

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

LRB-4144/P1dn  
ARG:wlj:jf

February 6, 2004

ATTN: Pam Shannon

Created s. 13.489 (4) (c) purports to restrict the legislature's authority by prohibiting the legislature from enumerating a major highway project without a prior recommendation of approval by the Transportation Projects Commission. This limitation on the legislature's authority may not be enforceable if challenged in a court. The limitation may also be circumvented by future legislation by simply inserting "notwithstanding s. 13.489 (4) (c)" in any future enumeration.

Created s. 13.489 (6) imposes a reporting requirement on DOT when the "10% trigger" is reached. What occurs after this report is submitted? I don't believe the bill provides for any further reporting required of DOT if, thereafter, project costs escalate to 30 percent, 50 percent, or beyond. Do you want to impose incremental reporting requirements or an ongoing reporting requirement until total estimated project costs decrease to below the 10 percent level?

Please review the attached draft carefully to ensure that it is consistent with your intent. As requested, the attached draft was prepared on an expedited basis and, while the draft is complete, it may need to be reworked to some extent to meet your intent. The subject matter of the draft is complex, and, given the significance of the program at issue, I would recommend a thorough review by DOT and/or the Fiscal Bureau as well as the Audit Bureau.

Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: aaron.gary@legis.state.wi.us