

2001 DRAFTING REQUEST

Bill

Received: 09/27/2000

Received By: nilsepe

Wanted: As time permits

Identical to LRB:

For: Administration-Budget

By/Representing: Etzler

This file may be shown to any legislator: NO

Drafter: fasttn

May Contact:

Alt. Drafters:

Subject: Transportation - highways

Extra Copies: PJH, ARG, MNK, DOT - 1

MDK

Pre Topic:

DOA:.....Etzler -

Topic:

Appropriation for telecommunications rights-of-way

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 09/29/2000	gilfokm 09/29/2000		_____			
/P1			jfrantze 10/02/2000	_____	lrb_docadmin 10/02/2000		S&L
/1	fasttn 12/18/2000	gilfokm 12/18/2000	martykr 12/19/2000	_____	lrb_docadmin 12/19/2000		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	fasttn 01/03/2001	gilfokm 01/03/2001	jfrantze 01/04/2001	_____	lrb_docadmin 01/04/2001		S&L
/3	fasttn 02/13/2001	gilfokm 02/13/2001	kfollet 02/13/2001	_____	lrb_docadmin 02/13/2001		

FE Sent For:

<END>

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*MPK*  
*e-mailed*

#### Pre Topic:

DOA:.....Etzler -

#### Topic:

T049, appropriation for telecommunications rights-of-way

#### Instructions:

See Attached

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/2	fasttn	gilfokm	jfrantze		lrb_docadmin		

*B-2/KMG*  
*1/13-01*

*KJ*  
*2/13*

*KJ/PJ*  
*2/13*

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	01/03/2001	01/03/2001	01/04/2001	_____	01/04/2001		

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**<END>**

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/1	fasttn 12/18/2000	gilfokm 12/18/2000	martykr 12/19/2000		lrb_docadmin 12/19/2000		

Handwritten notes: 12-1/KMG 3-01, Jb 1/4, Jb/rs 1/4

FE Sent For:

**<END>**

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Instructions:

See Attached

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/?	nilsepe 09/29/2000	gilfokm 09/29/2000	<i>Kn</i> 12/18	<i>Jd</i> 12/18 <i>Krr</i>			
/P1		<i>1-12/18</i> <i>Kmg</i>	jfrantze 10/02/2000		lrb_docadmin 10/02/2000		

FE Sent For:

<END>

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By/Representing: Etzler

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Drafter: nilsepe

May Contact:

Alt. Drafters:

Subject: Transportation - highways

Extra Copies: PJH, TNF

Pre Topic:

DOA:.....Etzler - T049,

Topic:

SEG appropriation for telecommunication <sup>(S)</sup>rights of way <sub>↓ ↓</sub>

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?	nilsepe	1/1-9/29 kmg	20/10/2	26/10/2 10/2			

FE Sent For:

<END>

**LEGISLATIVE BUDGET/NON-BUDGET PROPOSAL  
2001-2003 BIENNIUM**

DT1586 5/2000

Wisconsin Department of Transportation

*DTID - new*

*-0578*

**Instructions:** Complete this form for any budget/non-budget legislative initiative for which a Division requests the Secretary's Office (SO) approval. Check the budget box only if the proposal has a fiscal impact on department expenditures or revenue. This form must be signed by the Division Administrator(s). Include this form with your budget submittal materials or return two completed copies to the Office of Policy & Budget (OPB), Attention: Jim Hoelzel. One copy will be retained by OPB and the other copy provided to the Office of General Counsel. The form is available in the department forms catalog on dotnet.

Short Title of Topic Create SEG-S appropriation for resources sharing projects including telecommunications accomodation and other other right of way accomodations of utilities or non utility telecommunications providers			
Type of Proposal <input checked="" type="checkbox"/> Budget <input type="checkbox"/> Non-Budget	OGC OFFICE USE ONLY "T" Number Assigned <i>7049</i>		
	"B" Number Assigned <i>B0.3.3</i>	"NB" Number Assigned	
Date Submitted 8/14/00	Division(s) DTID		
OPB Contact Person	Area Code - Telephone Number		
Lead Division Contact Person Scott Schnacky	Area Code - Telephone Number 266-7594		
OGC Contact Person Jim Thiel	Area Code - Telephone Number 266-8928		
Define Problem Precisely The federal Telecommunications Act of 1996 altered the landscape for state highway agencies, allowing accomodation of telecommunications facilities within the right-of-way of freeways and expressways. This new environment has created opportunities for shared resource projects and other projects with potential for public benefits or revenue in exchange for accomodation. To position the agency to effectively benefit from such accomodations, there needs to be a mechanism to fund agency costs associated with the accomodation efforts and to be able to effectively utilize infrastructure or other resources obtained through resource sharing arrangements. The need exists mainly due to the quick response needed to successfully accomplish the projects; current budgetary process constraints are not conducive to the agility needed when project opportunities emerge. Without a mechanism to allow these program revenues to be applied to benefit from the accomodations, the shared resources may be of little value to the department, incremental costs may prevent projects from being accomplished, and there will be little incentive to pursue these opportunities. Previous legislation has indicated legislative intent for the department to be more aggressive in pursuing opportunities and arrangements of this type.			
Description of Proposed Change This request is for statutory language that would create a SEG-S appropriation to receive all revenues generated through right of way accomodations for telecommunications facilities and for any revenues for utility accomodations on the right-of-way.			
Justification for Change The accomodation and resource sharing projects developed to date by the department have provided opportunitis with significant public benefit. Yet pursuing these opportunities requires significant staff time and coordination, as well a formal mechanism to fund costs associated with following through on these opportunities and reaping the benefits of the shared resource acquired through the project. Without the change, process and program restrictions, and ad hoc funding options hamper the departments ability to derive the greatest public benefit from these opportunities and limits the ability to pursue the variety of resources that may be available in exchange for accomodation.  This change would also provide the flexibility to generate SEG-S revenue from other utility accomodations in order to cover the costs of the utility accomodations associated with program administration and any impacts to the transportation infrastructure resulting from utility accomodation.			
Describe any legislative history and related statutory language			

*2/8/96 P.L. 104-104  
47 WC 609NE*



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-0578

PEN... King

PI

DOA:.....Etzler - T049, appropriation for telecommunication rights-of-way  
FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

D-note

→ Fee Request Sheet

or cable  
telecommunications  
service providers,  
as defined in s. 196.01  
(ln)

no  
ch4

1 AN ACT relating to: utilities within highway rights-of-way

and making an appropriation

Analysis by the Legislative Reference Bureau

TRANSPORTATION

OTHER TRANSPORTATION

This bill creates a program revenue appropriation for activities related to locating utility facilities within highway rights-of-way.

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

2 SECTION 1. 20.395 (3) (jh) of the statutes is created to read:

3 20.395 (3) (jh) Utilities within highway rights-of-way. From the general fund,

4 all moneys received from telecommunication providers, as defined in s. 196.01 (8p),

5 for activities related to locating utility facilities within highway rights-of-way, for

6 such purposes.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END)

7 Sec. #, CR-25.40 (1) (a) 4m.

8 25.40 (1) (a) 4m.

moneys received from telecommunications providers or cable telecommunications service providers - to be deposited in the general fund and credited to the appropriation account under s.

20.395 (3) (jh)

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

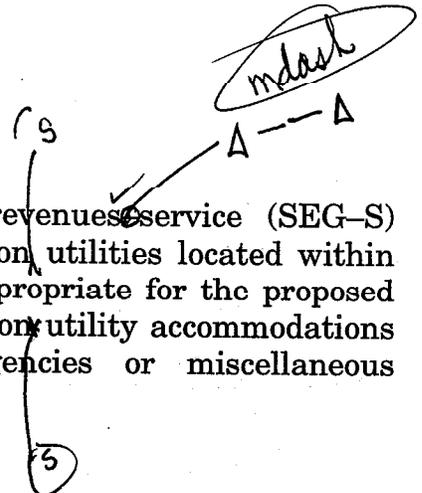
LRB-0578/26m

PEN.....

*King*  
*P/dy*

September 29, 2000

You requested the creation of a segregated fund revenues service (SEG-S) appropriation to collect revenues from telecommunication utilities located within highway rights-of-way. A SEG-S appropriation is inappropriate for the proposed activities, since revenues received from telecommunication utility accommodations are not transferred "between or within state agencies or miscellaneous appropriations". See s. 20.001 (2) (da), stats.



Paul E. Nilsen  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: paul.nilsen@legis.state.wi.us

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

LRB-0578/P1dn  
PEN:kmg:jf

October 2, 2000

You requested the creation of a segregated fund revenues — service (SEG-S) appropriation to collect revenues from telecommunications utilities located within highway rights-of-way. A SEG-S appropriation is inappropriate for the proposed activities, since revenues received from telecommunications utility accommodations are not transferred “between or within state agencies or miscellaneous appropriations”. See s. 20.001 (2) (da), stats.

Paul E. Nilsen  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: paul.nilsen@legis.state.wi.us

## Fast, Timothy

---

**From:** Nilsen, Paul  
**Sent:** Monday, November 27, 2000 3:23 PM  
**To:** Fast, Timothy  
**Cc:** Buckmaster, Carol; Etzler, John  
**Subject:** LRB-0578

Dr. Fast,

Attached are some redrafting instructions and a memo outlining the purpose of the desired changes. Please draft as time permits. If you have any questions, you may call me at 267-2153. Thanks.



Utility barter -0578.doc



Right of Way  
Accommodations2.d...

---

Paul E. Nilsen  
Office of General Counsel, WisDOT  
Paul.Nilsen@dot.state.wi.us  
(608) 261-0126

1. Under s. 84.093, stats., the department may contract with a public utility for the receipt or furnishing of services relating to the acquisition, development, or maintenance of rights-of-way to be used jointly by the department and a public utility. The contract may include provisions as to expenses involved, deposit and disbursement of funds appropriated, submission and approval of budgets and formation and letting of contracts. Also, under s. 84.06 (4), stats., the department currently negotiates with public utilities for the relocation of utility facilities within highway rights-of-way necessitated by highway improvement projects; such agreements are exempted from certain state procurement requirements.

The department wishes to negotiate to receive utility facilities or utility services in lieu of cash payment for the cooperative acquisition of rights-of-way, or for the accommodation of public utility facilities within highway rights-of-way. The department wishes to exempt the acquisition of any facilities or services negotiated under such an agreement from the state procurement requirements (similar to the exemptions under s. 84.01 (13), stats.). There is currently no specific authority allowing the department to negotiate for utility or services as payment for activities performed under contracts entered into under s. 84.093 or 84.06 (4), stats.

LRB-0578/P1 creates an appropriation to which cash payments for utility accommodation are to be credited. To enable the department to negotiate for utility facilities and services in lieu of cash payments for accommodating utility facilities within highway rights-of-way, LRB-0578/P1 should be modified to the effect that:

“In lieu of cash payment for accommodating a utility facility within a highway right-of-way, the department may negotiate for and may, upon finding that it is feasible and advantageous to the state, accept any plant or equipment used to convey by wire, optics, radio signal, or by other means, voice, data, or other information at any frequency over any part of the electromagnetic spectrum, including any plant or equipment for the collection, storage, forwarding, switching and delivery incidental to such communication. Any negotiation or acquisition under this section is exempt from ss. 16.70 to 16.75, 16.755 to 16.82 and 16.85 to 16.89, but ss. 16.528, 16.752 and 16.754 apply to such acquisition.”

This language is based on the definition of “transmission facilities” and “telecommunications service” from s. 196.01. Simple cross references to those definitions do not work in this draft, because the definitions contain extraneous material pertaining to the “offering for sale” of

services. The procurement exemptions are taken from s. 84.01 (13), stats. The language proposed above could be created as department authority under s. 84.01 (13m), stats., or amended into existing s. 84.093, stats.

The language proposed above is very broad, and would permit the department to accept as payment, for example, fiber-optic lines running along the highway and installed contemporaneous with the utility work for which the line was payment, portable CB radios, a cable TV line on I39 as payment for work on USH151, a telephone wire to be installed 3 years after the service for which the telephone line is payment, etc. Please review the proposed language closely to ensure that it meets your intent.

2. The appropriation created by LRB-0578/P1 receives only those moneys related to "locating utility facilities within highway rights-of-way". The department wishes to credit to that appropriation the proceeds of any lease for the use of any utility facility accepted as described above. To do this, the appropriation should be amended to read something like "...for activities related to *accommodating and operating* utility facilities within highway rights-of-way..." It may be desirable to expand the purpose statement of the appropriation to ensure the department's ability to pay for operating and maintaining utility facilities for its own uses.

3. The department may ultimately wish to deposit revenues collected from other governmental agencies (state, federal or local) for use of the department's utility facilities. The PR-type appropriation created by this draft is not properly used for moneys received from state agencies; a SEG-S type appropriation would be needed for deposit of state agency-paid revenues. See s. 20.001 (2) (da), stats.

(END)

## **Create an Appropriation for Telecommunications and other Right-of-Way Accommodations**

### **Revenues to be credited to new appropriation:**

All revenues collected under the Department's Utility Accommodation Policy. This includes:

- ◇ Longitudinal occupation fees charged per Policy schedule on limited-access highway (freeway and expressway) right-of-way, including bridge attachments, for telecommunications, non-telecommunications (gas, electric, etc.), and those privately-owned utilities that are approved to locate on the right-of-way by WisDOT and the Federal Highway Administration.
- ◇ Charges to cover WisDOT costs of longitudinal occupation (construction inspection, traffic control and enforcement, etc.)
- ◇ Any future permit fees which may be assessed for the use and/or occupancy of highway right-of-way.
- ◇ Any revenues collected from other governmental agencies for use of WisDOT's fiber optic network.

### **Expenditures to be charged to new appropriation:**

- ◇ Cost of developing agreements for accommodation, reviewing permit applications and plans, and performing field reviews.
- ◇ Project related traffic control and enforcement.
- ◇ Construction inspection.
- ◇ Equipment necessary to make fiber optic lines or other infrastructure acquired through shared resource projects operational (e.g. electronics, small buildings to house the electronics, etc.)
- ◇ Ongoing support and maintenance costs of fiber optic network or other shared resource infrastructure (e.g. repairs, locate requests, etc.)
- ◇ Costs associated with implementing department applications using the fiber optic network or other shared resource infrastructure (e.g. statewide freeway traffic management system)

### **Other Information:**

- ◇ Revenues collected from FY97 through FY00 total over \$2.5M. In addition, the effort to develop shared resources projects produced increased telecommunications capacity for private providers that is important for the state's economy, and over 300 miles of fiber optic capacity, valued at several million dollars, provided to serve the department's needs for telecommunications infrastructure.
- ◇ Fees for current telecommunications accommodations have been based on a 20-year period, and WisDOT receives random requests from companies wanting to longitudinally occupy limited-access right-of-way. Therefore, annual revenues are difficult to predict.
- ◇ Fees are currently deposited into the general transportation fund.

2001 - 2002 LEGISLATURE

LRB-0578/PZ  
PEN:kmg:jf  
TNF:  
1 (Redraft  
maker  
has been  
run)

WANTED SOON  
turned in 12/18

DOA:.....Etzler - T049, appropriation for telecommunications rights-of-way  
FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

DON'T  
GEN. CAT.

1 AN ACT ...; relating to: ~~utilities within highway rights-of-way and making an~~  
2 ~~appropriation.~~ the budget

Analysis by the Legislative Reference Bureau

TRANSPORTATION

OTHER TRANSPORTATION

Insert  
(A)

~~This bill creates a program revenue appropriation for activities related to locating utility facilities within highway rights-of-way.~~

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

3 SECTION 1. 20.395 (3) (jh) of the statutes is created to read: <sup>(I)</sup> Utility facilities  
4 20.395 (3) (jh) ~~Utilities~~ within highway rights-of-way. From the general fund,  
5 all moneys received from telecommunications providers, as defined in s. 196.01 (8p),  
6 or cable telecommunications service providers, as defined in s. 196.01 (1r), for  
7 activities related to locating utility facilities within highway rights-of-way, for such  
8 purposes. , accommodating, operating, or maintaining

Insert 2-1 ✓

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1 SECTION 2. 25.40 (1) (a) 4m. of the statutes is created to read:

2 25.40 (1) (a) 4m. Moneys received from telecommunications providers or cable  
3 telecommunications service providers that are deposited in the general fund and  
4 credited to the appropriation account under s. 20.395 (3) (jh).

5

(END)

Insert 2-4 ✓

D-NOTE

Insert 2-1 ✓

SECTION #. CR; 20.395(3)(j)<sup>r</sup>

20.395(3)(j) (Fiber optics services, service

(I) funds. All moneys received from other state agencies  
as payment for fiber optics services, for costs  
associated with the services.

note: bud

↓  
by wire, optics,  
radio signal, or ~~any~~  
other means,  
↑

84.01(31)  
Section #. ~~(1968-12-9-92)~~ of the statutes is created to read:

~~16.02(2)(a) "Telecommunications Service" means the offering for sale, or~~ the conveyance of  
voice, data, or other information at any frequency over any part of the electromagnetic spectrum,  
including the sale of service for collection, storage, forwarding, switching and delivery incidental  
to such communication ~~and including the regulated sale of customer premises equipment. "Tele-~~  
~~communications service" does not include cable television service or broadcast service.~~

History: 1977 c. 29, 418; 1981 c. 390; 1983 a. 27, 53, 76, 192, 425, 538; 1985 a. 79, 1985 a. 297 ss. 14 to 22, 39; 1987  
a. 27; 1989 a. 344; 1993 a. 121, 496; 1995 a. 46, 409; 1997 a. 184, 218, 229; 1999 a. 9, 32, 53; 1999 a. 150 s. 672.

as payment for the accommodation of a utility facility,  
as defined in s. 84.063(1)(b), within a highway  
right-of-way. Any agreement under this subsection is  
exempt from ss. 16.70 to 16.75, 16.755 to 16.82, and 16.85  
to 16.89, but ss. 16.528, 16.752, and 16.754 apply  
to such agreement.

(B) (CS)  
(CS) 84.01(31) ACCOMMODATION OF UTILITY FACILITIES WITHIN  
HIGHWAY RIGHTS-OF-WAY. Notwithstanding ss. 84.06(4),  
84.063, 84.065, and 84.093, the department may, upon  
finding <sup>that</sup> it is feasible and advantageous to the state,  
negotiate and enter into an agreement to accept any  
plant or equipment used for

Insert (A)

This bill permits DOT to negotiate and enter into agreements to accept any plant or equipment used for telecommunications services as payment for the accommodation of a utility facility within a highway right-of-way. The bill also creates two new appropriations: 1) a program revenue appropriation for activities related to locating, accommodating, operating, or maintaining utility facilities within highway rights-of-way and 2) within the segregated transportation fund, a service fund appropriation for moneys received from other state agencies related to fiber optics services.

FE - S/L

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

LRB-0578/1dn  
TNF:kmg:km

December 19, 2000

Please review this draft carefully to ensure that it is consistent with your intent. I have discussed the draft with Mr. Paul Nilsen of DOT. In particular, please review the newly created service fund appropriation. I have limited this appropriation account to fiber optics services.

Timothy N. Fast  
Senior Legislative Attorney  
Phone: (608) 266-9739  
E-mail: [tim.fast@legis.state.wi.us](mailto:tim.fast@legis.state.wi.us)



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-0578/d  
TNF:kmg:km  
2 (Redraft  
maker  
has been  
run)

WANTED SOON  
(turned in 1/3/01)

DOA:.....Etzler - T049, appropriation for telecommunications rights-of-way  
FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

telecommunications  
services or

DONT  
GEN. CAT.

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

telecommunications services, except for moneys related to the statewide public safety radio management program  
**Analysis by the Legislative Reference Bureau**  
**TRANSPORTATION**  
**OTHER TRANSPORTATION**

This bill permits DOT to negotiate and enter into agreements to accept any plant or equipment used for telecommunications services as payment for the accommodation of a utility facility within a highway right-of-way. The bill also creates two new appropriations: 1) a program revenue appropriation for activities related to locating, accommodating, operating, or maintaining utility facilities within highway rights-of-way; and 2) within the segregated transportation fund, a service fund appropriation for moneys received from other state agencies related to ~~fiber optic services~~.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

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

- 2
- 3
- 4

SECTION 1. 20.395 (3) ~~(b)~~ of the statutes is created to read:

20.395 (3) ~~(b)~~ Utility facilities within highway rights-of-way. From the general fund, all moneys received from telecommunications providers, as defined in

state funds

SECTION 1

1 s. 196.01 (8p), or cable telecommunications service providers, as defined in s. 196.01  
2 (1r), for activities related to locating, accommodating, operating, or maintaining  
3 utility facilities within highway rights-of-way, for such purposes.

jk  
(dk) \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

Telecommunications

4 SECTION 2. 20.395 (3) ~~(j)~~ of the statutes is created to read:

5 20.395 (3) ~~(j)~~ ~~Fiber optics~~ services, service funds. All moneys received from  
6 other state agencies as payment for <sup>telecommunications</sup> ~~Fiber optics~~ services, for costs associated with the  
7 services. *described in s. 84.01(31), except moneys received under sub. (5)(dk)*

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8 SECTION 3. 25.40 (1) (a) 4m. of the statutes is created to read:

9 25.40 (1) (a) 4m. Moneys received from telecommunications providers or cable  
10 telecommunications service providers that are deposited in the general fund and  
11 credited to the appropriation account under s. 20.395 (3) (j<sup>x</sup>h).

12 SECTION 4. 84.01 (31) of the statutes is created to read:

13 84.01 (31) ACCOMMODATION OF UTILITY FACILITIES WITHIN HIGHWAY RIGHTS-OF-WAY.  
14 Notwithstanding ss. 84.06 (4), 84.063, 84.065, and 84.093, the department may, upon  
15 finding that it is feasible and advantageous to the state, negotiate and enter into an  
16 agreement to accept any plant or equipment used for the conveyance, by wire, optics,  
17 radio signal, or other means, of voice, data, or other information at any frequency  
18 over any part of the electromagnetic spectrum, ~~including the sale of service for~~  
19 collection, storage, forwarding, switching, and delivery incidental to such  
20 communication, as payment for the accommodation of a utility facility, as defined in  
21 s. 84.063 (1) (b), within a highway right-of-way. Any agreement under this

*or to accept any services associated with the*

1 subsection is exempt from ss. 16.70 to 16.75, 16.755 to 16.82, and 16.85 to 16.89, but  
2 ss. 16.528, 16.752, and 16.754 apply to such agreement.

3

(END)

D-NOTE

LRB-0578/1dn

TNF: kmg

DRAFTER'S NOTE

This draft incorporates changes requested by Mr. Paul Nilsen of DOT on January 2, 2001. Please review the changes to proposed ss. 20.395(3)(~~1~~) and 84.01(31).

jk

TNF

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

LRB-0578/2dn  
TNF.kmg:jf

January 4, 2001

This draft incorporates changes requested by Mr. Paul Nilsen of DOT on January 2, 2001. Please review the changes to proposed ss. 20.395 (3) (jk) and 84.01 (31).

Timothy N. Fast  
Senior Legislative Attorney  
Phone: (608) 266-9739  
E-mail: [tim.fast@legis.state.wi.us](mailto:tim.fast@legis.state.wi.us)



D-NOTE

**State of Wisconsin**  
**2001 - 2002 LEGISLATURE**

3 (Redraft  
LRB-0578/2 (mater has  
been run)  
TNF:kmg:jf

WANTED TUES  
TODAY 2/13

DOA:.....Etzler - T049, appropriation for telecommunications rights-of-way  
FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT <sup>Don't</sup> <sup>GEN. CAT.</sup> relating to: the budget.

---

*Analysis by the Legislative Reference Bureau*

**TRANSPORTATION**

**OTHER TRANSPORTATION**

This bill permits DOT to negotiate and enter into agreements to accept telecommunications services or any plant or equipment used for telecommunications services as payment for the accommodation of a utility facility within a highway right-of-way. The bill also creates two new appropriations: 1) a program revenue appropriation for activities related to locating, accommodating, operating, or maintaining utility facilities within highway rights-of-way; and 2) within the segregated transportation fund, a service fund appropriation for moneys received from other state agencies related to telecommunications services, except for moneys related to the statewide public safety radio management program.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

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

2 SECTION 1. 20.395 (3) (jh) of the statutes is created to read:

1           20.395 (3) (jh) *Utility facilities within highway rights-of-way, state funds.*  
 2 From the general fund, all moneys received from telecommunications providers, as  
 3 defined in s. 196.01 (8p), or cable telecommunications service providers, as defined  
 4 in s. 196.01 (1r), for activities related to locating, accommodating, operating, or  
 5 maintaining utility facilities within highway rights-of-way, for such purposes.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

6           **SECTION 2.** 20.395 (3) ~~(jh)~~ of the statutes is created to read: js  
(~~js~~) ✓

7           20.395 (3) ~~(jh)~~ *Telecommunications services, service funds.* All moneys received  
 8 from other state agencies as payment for telecommunications services described in  
 9 s. 84.01 (31), except moneys received under sub. (5) (dk), for costs associated with the  
 10 services.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

11           **SECTION 3.** 25.40 (1) (a) 4m. of the statutes is created to read:

12           25.40 (1) (a) 4m. Moneys received from telecommunications providers or cable  
 13 telecommunications service providers that are deposited in the general fund and  
 14 credited to the appropriation account under s. 20.395 (3) (jh).

15           **SECTION 4.** 84.01 (31) of the statutes is created to read:

16           84.01 (31) ACCOMMODATION OF UTILITY FACILITIES WITHIN HIGHWAY RIGHTS-OF-WAY.  
 17 Notwithstanding ss. 84.06 (4), 84.063, 84.065, and 84.093, the department may, upon  
 18 finding that it is feasible and advantageous to the state, negotiate and enter into an  
 19 agreement to accept any plant or equipment used for the conveyance, by wire, optics,  
 20 radio signal, or other means, of voice, data, or other information at any frequency  
 21 over any part of the electromagnetic spectrum, or to accept any services associated  
 22 with the collection, storage, forwarding, switching, and delivery incidental to such

1 communication, as payment for the accommodation of a utility facility, as defined in  
2 s. 84.063 (1) (b), within a highway right-of-way. Any agreement under this  
3 subsection is exempt from ss. 16.70 to 16.75, 16.755 to 16.82, and 16.85 to 16.89, but  
4 ss. 16.528, 16.752, and 16.754 apply to such agreement.

5

(END)

D-NOTE

LRB-0578/3dn

TNF: KMG

DRAFTER'S NOTE

ATTN: John Etzler

This draft changes proposed s. 20.395 (3)  
(jk) to <sup>be</sup> s. 20.395 (3) <sup>is</sup> (~~jk~~) because it is  
a SEG-S, not a PR-S, appropriation.

TNF

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

LRB-0578/3dn  
TNF:kug:kjf

February 13, 2001

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## Barman, Mike

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**From:** Barman, Mike  
**Sent:** Tuesday, February 13, 2001 2:31 PM  
**To:** Carol Buckmaster; Julie Johnson  
**Subject:** LRB 01-0578/3



01-0578/3



01-0578/3dn

*Mike Barman*

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(E-Mail: [mike.barman@legis.state.wi.us](mailto:mike.barman@legis.state.wi.us)) (FAX: 608-264-6948)

State of Wisconsin  
Legislative Reference Bureau - Legal Section - Front Office  
100 N. Hamilton Street - 5th Floor  
Madison, WI 53703



DOA:.....Etzler – Appropriation for telecommunications rights-of-way  
FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

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

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*Analysis by the Legislative Reference Bureau*

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5 (END)