



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU


Appendix A

LRB BILL HISTORY RESEARCH APPENDIX

 The drafting file for 2015 LRBa1309/P1 (For: Sen. Petrowski)

has been copied/added to the drafting file for


2015 LRBa1300 (For: Senator Petrowski)

 Are These “Companion Bills” ?? ... No



RESEARCH APPENDIX -
PLEASE KEEP WITH THE DRAFTING FILE

Date Transfer Requested: 12/02/2015 (Per: ARG)

 The attached draft was incorporated into the new draft listed above. For research purposes the attached materials were added, as an appendix, to the new drafting file. If introduced this section will be scanned and added, as a separate appendix, to the digital drafting file.

2015 DRAFTING REQUEST

Senate Amendment (SA-SB390)

Received: **11/30/2015** Received By: **agary**
For: **Jerry Petrowski (608) 266-2502** Same as LRB:
May Contact: By/Representing: **Tim**
Subject: **Transportation - highways** Drafter: **agary**
Addl. Drafters:
Extra Copies:

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

Pre Topic:

No specific pre topic given

Topic:

Removing DOT from certain provisions

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	agary 11/30/2015	kfollett 11/30/2015	_____	mbarman 11/30/2015		

FE Sent For:

<END>

Gary, Aaron

From: Fiocchi, Tim
Sent: Sunday, November 29, 2015 5:55 PM
To: Gary, Aaron
Subject: Fw: Discuss w/ LRB SB 390 (Manure Piping)
Attachments: Modifications to SB 390 (Manure Piping) - DRAFT.docx

Hey Aaron,

Would 11:15 work for your schedule? Otherwise I'll chat with him and circle back.

Thanks,
Tim

Sent from my Verizon 4G LTE Smartphone

----- Original message-----

From: Yahn, Nate - DOT
Date: Sun, Nov 29, 2015 2:43 PM
To: Fiocchi, Tim;
Cc:
Subject: RE: Discuss w/ LRB SB 390 (Manure Piping)

Let's plan on 11:15 – I'll stop down by your office. Attached are some possible minor changes to page 5 of the bill that may work, but I'll be interested to hear Aaron's thoughts and obviously yours as well (keeps status quo for the department).

Nate Yahn
Legislative Advisor
Office of the Secretary
Wisconsin Department of Transportation
Phone: (608) 266-1114

From: Fiocchi, Tim [mailto:Tim.Fiocchi@legis.wisconsin.gov]
Sent: Sunday, November 29, 2015 2:17 PM
To: Yahn, Nate - DOT <Nate.Yahn@dot.wi.gov>
Subject: Re: Discuss w/ LRB SB 390 (Manure Piping)

Sure. Between 10:30 and noon or after 2.

Sent from my Verizon 4G LTE Smartphone

----- Original message-----

From: Yahn, Nate - DOT
Date: Sun, Nov 29, 2015 11:55 AM
To: Fiocchi, Tim;
Cc:
Subject: Discuss w/ LRB SB 390 (Manure Piping)

Hi Tim,

Do you have some time tomorrow, Monday, to briefly discuss (30 min max.) with Aaron Gary the manure piping bill? Specifically, s. 86.07(2) (b) 2., as created under section 4 of the bill.

MODIFICATIONS TO SENATE BILL 390
(LRB-3722/1)

TOPIC: Lines transporting manure within highway rights-of-way

STATUTE: Section 86.07(2), Wis. Stats.

➤ **Amend Page 5 of the bill as follows:**

a. "Manure hose" means any hose, pipeline, or other conduit, whether temporary or permanent in nature, for the transmission of liquid manure within or across the right-of-way of a highway to a destination for spreading in a farm field or for storage.

b. "State trunk highway" has the meaning given in s. 340.01 (60).

2. A permit may not be issued by a local authority under par. (a) for a manure hose that is subterranean or that is laid out or installed within or across the right-of-way of a state trunk highway. Section 86.16 applies with respect to any manure hose that is subterranean ~~or and that is laid out or installed within or across the right-of-way of a state trunk highway along, across, or within the limits of a highway under the jurisdiction of a local authority.~~

3. For a manure hose that is ~~not described in subd. 2. subterranean or that is not laid out or installed within or across the right-of-way of a state trunk highway,~~ a permit issued under par. (a) that authorizes the permittee to lay out or install the manure hose within or across the right-of-way of a highway may also authorize the permittee to temporarily affix to a bridge under the jurisdiction of the highway authority issuing the permit hooks, flanges, fasteners, or other devices to or by which a manure hose may be attached or supported. The highway authority may require the applicant for the permit to submit with the application, for the highway authority's approval, a plan specifying how the manure hose would be attached to or supported by the bridge. The permit may impose reasonable conditions related to the authorization under this subdivision, including any of the following:

a. Requiring removal of the hooks, flanges, fasteners, or other devices, at the permittee's expense, at any time, or under any circumstances, specified in the permit.



State of Wisconsin
2015 - 2016 LEGISLATURE

in
11/30

LRBa1309/P1
ARG: *tsf*

D-Note

TODAY

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

TO SENATE BILL 390

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 5, line 6: after "issued" insert "by a local highway authority".
- 3 **2.** Page 5, line 7: delete the material beginning with "or that" and ending with
- 4 "highway" on line 8.
- 5 **3.** Page 5, line 9: delete "or that" and substitute "and that".
- 6 **4.** Page 5, line 10: delete "state trunk highway" and substitute "highway
- 7 maintained by the local highway authority".
- 8 **5.** Page 5, line 11: delete "described in subd. 2." and substitute "subterranean
- 9 and is not laid out or installed within or across the right-of-way of a state trunk
- 10 highway".

1
2

6. Page 5, line 14: on lines 14, 16 and 17, before "highway" insert "local".

(END)

D-Note

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

LRBa1309/P1dn

ARG: 

Date

ATTN: Tim Fiocchi

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

The language of SB-390 contemplates that DOT issues a "driveway" or "right-of-way" (ROW) permit under s. 86.07 (2) and a different "utility" permit under s. 86.16. Based on my conversation with DOT, it is my understanding that DOT does not in fact issue two distinct permits. Instead, DOT considers its utility permit to be a sub-category of its ROW permit and considers the utility permit to be issued under both s. 86.07 (2) and s. 86.16. The attached amendment removes the DOT permits from the scope of bill section 4 in SB-390. The intent of this change is that section 4 of the bill will not affect DOT permits. The remainder of the bill contemplates that local highway authorities treat the authorization under s. 86.16 as distinct from that under s. 86.07 (2) and in fact issue two different types of permits.

In terms of the language of the attached amendment, the ROW permit is issued under s. 86.07 (2) (a) (as renumbered in the bill). This provision grants authority to issue the permit to "the highway authority maintaining the highway." I have used this language as a guide in preparing the attached amendment.

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
Senior Legislative Attorney
(608) 261-6926
aaron.gary@legis.wisconsin.gov

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

LRBa1309/P1dn
ARG:kjf

November 30, 2015

ATTN: Tim Fiocchi

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State of Wisconsin
2015 - 2016 LEGISLATURE

LRBa1309/P1
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