

2007 DRAFTING REQUEST

Bill

Received: 11/17/2006

Received By: agary

Wanted: As time permits

Identical to LRB:

For: Legislative Council - LRC

By/Representing: Don Dyke

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Transportation - miscellaneous

Extra Copies: BAB

Submit via email: YES

Requester's email: Don.Dyke@legis.wisconsin.gov

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

Pre Topic:

No specific pre topic given

Topic:

Secretary authorizing staff to contract with other states (R0709 17)

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>
/?	agary 11/28/2006	jdyer 11/30/2006		_____			
/P1			jfrantze 11/30/2006	_____	cduerst 11/30/2006		
/1	agary 11/15/2007	jdyer 11/16/2007	pgreensl 11/16/2007	_____	cduerst 11/16/2007	sbasford 11/19/2007	

FE Sent For: N/A

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/?	agary	PI 11/30 jld		J. Sull 11/30			

FE Sent For:

<END>

REMEDIAL LEGISLATIVE PROPOSAL

Wisconsin Department of Transportation

DT1605 9/2004 s.13.83(1)(c)4 Wis. Stats.

Instructions: Complete this form for **Law Revision Committee Remedial Legislative proposal(s)** for which a Division requests Secretary's Office (SO) approval. This form must be signed by the Division Administrator.

Short Title of Issue Secretary authorizing staff to contract with other states	
Date Submitted October 11, 2004	Division Executive Offices--OGC
Lead Division Contact Person Paul Nilsen	Area Code - Telephone Number 608-261-0126
Specific Statutory Change Amend s. 84.011 to allow the Secretary of Transportation to delegate to WisDOT staff the authority to contract with other states.	
Administrative Problem with Current Statute In general, the department contracts under plenary authority of 84.01(2): 84.01 (2) Powers and duties; general provision. The department shall have charge of all matters pertaining to the expenditure of state and federal aid for the improvement of highways, and shall do all things necessary and expedient in the exercise of such supervision. Section 84.011 says that the Secretary must sign contracts, but the Secretary may delegate that authority to staff to sign contracts with listed entities: 84.011 Who to sign contracts. The secretary, or the secretary's designees, may sign and execute in the name of the department any conveyance or any contract or agreement with the federal government or its departments, subdivisions of the state, corporations, limited liability companies, associations, partnerships and individuals. In practice, staff already does contract with other states, with the Secretary's approval. A common example is a contract for a joint study conducted by another state but paid in part by Wisconsin. Midwest Rail Initiative is another non-statutory effort in which department staff may currently be signing contracts with other states with the Secretary's approval. Adding other states to s. 84.011 does not create any authority to contract with other states, because the department has that authority under 84.01(2). It makes little sense to authorize staff to contract with corps., LLCs, assoc., partnerships and individuals who may reside or exist wholly in other states without also having authority to contract with another state.	
Justification/Need for Change Ratify existing delegation of contracting authority.	
Fiscal Effect, If Any None.	

(Division Administrator Signature – Brush Script Font If Computer Filled)

(Date)

OGC Completes: DOT Remedial Legislation Proposal Number
R 0709-17

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

LPS - PWF
please

Regen

1 AN ACT *to amend* 84.011 of the statutes; **relating to:** the authorization of the
2 secretary of transportation or his or her designee to execute conveyances and
3 contracts ^{and agreements} in the name of the Department of Transportation (suggested as
4 remedial legislation by the Department of Transportation).

Analysis by the Legislative Reference Bureau

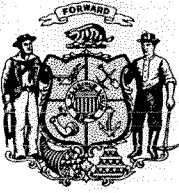
Under current law, the secretary of transportation, or the secretary's designees, may sign and execute in the name of the Department of Transportation conveyances, contracts, and agreements with the federal government, subdivisions of this state, corporations, and other persons.

This bill expands this authorization to also include conveyances, contracts, and agreements with other states and their subdivisions.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Transportation and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0833/P1
ARG:jld:jf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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in 11/15

AMR

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Per Don Dyke - 11/15

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INS 2A

1

~~INSERT 2A TO LRB-0833/P1~~

note:
std

NOTE: According to the Department of Transportation[✓], the intent of this amendment is not to expand the contracting authority of the department but merely to expressly state that the secretary may designate department staff to sign and execute in the name of the department any conveyance or contract or agreement with other states or their subdivisions[✓]. The department states that this extension is consistent with the broad authority in the current statute to designate department staff to sign contracts involving the federal government or its departments, political subdivisions of this state, and corporations, limited liability companies, associations, partnerships, and individuals[✓].

Basford, Sarah

From: Dyke, Don
Sent: Monday, November 19, 2007 1:54 PM
To: LRB.Legal
Subject: Draft Review: LRB 07-0833/1 Topic: Secretary authorizing staff to contract with other states (R0709 17)

Please Jacket LRB 07-0833/1 for the ASSEMBLY.
Thanks