



**WISCONSIN LEGISLATIVE COUNCIL  
AMENDMENT MEMO**

<b>2007 Assembly Bill 259</b>	<b>Assembly Substitute Amendment 1</b>
<i>Memo published: January 11, 2008</i>	<i>Contact: Larry Konopacki, Staff Attorney (267-0683)</i>

**CURRENT LAW**

Under current law, the Wisconsin Department of Transportation (DOT) is generally prohibited from encumbering or purchasing 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 ¼ mile of the highway.

An exception to this ¼ mile rule is provided when the land is acquired as compensatory mitigation for another wetland that will suffer an adverse impact by degradation or destruction as part of a highway project.

**2007 ASSEMBLY BILL 259**

This bill would require DOT to provide notice of DOT's intent to purchase land for wetland mitigation to any city or village in which the land is located, if the DOT would like to take advantage of the wetlands mitigation exception to the ¼ mile rule. The city or village would have 30 days to object to the purchase based on its determination that the purchase of the land by DOT would be detrimental to the future development of the city or village. If such an objection were provided, the land could not be purchased by DOT.

**ASSEMBLY SUBSTITUTE AMENDMENT 1**

Under the substitute amendment, the wetlands mitigation exception to the ¼ mile rule would not apply to land shown on a city, village, or town comprehensive plan as designated for future commercial or industrial use unless the city, village, or town in which the land is located consents to the purchase by DOT.

**LEGISLATIVE HISTORY**

Representative Nygren introduced Assembly Substitute Amendment 1. The Assembly Committee on Transportation recommended adoption of the substitute amendment on January 3, 2008, and passage of Assembly Bill 259, as amended, by votes of Ayes, 11; and Noes, 0.

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