

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: 06/23/99

Received By: nilsepe

Wanted: As time permits

Identical to LRB:

For: Assembly Republican Caucus

By/Representing: Dake

This file may be shown to any legislator: NO

Drafter: nilsepe

May Contact:

Alt. Drafters:

Subject: **Transportation - miscellaneous**

Extra Copies: **TNF, ISR**

Pre Topic:

ARC:.....Dake - 303 (19),

Topic:

Purchase of real estate, easements or development rights

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>
/?	nilsepe 06/26/99			_____			
/1	nilsepe 06/26/99		hhagen 06/26/99	_____	lrb_docadmin 06/26/99		
/2	nilsepe 06/27/99	ygeller 06/27/99	haugeca 06/26/99	_____	lrb_docadmin 06/26/99		
/3			hhagen 06/27/99	_____	lrb_docadmin 06/27/99		

6/27/99 12:41:36 PM

Page 2

FE Sent For:

<END>

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/?	nilsepe 06/26/99	13 6/21/99		_____			
/1	nilsepe 06/26/99		hhagen 06/26/99	_____	lrb_docadmin 06/26/99		
/2			haugeca 06/26/99	_____	lrb_docadmin 06/26/99		

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/?	nilsepe 06/26/99	1/2 <i>6/26/99</i>		_____			
/1			hhagen 06/26/99	<i>CH 6-26</i> _____	lrb_docadmin 06/26/99		

FE Sent For:

CH 6-26

MM 6-26

<END>

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1?	nilsepe	11/26 jg		ARK W/S			

FE Sent For:

<END>

b0908 ~~INF~~ ~~18.~~ *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.

b0910 ~~INF~~ ~~18.~~ *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.

b1014 ~~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.

b1069 ~~PER~~ 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. *UNECONOMIC REMNANTS?*

b0911 ~~INF~~ ~~18.~~ *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.

b1032 ~~ISR~~ ~~18.~~ *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



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb10692

WFO-Fix
request
sheet

PCN

.....
1
Jg
1

ARC:.....Dake #303 (19), Purchase of real estate, easements or development rights

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

d-note

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 1. Page 333, line 10: after that line insert:
- 3 "SECTION 358m. ^x20.395 (9) (td) of the statutes is amended to read:
- 4 20.395 (9) (td) *Real estate major cost carry-over.* ~~When~~ Subject to s. 86.255,
- 5 when a highway, airport or railroad land acquisition project is approved by the
- 6 secretary under s. 84.09, 85.09 or 114.33, the moneys allocated for the project from
- 7 subs. (2) (bq), (dq) and (eq) and (3) (bq), (cq) and (eq) may be considered encumbered."

History: 1971 c. 40 s. 93; 1971 c. 42, 107; 1971 c. 125 ss. 122 to 137, 522 (1); 1971 c. 197, 211, 215, 307; 1973 c. 90, 142, 243, 333, 336; 1975 c. 39; 1975 c. 163 s. 16; 1975 c. 200, 224, 270, 288, 340, 422; 1977 c. 29, 377, 418; 1979 c. 34 ss. 322e to 420, 574, 575; 1979 c. 221; 1981 c. 20 ss. 238 to 300, 2202 (51) (c), (e); 1981 c. 165, 234; 1981 c. 314 s. 146; 1981 c. 347 s. 80; 1981 c. 362; 1983 a. 27 ss. 270g to 315, 2202 (20); 1983 a. 243; 1985 a. 29 ss. 357 to 402, 3202 (51) (a); 1985 a. 65, 76, 341; 1987 a. 27, 137, 349, 369, 399, 403; 1989 a. 31, 56; 1991 a. 39, 104, 239, 269; 1993 a. 16, 285, 354, 437; 1995 a. 27, 113, 201, 338, 445; 1997 a. 27, 35, 135, 237, 255.

- 8 2. Page 958, line 19: after that line insert:

1 “**SECTION 1818r.** 84.013 (2) (a) ~~of~~ [✓] the statutes is amended to read:

2 84.013 (2) (a) ~~Major~~ [✓] Subject to s. 86.255, major highway projects shall be
3 funded from the appropriations under ss. 20.395 (3) (bq) to (bx) and (4) (jq) and 20.866
4 (2) (ur) to (uu).”.

History: 1983 a. 27; 1985 a. 29 ss. 1564 to 1566g. 3202 (51); 1987 a. 27 ss. 10cm, 1654un to 1654uws; 1987 a. 403; 1989 a. 31; 1991 a. 39; 1993 a. 16, 237, 246; 1995 a. 27 s. 9116 (5); 1995 a. 113; 1997 a. 27.

5 **3.** Page 959, line 17: after that line insert:

6 “**SECTION 1819gg.** 84.03 (9) (a) ~~of~~ [✓] the statutes is amended to read:

7 84.03 (9) (a) ~~That~~ [✓] Subject to s. 86.255, that part of the appropriation made by
8 s. 20.395 (3), not required for the other purposes therein provided, may be used by
9 the department for the improvement and traffic service of the state trunk highway
10 system and connecting highways, for the purchase and operation of equipment,
11 making surveys for locating local road materials, testing of materials, and for other
12 purposes provided in this section, and to match or supplement federal aid for the
13 construction, reconstruction or improvement of the federal aid highway system,
14 secondary or feeder roads, the elimination of hazards at railroad grade crossings and
15 for any other highway purpose for which the state may match or supplement federal
16 aid funds pursuant to any act of congress. Where such funds are used for the
17 improvement of the state trunk highway system or connecting highways or to match
18 or supplement federal aid they shall be expended in accordance with s. 84.06 and any
19 applicable act of congress. Any funds expended pursuant to this paragraph shall be
20 expended by the department on such projects within the provisions of this
21 paragraph, and executed in such manner as the department shall from time to time
22 determine will best meet the needs of travel and best promote the general welfare.
23 Such funds may be used for improvements, within the provisions of this paragraph,
24 independent of or in conjunction with other funds available for such improvements.

1 The Subject to s. 86.255, the requirements of any federal highway act, or regulations
2 issued thereunder, may be met from such appropriation.

History: 1971 c. 125; 1973 c. 243 s. 82; 1977 c. 29 ss. 928, 929, 1654 (1), (3), (8) (a), 1656 (43); 1977 c. 272; 1977 c. 418 ss. 572, 573, 929 (55); 1979 c. 34 s. 2102 (52) (a); 1979 c. 361; 1983 a. 130; 1987 a. 27; 1997 a. 86.

3 **SECTION 1819gm.** ^X84.065 (4) of the statutes is amended to read:

4 84.065 (4) FUNDS. The Subject to s. 86.255, the department may make loans
5 under this section from the appropriations under s. 20.395 (3) (bv) and (cv). The total
6 outstanding balance of loans under this section may not exceed \$500,000.”

History: 1989 a. 31; 1991 a. 39; 1993 a. 496.

7 **4.** Page 961, line 19: after that line insert:

8 “**SECTION 1820mg.** ^X84.20 of the statutes is amended to read:

9 **84.20 State repair and maintenance of highways and streets.** Damage
10 to any county trunk or town highway or city or village street caused by reason of its
11 use as a detour designated by the department or for hauling materials incident to the
12 maintenance, repair or construction by the department of any state trunk highway
13 or street over which a state trunk highway is routed, shall be repaired by the
14 department. Such highway or street shall also be maintained by the department
15 during such use. The Subject to s. 86.255, the cost of such repairs and maintenance
16 shall be paid from funds appropriated and available to the department for the
17 maintenance and improvement of state trunk highways and connecting highways
18 under s. 20.395 (3).”

History: 1973 c. 333 s. 201w; 1977 c. 29 ss. 1654 (3), (6) (b), (8) (a), 1656 (43).

19 **5.** Page 963, line 13: after that line insert:

20 “**SECTION 1824fm.** ^X84.31 (8) (b) of the statutes is amended to read:

21 84.31 (8) (b) The department and another state agency may enter into
22 agreements for the purpose of assigning to the other state agency the responsibility
23 for the administration of this section and rules adopted under this section. To the

1 extent responsibility for administration is assigned to the other agency under such
 2 agreements, the other state agency shall have the same powers and duties conferred
 3 on the department under this section. The department shall reimburse the other
 4 state agency from the appropriation under s. 20.395 (3) (cq) and (cx) for all expenses,
 5 including administrative expenses, incurred by the other state agency in connection
 6 with the screening, relocation, removal or disposal of junkyards under the authority
 7 assigned to the other state agency, except that no moneys may be reimbursed for the
 8 acquisition of land or interests in land contrary to s. 86.255.”

History: 1975 c. 340; 1977 c. 29 ss. 947, 1654 (8) (a), 1656 (43); 1977 c. 377 s. 30; 1979 c. 34 s. 2102 (39) (g), (52) (a); 1981 c. 347 s. 80 (2); 1983 a. 189; 1985 a. 182 s. 57; 1987 a. 351; 1993 a. 16; 1995 a. 201, 227; 1997 a. 35.

9 **6.** Page 974, line 24: after that line insert:

10 “SECTION 1855[✓]rm. 86.255[✓] of the statutes is created to read:

11 **86.255 Limitation on moneys used to purchase land remote from**
 12 **highway project.** (1) Notwithstanding ss. 84.09[✓] and 86.25, beginning with
 13 purchase contracts executed on the effective date of this ~~section~~^{subsection}.... [revisor inserts
 14 date] and with relocation orders initially filed under ch. 32 on the effective date of
 15 this ~~section~~^{subsection}.... [revisor inserts date], the department may not encumber or expend
 16 any moneys from the appropriations under s. 20.395 (3) for purposes related to the
 17 purchase of land, easements, or development rights in land, as part of a highway
 18 project, unless the land is located within one-quarter[✓] mile of the centerline or
 19 proposed centerline of the highway.

20 (2) Subsection⁽¹⁾ does not apply to any of the following:

21 (a) The purchase of any wetland, as defined in ~~section~~^{subsection} 23.32 (1), that is acquired
 22 as compensatory mitigation for another wetland that will suffer an adverse impact
 23 by degradation or destruction as part of a highway project.

1 (b) The purchase of any land, easements, or development rights in land, under
2 an agreement executed in the name of the department before the effective date of this
3 ~~section~~ ^{paragraph} [revisor inserts date] or ² under a relocation order filed under ch. 32 before
4 the effective date of this ~~section~~ ^{paragraph} [revisor inserts date].”

5

(END)

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

LRBb10697/dn

PEN...n...

JLg

1

2 Because this draft first applies to purchase contracts executed on the effective date,
3 I believe the department may reimburse a local governmental unit under s. 86.25 (1m) ✓
4 after the effective date, if the local governmental unit executed the purchase contract
5 before the effective date.

6 Condemnation law requires a condemnor to offer to purchase of uneconomic
7 remnants, substantially impaired property remaining to the owner after a partial
8 taking of his property. Uneconomic remnants may lie further than one-quarter mile
9 from the centerline. DOT will remain obligated to offer to purchase that uneconomic
10 remnant, but may not use moneys under s. 20.395 (3). Ok?

11
12
13

Paul E. Nilsen
Legislative Attorney
Phone: (608) 261-6926

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1069/1dn
PEN:jlg:ksh

June 26, 1999

Because this draft first applies to purchase contracts executed on the effective date, I believe the department may reimburse a local governmental unit under s. 86.25 (1m) after the effective date, if the local governmental unit executed the purchase contract before the effective date.

Condemnation law requires a condemnor to offer to purchase of uneconomic remnants, substantially impaired property remaining to the owner after a partial taking of his property. Uneconomic remnants may lie further than one-quarter mile from the centerline. DOT will remain obligated to offer to purchase that uneconomic remnant, but may not use moneys under s. 20.395 (3). OK?

Paul E. Nilsen
Legislative Attorney
Phone: (608) 261-6926



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1069/l
PEN:jlg:ksh

A handwritten signature in black ink, appearing to be 'R', enclosed in a large, loopy circle.

ARC:.....Dake - #303 (19), Purchase of real estate, easements or
development rights

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 333, line 10: after that line insert:

3 “SECTION 358m. 20.395 (9) (td) of the statutes is amended to read:

4 20.395 (9) (td) *Real estate major cost carry-over.* ~~When~~ Subject to s. 86.255,

5 when a highway, airport or railroad land acquisition project is approved by the

6 secretary under s. 84.09, 85.09 or 114.33, the moneys allocated for the project from

7 subs. (2) (bq), (dq) and (eq) and (3) (bq), (cq) and (eq) may be considered encumbered.”.

8 **2.** Page 958, line 19: after that line insert:

9 “SECTION 1818r. 84.013 (2) (a) of the statutes is amended to read:

1 84.013 (2) (a) ~~Major~~ Subject to s. 86.255, major highway projects shall be
2 funded from the appropriations under ss. 20.395 (3) (bq) to (bx) and (4) (jq) and 20.866
3 (2) (ur) to (uu).^(.)

Insert
2-34

3. Page 959, line 17: after that line insert:

5 "SECTION 1819gg. 84.03 (9) (a) of the statutes is amended to read:

6 84.03 (9) (a) ~~That~~ Subject to s. 86.255, that part of the appropriation made by
7 s. 20.395 (3), not required for the other purposes therein provided, may be used by
8 the department for the improvement and traffic service of the state trunk highway
9 system and connecting highways, for the purchase and operation of equipment,
10 making surveys for locating local road materials, testing of materials, and for other
11 purposes provided in this section, and to match or supplement federal aid for the
12 construction, reconstruction or improvement of the federal aid highway system,
13 secondary or feeder roads, the elimination of hazards at railroad grade crossings and
14 for any other highway purpose for which the state may match or supplement federal
15 aid funds pursuant to any act of congress. Where such funds are used for the
16 improvement of the state trunk highway system or connecting highways or to match
17 or supplement federal aid they shall be expended in accordance with s. 84.06 and any
18 applicable act of congress. Any funds expended pursuant to this paragraph shall be
19 expended by the department on such projects within the provisions of this
20 paragraph, and executed in such manner as the department shall from time to time
21 determine will best meet the needs of travel and best promote the general welfare.
22 Such funds may be used for improvements, within the provisions of this paragraph,
23 independent of or in conjunction with other funds available for such improvements.

1 ~~The Subject to s. 86.255, the~~ requirements of any federal highway act, or regulations
2 issued thereunder, may be met from such appropriation.

3 **SECTION 1819gm.** 84.065 (4) of the statutes is amended to read:

4 84.065 (4) FUNDS. ~~The Subject to s. 86.255, the~~ department may make loans
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7 **4.** Page 961, line 19: after that line insert:

8 “**SECTION 1820mg.** 84.20 of the statutes is amended to read:

9 **84.20 State repair and maintenance of highways and streets.** Damage
10 to any county trunk or town highway or city or village street caused by reason of its
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12 maintenance, repair or construction by the department of any state trunk highway
13 or street over which a state trunk highway is routed, shall be repaired by the
14 department. Such highway or street shall also be maintained by the department
15 during such use. ~~The Subject to s. 86.255, the~~ cost of such repairs and maintenance
16 shall be paid from funds appropriated and available to the department for the
17 maintenance and improvement of state trunk highways and connecting highways
18 under s. 20.395 (3).”.

19 **5.** Page 963, line 13: after that line insert:

20 “**SECTION 1824fm.** 84.31 (8) (b) of the statutes is amended to read:

21 84.31 (8) (b) The department and another state agency may enter into
22 agreements for the purpose of assigning to the other state agency the responsibility
23 for the administration of this section and rules adopted under this section. To the
24 extent responsibility for administration is assigned to the other agency under such

1 agreements, the other state agency shall have the same powers and duties conferred
 2 on the department under this section. The department shall reimburse the other
 3 state agency from the appropriation under s. 20.395 (3) (cq) and (cx) for all expenses,
 4 including administrative expenses, incurred by the other state agency in connection
 5 with the screening, relocation, removal or disposal of junkyards under the authority
 6 assigned to the other state agency, except that no moneys may be reimbursed for the
 7 acquisition of land or interests in land contrary to s. 86.255.”.

8 **6.** Page 974, line 24: after that line insert:

9 “SECTION 1855rm. 86.255 of the statutes is created to read:

10 **86.255 Limitation on moneys used to purchase land remote from**
 11 **highway project.** (1) Notwithstanding ss. 84.09 and 86.25, beginning with
 12 purchase contracts executed on the effective date of this subsection [revisor
 13 inserts date], and with relocation orders initially filed under ch. 32 on the effective
 14 date of this subsection [revisor inserts date], the department may not encumber
 15 or expend any moneys from the appropriations under s. 20.395 (3) for purposes
 16 related to the purchase of land, easements, or development rights in land, ~~or~~
 17 ~~highway project~~ unless the land is located within one-quarter mile of the
 18 centerline or proposed centerline of the highway.

19 (2) Subsection (1) does not apply to any of the following:

20 (a) The purchase of any wetland, as defined in s. 23.32 (1), that is acquired as
 21 compensatory mitigation for another wetland that will suffer an adverse impact by
 22 degradation or destruction as part of a highway project.

23 (b) The purchase of any land, easements, or development rights in land, under
 24 an agreement executed in the name of the department before the effective date of this

or interest in land is
 purchased in association with
 a highway improvement project
 and the
 land or
 interest
 in land

1 paragraph [revisor inserts date], or under a relocation order filed under ch. 32
2 before the effective date of this paragraph [revisor inserts date].”.

3 (END)

insert
2-3

1818t
Section ~~7~~ 84.013 (2) (b) of the statutes is amended to read:

subject to s. 86.255, reconditioning

84.013 (2) (b) ~~Reconditioning~~, reconstruction and resurfacing of highways shall be funded from the appropriations under s. 20.395 (3) (cq) to (cx). //

History: 1983 a. 27; 1985 a. 29 ss. 1564 to 1566g, 3202 (51); 1987 a. 27 ss. 10cm, 1654un to 1654uws; 1987 a. 403; 1989 a. 31; 1991 a. 39; 1993 a. 16, 237, 246; 1995 a. 27 s. 9116 (5); 1995 a. 113; 1997 a. 27.

(end insert)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb10692
PEN;jlg:ch

13

ARC:.....Dake - 303 (19), Purchase of real estate, easements or development rights

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 333, line 10: after that line insert:

3 “SECTION 358m. 20.395 (9) (td) of the statutes is amended to read:

4 20.395 (9) (td) *Real estate major cost carry-over.* ~~When~~ Subject to s. 86.255,
5 when a highway, airport or railroad land acquisition project is approved by the
6 secretary under s. 84.09, 85.09 or 114.33, the moneys allocated for the project from
7 subs. (2) (bq), (dq) and (eq) and (3) (bq), (cq) and (eq) may be considered encumbered.”.

8 **2.** Page 958, line 19: after that line insert:

9 “SECTION 1818r. 84.013 (2) (a) of the statutes is amended to read:

1 84.013 (2) (a) ~~Major~~ Subject to s. 86.255, major highway projects shall be
2 funded from the appropriations under ss. 20.395 (3) (bq) to (bx) and (4) (jq) and 20.866
3 (2) (ur) to (uu).

4 **SECTION 1818t.** 84.013 (2) (b) of the statutes is amended to read:

5 84.013 (2) (b) ~~Reconditioning~~ Subject to s. 86.255, reconditioning,
6 reconstruction and resurfacing of highways shall be funded from the appropriations
7 under s. 20.395 (3) (cq) to (cx).”.

8 **3.** Page 959, line 17: after that line insert:

9 **“SECTION 1819gg.** 84.03 (9) (a) of the statutes is amended to read:

10 84.03 (9) (a) ~~That~~ Subject to s. 86.255, that part of the appropriation made by
11 s. 20.395 (3), not required for the other purposes therein provided, may be used by
12 the department for the improvement and traffic service of the state trunk highway
13 system and connecting highways, for the purchase and operation of equipment,
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20 improvement of the state trunk highway system or connecting highways or to match
21 or supplement federal aid they shall be expended in accordance with s. 84.06 and any
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23 expended by the department on such projects within the provisions of this
24 paragraph, and executed in such manner as the department shall from time to time

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6 **SECTION 1819gm.** 84.065 (4) of the statutes is amended to read:

7 84.065 (4) FUNDS. ~~The Subject to s. 86.255, the~~ department may make loans
8 under this section from the appropriations under s. 20.395 (3) (bv) and (cv). The total
9 outstanding balance of loans under this section may not exceed \$500,000.”

10 **4.** Page 961, line 19: after that line insert:

11 “**SECTION 1820mg.** 84.20 of the statutes is amended to read:

12 **84.20 State repair and maintenance of highways and streets.** Damage
13 to any county trunk or town highway or city or village street caused by reason of its
14 use as a detour designated by the department or for hauling materials incident to the
15 maintenance, repair or construction by the department of any state trunk highway
16 or street over which a state trunk highway is routed, shall be repaired by the
17 department. Such highway or street shall also be maintained by the department
18 during such use. ~~The Subject to s. 86.255, the~~ cost of such repairs and maintenance
19 shall be paid from funds appropriated and available to the department for the
20 maintenance and improvement of state trunk highways and connecting highways
21 under s. 20.395 (3).”

22 **5.** Page 963, line 13: after that line insert:

23 “**SECTION 1824fm.** 84.31 (8) (b) of the statutes is amended to read:

1 84.31 (8) (b) The department and another state agency may enter into
2 agreements for the purpose of assigning to the other state agency the responsibility
3 for the administration of this section and rules adopted under this section. To the
4 extent responsibility for administration is assigned to the other agency under such
5 agreements, the other state agency shall have the same powers and duties conferred
6 on the department under this section. The department shall reimburse the other
7 state agency from the appropriation under s. 20.395 (3) (cq) and (cx) for all expenses,
8 including administrative expenses, incurred by the other state agency in connection
9 with the screening, relocation, removal or disposal of junkyards under the authority
10 assigned to the other state agency, except that no moneys may be reimbursed for the
11 acquisition of land or interests in land contrary to s. 86.255.”.

12 **6.** Page 974, line 24: after that line insert:

13 “**SECTION 1855rm.** 86.255 of the statutes is created to read:

14 **86.255 Limitation on moneys used to purchase land remote from**
15 **highway project.** (1) Notwithstanding ss. 84.09 and 86.25, beginning with
16 purchase contracts executed on the effective date of this subsection [revisor
17 inserts date], and with relocation orders initially filed under ch. 32 on the effective
18 date of this subsection [revisor inserts date], the department may not encumber
19 or expend any moneys from the appropriations under s. 20.395 (3) for purposes
20 related to the purchase of land, easements, or development rights in land, unless the
21 land or interest in land is purchased in association with a highway improvement
22 project and the land or interest in land is located within one-quarter mile of the
23 centerline or proposed centerline of the highway.

24 (2) Subsection (1) does not apply to any of the following:

1 (a) The purchase of any ~~wetland~~^{land}, as defined in s. 23.32 (1), that is acquired as
2 compensatory mitigation for another wetland that will suffer an adverse impact by
3 degradation or destruction as part of a highway project.

4 (b) The purchase of any land, easements, or development rights in land, under
5 an agreement executed in the name of the department before the effective date of this
6 paragraph [revisor inserts date], or under a relocation order filed under ch. 32
7 before the effective date of this paragraph [revisor inserts date].”

8

(END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1069/3
PEN:jlg:ksh

ARC:.....Dake – 303 (19), Purchase of real estate, easements or development rights

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 333, line 10: after that line insert:

3 “**SECTION 358m.** 20.395 (9) (td) of the statutes is amended to read:

4 20.395 (9) (td) *Real estate major cost carry-over.* ~~When~~ Subject to s. 86.255,
5 when a highway, airport or railroad land acquisition project is approved by the
6 secretary under s. 84.09, 85.09 or 114.33, the moneys allocated for the project from
7 subs. (2) (bq), (dq) and (eq) and (3) (bq), (cq) and (eq) may be considered encumbered.”.

8 **2.** Page 958, line 19: after that line insert:

9 “**SECTION 1818r.** 84.013 (2) (a) of the statutes is amended to read:

1 84.013 (2) (a) ~~Major~~ Subject to s. 86.255, major highway projects shall be
2 funded from the appropriations under ss. 20.395 (3) (bq) to (bx) and (4) (jq) and 20.866
3 (2) (ur) to (uu).

4 **SECTION 1818t.** 84.013 (2) (b) of the statutes is amended to read:

5 84.013 (2) (b) ~~Reconditioning~~ Subject to s. 86.255, reconditioning,
6 reconstruction and resurfacing of highways shall be funded from the appropriations
7 under s. 20.395 (3) (cq) to (cx).”.

8 **3.** Page 959, line 17: after that line insert:

9 **“SECTION 1819gg.** 84.03 (9) (a) of the statutes is amended to read:

10 84.03 (9) (a) ~~That~~ Subject to s. 86.255, that part of the appropriation made by
11 s. 20.395 (3), not required for the other purposes therein provided, may be used by
12 the department for the improvement and traffic service of the state trunk highway
13 system and connecting highways, for the purchase and operation of equipment,
14 making surveys for locating local road materials, testing of materials, and for other
15 purposes provided in this section, and to match or supplement federal aid for the
16 construction, reconstruction or improvement of the federal aid highway system,
17 secondary or feeder roads, the elimination of hazards at railroad grade crossings and
18 for any other highway purpose for which the state may match or supplement federal
19 aid funds pursuant to any act of congress. Where such funds are used for the
20 improvement of the state trunk highway system or connecting highways or to match
21 or supplement federal aid they shall be expended in accordance with s. 84.06 and any
22 applicable act of congress. Any funds expended pursuant to this paragraph shall be
23 expended by the department on such projects within the provisions of this
24 paragraph, and executed in such manner as the department shall from time to time

1 determine will best meet the needs of travel and best promote the general welfare.
2 Such funds may be used for improvements, within the provisions of this paragraph,
3 independent of or in conjunction with other funds available for such improvements.
4 The Subject to s. 86.255, the requirements of any federal highway act, or regulations
5 issued thereunder, may be met from such appropriation.

6 **SECTION 1819gm.** 84.065 (4) of the statutes is amended to read:

7 84.065 (4) FUNDS. The Subject to s. 86.255, the department may make loans
8 under this section from the appropriations under s. 20.395 (3) (bv) and (cv). The total
9 outstanding balance of loans under this section may not exceed \$500,000.”.

10 **4.** Page 961, line 19: after that line insert:

11 “**SECTION 1820mg.** 84.20 of the statutes is amended to read:

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13 to any county trunk or town highway or city or village street caused by reason of its
14 use as a detour designated by the department or for hauling materials incident to the
15 maintenance, repair or construction by the department of any state trunk highway
16 or street over which a state trunk highway is routed, shall be repaired by the
17 department. Such highway or street shall also be maintained by the department
18 during such use. The Subject to s. 86.255, the cost of such repairs and maintenance
19 shall be paid from funds appropriated and available to the department for the
20 maintenance and improvement of state trunk highways and connecting highways
21 under s. 20.395 (3).”.

22 **5.** Page 963, line 13: after that line insert:

23 “**SECTION 1824fm.** 84.31 (8) (b) of the statutes is amended to read:

1 84.31 (8) (b) The department and another state agency may enter into
2 agreements for the purpose of assigning to the other state agency the responsibility
3 for the administration of this section and rules adopted under this section. To the
4 extent responsibility for administration is assigned to the other agency under such
5 agreements, the other state agency shall have the same powers and duties conferred
6 on the department under this section. The department shall reimburse the other
7 state agency from the appropriation under s. 20.395 (3) (cq) and (cx) for all expenses,
8 including administrative expenses, incurred by the other state agency in connection
9 with the screening, relocation, removal or disposal of junkyards under the authority
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13 “SECTION 1855rm. 86.255 of the statutes is created to read:

14 **86.255 Limitation on moneys used to purchase land remote from**
15 **highway project.** (1) Notwithstanding ss. 84.09 and 86.25, beginning with
16 purchase contracts executed on the effective date of this subsection [revisor
17 inserts date], and with relocation orders initially filed under ch. 32 on the effective
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1 (a) The purchase of any land that is acquired as compensatory mitigation for
2 another wetland, as defined in s. 23.32 (1), that will suffer an adverse impact by
3 degradation or destruction as part of a highway project.

4 (b) The purchase of any land, easements, or development rights in land, under
5 an agreement executed in the name of the department before the effective date of this
6 paragraph [revisor inserts date], or under a relocation order filed under ch. 32
7 before the effective date of this paragraph [revisor inserts date].”.

8 (END)