

2001 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB55)

Received: 06/16/2001

Received By: fasttn

Wantcd: Soon

Identical to LRB:

For: Senate Democratic Caucus

By/Representing: Keckhaver

This file may be shown to any legislator: NO

Drafter: fasttn

May Contact:

Addl. Drafters: kahlepj

Subject: Transportation - highways

Extra Copies: ARG, PJH - 1

Submit via email: NO

Requester's email:

Pre Topic:

SDC:.....Keckhaver - CN6545,

Topic:

Marquette interchange reconstruction project

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>
/?	fasttn 06/17/2001	hhagen 06/17/2001		_____			
/1			rschluet 06/18/2001	_____	lrb_docadmin 06/18/2001		
/2	fasttn 06/18/2001	hhagen 06/18/2001	pgreensl 06/18/2001	_____	lrb_docadmin 06/19/2001		

Vers. Drafted Reviewed Typed Proofed Submitted Jackcted Required

FE Sent For:

<END>

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1?	fasttn	11 kmh 6/17/01					

6-18-1

FE Sent For:

<END>

TAP

CN6545

Marquette Interchange

Agency: DOT and DOC

Description: Require that the Plankinton Avenue Exit be kept open. Require that construction work on the Interchange be conducted on a 24-hour, round -the -clock basis. Require that state MBE requirements be applied to the state portion of the funding for the project and require that the Department of Commerce engage in an appropriate study precedent to the application of MBE requirements.

Fiscal Effect: Unknown

(New Provision)

Agency: Transportation and Commerce

caucus number 6545

duplicate flag:
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

other notes

Description2: Require that the Plankinton Ave Exit to be kept open. Require that work be done on a 24 hr basis. Req that MBE reqs be applied to the state portion of the fundg for the project & req DOC engage in a study precedent to the app of MBE reqs.

drafting instructions:
more instructions:

Agency: **Transportation and Commerce**

Number of Amendments: 1

2001

Date (time) needed

SOON

D-NOTE

(turned in 6/17)

LRB b 1097 1 1

AMDT TO BUDGET SUB AMDT

TNF+PJK: hmh: _____

See form AMENDMENTS — COMPONENTS & ITEMS.

SENATE AMENDMENT
~~TO SENATE AMENDMENT~~
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 55

At the locations indicated, amend the substitute amendment ~~amendment~~ as follows:

Insert A →

#. Page 861, line 17: after that line insert:

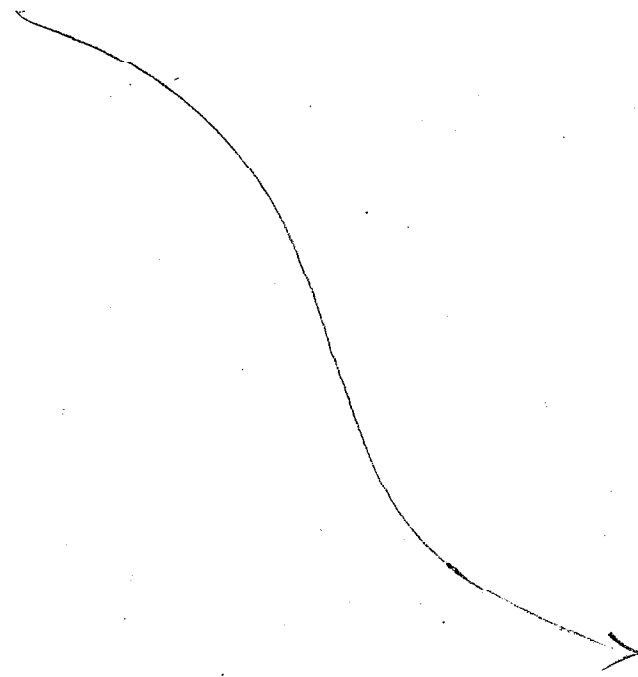
#. Page ~~...~~, line ~~...~~

#. Page ~~...~~, line ~~...~~

#. Page ~~...~~, line ~~...~~

#. Page ~~...~~, line ~~...~~

#. Page ~~...~~, line ~~...~~



⑥
"(7g) Notwithstanding ss. 84.29(6) and
84.295(7), the department shall keep an
exit at Plankinton Avenue open for travel
during the Marquette interchange reconstruction
project.

⑥
(7m) Construction work on the Marquette
interchange reconstruction project shall be performed
on a 24-hour basis.

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1097/ins
PJK.....

INSERT A

1

1. Page 63, line 10: after that line insert:

2

"SECTION 290m 16.75 (3m) (c) 4. of the statutes is amended to read:

3

16.75 (3m) (c) 4. The department shall annually prepare and submit a report

4

to the governor and to the chief clerk of each house of the legislature, for distribution

5

to the appropriate standing committees under s. 13.172 (3), on the total amount of

6

money paid to and of indebtedness or other obligations underwritten by minority

7

businesses, minority financial advisers, and minority investment firms under the

8

requirements of this subsection and ss. 16.855 (10m), 16.87 (2), 25.185, 84.014 (7r),

9

84.075, and 565.25 (2) (a) 3. and on this state's progress toward achieving compliance

10

with par. (b) and ss. 16.855 (10m) (a) and (10n), 16.87 (2), 25.185, 84.014 (7r), and

11

84.075 (1).

History: 1975 c. 224; 1977 c. 418, 419; 1979 c. 34, 221, 314, 340, 355; 1979 c. 361 s. 112; 1981 c. 121 s. 20; 1983 a. 27 ss. 91, 93 to 99; 1983 a. 333 ss. 3g, 3r to 4b, 6; 1983 a. 368, 390; 1985 a. 29 ss. 122m to 124, 3200 (1); 1985 a. 180; 1987 a. 27, 119, 142, 147, 186, 399, 403; 1989 a. 31, 335, 345, 359; 1991 a. 39, 170; 1993 a. 16, 414; 1995 a. 27 ss. 368 to 382, 9116 (5); 1995 a. 225, 227, 244, 289, 432; 1997 a. 3; 1999 a. 9, 44, 197.

12

SECTION 290p 16.75 (3m) (c) 5. of the statutes is amended to read:

13

16.75 (3m) (c) 5. In determining whether a purchase, contract, or subcontract

14

complies with the goal established under par. (b) or s. 16.855 (10m), 16.87 (2) or,

15

25.185, or 84.014 (7r), the department shall include only amounts paid to minority

16

businesses, minority financial advisers, and minority investment firms certified by

17

the department of commerce under s. 560.036 (2) fix quote

History: 1975 c. 224; 1977 c. 418, 419; 1979 c. 34, 221, 314, 340, 355; 1979 c. 361 s. 112; 1981 c. 121 s. 20; 1983 a. 27 ss. 91, 93 to 99; 1983 a. 333 ss. 3g, 3r to 4b, 6; 1983 a. 368, 390; 1985 a. 29 ss. 122m to 124, 3200 (1); 1985 a. 180; 1987 a. 27, 119, 142, 147, 186, 399, 403; 1989 a. 31, 335, 345, 359; 1991 a. 39, 170; 1993 a. 16, 414; 1995 a. 27 ss. 368 to 382, 9116 (5); 1995 a. 225, 227, 244, 289, 432; 1997 a. 3; 1999 a. 9, 44, 197.

(END OF INSERT A)

PAGE 3

1073

(b)

18

(7r) Notwithstanding ss. 84.01 (13) and 84.06 (2) (a), in the use of any state

19

funds for the Marquette interchange reconstruction project, the department shall

↓

Page 3 contd 2073

1 attempt to ensure that 5% of the total amount expended in each fiscal year is paid
2 to minority businesses certified by the department of commerce under s. 560.036
3 (2).”

4 2. Page 865, line 20: after that line insert:

5

“SECTION ^{2307c} ~~84.06~~ (2) (a) of the statutes is amended to read:

6

84.06 (2) (a) All such highway improvements shall be executed by contract
7 based on bids unless the department finds that another method as provided in sub.
8 (3) or (4) would be more feasible and advantageous. Bids shall be advertised for in
9 the manner determined by the department. Except as provided in ~~s.~~ ss. 84.014 (7r)
10 and 84.075, the contract shall be awarded to the lowest competent and responsible
11 bidder as determined by the department. If the bid of the lowest competent bidder
12 is determined by the department to be in excess of the estimated reasonable value
13 of the work or not in the public interest, all bids may be rejected. The department
14 shall, so far as reasonable, follow uniform methods of advertising for bids and may
15 prescribe and require uniform forms of bids and contracts. Except as provided in par.
16 (b), the secretary shall enter into the contract on behalf of the state. Every such
17 contract is exempted from ss. 16.70 to 16.75, 16.755 to 16.82, 16.87² and 16.89, but
18 ss. 16.528, 16.752, and 16.754 apply to the contract. Any such contract involving an
19 expenditure of \$1,000 or more shall not be valid until approved by the governor. The
20 secretary may require the attorney general to examine any contract and any bond
21 submitted in connection with the contract and report on its sufficiency of form and
22 execution. The bond required by s. 779.14 (1m) is exempt from approval by the
23 governor and shall be subject to approval by the secretary. This subsection also



Page 3 contd

303

1 applies to contracts with private contractors based on bids for maintenance under s.

2 84.07.)) ←

History: 1971 c. 125; 1977 c. 29 ss. 932, 1654 (8) (a); 1977 c. 196 s. 131; 1977 c. 273; 1979 c. 32 s. 92 (9); 1979 c. 34, 314; 1983 a. 27; 1983 a. 524 ss. 31, 50; 1985 a. 225 s. 100; 1985 a. 300, 332; 1987 a. 98, 399; 1989 a. 31, 345; 1993 a. 496; 1995 a. 27; 1997 a. 237.

3 3. Page 1156, line 7: after that line insert:

4 "SECTION 3619v. 560.036 (2) (a) of the statutes is amended to read:

5 560.036 (2) (a) For the purposes of ss. 16.75 (3m), 16.855 (10m), 16.87 (2), 18.16,
6 18.64, 18.77, 25.185, 84.014 (7r), 119.495 (2), 200.57, 231.27, and 234.35, the
7 department shall establish and periodically update a list of certified minority
8 businesses, minority financial advisers, and minority investment firms. Any
9 business, financial adviser, or investment firm may apply to the department for
10 certification. For purposes of this paragraph, unless the context otherwise requires,
11 a "business" includes a financial adviser or investment firm.

History: 1983 a. 390; 1985 a. 182 s. 57; 1987 a. 27, 403; 1989 a. 31; 1991 a. 37, 39, 189; 1993 a. 112; 1997 a. 27; 1999 a. 150 s. 672.

12 SECTION 3619w. 560.036 (2) (d) 1. b. of the statutes is amended to read:

13 560.036 (2) (d) 1. b. The department determines that, with respect to a specified
14 type of supply, material, equipment, or service, there are not enough certified
15 minority business suppliers in this state to enable this state to achieve compliance
16 with ss. 16.75 (3m), 16.855 (10m), 16.87 (2) and, 25.185, and 84.014 (7r)."

History: 1983 a. 390; 1985 a. 182 s. 57; 1987 a. 27, 403; 1989 a. 31; 1991 a. 37, 39, 189; 1993 a. 112; 1997 a. 27; 1999 a. 150 s. 672.

17 (END)

D-NOTE

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1097/?dn
PJT/TJ.../hsh

Date _____

I assumed that the background investigation into whether a business was a minority business was what was meant, in the drafting instructions, by requiring the department of commerce to do an "appropriate study precedent to the application of MBE requirements." If you want a different kind of study, you will have to tell me what is to be studied.

on the Marquette
interchange reconstruction
project

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.state.wi.us

Requiring construction work to be performed on a 24-hour basis may affect the amount of funds required to be expended or encumbered. This amendment does not change the funding for the project specified in SSA1 to 2001 SB-55.

TNF

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1097/1dn
PJK&TNF:hmh:rs

June 18, 2001

I assumed that the background investigation into whether a business was a minority business was what was meant, in the drafting instructions, by requiring the department of commerce to do an "appropriate study precedent to the application of MBE requirements." If you want a different kind of study, you will have to tell me what is to be studied.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.state.wi.us

Requiring construction work on the Marquette interchange reconstruction project to be performed on a 24-hour basis may affect the amount of funds required to be expended or encumbered. This amendment does not change the funding for the project specified in SSA1 to 2001 SB-55.

Timothy N. Fast
Senior Legislative Attorney
Phone: (608) 266-9739
E-mail: tim.fast@legis.state.wi.us

WANTED SOON
turned in 6/18

SDC:.....Keckhaver - CN6545, Marquette interchange reconstruction project

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 63, line 10: after that line insert:

3 "SECTION 290m. 16.75 (3m) (c) 4. of the statutes is amended to read:

4 16.75 (3m) (c) 4. The department shall annually prepare and submit a report
5 to the governor and to the chief clerk of each house of the legislature, for distribution
6 to the appropriate standing committees under s. 13.172 (3), on the total amount of
7 money paid to and of indebtedness or other obligations underwritten by minority
8 businesses, minority financial advisers, and minority investment firms under the
9 requirements of this subsection and ss. 16.855 (10m), 16.87 (2), 25.185, 84.014 (7r),
10 84.075, and 565.25 (2) (a) 3. and on this state's progress toward achieving compliance

The Marquette interchange reconstruction project shall include an exit at the intersection of Plankinton Avenue and I^Δ 794. with par. (b) and ss. 16.855 (10m) (a) and (10n), 16.87 (2), 25.185, 84.014 (7r), and 84.075 (1).

SECTION 290p. 16.75 (3m) (c) 5. of the statutes is amended to read:

16.75 (3m) (c) 5. In determining whether a purchase, contract, or subcontract complies with the goal established under par. (b) or s. 16.855 (10m), 16.87 (2) or, 25.185, or 84.014 (7r), the department shall include only amounts paid to minority businesses, minority financial advisers, and minority investment firms certified by the department of commerce under s. 560.036 (2).”.

2. Page 861, line 17: after that line insert:

“(7g) Notwithstanding ss. 84.29 (6) and 84.295 (7), the department shall keep an exit at Plankinton Avenue open for travel during the Marquette interchange reconstruction project.

(7m) Construction work on the Marquette interchange reconstruction project shall be performed on a 24-hour basis.

(7r) Notwithstanding ss. 84.01 (13) ~~and~~ 84.06 (2) (a), ^{and 84.075 (1),} in the use of any state funds for the Marquette interchange reconstruction project, the department shall attempt to ensure that 5% of the total amount expended in each fiscal year is paid to minority businesses certified by the department of commerce under s. 560.036 (2).”.

3. Page 865, line 20: after that line insert:

“SECTION 2307c. 84.06 (2) (a) of the statutes is amended to read:

84.06 (2) (a) All such highway improvements shall be executed by contract based on bids unless the department finds that another method as provided in sub. (3) or (4) would be more feasible and advantageous. Bids shall be advertised for in

1 the manner determined by the department. Except as provided in ~~s.~~ ss. 84.014 (7r)
2 and 84.075, the contract shall be awarded to the lowest competent and responsible
3 bidder as determined by the department. If the bid of the lowest competent bidder
4 is determined by the department to be in excess of the estimated reasonable value
5 of the work or not in the public interest, all bids may be rejected. The department
6 shall, so far as reasonable, follow uniform methods of advertising for bids and may
7 prescribe and require uniform forms of bids and contracts. Except as provided in par.
8 (b), the secretary shall enter into the contract on behalf of the state. Every such
9 contract is exempted from ss. 16.70 to 16.75, 16.755 to 16.82, 16.87, and 16.89, but
10 ss. 16.528, 16.752, and 16.754 apply to the contract. Any such contract involving an
11 expenditure of \$1,000 or more shall not be valid until approved by the governor. The
12 secretary may require the attorney general to examine any contract and any bond
13 submitted in connection with the contract and report on its sufficiency of form and
14 execution. The bond required by s. 779.14 (1m) is exempt from approval by the
15 governor and shall be subject to approval by the secretary. This subsection also
16 applies to contracts with private contractors based on bids for maintenance under s.
17 84.07.”.

18 **4.** Page 1156, line 7: after that line insert:

19 “SECTION 3619v. 560.036 (2) (a) of the statutes is amended to read:

20 560.036 (2) (a) For the purposes of ss. 16.75 (3m), 16.855 (10m), 16.87 (2), 18.16,
21 18.64, 18.77, 25.185, 84.014 (7r), 119.495 (2), 200.57, 231.27, and 234.35, the
22 department shall establish and periodically update a list of certified minority
23 businesses, minority financial advisers, and minority investment firms. Any
24 business, financial adviser, or investment firm may apply to the department for

1 certification. For purposes of this paragraph, unless the context otherwise requires,
2 a “business” includes a financial adviser or investment firm.

3 **SECTION 3619w.** 560.036 (2) (d) 1. b. of the statutes is amended to read:

4 560.036 (2) (d) 1. b. The department determines that, with respect to a specified
5 type of supply, material, equipment, or service, there are not enough certified
6 minority business suppliers in this state to enable this state to achieve compliance
7 with ss. 16.75 (3m), 16.855 (10m), 16.87 (2) and, 25.185, and 84.014 (7r).”

8 (END)

Insert 2-19

Section # ~~84.03~~ (1) of the statutes

~~84.075 (1) In purchasing services under s. 84.01 (13), in awarding construction contracts under s. 84.06 and in contracting with private contractors and agencies under s. 84.07, the department shall attempt to ensure that 5% of the total amount expended in each fiscal year is paid to contractors, subcontractors and vendors which are minority businesses, as defined under s. 560.036 (1) (c).~~

In attempting to meet this goal, the department may award any contract to a minority business that submits a qualified responsible bid that is no more than 5% higher than the low bid.

History: 1983 a. 27; 1983 a. 390 ss. 4, 6; 1987 a. 27.

SDC:.....Keckhaver – CN6545, Marquette interchange reconstruction project

FOR 2001–03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

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2 **1.** Page 63, line 10: after that line insert:

3 **“SECTION 290m.** 16.75 (3m) (c) 4. of the statutes is amended to read:

4 16.75 (**3m**) (c) 4. The department shall annually prepare and submit a report
5 to the governor and to the chief clerk of each house of the legislature, for distribution
6 to the appropriate standing committees under s. 13.172 (3), on the total amount of
7 money paid to and of indebtedness or other obligations underwritten by minority
8 businesses, minority financial advisers, and minority investment firms under the
9 requirements of this subsection and ss. 16.855 (10m), 16.87 (2), 25.185, 84.014 (7r),
10 84.075, and 565.25 (2) (a) 3. and on this state’s progress toward achieving compliance

1 with par. (b) and ss. 16.855 (10m) (a) and (10n), 16.87 (2), 25.185, 84.014 (7r), and
2 84.075 (1).

3 **SECTION 290p.** 16.75 (3m) (c) 5. of the statutes is amended to read:

4 16.75 (3m) (c) 5. In determining whether a purchase, contract, or subcontract
5 complies with the goal established under par. (b) or s. 16.855 (10m), 16.87 (2) ~~or~~,
6 25.185, or 84.014 (7r), the department shall include only amounts paid to minority
7 businesses, minority financial advisers, and minority investment firms certified by
8 the department of commerce under s. 560.036 (2).”.

9 **2.** Page 861, line 17: after that line insert:

10 “(7g) The Marquette interchange reconstruction project shall include an exit
11 at the intersection of Plankinton Avenue and I 794. Notwithstanding ss. 84.29 (6)
12 and 84.295 (7), the department shall keep an exit at Plankinton Avenue open for
13 travel during the Marquette interchange reconstruction project.

14 (7m) Construction work on the Marquette interchange reconstruction project
15 shall be performed on a 24-hour basis.

16 (7r) Notwithstanding ss. 84.01 (13), 84.06 (2) (a), and 84.075 (1), in the use of
17 any state funds for the Marquette interchange reconstruction project, the
18 department shall attempt to ensure that 5% of the total amount expended in each
19 fiscal year is paid to minority businesses certified by the department of commerce
20 under s. 560.036 (2). In attempting to meet this goal, the department may award any
21 contract to a minority business that submits a qualified responsible bid that is no
22 more than 5% higher than the low bid.”.

23 **3.** Page 865, line 20: after that line insert:

24 “**SECTION 2307c.** 84.06 (2) (a) of the statutes is amended to read:

1 84.06 (2) (a) All such highway improvements shall be executed by contract
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3 (3) or (4) would be more feasible and advantageous. Bids shall be advertised for in
4 the manner determined by the department. Except as provided in s. ss. 84.014 (7r)
5 and 84.075, the contract shall be awarded to the lowest competent and responsible
6 bidder as determined by the department. If the bid of the lowest competent bidder
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8 of the work or not in the public interest, all bids may be rejected. The department
9 shall, so far as reasonable, follow uniform methods of advertising for bids and may
10 prescribe and require uniform forms of bids and contracts. Except as provided in par.
11 (b), the secretary shall enter into the contract on behalf of the state. Every such
12 contract is exempted from ss. 16.70 to 16.75, 16.755 to 16.82, 16.87, and 16.89, but
13 ss. 16.528, 16.752, and 16.754 apply to the contract. Any such contract involving an
14 expenditure of \$1,000 or more shall not be valid until approved by the governor. The
15 secretary may require the attorney general to examine any contract and any bond
16 submitted in connection with the contract and report on its sufficiency of form and
17 execution. The bond required by s. 779.14 (1m) is exempt from approval by the
18 governor and shall be subject to approval by the secretary. This subsection also
19 applies to contracts with private contractors based on bids for maintenance under s.
20 84.07.”.

21 **4.** Page 1156, line 7: after that line insert:

22 “**SECTION 3619v.** 560.036 (2) (a) of the statutes is amended to read:

23 560.036 (2) (a) For the purposes of ss. 16.75 (3m), 16.855 (10m), 16.87 (2), 18.16,
24 18.64, 18.77, 25.185, 84.014 (7r), 119.495 (2), 200.57, 231.27, and 234.35, the

1 department shall establish and periodically update a list of certified minority
2 businesses, minority financial advisers, and minority investment firms. Any
3 business, financial adviser, or investment firm may apply to the department for
4 certification. For purposes of this paragraph, unless the context otherwise requires,
5 a “business” includes a financial adviser or investment firm.

6 **SECTION 3619w.** 560.036 (2) (d) 1. b. of the statutes is amended to read:

7 560.036 (2) (d) 1. b. The department determines that, with respect to a specified
8 type of supply, material, equipment, or service, there are not enough certified
9 minority business suppliers in this state to enable this state to achieve compliance
10 with ss. 16.75 (3m), 16.855 (10m), 16.87 (2) and, 25.185, and 84.014 (7r).”.

11 (END)