2009 DRAFTING REQUEST

Assembly Amendment (AA-AB429)

Received: 11/04/2009					Received By: emueller			
Wanted:	As time perm	its			Identical to LRB:			
For: Jeff Smith (608) 266-0660					By/Representing: Andrea Wahl			
This file	may be shown	to any legislate	or: NO		Drafter: emueller	r		
May Co	ntact:				Addl. Drafters:			
Subject: Transportation - traffic laws					Extra Copies:	ARG		
Submit	via email: YES							
Request	er's email:	Rep.Smith	@legis.wisc	consin.gov				
Carbon	copy (CC:) to:							
Pre Top	pic:							
No spec	ific pre topic gi	ven						
Topic:	.,					**		
Add exc	ception for publ	ic utilities.						
Instruc	tions:							
See attac	ched. Same as	AA1 with adde	d exception	for public uti	lities.			
Draftin	g History:					- management		
Vers.	<u>Drafted</u>	Reviewed	Typed	Proofed	Submitted	Jacketed	Required	
/? /1	emueller	jdyer	rschluet		mbarman	mbarman		
	11/04/2009	11/05/2009	11/05/20	09	11/05/2009	11/05/2009		

FE Sent For:

<END>

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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 uti	lities.							
Drafting History:	77 (5511117) 1944 (451 - 451 -							
Vers. Drafted Reviewed Typed Proofed	Submitted	Jacketed	Required					
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/1 EUM) 15 -								
FE Sent For: <end></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 comersation

- add specific exception for public

whilities

- ckan to make our AA incommonling

AAI

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 <u>and</u> commercial motor vehicles does not address all utility workers or trucks.

2) Specifying the exemption to the use of <u>Citizen Band Radio</u> 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 a 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

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.qov]

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

Subject: amendment to AB 429

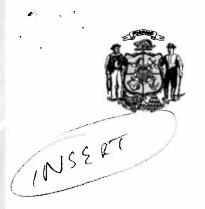
Hi Andrea,

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

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608.258.4406 | cell: 608.279.9275 | cooperativenetwork.coop



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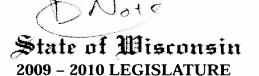
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LRBa0871/2 EVM:jld:jf

Stays

ASSEMBLY AMENDMENT (1),
TO 2009 ASSEMBLY BILL 429

In 11/4/09

(500)

November 2, 2009 – Offered by Representative $Smith_{\varepsilon}$

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

INSERT 2-6

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

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

(END)

(I Note

2009-2010 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU

LRBa1087/1ins EVM:...:

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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

E.A

EVM: X:...

ATTN: Andrea Wahl

This amendment incorporates AAI 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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