

2019 DRAFTING REQUEST

Assembly Amendment (AA-AB820)

For: **Robin Vos (608) 266-9171** Drafter: **zwyatt**
 By: **Jenny** Secondary Drafters:
 Date: **2/14/2020** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email: **Rep.Vos@legis.wisconsin.gov**
 Carbon copy (CC) to: **zachary.wyatt@legis.wisconsin.gov**
eric.mueller@legis.wisconsin.gov
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Pre Topic:

No specific pre topic given

Topic:

Transportation omnibus

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	zwyatt 2/14/2020	kfollett 2/14/2020			
/P1	zwyatt 2/17/2020	kfollett 2/17/2020	lparisi 2/14/2020		
/P2			jmurphy 2/17/2020		
/1				lparisi 2/18/2020	

FE Sent For:

<END>

Wyatt, Zachary

Subject: FW: Floor Amendment to AB 820
Attachments: 19a1067_1.pdf; 2019 AB 820 Amendment 2 Scoring of Proposals.DOCX; 2019 AB 820 Amendment 1 Contract Expenditures.DOCX

From: Toftness, Jenny <Jenny.Toftness@legis.wisconsin.gov>
Sent: Friday, February 14, 2020 9:27 AM
To: Mueller, Eric <Eric.Mueller@legis.wisconsin.gov>; Gary, Aaron <Aaron.Gary@legis.wisconsin.gov>
Cc: Champagne, Rick <Rick.Champagne@legis.wisconsin.gov>
Subject: Floor Amendment to AB 820

Good Morning,

I would like to draft an amendment to ab 820 for the floor on Tuesday.

I would like it to include the language attached to this email and other elements of this bill as originally drafted. That would include the provisions related to:

Uniformed off-duty officers
Changing the bid threshold from 25000 to 50000
Permits for oversize, overweight equipment and vehicles
Bridge Strengthening

Thank you,
Jenny

From: Henkel, Matt <Matt.Henkel@legis.wisconsin.gov>
Sent: Friday, February 14, 2020 9:03 AM
To: Toftness, Jenny <Jenny.Toftness@legis.wisconsin.gov>
Subject:

See attached

Matt Henkel
Chief of Staff
Senate President Roger Roth
Room 220 South, State Capitol
(608) 266-0718



State of Wisconsin
2019 - 2020 LEGISLATURE

viz Jenny 1 of 3 ✓

LRBa1067/1

JK:cdc

**SENATE AMENDMENT ,
TO SENATE BILL 770**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 9: after “projects,” insert “changes to the fuel suppliers
3 administrative allowance,”.

4 **2.** Page 16, line 4: after that line insert:

5 “**SECTION 33m.** 2019 Wisconsin Act 9, section 9437 (5f) is amended to read:

6 [2019 Wisconsin Act 9] Section 9437 (5f) The treatment of s. 78.12 (4) (a) 2., 3.,
7 and 4. and (5) takes effect on ~~the first day of the year that occurs after the effective~~
8 ~~date of this subsection~~ January 1, 2024.”.

9 (END)

**DESIGN-BUILD
AB 820**

ASSEMBLY AMENDMENT 2, TO ASSEMBLY BILL 820

February 10, 2020 –

At the locations indicated, amend the bill as follows:

1. Page 8, line 9: delete “60” and substitute “55.”
2. Page 10, line 8: delete “40” and substitute “45”

(END)

Note: For a best value design-build contract, AB 820 requires that between 40 and 75 percent of all RFP points available be assigned to the cost proposal. Accordingly, points assigned to the technical proposal must be between 25 and 60 percent of all RFP points available. This amendment adjusts these ranges so that the points assigned to the cost proposal must be between 45 and 75 percent of all RFP points available and points assigned to the technical proposal must be between 25 and 55 percent of all RFP points available. The evaluation criteria and weighting are not set by statute and will be established in the RFP.

**DESIGN-BUILD
AB 820**

ASSEMBLY AMENDMENT 1, TO ASSEMBLY BILL 820

February 10, 2020 –

At the locations indicated, amend the bill as follows:

1. Page 3, line 22: delete "\$25,000,000" and substitute "\$50,000,000."

(END)

Note: AB 820 caps WisDOT spending on low-bid design-build contracts at \$25 million over a six year period. This amendment increases the cap to \$50 million over a six year period. This will ensure that adequate funding is available for all types of design-build contracts while providing WisDOT flexibility to use the contracting methods most suitable to each project.



INSERT

LRBa1228? *8/10/19*
ZDW: *gft*
Kenny
cdc

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 820**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 8: delete the material beginning with “requirements” and
3 ending with “authority” on line 10 and substitute “state and local contracting
4 requirements; changes to the fuel suppliers administrative allowance; local bridge
5 strengthening; the use of law enforcement officers in highway construction sites;
6 annual permits for local operation of oversize and overweight vehicles and
7 equipment; providing an exemption from emergency rule procedures; granting
8 rule-making authority; and making an appropriation.”

9 **2.** Page 2, line 1: before that line insert:

WS 1-10

10 **3.** Page 3, line 22: delete “\$25,000,000” and substitute “\$50,000,000”.

11 **4.** Page 8, line 9: delete “60” and substitute “55”.

12 **5.** Page 10, line 8: delete “40” and substitute “45”.

1 **6.** Page 16, line 4: after that line insert:

2 **SECTION 33L.** 2019 Wisconsin Act 9, section 9437 (5f) is amended to read:

3 [2019 Wisconsin Act 9] Section 9437 (5f) The treatment of s. 78.12 (4) (a) 2., 3.,
4 and 4. and (5) takes effect on ~~the first day of the year that occurs after the effective~~
5 ~~date of this subsection~~ January 1, 2024.”

6 **7.** Page 16, line 17: after that line insert:

7 “(2) **OVERSIZE OR OVERWEIGHT PERMIT FORM.** The department of transportation
8 shall make available the form required under s. 348.265 (3) no later than the first
9 day of the 3rd month following the effective date of this subsection.

10 **SECTION 94m. Initial applicability.**

11 (1) This act first applies to a contract advertised for bids on the effective date
12 of this subsection.”

13 (END)

USE AS INSERT

NOTE:
many pages not included
on purpose

project. The bill also provides that an unregistered employer that is found to have caused an accident must forfeit not less than \$10,000 and not more than \$25,000.

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.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

BE61W WS 1-10

1

SECTION 1. ^{g. 1a.} 20.395 (2) (eq) of the statutes is amended to read:

2

20.395 (2) (eq) *Highway and local bridge improvement assistance, state funds.*

3

As a continuing appropriation, the amounts in the schedule for bridge development,

4

construction, and rehabilitation under s. 84.18, for bridge strengthening under s.

5

84.183, for the development and construction of bridges under ss. 84.12 and 84.17,

6

for payments to local units of government for jurisdictional transfers under s. 84.16,

7

for the improvement of the state trunk highway system under 1985 Wisconsin Act

8

341, section 6 (1), to provide for the payments specified under 2001 Wisconsin Act 16,

9

section 9152 (3d), and for the payment required under 2015 Wisconsin Act 55, section

10

9145 (3f).

11

SECTION 2. ^{g. 1b.} 59.52 (29) (a) of the statutes is renumbered 59.52 (29) (a) 1. and

12

amended to read:

13

59.52 (29) (a) 1. All public work, including any contract for the construction,

14

repair, remodeling, or improvement of any public work, building, or furnishing of

15

supplies or material of any kind where the estimated cost of such work will exceed

16

~~\$25,000~~ \$50,000 shall be let by contract to the lowest responsible bidder.

17

3. Any public work, the estimated cost of which does not exceed \$25,000

18

\$50,000, shall be let as the board may direct.

1 4. If the estimated cost of any public work is between \$5,000 and \$25,000
2 \$50,000, the board shall give a class 1 notice under ch. 985 before it contracts for the
3 work or shall contract with a person qualified as a bidder under s. 66.0901 (2).

4 2. A contract, the estimated cost of which exceeds ~~\$25,000~~ \$50,000, shall be let
5 and entered into under s. 66.0901, except that the board may by a three-fourths vote
6 of all the members entitled to a seat provide that any class of public work or any part
7 thereof may be done directly by the county without submitting the same for bids.

8 (c) This subsection does not apply to public construction if the materials for
9 such a project are donated or if the labor for such a project is provided by volunteers.

10 (d) This subsection does not apply to highway contracts which the county
11 highway committee or the county highway commissioner is authorized by law to let
12 or make. ✓

13 **SECTION 3.** 59.52 (29) (g) of the statutes is created to read:

14 59.52 (29) (g) Notwithstanding par. (a), the board may not accept bids or
15 proposals from, award contracts to, or consent to a subcontract with a person that
16 has been debarred by a state or federal agency in the previous 5 years.

17 **SECTION 4.** ^g60.47 (1) (a) of the statutes is amended to read:

18 60.47 (1) (a) "Public contract" means a contract for the construction, execution,
19 repair, remodeling or improvement of any public work or building or for the
20 furnishing of materials or supplies, with an estimated cost greater than \$5,000
21 \$50,000.

22 **SECTION 5.** ^g60.47 (1) (am) of the statutes is created to read:

23 60.47 (1) (am) "Public highway contract" means a contract for the construction,
24 improvement, repair, or corrective or preventative maintenance of a highway.
25 "Public highway contract" does not include a contract for routine maintenance

1 incidental to the preservation of a highway, including snow and ice removal, ditch
2 cleaning, mowing, tree trimming, sealing, crack filling, or grading.

③ **SECTION 6.** ⁹ ~~60.47~~ ^{1e.} (2) (a) of the statutes is amended to read:

4 60.47 (2) (a) No town may enter into a public contract with an estimated cost
5 of more than \$5,000 but not more than ~~\$25,000~~ \$50,000 unless the town board, or a
6 town official or employee designated by the town board, gives a class 1 notice under
7 ch. 985 before execution of that public contract.

⑧ **SECTION 7.** ⁹ ~~60.47~~ ^{1f.} (2) (b) of the statutes is amended to read:

9 60.47 (2) (b) No town may enter into a public contract with a value of more than
10 ~~\$25,000~~ \$50,000 unless the town board, or a town official or employee designated by
11 the town board, advertises for proposals to perform the terms of the public contract
12 by publishing a class 2 notice under ch. 985. The town board may provide for
13 additional means of advertising for bids.

⑭ **SECTION 8.** ⁹ ~~60.47~~ ^{1g.} (2m) of the statutes is created to read:

15 60.47 (2m) PUBLIC HIGHWAY CONTRACTS. Notwithstanding sub. (2) and except
16 as provided in subs. (4) and (5), no town may enter into a public highway contract
17 with an estimated cost of more than \$5,000 but not more than \$25,000 unless the
18 town board, or a town official or employee designated by the town board, gives a class
19 1 notice under ch. 985 before execution of that public highway contract.
20 Notwithstanding sub. (2) and except as provided in subs. (4) and (5), no town may
21 enter into a public highway contract with a value of more than \$25,000, unless the
22 town board, or a town official or employee designated by the town board, advertises
23 for proposals to perform the terms of the public highway contract by publishing a
24 class 2 notice under ch. 985. The town board may provide for additional means of
25 advertising for bids.

1 SECTION 9.^{h.} 60.47 (3) of the statutes is amended to read:

2 60.47 (3) CONTRACTS TO LOWEST RESPONSIBLE BIDDER. The town board shall let
3 a public contract or public highway contract, for which advertising for proposals is
4 required under sub. (2) (b) or (2m) to the lowest responsible bidder. Section 66.0901
5 applies to public contracts or public highway contracts let under sub. subs. (2) (b) and
6 (2m).

7 SECTION 10.^{h.} 60.47 (4) of the statutes is amended to read:

8 60.47 (4) CONTRACTS WITH GOVERNMENTAL ENTITIES. This section does not apply
9 to public contracts or public highway contracts, entered into by a town with a
10 municipality, as defined under s. 66.0301 (1) (a).

11 SECTION 11.^{h.} 60.47 (5) (title) of the statutes is amended to read:

12 60.47 (5) (title) EXCEPTION FOR EMERGENCIES AND ~~DONATED MATERIALS AND LABOR~~
13 CERTAIN DONATIONS.

14 SECTION 12.^{h.} 60.47 (5) of the statutes is renumbered 60.47 (5) (a) and amended
15 to read:

16 60.47 (5) (a) This section is optional with respect to public contracts and public
17 highway contracts for the repair and construction of public facilities when damage
18 or threatened damage to the facility creates an emergency, as declared by resolution
19 of the town board, that endangers the public health or welfare of the town. This
20 subsection no longer applies when the town board declares that the emergency no
21 longer exists.

22 (b) This section is optional with respect to a public contract or public highway
23 contract if the materials related to the contract are donated or if the labor that is
24 necessary to execute the public contract or public highway contract is provided by
25 volunteers.

1 **SECTION 13.** 60.47 (7) of the statutes is created to read:

2 60.47 (7) PROHIBITED BIDDERS AND CONTRACTORS. Notwithstanding sub. (3), the
3 town board may not accept bids or proposals from, award contracts to, or consent to
4 a subcontract with a person that has been debarred by a state or federal agency in
5 the previous 5 years.

6 **SECTION 14.**²_n ¹²62.131 of the statutes is created to read:

7 **62.131 Temporary traffic control.** If construction, maintenance, or repair
8 work is performed on a highway under the jurisdiction of a city, the chief of police may
9 assign uniformed law enforcement officers to the area if a request is made to the
10 board of public works by a contractor for the purpose of increasing the safety of the
11 public and construction personnel in accordance with the manual adopted by the
12 department of transportation under s. 84.02 (4) (e). The board of public works and
13 the chief of police shall enter into a memorandum of understanding to specify
14 procedures for the submission and review of requests and a system for a contractor
15 to pay for the actual costs incurred by the police department when overtime
16 compensation is paid to officers assigned or when the assignment of officers
17 otherwise results in increased labor costs.

18 **SECTION 15.**²_n ¹⁰62.15 (1) of the statutes is renumbered 62.15 (1) (a) and amended
19 to read:

20 62.15 (1) (a) All public construction, the estimated cost of which exceeds
21 ~~\$25,000~~ \$50,000, shall be let by contract to the lowest responsible bidder; all other
22 public construction shall be let as the council may direct. If the estimated cost of any
23 public construction exceeds \$5,000 but is not greater than ~~\$25,000~~ \$50,000, the board
24 of public works shall give a class 1 notice, under ch. 985, of the proposed construction
25 before the contract for the construction is executed. This provision does not apply to

1 public construction if the materials for such a project are donated or if the labor for
2 such a project is provided by volunteers. The council may also by a vote of
3 three-fourths of all the members-elect provide by ordinance that any class of public
4 construction or any part thereof may be done directly by the city without submitting
5 the same for bids.

6 SECTION 16, ² 62.15 (1) (b) of the statutes is created to read:

7 62.15 (1) (b) 1. In this paragraph, "public highway construction" means the
8 construction, improvement, repair, or corrective or preventative maintenance of a
9 highway. "Public highway construction" does not include routine maintenance
10 incidental to the preservation of a highway, including snow and ice removal, ditch
11 cleaning, mowing, tree trimming, sealing, crack filling, or grading.

12 2. Notwithstanding par. (a), all public highway construction, the estimated cost
13 of which exceeds \$25,000, shall be let by contract to the lowest responsible bidder;
14 all other public highway construction shall be let as the council may direct.
15 Notwithstanding par. (a), if the estimated cost of any public highway construction
16 exceeds \$5,000 but is not greater than \$25,000, the board of public works shall give
17 a class 1 notice, under ch. 985, of the proposed construction before the contract for
18 the construction is executed. This provision does not apply to public highway
19 construction if the materials for such a project are donated or if the labor for such a
20 project is provided by volunteers. The council may also by a vote of three-fourths of
21 all the members-elect provide by ordinance that any class of public highway
22 construction or any part thereof may be done directly by the city without submitting
23 the same for bids.

24 SECTION 17. 62.15 (6m) of the statutes is created to read:

1 **62.15 (6m) PROHIBITED BIDDERS AND CONTRACTORS.** Notwithstanding sub. (1) (a)
2 and (b) 2., the city may not accept bids or proposals from, award contracts to, or
3 consent to a subcontract with a person that has been debarred by a state or federal
4 agency in the previous 5 years.

5 **SECTION 18.** 83.04 (1) of the statutes is amended to read:

6 **83.04 (1)** All highway improvements made by the county highway committee
7 shall be by contract, unless the committee determines that some other method would
8 better serve the public interest. The manner of advertising for bids and the forms
9 of bids, contracts and bonds shall be substantially those used by the department. The
10 county highway committee may not accept bids or proposals from, award contracts
11 to, or consent to a subcontract with a person that has been debarred by a state or
12 federal agency in the previous 5 years. In letting a contract the county highway
13 committee acts for the county.

14 **SECTION 19.**² ^{1 p.} 83.21 of the statutes is created to read:

15 **83.21 Temporary traffic control.** When construction, maintenance, or
16 repair work is performed on a highway under a county's jurisdiction, the sheriff of
17 the county may assign uniformed law enforcement officers to the area when a request
18 is made to the county highway commissioner by a contractor for the purpose of
19 increasing the safety of the public and construction personnel in accordance with the
20 manual adopted by the department under s. 84.02 (4) (e). The highway commissioner
21 and the sheriff shall enter into a memorandum of understanding to specify
22 procedures for the submission and review of requests and a system for the contractor
23 to pay for the actual costs incurred by the sheriff's department when overtime
24 compensation is paid to officers assigned or when the assignment of officers
25 otherwise results in increased labor costs.

1 SECTION 20. 84.01 (13) (title) of the statutes is amended to read:

2 84.01 (13) (title) ENGINEERING AND CONSTRUCTION SERVICES.

3 SECTION 21. 84.01 (13) of the statutes is renumbered 84.01 (13)-(a).

4 SECTION 22. 84.01 (13) (b) of the statutes is created to read:

5 84.01 (13) (b) When contracting for engineering or construction services, the
6 department may not accept bids or proposals from, award contracts to, or consent to
7 a subcontract with a person that has been debarred by a state or federal agency in
8 the previous 5 years.

9 SECTION 23. 84.02 (4) (e) of the statutes is amended to read:

10 84.02 (4) (e) The department shall adopt a manual establishing a uniform
11 system of traffic control devices for use upon the highways of this state. The system
12 shall be consistent with and, so far as practicable, conform to current nationally
13 recognized standards for traffic control devices. The manual shall allow a contractor
14 conducting highway construction, repair, or maintenance to request assignment of
15 uniformed law enforcement officers, including state patrol officers, to a highway
16 maintenance, repair, or construction area to increase the safety of the public and
17 construction personnel and shall establish a system for the contractor to pay for the
18 actual costs incurred by the assigning agency when overtime compensation is paid
19 to those officers or when the assignment of officers otherwise results in increased
20 labor costs.

21 SECTION 24. 84.06 (2) (a) of the statutes is amended to read:

22 84.06 (2) (a) All such highway improvements shall be executed by contract
23 based on bids unless the department finds that another method as provided in sub.
24 (3) or (4) would be more feasible and advantageous. Bids shall be advertised for in
25 the manner determined by the department. Except as provided in par. (c) and s.

END (NS) 1-10

1 administration, work progression, and time and cost comparisons between the
2 traditional contracting method and alternative delivery methods, claims, and
3 changes.

4 (d) No later than 6 months after receipt of the report required under par. (c),
5 the joint committee on finance shall determine whether the alternative project
6 delivery program was successful in providing the department with additional tools
7 that allow innovation, reduced project completion time, cost certainty, or reduced
8 cost or other advantages or benefits and shall make a recommendation to the
9 legislature as to whether the program should continue.

BEHINDS 2-2

10 ¹¹ ✓ SECTION 62, 84.183 of the statutes is created to read: ↘

11 **84.183 Local bridge strengthening program. (1) DEFINITIONS.** In this
12 section:

13 (a) "Bridge strengthening project" means a project for the repair of a local
14 bridge that is ineligible for the local bridge program under s. 84.18 and that the
15 department determines contributes to the general economic welfare of the state.

16 (b) "Local bridge" means a bridge that is not on the state trunk highway system
17 or on marked routes of the state trunk highway system designated as connecting
18 highways.

19 (2) ADMINISTRATION. The department shall administer a program to provide
20 funding to local units of government for low-cost repairs, as determined by the
21 department, to local bridge projects that are ineligible for the local bridge program
22 under s. 84.18.

23 (3) PROJECT IDENTIFICATION. The department shall identify local bridges eligible
24 for funding under this section, prioritizing bridge strengthening projects based on
25 average daily traffic and specific impact to freight and commerce. Notwithstanding

1 s. 84.06 (2) and subject to s. 84.06 (3), bridge strengthening projects under this
2 section are exempt from competitive bidding requirements and shall be contracted
3 to local units of government.

4 (4) PROJECT FUNDING. The department shall determine the amount of funding
5 for each bridge strengthening project in a manner that best meets the needs of the
6 traveling public, encourages economic development, and promotes the general
7 welfare. The department shall provide the funding amount established in the project
8 agreement, but not to exceed the percentage the department provides for a project
9 under s. 84.18 (3).

10 (5) EXECUTION AND CONTROL OF WORK. Subject to s. 30.2022 and the control
11 exercised by the United States, any bridge strengthening project shall be conducted
12 by the labor force of a local unit of government having jurisdiction over the local
13 bridge.

14 (6) EXCEPTIONS. Nothing in this section prevents construction or rehabilitation
15 projects under other bridge programs if applicable.

16 SECTION 63.1² 86.51³⁾ of the statutes, as created by 2017 Wisconsin Act 368, is
17 repealed and recreated to read:

18 **86.51 Requirements for local projects. (1)** In this section:

19 (a) "Local bridge" means a bridge that is not on the state trunk highway system
20 or on marked routes of the state trunk highway system designated as connecting
21 highways.

22 (b) "Local roads" means streets under the authority of cities or villages, county
23 trunk highways, or town roads.

24 (c) "Political subdivision" means a county, city, village, or town.

1 (d) "Project" means the development, construction, repair, or improvement of
2 a local road or a local bridge.

3 (2) If the department disburses aid to a political subdivision for a project, the
4 department shall notify the political subdivision whether the aid includes federal
5 moneys and which project components must be paid for with federal moneys, if any.

6 (3) For any project meeting all of the following criteria, the department may
7 not require a political subdivision to comply with any portion of the department's
8 facilities development manual other than design standards:

9 (a) The project proposal is reviewed and approved by a professional engineer
10 or by the highway commissioner for the county in which the project will be located.

11 (b) The project is conducted by a political subdivision with no expenditure of
12 federal money.

13 (4) Any local project funded in whole or in part with state funds under the
14 surface transportation urban program, the surface transportation rural program, or
15 the local bridge program shall be let through competitive bidding and by contract to
16 the lowest responsible bidder as provided in s. 84.06 (2).

17 **SECTION 64.** 103.503 (1) (h) of the statutes is renumbered 103.503 (1) (h) (intro.)
18 and amended to read:

19 103.503 (1) (h) (intro.) "Public utility" has the meaning given in s. 196.01 (5)
20 and includes ~~a~~ all of the following:

- 21 1. A telecommunications carrier, as defined in s. 196.01 (8m), an
22 2. An alternative telecommunications utility, as defined in s. 196.01 (1d), or, for
23 4. For purposes of subs. (2) and (4), a cooperative association organized under
24 ch. 185 for the purpose of producing or furnishing heat, light, power, or water to its
25 members only.

1 proceed with the work of the construction thereof, it shall advertise by a class 2 notice
 2 under ch. 985, for bids for the construction of the facilities. Contracts for the work
 3 shall be let to the lowest responsible bidder, or the agency may reject any and all bids
 4 and if in its discretion the prices quoted are unreasonable, the bidders irresponsible
 5 or the bids informal, it may readvertise the work or any part of it. All contracts shall
 6 be protected by such bonds, penalties and conditions as the district shall require. The
 7 commission may itself do any part of any of the works. The commission may not
 8 accept bids or proposals from, award contracts to, or consent to a subcontract with
 9 a person that has been debarred by a state or federal agency in the previous 5 years.

10 SECTION ⁹82, ^{33 c.} 200.47 (2) (a) of the statutes is amended to read:

11 200.47 (2) (a) Except as provided in par. (b), all work done and all purchases
 12 of supplies and materials by the commission shall be by contract awarded to the
 13 lowest responsible bidder complying with the invitation to bid, if the work or
 14 purchase involves an expenditure of \$20,000 \$50,000 or more. If the commission
 15 decides to proceed with construction of any sewer after plans and specifications for
 16 the sewer are completed and approved by the commission and by the department of
 17 natural resources under ch. 281, the commission shall advertise by a class 2 notice
 18 under ch. 985 for construction bids. All contracts and the awarding of contracts are
 19 subject to s. 66.0901.

20 SECTION 83. 200.47 (2) (f) of the statutes is created to read:

21 200.47 (2) (f) Notwithstanding pars. (a) and (c), the commission may not accept
 22 bids or proposals from, award contracts to, or consent to a subcontract with a person
 23 that has been debarred by a state or federal agency in the previous 5 years.

24 SECTION ⁹84, ^{33 d.} 348.25 (1) of the statutes is amended to read:

1 348.25 (1) No person shall operate a vehicle on or transport an article over a
2 highway without first obtaining a permit therefor as provided in s. 348.26, 348.265,
3 or 348.27 if such vehicle or article exceeds the maximum limitations on size, weight,
4 or projection of load imposed by this chapter.

5 SECTION ~~85~~³ ~~(348.25~~^{33e.} (2) (b) of the statutes is amended to read:

6 348.25 (2) (b) If an overweight permit has been obtained under s. 348.26,
7 348.265, or 348.27, and the vehicle exceeds the weight stated in the permit, any
8 overweight violation shall be computed on the basis of the weight authorized in the
9 permit. The amount of the forfeiture for overweight violations determined under this
10 paragraph shall be calculated as provided in s. 348.21 (3) to (3r). This paragraph does
11 not apply if any other conditions of an overweight permit are violated.

12 SECTION ~~86~~² ~~(348.25~~^{33f.} (3) of the statutes is amended to read:

13 348.25 (3) The department shall prescribe forms for applications for all single
14 trip permits the granting of which is authorized by s. 348.26 (2) to (7) and for those
15 annual, consecutive month, or multiple trip permits the granting of which is
16 authorized by s. 348.265 or 348.27 (2) and (4) to (15). The department shall prescribe
17 an electronic application process for permits the granting of which is authorized by
18 ss. 348.26 (8) and 348.27 (17). The department shall prescribe an electronic
19 application process for permits the granting of which is authorized by s. 348.27 (16).
20 The department shall prescribe an electronic application process for permits the
21 granting of which is authorized by s. 348.27 (18). The department may impose such
22 reasonable conditions prerequisite to the granting of any permit authorized by s.
23 348.26, 348.265, or 348.27 and adopt such reasonable rules for the operation of a
24 permittee thereunder as it deems necessary for the safety of travel and protection of
25 the highways. The department may limit use of the highways under any permit

1 issued to specified hours of the day or days of the week. Local officials granting
2 permits may impose such additional reasonable conditions as they deem necessary
3 in view of local conditions.

④ SECTION ~~87~~^{33g.} (4) of the statutes is amended to read:

5 348.25 (4) (intro.) Except as provided under s. 348.26 (4), (6), or (7), 348.265,
6 or 348.27 (3), (3m), (4m), (9), (9m), (9r), (9t), (10), (12), (15), (16), (18), or (19), permits
7 shall be issued only for the transporting of a single article or vehicle which exceeds
8 statutory size, weight or load limitations and which cannot reasonably be divided or
9 reduced to comply with statutory size, weight or load limitations, except that:

⑩ SECTION ~~88~~^{33h.} (5) of the statutes is amended to read:

11 348.25 (5) The officer or agency authorized by s. 348.26, 348.265, or 348.27 to
12 issue permits may require the permittee to file a bond, certificate of insurance or
13 certified check which, to the satisfaction of such officer or agency, saves the state and
14 any county, city, village or town through which the vehicle or article will be operated
15 or transported harmless from any claim, loss or damage that may result from the
16 granting of such permit or that may arise from or on account of any act done pursuant
17 thereto and conditioned to require the permittee to pay for restoration to a condition
18 satisfactory to the officer in charge of the maintenance of any such highway any
19 pavement, bridge, culvert, sewer pipe or other improvement that may be injured by
20 reason of the use of the highways by the permittee. If a permittee refuses to pay for
21 damage caused, the officer or agency who required the filing of a bond may maintain
22 an action upon such bond.

⑫ SECTION ~~89~~^{33i.} (6) of the statutes is amended to read:

24 348.25 (6) The officer or agency authorized by s. 348.26, 348.265, or 348.27 to
25 issue permits may require the permittee to file proof satisfactory to such officer or

1 agency that personal injury and property damage insurance in an amount
2 considered sufficient by such officer or agency will be in force to cover any claim for
3 bodily injury or property damage which may occur in connection with operation
4 under the permit and for which the permittee is legally responsible.

5 SECTION 90^{33j} (348.25) of the statutes is amended to read:

6 348.25 (9) If a permit under s. 348.26, 348.265, or 348.27 is denied, suspended
7 or revoked, the permit applicant or holder may petition the division of hearings and
8 appeals for a hearing on the matter within 30 days after the denial, suspension or
9 revocation.

10 SECTION 91^{33k} (348.265) of the statutes is created to read:

11 **348.265 Annual oversize or overweight permit for vehicles and**
12 **equipment.** (1) The local official in charge of maintenance of a highway may issue
13 an annual permit for the operation of oversize or overweight vehicles and equipment
14 identified in the permit between job sites, storage facilities, material supply sites,
15 and other locations on a designated highway route identified in the permit. Local
16 officials may issue such permits for use of state trunk highways within the county
17 or municipality that they represent.

18 (2) A permit issued under this section may be issued only to a company
19 operating oversize or overweight vehicles or equipment within the county or
20 requiring the use of highways within the county to operate oversize or overweight
21 vehicles or equipment to locations in another county.

22 (3) An application for a permit under this subsection shall be made on the form
23 prescribed by the department and shall be submitted to the officer in charge of
24 maintenance of the highway to be used. An application for use of a state trunk

1 highway shall be submitted to the officer in charge of maintenance of highways in
2 the county or municipality where the state trunk highway is located.

3 (4) An application for a permit under this section shall identify:

4 (a) The location of identified or anticipated job sites, storage or maintenance
5 facilities, material supply sites, or other locations within the county or municipality
6 for which the permit will be valid.

7 (b) All oversize and overweight vehicles or equipment covered by the permit.

8 (c) The designated routes that oversize or overweight equipment will travel
9 between locations identified in par. (a).

10 (d) The expiration date of the permit, which may not be later than December
11 31 of the year in which it is issued.

12 (5) An application for a permit under this section shall be made no later than
13 February 1 of the year in which the permit is issued. No later than 30 days after
14 receipt of an application for a permit under this section, the officer in charge of
15 maintenance of the highway to be used shall review the application and issue the
16 permit, deny the permit, or approve the permit subject to modifications agreed to by
17 the permit applicant.

18 (6) The officer issuing a permit under this section may include requirements
19 or conditions consistent with s. Trans 254 or 255, Wis. Adm. Code.

20 (7) (a) A permit issued under this section is valid only for the vehicles, routes,
21 and activities described in the application and permit.

22 (b) The officer issuing a permit under this section may suspend a permit or any
23 of its conditions because of seasonal highway conditions.

24 (c) A condition of a permit issued under this section may not modify any law
25 or regulation limiting loads because of local conditions, including load limits on

1 bridges and highways, seasonal weight restrictions, or load limits imposed because
2 of construction.

3 (d) A permit issued under this section is not valid during periods when adverse
4 weather or road conditions, such as fog, smoke, heavy rain, snow, ice, or wind velocity
5 impair the safety of a movement under the permit.

6 (e) The operation authorized by a permit issued under this section includes the
7 movement of an empty vehicle to and from the place of pickup or delivery of the
8 permitted load.

9 (f) The operator of a vehicle that is covered by a permit issued under this section
10 and that exceeds height limitations shall ensure that the vehicle is clear of all
11 overhead structures along the route by not less than 3 inches. If the vehicle strikes
12 an overhead structure, the permit issued under this section is invalid effective at the
13 time that the overhead structure is struck.

14 (8) Prior to issuing a permit under this section, the issuing authority may
15 require payment of a fee not to exceed the estimated cost of filing the individual
16 permit applications under s. 348.26 that would be necessary to authorize the activity
17 covered by a permit issued under this section.

18 (9) A company may obtain additional permits under s. 348.26 or 348.27 for
19 vehicles or equipment identified in a permit issued under this section to authorize
20 activities not authorized by the permit issued under this section.

END INT

21 **SECTION 92. Nonstatutory provisions.**

22 (1) EMERGENCY RULES RELATING TO ALTERNATIVE PROJECT DELIVERY. The
23 department of transportation may use the procedure under s. 227.24 to promulgate
24 emergency rules under s. 84.062 (5) to (7) for the period before the date on which
25 permanent rules under s. 84.062 (5) to (7) take effect. Notwithstanding s. 227.24 (1)

Wyatt, Zachary

From: Toftness, Jenny
Sent: Monday, February 17, 2020 3:52 PM
To: Wyatt, Zachary
Subject: Re: bridge strengthening

Let's do it the way you've suggested. Thank you.

Sent from my iPhone

On Feb 17, 2020, at 2:38 PM, Wyatt, Zachary <Zachary.Wyatt@legis.wisconsin.gov> wrote:

Jenny,

Moving the language into an existing section would still be creating a new purpose for the money under s. 20.395 (2) (eq) and would require being noted as "making an appropriation." If your goal is to not have that phrase appear, I could remove the treatment of s. 20.395 (2) (eq) entirely. The language creating the program would remain but no appropriation would be identified, meaning DOT would have to find an appropriation from which to pay for the program.

Thanks,

Zachary D. Wyatt

Senior Legislative Attorney

Wisconsin Legislative Reference Bureau

zachary.wyatt@legis.wisconsin.gov

608.504.5843

The information contained in this communication may be confidential and protected by the attorney-client privilege.

From: Toftness, Jenny <Jenny.Toftness@legis.wisconsin.gov>

Sent: Monday, February 17, 2020 2:14 PM

To: Wyatt, Zachary <Zachary.Wyatt@legis.wisconsin.gov>

Subject: bridge strengthening

Hi Zachary

Is there any way to make the amendment to 820 not an appropriation? Could we just put the bridge strengthening requirements under 84.18 local bridge program so we don't have to refer to chapter 20?

Please let me know.

Thanks.

Jenny



IN 2/17/2020
OUT TODAY

LRBa1228(P1) /PR
ZDW:kjf/amn/cdc

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT,
TO ASSEMBLY BILL 820**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 8: delete the material beginning with “requirements” and
3 ending with “authority” on line 10 and substitute “state and local contracting
4 requirements; changes to the fuel suppliers administrative allowance; local bridge
5 strengthening; the use of law enforcement officers in highway construction sites;
6 annual permits for local operation of oversize and overweight vehicles and
7 equipment; providing an exemption from emergency rule procedures; ^{and} granting
8 rule-making authority; and making an appropriation”.

9 ^{stays} **2.** Page 2, line 1: before that line insert:

10 “SECTION 1a. 20.395 (2) (eq) of the statutes is amended to read:

11 20.395 (2) (eq) *Highway and local bridge improvement assistance, state funds.*

12 As a continuing appropriation, the amounts in the schedule for bridge development,

1 construction, and rehabilitation under s. 84.18, for bridge strengthening under s.
2 84.183, for the development and construction of bridges under ss. 84.12 and 84.17,
3 for payments to local units of government for jurisdictional transfers under s. 84.16,
4 for the improvement of the state trunk highway system under 1985 Wisconsin Act
5 341, section 6 (1), to provide for the payments specified under 2001 Wisconsin Act 16,
6 section 9152 (3d), and for the payment required under 2015 Wisconsin Act 55, section
7 9145 (3f).

8 **SECTION 1b.** 59.52 (29) (a) of the statutes is renumbered 59.52 (29) (a) 1. and
9 amended to read:

10 59.52 (29) (a) 1. All public work, including any contract for the construction,
11 repair, remodeling, or improvement of any public work, building, or furnishing of
12 supplies or material of any kind where the estimated cost of such work will exceed
13 ~~\$25,000~~ \$50,000 shall be let by contract to the lowest responsible bidder.

14 3. Any public work, the estimated cost of which does not exceed ~~\$25,000~~
15 \$50,000, shall be let as the board may direct.

16 4. If the estimated cost of any public work is between \$5,000 and ~~\$25,000~~
17 \$50,000, the board shall give a class 1 notice under ch. 985 before it contracts for the
18 work or shall contract with a person qualified as a bidder under s. 66.0901 (2).

19 2. A contract, the estimated cost of which exceeds ~~\$25,000~~ \$50,000, shall be let
20 and entered into under s. 66.0901, except that the board may by a three-fourths vote
21 of all the members entitled to a seat provide that any class of public work or any part
22 thereof may be done directly by the county without submitting the same for bids.

23 (c) This subsection does not apply to public construction if the materials for
24 such a project are donated or if the labor for such a project is provided by volunteers.

1 (d) This subsection does not apply to highway contracts which the county
2 highway committee or the county highway commissioner is authorized by law to let
3 or make.

4 **SECTION 1c.** 60.47 (1) (a) of the statutes is amended to read:

5 60.47 (1) (a) “Public contract” means a contract for the construction, execution,
6 repair, remodeling or improvement of any public work or building or for the
7 furnishing of materials or supplies, with an estimated cost greater than ~~\$5,000~~
8 \$50,000.

9 **SECTION 1d.** 60.47 (1) (am) of the statutes is created to read:

10 60.47 (1) (am) “Public highway contract” means a contract for the construction,
11 improvement, repair, or corrective or preventative maintenance of a highway.
12 “Public highway contract” does not include a contract for routine maintenance
13 incidental to the preservation of a highway, including snow and ice removal, ditch
14 cleaning, mowing, tree trimming, sealing, crack filling, or grading.

15 **SECTION 1e.** 60.47 (2) (a) of the statutes is amended to read:

16 60.47 (2) (a) No town may enter into a public contract with an estimated cost
17 of more than \$5,000 but not more than ~~\$25,000~~ \$50,000 unless the town board, or a
18 town official or employee designated by the town board, gives a class 1 notice under
19 ch. 985 before execution of that public contract.

20 **SECTION 1f.** 60.47 (2) (b) of the statutes is amended to read:

21 60.47 (2) (b) No town may enter into a public contract with a value of more than
22 ~~\$25,000~~ \$50,000 unless the town board, or a town official or employee designated by
23 the town board, advertises for proposals to perform the terms of the public contract
24 by publishing a class 2 notice under ch. 985. The town board may provide for
25 additional means of advertising for bids.

1 **SECTION 1g.** 60.47 (2m) of the statutes is created to read:

2 **60.47 (2m) PUBLIC HIGHWAY CONTRACTS.** Notwithstanding sub. (2) and except
3 as provided in subs. (4) and (5), no town may enter into a public highway contract
4 with an estimated cost of more than \$5,000 but not more than \$25,000 unless the
5 town board, or a town official or employee designated by the town board, gives a class
6 1 notice under ch. 985 before execution of that public highway contract.
7 Notwithstanding sub. (2) and except as provided in subs. (4) and (5), no town may
8 enter into a public highway contract with a value of more than \$25,000, unless the
9 town board, or a town official or employee designated by the town board, advertises
10 for proposals to perform the terms of the public highway contract by publishing a
11 class 2 notice under ch. 985. The town board may provide for additional means of
12 advertising for bids.

13 **SECTION 1h.** 60.47 (3) of the statutes is amended to read:

14 **60.47 (3) CONTRACTS TO LOWEST RESPONSIBLE BIDDER.** The town board shall let
15 a public contract or public highway contract, for which advertising for proposals is
16 required under sub. (2) (b) or (2m) to the lowest responsible bidder. Section 66.0901
17 applies to public contracts or public highway contracts let under sub. ~~subs.~~ (2) (b) and
18 (2m).

19 **SECTION 1i.** 60.47 (4) of the statutes is amended to read:

20 **60.47 (4) CONTRACTS WITH GOVERNMENTAL ENTITIES.** This section does not apply
21 to public contracts or public highway contracts, entered into by a town with a
22 municipality, as defined under s. 66.0301 (1) (a).

23 **SECTION 1j.** 60.47 (5) (title) of the statutes is amended to read:

24 **60.47 (5) (title) EXCEPTION FOR EMERGENCIES AND ~~DONATED MATERIALS AND LABOR~~**
25 CERTAIN DONATIONS.

1 **SECTION 1k.** 60.47 (5) of the statutes is renumbered 60.47 (5) (a) and amended
2 to read:

3 60.47 (5) (a) This section is optional with respect to public contracts and public
4 highway contracts for the repair and construction of public facilities when damage
5 or threatened damage to the facility creates an emergency, as declared by resolution
6 of the town board, that endangers the public health or welfare of the town. This
7 subsection no longer applies when the town board declares that the emergency no
8 longer exists.

9 **(b)** This section is optional with respect to a public contract or public highway
10 contract if the materials related to the contract are donated or if the labor that is
11 necessary to execute the public contract or public highway contract is provided by
12 volunteers.

13 **SECTION 1L.** 62.131 of the statutes is created to read:

14 **62.131 Temporary traffic control.** If construction, maintenance, or repair
15 work is performed on a highway under the jurisdiction of a city, the chief of police may
16 assign uniformed law enforcement officers to the area if a request is made to the
17 board of public works by a contractor for the purpose of increasing the safety of the
18 public and construction personnel in accordance with the manual adopted by the
19 department of transportation under s. 84.02 (4) (e). The board of public works and
20 the chief of police shall enter into a memorandum of understanding to specify
21 procedures for the submission and review of requests and a system for a contractor
22 to pay for the actual costs incurred by the police department when overtime
23 compensation is paid to officers assigned or when the assignment of officers
24 otherwise results in increased labor costs.

1 **SECTION 1m.** 62.15 (1) of the statutes is renumbered 62.15 (1) (a) and amended
2 to read:

3 62.15 (1) (a) All public construction, the estimated cost of which exceeds
4 ~~\$25,000~~ \$50,000, shall be let by contract to the lowest responsible bidder; all other
5 public construction shall be let as the council may direct. If the estimated cost of any
6 public construction exceeds \$5,000 but is not greater than ~~\$25,000~~ \$50,000, the board
7 of public works shall give a class 1 notice, under ch. 985, of the proposed construction
8 before the contract for the construction is executed. This provision does not apply to
9 public construction if the materials for such a project are donated or if the labor for
10 such a project is provided by volunteers. The council may also by a vote of
11 three-fourths of all the members-elect provide by ordinance that any class of public
12 construction or any part thereof may be done directly by the city without submitting
13 the same for bids.

14 **SECTION 1n.** 62.15 (1) (b) of the statutes is created to read:

15 62.15 (1) (b) 1. In this paragraph, “public highway construction” means the
16 construction, improvement, repair, or corrective or preventative maintenance of a
17 highway. “Public highway construction” does not include routine maintenance
18 incidental to the preservation of a highway, including snow and ice removal, ditch
19 cleaning, mowing, tree trimming, sealing, crack filling, or grading.

20 2. Notwithstanding par. (a), all public highway construction, the estimated cost
21 of which exceeds \$25,000, shall be let by contract to the lowest responsible bidder;
22 all other public highway construction shall be let as the council may direct.
23 Notwithstanding par. (a), if the estimated cost of any public highway construction
24 exceeds \$5,000 but is not greater than \$25,000, the board of public works shall give
25 a class 1 notice, under ch. 985, of the proposed construction before the contract for

1 the construction is executed. This provision does not apply to public highway
2 construction if the materials for such a project are donated or if the labor for such a
3 project is provided by volunteers. The council may also by a vote of three-fourths of
4 all the members-elect provide by ordinance that any class of public highway
5 construction or any part thereof may be done directly by the city without submitting
6 the same for bids.

7 **SECTION 1p.** 83.21 of the statutes is created to read:

8 **83.21 Temporary traffic control.** When construction, maintenance, or
9 repair work is performed on a highway under a county's jurisdiction, the sheriff of
10 the county may assign uniformed law enforcement officers to the area when a request
11 is made to the county highway commissioner by a contractor for the purpose of
12 increasing the safety of the public and construction personnel in accordance with the
13 manual adopted by the department under s. 84.02 (4) (e). The highway commissioner
14 and the sheriff shall enter into a memorandum of understanding to specify
15 procedures for the submission and review of requests and a system for the contractor
16 to pay for the actual costs incurred by the sheriff's department when overtime
17 compensation is paid to officers assigned or when the assignment of officers
18 otherwise results in increased labor costs.

19 **SECTION 1q.** 84.02 (4) (e) of the statutes is amended to read:

20 84.02 (4) (e) The department shall adopt a manual establishing a uniform
21 system of traffic control devices for use upon the highways of this state. The system
22 shall be consistent with and, so far as practicable, conform to current nationally
23 recognized standards for traffic control devices. The manual shall allow a contractor
24 conducting highway construction, repair, or maintenance to request assignment of
25 uniformed law enforcement officers, including state patrol officers, to a highway

1 maintenance, repair, or construction area to increase the safety of the public and
2 construction personnel and shall establish a system for the contractor to pay for the
3 actual costs incurred by the assigning agency when overtime compensation is paid
4 to those officers or when the assignment of officers otherwise results in increased
5 labor costs.”.

6 **3.** Page 3, line 22: delete “\$25,000,000” and substitute “\$50,000,000”.

7 **4.** Page 8, line 9: delete “60” and substitute “55”.

8 **5.** Page 10, line 8: delete “40” and substitute “45”.

9 **6.** Page 16, line 4: after that line insert:

10 “**SECTION 33a.** 84.183 of the statutes is created to read:

11 **84.183 Local bridge strengthening program. (1) DEFINITIONS.** In this
12 section:

13 (a) “Bridge strengthening project” means a project for the repair of a local
14 bridge that is ineligible for the local bridge program under s. 84.18 and that the
15 department determines contributes to the general economic welfare of the state.

16 (b) “Local bridge” means a bridge that is not on the state trunk highway system
17 or on marked routes of the state trunk highway system designated as connecting
18 highways.

19 **(2) ADMINISTRATION.** The department shall administer a program to provide
20 funding to local units of government for low-cost repairs, as determined by the
21 department, to local bridge projects that are ineligible for the local bridge program
22 under s. 84.18.

23 **(3) PROJECT IDENTIFICATION.** The department shall identify local bridges eligible
24 for funding under this section, prioritizing bridge strengthening projects based on

1 average daily traffic and specific impact to freight and commerce. Notwithstanding
2 s. 84.06 (2) and subject to s. 84.06 (3), bridge strengthening projects under this
3 section are exempt from competitive bidding requirements and shall be contracted
4 to local units of government.

5 (4) PROJECT FUNDING. The department shall determine the amount of funding
6 for each bridge strengthening project in a manner that best meets the needs of the
7 traveling public, encourages economic development, and promotes the general
8 welfare. The department shall provide the funding amount established in the project
9 agreement, but not to exceed the percentage the department provides for a project
10 under s. 84.18 (3).

11 (5) EXECUTION AND CONTROL OF WORK. Subject to s. 30.2022 and the control
12 exercised by the United States, any bridge strengthening project shall be conducted
13 by the labor force of a local unit of government having jurisdiction over the local
14 bridge.

15 (6) EXCEPTIONS. Nothing in this section prevents construction or rehabilitation
16 projects under other bridge programs if applicable.

17 **SECTION 33b.** 86.51 of the statutes, as created by 2017 Wisconsin Act 368, is
18 repealed and recreated to read:

19 **86.51 Requirements for local projects. (1)** In this section:

20 (a) "Local bridge" means a bridge that is not on the state trunk highway system
21 or on marked routes of the state trunk highway system designated as connecting
22 highways.

23 (b) "Local roads" means streets under the authority of cities or villages, county
24 trunk highways, or town roads.

25 (c) "Political subdivision" means a county, city, village, or town.

1 (d) "Project" means the development, construction, repair, or improvement of
2 a local road or a local bridge.

3 (2) If the department disburses aid to a political subdivision for a project, the
4 department shall notify the political subdivision whether the aid includes federal
5 moneys and which project components must be paid for with federal moneys, if any.

6 (3) For any project meeting all of the following criteria, the department may
7 not require a political subdivision to comply with any portion of the department's
8 facilities development manual other than design standards:

9 (a) The project proposal is reviewed and approved by a professional engineer
10 or by the highway commissioner for the county in which the project will be located.

11 (b) The project is conducted by a political subdivision with no expenditure of
12 federal money.

13 (4) Any local project funded in whole or in part with state funds under the
14 surface transportation urban program, the surface transportation rural program, or
15 the local bridge program shall be let through competitive bidding and by contract to
16 the lowest responsible bidder as provided in s. 84.06 (2).

17 **SECTION 33c.** 200.47 (2) (a) of the statutes is amended to read:

18 200.47 (2) (a) Except as provided in par. (b), all work done and all purchases
19 of supplies and materials by the commission shall be by contract awarded to the
20 lowest responsible bidder complying with the invitation to bid, if the work or
21 purchase involves an expenditure of ~~\$20,000~~ \$50,000 or more. If the commission
22 decides to proceed with construction of any sewer after plans and specifications for
23 the sewer are completed and approved by the commission and by the department of
24 natural resources under ch. 281, the commission shall advertise by a class 2 notice

1 under ch. 985 for construction bids. All contracts and the awarding of contracts are
2 subject to s. 66.0901.

3 **SECTION 33d.** 348.25 (1) of the statutes is amended to read:

4 348.25 (1) No person shall operate a vehicle on or transport an article over a
5 highway without first obtaining a permit therefor as provided in s. 348.26, 348.265,
6 or 348.27 if such vehicle or article exceeds the maximum limitations on size, weight,
7 or projection of load imposed by this chapter.

8 **SECTION 33e.** 348.25 (2) (b) of the statutes is amended to read:

9 348.25 (2) (b) If an overweight permit has been obtained under s. 348.26,
10 348.265, or 348.27, and the vehicle exceeds the weight stated in the permit, any
11 overweight violation shall be computed on the basis of the weight authorized in the
12 permit. The amount of the forfeiture for overweight violations determined under this
13 paragraph shall be calculated as provided in s. 348.21 (3) to (3r). This paragraph does
14 not apply if any other conditions of an overweight permit are violated.

15 **SECTION 33f.** 348.25 (3) of the statutes is amended to read:

16 348.25 (3) The department shall prescribe forms for applications for all single
17 trip permits the granting of which is authorized by s. 348.26 (2) to (7) and for those
18 annual, consecutive month, or multiple trip permits the granting of which is
19 authorized by s. 348.265 or 348.27 (2) and (4) to (15). The department shall prescribe
20 an electronic application process for permits the granting of which is authorized by
21 ss. 348.26 (8) and 348.27 (17). The department shall prescribe an electronic
22 application process for permits the granting of which is authorized by s. 348.27 (16).
23 The department shall prescribe an electronic application process for permits the
24 granting of which is authorized by s. 348.27 (18). The department may impose such
25 reasonable conditions prerequisite to the granting of any permit authorized by s.

1 348.26, ~~348.265~~, or 348.27 and adopt such reasonable rules for the operation of a
2 permittee thereunder as it deems necessary for the safety of travel and protection of
3 the highways. The department may limit use of the highways under any permit
4 issued to specified hours of the day or days of the week. Local officials granting
5 permits may impose such additional reasonable conditions as they deem necessary
6 in view of local conditions.

7 **SECTION 33g.** 348.25 (4) (intro.) of the statutes is amended to read:

8 348.25 (4) (intro.) Except as provided under s. 348.26 (4), (6), or (7), ~~348.265~~,
9 or 348.27 (3), (3m), (4m), (9), (9m), (9r), (9t), (10), (12), (15), (16), (18), or (19), permits
10 shall be issued only for the transporting of a single article or vehicle which exceeds
11 statutory size, weight or load limitations and which cannot reasonably be divided or
12 reduced to comply with statutory size, weight or load limitations, except that:

13 **SECTION 33h.** 348.25 (5) of the statutes is amended to read:

14 348.25 (5) The officer or agency authorized by s. 348.26, ~~348.265~~, or 348.27 to
15 issue permits may require the permittee to file a bond, certificate of insurance or
16 certified check which, to the satisfaction of such officer or agency, saves the state and
17 any county, city, village or town through which the vehicle or article will be operated
18 or transported harmless from any claim, loss or damage that may result from the
19 granting of such permit or that may arise from or on account of any act done pursuant
20 thereto and conditioned to require the permittee to pay for restoration to a condition
21 satisfactory to the officer in charge of the maintenance of any such highway any
22 pavement, bridge, culvert, sewer pipe or other improvement that may be injured by
23 reason of the use of the highways by the permittee. If a permittee refuses to pay for
24 damage caused, the officer or agency who required the filing of a bond may maintain
25 an action upon such bond.

1 **SECTION 33i.** 348.25 (6) of the statutes is amended to read:

2 348.25 (6) The officer or agency authorized by s. 348.26, 348.265, or 348.27 to
3 issue permits may require the permittee to file proof satisfactory to such officer or
4 agency that personal injury and property damage insurance in an amount
5 considered sufficient by such officer or agency will be in force to cover any claim for
6 bodily injury or property damage which may occur in connection with operation
7 under the permit and for which the permittee is legally responsible.

8 **SECTION 33j.** 348.25 (9) of the statutes is amended to read:

9 348.25 (9) If a permit under s. 348.26, 348.265, or 348.27 is denied, suspended
10 or revoked, the permit applicant or holder may petition the division of hearings and
11 appeals for a hearing on the matter within 30 days after the denial, suspension or
12 revocation.

13 **SECTION 33k.** 348.265 of the statutes is created to read:

14 **348.265 Annual oversize or overweight permit for vehicles and**
15 **equipment.** (1) The local official in charge of maintenance of a highway may issue
16 an annual permit for the operation of oversize or overweight vehicles and equipment
17 identified in the permit between job sites, storage facilities, material supply sites,
18 and other locations on a designated highway route identified in the permit. Local
19 officials may issue such permits for use of state trunk highways within the county
20 or municipality that they represent.

21 (2) A permit issued under this section may be issued only to a company
22 operating oversize or overweight vehicles or equipment within the county or
23 requiring the use of highways within the county to operate oversize or overweight
24 vehicles or equipment to locations in another county.

1 **(3)** An application for a permit under this subsection shall be made on the form
2 prescribed by the department and shall be submitted to the officer in charge of
3 maintenance of the highway to be used. An application for use of a state trunk
4 highway shall be submitted to the officer in charge of maintenance of highways in
5 the county or municipality where the state trunk highway is located.

6 **(4)** An application for a permit under this section shall identify:

7 **(a)** The location of identified or anticipated job sites, storage or maintenance
8 facilities, material supply sites, or other locations within the county or municipality
9 for which the permit will be valid.

10 **(b)** All oversize and overweight vehicles or equipment covered by the permit.

11 **(c)** The designated routes that oversize or overweight equipment will travel
12 between locations identified in par. (a).

13 **(d)** The expiration date of the permit, which may not be later than December
14 31 of the year in which it is issued.

15 **(5)** An application for a permit under this section shall be made no later than
16 February 1 of the year in which the permit is issued. No later than 30 days after
17 receipt of an application for a permit under this section, the officer in charge of
18 maintenance of the highway to be used shall review the application and issue the
19 permit, deny the permit, or approve the permit subject to modifications agreed to by
20 the permit applicant.

21 **(6)** The officer issuing a permit under this section may include requirements
22 or conditions consistent with s. Trans 254 or 255, Wis. Adm. Code.

23 **(7)** **(a)** A permit issued under this section is valid only for the vehicles, routes,
24 and activities described in the application and permit.

1 (b) The officer issuing a permit under this section may suspend a permit or any
2 of its conditions because of seasonal highway conditions.

3 (c) A condition of a permit issued under this section may not modify any law
4 or regulation limiting loads because of local conditions, including load limits on
5 bridges and highways, seasonal weight restrictions, or load limits imposed because
6 of construction.

7 (d) A permit issued under this section is not valid during periods when adverse
8 weather or road conditions, such as fog, smoke, heavy rain, snow, ice, or wind velocity
9 impair the safety of a movement under the permit.

10 (e) The operation authorized by a permit issued under this section includes the
11 movement of an empty vehicle to and from the place of pickup or delivery of the
12 permitted load.

13 (f) The operator of a vehicle that is covered by a permit issued under this section
14 and that exceeds height limitations shall ensure that the vehicle is clear of all
15 overhead structures along the route by not less than 3 inches. If the vehicle strikes
16 an overhead structure, the permit issued under this section is invalid effective at the
17 time that the overhead structure is struck.

18 (8) Prior to issuing a permit under this section, the issuing authority may
19 require payment of a fee not to exceed the estimated cost of filing the individual
20 permit applications under s. 348.26 that would be necessary to authorize the activity
21 covered by a permit issued under this section.

22 (9) A company may obtain additional permits under s. 348.26 or 348.27 for
23 vehicles or equipment identified in a permit issued under this section to authorize
24 activities not authorized by the permit issued under this section.

25 **SECTION 33L.** 2019 Wisconsin Act 9, section 9437 (5f) is amended to read:

1 [2019 Wisconsin Act 9] Section 9437 (5f) The treatment of s. 78.12 (4) (a) 2., 3.,
2 and 4. and (5) takes effect on ~~the first day of the year that occurs after the effective~~
3 ~~date of this subsection~~ January 1, 2024.”

4 **7.** Page 16, line 17: after that line insert:

5 “(2) OVERSIZE OR OVERWEIGHT PERMIT FORM. The department of transportation
6 shall make available the form required under s. 348.265 (3) no later than the first
7 day of the 3rd month following the effective date of this subsection.

8 **SECTION 34m. Initial applicability.**

9 (1) This act first applies to a contract advertised for bids on the effective date
10 of this subsection.”

11 (END)



State of Wisconsin
2019 - 2020 LEGISLATURE

LRBa1228/P2
ZDW:kjf/amn/cdc

no
changes

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 820

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 8: delete the material beginning with “requirements” and
3 ending with “authority” on line 10 and substitute “state and local contracting
4 requirements; changes to the fuel suppliers administrative allowance; local bridge
5 strengthening; the use of law enforcement officers in highway construction sites;
6 annual permits for local operation of oversize and overweight vehicles and
7 equipment; providing an exemption from emergency rule procedures; and granting
8 rule-making authority”.

9 **2.** Page 2, line 1: before that line insert:

10 “**SECTION 1b.** 59.52 (29) (a) of the statutes is renumbered 59.52 (29) (a) 1. and
11 amended to read:

