

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-4435/2dn  
CTS:jld:jf

February 6, 2006

Rep. Montgomery:

This is a redraft of LRB-4435/1 based on instructions from your aide, Adam Raschka. Please review it carefully to ensure it is consistent with your intent and note the following:

1. I have added the proposed language to the definition of "telephone service." Note, however, that enumerating examples of specific technologies that are included in that term is problematic. LRB policy discourages such enumerations because they can undercut a statute's force by raising a question as to whether the statute applies to examples not enumerated or whether the statute applies only to examples of the same general type enumerated. With the additional language, the definition seems redundant. Could an agency or a court reasonably interpret "2-way voice communication in analog, digital, or other form by wire, cable, fiber optics, or at any frequency over any part of the electromagnetic spectrum" *not* to cover cellular, broadband personal communications services, other wireless technologies, satellite, and microwave?
2. Without the qualifier "specifically" on page 4, line 17, the scope of the exception for disclosures by a telephone service provider as authorized by state or federal regulation becomes extremely broad. Is this your intent? Also, because the scope of the exception could be broadened or narrowed by a change in federal law, it could be challenged as an unconstitutional delegation of legislative power to the federal government.

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