responsive~~ bidder to provide information on the accuracy of the cost estimate under subd. 1. ✓

¶ 3. A requirement that the amount of the contract with a county for the improvement be at least 10% below the lowest bid received for the improvement.

¶ 4. A provision that permits rebidding if the amount of the proposed contract with a county for the improvement is less than 10% below the lowest bid received for the improvement. "

(END)



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

Date: 6-24

DELIVER TO: Timothy Fast
Addressee Fax #: 4-8522 Addressee Phone #: 6-9739
of Pages, including Cover: 5 Sender's Initials: JD
From: Jon Dyck
Message:

6/24 t/c to Fred Amreman

discussed my concern initial applicability may be needed and s. 86.31(2)(b) possibly amended. Fred agreed both needed. Will redraft as /2.

TNF

P.S. These FAXED materials

Draft Amendment to s. 86.31, Stats. - For Discussion Only - 10 June 1999

86.31 Local roads improvement program. (1) DEFINITIONS. In this section:

(a) "County highway improvement program [CHIP]" means the county share of the local road improvement program as defined in (3) (b) 1.

(ag) "County highway improvement program—discretionary [CHIP-D]" means the county allocation described in (3g).

(eak) "County highway improvement program district" means a group of counties established by the department by rule under sub. (6) (f).

(am) "County highway improvement program district committee" means a committee established by the department by rule under sub. (6) (f) consisting of not more than 6 county executives or county board chairpersons in counties that do not have county executives or their designees, from counties within a county highway improvement program district composed of all county highway commissioners in each transportation district of the department of transportation.

(ar) "Entitlement" means the amount of aid made available under sub. (3) for reimbursement within a county for the components specified in sub. (3) (a) 1. to 3.

(b) "Improvement" means a highway construction project with a projected design life of at least 10 years or a feasibility study of a highway construction project with a projected design life of at least 10 years.

(c) "Local roads" means county trunk highways, town roads, or streets under the authority of cities or villages.

(d) "Political subdivision" means a county, city, village or town.

(e) "Program" means the local roads improvement program.

(2) ADMINISTRATION. (a) The department shall administer a local roads improvement program to accelerate the improvement of seriously deteriorating local roads by reimbursing political sub-divisions for improvements. The selection of improvements that may be funded under the program shall be performed by officials of each political subdivision, consistent with the requirements of subs. (3), (3g) and (3m). The department shall notify each county highway commissioner of any deadline that affects eligibility for reimbursement under the program no later than 15 days before such deadline.

(b) Except as provided in par. (d), improvements for highway construction projects funded under the program shall be under contracts. Such contracts shall be awarded on the basis of competitive bids and shall be awarded to the lowest responsible bidder. If a city, village or town does not receive a responsible bid for an improvement, the city, village or town may contract with a county for the improvement.

Draft Amendment to s. 86.31, Stats. - For Discussion Only - 10 June 1999

(c) Improvements consisting of feasibility studies funded under the program may be performed by political subdivisions or the department of transportation, including the making and execution of all contracts.

(d) County trunk highway improvements funded under the program, including the hauling and laying of asphaltic hot mix, may be performed by county highway departments, subject to the following restrictions:

~~1. No improvement may exceed \$100,000 or 0.5% of the total funds allocated to counties for county trunk highway improvements under sub. (2)(b) 1. during the current biennium, whichever is greater. Counties may do work under CHIP or CHIP-D if they demonstrate the work will be cost-effective.~~

~~2. Work performed by any county highway department shall not exceed 40% of its county trunk highway improvements funded under the program. Each county must let to contract an amount not less than CHIP and CHIP-D funds received.~~

~~3. Work performed within any county highway improvement district by county highway departments shall not exceed 30% of the biennial amount allocated for county trunk highway improvements within such district.~~

4. Contracts for the purchase of asphaltic hot mix shall be awarded on the basis of competitive sealed bidding.

~~5. Each county highway improvement program district committee shall be responsible for ensuring compliance with this paragraph and approve cost-effectiveness findings before counties can do work under CHIP or CHIP-D.~~

(e) The department of transportation may not require as a condition of reimbursement that the design and construction of any improvement with eligible costs totaling \$50,000 or less be certified by a registered professional engineer.

(3) DETERMINATION OF ENTITLEMENT. (a) For purposes of entitlement, the program shall consist of the following components:

1. County trunk highway improvements.
2. Town road improvements.
3. City and village street improvements.

(b) From the appropriation under s. 20.395 (2) (fr), after first deducting the funds allocated under subs. (3g) and (3m), the department shall allocate funds for entitlement as follows:

1. For county trunk highway improvements, 43%.

Draft Amendment to s. 86.31, Stats. - For Discussion Only - 10 June 1989

2. For town road improvements, 28.5%.
3. For city and village street improvements, 28.5%.

(c) Entitlements for each component will be determined by a formula and calculated for each county, except that cities and villages with a population of 20,000 or more shall receive a proportionate share of the entitlement for city and village street improvements for the applicable county. No county may receive less than 0.5% of the total funds allocated to counties for county trunk highway improvements under par. (b) 1.

(3g) COUNTY TRUNK HIGHWAY IMPROVEMENTS. From the appropriation under s. 20.395 (2) (fr), the department shall allocate \$5,000,000 in each fiscal year to fund county trunk highway improvements with eligible costs totaling more than \$250,000. The funding of improvements under this subsection is in addition to the allocation of funds for entitlements under sub. (3).

(3m) TOWN ROAD IMPROVEMENTS. From the appropriation under s. 20.395 (2) (fr), the department shall allocate \$500,000 in each fiscal year to fund town road improvements with eligible costs totaling \$100,000 or more. The funding of improvements under this subsection is in addition to the allocation of funds for entitlements under sub. (3).

(4) REIMBURSEMENT FOR IMPROVEMENTS. All costs of an improvement funded under this section shall be the responsibility of the political subdivision. At the completion of an improvement, the political subdivision may apply to the department for reimbursement of not more than 50% of eligible costs in the manner and form prescribed by the department.

(5) EXCEPTIONS. Nothing in this section prevents improvements under other highway aid programs if applicable.

(6) RULES. The department shall promulgate rules to implement and administer the program. The rules shall include all of the following:

- (a) Criteria for county administrative responsibilities.
- (b) Reallocation of any uncommitted funds, including a procedure to reallocate uncommitted funds between counties.
- (c) Formulas and procedures for entitlements and reimbursements for each program component under sub. (3) (a) 1. to 3.
- (d) Procedures for reimbursements for county trunk highway improvements under sub. (3g) and for town road improvements under sub. (3m).
- (e) Procedures for the selection and administration of improvements.

Draft Amendment to s. 86.31, Stats. - For Discussion Only - 10 June 1999

(f) Procedures for the establishment, administration and operation of county highway improvement program districts and county highway improvement program district committees.

(g) Detailed criteria for the development of cost-effectiveness findings and a process for requesting departmental review of disputes, not including recourse to Chapter 227 review.

(h) For projects funded under (3) (b) 2. or (3m), criteria specifying when a town may award a project to a county, including, at a minimum:

1. A requirement to establish a written, sealed, pre-bid estimate prior to the the opening of bids, noting the source of the estimate. The pre-bid estimate will be a closed record prior to the opening of all bids received.

2. A requirement that a town may reject all bids received and then award a project to a county, provided that the lowest bid exceeds the pre-bid estimate by at least 10% and the town board contacts the lowest two bidders, or sole bidder if only one bid was received, to provide information on the accuracy of the pre-bid estimate.

3. A requirement that a town may award a project to a county only if the county quote is at least 10% below the lowest bid received. If the county quote is less than 10% below the lowest bid, the town may re-bid the project, if it chooses to.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0895/d
TNF:wlj:jf
2 (Redraft
maker
has been
run)

ARC:.....Dake - Motion 303(7), County highway improvement
program/county highway departments

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 979, line 25: after that line insert:

3 "SECTION 1875cb. 86.31 (1) (am) of the statutes is amended to read:

4 86.31 (1) (am) "County highway improvement program district committee"
5 means a committee established by the department by rule under sub. (6) (f)
6 consisting of ~~not more than 5 county executives or county board chairpersons in~~
7 ~~counties that do not have county executives, or their designees, all of the county~~
8 highway commissioners from counties within a county highway improvement
9 program district.

10 SECTION 1875dc. 86.31 (2) (d) 1. of the statutes is repealed.

Insert 1-9✓

1 **SECTION 1875dd.** 86.31 (2) (d) 1m. of the statutes is created to read:

2 86.31 (2) (d) 1m. The county highway department demonstrates that it is
3 cost-effective for it to perform the work and that competitive bidding is to be used
4 for improvements with an estimated total cost at least equal to the total funds
5 allocated for its county trunk highway improvements under the program during the
6 current biennium.

7 **SECTION 1875de.** 86.31 (2) (d) 2. of the statutes is repealed.

8 **SECTION 1875df.** 86.31 (2) (d) 3. of the statutes is repealed.

9 **SECTION 1875dg.** 86.31 (2) (d) 5. of the statutes is renumbered 86.31 (2) (d) 5.
10 (intro.) and amended to read:

11 86.31 (2) (d) 5. (intro.) Each county highway improvement program district
12 committee shall ~~be responsible for ensuring compliance with this paragraph. do all~~
13 of the following with respect to any work to be performed by any county highway
14 department within the county highway improvement program district:

15 **SECTION 1875dh.** 86.31 (2) (d) 5. a. and b. of the statutes are created to read:

16 86.31 (2) (d) 5. a. Review the proposed work and determine that it is
17 cost-effective for the county highway department to perform the work.

18 b. Approve the proposed work prior to its being performed by the county
19 highway department.”.

20 **2.** Page 980, line 6: after that line insert:

21 **“SECTION 1875gd.** 86.31 (6) (g) of the statutes is created to read:

22 86.31 (6) (g) Specific criteria for making determinations of cost-effectiveness
23 under sub. (2) (d) 5. a. and procedures for review by the department of disputes

1 relating to whether proposed work to be performed by a county highway department
2 is cost-effective for purposes of sub. (2) (d) 5. a.

3 **SECTION 1875ge.** 86.31 (6) (h) of the statutes is created to read:

4 86.31 (6) (h) Criteria and procedures for contracting with a county for a town
5 road improvement that includes at least all of the following:

6 1. A requirement that a written and sealed estimate of the cost of the
7 improvement that includes the source of the estimate be prepared prior to the time
8 set for the opening of bids for the improvement and not be opened until after the
9 opening of all bids.

10 2. A requirement that all bids may be rejected and the contract awarded to a
11 county for the improvement if the lowest bid exceeds the cost estimate under subd.
12 1. by at least 10% and the town board notifies the 2 lowest bidders or, if only one bid
13 was received, the bidder to provide information on the accuracy of the cost estimate
14 under subd. 1.

15 3. A requirement that the amount of the contract with a county for the
16 improvement be at least 10% below the lowest bid received for the improvement.

17 4. A provision that permits rebidding if the amount of the proposed contract
18 with a county for the improvement is less than 10% below the lowest bid received for
19 the improvement.”

20

(END)

D-NOTE

Insert 3-19

Insert 1-9

(C) + (B)

Section 86.31 (2) (b) of the statutes is amended to read:

1875 c.g.

(B)

86.31 (2) (b) Except as provided in par. (d), improvements for highway construction projects funded under the program shall be under contracts. Such contracts shall be awarded on the basis of competitive bids and shall be awarded to the lowest responsible bidder. If a city, ~~village or town~~ does not receive a responsible bid for an improvement, the city, ~~village or town~~ may contract with a county for the improvement.

or village

History: 1991 a. 39, 269; 1993 a. 16, 437; 1997 a. 27.

A town may contract with a county for the improvement subject to the criteria and procedures promulgated as rules under sub. (b)(h). ✓

operations under a contract awarded on the basis of competitive bids to a publicly owned urban mass transit system that did not use the fully allocated cost methodology described in sub. (8).”.

3. Page 971, line 16: after that line insert:

SECTION 1849gm. 85.20 (8) of the statutes is created to read:

85.20 (8) FULLY ALLOCATED COST BIDDING. (intro.) If a local public body solicits bids to contract for services, the bids of a publicly owned urban mass transit system shall use a fully allocated cost methodology established by the department by rule. The fully allocated cost methodology shall do all of the following:

(a) Be based on generally accepted accounting principles.

(b) Consider all shared costs and direct costs of the mass transit system that are related to and support the service being considered. A publicly owned urban mass transit system's costs include all subsidies provided to the system, including operating subsidies, capital grants and the use of public facilities.

(c) Assign each cost of a publicly owned urban mass transit system to one of the following categories:

1. Costs that depend on the number of vehicle hours operated, including operators' salaries and fringe benefits.

2. Costs that depend on the number of vehicle miles traveled, including fuel costs, maintenance costs and maintenance personnel salaries and fringe benefits.

3. Costs that depend on the maximum number of vehicles that are in service during the day, including administrative and capital costs.”.

#. Page 1549, line 13: after that line insert:

~~(26g) RULES ESTABLISHING FULLY ALLOCATED COST METHODOLOGY.~~

(26g) ~~RULES ESTABLISHING FULLY ALLOCATED COST METHODOLOGY.~~ RULES FOR LOCAL ROADS IMPROVEMENT PROGRAM.

NON STAT

(2)(b) and

86.31 / (6)(g) and (h)

1 (a) The department of transportation shall submit in proposed form the rules
2 required under section ~~85.20(8)~~ of the statutes, as created by this act, to the
3 legislative council staff under section 227.15 (1) of the statutes no later than the first
4 day of the 7th month beginning after the effective date of this paragraph.

5 (b) Using the procedure under section 227.24 of the statutes, the department
6 of transportation shall promulgate the rules required under section ~~85.20(8)~~ of the
7 statutes, as created by this act. Notwithstanding section 227.24 (1) (c) and (2) of the
8 statutes, the emergency rules may remain in effect until July 1, 2000, or the date on
9 which permanent rules take effect, whichever is sooner. Notwithstanding section
10 227.24 (1) (a), (2) (b) and (3) of the statutes, the department is not required to provide
11 evidence that promulgating rules under this paragraph is necessary for the
12 preservation of the public peace, health, safety or welfare and is not required to
13 provide a finding of emergency rules under this paragraph. The department shall
14 promulgate rules under this paragraph no later than the 45th day after the effective
15 date of this paragraph.”.

NONSTATS

16 #. ~~52~~ Page 1601, line 20: after that line insert:

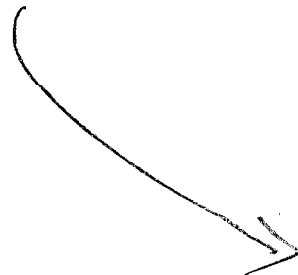
17 “(4md) FULLY ALLOCATED COST METHODOLOGY.

18 (a) The treatment of section 85.20 (8) of the statutes first applies to bids
19 solicited after the effective date of this paragraph.

20 (b) The treatment of section 85.20 (1) (g) of the statutes first applies to services
21 contracted under a bid solicited after the effective date of this paragraph.”.

22

~~52~~



Nonstat File Sequence: **EEE**

LRB 6089512

TNF : _____

INITIAL APPLICABILITY

- In the component bar:
 For the action phrase, execute: create → action: → *NS: → inappl
 For the budget action phrase, execute: create → action: → *NS: → 93XX
 For the text, execute: create → text: → *NS: → inappl
- Nonstatutory subunits are numbered automatically if "(#1)", "(#2)", etc., is filled in. Below, for the budget, fill in the 9300 department code; and fill in "____" or "()" only if a "frozen" number is needed.

SECTION # 193 . **Initial applicability;** _____

.....
4mg LOCAL ROADS IMPROVEMENT PROGRAM.
 (CS)

The treatment of sections ..

INSERT (A) ✓

INIT APP

..... of the statutes
 first applies to bids that are solicited and to work performed
 by county highway departments on the effective date of
 the emergency rules promulgated under SECTION 9350(26g)(b) of
 this act."

- In the component bar:
 For the action phrase, execute: create → action: → *NS: → inappl
 For the text, execute: create → text: → *NS: → inapplA
- Nonstatutory subunits are numbered automatically if "(#1)", "(#2)", etc., is filled in. Below, fill in "____" or "()" only if a "frozen" number is needed.

SECTION # _____ . **Initial applicability;**

(#1) () This act first ap-

plies to

end of insert

Insert (A)

86.31 (2)(b)[↓] and (d) 1.[↓], 1m.[↓], 2.[↓] and 3.[↓]
and (6)(g)[↓] and (h)[↓] of the statutes, the
renumbering and amendment of section 86.31
(2)(d) 5.[↓] of the statutes and the creation
of section 86.31 (2)(d) 5. a. and b.[↓]

LRB60895/2dn
TNF:nlj:

DRAFTER'S NOTE

¶ This version adds the amendment of s.
= 86.31(2)(b),[✓]stats.; a nonstatutory provision
relating to the promulgating of rules; and
an initial applicability provision,

TNF

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

LRBb0895/2dn
TNF:wj:km

June 24, 1999

This version adds the amendment of s. 86.31 (2) (b), stats.; a nonstatutory provision relating to the promulgating of rules; and an initial applicability provision.

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State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0895/2
TNF:wlj:km

ARC:.....Dake - Motion 303 (7), County highway improvement
program/county highway departments

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 979, line 25: after that line insert:

3 **“SECTION 1875cb.** 86.31 (1) (am) of the statutes is amended to read:

4 86.31 (1) (am) “County highway improvement program district committee”
5 means a committee established by the department by rule under sub. (6) (f)
6 consisting of ~~not more than 5 county executives or county board chairpersons in~~
7 ~~counties that do not have county executives, or their designees,~~ all of the county
8 highway commissioners from counties within a county highway improvement
9 program district.

10 **SECTION 1875cg.** 86.31 (2) (b) of the statutes is amended to read:

1 86.31 (2) (b) Except as provided in par. (d), improvements for highway
2 construction projects funded under the program shall be under contracts. Such
3 contracts shall be awarded on the basis of competitive bids and shall be awarded to
4 the lowest responsible bidder. If a city, ~~village or town~~ or village does not receive a
5 responsible bid for an improvement, the city, ~~village or town~~ or village may contract
6 with a county for the improvement. A town may contract with a county for the
7 improvement subject to the criteria and procedures promulgated as rules under sub.
8 (6) (h).

9 **SECTION 1875dc.** 86.31 (2) (d) 1. of the statutes is repealed.

10 **SECTION 1875dd.** 86.31 (2) (d) 1m. of the statutes is created to read:

11 86.31 (2) (d) 1m. The county highway department demonstrates that it is
12 cost-effective for it to perform the work and that competitive bidding is to be used
13 for improvements with an estimated total cost at least equal to the total funds
14 allocated for its county trunk highway improvements under the program during the
15 current biennium.

16 **SECTION 1875de.** 86.31 (2) (d) 2. of the statutes is repealed.

17 **SECTION 1875df.** 86.31 (2) (d) 3. of the statutes is repealed.

18 **SECTION 1875dg.** 86.31 (2) (d) 5. of the statutes is renumbered 86.31 (2) (d) 5.
19 (intro.) and amended to read:

20 86.31 (2) (d) 5. (intro.) Each county highway improvement program district
21 committee shall ~~be responsible for ensuring compliance with this paragraph. do all~~
22 of the following with respect to any work to be performed by any county highway
23 department within the county highway improvement program district:

24 **SECTION 1875dh.** 86.31 (2) (d) 5. a. and b. of the statutes are created to read:

1 86.31 (2) (d) 5. a. Review the proposed work and determine that it is
2 cost-effective for the county highway department to perform the work.

3 b. Approve the proposed work prior to its being performed by the county
4 highway department.”.

5 **2.** Page 980, line 6: after that line insert:

6 **“SECTION 1875gd.** 86.31 (6) (g) of the statutes is created to read:

7 86.31 (6) (g) Specific criteria for making determinations of cost-effectiveness
8 under sub. (2) (d) 5. a. and procedures for review by the department of disputes
9 relating to whether proposed work to be performed by a county highway department
10 is cost-effective for purposes of sub. (2) (d) 5. a.

11 **SECTION 1875ge.** 86.31 (6) (h) of the statutes is created to read:

12 86.31 (6) (h) Criteria and procedures for contracting with a county for a town
13 road improvement that includes at least all of the following:

14 1. A requirement that a written and sealed estimate of the cost of the
15 improvement that includes the source of the estimate be prepared prior to the time
16 set for the opening of bids for the improvement and not be opened until after the
17 opening of all bids.

18 2. A requirement that all bids may be rejected and the contract awarded to a
19 county for the improvement if the lowest bid exceeds the cost estimate under subd.
20 1. by at least 10% and the town board notifies the 2 lowest bidders or, if only one bid
21 was received, the bidder to provide information on the accuracy of the cost estimate
22 under subd. 1.

23 3. A requirement that the amount of the contract with a county for the
24 improvement be at least 10% below the lowest bid received for the improvement.

1 4. A provision that permits rebidding if the amount of the proposed contract
2 with a county for the improvement is less than 10% below the lowest bid received for
3 the improvement.”.

4 **3.** Page 1549, line 13: after that line insert:

5 “(2bgm) RULES FOR LOCAL ROADS IMPROVEMENT PROGRAM.

6 (a) The department of transportation shall submit in proposed form the rules
7 required under section 86.31 (2) (b) and (6) (g) and (h) of the statutes, as created by
8 this act, to the legislative council staff under section 227.15 (1) of the statutes no later
9 than the first day of the 7th month beginning after the effective date of this
10 paragraph.

11 (b) Using the procedure under section 227.24 of the statutes, the department
12 of transportation shall promulgate the rules required under section 86.31 (2) (b) and
13 (6) (g) and (h) of the statutes, as created by this act. Notwithstanding section 227.24
14 (1) (c) and (2) of the statutes, the emergency rules may remain in effect until July 1,
15 2000, or the date on which permanent rules take effect, whichever is sooner.
16 Notwithstanding section 227.24 (1) (a), (2) (b) and (3) of the statutes, the department
17 is not required to provide evidence that promulgating rules under this paragraph is
18 necessary for the preservation of the public peace, health, safety or welfare and is not
19 required to provide a finding of emergency rules under this paragraph. The
20 department shall promulgate rules under this paragraph no later than the 45th day
21 after the effective date of this paragraph.”.

22 **4.** Page 1601, line 20: after that line insert:

23 “(4mg) LOCAL ROADS IMPROVEMENT PROGRAM. The treatment of sections 86.31 (2)
24 (b) and (d) 1., 1m., 2. and 3. and (6) (g) and (h) of the statutes, the renumbering and

1 amendment of section 86.31 (2) (d) 5. of the statutes and the creation of section 86.31
2 (2) (d) 5. a. and b. of the statutes first apply to bids that are solicited and to work
3 performed by county highway departments on the effective date of the emergency
4 rules promulgated under SECTION 9350 (2bgm) (b) of this act.”.

5 (END)