

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0834/P1dn
ARG:jld:pg

December 14, 2006

ATTN: Don Dyke

As the drafting instructions indicate, this draft corrects an error that I made in drafting 2005 AB-315, which became 2005 Wisconsin Act 363. I believe that, prior to Act 363, the statutes were ambiguous. If you compare the cross-references of “sub. (2) (f), (fm), (gm) and (gr)” in s. 348.07 (4), 2003 stats., to the language of s. 348.07 (2) (f), (fm), (gm), and (gr), 2003 stats., only s. 348.07 (2) (gm) lacked the language “on a highway designated under sub. (4).” Because of this, in drafting 2005 AB-315, I found these two provisions, taken together, ambiguous. I then mistakenly concluded that, given the omission of the “on a highway designated under sub. (4)” language in s. 348.07 (2) (gm), the inclusion of the cross-reference in s. 348.07 (4) was in error. My conclusion was incorrect, but to simply reinsert the cross-reference in s. 348.07 (4) without treatment of s. 348.07 (2) (gm) reinserts the ambiguity. Accordingly, this draft also treats s. 348.07 (2) (gm). Please advise if you want the treatment of s. 348.07 (2) (gm) omitted from this draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov