

2007 SENATE BILL 140

April 11, 2007 – Introduced by Senators HANSEN and ROESSLER, cosponsored by Representatives NYGREN, JESKEWITZ, HAHN, MURSAU and VAN ROY, by request of the City of Oconto. Referred to Committee on Transportation, Tourism and Insurance.

1 **AN ACT to renumber and amend** 86.255 (2) (a); and **to create** 86.255 (2) (a) 1.
2 and 2. of the statutes; **relating to:** the acquisition by the Department of
3 Transportation of land for mitigation related to highway projects.

Analysis by the Legislative Reference Bureau

Current law generally prohibits the Department of Transportation (DOT), after October 28, 1999, from encumbering or expending highway program moneys for purposes related to the purchase of land, easements, or development rights in land, unless the land or interest in land is purchased in association with a highway project and the land or interest in land is located within one-quarter mile of the highway. An exception to this prohibition allows DOT to purchase land that is acquired as compensatory mitigation for another wetland that will suffer an adverse impact by degradation or destruction as part of a highway project.

Under this bill, in order for this wetland mitigation exception to apply, DOT must provide notice, to any city or village in which land to be purchased for wetland mitigation is located, of DOT's intent to purchase the land and the city or village must not, within 30 days after receiving this notice, object based on its determination that DOT's purchase of the land would be detrimental to the future development of the city or village.

SENATE BILL 140

For further information see the *state* 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.** 86.255 (2) (a) of the statutes is renumbered 86.255 (2) (a) (intro.)
2 and amended to read:

3 86.255 **(2)** (a) (intro.) The purchase of any land that is acquired as
4 compensatory mitigation for another wetland, as defined in s. 23.32 (1), that will
5 suffer an adverse impact by degradation or destruction as part of a highway project.
6 if all of the following apply:

7 **SECTION 2.** 86.255 (2) (a) 1. and 2. of the statutes are created to read:

8 86.255 **(2)** (a) 1. Prior to entering into any contract for purchase of the land, the
9 department provides notice, to the governing body of any city or village in which the
10 land is located, of the department's intent to purchase the land.

11 2. The governing body of a city or village, within 30 days after receiving the
12 notice specified in par. (a), does not make a determination that the department's
13 purchase of the land would be detrimental to the future development of the city or
14 village and notify the department that it objects to the purchase based on this
15 determination.

16 **SECTION 3. Initial applicability.**

17 (1) This act first applies to contracts for the purchase of land acquired as
18 compensatory mitigation for another wetland that are entered into on the effective
19 date of this subsection.

20 **SECTION 4. Effective date.**

