

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: 06/10/99

Received By: isagerro

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Dyck

This file may be shown to any legislator: NO

Drafter: isagerro

May Contact:

Alt. Drafters:

Subject: **Transportation - highways**

Extra Copies: **PEN
TNF
RCT**

Pre Topic:

LFB:.....Dyck -

Topic:

Reconstruction of State Highway 59

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>
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FE Sent For:		/		J/KSH <END> 6/11			



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0627/1

ISR:.....

cmd

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LFB:.....Dyck - Reconstruction of state highway 59

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

*Note
sworn*

1 At the locations indicated, amend the bill as follows:

2 1. Page 910, line 9: after that line insert:

3 "SECTION 1819[✓]d. 84.013[✓] (4) (b) of the statutes is amended to read:

4 84.013 (4) (b) The department may not, within any 6-year period, construct a
5 highway project consisting of separate contiguous projects which do not individually
6 qualify as major highway projects but which in their entirety would constitute a
7 major highway project without first submitting the project to the transportation
8 projects commission for its recommendations and report and without specific
9 authorization under sub. (3), except as provided in par. (c)[✓] and sub. (6).

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.

10 SECTION 1819[✓]e. 84.013 (4) (c) of the statutes is created to read:

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0627/1dn
ISR.....

cmf

June 10, 1999

Jon Dyck:

This amendment exempts two separate contiguous highway projects from classification as a major highway project under section 84.013 (4) (b), stats. DOT may proceed with the highway projects without first submitting the projects to the transportation projects commission and without receiving specific authorization from the legislature.

* A Wisconsin court may conclude that this amendment is a "private or local law". Under art. IV, sec. 18, of the Wisconsin Constitution, a "private or local law" is required to be enacted as single-subject legislation. If a court determined that this amendment constituted a "private or local law", the amendment cannot validly be enacted as part of the biennial budget act (which clearly encompasses more than one subject).

Please review this amendment carefully to make sure it reflects your intent. If you have any questions or comments, please feel free to contact me.

Ivy G. Sager-Rosenthal
Legislative Attorney
Phone: (608) 261-4455
E-mail: Ivy.Sager-Rosenthal@legis.state.wi.us

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

LRBb0627/1dn
ISR:cmh:jf

June 10, 1999

Jon Dyck:

This amendment exempts two separate contiguous highway projects from classification as a major highway project under section 84.013 (4) (b), stats. DOT may proceed with the highway projects without first submitting the projects to the transportation projects commission and without receiving specific authorization from the legislature.

Also, a Wisconsin court may conclude that this amendment is a "private or local law". Under art. IV, sec. 18, of the Wisconsin Constitution, a "private or local law" is required to be enacted as single-subject legislation. If a court determines that this amendment constituted a "private or local law", the amendment cannot validly be enacted as part of the biennial budget act (which clearly encompasses more than one subject).

Please review this amendment carefully to make sure it reflects your intent. If you have any questions or comments, please feel free to contact me.

Ivy G. Sager-Rosenthal
Legislative Attorney
Phone: (608) 261-4455
E-mail: Ivy.Sager-Rosenthal@legis.state.wi.us

Sager-Rosenthal, Ivy

From: Dyck, Jon
Sent: Sunday, June 13, 1999 8:57 AM
To: Sager-Rosenthal, Ivy
Subject: 0627/1

Ivy,

On 0627/1, the segment between Calhoun Rd. to the eastern Waukesha County line is contained within the STH 164 to eastern county line segment. Do you think it is necessary to mention Calhoun to county line? Also, we might want to watch out for the precedent that may be created by allowing DOT to do a major project without being enumerated under sub (3). Perhaps this is difficult to do in this case, but I wonder, could we simply say that DOT can reconstruct this segment notwithstanding (4) (b), without mentioning sub (3)? If you think mentioning sub (3) is necessary, then that's fine.

Jon Dyck, Fiscal Analyst
Legislative Fiscal Bureau



LFB:.....Dyck - Reconstruction of State Highway 59

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

Today

1 At the locations indicated, amend the bill as follows:

2 1. Page 910, line 9: after that line insert:

3 "SECTION 1819d. 84.013 (4) (b) of the statutes is amended to read:

4 84.013 (4) (b) The department may not, within any 6-year period, construct a
5 highway project consisting of separate contiguous projects which do not individually
6 qualify as major highway projects but which in their entirety would constitute a
7 major highway project without first submitting the project to the transportation
8 projects commission for its recommendations and report and without specific
9 authorization under sub. (3), except as provided in par. (c) and sub. (6).

10 SECTION 1819e. 84.013 (4) (c) of the statutes is created to read:

11 84.013 (4) (c) The department may ~~reconstruct~~ ^{construct highway projects involving} STH 59 between STH 164 on
^{Calhoun Road in Waukesha County}
12 the eastern edge of the city of Waukesha and ~~124th Street~~ ^{at the eastern edge of}

1 ~~Waukesha County and upgrade STH 59 from the Waukesha County line to Calhoun~~
2 ~~road~~ ^{in Waukesha County} without first submitting the projects to the transportation projects commission
3 for its recommendations and report and without specific authorization under sub.
4 (3)."

Calhoun Road to

5 (END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0627/2
ISR:cmh:km

LFB:.....Dyck - Reconstruction of State Highway 59

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 910, line 9: after that line insert:

3 **"SECTION 1819d.** 84.013 (4) (b) of the statutes is amended to read:

4 84.013 (4) (b) The department may not, within any 6-year period, construct a
5 highway project consisting of separate contiguous projects which do not individually
6 qualify as major highway projects but which in their entirety would constitute a
7 major highway project without first submitting the project to the transportation
8 projects commission for its recommendations and report and without specific
9 authorization under sub. (3), except as provided in par. (c) and sub. (6).

10 **SECTION 1819e.** 84.013 (4) (c) of the statutes is created to read:

11 84.013 (4) (c) The department may construct highway projects involving STH
12 59 between STH 164 on the eastern edge of the city of Waukesha and Calhoun Road

1 in Waukesha County and STH 59 from Calhoun Road to the Waukesha County line
2 in Waukesha County without first submitting the projects to the transportation
3 projects commission for its recommendations and report and without specific
4 authorization under sub. (3).”

5 (END)