

2019 DRAFTING REQUEST

Assembly Amendment (AA-AB234)

For: Tod Ohnstad (608) 266-0455

Drafter: mkunkel

By: Matt

Secondary Drafters:

Date: 5/30/2019

May Contact:

Same as LRB:

Submit via email: YES
Requester's email: Rep.Ohnstad@legis.wisconsin.gov
Carbon copy (CC) to: marc.shovers@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Requiring equipment to be located under rights-of-way; eliminating zoning language

Instructions:

See attached

Drafting History:

Table with 6 columns: Vers., Drafted, Reviewed, Submitted, Jacketed, Required. It contains two rows of drafting history data.

FE Sent For: <END>

Kunkel, Mark

From: Egerer, Matt
Sent: Thursday, May 30, 2019 2:24 PM
To: Shovers, Marc; Kunkel, Mark
Subject: AB 234 Amendments - Exec Tuesday

Marc and Mark,

Rep. Ohnstad asked that I request 3 simple amendments to AB 234 to be ready for our exec session in Jobs and the Economy on Tuesday.

1. Rather than requiring the state/political subdivisions to amend contracts after 25 months in the provision beginning at page 12, line 23; we would instead like to grandfather existing contracts and make contracts subject to the bill's provisions upon their conclusion/modification.
2. Add "public health and safety" to the ROW study committee's charge in the provision at page 28, line 9-11.
3. A similar amendment to AA19 to ASA1 to 2017 AB 348 – as amended by the new bill - to provide for a more robust local oversight of the placement of the 5G technology (don't modify setbacks provision).

Matt Egerer
Office of Representative Tod Ohnstad
Wisconsin State Representative
608.266.0455



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa0694/1
MDK:emw

**ASSEMBLY AMENDMENT 19,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 348**

June 21, 2017 - Offered by Representatives OHNSTAD, BARCA, HEBL, HESSELBEIN,
SINICKI, SUBECK and ZEPNICK.

*Need to
keep deletion
due to
cross issue*

*Per Matt: do not include
this item.*

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page ^{5 19} 6, line 1: delete the material beginning with "A setback" and ending
3 with line 4. ¹²
- 4 **2.** Page 11, line 25: delete "utility".
- 5 **3.** Page 12, line 1: delete "poles, wireless support structures,".
- 6 **4.** Page 12, line 2: delete "along, across, upon, and".
- 7 **5.** Page 12, line 3: delete "structures" and substitute "conduit, cable, and
8 appurtenances".
- 9 **6.** Page 12, line 9: delete lines 9 to 24.
- 10 **7.** Page 13, line 1: delete lines 1 to 7 and substitute:

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0275/1dn

MDK:..{

ahc

Date

Rep. Ohnstad:

This amendment is based on AA19 to ASA1 to 2017 AB 348, except that ~~it does not delete the 2nd sentence of proposed s. 66.0404 (4e) (b) and I made some changes to reflect different terminology that is used in 2019 AB 234.~~

second

Mark D. Kunkel
Senior Legislative Attorney
(608) 504-5878
mark.kunkel@legis.wisconsin.gov

INSEAT A

**2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa0275/lins
MDK:...

1

INSERT 1-2:

2

1. Page 5, line 9: delete "A setback".

3

2. Page 5, line 10: delete lines 10 to 12.

4

INSERT A TO D-NOTE:

5 Also, like AA19, this amendment deletes the second sentence of proposed s. 66.0404 (4e)
6 (b). Matt asked me not to make any changes to the setback requirements in proposed s.
7 66.0404 (4e), but that sentence refers to provisions in proposed s. 66.0414 that are
8 eliminated in the amendment. Therefore, it is necessary to delete that sentence.



NOTE

1
ahc

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 234

*by FBI
5-31*

INSERT 1-2

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

2 **1.** Page 13, line 9: delete lines 9 to 13 and substitute

3 “construct, modify, maintain, and operate conduit, cable, and related
4 appurtenances under a right-of-way. Such small wireless facilities, conduit, cable,
5 and appurtenances, and activities related to their installation and maintenance,
6 may not obstruct or hinder travel, drainage, maintenance.”

7 **2.** Page 13, line 20: delete the material beginning with that line and ending
8 with page 14, line 15, and substitute:

9 “2. With regard to the rights of a wireless provider to construct small wireless
10 facilities or modify conduit, cable, and related appurtenances as described in subd.
11 1., a political subdivision may require a location other than the location proposed by
12 the wireless provider, which the wireless provider shall use if, as determined by the

1 political subdivision, the wireless provider has the right to use the alternate location
2 on reasonable terms and conditions and the alternate location does not impose
3 technical limits.”

4 **3.** Page 15, line 11: delete lines 11 to 18.

5 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0275/1dn
MDK:ahe

May 31, 2019

Rep. Ohnstad:

This amendment is based on AA19 to ASA1 to 2017 AB 348, except that I made some changes to reflect different terminology that is used in 2019 AB 234. Also, like AA19, this amendment deletes the second sentence of proposed s. 66.0404 (4e) (b). Matt asked me not to make any changes to the setback requirements in proposed s. 66.0404 (4e), but that sentence refers to provisions in proposed s. 66.0414 that are eliminated in the amendment. Therefore, it is necessary to delete that sentence.

Mark D. Kunkel
Senior Legislative Attorney
(608) 504-5878
mark.kunkel@legis.wisconsin.gov