

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 (20),

Topic:

Contracting of projects by local governments

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	gilfokm 06/23/99		_____			
/1			kfollet 06/23/99	_____	lrb_docadmin 06/23/99		
/2	fasttn 06/24/99	chanaman 06/24/99	hhagen 06/24/99	_____	lrb_docadmin 06/24/99		

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FE Sent For:

12

<END>

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/?	fasttn	6/23 KMG	KJF 6/23	KJF/IS 6/23			

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<END>

TNF
16. *STH 23 Enumeration.* Enumerate STH 23 between Fond du Lac and Plymouth in Fond du Lac and Sheboygan counties as a major highway development project.

TNF
17. *State Highway Rehabilitation -- Eligible Projects.* Specify that the cost to maintain or replace pavement marking and the cost to operate, maintain or replace highway signs, traffic signals and highway lighting may not be paid through the state highway rehabilitation program unless such activities are done in conjunction with a resurfacing, reconditioning or reconstruction project on a state trunk highway. Under this item, the cost of these activities would have to be paid from the budget for the state highway maintenance and traffic operations program.

ISR
18. *Stormwater Regulation Costs.* Require DOT to allocate \$750,000 in 1999-00 and \$850,000 in 2000-01 from the major highway development program and \$4,900,000 in 1999-00 and \$5,400,000 in 2000-01 from the state highway rehabilitation program for costs related to complying with stormwater regulations. Decrease funding by \$1,800,000 SEG in 1999-00 and increase funding by \$1,800,000 SEG in 2000-01 for the state highway rehabilitation program.

PEN
RCT
19. *Purchase of Real Estate, Easements or Development Rights.* Prohibit DOT from purchasing land, easements or the development rights to land, or reimbursing local governmental units or private entities for the purchase of land, easements or the development rights to land from the appropriations for the state highway program unless both of the following apply: (a) the purchase is done in conjunction with a current or proposed highway improvement project; and (b) the land is within one-quarter of one mile of the highway being improved. Specify that this provision would not apply if either of the following apply: (a) the purchase of land is done for the purposes of establishing or expanding a wetland to mitigate the destruction of wetlands by highway improvement projects; or (b) the purchase of land, easements or the development rights to land or the reimbursement of local units of government or private entities for the purchase of land, easements or the development rights to land is done in compliance with an agreement between DOT and other parties related to a highway improvement project, if the agreement was signed by the parties prior to the effective date of the bill.

TNF
20. *Contracting of Projects by Local Governments.* Delete a current law provision that permits DOT to designate the governing body of a city, county, village or town as its agent on behalf of the state to perform the bidding and contracting responsibilities associated with a highway improvement project.

ISR
21. *Liability Exemption for Public Works Contractors Using Recycled Materials in Public Works Projects.* Specify that any person (defined as an individual, owner, operator, corporation, limited liability company, partnership, association, municipality, interstate agency, state agency or federal agency) is immune from any and all liability associated with the use of special waste (defined as any solid waste that is characterized for beneficial use in public work projects by the Department of Natural Resources) in public work projects (defined as any work done under contract with a state agency or local governmental unit) or from damages resulting from the person's actions or omissions relating to the special waste, provided that all of the following apply: (a) the acts or omissions by the person occurred while performing work under a contract for a public work

1999

Date (time) needed SOON

(A)

LRB b 091111

CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]

TNF: King

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 959, line 17: after that line insert:

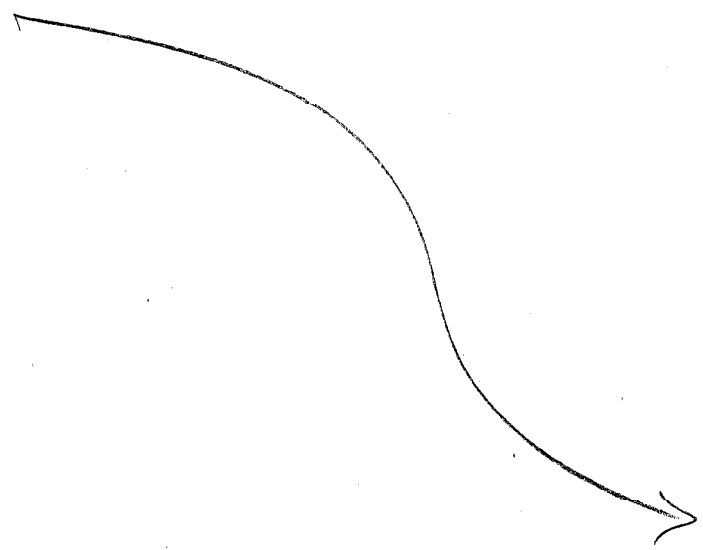
#. Page, line

#. Page, line

#. Page, line

#. Page, line

#. Page, line



1819gd.

" Section #. 84.06 (2) (a) of the statutes is renumbered 84.06 (2) and amended to read:

CS

BIDS, CONTRACTS.

84.06 (2) All such highway improvements shall be executed by contract based on bids unless the department finds that another method as provided in sub. (3) or (4) would be more feasible and advantageous. Bids shall be advertised for in the manner determined by the department. Except as provided in s. 84.075, the contract shall be awarded to the lowest competent and responsible bidder as determined by the department. If the bid of the lowest competent bidder is determined by the department to be in excess of the estimated reasonable value of the work or not in the public interest, all bids may be rejected. The department shall, so far as reasonable, follow uniform methods of advertising for bids and may prescribe and require uniform forms of bids and contracts. ~~Except as provided in par. (b), the~~ secretary shall enter into the contract on behalf of the state. Every such contract is exempted from ss. 16.70 to 16.75, 16.755 to 16.82, 16.87 and 16.89, but ss. 16.528, 16.752 and 16.754 apply to the contract. Any such contract involving an expenditure of \$1,000 or more shall not be valid until approved by the governor. The secretary may require the attorney general to examine any contract and any bond submitted in connection with the contract and report on its sufficiency of form and execution. The bond required by s. 779.14 (1m) is exempt from approval by the governor and shall be subject to approval by the secretary. This subsection also applies to contracts with private contractors based on bids for maintenance under s. 84.07.

History: 1971 c. 125; 1977 c. 29 ss. 932, 1654 (8) (a); 1977 c. 196 s. 131; 1977 c. 273; 1979 c. 32 s. 92 (9); 1979 c. 34, 314; 1983 a. 27; 1983 a. 524 ss. 31, 50; 1985 a. 225 s. 100; 1985 a. 300, 332; 1987 a. 98, 399; 1989 a. 31, 345; 1993 a. 496; 1995 a. 27; 1997 a. 237.

SECTION 1819ge. RP; 84.06(2)(b) "

(END)



State of Wisconsin
1999 - 2000 LEGISLATURE

2 (Redraft
LRBb091117 maker has
TNF:kmg:kjf beam run)
ε cmr

ARC:.....Dake - Motion # 303 (20), Contracting of projects by local governments

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 959, line 17: after that line insert:

3 "SECTION 1819gd. 84.06 (2) (a) of the statutes is renumbered 84.06 (2) and
4 amended to read:

5 84.06 (2) BIDS, CONTRACTS. All such highway improvements shall be executed
6 by contract based on bids unless the department finds that another method as
7 provided in sub. (3) or (4) would be more feasible and advantageous. Bids shall be
8 advertised for in the manner determined by the department. Except as provided in
9 s. 84.075, the contract shall be awarded to the lowest competent and responsible
10 bidder as determined by the department. If the bid of the lowest competent bidder

1 is determined by the department to be in excess of the estimated reasonable value
2 of the work or not in the public interest, all bids may be rejected. The department
3 shall, so far as reasonable, follow uniform methods of advertising for bids and may
4 prescribe and require uniform forms of bids and contracts. ~~Except as provided in par.~~
5 ~~(b), the~~ The secretary shall enter into the contract on behalf of the state. Every such
6 contract is exempted from ss. 16.70 to 16.75, 16.755 to 16.82, 16.87 and 16.89, but
7 ss. 16.528, 16.752 and 16.754 apply to the contract. Any such contract involving an
8 expenditure of \$1,000 or more shall not be valid until approved by the governor. The
9 secretary may require the attorney general to examine any contract and any bond
10 submitted in connection with the contract and report on its sufficiency of form and
11 execution. The bond required by s. 779.14 (1m) is exempt from approval by the
12 governor and shall be subject to approval by the secretary. This subsection also
13 applies to contracts with private contractors based on bids for maintenance under s.
14 84.07.

15 **SECTION 1819ge.** 84.06 (2) (b) of the statutes is repealed.”.

16

(END)

D-NOTE

#. Page 1601, line 23: after that line insert:
Insert 2-15

1997

Nonstat File Sequence: **EEE**

LRB 60911/2

TNF: ___:___

INITIAL APPLICABILITY

Insert 2-15

- 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 # 93 **Initial applicability;**

initial app

~~.....~~
(5g) HIGHWAY CONSTRUCTION BIDS. 7^{cs}

..... The treatment of section ⁹⁷ ..
84.06 (2) (a) and (b)

..... of the statutes
first applies to *bids that are solicited on the effective date of this subsection.*"

- 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 applies to

(END)

cmn

LRBb0911/2dn

DRAFTER'S NOTE

This version is identical to LRBb0911/1,
except for the addition of an initial applicability
provision.

TNF

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

LRBb0911/2dn
TNF:kmg&cmh:ksh

June 24, 1999

This version is identical to LRBb0911/1, except for the addition of an initial applicability provision.

Timothy N. Fast
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State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0911/2
TNF:kmg&cmh:ksh

ARC:.....Dake - Motion # 303 (20), Contracting of projects by local governments

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 959, line 17: after that line insert:

3 “SECTION 1819gd. 84.06 (2) (a) of the statutes is renumbered 84.06 (2) and
4 amended to read:

5 84.06 (2) BIDS, CONTRACTS. All such highway improvements shall be executed
6 by contract based on bids unless the department finds that another method as
7 provided in sub. (3) or (4) would be more feasible and advantageous. Bids shall be
8 advertised for in the manner determined by the department. Except as provided in
9 s. 84.075, the contract shall be awarded to the lowest competent and responsible
10 bidder as determined by the department. If the bid of the lowest competent bidder

1 is determined by the department to be in excess of the estimated reasonable value
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4 prescribe and require uniform forms of bids and contracts. ~~Except as provided in par.~~
5 ~~(b), the~~ The secretary shall enter into the contract on behalf of the state. Every such
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7 ss. 16.528, 16.752 and 16.754 apply to the contract. Any such contract involving an
8 expenditure of \$1,000 or more shall not be valid until approved by the governor. The
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11 execution. The bond required by s. 779.14 (1m) is exempt from approval by the
12 governor and shall be subject to approval by the secretary. This subsection also
13 applies to contracts with private contractors based on bids for maintenance under s.
14 84.07.

15 **SECTION 1819ge.** 84.06 (2) (b) of the statutes is repealed.”.

16 **2.** Page 1601, line 23: after that line insert:

17 “(5g) HIGHWAY CONSTRUCTION BIDS. The treatment of section 84.06 (2) (a) and (b)
18 of the statutes first applies to bids that are solicited on the effective date of this
19 subsection.”.

20 (END)