

2001 DRAFTING REQUEST

Bill

Received: **12/06/2000**

Received By: **kunkemd**

Wanted: **As time permits**

Identical to LRB:

For: **Tim Hoven (608) 267-2369**

By/Representing: **Michael Welsh**

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

Drafter: **kunkemd**

May Contact:

Alt. Drafters:

Subject: **Munis - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Operation and costs of municipal cable television systems

Instructions:

Prepare companion bill to Sen. Moen's 01-0987/1

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>
/?	kunkemd 12/06/2000	gilfokm 12/06/2000		_____			Local
/1			martykr 12/08/2000	_____	lrb_docadmin 12/08/2000	lrb_docadmin 01/18/2001	

FE Sent For:

<END>

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1?	kunkemd	1-12/6 Kmg	12/7	RB 9/3 Km 7			

FE Sent For:

<END>

LEGISLATIVE REFERENCE BUREAU

BILL REQUEST FORM

Legal Section, 5th Floor, 100 N. Hamilton St.
(608) 266-3561

Use of this form is optional. It is often helpful to talk directly with the LRB attorney who will draft the bill.
Use this form only for **BILL** drafts. Attach more pages if necessary.

Date of request: <i>06 DEC 2000</i>	Legislator or agency requesting this draft: <i>REP. HOVEN</i>
Name/phone number of person submitting request: <i>REP. HOVEN 7-2370</i>	
Persons to contact for questions about this draft (names and phone numbers please): <i>Michael Welsh - 7-2370</i>	
Describe the problem, including any helpful examples. How do you want to solve the problem? <i>PLEASE DRAFT THE ATTACHED 1999 SUB-AMENDMENT AS A NEW LRB. (RE: MUNICIPAL CABLE SYSTEMS).</i> <i>See 01-0987/1 (Moen)</i>	
If you know of any statute sections that might be affected, please list them or provide a marked (not re-typed) copy.	

Please attach a copy of any correspondence or material that may help us. You may also attach a marked (not re-typed) copy of any LRB draft, or provide its number (e.g., 1997 LRB-2345/1 or 1995 AB-67).

Requests are confidential unless stated otherwise.

May we tell others that we are working on this for you? YES NO

If yes, anyone who asks? YES NO

Any legislator? YES NO ONLY the following persons:

Do you consider this urgent? YES NO If yes, please indicate why:

Is this request of higher priority than other pending request(s) you have made?

YES NO If yes, please sign your name here:

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 670**

March 23, 2000 - Offered by Representatives MEYERHOFER and HOVEN.

1 **AN ACT to create** 66.082 (3m) of the statutes; **relating to:** operation and costs
2 of municipal cable television systems.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 66.082 (3m) of the statutes is created to read:

4 **66.082 (3m) MUNICIPAL CABLE TELEVISION SYSTEM.** (a) A municipality that owns
5 and operates a cable television system shall prepare and maintain records that
6 include all of the following:

7 1. The cost of franchise fees, pole rentals and all other expenses that the
8 municipality would incur were it a nonmunicipal cable operator that had been
9 granted a franchise by the municipality.

10 2. The amount, source and cost of working capital used for the municipal cable
11 television system.

1 (b) Except as provided in par. (c), a municipality that owns and operates a cable
2 television system may not pass on the cost of the cable television system to
3 nonsubscribers.

4 (c) A municipality may pass on the cost of all of the following to nonsubscribers:

- 5 1. Public educational and governmental access channels.
- 6 2. Debt service on bonds issued under s. 66.059 to finance the construction,
7 renovation or expansion of a municipal cable television system.

8 **SECTION 2. Initial applicability.**

9 (1) This act first applies to municipalities that begin operation of a municipal
10 cable television system on the effective date of this subsection.

11 **SECTION 3. Effective date.**

12 (1) This act takes effect on the first day of the 3rd month beginning after
13 publication.

14 (END)

P-NOTE

2001 BILL

-1353/1

RM NOT
RUN

1 AN ACT to create 66.0419 (3m) of the statutes; relating to: operation and costs
2 of municipal cable television systems.

Analysis by the Legislative Reference Bureau

This bill prohibits, with certain exceptions, a municipality that owns and operates a cable television system from passing on the cost of the system to nonsubscribers. There are two exceptions to this prohibition. First, the prohibition does not apply to a municipality that began operating a cable television system before the effective date of the bill. Second, a municipality that began operating a cable television system on or after the effective date of the bill may pass on the following costs to nonsubscribers: 1) the cost of public, educational, and governmental access channels; and 2) the cost of debt service on public improvement bonds for the construction, renovation, or expansion of the municipality's cable television system.

The bill also requires a municipality that owns and operates a cable television system to prepare and maintain records that include the following: 1) the cost of franchise fees, pole rentals, and all other expenses that the municipality would incur if it were a nonmunicipal cable television operator that had been granted a franchise by the municipality; and 2) the amount, source, and cost of working capital used for the municipality's cable television system. This requirement does not apply to a municipality that began operating a cable television system before the effective date of the bill.

BILL

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 66.0419 (3m) of the statutes is created to read:

2 **66.0419 (3m) MUNICIPAL CABLE TELEVISION SYSTEM.** (a) A municipality that
3 owns and operates a cable television system shall prepare and maintain records that
4 include all of the following:

5 1. The cost of franchise fees, pole rentals, and all other expenses that the
6 municipality would incur if it were a nonmunicipal cable television operator that had
7 been granted a franchise by the municipality.

8 2. The amount, source, and cost of working capital used for the municipal cable
9 television system.

10 (b) Except as provided in par. (c), a municipality that owns and operates a cable
11 television system may not pass on the cost of the cable television system to
12 nonsubscribers.

13 (c) A municipality may pass on the cost of all of the following to nonsubscribers:

14 1. Public, educational, and governmental access channels.

15 2. Debt service on bonds issued under s. 66.0619 to finance the construction,
16 renovation, or expansion of a municipal cable television system.

17 (d) This subsection does not apply to a municipality that began operating a
18 municipal cable television system before the effective date of this paragraph
19 [revisor inserts date].

20 **SECTION 2. Effective date.**

BILL

1 (1) This act takes effect on the first day of the 3rd month beginning after
2 publication.

3 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1353/1dn

MDK:.....

mg

Representative Hoven:

This bill is identical to LRB-0987/1. Note that, like LRB-0987/1, this bill is identical to Assembly Substitute Amendment 1 to 1999 Assembly Bill 670, except that the grandfather provision has been moved from an initial applicability provision to proposed s. 66.0419 (3m) (d).

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1353/1dn
MDK:kmg:km

December 7, 2000

Representative Hoven:

This bill is identical to LRB-0987/1. Note that, like LRB-0987/1, this bill is identical to Assembly Substitute Amendment 1 to 1999 Assembly Bill 670, except that the grandfather provision has been moved from an initial applicability provision to proposed s. 66.0419 (3m) (d).

Mark D. Kunkel
Legislative Attorney
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State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

December 8, 2000

MEMORANDUM

To: Representative Hoven

From: Mark D. Kunkel, Legislative Attorney

Re: LRB-1353 Operation and costs of municipal cable television systems

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-0131 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.