

1999 DRAFTING REQUEST

Senate Amendment (SA-SB331)

Received: 02/01/2000

Received By: mlief

Wanted: Soon

Identical to LRB:

For: Rodney Moen (608) 266-8546

By/Representing: bruce

This file may be shown to any legislator: NO

Drafter: mlief

May Contact:

Alt. Drafters:

Subject: Munis - miscellaneous

Extra Copies: MES, MDK

Pre Topic:

No specific pre topic given

Topic:

Municipal cable television

Instructions:

See Attached

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>
/?	mlief 02/01/2000	gilfokm 02/01/2000		_____			
/1			jfrantze 02/02/2000	_____	lrb_docadmin 02/02/2000	lrb_docadmin 02/02/2000	

FE Sent For:

<END>

1999 DRAFTING REQUEST

Assembly Amendment (^S~~A~~-SB331)

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/?	mlief	1-2-1-2000 kmf	2/2/1	2/1			

FE Sent For:

<END>

Wisconsin State Senate



RODNEY C. MOEN
Senator - 31st District

Madelon,

Pls prepare the attached amendment to SB 331, which you drafted. Also, Oconto Falls, which has the only existing ~~city~~ municipal cable system in the state needs to be exempted from the proposed law.

If you have any questions, please contact me.

Thank you.
Bruce Humphrey

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*Amendment to
SB 331*

331

January 21, 2000

By Hand Delivery

Mr. Thomas S. Hanson
Wisconsin Cable Communications Association
One South Pinckney Street, Suite 725
Madison, WI 53703

*also, manufacturer
can go faster*

Re: Proposed Amendment to § 66.082, Wis. Stats.

Dear Tom:

Thank you for meeting with us this morning. As we discussed at the meeting, the Municipal Electric Utilities of Wisconsin ("MEUW") is providing language to be added to the cable TV bill that the Wisconsin Cable Communications Association ("WCCA") is proposing. It is our understanding that the WCCA's primary concern is that municipalities may charge its cable TV subscribers rates that do not attempt to recover the costs of the municipal cable system. The MEUW's concern is that WCCA's proposal may preclude MEUW members from having recourse to municipal funds or bonds to construct and operate a municipal cable system.

We believe that the concerns of the WCCA and the MEUW can be addressed by adding the following language as a subsection to section (b) in the current proposal:

Provided that the costs of the municipal cable television system are paid by the subscribers of that system, nothing in this section shall prohibit the municipality from exercising its authority under ss. 66.059, 66.066, 66.069, ch. 67 or any other statutory provisions pertaining to municipal spending or indebtedness, for the benefit of the municipal cable television system.

Mr. Thomas S. Hanson
January 21, 2000
Page 2

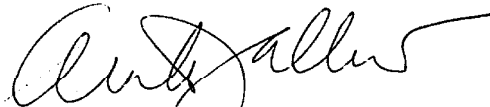
The statutory references contained in our proposed language are as follows: Section 66.059, Wis. Stats., pertains to public improvement bonds. Section 66.066, Wis. Stats., pertains to public utility revenue bonds. Section 66.069, Wis. Stats., pertains to the use of income derived from a municipal utility. Chapter 67, Wis. Stats., pertains to general obligation bonds.

Again, we appreciated meeting with you this morning and are also pleased that you agreed to add language that would exempt the City of Oconto Falls from the proposal. Please feel free to call me if you would like to discuss this matter further.

Very truly yours,

Boardman, Suhr, Curry & Field LLP

By



Anita T. Gallucci

ATG/jan

cc: David J. Benforado
Pat Essie

::ODMA\WORLD\DOXF\DOCS\WD\20229\41\ATG2855.WPD

1999

Date (time) needed

Soon

LRB a 12-49 1

AMENDMENT

D-N

MJC: KMG:

See form AMENDMENTS — COMPONENTS & ITEMS.

WPO-Fix request sheet

S A AMENDMENT

TO S A AMENDMENT (LRBa 1),

TO S A SUBSTITUTE AMENDMENT (LRBs 1);

TO 1999 SB SJR SR AB AJR AR 331 (LRB- 1)

At the locations indicated, amend the bill as follows:

(fill ONLY if "engrossed ..." or "as shown by")

#. Page 2., line 10.: delete lines 10 and 11 and substitute "a pass on the cost of constructing or maintaining its cable television system to nonsubscribers."

#. Page 2., line 12:

NOPI before after that line insert:

"Sec 1m. INITIAL APPLICABILITY.

#. Page line This act first applies to municipalities that begin operation of a municipal cable television system on or after the effective date of this subsection."

(end)

#. Page line

D-N

Bruce

~~Mr. P. A. M. M.~~

Q1. I believe that this amendment captures your intent, namely, to ensure that a municipal cable television system does not pass on its costs to nonsubscribers, without prohibiting municipalities from having recourse to municipal funds or bonds to construct and operate a municipal cable system, the concern expressed by Attorney Gallucci. I did not use the language ^{that} she proposed because it would not effect the change ^{that} you desire. More specifically, the bill already prohibits the subsidy of municipal cable television; the proposed amendment authorizes a municipality to do what it can already do, "provided that the costs

of The municipal cable television system are
paid by the subscribers of that system,^a
(that is, provided that nonsubscribers do not
"subsidize" the system), ^{Q1} Require ^{only} the FCC

may regulate cable television rates, I
have tried to avoid using ~~the~~ language
that would require a municipality from
adjusting its rates. ~~Further~~ This amendment
~~prohibits a municipality from passing on~~
~~the costs of the~~ does not require

Q1 Please let me know if you
have any questions.

MJL

Q2. If, in fact, Oconto Falls is the
only municipal cable & television
system operating in the state, ~~then~~ the
initial applicability provision ~~that~~
will have the effect of exempting Oconto
Falls from the scope of the bill.

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

LRBa1249/1dn
MJL:kmg:jf

February 2, 2000

Bruce:

1. I believe that this amendment captures your intent, namely to ensure that a municipal cable television system does not pass on its costs to nonsubscribers, without prohibiting municipalities from having recourse to municipal funds or bonds to construct and operate a municipal cable system, the concern expressed by Attorney Gallucci. I did not use the language that she proposed because it would not effect the change that you desire. More specifically, the bill already prohibits the subsidy of municipal cable television; the proposed amendment authorizes a municipality to do what it can already do, "provided that the costs of the municipal cable television system are paid by the subscribers of that system" (that is, provided that nonsubscribers do not "subsidize" the system).

2. If, in fact, Oconto Falls is the only municipal cable television system operating in the state, the initial applicability provision will have the effect of exempting Oconto Falls from the scope of the bill.

Please let me know if you have any questions.

Madelon J. Lief
Legislative Attorney
Phone: (608) 267-7380