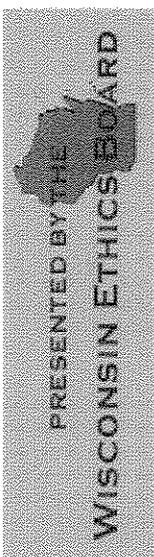


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as of Tuesday, February 10, 2004

**2003-2004 legislative session**

**Legislative bills and resolutions**

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- Text, Sponsors and Analysis
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- Lobbying Effort on this item

**Senate Bill 350**

qualifications for endorsements authorizing the operation of a school bus and for operators of certain other motor vehicles transporting pupils, school board contracts for the transportation of pupils, studying the use of video cameras on school buses and the training of operators of school buses and certain other motor vehicles transporting pupils, extending the time limit for emergency rule procedures, providing an exemption from emergency rule procedures and from rule-making procedures, granting rule-making authority, making an appropriation, and providing penalties. (FE)

Organization Profile	These organizations have reported lobbying on this proposal:			Comments
	Interests	Date Notified	Position	
●	●	12/24/2003	↕	
●	●	12/24/2003	↕	
●	●	12/24/2003	↕	
●	●	12/24/2003	↕	

Place pointer on icon to display comments, click icon to display prior comments

Select a legislative proposal and click "go"

House  Senate

Proposal Type

Vote Record

**Committee on Transportation and Information  
Infrastructure**

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**Date:** February 23, 2004  
**Bill Number:** Senate Bill 350  
**Moved by:** Senate Committee on Transportation and Information Infrastructure  
**Motion:** *Passage of Senate Bill 350.*

**Committee Member**  
Senator Mark Meyer

<u>Aye</u>	<u>No</u>	<u>Not Voting</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Signature:** Mark Meyer

Vote Record

Committee on Transportation and Information  
Infrastructure

---

**Date:** February 23, 2004  
**Bill Number:** Senate Bill 350  
**Moved by:** Senate Committee on Transportation and Information Infrastructure  
**Motion:** *Passage of Senate Bill 350.*

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Not Voting</u>
Senator Roger Breske	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Signature: \_\_\_\_\_

*Roger Breske*

Vote Record

**Committee on Transportation and Information  
Infrastructure**

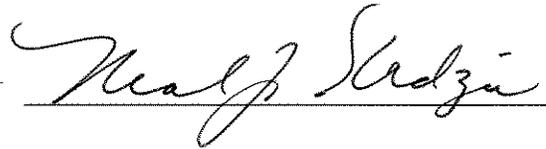
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**Date:** February 23, 2004  
**Bill Number:** Senate Bill 350  
**Moved by:** Senate Committee on Transportation and Information Infrastructure  
**Motion:** *Passage of Senate Bill 350.*

**Committee Member**  
Senator Neal Kedzie

<u>Aye</u>	<u>No</u>	<u>Not Voting</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Signature:



Vote Record

**Committee on Transportation and Information  
Infrastructure**

---

**Date:** February 23, 2004  
**Bill Number:** Senate Bill 350  
**Moved by:** Senate Committee on Transportation and Information Infrastructure  
**Motion:** *Passage of Senate Bill 350.*

**Committee Member**  
Senator Ted Kanavas

<u>Aye</u>	<u>No</u>	<u>Not Voting</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Signature:



# FOX 6

WITI - MILWAUKEE

January 23, 2004

Senator Mary Lazich  
Tom VanEss  
State Capitol  
P.O. Box 7882  
Madison, WI 53707-7882

Dear Senator Lazich and Tom:

Per your request, I am sending you a videotape of FOX 6 News stories related to Senate Bill 350. The tape includes 23 minutes of video. The first 18 minutes is a series of four FOX 6 investigations dating back to October 2000. Immediately following those investigations you will find five minutes of "highlights" from the earlier stories. As you suggested, Tom, those highlights could be shown during the upcoming session of the joint Transportation Committee to underscore the need for the Assembly and Senate to pass SB350.

To provide you with some brief background... FOX 6 first brought attention to the school bus licensing loophole 3 ½ years ago with the first investigation included on this videotape. Following that story, FOX 6 waged a long and costly battle to obtain the most basic of information – the names of bus drivers who drive our children to school. The battle went all the way to the State Supreme Court before FOX 6 successfully secured the release of those names. Further investigation by FOX 6 then confirmed what many parents had feared: hundreds of school bus drivers (who had been granted a school bus driving endorsement by the Wisconsin DOT) had been convicted of very serious and brutal crimes. Furthermore, existing state law made it all perfectly legal – leaving parents, school districts and bus companies powerless to prevent convicted felons from driving school buses.

The FOX 6 investigations not only uncovered a serious statewide problem, but also prompted other media outlets to focus on the issue – resulting in a heightened awareness by parents, school districts and lawmakers. I applaud your efforts in bringing SB350 before your colleagues in the Wisconsin Legislature, and I wish you success as the bill makes its way through the legislative process.

If I can assist you further, please do not hesitate to contact me at 414-313-5057. I will contact you next week to check on the scheduling of the committee hearing.

Sincerely,



Bob Segall  
Investigative reporter  
WITI FOX 6 News

9001 North Green Bay Road - Milwaukee, WI - 53209

fox6milwaukee.com

[414] 355-6666



**Prevent Child Abuse  
Wisconsin**

214 N. Hamilton St.  
Madison, WI 53703-2118  
608/256-3374 tel  
608/256-3378 fax  
pcawi@preventchildabusewi.org  
www.preventchildabusewi.org

FEB - 2 2004

January 29, 2004

Senator Mary Lazich  
P.O. Box 7882  
Madison, WI 53707

Dear Senator Lazich,

You have been involved with the development of School Bus Driver Reform Legislation, though I must confess that I'm unsure where the legislative process is at right now. Prevent Child Abuse Wisconsin would like to offer our support for this legislation.

We know that the dynamics of child abuse frequently include a person in authority who abuses a child. Bus drivers are often seen as authority figures, especially by young children, and are in a position to exercise considerable power over young children. A child with a disability is at even greater risk because that child may be less able to resist abuse and, in many instances, may not have the ability to tell someone about abuse that has occurred.

We need to do whatever we can to insure that all the people who interact with our children on a regular basis --- including teachers, religious figures, civic group leaders, and school bus drivers -- are people with whom our children will be safe. The measures that you are including in this bill will help strengthen our ability to protect our children.

We would appreciate being apprised of the progress of this legislation. You can email me at [pcawi@preventchildabusewi.org](mailto:pcawi@preventchildabusewi.org) or call me at 608-256-3374.

Thank you for your work on behalf of children.

Sincerely,

*Patti Herman*  
Patti Herman, Ph.D.

Executive Director  
Prevent Child Abuse Wisconsin

**Vicki Livingston  
3903 W Stonefield Road  
Mequon, WI 53092**

February 7, 2004

Chairman John Ainsworth  
Chairman Joseph Leibham  
Assembly & Senate Committees on Transportation  
State of Wisconsin  
Madison, WI

Dear Chairman Ainsworth and Chairman Leibham:

It is my understanding that on 12<sup>th</sup> February, Senate Bill 350 will be reviewed by the joint committees. I would have appeared to observe and perhaps comment on the importance of this bill if I were not previously committed to a business trip.

As the parent of a child with multiple disabilities -- cerebral palsy and cognitive delays -- I was unaware of the risks involved with my daughter's transportation to school. My daughter Allie has benefited tremendously by the excellent school programs available to children with special needs in our state. As such, I took for granted certain facts regarding her school transportation, certainly taking for granted the fact that careful reference checks would have been made to assure that the school bus driver was not only an excellent driver, but without a criminal history.

When Fox 6 News investigative reporter Bob Siegel arrived on my doorstep one morning a year ago and asked if I recognized the person in the photo he displayed -- his next words froze me in place. "How would you feel if your child was being driven to school by a convicted felon who was found guilty of child sexual assault?"

My daughter's bus driver was the man pictured -- and my child being sexually assaulted was exactly my deepest fear. Because what defense could she possibly have if a driver of the special wheelchair van were to sexually abuse her? She could not even properly tell the story of what had taken place. This child, who has the innocence of an angel, would have her world shattered irreparably. One of the secret reasons that I am glad that she has a service dog with her is for her protection, and although the dog is not trained to provide any protection, he might be a deterrent. None-the-less, I was shocked and personally disturbed that I had misguidedly trusted that school bus drivers are A-OK people.

Senator Mary Lazich's action in proposing this Bill will be appreciated by all parents of school age children in our state. We have no resource in our state more important to protect. I understand that State Bill 3 will also enforce stricter requirements for human service and special medical vehicles—another much needed change to our state laws.

The main points of the bill are important and certainly are minimal for outlining the people that need to be weeded out of employment that allows them to personally interact with children. The lifetime ban on certain crimes – like sexual assault – is absolutely not negotiable. It should be the responsibility of our state, and the transportation companies to perform thorough background checks within our state and outside our state. Parents have the right to know information about their child's bus driver. As far as training for drivers who transport special needs children-- I have witnessed drivers who have improperly used the wheelchair causing damage to the chair, failed to properly tie down the wheelchair, smoked in the vehicle with a passenger, spoken on their cell phone while driving and have even occasionally 'gotten lost' on their travels to a destination. All of these mistakes put the safety of the passenger at risk. All of these are controllable with training and proper checks on backgrounds. Even the use of a surveillance camera is not unreasonable.

My appreciation to Fox 6 News and Bob Siegel for bringing this story to the attention of state viewers and legislators, to Senator Mary Lazich for writing and proposing Bill 350 and to those of you who will see that this Bill is approved and rapidly enforced for the protection of the children of Wisconsin.

Sincerely yours,

Vicki Livingston

**Van Ess, Thomas (Legislature)**

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Subject: FW: notice

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

From: Jennifer Eitel [mailto:jjeitel@earthlink.net]  
Sent: Tuesday, February 10, 2004 9:22 PM  
To: Van Ess, Thomas (Legislature)  
Subject: Re: notice

Mr. Van Ess,

I cannot attend the Public Hearing on Wednesday, but I hope you receive this message in time to enter it into testimony:

I fully support the Reform Legislation SB350 and would appreciate a vote to approve it. This is common sense legislation that protects the safety of every child on every school bus. Every parent deserves to know that their children are in the hands of responsible adults as they go to and from school everyday.

Thank you,

Jennifer Eitel  
President, New Berlin Board of Education



Date: February 11, 2004

To: Rep. John Ainsworth, Chairperson  
Members  
Assembly Transportation Committee

Sen. Joseph Leibham, Chairperson  
Members  
Senate Transportation and Information  
Infrastructure

From: Gerry Born,  
Chairperson

Re: Strong Support for AB 742

The Wisconsin Council on Developmental Disabilities strongly supports AB 742 which strengthens protection of students during transportation to school. Periodic criminal background checks and fingerprinting of drivers may help prevent the hiring of individuals who pose a threat to students with and without disabilities.

The Council especially supports the directive to the Department of Public Instruction to study strategies to increase the availability and effectiveness of training of school bus operators on transporting students with disabilities. Instances of students with disabilities subjected to verbal and physical abuse by school bus drivers have recently been reported in the media. Required training in appropriate methods of behavioral management with periodic follow-up to ensure the skills are retained by operations would greatly reduce the number of instances.

Though costs may be incurred in implementation of AB 742, the Council urges the Committee to support children with disabilities and pass this bill.

Thank you for your consideration of this testimony. For more information, contact Jennifer Ondrejka, Executive Director, at 266-1166 or [ondrejkm@dhfs.state.wi.us](mailto:ondrejkm@dhfs.state.wi.us).

A QUALITY  
EDUCATION  
FOR  
EVERY  
CHILD



## State of Wisconsin Department of Public Instruction

Elizabeth Burmaster, State Superintendent

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Assembly Committee on Transportation  
Senate Committee on Transportation and Information Infrastructure  
Wednesday, February 11, 2004  
Room 412 East Capitol

### DEPARTMENT OF PUBLIC INSTRUCTION TESTIMONY ON 2003 SENATE BILL 350 AND ASSEMBLY BILL 742

Good morning. My name is Merry Larsen and I am a school administration consultant with the Department of Public Instruction. State Superintendent Burmaster and the DPI support the enactment of Senate Bill 350 and Assembly Bill 742. The Department has appreciated the opportunity to work with the authors of the bills. While we believe that the overwhelming majority of the people who transport school children each day are caring and responsible, the modifications to current law proposed in these bills will help to enhance the safety of all students transported in school buses and alternative vehicles.

While the department supports all of the provisions contained in the bills, in the interest of time, this testimony will specifically address only a few of the most important provisions.

Under current law, any individual wishing to operate a school bus must obtain a school bus endorsement to his or her motor vehicle operator's license from the Department of Transportation. The statutes specify that a school bus endorsement may not be issued to a person who has been convicted of certain offenses. A school bus endorsement is valid for eight years.

SB 350 and AB 742 would expand the list of crimes and offenses which would disqualify an individual from obtaining or renewing a school bus endorsement. In addition, persons who are listed on the abuse registry maintained by the Department of Health and Family Services would be prohibited from obtaining or renewing a school bus endorsement.

The bills would require DOT to conduct a criminal background investigation for individuals seeking to obtain or renew a school bus endorsement every four years, rather than every eight years. DOT would also be required to make a good faith effort to obtain out-of-state criminal history information for any applicant who has lived outside of Wisconsin at any time during the prior two years.

We believe that these provisions will help to increase the safety of children riding school buses by raising standards for the individuals who can spend up to two hours each day with those children.

SB 350 and AB 742 would also raise standards for alternative vehicle drivers. Under current law, a school board or the governing body of a private school may provide transportation for up to nine passengers in a vehicle other than a school bus. Unlike school bus drivers, alternative vehicle drivers are not required to have a school bus endorsement on their operator's license. While current law prohibits persons who have been convicted of certain offenses from operating alternative vehicles, the disqualifying offenses are similar, but not the same, as the existing disqualifying offenses for school bus drivers.

The bills would modify the current requirements for alternative vehicle drivers to be more consistent with requirements for school bus drivers. Specifically, employers of alternative vehicle drivers who do not already possess a school bus endorsement would be required to request a criminal background check from the Department of Justice, obtain the driver's motor

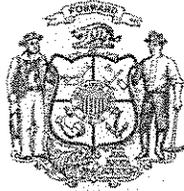
vehicle operating record and obtain a completed background information form from the individual. If the individual has lived outside the state at any time during the prior two years, the employer would be required to make a good faith effort to obtain out-of-state criminal history information. The bills would also require alternative vehicle drivers to inform the school district, private school or contractor by whom they are employed of any traffic accident, disqualifying conviction, or suspension or revocation of the individual's operator's license or cancellation of his/her school bus endorsement.

Alternative vehicles are frequently used to transport small numbers of children relatively long distances. As such, drivers of alternative vehicles may be alone with a child in remote areas for long periods of time each day. Often, the children transported in these vehicles are special needs students who may be less able to communicate and to defend themselves than their regular education peers. We must strive to ensure that all adults who work closely with children be as highly qualified and reliable as possible. The department believes that AB 742 and SB 350 make significant improvements to the law that will help to safeguard the children transported in alternative vehicles.

The bills would also require a school district, upon the written request of a parent or guardian, to disclose the name of each driver who transports the pupil. The department supports this provision because we believe that parents have the right to know the identity of all of the adults charged with caring for their children, not just those in the classroom.

The DPI urges the Committees' support of these bills, which would provide a higher level of safety for the hundreds of thousands of children who ride in school buses and alternative vehicles every day.

On behalf of State Superintendent Burmaster and the Department of Public Instruction, I appreciate the opportunity to comment on this bill.



# Mary Lazich

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Wisconsin State Senator  
Senate District 28

Senate and Assembly Committees on Transportation  
Testimony for Senate Bill 350 and Assembly Bill 742  
February 11, 2004

Thank you Chairman Leibham and Chairman Ainsworth for holding a hearing on Senate Bill (SB) 350 and Assembly Bill (AB) 742. I urge the Committee to support bus driver reform legislation. The goal of this legislation is to ensure that school children are transported safely. Current state statutes do not provide parents with the security that their children are safe riding a school bus. Current statutes leave parents, school districts, and bus companies powerless to prevent convicted felons from driving school children each day.

I thank my colleagues on both sides of the isle for caring about school bus safety and contributing to this legislation. Representative Kruisick and I have worked with the Department of Public Instruction, the Department of Transportation, the Wisconsin School Bus Association, and many advocacy groups to update and enhance Wisconsin's outdated statutes. This legislation addresses concerns raised by parents of school children that have discovered school bus drivers mistreated their children.

There are many reasons that we need improved standards for school bus drivers. While researching information for SB 350, I was startled to discover that individuals convicted of serious violent offenses, such as homicide, rape, and murder are eligible to obtain a valid Wisconsin



Department of Transportation (DOT) school bus endorsement on their driver license just five years after their conviction. I was even more startled to find that current law governing the licensure of school bus drivers does not prohibit an individual from driving a school bus after committing a crime against children. Current law does not require DOT to disqualify a felon convicted for serious crimes such as rape and sexual assault from driving a school bus five years after conviction. I cannot imagine that anyone would knowingly let their child ride a bus driven by a serious felon that committed the crime just five years earlier.

During the past year there have been instances that have shocked parents of school children across the state. Parents in the Mequon-Thiensville School District learned on October 30, 2002, through a Fox Six television news reporter that a registered sex offender and three other drivers with serious criminal backgrounds were responsible for transporting their children to school each day.

Vince and Rosemary Mutulo tape-recorded a Milwaukee school bus driver assaulting their disabled son, Jacob during May of 2003. Mr. and Mrs. Mutulo are here today to testify in favor of the legislation.

This past October, a bus driver in Waukesha County was charged with several counts of possessing child pornography. Even though a criminal background check did not reveal this individual's behavior, possession of child pornography is not currently a prohibited crime to obtain a DOT bus driver endorsement.

Current law governing the licensure of school bus drivers contains a loophole that does not prohibit from driving a school bus an individual who has committed a crime against children,

under Chapter 948 of the state statutes. Chapter 948 statutes includes serious crimes against children. Individuals convicted of other serious

violent offenses are eligible to obtain a DOT school bus endorsement five years after conviction.

In addition, Wisconsin's current statutes make it virtually impossible for parents to obtain the most basic information about their children's school bus driver, including the name of the bus driver. Under current law, a parent is not able to obtain any information about their child's bus driver, even after child has expressed concerns about their bus driver's actions or behavior. A Fox Six investigative report completed in Milwaukee confirmed many parents fears. School bus drivers, that had been granted a school bus driving endorsement from the DOT, had been convicted of very serious and brutal crimes. Existing law does not require school bus companies to release information about drivers, including the name of the bus driver.

I cannot imagine anyone that would leave a child in the care of an individual for two hours a day without even knowing their name or any relevant information about the person. This bill provides, that upon the written request by a parent or guardian of a pupil for whom a school district provides transportation, the school board must disclose the name of each driver who transports the child.

This bill tightens many loopholes by:

- Requiring a complete criminal background check every four years, rather than every eight years;
- Requiring a Department of Justice background check. Current law does not specify the process DOT uses to cover a criminal background check;

- Requiring an update of administrative rules to include crimes against children as disqualification for obtaining a school bus endorsement and to disqualify individuals on the caregiver abuse registry;
- Requiring a reevaluation of the current maximum five-year disqualification for criminal offenses;
- Apply the same regulations to regular school bus drivers and to drivers of alternative school buses;
- Requiring DOT and the Department of Public Instruction to study and report back to the legislature on the use of video cameras in school buses and strategies to improve training for drivers who transport children with special needs; and
- Requiring DOT to promulgate rules about obtaining background information for potential drivers who have not lived in Wisconsin during the previous two years.

I am hopeful that these improved regulations will ensure safe transportation for all school children in Wisconsin. Again, I thank Representative Kruisick and the many other legislators for joining me in this effort. The time to act on Bus Driver reform is now before another child is harmed. Thank you for your time and consideration.

Senator Mary Lazich

**AB742 & SB350 HEARING  
SCHOOL BUS QUALIFICATIONS, TRANSPORTATION  
CONTRACTS, STUDY OF VIDEO CAMERAS ON BUSES**

Testimony

Wisconsin Department of Transportation

Wednesday, February 11, 2004 9:30am

**INTRODUCTION**

- The department is here today to testify for information and answer questions on AB742.

**BACKGROUND/FACTS**

- 15,816 drivers with a valid school bus endorsement "S"
- In 2003 DMV conducted 6,677 background checks at a cost of \$33,385.
- Driver skill exam is required at each renewal and a medical review in 2-year intervals.
- Drivers age 70 + must provide a medical report annually.
- School bus employers can enroll in the employer notification program
  - Employer notification program monitors drivers and sends notifications the day after a citation, accident, withdrawal or other incident posts to the driver record.

**CURRENT SYSTEM**

- License valid for 8 years
- Background checks are conducted for an original, renewal, change of authority or duplicate license issue.
- Medical exams are required in 2-year intervals
- Skills test exam is required at each renewal
- License cancelled/denied for up to 5 years for specific criminal, felony and driving convictions.
- Employer Notification program is available for employers to monitor their driver's driving record.

**AB 742-SB350:**

1. Requires DMV background checks on school bus drivers every 4 years vs. the 8 years under current law and to keep a record of the date of the check.
2. Requires school boards and districts to perform background checks for any drivers transporting pupils that do not hold a school bus endorsement.
3. Requires any driver transporting pupils to report any crashes, criminal convictions or other driver licensing actions and creates a forfeiture for failing to report.
4. Requires employers and school bus contractors to keep records for their drivers.
5. Requires background investigation in previous state of residence for those drivers who have lived in Wisconsin for less than 2 years.
6. Allows DOT to collect fingerprints as part of the investigation and authorizes the collection of a fee for the investigation.
7. Increases the fee for obtaining a school bus endorsement by \$5.
8. Modifies the driver record and criminal offenses that make a person ineligible to obtain a school bus endorsement and requires promulgation of rules specifying additional criteria.

9. Requires DMV to modify license application to allow drivers to declare if they are on the Abuse Registry maintained by DHFS and requires DOT, in consultation with DPI, DOJ and DHFS to study the costs and benefits of automating the checking of the registry.
10. Requires DPI, in consultation with DOT, to study the costs/benefits of video cameras in school buses.

**DOT COMMENTS:**

*Pros:*

- The current 5-year denial for a school bus endorsement for serious crime and felony convictions is not sufficient.
- 8 years between background checks may be too long. Unless there is a change of authority, or a duplicate license is issued, the driver will not undergo a background check during the course of the 8-year license period.
- The bill clarifies those felonies that would prohibit school bus operation

*Cons:*

- The bill does not include 4 year testing of school bus drivers
- Required computer system modifications (\$103,200) to the driver licensing system are not funded. It is not possible for the department to absorb these costs given other legislative mandates which require computer program changes.
- DHFS care giver abuse files are not automated. This requires a manual check of those records by DOT.

**SUMMARY**

We are supportive of most aspects of this bill. However, we are disappointed that it does not include 4 year testing for school bus drivers. We are also concerned that funding is not provided to pay for computer system modifications. Under current budget constraints, and in light of existing major legislative requirements requiring computer changes, DOT does not have funding to pay for these changes.

**DMV Contacts**

Gary Guenther, Director  
Bureau of Field Services  
608-266-2743  
[gary.guenther@dot.state.wi.us](mailto:gary.guenther@dot.state.wi.us)

Karen Schwartz, Chief  
Records and Licensing Section  
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