

State of Misconsin 2007 - 2008 LEGISLATURE

## ASSEMBLY SUBSTITUTE AMENDMENT 1, TO 2007 ASSEMBLY BILL 259

December 4, 2007 - Offered by Representative NYGREN.

1 AN ACT to amend 86.255 (2) (a) of the statutes; relating to: the acquisition by

2 the Department of Transportation of land for mitigation related to highway

3 projects.

## Analysis by the Legislative Reference Bureau

Current law generally prohibits the Department of Transportation (DOT), after October 28, 1999, from encumbering or expending highway program moneys for purposes related to the purchase of 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 one-quarter mile of the highway. An exception to this prohibition allows DOT to purchase land that is acquired as compensatory mitigation for another wetland that will suffer an adverse impact by degradation or destruction as part of a highway project.

Under this substitute amendment, this wetland mitigation exception does not apply if the land is shown on a 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. For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1	<b>SECTION 1.</b> 86.255 (2) (a) of the statutes is amended to read:
2	86.255 (2) (a) The purchase of any land that is acquired as compensatory
3	mitigation for another wetland, as defined in s. $23.32(1)$ , that will suffer an adverse
4	impact by degradation or destruction as part of a highway project. <u>This paragraph</u>
5	does not apply to land that is shown on a comprehensive plan, adopted under s.
6	66.1001 by a city, village, or town, as designated for future commercial or industrial
7	use unless the governing body of the city, village, or town in which the land is located
8	<u>consents to the purchase.</u>
9	SECTION 2. Initial applicability.
10	(1) This act first applies to contracts for the purchase of land acquired as
11	compensatory mitigation for another wetland that are entered into on the effective
12	date of this subsection.
13	SECTION 3. Effective date.
14	(1) This act takes effect on the first day of the 2nd month beginning after
15	publication.

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(END)