

2011 DRAFTING REQUEST

Senate Amendment (SA-SB458)

Received: 02/14/2012

Received By: agary

Wanted: As time permits

Companion to LRB:

For: Mary Lazich (608) 266-5400

By/Representing: Andrew Hanus

May Contact:

Drafter: agary

Subject: **Transportation - other**
Transportation - traffic laws

Addl. Drafters:

Extra Copies: **EVM**

Submit via email: YES

Requester's email: **Sen.Lazich@legis.wisconsin.gov**

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

Pre Topic:

No specific pre topic given

Topic:

Remove special event limitation

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 02/14/2012	kfollett 02/14/2012	rschluet 02/14/2012	_____	lparisi 02/14/2012	lparisi 02/14/2012	

FE Sent For:

<END>

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/1	agary	1/15f 2/14		_____			

FE Sent For:

<END>

Gary, Aaron

From: Hanus, Andrew
Sent: Tuesday, February 14, 2012 9:28 AM
To: Gary, Aaron
Subject: RE: Question about LRB-4053/1 -Traffic control Attendants

Hi Aaron,

Could you please draft an amendment to delete the requirement that the traffic control attendants must be for a special event? We want the amendment to allow the perpetual, daily use of traffic control attendants.

We may be hearing this bill on Thursday, and would appreciate if we could get the amendment before then.

Thank you very much,

Andrew

Andrew Hanus
Sen. Lazich's Office
(608) 266-5400

From: Gary, Aaron
Sent: Monday, February 13, 2012 3:05 PM
To: Hanus, Andrew
Subject: RE: Question about LRB-4053/1 -Traffic control Attendants

Hi Andrew,

When this draft was prepared, the idea was to not tie local governments hands too much. The draft was prepared in a way that gave local govts a lot of discretion in making their own decisions. In enacting its own ordinance and administering the statute, a local govt has a certain amount of discretion to determine what is a special event and how much training is necessary. Please see further responses below.

Aaron

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

From: Hanus, Andrew
Sent: Monday, February 13, 2012 2:38 PM
To: Gary, Aaron
Subject: Question about LRB-4053/1 -Traffic control Attendants

Hi Aaron,

The original draft of LRB-4053 was done before my time in this office, and I just wanted to make sure I have a complete understanding of what the bill does. Specifically, I have two questions:

1. The bill restricts the appointment of traffic control attendants to locations at or near a "special event," and special event is undefined. Does that mean that a municipality couldn't appoint an attendant for a

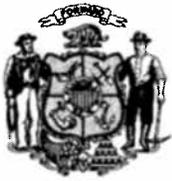
long term job? For example, XYZ Factory releases all of its workers at 3pm Monday through Friday and the muni wants to appoint an attendant to handle the extra traffic – would the "special event" language prohibit it? Aaron: While a local govt has discretion to determine what is a "special event," it cannot exceed its authority under the statute. I believe there is no reasonable way that the facts you describe could reasonably be considered a "special event," so I believe the "special event" language would prohibit this perpetual, daily use of traffic control attendants.

2. Under sub (3), I also don't see any statutory definition of "training." That is OK, I just wanted to make sure I'm not missing anything (349.215 doesn't have it for school crossing guards either). So would it then fall under an administrative rule or would it just be left open to interpretation by each municipality? Aaron: The municipality would have discretion to determine what is acceptable training so long as there is some "prior training in traffic control and traffic safety" (for example, mere CPR or first-aid training or something like that would not be sufficient).

Thanks for your help, feel free to call me back if that is easier.

Thanks,

Andrew Hanus
Sen. Lazich's Office
(608) 266-5400



State of Wisconsin
2011 - 2012 LEGISLATURE

in
2/14



LRBa2328/1

ARG:...

kgf

needed
2/15

SENATE AMENDMENT,
TO 2011 SENATE BILL 458

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

2 **1.** Page 1, line 2: delete “for special events”.

3 **2.** Page 2, line 2: delete “at or near a location where a special event is being
4 held”.

5 **3.** Page 2, line 13: delete the material beginning with “at” and ending with
6 “event” on line 14.

7 (END)