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Details: Public Hearing – August 23, 2007

(FORM UPDATED: 07/12/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2007-08

(session year)

Senate

(Assembly, Senate or Joint)

Committee on ... Education (SC-Ed)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**
- Record of Comm. Proceedings ... **RCP**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt**
- Clearinghouse Rules ... **CRule**
- Hearing Records ... bills and resolutions
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

MB

Vote Record Committee on Education

Date: 1/29/08

Moved by: Olsen

Seconded by: Hansen

AB 26 SB _____ Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt _____
 A/S Amdt _____ to A/S Amdt _____ 1149/1
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

- Be recommended for:
- Passage Adoption Confirmation Concurrence Indefinite Postponement
 - Introduction Rejection Tabling Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator John Lehman, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Jon Erpenbach	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator David Hansen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Pat Kreitlow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Luther Olsen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Glenn Grothman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Mary Lazich	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>7</u>	<u>0</u>	<u>0</u>	<u>0</u>

Vote Record Committee on Education

Date: 1/29/08

Moved by: Erpenbach Seconded by: Olsen

AB 26 SB _____ Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt _____
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:

~~Passage~~ Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator John Lehman, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Jon Erpenbach	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator David Hansen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Pat Kreitlow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Luther Olsen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Glenn Grothman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Mary Lazich	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>7</u>	<u>0</u>	<u>0</u>	<u>0</u>

Motion Carried

Motion Failed

Vote Record Committee on Education

Date: 1/29/2008

Moved by: Olsen

Seconded by: Grothman

AB 26 SB _____ Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt 1 _____
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:

<input type="checkbox"/> Passage	<input checked="" type="checkbox"/> Adoption	<input type="checkbox"/> Confirmation	<input type="checkbox"/> Concurrence	<input type="checkbox"/> Indefinite Postponement
<input type="checkbox"/> Introduction	<input type="checkbox"/> Rejection	<input type="checkbox"/> Tabling	<input type="checkbox"/> Nonconcurrence	

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator John Lehman, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Jon Erpenbach	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator David Hansen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Pat Kreitlow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Luther Olsen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Glenn Grothman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Mary Lazich	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>7</u>	<u>0</u>	<u>0</u>	<u>0</u>

Motion Carried Motion Failed





WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2007 Assembly Bill 26	Assembly Amendment 1
<i>Memo published: April 25, 2007</i> <i>Contact: Joyce L. Kiel, Senior Staff Attorney (266-3137)</i>	

CURRENT LAW

Current law requires the operator of a motor vehicle approaching a school crossing which is controlled by a duly appointed adult school crossing guard to follow the directions of the crossing guard, including stopping when directed to do so. [s. 346.46 (2m), Stats.]

In addition to applicable surcharges and demerit points, current law provides the following penalty for failing to do so:

- For the operator of the motor vehicle, a forfeiture of not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the second or subsequent conviction within a year. [s. 346.49 (1) (a), Stats.]
- For the operator of a bicycle or electric personal assistive mobility device (EPAMD), a forfeiture of not more than \$20. [s. 346.49 (1) (b), Stats.]¹

Current law also provides that if an adult crossing guard observes such a violation, the crossing guard may prepare a written report identifying the vehicle and, within 24 hours, deliver the report to a traffic officer of the county or municipality in which the violation occurred. Within 48 hours, the traffic officer may prepare a traffic citation and serve it on the owner of the vehicle. Subject to certain exceptions (such as a reported stolen vehicle or another person's admitting operation at the time), the owner of the vehicle (or lessee if the vehicle is leased and the lessor provides the lessee's name to the traffic officer) involved in a violation of s. 346.46 (2m) is liable for the violation. [s. 346.465, Stats.] If

¹ However, there appears to be some ambiguity in current law regarding whether bicycles and EPAMDs are subject to s. 346.46 (2m). The reason is that, while there is a stated penalty for bicycle and EPAMD operators who violate s. 346.46 (2m), that statute does not clearly apply to them. That is because the first sentence of s. 346.46 (2m), refers only to *motor* vehicles (which does not include bicycles or EPAMDs) whereas the general provisions that make many provisions of ch. 346, Stats. (Rules of the Road), applicable to bicycles [s. 346.02 (2), Stats.] and EPAMDs [s. 346.02 (12), Stats.] include an exception for statutes that apply expressly to *motor* vehicles.

a vehicle owner or other person is liable under this crossing guard reported statute, the penalty may be a forfeiture of not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the second or subsequent conviction within a year. However, a conviction based on a crossing guard report does not result in demerit points or the revocation or suspension of an operator's license. [s. 346.49 (1m), Stats.]

2007 ASSEMBLY BILL 26

Assembly Bill 26 does the following:

- For the operator of the motor vehicle who fails to obey an adult crossing guard, the bill increases the penalty to a forfeiture of not less than \$30 nor more than \$300, with no distinction made between initial and subsequent offenses. (However, Assembly Bill 26 does *not* increase the penalty when there is liability under s. 346.49 (1m) because of failure to obey an adult crossing guard under s. 346.46 (2m) that is reported by a crossing guard under s. 346.465. That penalty remains as a forfeiture of not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the second or subsequent conviction within a year.)
- SECTION 3 (page 2, line 10) of the bill provides that this minimum and maximum forfeiture of \$30 to \$300 is doubled if the violation occurs where persons engaged in work in a highway maintenance or construction area or in a utility work area are at risk from traffic. (However, the bill is internally inconsistent on this point as SECTION 3 (page 2, line 7) refers to doubling only for a violation of s. 346.46 (1) (failure to stop at an official stop sign at an intersection and failure to yield right-of-way at an uncontrolled intersection), not to a violation of s. 346.46 (2m) (failure to obey an adult crossing guard).)

ASSEMBLY AMENDMENT 1 TO ASSEMBLY BILL 26

Assembly Amendment 1 to Assembly Bill 26 does the following:

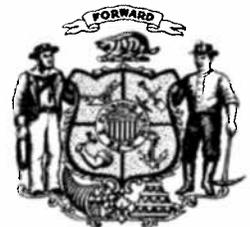
- Also increases the penalty for vehicle owner liability because of failure to obey an adult crossing guard under s. 346.46 (2m) that is reported by a crossing guard under s. 346.465 to a forfeiture of not less than \$30 nor more than \$300.
- Eliminates the internal inconsistency in the bill relating to whether minimum and maximum forfeitures are doubled if the violation occurs where persons engaged in work in a highway maintenance or construction area or in a utility work area are at risk from traffic by clarifying that the doubling applies to disobeying an adult school crossing guard in such an area.
- Eliminates an inconsistency in current law regarding whether operators of bicycles and EPAMDS are required to obey an adult school crossing guard by making it clear that they are subject to this requirement. (This is accomplished by changing "motor vehicle" to "vehicle" in the first sentence of s. 346.46 (2m).)

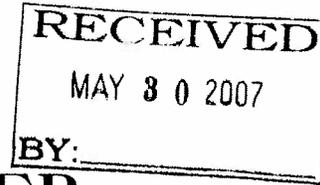
LEGISLATIVE HISTORY

Assembly Amendment 1 to the bill was offered by Representative Gottlieb. The Assembly Committee on Education recommended adoption of the amendment of a vote of Ayes, 10; Noes, 0. The committee then recommended passage of the bill, as amended, on a vote of Ayes, 10; Noes, 0.



WISCONSIN STATE LEGISLATURE





MARK GOTTLIEB

Speaker Pro Tempore
Wisconsin State Assembly

May 30, 2007

Senator John Lehman, Chairman
Senate Committee on Education
Room 310 South, State Capitol
Madison, WI 53707

Dear Senator Lehman:

I am writing to respectfully request you hold a public hearing and executive session on Assembly Bill 26, relating to liability for disobeying adult school crossing guards and providing a penalty.

Assembly Bill 26, introduced by Senator Lassa and myself, brings the forfeiture for disobeying the directions of an adult school crossing guard in line with the forfeiture for ignoring a school bus with flashing lights, which in our minds is a similar offense and should be penalized as such.

Current law provides that a driver who disobeys an adult crossing guard is liable for a forfeiture of between \$20 and \$40 for the first offense and between \$50 and \$100 for the second and subsequent offenses. This is considerably less than the penalty for ignoring a school bus with flashing lights, which is a forfeiture of between \$30 and \$300.

As amended, Assembly Bill 26 passed the Assembly Committee on Education 10-0 and passed the Assembly on a voice vote.

Your consideration of my request is greatly appreciated.

Sincerely,

Mark Gottlieb
State Representative

STATE REPRESENTATIVE • 60TH DISTRICT





MARK GOTTLIEB

Speaker Pro Tempore
Wisconsin State Assembly

**Testimony of Rep. Mark Gottlieb
Assembly Bill 26
Senate Committee on Education
August 23, 2007**

Chairman Lehman and Members:

Thank you for holding this public hearing on Assembly Bill 26 (AB 26), relating to liability for disobeying adult school crossing guards and providing a penalty.

I introduced AB 26 at the request of my constituent Diane Jung of Port Washington, an adult school crossing guard who has witnessed drivers violating the requirement that they stop when she raises her stop sign to escort children in a crosswalk. She was troubled to learn that the forfeiture for violating this statute is much lower than the forfeiture for ignoring a school bus with flashing lights, which in our minds is a similar offense and should be penalized as such.

Current law provides that a driver who disobeys an adult crossing guard is liable for a forfeiture of between \$20 and \$40 for the first offense and between \$50 and \$100 for the second and subsequent offenses. This is considerably less than the penalty for ignoring a school bus with flashing lights, which is a forfeiture of between \$30 and \$300.

The failure of a vehicle to stop when instructed by an adult crossing guard puts the crossing guard and children in considerable risk of great bodily harm. Because these are the same serious consequences that can arise from ignoring a school bus with flashing lights, this bill increases the penalty for the former to equal the latter. For this reason, I believe the increased penalty is well warranted and justified.

After some discussion with Legislative Council, I introduced Assembly Amendment 1 to AB 26 to clear up some inconsistencies. The amendment does three things: First, it increases the penalty for vehicle owner liability when a crossing guard offense occurs and is reported by the crossing guard to authorities, making it identical to the penalty for vehicle owner liability when a driver ignores the flashing lights on a bus; secondly, it clarifies that the penalty is doubled if a driver disobeys an adult crossing guard while driving in a work zone; and lastly, it eliminates an inconsistency in current law by requiring bicyclists and electric personal assistive mobility device (EPAMD) users to obey adult school crossing guards as well. The amendment was adopted in the Assembly committee 10-0. The bill, as amended, passed the Assembly on a voice vote.

I respectfully ask that the members of this committee support and take executive action on Assembly Bill 26. Thank you for the opportunity to testify before you today.

STATE REPRESENTATIVE • 60TH DISTRICT



A QUALITY
EDUCATION
FOR
EVERY
CHILD



State of Wisconsin Department of Public Instruction

Elizabeth Burmaster, State Superintendent

November 2007

Dear Principal:

You are invited to participate in Wisconsin's **Adult School Crossing Guard Recognition Week**, January 7- 11, 2008. This year marks the eighth consecutive year for this event.

The recognition event was developed through a collaborative partnership of agencies and organizations representing state, county, and local levels. Members of the partnership include AAA Wisconsin, Milwaukee Police Department, Department of Transportation, Wisconsin Highway Safety Coordinators Association, Superior Police Department, Traffic & Parking Control Company, Inc., Madison Police Department, Wisconsin Traffic Safety Officers Association, Wisconsin School Safety Coordinators Association, and the Department of Public Instruction (DPI).

Each day, dedicated adult crossing guards across Wisconsin show up at their assigned crossings, to assist students in their journeys to or from school. As State Superintendent of the Department of Public Instruction, I invite and encourage your participation in this 2008 Adult Crossing Guard Recognition initiative.

Enclosed you will find an idea sheet, poster, and a copy of the Adult Crossing Guard Recognition Week Proclamation. Although the idea sheet is far from exhaustive, it may help jump-start your creativity in determining various ways your school, community, students, and local parent organizations might show your recognition of, and appreciation for, those adults who serve as crossing guards in your area.

If you have any questions, please contact one of the individuals listed on the idea sheet or Randy Thiel, DPI alcohol/traffic safety consultant, at 608-266-9677 or randall.thiel@dpi.state.wi.us. Thank you for your attention, involvement, and efforts to make January 7-11, 2008, a very special week for the adult crossing guards serving your school.

Sincerely,

Elizabeth Burmaster
State Superintendent

EB/kn
Enclosures

cc: District Administrator

WISCONSIN DEPARTMENT OF PUBLIC INSTRUCTION

A QUALITY
EDUCATION
FOR
EVERY
CHILD



A Proclamation

Whereas Wisconsin's adult school crossing guards provide an invaluable service in helping to ensure the safe passage of our youngest, most vulnerable pedestrians, children walking between home and school; and

Whereas adult school crossing guards typically serve with a dedication that discounts the rigors of harsh weather, split shifts, and heavy traffic; and

Whereas for more than five decades, adult school crossing guards have served communities across Wisconsin; and that service has helped to drive down the rates of young pedestrian deaths and injuries, despite increases in traffic volume; and

Whereas adult school crossing guards add to the effectiveness of the student safety patrol members with whom they often serve and whose activity they help direct; and

Whereas adult school crossing guards help reinforce in the minds of the young people they assist the importance of traffic-hazard identification and safe street-crossing behavior; and

Whereas school assemblies, school board resolutions, police department honors, parent-teacher organization observances, local news coverage, and especially smiles and kind words from children, will help convey the gratitude of our communities for the life-saving, injury-reducing role Wisconsin's adult school crossing guards play.

Therefore, be it resolved that

I, Elizabeth Burmaster, Superintendent of Public Instruction for the State of Wisconsin, do hereby proclaim January 7-11, 2008, **ADULT SCHOOL CROSSING GUARD RECOGNITION WEEK** in the State of Wisconsin, and I commend this observance to all citizens.

Signed this 19th day of November, 2007, in Madison, Wisconsin




Elizabeth Burmaster
State Superintendent of Public Instruction

2008 IDEA SHEET



Annual Adult School Crossing Guard Recognition Week January 7 - 11, 2008

The Wisconsin Adult Crossing Guard Initiative Planning Partners & Contacts

- **Department of Public Instruction**, Randy Thiel, (608) 266-9677, randall.thiel@dpi.state.wi.us
- **AAA Wisconsin**, Roy Hinz, (800) 236-1300, Ext. 2487, RRHinz@aaawisconsin.com
- **Milwaukee Police Department**, Lishunda Patterson, (414) 935-7998 lpatte@milwaukee.gov
- **Department of Transportation/BOTS**, Larry Corsi, (608) 267-3154, larry.corsi@dot.state.wi.us
- **Wisconsin Highway Safety Coordinators Association**, Mark Jerdee, jerdeem@centurytel.net
- **Superior Police Department**, Donna Andrews, (715)-395-7614, ANDREWSD@ci.superior.wi.us
- **Traffic & Parking Control Company, Inc.**, Bob Christiansen, (262) 814-7303, bob@tapconet.com
- **Madison Police Department**, Stephanie Bradley Wilson, (608) 261-9686, sbradleywilson@cityofmadison.com
- **Wisconsin Traffic Safety Officers Association**, Peter Annis, (715) 536-3148, trafficcop@aol.com
- **Wisconsin Driver and Traffic Safety Education Association**, Dick Parkin, ispassoc@yahoo.com
- **Wisconsin School Safety Coordinators Association**, Mike Hinske, mjhinske@bigfoot.k12.wi.us

- **The 2008 Wisconsin Adult Crossing Guard Recognition information web page is located at:**
<http://www.adtsea.iup.edu/wisconsin/wiscrossinginfo08.htm>
- Print your own copy of the Adult School Crossing Guard Recognition Week proclamation by going to:
<http://www.adtsea.iup.edu/wisconsin/NEW0708Proc.doc>
- Print as many additional posters as you wish to display in and around your school. Posters can be accessed and locally printed by going to: <http://www.adtsea.iup.edu/wisconsin/XingGuardPoster2008SFS.pdf>
- Involve local media (TV, radio, and newspapers) and highlight the adult crossing guards in your area and the statewide initiative.
- Hold an all-school assembly or special crossing guard recognition event. Invite local dignitaries and allow them to share in recognizing the adult crossing guards who serve your school.
- Have students create special "thank you" cards for the adult crossing guards from your school and display the cards in a prominent location.
- Inform and involve parents in awareness and recognition activities (article in school newsletter, special note students take home, etc.).
- Ask parents to donate a small token of appreciation for each guard (pocket hand warmers, a cookie, a thank-you card, etc.).
- During your school's daily PA announcements, inform students about the weeklong recognition initiative and encourage students to give their crossing guards a big smile and thank you.
- If your school has an outside marquee, recognize the statewide initiative and your crossing guards.
- Partner with other community people, agencies, and organizations (mayor, law enforcement agencies).
- Involve and/or encourage local PTA/PTO groups to do something special.
- Have students invite your guards to a school lunch at which students can display their thanks via skits, posters, cards, etc.
- Take a moment to simply say "thank you" to your crossing guards.

Would you be willing to share with us what your school has planned? If so, please go to the following web URL and submit a summary of your activities online.

<http://www5.dpi.state.wi.us/survey/ssp/crossguard/cgreport08.htm>