

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-AB133)**

Received: **06/22/99**

Received By: **hubliks**

Wanted: **As time permits**

Identical to LRB:

For: **Assembly Republican Caucus**

By/Representing: **Dake**

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

Drafter: **hubliks**

May Contact:

Alt. Drafters:

Subject: **Transportation - miscellaneous**

Extra Copies:

**Pre Topic:**

ARC:.....Dake - Am #303 (23),

**Topic:**

Memorandum of understanding for hazardous materials remediation on DOT-owned property

**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>
/1	hubliks 06/22/99	gilfokm 06/22/99	hhagen 06/22/99	_____	ismith 06/22/99		

FE Sent For:

<END>

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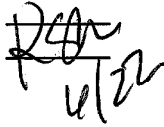
**Topic:**

Memorandum of understanding for hazardous materials remediation on DOT-owned property

**Instructions:**

See Attached

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/1	hubliks	11-6-2299 kmg					

FE Sent For:

<END>

project, including acts or omissions by any person who has a direct contractual relationship with the prime contractor under a contract for a public work project to perform labor or furnish materials; and (b) the acts or omissions involving special wastes were required or permitted in a contract for a public work project and the acts or omissions conformed to the provisions of the contract. Specify that these provisions do not apply to any person to whom either of the following applies: (a) the person's act or omission constitutes gross negligence or involves reckless, wanton or intentional misconduct; or (b) the person causes personal injury or wrongful death.

Specify that the Department of Natural Resources may characterize solid waste as special waste by rule, by memorandum of understanding with other state agencies or local governmental units or on a case-by-case basis. Require DNR to compile and maintain a list of special wastes in a format readily available to the general public and specify that only those types of special waste may be required to be used in public work projects.

TNF 22. *Study of Interchange on I-39 at Kowalski Road in Marathon County.* Require DOT to seek a waiver from federal regulations on the placement of interchanges on interstate highways if the placement of an interchange at the intersection of I-39 and Kowalski Road in the Town of Kronenwetter in Marathon County would violate those regulations. Require DOT to design an interchange for that location if the federal government issues a waiver for the placement of this interchange or if it is determined that a waiver is not needed. Specify that upon completion of the design for this interchange, DOT must allocate funds for future construction of the interchange.

Pen (23) *Memorandum of Understanding for Hazardous Materials Remediation on DOT-Owned Property.* Require the Secretaries of the Departments of Transportation and Natural Resources to submit to the Secretary of the Department of Administration, by January 1, 2000, a memorandum of understanding (MOU) establishing the respective responsibilities of the departments for hazardous substances discovered on any property under the jurisdiction of DOT. Specify that any actions to restore the environment or to minimize the harmful effects of the hazardous substances on the property shall be based on the risk to public health and the environment and shall, to the greatest extent practicable, rely on natural processes of attenuation without human intervention. Require the MOU to establish a means of resolving disputes between the agencies arising under the MOU. Specify that the MOU does not take effect unless the Secretary of DOA approves it in writing to the Secretaries of DOT and DNR. 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. 9136(8) 99-1957/1  
Dake

Pen 24. *Mobile Home Registration and Titling.* Modify a provision of the Joint Committee on Finance's substitute amendment that would transfer the responsibility for registering and titling mobile homes from DOT to the Department of Commerce to specify that fees received by the Department of Commerce for the registration and titling of mobile homes would continue to be deposited in the transportation fund, instead of in a Department of Commerce PR appropriation. Delete \$76,400 PR and 1.6 PR position in that appropriation in 2000-01 and instead, provide \$76,400 SEG and 1.6 SEG position in a new, transportation fund appropriation in 2000-01 within the Department of Commerce. Reduce estimated PR revenue by \$319,300 in 2000-01 and increase

1999

Date (time) needed

APR

LRB b 0977, 1

CAUCUS BUDGET AMENDMENT  
[ONLY FOR CAUCUS]

PENR KSH King: RSH

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 <sup>1537</sup>....., line 20: after that line insert:

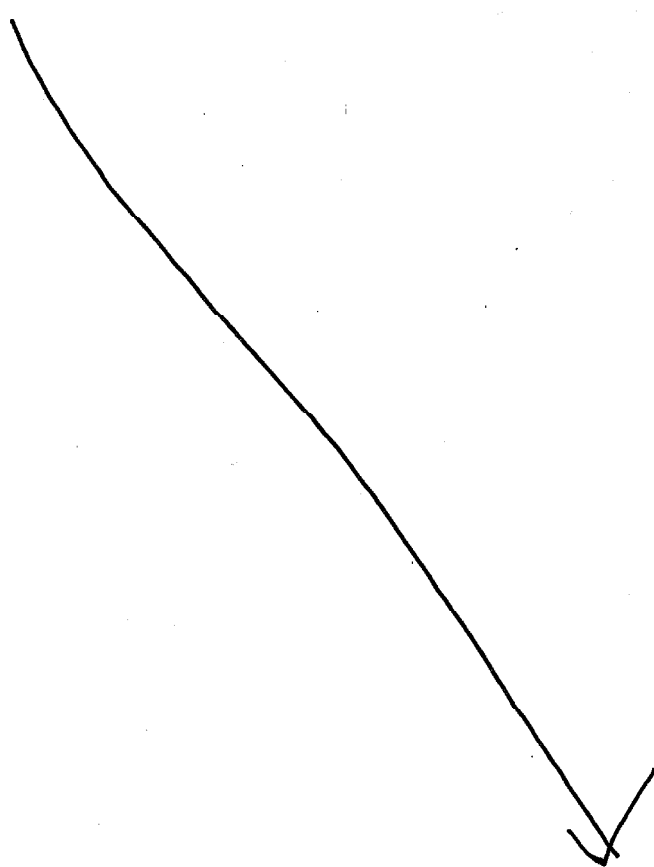
#. Page....., line.....:

#. Page....., line.....:

#. Page....., line.....:

#. Page....., line.....:

#. Page....., line.....:



DOA.....Schmiedicke - DNR-DOT agreement on "construction zone" cleanups

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**ENVIRONMENT**

**SOLID AND HAZARDOUS WASTE**

This bill requires the department of natural resources (DNR) and the department of transportation (DOT) to enter into a memorandum of understanding concerning the responsibilities of those two agencies for hazardous substances found on property that is under the jurisdiction of the department of transportation. The memorandum shall require that any actions to remedy the hazardous substances be based on the risk to human health or the environment and that processes of natural attenuation be relied upon whenever practicable. The bill does not modify the current responsibility of either agency for such hazardous substances.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

2 ~~SECTION 9136. Nonstatutory provisions; natural resources.~~

3 (1) MEMORANDUM OF UNDERSTANDING FOR CONTAMINATED TRANSPORTATION  
4 CONSTRUCTION ZONES. Not later than January 1, 2000, the secretary of natural

8

Eds: use whole number, identical to gov's. provision.

1 resources and the secretary of transportation jointly shall submit to the secretary of  
2 administration a memorandum of understanding between the department of  
3 natural resources and the department of transportation. The memorandum of  
4 understanding shall establish the respective responsibilities of the department of  
5 natural resources and the department of transportation for hazardous substances  
6 discovered on any property under the jurisdiction of the department of  
7 transportation. Any actions to restore the environment or to minimize the harmful  
8 effects of the hazardous substances on the property shall be based upon the risk to  
9 public health and the environment and shall, to the greatest extent practicable, rely  
10 on natural processes of attenuation without human intervention. The memorandum  
11 of understanding shall establish a means of resolving disputes between the agencies  
12 arising under the memorandum of understanding. The memorandum of  
13 understanding does not take effect unless the secretary of administration approves  
14 of it in writing to the secretary of natural resources and the secretary of  
15 transportation. ”.

16 (END)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb0977/1  
PEN&KSH:kmg:ksh

ARC:.....Dake - Am #303 (23), Memorandum of understanding for  
hazardous materials remediation on DOT-owned property

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 1537, line 20: after that line insert:

3 “(8) MEMORANDUM OF UNDERSTANDING FOR CONTAMINATED TRANSPORTATION  
4 CONSTRUCTION ZONES. Not later than January 1, 2000, the secretary of natural  
5 resources and the secretary of transportation jointly shall submit to the secretary of  
6 administration a memorandum of understanding between the department of  
7 natural resources and the department of transportation. The memorandum of  
8 understanding shall establish the respective responsibilities of the department of  
9 natural resources and the department of transportation for hazardous substances  
10 discovered on any property under the jurisdiction of the department of

1 transportation. Any actions to restore the environment or to minimize the harmful  
2 effects of the hazardous substances on the property shall be based upon the risk to  
3 public health and the environment and shall, to the greatest extent practicable, rely  
4 on natural processes of attenuation without human intervention. The memorandum  
5 of understanding shall establish a means of resolving disputes between the agencies  
6 arising under the memorandum of understanding. The memorandum of  
7 understanding does not take effect unless the secretary of administration approves  
8 of it in writing to the secretary of natural resources and the secretary of  
9 transportation.”.

10 (END)