

2011 DRAFTING REQUEST

Assembly Amendment (AA-AB253)

Received: 10/17/2011

Received By: agary

Wanted: As time permits

Companion to LRB:

For: Jerry Petrowski (608) 266-1182

By/Representing: Tim

May Contact:

Drafter: agary

Subject: **Transportation - motor vehicles**
Transportation - traffic laws

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: **Rep.Petrowski@legis.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Revising term for cooperatives

Instructions:

See attached

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>
/1	agary 10/17/2011	kfollett 10/18/2011	jfrantze 10/18/2011	_____	mbarman 10/18/2011	mbarman 10/18/2011	

FE Sent For:

<END>

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/1	agary	1/1kf 10/18		26 10/18			

FE Sent For:

<END>

Gary, Aaron

From: Fiocchi, Tim
Sent: Monday, October 17, 2011 3:44 PM
To: Gary, Aaron; Krieser, Steven - DOT; Warren, Mitchell - DOT
Cc: Konopacki, Larry; Sieg, Tricia; Hanus, Andrew; Punches, Derek
Subject: RE: SB189 Amendment Request

I just spoke with Jerry and with Beata Kalies with the Electric Co-ops. Mark's citation appears to be correct for the co-ops, so pending anyone else having concerns let's get the amendment drafted. The Assembly Bill (253) is on the proposed calendar for Thursday.

Thank you,

Tim

From: Gary, Aaron
Sent: Monday, October 17, 2011 2:49 PM
To: Fiocchi, Tim; Krieser, Steven - DOT; Warren, Mitchell - DOT
Cc: Konopacki, Larry; Sieg, Tricia; Hanus, Andrew; Punches, Derek
Subject: RE: SB189 Amendment Request

I'm not sure what DOT's intent was here, as "cooperative" is not in the existing statute However, Mr. Franklin is right that the term "public utility cooperative" is essentially an oxymoron in the statutes. Here is some feedback from our utilities drafter, Mark Kunkel. If I draft the amendment, I'd prefer to use the language suggested by Mark, which is a little cleaner

 Aaron:

I agree with the lobbyist. "Public utility cooperative" is not a good term because "public utilities" and "cooperatives" are 2 different things. "Public utilities" are mostly subject to PSC regulation, while cooperatives are mostly exempt from PSC regulation. There's a typo in the reference to ch. 196 in the email below; the proper cite is s. 196.01 (5) (b) 1. which exempts the specified cooperatives from the definition of "public utility."

What if you referred to a cooperative association described in s. 196.01 (5) (b) 1. Does that help?

-- Mark

From: Gary, Aaron
Sent: Monday, October 17, 2011 2:28 PM
To: Kunkel, Mark
Subject: FW: SB189 Amendment Request
Importance: Low

Mark,

Do you have any thoughts on the e-mail below? I drafted a provision that allows certain truckers to operate vehicles of a specified length without a permit - the language applies to vehicles "used by a pipeline company or operator, public service corporation, municipal utility, or public utility cooperative" A lobbyist wants to change "public utility cooperative" with the language below from s. 196.01 (5) (b) 1. Do you agree with the comment? Is there a better way to identify such a cooperative (the suggested language will be hard to fit in the applicable provision)?

10/17/2011

Thanks. Aaron.

From: Fiocchi, Tim
Sent: Monday, October 17, 2011 2:13 PM
To: Krieser, Steven - DOT; Warren, Mitchell - DOT
Cc: Konopacki, Larry; Gary, Aaron; Sieg, Tricia; Hanus, Andrew; Punches, Derek
Subject: FW: SB189 Amendment Request
Importance: Low

Hi all,

Sen. Lazich's office received the following request (I'm sure we will shortly as well) from Dairyland Power. Two questions: 1. Is the amendment they're asking for necessary for them to be included? 2. Is the language they suggest feasible?

Let me know what you think. These would have to be floor amendments.

Thanks,

Tim

From: Hanus, Andrew
Sent: Monday, October 17, 2011 2:06 PM
To: Fiocchi, Tim
Subject: SB189 Amendment Request
Importance: Low

From: Nathan S Franklin [mailto:nsf@dairynet.com]
Sent: Monday, October 17, 2011 1:49 PM
To: Hanus, Andrew
Subject: [Possible SPAM] SB189
Importance: Low

SB189

The bill allows a person to operate, without a permit, a single vehicle with an overall length not exceeding 60 feet, and a two-vehicle combination with an overall length not exceeding 120 feet, if the vehicle or vehicle combination is used by a pipeline company or operator, public service corporation, municipal utility, or public utility cooperative (collectively a "utility"), or by a motor carrier operating under contract with a utility, for transportation of poles, pipe, girders, and similar materials.

As you can see, the drafter tried to include cooperatives but instead included "public utility cooperatives" (not the same thing).

To correct this error, the term "public utility cooperative" in lines 8 and 9-10 should be changed to "a cooperative association organized under ch. 185 for the purpose of producing or furnishing heat, light, power or water to its members only". That definition is taken from Wis. Stats. § 196.05 (b) (1).

10/17/2011

Thank you for the help and please call if you have any questions. Also, we have been in touch with Terri in Rep. Brooks' office to discuss similar changes with Rep. Petrowski.

Nathan Franklin | Government Relations | Dairyland Power Cooperative
nsf@dairynet.com | O: 608.787.1439 | C: 608.792.9392 | www.dairynet.com



State of Wisconsin
2011 - 2012 LEGISLATURE

in
10/17



LRBa1636/1
ARG:...

gf

wanted 10/8

ASSEMBLY AMENDMENT,
TO 2011 ASSEMBLY BILL 253

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

2 **1.** Page 2, line 8: delete "public utility cooperative" and substitute "cooperative
3 association described in s. 196.01 (5) (b) 1.".

4 **2.** Page 2, line 9: delete "or public" and substitute "or".

5 **3.** Page 2, line 10: delete "utility cooperative" and substitute "cooperative
6 association described in s. 196.01 (5) (b) 1.".

7 (END)