

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: 06/26/2001

Received By: **kunkemd**

Wanted: As time permits

Identical to LRB:

For: Assembly Republican Caucus

By/Representing: **Raschka**

This file may be shown to any legislator: NO

Drafter: **kunkemd**

May Contact:

Addl. Drafters:

Subject: **Public Util. - telco**
Real Estate - miscellaneous

Extra Copies: **PJK**

Submit via email: NO

Requester's email:

Pre Topic:

ARC:.....Raschka - AM116,

Topic:

Telecommunications infrastructure charges for new developments

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>
/?	kunkemd 06/26/2001	csicilia 06/27/2001					
/1			pgreensl 06/27/2001		lrb_docadmin 06/27/2001		

FE Sent For:

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/?	kunkemd	1 jjs 6/26 01	g pg	g g			

FE Sent For:

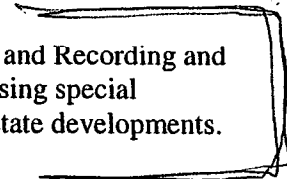
<END>

Budget Amendments 2001 - 2003

Prepared by the Assembly Republican Caucus

PJK

b1817



Statement of Intent This motion makes changes to Chapter 236 of the Statutes, Platting Lands and Recording and Vacating Plats. In addition, it prohibits local phone companies from imposing special surcharges for installing telecommunications infrastructure for new real estate developments.

Legislator	Powers	Amendment	116
Legislator 2		Pass or Fail	Pass
Legislator 3		Spending Cut	
Legislator 4		Withdrawn	
Staff contact	Randy	Package	
Agency	Administration		
Summary	Overview of Proposed Changes to Ch. 236 Wis. Stats.		

MONUMENTATION REQUIREMENTS

- change the length of all monuments to 18"
- must provide "outside diameter" for all monuments

TECHNICAL MAPPING REQUIREMENTS FOR PLAT^{aa}

- allow plats to be submitted to Plat Review on any material that's capable of reproduction
- specify that lots and outlots must be consecutively numbered within blocks and throughout the plat and "numbered additions" to the plat.

TIME LIMITS FOR PLATS

- plats must be offered for recording within 6 months of the last approval (now 30 days)

CORRECTION INSTRUMENTS

- require that all correction instruments be done by a land surveyor registered in WI
- modify the approval requirements so that only changes affecting "public dedications" and "restrictions for public benefit" will require the primary approving authority to sign the correction instrument

CERTIFIED SURVEY MAPS

- allow a certified survey map, which meets all of the requirements of a plat without state review to "cross" an exterior boundary of a subdivision plat on a limited basis
- require a graphic scale on each sheet
- insert "approval time limits" for local units of government and "recording time limits" which are consistent with plats

LOCAL SUBDIVISION REGULATION

- require that the "local plat" be described as "County Plat, City Plat, Town Plat etc" and that it be filed and recorded in the Register of Deeds office
- specify that lots and outlots in local plats be described by "name of plat, lot/outlot number and volume and page" which is consistent with state reviewed subdivision plats

SURCHARGES FOR INFRASTRUCTURE IN NEW DEVELOPMENTS:

Request # 218

Budget Amendments 2001 - 2003

Prepared by the Assembly Republican Caucus

Fiscal Impact No fiscal impact.

Drafting Inst 196.219 (3m) of the statutes is created to read:
hard copy of chapter 236 drafting instructions have been provided.

ARC Analyst 196.219 (3m) Real Estate Development. (a) In this subsection, "real estate development" means the act of dividing or subdividing any parcel of land for construction or making improvements to facilitate or allow construction. Raschka

Request # 218

Budget Amendments 2001 - 2003

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✓ (b) Except for compensation included in rates for basic local exchange service and business access line and usage service, a telecommunications utility may not require any person to compensate the telecommunications utility for the construction of any facility for the distribution of telecommunications services that is related to any real estate development in the telecommunications utility's service territory.

2001

Date (time) needed

D-NOTE

LRB b 1817, 1

**ARC CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]**

MDK: cjs:

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 2001 SENATE BILL 55**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated, amend the substitute amendment as follows:

#. Page 990, line 6: *after that line insert:*

#. Page, line:

#. Page, line:

#. Page, line:

#. Page, line:

#. Page, line:

1 available for public inspection, and account for all such transactions in accordance
2 with accounting principles specified or approved by the commission.

3 (c) *Transitional plans.* The commission may approve a transitional plan
4 submitted by a large price-regulated telecommunications utility that specifies a
5 reasonable schedule for phasing in the utility's compliance with an order under par.
6 (b), except that, after 3 years after the effective date of this paragraph [revisor
7 inserts date], a carrier affiliate may not market, offer, or provide any retail
8 telecommunications service or related feature to any customer.

9 (d) *Prohibitions.* 1. A carrier or retail affiliate of a large price-regulated
10 telecommunications utility may not do any of the following:

11 a. Obtain credit under any arrangement that permits a creditor, upon default,
12 to have recourse to the assets of the utility or another affiliate of the utility.

13 b. Discriminate between another affiliate of the utility and any other person
14 in providing or procuring goods, services, facilities, or information.

15 2. A carrier affiliate of a large price-regulated telecommunications utility may
16 not transfer any network element to a retail affiliate of the utility.

17 3. No less than 20% of the stock of a retail affiliate of a large price-regulated
18 telecommunications utility may be publicly traded separately from the stock of a
19 carrier affiliate of the utility.

20 SECTION 21. 196.219 (3m) of the statutes is created to read:

21 196.219 (3m) REAL ESTATE DEVELOPMENT. (a) In this subsection, "real estate
22 development" means the act of dividing or subdividing any parcel of land for
23 construction or making improvements to facilitate or allow construction.

24 (b) Except for compensation included in rates for basic local exchange service,
25 a telecommunications utility may not require any person to compensate the

and business access line and
usage service

cc
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it's a "a"

19

1 telecommunications utility for the construction of any facility for the distribution of
2 telecommunications services that is related to any real estate development in the
3 telecommunications utility's service territory. ✓/△

4 SECTION 22. 196.219 (4m) (a) of the statutes is amended to read:

5 196.219 (4m) (a) ~~Upon a finding of a violation of this section by the commission,~~
6 ~~any~~ Any person injured because of a violation of this section by a telecommunications
7 utility or provider may commence a civil action to recover damages or to obtain
8 injunctive relief.

9 SECTION 23. Nonstatutory provisions.

10 (1) RULES FOR LARGE PRICE-REGULATED TELECOMMUNICATIONS UTILITIES. The
11 public service commission shall submit in proposed form the rules regarding
12 increasing the penalty mechanism for certain large price-regulated
13 telecommunications utilities under section 196.196 (1) (c) 1. of the statutes, as
14 affected by this act, to the legislative council staff under section 227.15 (1) of the
15 statutes no later than the first day of the 7th month beginning after the effective date
16 of this subsection.

17 SECTION 24. Initial applicability.

18 (1) The treatment of section 196.196 (6) (a) of the statutes first applies to
19 reports made on the effective date of this subsection.

20 (2) The treatment of section 196.196 (6) (b) of the statutes first applies to orders
21 made on the effective date of this subsection.

22 (3) The treatment of sections 196.196 (7) and 196.219 (4m) (a) of the statutes
23 first applies to violations that occur on the effective date of this subsection.

24 ~~(1)~~ ^{6a} The treatment of section 196.219 (3m) of the statutes first applies to
25 construction that begins on the effective date of this subsection. ✓/△

(NIT APP

Page 1403, line 4: after that line insert:

END

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

LRBb1817/1dn

MDK: /.....

gs

Adam Raschka:

This amendment also includes an initial applicability provision that clarifies when the prohibition first applies.

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

LRBb1817/1dn
MDK:cjs:pg

June 27, 2001

Adam Raschka:

This amendment also includes an initial applicability provision that clarifies when the prohibition first applies.

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



ARC:.....Raschka – AM116, Telecommunications infrastructure charges for
new developments

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 990, line 6: after that line insert:

3 “SECTION 2984q. 196.219 (3m) of the statutes is created to read:

4 196.219 (3m) REAL ESTATE DEVELOPMENT. (a) In this subsection, “real estate
5 development” means the act of dividing or subdividing any parcel of land for
6 construction or making improvements to facilitate or allow construction.

7 (b) Except for compensation included in rates for basic local exchange service
8 and business access line and usage service, a telecommunications utility may not
9 require any person to compensate the telecommunications utility for the
10 construction of any facility for the distribution of telecommunications services that

1 is related to any real estate development in the telecommunications utility's service
2 territory.”

3 (END)