

2007 DRAFTING REQUEST

Bill

Received: 02/08/2007

Received By: agary

Wanted: As time permits

Identical to LRB:

For: David Hansen (608) 266-5670

By/Representing: Jay Wadd (aide)

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Transportation - highways

Extra Copies: BAB

Submit via email: YES

Requester's email: Sen.Hansen@legis.wisconsin.gov

Carbon copy (CC:) to: aaron.gary@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Highway project wetland mitigation; notice to local authorities

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>
/?				_____			State
/P1	agary 02/26/2007	jdye 03/05/2007	nmatzke 03/05/2007	_____	lparisi 03/05/2007		State
/P2	agary 03/20/2007	jdye 03/20/2007	jfrantze 03/20/2007	_____	lparisi 03/20/2007		State
/1	agary 03/21/2007	jdye 03/21/2007	rschluet 03/21/2007	_____	lparisi 03/21/2007	lparisi 03/27/2007	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For: *at intro*
4/12

<END>

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/?	agary	PI 3/5 jld	nwn 3/5	<u>nwn</u> <u>3/5</u>			State

FE Sent For:

<END>

Gary, Aaron

From: Wadd, Jay
Sent: Thursday, February 08, 2007 12:42 PM
To: Gary, Aaron
Subject: Drafting REquest

Morning, Aaron.

2 things, one question and one drafting request:

Question first: Did I send you a hard copy request for a bill based on a DOT drafting form a while back? If not I seem to have mis-placed it.

2.. Drafting request: As short as I can describe it, here's the issue:

As I understand it, DOT is required to mitigate any wetlands disrupted by highway construction, etc. Which they are in the process of doing on the Highway 41 expansion project between Oconto and Peshtigo. The City of Oconto has a disproportionate amount of wetland within it's boundaries, a problem they've been dealing with for a very long time. The City had hoped to purchase some property near the freeway to expand their existing industrial park, but DOT bought the property they needed to expand the park so the department could comply with wetland mitigation laws. Despite this we are on track to resolve this issue.

The drafting request stems from a request from city officials to introduce legislation that would prohibit the DOT from purchasing property for wetland mitigation inside a village's or city's boundaries without first notifying local officials. At least I think that's where they would like us to start.

Does this make sense? Let me know if you have questions and I'll try to get more info from city officials if need be.

Thanks again for all your help Aaron.

Jay

Jay Wadd
Senator Hansen's office
266-5670

in
2/24

JLD
D-Note

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen

1 AN ACT ...; relating to: the acquisition by the Department of Transportation ✓
2 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, ✓ DOT must provide notice to any city or village in which is located land to be purchased for wetland mitigation in order for this wetland mitigation exception to apply. ✓

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:

3 SECTION 1. 86.255 (2) (a) of the statutes is amended to read: ✓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1886/P1dn

ARG: ^:...

date

JGD

ATTN: Jay Wadd

Please review the attached draft carefully to ensure that it is consistent with your intent. ✓

Please let me know if you would like any changes made to the attached draft or if you have any questions. ✓ If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

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

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

LRB-1886/P1dn
ARG:jld:nwn

March 5, 2007

ATTN: Jay Wadd

Please review the attached draft carefully to ensure that it is consistent with your intent.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

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

Gary, Aaron

From: Wadd, Jay
Sent: Wednesday, March 14, 2007 9:21 AM
To: Gary, Aaron
Subject: Changes to LRB-1886/P1dn

Morning, Aaron.

I heard back from the mayor of Oconto regarding our DOT wetlands mitigation bill. The City would like the bill to provide villages and cities with the right to veto the purchase if it is detrimental to future city development.

Thanks,

Jay



5000

in 3/20

KMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

1 AN ACT to amend 86.255 (2) (a) of the statutes; relating to: the acquisition by
2 the Department of Transportation of land for mitigation related to highway
3 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, DOT must provide notice to any city or village in which is located land to be purchased for wetland mitigation in order for this wetland mitigation exception to apply.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

insert ANAL

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 SECTION 1. 86.255 (2) (a) of the statutes is amended to read:

Inset
2-4 ✓

1 86.255 (2) (a) The purchase of any land that is acquired as compensatory
2 mitigation for another wetland, as defined in s. 23.32 (1), that will suffer an adverse
3 impact by degradation or destruction as part of a highway project if the department
4 provides notice, prior to entering into any contract for purchase of the land, to the
5 governing body of any city or village in which the land to be purchased is located of
6 the department's intent to purchase the land.

7 **SECTION 2. Initial applicability.**

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

11 **SECTION 3. Effective date.**

12 (1) This act takes effect on the first day of the 2nd month beginning after
13 publication.

14 (END)

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1886/P2ins
ARG:.....

INSERT ANAL:

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.

INSERT 2-1:

SECTION 1. 86.255 (2) (a) of the statutes is amended to read:

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

History: 1999 a. 9.

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

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

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

renumbered
86.255 (2) (a)
(intro.) and

*

*

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

He w/ Jay Wadd

3/21/07

- looks good - wants "1"



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1886/22 1
ARG:jld:jf

TODAY in 3/21 RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

~~No changes~~

Reger

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.

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.**

Parisi, Lori

From: Wagnitz, John
Sent: Tuesday, March 27, 2007 4:21 PM
To: LRB.Legal
Subject: Draft Review: LRB 07-1886/1 Topic: Highway project wetland mitigation; notice to local authorities

Please Jacket LRB 07-1886/1 for the SENATE.