

2005 DRAFTING REQUEST

Bill

Received: 03/01/2006

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Judith Robson (608) 266-2253

By/Representing:

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Addl. Drafters:

Subject: **Transportation - highways**
 Transportation - miscellaneous

Extra Copies: **ARG**

Submit via email: YES

Requester's email: **Sen.Robson@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Construction of interchanges

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>
/?	phurley 03/08/2006	jdyer 03/08/2006		_____			S&L
/1			jfrantze 03/08/2006	_____	mbarman 03/08/2006	sbasford 03/23/2006	

FE Sent For:

<END>

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/?	phurley 03/08/2006	jdye 03/08/2006		_____			S&L
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*Jacket per
office
(e-mail)
down*

FE Sent For:

<END>

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/?	phurley	1/3/06 gjd	2/3/06 gjd	2/3/06 gjd			

FE Sent For:

<END>

Hurley, Peggy

From: Sargent, Justin
Sent: Monday, March 06, 2006 2:45 PM
To: Hurley, Peggy
Subject: RE: SWEF Bill. Changes

Hmm.. Probably. That makes the surcharge an even better idea.
So if the fine is 300, the Township would get \$30.

From: Hurley, Peggy
Sent: Monday, March 06, 2006 2:44 PM
To: Sargent, Justin
Subject: RE: SWEF Bill. Changes

Hi Justin,

I'm pretty sure I can draft a 50 year ban, but it may be a non-statutory provision. As far as the fines go, don't the fines go to the School Fund, and not to DOT?

Peggy

From: Sargent, Justin
Sent: Monday, March 06, 2006 2:42 PM
To: Hurley, Peggy
Subject: SWEF Bill. Changes

After further discussions with the DOT some changes have come up for the SWEF proposal.

1. Can we make it a 50 years ban on not building the southbound SWEF. Instead of forever.
2. Is it possible to add a 10% surcharge to fines given at the La Prairie Weigh Station, this 10% would replace taking fine \$ away from DOT.

Any idea when this might get done?

- Justin Sargent
Office of Senator Robson

Hurley, Peggy

From: Sargent, Justin
Sent: Wednesday, March 01, 2006 8:29 AM
To: Hurley, Peggy
Subject: Robson request

Senator Robson needs the following proposal drafted:

1. Prohibit the DOT from constructing an interchange at Townline road and the interstate (I90).
2. Prohibit the construction of a DOT SWEF facility on the southbound lanes of I39-90.
3. Alter the fine formula such that the Town of La Prairie receive 10% of the funds generated by fines. This would come from the DOT portion, not the County portion.

2. - don't
fines all go
to school fund?

Town of LaPrairie
3615 East Creek Road
Beloit, WI 53511

January 23, 2006

Dear Senator Robson and Representative Benedict:

On behalf of the Town of LaPrairie I would like to update you in regards to the meeting between the DOT and Town of LaPrairie on January 11, 2006 regarding the proposed SWEF.

Much progress was made at the meeting. We believe the DOT has agreed to many of our requests. You will receive a letter outlining those points of agreement. The Town was very pleased with the willingness of DOT officials to finally come to the table with an open mind and negotiate in good faith.

There are three conditions that the Town of LaPrairie needs legislative help to finalize for an agreement to facilitate the SWEF to be built in the Town of LaPrairie.

1. No interchange will be built at Townline Road. If the state violates this condition the Town of LaPrairie will receive \$1,000,000 plus the cost of inflation (not bonded).
2. No SWEF will be built on the south/east bound lanes of I39-90. Conditions would also be the same as for the current proposed SWEF on the Northbound lane.
3. The Town of LaPrairie will receive 10% of the fine/penalty money generated by the SWEF. This would be in addition to the money the county currently receives.

We believe if these conditions can be accomplished in addition to the tentative points of agreement with the DOT that it will be in the best interest of the Town to accept the SWEF as proposed.

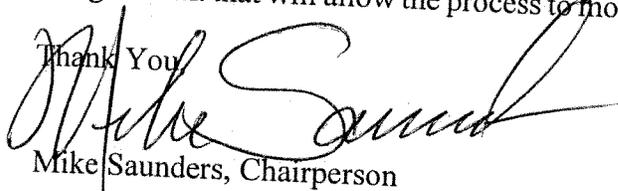
Our limited understanding of the way the legislature operates is that the process can move quickly if common language on the three conditions is initiated in both the Senate and Assembly. We will be asking both of you to draft this language, working with Town Attorney Lehmann.

We hope other Rock County representatives will be supportive and included in the process.

We will be in contact with you soon, in order to set up a meeting to begin this process.

Thank you all for your help during this lengthy contentious process. Hopefully we are near an agreement that will allow the process to move forward for a mutual benefit and resolution.

Thank You

A handwritten signature in black ink, appearing to read "Mike Saunders". The signature is written in a cursive style with a large, sweeping "M" and "S".

Mike Saunders, Chairperson

cc: Senator Kedzie
Representative Sheridan
Representative Towns
Attorney Richard A. Lehmann

Hurley, Peggy

From: Sargent, Justin
Sent: Tuesday, March 07, 2006 3:28 PM
To: Hurley, Peggy
Subject: Re: SWEF Bill. Changes

Let's try to do the surcharge.

-----Original Message-----

From: Hurley, Peggy
To: Sargent, Justin
Sent: Tue Mar 07 14:45:43 2006
Subject: RE: SWEF Bill. Changes

Fines and forfeitures go to the school fund.

-----Original Message-----

From: Sargent, Justin
Sent: Tuesday, March 07, 2006 2:14 PM
To: Hurley, Peggy
Subject: Re: SWEF Bill. Changes

Can you determine where the fines go? I thought it was DOT.....

We hate to take dollars from the the school fund. *

-----Original Message-----

From: Hurley, Peggy
To: Sargent, Justin
Sent: Tue Mar 07 13:59:39 2006
Subject: RE: SWEF Bill. Changes

The problem with that is that the fines/forfeitures don't go to DOT; they go to the school fund under Article X, Section 2 of the Wisconsin constitution. That's why a surcharge would normally be the way to go, but I believe the scheme you've suggested has some problems.

-----Original Message-----

From: Sargent, Justin
Sent: Tuesday, March 07, 2006 1:34 PM
To: Hurley, Peggy
Subject: Re: SWEF Bill. Changes

That could be the case. Of course I'm not an attorney.....

If it is cleaner, let's go the other way and take the percentage from the DOT portion.

-----Original Message-----

From: Hurley, Peggy
To: Sargent, Justin
Sent: Tue Mar 07 13:28:57 2006
Subject: RE: SWEF Bill. Changes

Hi Justin,

I have a few more thoughts on this request. Regarding the surcharge: do you mean that if DOT builds a SWEF on the northbound lane of I-90 in the city of La Prairie, then a surcharge will be added to every fine/forfeiture that is imposed at that SWEF? If that's what you mean, I'm afraid there may be some sort of equal protection problem, in that only drivers who are "caught" at that particular SWEF will pay more than other drivers for the same infraction.

Your thoughts?

Peggy

From: Sargent, Justin
Sent: Monday, March 06, 2006 2:47 PM
To: Hurley, Peggy
Subject: RE: SWEF Bill. Changes

If it can't be statutory, can we make the blanket ban statutory?

From: Hurley, Peggy
Sent: Monday, March 06, 2006 2:44 PM
To: Sargent, Justin
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Any idea when this might get done?

- Justin Sargent
Office of Senator Robson

Hurley, Peggy

From: Sargent, Justin
Sent: Wednesday, March 08, 2006 11:04 AM
To: Hurley, Peggy
Subject: Re: SWEF Bill. Changes

Please feel free to talk to the DOT to expediate this proposal.

-----Original Message-----

From: Hurley, Peggy
To: Justin Sargent
Sent: Mar 7, 2006 3:28 PM
Subject: RE: SWEF Bill. Changes

Ok.

-----Original Message-----

From: Sargent, Justin
Sent: Tuesday, March 07, 2006 3:28 PM
To: Hurley, Peggy
Subject: Re: SWEF Bill. Changes

Let's try to do the surcharge.

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Subject: Re: SWEF Bill. Changes

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From: Hurley, Peggy

To: Sargent, Justin

Sent: Tue Mar 07 13:28:57 2006

Subject: RE:

-----Original Message Truncated-----

Jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

today
3-8-06

Gen

1 AN ACT ...; relating to: building a certain vehicle weighing station in ✓ Rock
2 County, building a certain interchange in Rock County, ✓ and creating a vehicle
3 weighing station surcharge for size and weight violations detected at a certain
4 vehicle weighing station in Rock County. ✓

Analysis by the Legislative Reference Bureau

* Current law allows the Department of Transportation (DOT) to acquire, construct, and maintain motor vehicle weighing stations for weighing, measuring, or inspecting vehicles and loads operating on any public highway in the state. ✓ The DOT ✓ may also acquire, construct, and maintain interchanges along any public highway in the state.

This bill prohibits DOT from constructing, before January 1, 2057, ✓ any motor vehicle weighing station on the southbound lanes of I 39/I 90 in Rock County and prohibits DOT from building an interchange at the intersection of Townline Road and I 90 in Rock County. ✓

Current law also places limits on load, length, width, and weight for vehicles traveling on the highways. Violators may be subject to forfeitures ranging from \$10 to \$300, plus an amount based on how much the violation exceeded permissible limits, depending on the violation. This bill imposes a 100 percent ✓ surcharge on all violations that are detected at a vehicle weighing facility located on the northbound lane of I 39/I 90 in Rock County, ✓ the surcharge is paid to the Town of La Prairie, ✓ in Rock County.

and

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:

1 **SECTION 1.** 59.40 (2) (mm) of the statutes is created to read:

2 59.40 (2) (mm) Pay monthly to the treasurer the amounts required by ss. 348.11
3 (3)✓ and 348.21 (5)✓ for the motor vehicle weighing facility surcharge.✓ The payments
4 shall be made by the 15th day of the month following receipt thereof.

5 **SECTION 2.** 84.01 (21) of the statutes is amended to read:

6 **84.01 (21) MOTOR VEHICLE WEIGHING STATIONS.** The department, as a part of the
7 improvement and maintenance of highways, may acquire, construct and maintain
8 lands and facilities, including scales or weighing stations, for weighing, measuring
9 or inspecting vehicles and loads operating on any public highway in the state. Lands
10 necessary may be adjacent or contiguous to the highway and weighing station
11 facilities may be constructed and maintained upon the traveled portion of the
12 highway or any other part thereof. The department may not construct a motor
13 vehicle weighing facility on the southbound lanes of I 39/I 90 in Rock County before
14 January 1, 2057.

History: 1971 c. 40, 125; 1973 c. 12; 1973 c. 243 s. 82; 1975 c. 189; 1977 c. 29 ss. 918 to 924, 1654 (1), (8) (a), (f), 1656 (43); 1977 c. 190, 272; 1979 c. 221, 314; 1981 c. 346 s. 38; 1983 a. 27, 130; 1985 a. 29, 300; 1987 a. 27; 1989 a. 31, 125, 345; 1993 a. 246; 1995 a. 225, 338; 1997 a. 27, 106; 1999 a. 9; 2001 a. 16; 2005 a. 25, 89.

15 **SECTION 3.** 84.02 (3m) of the statutes is created to read:

16 **84.02 (3m)** The department may not construct an interchange at the
17 intersection of Townline Road and I 90 in Rock County.✓

18 **SECTION 4.** 348.11 (3) of the statutes is created to read:

19 348.11 (3) (a) If a court imposes a forfeiture under this section✓ for a violation
20 that is discovered at a motor vehicle weighing facility located on the northbound

lanes of I 39/I 90 in Rock County, the court shall also impose under ch. 814 a motor vehicle weighing facility surcharge of 10%^{e percent} of the forfeiture amount.

(b) The clerk of the circuit court shall collect and transmit the amount of the motor vehicle weighing facility surcharge to the county treasurer as provided in s. 59.40⁽²⁾(mm). The county treasurer shall then pay this amount to the Town of La Prairie in Rock County.

SECTION 5. 348.21 (5) of the statutes is created to read:

348.21 (5) (a) If a court imposes a forfeiture under this section for a violation that is discovered at a motor vehicle weighing facility located on the northbound lanes of I 39/I 90 in Rock County, the court shall also impose under ch. 814 a motor vehicle weighing facility surcharge of 10%^{e percent} of the forfeiture amount.

(b) The clerk of the circuit court shall collect and transmit the amount of the motor vehicle weighing facility surcharge to the county treasurer as provided in s. 59.40⁽²⁾(mm). The county treasurer shall then pay this amount to the Town of La Prairie in Rock County.

SECTION 6. 814.75 (22mv) of the statutes is created to read:

814.75 (22mv) The motor vehicle weighing facility surcharge under s. 348.11 (3).

SECTION 7. 814.75 (22my) of the statutes is created to read:

814.75 (22my) The motor vehicle weighing facility surcharge under s. 348.21 (5).

SECTION 8. 814.79 (9m) of the statutes is created to read:

814.79 (9m) The motor vehicle weighing facility surcharge under s. 348.11 (3).

SECTION 9. 814.79 (9r) of the statutes is created to read:

