

2001 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB38)

Received: 08/30/2001

Received By: agary

Wanted: Soon

Identical to LRB:

For: Carol Roessler (608) 266-5300

By/Representing: Joyce Kiel - LC

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies: **TNF, PJH**

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Speed limit at school crossings

Instructions:

See attached. Wants sub that addresses attached and also reflects that crossing location may be other than at intersection.

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 09/07/2001	jdye 09/10/2001		_____			
/1			rschluet 09/10/2001	_____	lrb_docadmin 09/10/2001	lrb_docadmin 09/10/2001	

FE Sent For:

<END>

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1?	agary	11/9/10 jld					
			9-10-1				

FE Sent For:

<END>

highway
OR
FRONT ROAD
road
The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 346.57 (4) (b) of the statutes is amended to read:

346.57 (4) (b) Fifteen miles per hour when passing an intersection properly marked with a "school crossing" sign of a type approved by the department when children are any child or a school crossing guard is present or when a school crossing guard is in a crosswalk or placing or removing temporary school traffic control devices in a roadway.

- 4
- 5
- 6
- 7

Gary, Aaron

From: Rusch, Peter
Sent: Monday, September 10, 2001 9:19 AM
To: Gary, Aaron
Subject: RE: SB-38 - school crossings

Aaron

Looks fine.

Pete

-----Original Message-----

From: Gary, Aaron
Sent: Wednesday, September 05, 2001 12:59 PM
To: Rusch, Peter
Subject: FW: SB-38 - school crossings

Pete,
Does this look OK to you? Thanks. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

-----Original Message-----

From: Kiel, Joyce
Sent: Wednesday, September 05, 2001 11:37 AM
To: Gary, Aaron
Cc: Sen.Roessler; Kok, Melissa; Cardis, Philip; Piliouras, Elizabeth; Rusch, Peter
Subject: RE: SB-38 - school crossings

Aaron:

It looks fine to me. (Sorry I couldn't get back to you sooner, but I was gone Friday and Tuesday.)

Joyce L. Kiel, Senior Staff Attorney
Wisconsin Legislative Council Staff
Suite 401, One East Main Street
Madison, WI 53703
608-266-3137
608-266-3830 (fax)
Joyce.Kiel@legis.state.wi.us

-----Original Message-----

From: Gary, Aaron
Sent: Friday, August 31, 2001 3:46 PM
To: Rusch, Peter; Kiel, Joyce; Cardis, Philip
Subject: RE: SB-38 - school crossings

Pete, Joyce, and Philip,

Based upon these comments, with some revision, the draft would then read as follows (amending s. 346.57 (4) (b) and creating s. 346.57 (4) (b) 1., 2., and 3.):

Gary, Aaron

From: Kiel, Joyce
Sent: Wednesday, September 05, 2001 11:37 AM
To: Gary, Aaron
Cc: Sen.Roessler; Kok, Melissa; Cardis, Philip; Piliouras, Elizabeth; Rusch, Peter
Subject: RE: SB-38 - school crossings

Aaron:

It looks fine to me. (Sorry I couldn't get back to you sooner, but I was gone Friday and Tuesday.)

Joyce L. Kiel, Senior Staff Attorney
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Suite 401, One East Main Street
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-----Original Message-----

From: Gary, Aaron
Sent: Friday, August 31, 2001 3:46 PM
To: Rusch, Peter; Kiel, Joyce; Cardis, Philip
Subject: RE: SB-38 - school crossings

Pete, Joyce, and Philip,

Based upon these comments, with some revision, the draft would then read as follows (amending s. 346.57 (4) (b) and creating s. 346.57 (4) (b) 1., 2., and 3.):

(amended)

346.57 (4) (b) Fifteen miles per hour when passing an intersection or other location properly marked with a "school crossing" sign of a type approved by the department when ~~children are present~~, any of the following conditions exist:

(created)

1. Any child is present.
2. A school crossing guard is within a crosswalk at the intersection or the other location or, if no crosswalk exists, is in the roadway at the intersection or the other location.
3. A school crossing guard is placing in or removing from the roadway at or near the intersection or the other location a temporary sign or device that guides, warns, or regulates traffic.

Does this work for everybody? Thanks. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

-----Original Message-----

From: Rusch, Peter
Sent: Friday, August 31, 2001 12:19 PM
To: Gary, Aaron
Cc: Kiel, Joyce; Cardis, Philip

Subject: RE: SB-38 - school crossings

Aaron

I Discussed this with Paul Nilsen and he had the following comments. I think he makes a valid point and would agree with his addition.

I have added his suggestion in the text in your note below.

Pete

From Paul

Pete,

I read the text as, essentially:

15 miles per hour in place marked "school xing" , whenever:

- 1) child present; or
- 2) guard present who is either:
 - a) within crosswalk; or
 - b) placing or removing cones.

That seems to be pretty good and captures what you described to me.

My only quibble would be with the phrase "within a crosswalk at the intersection or the other location". I read that as protecting the guard at the other location only if there is a crosswalk there. (You said you wanted this to protect guards at that some mid-block crossings. Those crossings may not have crosswalks). If a crosswalk is required at other locations, it's fine as written. If not, I recommend rewriting as "...is within a crosswalk at the intersection or **is in the roadway at** the other location..."

This sentence is getting pretty long, with lots of "ors" and could be broken into outline form, depending on drafter's style.

-----Original Message-----

From: Gary, Aaron
Sent: Friday, August 31, 2001 9:19 AM
To: Rusch, Peter
Cc: Kiel, Joyce; Cardis, Philip
Subject: SB-38 - school crossings

Pete,

Pursuant to our discussion, s. 346.57 (4) (b), as amended, would read:

346.57 (4) (b) Fifteen miles per hour when passing an intersection or other location properly marked with a "school crossing" sign of a type approved by the department when ~~children are present~~ any child is present or when a school crossing guard is within a crosswalk at the intersection or is in the roadway at the other location or is placing in or removing from the roadway at or near the intersection or the other location a temporary sign or device that guides, warns, or regulates traffic.

This change reflects the fact that cones are typically used to guide or warn traffic, and cones are neither signs nor signals. Please let me know if the foregoing language works for you. Thanks. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
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aaron.gary@legis.state.wi.us

Gary, Aaron

From: Kiel, Joyce
Sent: Thursday, August 30, 2001 12:34 PM
To: Gary, Aaron; Rusch, Peter; Sen.Roessler
Cc: Cardis, Philip; Piliouras, Elizabeth
Subject: RE: SB-38 - school crossings

Aaron:

Looks good to me, although I am wondering if on SB-38, p. 1, line 5, whether locations should be singular--although I agree with you on plural for the relating clause.

With these changes, the substitute amendment would look like the following:

346.57 (4) (b) Fifteen miles per hour when passing an intersection or other location[s] properly marked with a "school crossing" sign of a type approved by the department when ~~children are present~~ any child is present or when a school crossing guard is within a crosswalk at the intersection or the other location or is placing in or removing from the roadway at or near the intersection or the other location a temporary sign or signal that directs or warns traffic.

With the permission of Senator Roessler's office, I am sending a copy of this email to Pete Rusch at DOT for review.

Pete:

This is what we talked about, but could you please review it and let me know if you think this is okay. I am leaving at 3:30 today and won't be back until Wednesday. If you review it before 3:30, please let me know your answer--email is fine unless we need to talk. If you review it after then and it is okay, would you please call Aaron Gary at the LRB (1-6926) and let him know to go ahead and get the amendment prepared for Senator Roessler. If you think changes are needed, please call Aaron to discuss it as he understands what Senator Roessler is trying to accomplish. You could also call Philip Cardis in our office (7-0683).

Joyce L. Kiel, Senior Staff Attorney
Wisconsin Legislative Council Staff
Suite 401, One East Main Street
Madison, WI 53703
608-266-3137
608-266-3830 (fax)
Joyce.Kiel@legis.state.wi.us

-----Original Message-----

From: Gary, Aaron
Sent: Thursday, August 30, 2001 11:54 AM
To: Kiel, Joyce
Subject: SB-38 - school crossings

Joyce,

I'm sorry I cannot e-mail you the new sub. because, under our drafting procedure, in these circumstances we submit hand-written changes to the editors to save re-editing work on their part. I'll have to describe the changes, which is a bit more tedious. The new sub combines SB-38 and the prior amendment and makes the following changes:

SB-38:

1. On p. 1, line 2 (relating clause), inserts "or other locations" after "intersections".
2. p. 1, line 5: inserts "or other locations" after "intersection".
3. p. 1, line 7: deletes this line, which is picked up below.

a0654

1. lines 3 and 4: inserts "or the other location" after "intersection".
2. line 4: inserts "at or" after "roadway".

Sorry this is in kind of a messy form. Obviously it will look much cleaner when it is all together in the sub. Let me know if these changes work for you. Thanks. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

2001 - 2002 LEGISLATURE

50161/1
LRB-2001
LWS:KMS/PG
ALB
JLD
turned in
9/7/01
soon

Substitute Amendment to
2001 SENATE BILL 38

~~February 7, 2001 - Introduced by Senators ROESSLER, DARLING, ERPENBACH and ROSENZWEIG, cosponsored by Representatives OWENS, KESTELL, SHERMAN, J. LEHMAN, TOWNSEND, MILLER, BLACK, GRONEMUS, JESKEWITZ, PETTIS, POWERS, STONE, AINSWORTH, OLSEN, M. LEHMAN, HAHN, KRAWCZYK, LASSA, PLALE, ALBERS, WILLIAMS, GUNDERSON, SYKORA, WALKER, VRAKAS and OTT. Referred to Committee on Insurance, Tourism, and Transportation.~~

Regen

- 1 AN ACT to amend 346.57 (4) (b) of the statutes; relating to: the speed limit at
- 2 certain intersections ^{or other locations} marked with school crossing signs and providing a
- 3 penalty

Analysis by the Legislative Reference Bureau

Current law requires a motorist approaching an intersection marked with a "school crossing" sign to slow to 15 miles per hour or slower when children are present.

This bill requires a motorist approaching an intersection marked with a "school crossing" sign to slow to 15 miles per hour or slower when any child or any school crossing guard is present.

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

4 SECTION 1. 346.57 (4) (b) of the statutes is amended to read:

5 346.57 (4) (b) Fifteen miles per hour when passing an intersection properly

6 marked with a "school crossing" sign of a type approved by the department when

7 children are any child or a school crossing guard is present.

insert
A

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0161/lins
ARG:.....

SECTION 1. 346.57 (4) (b) of the statutes is renumbered [✓]346.57 (4) (b) (intro.) and amended to read:

346.57 (4) (b) (intro.) Fifteen miles per hour when passing an intersection or other location [✓]properly marked with a "school crossing" sign of a type approved by the department when ~~children are~~ any of the following conditions [✓]exist:

1. Any child is present.

SECTION 2. 346.57 (4) (b) 2. and 3. [✓]of the statutes are created to read:

346.57 (4) (b) 2. A school crossing guard [✓]is within a crosswalk at the intersection or the other location or, if no [✓]crosswalk exists, is in the roadway at the intersection or the other location.

3. A school crossing guard is placing in or removing from the roadway at or near the intersection or the other location a temporary sign or device that guides, warns, or regulates traffic. [✓]

insert
A

CCC

5016/1

S. Sub. Amndt. 1
to SB-38

#. Page 1, l. 8: delete "exist"
and substitute "exists".

JMG.



State of Wisconsin
2001-2002 LEGISLATURE

CORRECTIONS IN:

**SENATE SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 38**

Prepared by the Legislative Reference Bureau
(November 16, 2001)

1. Page 1, line 8: delete "exist" and substitute "exists".

LRBs0161/lccc-1
KMG:ch

Minor clerical corrections in legislation are authorized under s. 35.17, stats.; Senate Rule 31; Assembly Rule 36; and Joint Rule 56.