



# State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

## **RESEARCH APPENDIX -** **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Added To File: 02/25/2004 (Per: ARG)



☞ The 2003 drafting file for LRB 03a2347/1

has been copied/added to the 2003 drafting file for

# LRB 03a2409

☞ The attached 2003 draft was incorporated into the new 2003 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2003 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

☞ This cover sheet was added to rear of the original 2003 drafting file. The drafting file was then returned, intact, to its folder and filed.

**2003 DRAFTING REQUEST**

**Senate Amendment (SA-SB478)**

Received: 02/24/2004

Received By: agary

Wanted: Soon

Identical to LRB:

For: Carol Roessler (608) 266-5300

By/Representing: Karen (aide)

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: **Transportation - highways**

Extra Copies: **PJH**

Submit via email: YES

Requester's email: **Sen.Roessler@legis.state.wi.us**

Carbon copy (CC:) to: **Pam.Shannon@legis.state.wi.us**  
**Don.Bezruki@legis.state.wi.us**  
**Pam.Matthews@legis.state.wi.us**  
**aaron.gary@legis.state.wi.us**

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**Pre Topic:**

No specific pre topic given

---

**Topic:**

changes to major highway program and TPC; information available on internet, design changes, and reporting period

---

**Instructions:**

See Attached

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**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>
/?							
/1	agary 02/25/2004	kfollett 02/25/2004	pgreensl 02/25/2004	_____	sbasford 02/25/2004	sbasford 02/25/2004	

Vers.    Drafted    Reviewed    Typed    Proofed    Submitted    Jacketed    Required

FE Sent For:

<END>

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This file may be shown to any legislator: NO

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May Contact:

Addl. Drafters:

Subject: Transportation - highways

Extra Copies: PJH

Submit via email: YES

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1?	agary						
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2/1/04  
1/28/04  
2/25/04  
PS/ [Signature]  
<END> [Signature]

FE Sent For:

**Gary, Aaron**

---

**From:** Matthews, Pam  
**Sent:** Wednesday, February 25, 2004 10:31 AM  
**To:** Gary, Aaron  
**Cc:** Asbjornson, Karen; Shannon, Pam; Chrisman, James  
**Subject:** RE: Changes to AB 893 & SB 478

Hi Aaron,

I have now spoken with both Sue and Carol about your comments.

- 1) On the reporting element, please change to semi-annually and as needed with now tie to design changes.
- 2) Language needs to be clear that the TPC must come together for a hearing regarding approval of the major design changes. You may have already incorporated this, but just in case...
- 3) Add, "Higher-speed interchanges than originally planned" to the list of Major Design Changes.
- 4) Yes, they want to make it clear that the Internet reports should be available for free download, but DOT may charge for hard copy reports - including postage.

I think this covers everything. Again, thanks for all your hard work on such short notice.

Pam

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

**From:** Gary, Aaron  
**Sent:** Wednesday, February 25, 2004 9:10 AM  
**To:** Matthews, Pam  
**Cc:** Asbjornson, Karen; Shannon, Pam; Chrisman, James  
**Subject:** RE: Changes to AB 893 & SB 478

Sorry, one more follow up: I think it is presumed that DOT may charge a fee for hard-copies of the reports and documents identified in item 1), unless the bill provides otherwise. (It is not so clear whether DOT could impose an access charge on the internet.) Do you want to specify that such information is to be available without fee on the internet, or by hardcopy, or both? Aaron

Aaron R. Gary  
Legislative Attorney  
Legislative Reference Bureau  
608.261.6926 (voice)  
608.264.6948 (fax)  
aaron.gary@legis.state.wi.us

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

**From:** Matthews, Pam  
**Sent:** Tuesday, February 24, 2004 5:09 PM  
**To:** Gary, Aaron  
**Cc:** Asbjornson, Karen; Shannon, Pam; Chrisman, James  
**Subject:** Changes to AB 893 & SB 478

Aaron,

After a discussion with both Rep. Jeskewitz and Sen. Roessler I have been asked to request you to make the following changes in one simple amendment (for both bills):

- 1) Making information available on the Internet. *I believe you already received this from the Roessler office:*

**Section 7. 13.489(5) of the statutes is created to read:**

**13.489(5). The Department of transportation shall maintain on the internet and allow for**

public access to the following information, within the prescribed timelines:

(a). Any report prepared by the department of transportation for the commission. Any report shall be available on the internet within 5 business days of completion of the report and transmittal to the Commission.

(b). Any materials or documents prepared by the department of transportation for use at a meeting of the commission. Any materials or documents prepared for a meeting of the commission must be available to the public on the internet at least 5 business days prior to the meeting.

(c). Any other information prescribed by the commission. This information must be available to the public on the internet within the time prescribed by the commission.

2) Add language - similar to language in 4145/2 (and 4144/2) draft, page 3, starting on line 15 for approval of design changes. If the DOT wants to make any of the below design changes, they must first submit a report to the TPC identifying the desired design changes and get their approval before any of these changes can be implemented.

- Upgrade from highway to expressway to freeway
- At-grade intersections to interchanges
- Changing from 2-lanes to 4-lanes

3) Change the frequency of reporting from quarterly to annually, or as needed. As needed would apply when a design change is requested.

I am still trying to get a consensus on whether this needs to be a simple amendment or a substitute amendment. Sorry for all this last minute stuff!

Pam

*Pamela B. Matthews  
Research Assistant  
Office of Representative Sue Jeskewitz  
24th Assembly District*

*Office: 608-266-3796  
Toll Free: 888-529-0024  
Pam.Matthews@legis.state.wi.us*

## Gary, Aaron

---

**From:** Gary, Aaron  
**Sent:** Tuesday, February 24, 2004 5:18 PM  
**To:** Matthews, Pam  
**Cc:** Asbjornson, Karen; Shannon, Pam; Chrisman, James  
**Subject:** RE: Changes to AB 893 & SB 478

I started drafting item 1). This applies to any report or materials, not just to what is referenced in the bill, correct? Also, how do you want this "phased in"? Can it apply only to reports or materials occurring after the effective date? To the extent you want it retroactive, there needs to be some treatment of this issue, as DOT cannot instantly post all reports from the past 10 years, for example, on the internet as soon as the bill becomes effective.

I will review and draft the other items as availability permits, keeping in mind the hearing on Thursday. (Drafting priority is for amendments to bills on the floor, and then amendments to bills scheduled for hearing action.)

Aaron R. Gary  
Legislative Attorney  
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-----Original Message-----

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**Sent:** Tuesday, February 24, 2004 5:09 PM  
**To:** Gary, Aaron  
**Cc:** Asbjornson, Karen; Shannon, Pam; Chrisman, James  
**Subject:** Changes to AB 893 & SB 478

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- 2) **Add language - similar to language in 4145/2 (and 4144/2) draft, page 3, starting on line 15 for approval of design changes. If the DOT wants to make any of the below design changes, they must first submit a report to the TPC identifying the desired design changes and get their approval before any of these changes can be implemented.**

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Pam.Matthews@legis.state.wi.us*



**Gary, Aaron**

---

**From:** Gary, Aaron  
**Sent:** Wednesday, February 25, 2004 8:52 AM  
**To:** Matthews, Pam  
**Cc:** Asbjornson, Karen; Shannon, Pam; Chrisman, James  
**Subject:** RE: Changes to AB 893 & SB 478

I finished drafting this last night. Re item 2), I cobbled together what had been created s. 13.489 (2m) and (6) in the 4144/2 draft, with the requisite changes. As with the 4144/2 draft, item 2) is drafted to apply only to projects enumerated under s. 84.013 (3) or approved under s. 84.013 (6) - that is, only to projects sufficiently far along in the process that there is a set design and the project is basically "fixed". Also, re item 3), I have changed the required report period as indicated. As I understand it, the "as needed" aspect of item 3) relates only to the circumstances under item 2), so this part of item 3) is taken care of in the drafting of item 2).

Please let me know if any of the foregoing seems to be inconsistent with your intent (if the foregoing is too confusing, hopefully you'll have the amendment soon). As soon as I hear back on the initial applicability provision re "information available on the internet," I will finalize the draft and get it into editing. Obviously, the sooner I can do that the better chance that you'll have it yet today and the more time you'll have to review the actual draft and let me know if any changes are needed. Thanks. Aaron

Aaron R. Gary  
Legislative Attorney  
Legislative Reference Bureau  
608.261.6926 (voice)  
608.264.6948 (fax)  
aaron.gary@legis.state.wi.us

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

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**To:** Gary, Aaron  
**Cc:** Asbjornson, Karen; Shannon, Pam; Chrisman, James  
**Subject:** Changes to AB 893 & SB 478

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3) Change the frequency of reporting from quarterly to annually, or as needed. As needed would apply when a design change is requested.

I am still trying to get a consensus on whether this needs to be a simple amendment or a substitute amendment. Sorry for all this last minute stuff!

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*Pamela B. Matthews  
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24th Assembly District*

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Toll Free: 888-529-0024  
Pam.Matthews@legis.state.wi.us*

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**Gary, Aaron**

---

**From:** Asbjornson, Karen  
**Sent:** Tuesday, February 24, 2004 3:37 PM  
**To:** Gary, Aaron  
**Subject:** Re: Need drafted ASAP

Hi Gary,

I need the following amendment to SB 478 drafted...for potential introduction at Thursdays Audit hearing. Carol wants it drafted and will be talking with co-chair Jeskewitz yet today.

**Information Available on the Internet**

**Section 7.** 13.489(5) of the statutes is created to read:

13.489(5). The Department of transportation shall maintain on the internet and allow for public access to the following information, within the prescribed timelines:

- (a). Any report prepared by the department of transportation for the commission. Any report shall be available on the internet within 5 business days of completion of the report and transmittal to the Commission.
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Karen Asbjornson  
Office of Senator Carol Roessler  
(608) 266-5300/1-888-736-8720  
Karen.Asbjornson@legis.state.wi.us

**Gary, Aaron**

---

**From:** Asbjornson, Karen  
**Sent:** Wednesday, February 25, 2004 6:15 AM  
**To:** Gary, Aaron  
**Subject:** RE: Changes to AB 893 & SB 478

Hi Aaron,

Just letting you know that we want the same simple amendment drafted to SB 478. Thank you so much for your help!

Karen Asbjornson  
Office of Senator Roessler

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

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**Sent:** Tuesday, February 24, 2004 5:09 PM  
**To:** Gary, Aaron  
**Cc:** Asbjornson, Karen; Shannon, Pam; Chrisman, James  
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  - 3) Change the frequency of reporting from quarterly to annually, or as needed. As needed would apply when a design change is requested.

**I am still trying to get a consensus on whether this needs to be a simple amendment or a substitute amendment. Sorry for all this last minute stuff!**

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TODAY

SENATE AMENDMENT,  
TO 2003 SENATE BILL 478

D-Note

1 At the locations indicated, amend the bill as follows:

2 *insert from p. 2* # Page 4, line 23: after that line insert:

3 "SECTION 5m. 13.489 (6) of the statutes is created to read:

4 13.489 (6) DEPARTMENT TO MAKE INFORMATION AVAILABLE. The department of  
5 transportation shall make all of the following information available to the public,  
6 including making the information available at no charge on the department's  
7 Internet site, within the following time periods:

8 (a) Any report prepared by the department for the commission shall be  
9 available within 5 business days of the report's completion and transmittal to the  
10 commission.

11 (b) Any materials or documents prepared by the department for use at a  
12 meeting of the commission shall be available at least 5 business days prior to the  
13 meeting.



1 (c) Any other information directed by the commission to be made available by  
 2 the department under this subsection shall be available within the time specified by  
 3 the commission.”.

4 ~~#~~ Page 3, line 14: after that line insert:

5 “SECTION 2m. 13.489 (2m) of the statutes is created to read:

6 13.489 (2m) APPROVAL OF CERTAIN PROJECT DESIGN CHANGES. If at any time after  
 7 a project is enumerated under s. 84.013 (3) or approved under s. 84.013 (6) the  
 8 department of transportation proposes any project design change that involves  
 9 upgrading any portion of the project from a highway to a freeway or expressway or  
 10 from 2 traffic lanes in one direction to 4 traffic lanes in one direction, or that involves  
 11 upgrading any intersection at grade to an interchange or upgrading an interchange  
 12 to accommodate higher-speed traffic, the department shall, prior to implementing  
 13 the proposed project design changes, report the proposed project design changes, any  
 14 reason for these design changes, and the estimated project cost attributable to these  
 15 design changes, to the commission for review and approval. The commission shall  
 16 review any report submitted under this subsection and, within 60 days of submission  
 17 of the report, conduct a public hearing on the proposed project design changes.  
 18 Following the hearing, the commission shall notify the department of those proposed  
 19 project design changes that the commission approves or approves with modifications  
 20 or shall notify the department that it does not approve any of the proposed project  
 21 design changes. The department of transportation may not implement any proposed  
 22 project design changes required to be submitted to the commission under this  
 23 subsection unless the commission notifies the department under this subsection that  
 24 the proposed project design changes, with or without modifications, are approved.”.

*1 P. to Move*

*move*

1 ~~3~~ Page 4, line 12: delete "3" and substitute "6".

2 4. Page 5, line 12: after "13.489" insert "(2m) and".

3 5. Page 5, line 15: after that line insert:

4 "(3)<sup>m</sup> The treatment of section 13.489 (6)<sup>v</sup> of the statutes first applies to reports,  
5 materials, and documents prepared by the department on the effective date of this  
6 subsection."

7 (END)

*J-Note*

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

LRBa2347/1dn  
ARG: *[Signature]*

*Date*

Please advise if any changes are needed to this amendment.

With respect to created s. 13.489 (2<sup>m</sup>), I had to adjust the 60<sup>v</sup>-day time period included in LRB-4144/2 because of the new hearing requirement. A request for TPC approval of design changes will occur in the middle of a project and, to avoid project delay, must be approved, modified, or not approved within a fairly short time period. Under LRB-4144/2, a 60<sup>v</sup>-day deadline was established for this decision, but LRB-4144/2 did not include a public hearing requirement. This amendment requires the public hearing to be conducted within 60 days, but does not establish a deadline for the TPC's decision. Is this okay? *X*

The amendment adds an initial applicability provision requiring DOT to make available on the internet (and in printed format) reports, materials, and documents prepared after the bill's effective date. Is this okay? To the extent that you would like this provision to be retroactive, I will need guidance in redrafting as to how far back the provision would reach and I would need to create a non-statutory provision to address the limitation in created s. 13.489 (6)<sup>v</sup>(b) that the materials and documents be available before the meeting. *X*

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

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

LRBa2347/1dn  
ARG:kjf:pg

February 25, 2004

Please advise if any changes are needed to this amendment.

With respect to created s. 13.489 (2m), I had to adjust the 60-day time period included in LRB-4144/2 because of the new hearing requirement. A request for TPC approval of design changes will occur in the middle of a project and, to avoid project delay, must be approved, modified, or not approved within a fairly short time period. Under LRB-4144/2, a 60-day deadline was established for this decision, but LRB-4144/2 did not include a public hearing requirement. This amendment requires the public hearing to be conducted within 60 days, but does not establish a deadline for the TPC's decision. Is this okay?

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State of Wisconsin  
2003 - 2004 LEGISLATURE

LRBa2347/1  
ARG:kjf:pg

SENATE AMENDMENT ,  
TO 2003 SENATE BILL 478

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9 the proposed project design changes, with or without modifications, are approved.”.

10 **2.** Page 4, line 12: delete “3” and substitute “6”.

11 **3.** Page 4, line 23: after that line insert:

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15 including making the information available at no charge on the department’s  
16 Internet site, within the following time periods:

17 (a) Any report prepared by the department for the commission shall be  
18 available within 5 business days of the report’s completion and transmittal to the  
19 commission.

20 (b) Any materials or documents prepared by the department for use at a  
21 meeting of the commission shall be available at least 5 business days prior to the  
22 meeting.

