

2013 DRAFTING REQUEST

Bill

Received: **2/26/2013** Received By: **agary**
Wanted: **As time permits** Same as LRB:
For: **Jerry Petrowski (608) 266-2502** By/Representing: **Tim Fiocchi**
May Contact: Drafter: **agary**
Subject: **Transportation - motor vehicles** Addl. Drafters:
Extra Copies: **EVM**

Submit via email: **YES**
Requester's email: **Sen.Petrowski@legis.wisconsin.gov**
Carbon copy (CC) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Michigan border permits for overweight vehicles on USH 2 in Florence County

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 3/1/2013			_____			
/P1	agary 3/6/2013	jdyer 3/5/2013	rschluet 3/5/2013	_____	mbarman 3/5/2013		State S&L Vehicle
/P2	agary	jdyer	jfrantze	_____	sbasford		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	3/8/2013	3/6/2013	3/6/2013	_____	3/6/2013		S&L
/1		jdye 3/8/2013	jmurphy 3/8/2013	_____	mbarman 3/8/2013	mbarman 3/8/2013	State S&L

FE Sent For:

at intro
4/10

<END>

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/P2		jdye	jfrantze	_____	sbasford		State
			<i>Jim 3/8</i>	<i>self</i>			

*PTAs: Please
 jacket
 11.
 Thx ANG*

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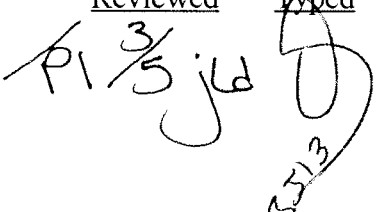
Topic:

Michigan border permits for overweight vehicles

Instructions:

See attached

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/?	agary	PI 3/5 jld		==			

FE Sent For:

<END>

Gary, Aaron

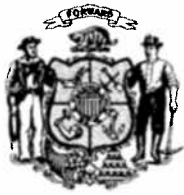
From: Fiocchi, Tim
Sent: Tuesday, February 26, 2013 9:48 AM
To: Gary, Aaron
Subject: Bill Draft
Attachments: SB-209.pdf

Hi Aaron,

I need to get a bill draft to add Florence County to the list of counties in which you can run Michigan configured trucks on Highway 2. I've attached 2007 SB 209 which was the last expansion of this.

One other note, the statute citation on this for MI law as of 2004 may need an update. Let me know if you need any other info.

Tim Fiocchi
Chief of Staff, Senator Jerry Petrowski
29th Senate District
(608) 266-2502



State of Wisconsin
2013 - 2014 LEGISLATURE

soon



in 3/1

LRB-1735/P1
ARG:.....

uld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

✓

Gen

1 AN ACT ...; relating to: annual or consecutive month permits for vehicles or
2 combinations of vehicles transporting loads near the Wisconsin-Michigan
3 border. ✓

Analysis by the Legislative Reference Bureau

Under current law, with limited exceptions, no person may operate on a highway any vehicle or combination of vehicles (vehicle) that exceeds certain statutory limits on size, weight, or load unless that person possesses a permit issued by the Department of Transportation (DOT). DOT may issue an annual or consecutive month permit (Michigan border permit) for an oversize or overweight vehicle to: 1) transport loads within 11 miles of the Wisconsin-Michigan state line; 2) transport certain forest products on USH 2 in Iron County or Ashland County or in Bayfield County from the Ashland County line through Hart Lake Road, if the vehicle is traveling between this state and Michigan and does not violate Michigan law, as of April 28, 2004; or 3) transport certain forest products on USH 2 from STH 13 in the city of Ashland through Hart Lake Road in Bayfield County, regardless of whether the vehicle is traveling between this state and Michigan.

item This bill allows a vehicle operating under a Michigan border permit as provided in (2), above, to also operate in Florence County. Also under the bill, the vehicle's operation must be in compliance with current provisions of Michigan law, rather than Michigan law as of April 28, 2004. *

Because this bill concerns an exception to the vehicle weight limits specified in ch. 348, stats., the Department of Transportation, as required by law, will prepare a report to be printed as an appendix to this bill.

Gary, Aaron

From: Fiocchi, Tim
Sent: Tuesday, March 05, 2013 4:02 PM
To: Gary, Aaron
Subject: LRB - 1735

Hi Aaron,

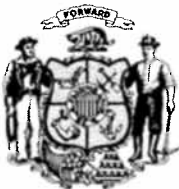
I got the P1 draft and have looked it over. It looks correct but I'd like to put the "notwithstanding" language in on the report from DOT with the rationale being that we already allow these loads on the portions of Highway 2 in two other counties.

Give me a call with any questions.

Thanks,

Tim

Tim Fiocchi
Chief of Staff, Senator Jerry Petrowski
29th Senate District
(608) 266-2502



State of Wisconsin
2013 - 2014 LEGISLATURE

soon



LRB-1735/P2
ARG:jld:rs

in
3/6

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Note

✓

Regen

1 AN ACT to amend 348.27 (9) (a) 1. b. of the statutes; relating to: annual or
2 consecutive month permits for vehicles or combinations of vehicles
3 transporting loads near the Wisconsin-Michigan border.

Analysis by the Legislative Reference Bureau

Under current law, with limited exceptions, no person may operate on a highway any vehicle or combination of vehicles (vehicle) that exceeds certain statutory limits on size, weight, or load unless that person possesses a permit issued by the Department of Transportation (DOT). DOT may issue an annual or consecutive month permit (Michigan border permit) for an oversize or overweight vehicle to: 1) transport loads within 11 miles of the Wisconsin-Michigan state line; 2) transport certain forest products on USH 2 in Iron County or Ashland County or in Bayfield County from the Ashland County line through Hart Lake Road, if the vehicle is traveling between this state and Michigan and does not violate Michigan law, as of April 28, 2004; or 3) transport certain forest products on USH 2 from STH 13 in the city of Ashland through Hart Lake Road in Bayfield County, regardless of whether the vehicle is traveling between this state and Michigan.

This bill allows a vehicle operating under a Michigan border permit as provided in item 2), above, to also operate in Florence County. Also under the bill, the vehicle's operation must be in compliance with current provisions of Michigan law, rather than Michigan law as of April 28, 2004.

Because this bill concerns an exception to the vehicle weight limits specified in ch. 348, stats., the Department of Transportation, as required by law, will prepare a report to be printed as an appendix to this bill.

insert
ANAL ✓

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1735/P2ins
ARG:.....

1

2

3

INSERT ANAL:

Under current law, if any bill introduced in either house of the legislature directly or indirectly establishes an exception to vehicle weight limitations, DOT must prepare a report, containing specified information, relating to the bill within six weeks after the bill is introduced and before any vote is taken on the bill. This bill directs DOT not to prepare such a report on this bill because current law already allows the same loads to be transported on USH 2 in other counties.

4

5

INSERT 2-7:

6

SECTION 1. Nonstatutory provisions.

7

(1) EXCEPTION TO REVIEW BY THE DEPARTMENT OF TRANSPORTATION.

8

Notwithstanding section 13.096 (2) of the statutes, the department of transportation

9

shall not prepare a report on this bill under section 13.096 (2) and (3) of the statutes

10

because section 348.27 (9) (a) 1. b., 2011 stats., already allows the same loads to be

11

transported on USH 2 in all or parts of Iron County, Ashland County, and Bayfield

12

County.

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

LRB-1735/P2dn

ARG: A:...

date

JLD

ATTN: Tim Fiocchi

I have added the requested nonstatutory provision[✓] relating to DOT's weight report, similar to that in 2011 AB-305. As discussed in connection with that bill, 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.[✓]

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.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1735/P2dn
ARG:jld:jf

March 6, 2013

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

Gary, Aaron

From: Fiocchi, Tim
Sent: Friday, March 08, 2013 9:46 AM
To: Gary, Aaron
Subject: LRB 1735
Attachments: 13-1735_P2.pdf

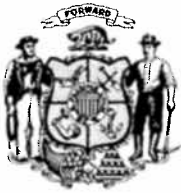
Hi Aaron,

Please send over a /1 and jacket.

Thanks,

Tim

Tim Fiocchi
Chief of Staff, Senator Jerry Petrowski
29th Senate District
(608) 266-2502



TODAY



LRB-1735/PA 1
ARG:jld:jf

in 3/8

RMR

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

PWF
jm
3/8

No changes

LX

Regen

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