

2009 DRAFTING REQUEST

Assembly Amendment (AA-AB429)

Received: 11/04/2009

Received By: **emueller**

Wanted: **As time permits**

Identical to LRB:

For: **Jeff Smith (608) 266-0660**

By/Representing: **Andrea Wahl**

This file may be shown to any legislator: **NO**

Drafter: **emueller**

May Contact:

Addl. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies: **ARG**

Submit via email: **YES**

Requester's email: **Rep.Smith@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Add exception for public utilities.

Instructions:

See attached. Same as AA1 with added exception for public utilities.

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>
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/1	emueller 11/04/2009	jdye 11/05/2009	rschluet 11/05/2009	_____	mbarman 11/05/2009	mbarman 11/05/2009	

FE Sent For:

<END>

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/1	EVM 11/4/09		115a	_____			

FE Sent For:

<END>

Mueller, Eric

From: Wahl, Andrea
Sent: Wednesday, November 04, 2009 12:44 PM
To: Mueller, Eric
Subject: FW: amendment to AB 429
Importance: High

Eric,

I believe that the amendment addresses most of the concerns are discussed in the email below, but I was hoping you could help me explain. Could you walk me through this?

Thank you!

Andrea Wahl
Office of Representative Jeff Smith
93rd Assembly District
608-266-0660

11/4 phone conversation

- add specific exception for public utilities

- okay to make new AA incorporating AA1

From: Beata Kalies [mailto:Beata.Kalies@cooperativenetwork.coop]
Sent: Wednesday, November 04, 2009 11:46 AM
To: Wahl, Andrea; Rep.Smith
Subject: RE: amendment to AB 429
Importance: High

Dear Rep. Smith and Andrea,

I appreciate the effort to date by you and the drafter to address the concerns I raised regarding AB 429. However, I do not believe that the amendment takes care of all of the potential problems.

Assembly Amendment 1 to AB 429, page 2 lines 4-6, exempts people who hold a CDL license, drive a commercial motor vehicle and use a citizen band radio. Let me clarify why there are still issues with this proposal.

1) Most of the utility operation trucks are considered commercial motor vehicles but there are numerous smaller trucks used by the utility on a regular basis that are not. Linemen typically have a CDL licenses.

Just limiting the exemption to CDL licensed drivers and commercial motor vehicles does not address all utility workers or trucks.

2) Specifying the exemption to the use of Citizen Band Radio would not cover utility radios. The radios used by the electric co-ops are licensed to them with business-bands allocated by the FCC for unity use. These radios have more power, higher quality and are capable of more complex operations.

Another issue that needs to be addressed is in the original bill and relates to what is defined as an emergency. The bill exempts use of wireless devices in response to emergencies or by operators of an authorized emergency vehicle.

3) As far as I was able to find, utility vehicles are not considered authorized emergency vehicles and power outages are not typically considered emergency situations. Those outages often escalate to emergencies when there is a fire, an accident or hazardous weather conditions. Much of the work done by utility

11/4/2009

workers is during inclement weather but there is also a lot done as a matter of routine like line maintained, upgrades and new development. Again, the amendment does not address these kind of situations and would alter utility operations.

Let me assure you that public safety is very important to us and cooperative employees. Co-ops have policies limiting cell phone use and overall safety first is expected. If not changed, AB 429 would affect our ability to respond to emergencies, outages and consequently hurt our ability to provide reliable electricity in rural areas.

I also understand that potentially the bill would impact dispatching of cab drivers. Cooperative Network represents Union Cab as well as many other farming operations that could be affected by the bill.

Respectfully, I ask for you to consider these unintended consequences. Thank you for allowing me to comment and please give me a call if I can be of further assistance. I look forward to working with you on the bill. Please let me know if further amendments will be proposed. Thank you.

Sincerely,

Beata

Beata Kalies

Representing Wisconsin's Electric Cooperatives
Director of Government Relations | Cooperative Network
131 West Wilson Street, Suite 400 | Madison, WI 53703
608.258.4406 | cell: 608.279.9275 | cooperativenetwork.coop

From: Wahl, Andrea [mailto:Andrea.Wahl@legis.wisconsin.gov]
Sent: Wednesday, November 04, 2009 8:49 AM
To: Beata Kalies
Subject: RE: amendment to AB 429

Beata,

Jeff actually introduced an amendment using the recommendations you provided. Below is a link to the amendment. I spoke with the drafter, who assured me that this amendment would address your concerns. If you have any questions, please feel free to call.

Link to AB 429: <http://www.legis.wisconsin.gov/2009/data/AB429hst.html>

Thank you!

Andrea Wahl
Office of Representative Jeff Smith
93rd Assembly District
608-266-0660

From: Beata Kalies [mailto:Beata.Kalies@cooperativenetwork.coop]
Sent: Monday, November 02, 2009 3:43 PM
To: Wahl, Andrea

11/4/2009

Subject: amendment to AB 429

Hi Andrea,

I visited with you and Rep. Smith on Oct 20th regarding AB 429, banning wireless communication devices while driving. You mentioned that there will be an amendment drafted so I'm just checking to see if you have any amendment language available yet from the drafters. Let me know if I can be of further assistance. Thank you and Rep. Smith for taking the time to meet with me and consider our changes to the bill.

Bea ta

Beata Kalies

Representing Wisconsin's Electric Cooperatives

Director of Government Relations | Cooperative Network

131 West Wilson Street, Suite 400 | Madison, WI 53703

608.258.4406 | cell: 608.279.9275 | cooperativenetwork.coop



D Note
State of Wisconsin
2009 - 2010 LEGISLATURE

1087/1
LRBa0871/2
EVM:jld:jf

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↑ stays
RML

ASSEMBLY AMENDMENT *1*,
TO 2009 ASSEMBLY BILL 429

In 11/4/09

5000

November 2, 2009 - Offered by Representative SMITH

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At the locations indicated, amend the bill as follows:

1. Page 2, line 5: delete "while" and substitute "capable of".
2. Page 2, line 8: delete the material beginning with "global" and ending with "system" on line 9.
3. Page 2, line 9: delete "installed in or on a vehicle" and substitute "that is physically or electronically integrated into a motor vehicle, including a global positioning system device".
4. Page 2, line 11: after "device" insert "to transmit verbal communications, electronic mail, text messages, or any other electronic communication to one or more persons not physically present with the device's operator".
5. Page 2, line 21: after that line insert:
 - "4. The person using the wireless telecommunications device is an amateur radio operator who holds a valid amateur radio operator's license issued by the

1 federal communications commission and is using dedicated amateur radio 2-way
2 radio communication equipment and observing proper amateur radio operating
3 procedures.

4 5. The person using the wireless telecommunications device holds a
5 commercial driver license, is driving a commercial motor vehicle, and is using a
6 citizens band radio in the ordinary course of business.

7

(END)

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INSERT 2-6

LA Note

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

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EVM:.....

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INSERT 2-6

6. The person using the wireless telecommunications device is an operator of a vehicle of a public utility, as defined in s. 196.01 (5), a telecommunications carrier, as defined in s. 196.01 (8m), or a rural electric cooperative and is using the wireless telecommunications device in the course of maintenance, installation, repair, construction, or inspection of the facilities of the public utility, telecommunications carrier, or rural electric cooperative.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1087/1dn

EVM:.....

date

jld

ATTN: Andrea Wahl

*

This amendment incorporates A1 to AB429 and adds an exception for operators of vehicles of public utilities. The text of this added exception is based on s. 346.50 (1) (c), stats., an exception to parking restrictions for vehicles of public utilities. Please review the included groups to ensure that these groups are those you intend to cover. The added exception would allow use of wireless telecommunications devices by operators of public utility vehicles in the course of maintenance, installation, repair, construction, or inspection of the utility's facilities. As such, because all maintenance and repair activities are covered, any expansion of "emergency" to cover power outages would be superfluous.

Please note, this amendment does not include an exception for taxi drivers or farming operations. Both of these are mentioned in the e-mail from your constituent, but I did not understand your instructions to include adding such an exception. Please let me know if you have any questions or additional instructions.

Eric V. Mueller
Legislative Attorney
Phone: (608) 261-7032
E-mail: eric.mueller@legis.wisconsin.gov

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

LRBa1087/1dn
EVM:jld:rs

November 5, 2009

ATTN: Andrea Wahl

This amendment incorporates AA 1 to AB-429 and adds an exception for operators of vehicles of public utilities. The text of this added exception is based on s. 346.50 (1) (c), stats., an exception to parking restrictions for vehicles of public utilities. Please review the included groups to ensure that these groups are those you intend to cover. The added exception would allow use of wireless telecommunications devices by operators of public utility vehicles in the course of maintenance, installation, repair, construction, or inspection of the utility's facilities. As such, because all maintenance and repair activities are covered, any expansion of "emergency" to cover power outages would be superfluous.

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Eric V. Mueller
Legislative Attorney
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