

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: 09/28/1999

Received By: nelsorp1

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau 6-9919

By/Representing: Dyck

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Alt. Drafters:

Subject: **Transportation - miscellaneous
Courts - immunity liability**

Extra Copies:

Pre Topic:

LFB:.....Dyck -

Topic:

Liability exemptions for using recycled materials in public works projects. Replaces b1032.

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>
/?	nelsorp1 09/28/1999	jgeller 09/28/1999		_____			
/1			mclark 09/28/1999	_____	lrb_docadmin 09/28/1999		

FE Sent For:

<END>

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/?	nelsorp1	1 9/28 jlg	9/28 MRC	MRC/KJF 9/28			

FE Sent For:

<END>

~~11/30~~

9/28

Call Jan Dyck

6-9919

pg. 21, #33

Wants " by contracting
agencies " on p 2, l. 9,
after " required " per
DOT Jim Thiel

WFO - Fix request sheet

TODAY

1999 - 2000 LEGISLATURE

LRBb1032/d
RPN:cmh:kjf

LFB... Dyck

JG +

ARC:.....Dake - Motion #1525, Liability exemption for using recycled materials in public works projects

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 1431, line 11: after that line insert:
- 3 "SECTION 3113m. 895.58 of the statutes is created to read:
- 4 **895.58 Liability exemption; use of special waste under public works**
- 5 **contracts.** (1) In this section:
- 6 (a) "Department" means the department of natural resources.
- 7 (b) "Local governmental unit" means a political subdivision of this state, a
- 8 special purpose district in this state, an agency or corporation of such a political
- 9 subdivision or special purpose district, or a combination or subunit of any of the
- 10 foregoing.

1 (c) "Public works project" means any work done under contract to a state agency
2 or local governmental unit.

3 (d) "Special waste" means any solid waste which is characterized for beneficial
4 use in public works projects by the department of natural resources.

5 (2) The department may characterize a solid waste for beneficial use in public
6 works projects by rule, memorandum of understanding between itself and other
7 state agencies or local governmental units, or on a case-by-case basis. The
8 department shall compile and maintain a list of special wastes in a format readily
9 available to the general public and only those special wastes may be required to be
10 used in a public works project.

11 (3) Special waste, when used in a public works project, is not subject to
12 regulation as solid waste under ch. 289.

13 (4) A person is immune from liability for the use of special waste on a public
14 works project or for damages resulting from the person's actions or omissions
15 relating to the use of the special waste on a public works project if all of the following
16 apply:

17 (a) The acts or omissions by the person occurred while performing work under
18 a contract for a public works project including acts or omissions by any person who
19 has a direct contractual relationship with the prime contractor, as defined in s.
20 779.01 (2) (d), under a contract for a public works project to perform labor or furnish
21 materials.

22 (b) The acts or omissions involving the special wastes were required or
23 permitted in a contract for a public works project and the acts or omissions conformed
24 to the provisions of the contract.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1832/1
RPN:jlg&cmh:mrc

LFB:.....Dyck - Liability exemptions for using recycled materials in public works projects. Replaces b1032.

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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