1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Receive	ed: 06/10/99		Received By: isagerro				
Wanted	: Soon		Identical to LRB:				
For: Le	gislative Fisca	l Bureau	By/Representing: Dyck Drafter: isagerro Alt. Drafters:				
This file	e may be show	n to any legislat					
May Co	ontact:						
Subject	Trans	portation - high	Extra Copies: PEN TNF RCT				
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LFB:	Dyck -						
Topic:			. , , , , , , , , , , , , , , , , , , ,				
Reconst	ruction of Stat	e Highway 59				,	
Instruc	tions:						
See Attached							
Draftin	g History:						
Vers.	Drafted	Reviewed	<u>Typed</u>	Proofed	Submitted	<u>Jacketed</u>	Required
/1	isagerro 06/10/99 isagerro 06/11/99 isagerro 06/14/99	jgeller 06/11/99 chanaman 06/11/99 chanaman 06/14/99	jfrantze 06/11/99		lrb_docadmin 06/11/99		
/2			martykr 06/14/99		lrb_docadmin 06/14/99		

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1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: 06/10/99

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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:

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Representative Duff



TRANSPORTATION -- STATE HIGHWAY PROGRAM

Reconstruction of STH 59 in Waukesha County

s; 4.013

Motion:

Move to permit DOT to reconstruct STH 59 to add lanes between STH 164 on the eastern edge of the City of Waukesha to 124th Street at the eastern Waukesha County line, notwithstanding a statutory provision that prohibits the Department from, within any six-year period, constructing a highway project consisting of separate, contiguous projects, which do not individually qualify as major highway projects, but which in their entirety would constitute a major highway project.

Note:

Under current law, DOT is prohibited from, within any six-year period, constructing a highway project consisting of separate, contiguous projects, which do not individually qualify as major highway projects, but which in their entirety would constitute a major highway project. The motion would allow DOT, notwithstanding this provision, to reconstruct a six-mile segment of STH 59 in Waukesha County to add lanes.

In a highway rehabilitation project scheduled to begin this summer, DOT will upgrade STH 59 from the Waukesha County line to Calhoun Road, a 2.2-mile segment, from two lanes to four lanes. The Department indicates that a 3.8-mile segment from Calhoun Road to STH 164 has been considered for capacity expansion for several years, but disputes over the project between the affected local governments have prevented the project from being constructed. Although the disputes now appear to be resolved, this western segment cannot be constructed as a state highway rehabilitation project because, when combined with the eastern segment, it would involve adding lanes to more than five miles of existing highway. The combined projects, therefore, would be defined as a major highway development project and could not be constructed either as a rehabilitation project (because of the prohibition against constructing contiguous rehabilitation projects that together would be defined as a major highway project or as a major highway project (because it is not enumerated in the statutes). The motion would allow the western segment to be improved to add lanes under the state highway rehabilitation program. This would be the first exception to this statutory provision since the requirement for enumerating major highway projects was established.

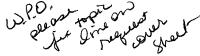
Motion #839



State of Wisconsin 1999 - 2000 LEGISLATURE

LRBb0627/1 ISR:...:...

cmy



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: $\mathbf{2}$ **1.** Page 910, line 9: after that line insert: "Section 1819d. 84.013 (4) (b) of the statutes is amended to read: 3 84.013 (4) (b) The department may not, within any 6-year period, construct a highway project consisting of separate contiguous projects which do not individually 5 qualify as major highway projects but which in their entirety would constitute a 6 major highway project without first submitting the project to the transportation 7 projects commission for its recommendations and report and without specific 8 authorization under sub. (3), except as provided in par. (c) and sub. (6). 9 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.

SECTION 1819e. 84.013 (4) (c) of the statutes is created to read: 84.013 (4) (c) The department of transportation may reconstruct STH 59 between STH 164 on the eastern edge of the city of Waukesha and 124th Street at the eastern edge of Waukesha County and upgrade STH 59 from the Waukesha County line to Calhoun Road without first submitting the project to the transportation projects commission for its recommendations and report and without specific authorization under sub. (3).".

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(END)

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRBb0627/1dn ISR:...:..

ony

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.

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

lvy,

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

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State of Misconsin 1999 - 2000 LEGISLATURE

LRBb0627/1/ ISR:cmh:jf

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



At the locations indicated, amend the bill as follows: 1 1. Page 910, line 9: after that line insert: 2 **"Section 1819d.** 84.013 (4) (b) of the statutes is amended to read: 3 84.013 (4) (b) The department may not, within any 6-year period, construct a 4 highway project consisting of separate contiguous projects which do not individually 5 qualify as major highway projects but which in their entirety would constitute a 6 major highway project without first submitting the project to the transportation 7 projects commission for its recommendations and report and without specific 8 authorization under sub. (3), except as provided in par. (c) and sub. (6). 9 SECTION 1819e. 84.013 (4) (c) of the statutes is created to read: 10 construct highway projects involving 84.013 (4) (c) The department may reconstruct STH 59 between STH 164 on Calhoun Road in Waukesha Coursetern edge of the city of Waukesha and 1900 and 1900

the eastern edge of the city of Waukesha and 124th Street at the eastern edge of

Mankesha County and apprade STH 59 from the Waukesha County line to the projects to the transportation projects commission for its recommendations and report and without specific authorization under sub.

(3)."

(END)

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State of Misconsin 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

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

(END)

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