Received: 11/06/2003

## 2003 DRAFTING REQUEST

Received By: mkunkel

## Senate Amendment (SA-SB272)

Wanted	l: As time perm	nits	Identical to LRB:					
For: Ne	eal Kedzie (608	3) 266-2635	By/Representing: Matt Phillips					
This file	e may be showr	to any legislat		Drafter: mkunkel				
May Co	ontact:				Addl. Drafters:			
Subject		- miscellaneou Util telco	Extra Copies:					
Submit	via email: YES							
Reques	ter's email:	Sen.Kedzi	e@legis.sta	te.wi.us				
Carbon	copy (CC:) to:	matt.philli david.love	ips@legis.st ll@legis.sta	ate.wi.us te.wi.us				
Pre To	pic:							
No spec	cific pre topic gi	ven						
Topic:				<del></del>				
"Grandf	father" provision	ıs						
Instruc	etions:				,			
See Atta	ached							
 Draftin	g History:					×		
Vers.	<u>Drafted</u>	Reviewed	Typed	Proofed	Submitted	Jacketed	Required	
/?	mkunkel 11/06/2003	wjackson 11/06/2003						
/1	chanaman 11/06/2003	chanaman 11/06/2003 csicilia	chaugen 11/06/200	)3	lemery 11/06/2003	lemery 11/06/2003		

Vers.	<u>Drafted</u>	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	Required
		11/06/2003					
/2			chaugen 11/06/200	3	lemery 11/06/2003	lemery 11/06/2003	
FE Sent 1	For:						
				<end></end>			

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Wanted:	As time pern	nits	Identical to LRB:					
For: Nea	l Kedzie (608	3) 266-2635	By/Representing: Matt Phillips					
This file	may be showr	n to any legislat	or: <b>NO</b>		Drafter: mkunke	el		
May Con	ntact:				Addl. Drafters:			
Subject:		- miscellaneou Util telco	S		Extra Copies:			
.Submit v	ia email: YES	3						
Requeste	r's email:	Sen.Kedzi	e@legis.stat	te.wi.us				
Carbon c	opy (CC:) to:		ps@legis.st ll@legis.sta					
Pre Top	ic:							
No specif	fic pre topic g	iven						
Topic:				-				
"Grandfa	ther" provisio	ns						
Instruct	ions:							
See Attac	ched							
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Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	Required	
/?	mkunkel 11/06/2003	wjackson 11/06/2003				4 f		
/1	,	/ Z 95 11/6 03	chaugen 11/06/200	) p / p / p	lemery 11/06/2003	lemery 11/06/2003		

11/06/2003 11:14:12 AM Page 2

FE Sent For:

<END>

### 2003 DRAFTING REQUEST

Senate	<b>Amendment</b>	(SA-SB272)	)
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Received: 11/06/2003

Received By: mkunkel

Wanted: As time permits

Identical to LRB:

For: Neal Kedzie (608) 266-2635

By/Representing: Matt Phillips

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

Drafter: mkunkel

May Contact:

Addl. Drafters:

Subject:

**Munis - miscellaneous** 

Extra Copies:

Public Util. - telco

Submit via email: YES

Requester's email:

Sen.Kedzie@legis.state.wi.us

Carbon copy (CC:) to:

matt.phillips@legis.state.wi.us david.lovell@legis.state.wi.us

**Pre Topic:** 

No specific pre topic given

**Topic:** 

"Grandfather" provisions

**Instructions:** 

See Attached

**Drafting History:** 

Vers.

Drafted

Reviewed

Typed

Proofed

Submitted

<u>Jacketed</u>

Required

/?

mkunkel

1 WY 116

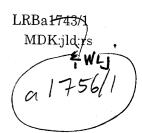
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#### 2003 - 2004 LEGISLATURE



## SENATE AMENDMENT, TO 2003 SENATE BILL 272



RM NOT)

INSEPT 1-3

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At the locations indicated, amend the bill as follows:

Page 2, line 2: before "Except" insert "(a)"

- 2. Page 2, line 7: delete "(a)" and substitute "1.".
- **3.** Page 2, line 8: delete "(b)" and substitute "2.".
- **4.** Page 2, line 9: after that line insert:
- "(b) Paragraph (a) does not apply to a municipality of the following conditions date of this paragraph .... [revisor inserts date], any of the following conditions applies:
- 1. The municipality operates a cable television system or owns or operates an entity that operates a cable television system.
- 2. The governing body of the municipality frequency has authorized a feasibility study on whether to operate a cable television system or to own or operate, in whole or in part, an entity that operates a cable television system.".

(18)

<b>5.</b>	Page 3	, line	23:	after	that	line	insert:
-----------	--------	--------	-----	-------	------	------	---------

- "(3) Subsection (2) does not apply to a local government if, on the effective date of this subsection .... [revisor inserts date], any of the following conditions applies:
- 1. The local government operates a facility for providing cable service, telecommunications service, or Internet access service, directly or indirectly, to the public.
- 2. The governing body of the local government has authorized a feasibility study on whether to operate a facility for providing cable service, telecommunications service, or Internet access service, directly or indirectly, to the public.".
  - **6.** Page 4, line 6: delete lines 6 to 18 and substitute:
- "Section 4g. 196.204 (5) (a) of the statutes is renumbered 196.204 (5) (ar) 1. and amended to read:
- 196.204 (5) (ar) 1. In addition to the other requirements of this section, each telecommunications service, relevant group of services and basic network function offered or used by a telecommunications utility shall be priced to exceed its total service long—run incremental cost. The commission may waive the applicability of this paragraph subdivision to a telecommunications utility's basic local exchange service if the commission determines that a waiver is consistent with the factors under s. 196.03 (6).
  - **Section 4r.** 196.204 (5) (ar) 2. of the statutes is created to read:
- 196.204 (5) (ar) 2. For purposes of subd. 1., the total service long-run incremental cost of a local government telecommunications utility shall take into account, by imputation or allocation, equivalent charges for all taxes, pole rentals,

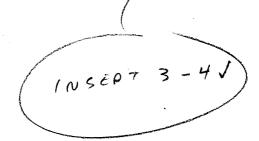
rights-of-way, licens	es, and simil	ar cost	s that are inc	urred 1	by noi	ngovern	men	tal
telecommunications	utilities.	This	subdivision	does	not	apply	to	a
telecommunications service, relevant group of services, or basic network function if							if,	
on the effective date of this subdivision [revisor inserts date], any of the following								
conditions applies:								

a. The local government telecommunications utility offers or uses the telecommunications service, relevant group of services, or basic network function.

b. The governing body of the local government telecommunications utility has authorized a feasibility study on whether to offer or use the telecommunications service, relevant group of services, or basic network function.".

(END)

**7.** Page 5, line 17: delete lines 17 to 19.



### 2003–2004 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU

1	INSERT 1-2: SYSTEM
2	1. Page 2, line 2: delete "Local government cable television costs. Excepto"
3	and substitute "Municipal cable television costs. (a) Except".
4	✓ 2. Page 2, line 3: delete "or county".
5	√ 3. Page 2, line 5: delete "or county".
6	INSERT 3-4:
7	the commission has determined under s. 196.203 that the local government
8	telecommunications utility is an alternative telecommunications utility and

# DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRBa1756/1dn MDK:

WLj

#### Sen. Kedzie:

This amendment is similar to LRBa1743/1, except for the following:

- 1. The references to counties operating cable television systems have been removed from the bill. Under current law, counties are not allowed to operate such systems.
- 2. The exception to the TSLRIC requirements applies only if a local government is an alternative telecommunications utility, as determined by the PSC. The PSC uses this determination to authorize CLECs.
- 3. The PSC is only allowed to waive the requirements of s. 196.204 (5) (a) for nongovernmental telecommunications utilities.

Mark D. Kunkel Senior Legislative Attorney

Phone: (608) 266–0131

E-mail: mark.kunkel@legis.state.wi.us

# DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRBa1756/1dn MDK:wlj:ch

November 6, 2003

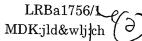
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Mark D. Kunkel Senior Legislative Attorney Phone: (608) 266–0131

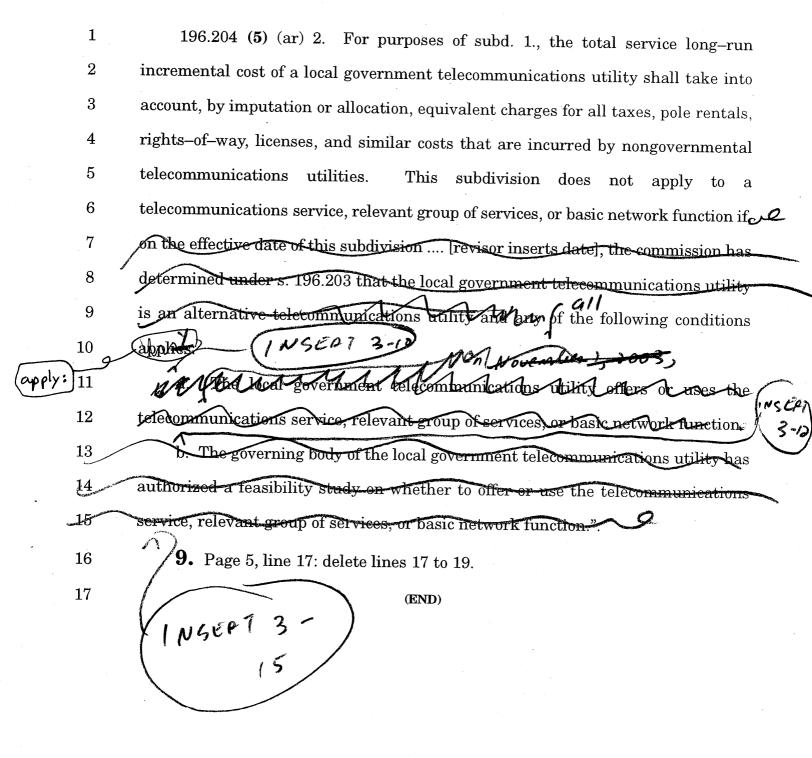
E-mail: mark.kunkel@legis.state.wi.us





SENATE AMENDMENT, **TO 2003 SENATE BILL 272** 

1	At the locations indicated, amend the bill as follows:
2	1. Page 2, line 2: delete "Local government cable television system costs.
(3)	Except" and substitute "MUNICIPAL CABLE TELEVISION COSTS. (a) Except".
4	2. Page 2, line 3: delete "or county".
5	3. Page 2, line 5: delete "or county".
6	4. Page 2, line 7: delete "(a)" and substitute "1.".
7	5. Page 2, line 8: delete "(b)" and substitute "2.".
8	6. Page 2, line 9: after that line insert:
9 ,	"(b) Paragraph (a) does not apply to a municipality if
10	this paragraph [revisor inserts date any of the following conditions applies:
11	The municipality operates a table television system or owns or operates an
12	entity that operates a cable television system.
	A STATE OF THE PARTY OF THE PAR



### 2003-2004 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU

LRBa1756/2ins MDK:...:...

1	INSERT 1-10:
2	1. On November 1, 2003, the commission has determined that the municipality
3	is an alternative telecommunications utility under s. 196.203.
4	INSERT 1-12:
5	or the governing body of the municipality has authorized a feasibility study on
6	whether to operate a cable television system or to own or operate, in whole or in part,
7	an entity that operates a cable television system.
(8)	28. Modeler than I was after the effective date of this subdivision [revisor
9	inserts datel a majority of the governing board of the municipality votes to submit
10	the question of supporting the operation of a cable television system by the
11	municipality to the electors in an advisory referendum and a majority of the voters
12	in the municipality voting at the advisory referendum vote to support the operation
13	of a cable television system by the municipality. $^{?}$
14	(c) An advisory referendum under par. (b) 3. shall be held at any general or
15	regular election that is held not less than 42 days nor more than 47 days from the
16	date on which a majority of the governing board of the municipality votes to submit
17	the question to the electors, except that, if no general or regular election is held
18	within such period, the governing body of the municipality shall order the holding
19	of a special election to be held not less than 42 days from the date on which the
20	majority of the governing board of the municipality votes to submit the question to
21	the electors.".
22	INSERT 2–4:

1. Page 3, line 5: delete "county,".

23

1 INSERT 2-6: (a) On November 1, 2003, the commission has determined that the local 2 government is an alternative telecommunications utility under s. 196.203. 3 4 INSERT 2-9: or the governing body of the local government has authorized a feasibility study on 5 whether to operate a facility for providing cable service, telecommunications service, 6 or Internet access service, directly or indirectly to the public. 7 (d) No later than I year after the affective date of this paragraph. Irevisor 8 inserts datel a majority of the governing board of the local government votes to 9 submit the question of supporting the operation of the facility for providing cable 10 service, telecommunications service, or Internet access service, directly or indirectly 11 to the public, by the local government to the electors in an advisory referendum and 12 a majority of the voters in the local government voting at the advisory referendum 13 14 vote to support operation of such a facility by the local government. (4) An advisory referendum under sub. (3) (c) shall be held at any general or 15 regular election that is held not less than 42 days nor more than 47 days from the 16 date on which a majority of the governing board of the local government votes to 17 submit the question to the electors, except that, if no general or regular election is 18 held within such period, the governing body of the local government shall order the 19 20 holding of a special election to be held not less than 42 days from the date on which

21

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question to the electors.".

the majority of the governing board of the local government votes to submit the

On November 1, 2003, the commission has determined that the local 1 government telecommunications utility is an alternative telecommunications utility 2 3 under s. 196.203. 4 **INSERT 3-12:** or the governing body of the local government telecommunications utilit 5 authorized a feasibility study on whether to offer or use the telecommunications 6 service, relevant group of services, or basic network functions. 7 66. Wo later than 1 year after the effective date of this subd. 2. 8 inserts date, a majority of the governing board of the local government 9 telecommunications utility votes to submit the question of supporting the operation 10 11 of the local government telecommunications utility to the electors in an advisory referendum and a majority of the voters in the local government telecommunications 12 utility voting at the advisory referendum vote to support operation of the local 13 government telecommunications utility. 14 15 3. An advisory referendum under subd. 2. c. shall be held at any general or regular election that is held not less than 42 days nor more than 47 days from the 16 date on which a majority of the governing board of the local government 17 18 telecommunications utility votes to submit the question to the electors, except that if no general or regular election is held within such period, the governing body of the 19 local government telecommunications utility shall order the holding of a special 20 election to be held not less than 42 days from the date on which the majority of the 21 governing board of the local government telecommunications utility votes to submit 22 23 the question to the electors.".

1 **2.** Page 4, line 21: delete "or".

2 3. Page 4, line 22: delete "county".



### State of Misconsin 2003-2004 LEGISLATURE

### CORRECTIONS IN:

## SENATE AMENDMENT 1, TO 2003 SENATE BILL 272

Prepared by the Legislative Reference Bureau (February 19, 2004)

- 1. Page 3, line 3: delete that line and substitute "the factors under s. 196.03 (6)."."
  - 2. Page 3, line 3: after that line insert:

"9m. Page 5, line 3: after that line insert:".

**3.** Page 3, line 4: delete that line and substitute:

""Section 5r. 196.204 (5) (ar) 2. of the statutes is created to read:".

(END)

LRBa1756/2ccc-1 CJS:ch