

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2884/P1dn
ARG:jld:jm

August 19, 2013

ATTN: Tim Fiocchi

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

I note that the list of permissible products in amended s. 348.27 (9) (a) 1. (intro.) of this draft does not include “raw forest products,” which is defined in s. 348.01 (2) (bt)? “Raw forest products” was included in s. 348.27 (9) (a) 1. d. created in 2013 Wisconsin Act 20 (the Budget Act). Do you want to include “raw forest products” in this list of permissible products, or is it unnecessary?

I also note that amended s. 348.27 (9) (a) 1. (intro.) of this draft, unlike s. 348.27 (9) (a) 1. b. and c., stats., does not use the term “exclusively.” I find the term “exclusively” in these current law provisions to be ambiguous, but assume that it was intended to signify that vehicles operating under a Michigan border permit could transport *only* the specified forest products.

Regarding USH 2 in Bayfield County described in s. 348.27 (9) (a) 1. b. and c., stats., from my review of a map, it appears that the segment in s. 348.27 (9) (a) 1. c. is subsumed within the segment in s. 348.27 (9) (a) 1. b. I have therefore repealed s. 348.27 (9) (a) 1. c. without adding any additional highway segment to s. 348.27 (9) (a) 1. b. Please let me know if I am mistaken in my map reading.

As discussed, I have added the nonstatutory provision regarding DOT’s weight report, similar to that in 2013 SB-135 and 2011 AB-305. As discussed in connection with those bills, this nonstatutory provision would be effective only as an expression of a legislative intent to waive a legislative rule of proceeding. Section 13.096 creates requirements that are imposed on DOT *before* the bill is enacted, so technically the time of enactment is too late to eliminate an action required precedent to enactment. However, that being said, it is my view that s. 13.096 is actually a legislative rule of proceeding that the legislature could choose not to follow and this nonstatutory provision is an expression of legislative intent to waive this rule of proceeding.

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.

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