

2001 DRAFTING REQUEST

Bill

Received: 10/10/2001

Received By: agary

Wanted: Soon

Identical to LRB:

For: Richard Grobschmidt (608) 266-7505

By/Representing: John Sumi (aide)

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

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

Extra Copies: **TNF, PJH**

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

local authority to require DOT to maintain grass and weeds at specified height on DOT land

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>
/?	agary 10/10/2001	jdyer 10/11/2001		_____			S&L
/1			pgreensl 10/11/2001	_____	lrb_docadmin 10/11/2001	lrb_docadmin 10/15/2001	

FE Sent For:

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17	agary	11/10 jld	10/11 pg	10/11 Self			

FE Sent For:

<END>

Gary, Aaron

From: Sumi, John
Sent: Wednesday, October 10, 2001 10:57 AM
To: Gary, Aaron
Subject: FW: Co-sponsor/10-11-01/Ward/LRB 3655/local government option to require DOT compliance relating to grass & weed maintenance

Aaron,

Senator Grobschmidt would like to have a Senate companion bill to LRB 3655 prepared.

Thanks

John

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

From: Rodriguez, Charlene
Sent: Friday, October 05, 2001 11:43 AM
To: *Legislative All Assembly; *Legislative All Senate
Subject: Co-sponsor/10-11-01/Ward/LRB 3655/local government option to require DOT compliance relating to grass & weed maintenance

To: All Legislators

From: State Representative David Ward

Date: October 5, 2001

Re: Co-sponsorship of LRB 3655/2 relating to a local government option to require DOT to comply with local ordinances or resolutions relating to grass and weed maintenance

In response to a constituent and my local government's experiences, I am introducing LRB 3655/2 which would give local units of government the option of enforcing the same rules and regulations on the Department of Transportation (DOT) relating to grass and weed maintenance as it does on all other property owners living within that municipality. The DOT, on many occasions, does not maintain their property while residents living in the same community are required to abide by their local ordinances or face forfeitures. This bill would give the local unit of government the option to adopt a resolution requiring the DOT to comply with an ordinance or resolution of the municipality relating to the maintenance of grass and weeds at or below a specified height, of not less than 12 inches, on any land owned, occupied, or controlled by DOT that abuts the roadway of a highway, and that is located within the corporate limits of the municipality.

The draft and analysis of this legislation are provided below. If you are interested in co-sponsoring LRB 3655/2 or have any relating questions, please do not hesitate to contact my office at 266-3790 or respond directly to this e-mail by Thursday, October 11, 2001. No hard-copy of this memo will be circulated.



01-36552.pdf

4/12/11

stays

Senate
~~2001 ASSEMBLY BILL~~

soon
turned in 10/10/01

Regen

1 AN ACT to create 85.07 (9) and 349.28 of the statutes; relating to: maintenance
2 of grass and weeds below a specified height on department of transportation
3 land abutting highways.

Analysis by the Legislative Reference Bureau

Current law requires every person to destroy all noxious weeds on lands that the person owns, occupies, or controls, including on public lands. Current law also requires a highway patrolman on all federal, state, and county highways to destroy all noxious weeds on the portion of highways that the highway patrolman patrols. The governing body of any town, city, or village (municipality) or the county board of any county may, by ordinance or resolution, declare any weed to be noxious within the municipality's or county's boundaries. A municipality may also appoint a weed commissioner, who has authority to enter land and destroy noxious weeds, and then charge the landowner for the cost of destruction.

This bill allows the governing body of any municipality to adopt a resolution requiring the department of transportation (DOT) to comply with an ordinance or resolution of the municipality relating to the maintenance of grass and weeds at or below a specified height, of not less than 12 inches, on any land owned, occupied, or controlled by DOT that abuts the roadway of a highway, including land within or abutting the highway right-of-way, and that is located within the corporate limits of the municipality. DOT may contract with any municipality or private entity for performance of such maintenance work. If DOT neglects to maintain grass or weeds on the specified property at or below the height required by the municipality, and the

ASSEMBLY BILL

municipality has provided reasonable notice to DOT of its failure to comply with the requirement, the municipality may enter upon the land and cut, trim, or mow, or cause any person to enter upon the land to cut, trim, or mow, the grass or weeds. DOT must compensate a municipality for the reasonable cost of cutting, trimming, or mowing grass or weeds, upon submission to DOT of an itemized account for the work, verified under oath, within one month following the work.

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.** 85.07 (9) of the statutes is created to read:

2 **85.07 (9) GRASS AND WEED CONTROL.** The department shall comply with any
3 applicable ordinance or resolution specified in s. 349.28 (1) and shall make any
4 payment required under s. 349.28 (2).

5 **SECTION 2.** 349.28 of the statutes is created to read:

6 **349.28 Authority to regulate length of grass and weeds on department**
7 **land abutting highways.** (1) The governing body of any municipality may adopt
8 a resolution requiring the department to comply with an ordinance or resolution of
9 the municipality relating to the maintenance of grass and weeds at or below a
10 specified height, of not less than 12 inches, on any land owned, occupied, or controlled
11 by the department that abuts the roadway of any highway, including land within or
12 abutting the highway right-of-way, and that is located within the corporate limits
13 of the municipality.

14 (2) (a) If the department neglects to maintain grass or weeds in violation of an
15 applicable ordinance or resolution specified in sub. (1) after the municipality has
16 provided reasonable notice to the department that the department is not in
17 compliance with the ordinance or resolution, the municipality may cut, trim, or mow,

ASSEMBLY BILL

1 or have cut, trimmed, or mowed, the grass or weeds in the most economical manner
2 if reasonable care is exercised.

3 (b) The department shall pay to a municipality the reasonable cost of the
4 cutting, trimming, or mowing under par. (a) upon submission by the municipality to
5 the department of a properly itemized account for the work, verified under oath, no
6 later than one month following performance of the work. The account shall include
7 a description of the land on which the work was performed, a description of the work
8 performed, the date the work was performed, and the amount charged for each item
9 of work performed, as well as the method of calculating the amount charged for each
10 item of work.

11 (3) The department may contract with any municipality or private entity to
12 have all or certain parts of the maintenance specified in sub. (1) performed by the
13 municipality or private entity.

14 (END)



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

October 11, 2001

MEMORANDUM

To: Senator Grobschmidt

From: Aaron R. Gary, Attorney

Re: LRB-4012/1 local authority to require DOT to maintain grass and weeds at specified height on DOT land

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

_____ JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 261-6926 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.