

2003 DRAFTING REQUEST

Assembly Amendment (AA-SB272)

Received: **03/01/2004**

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Phil Montgomery (608) 266-5840**

By/Representing: **Rose**

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

Drafter: **mkunkel**

May Contact:

Addl. Drafters:

Subject: **Munis - miscellaneous
Public Util. - telco**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Montgomery@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Allowing municipalities to construct, etc., infrastructure for providing wholesale services, and requiring municipalities to provide wholesale service on a nondiscriminatory basis

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>
/?	mkunkel 03/01/2004	csicilia 03/01/2004		_____			
/1			pgreensl 03/01/2004	_____	Inorthro 03/01/2004	Inorthro 03/01/2004	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	mkunkel 03/02/2004	csicilia 03/02/2004	pgreensl 03/02/2004	_____	sbasford 03/02/2004	sbasford 03/02/2004	

FE Sent For:

<END>

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/?	mkunkel 03/01/2004	csicilia 03/01/2004	<i>3/2</i>	<i>3/2</i>			
/1		<i>2 vs 3/2</i> 04	pgreensl 03/01/2004 <i>ps</i>	<i>get</i>	Inorthro 03/01/2004	Inorthro 03/01/2004	

03/01/2004 04:45:18 PM
Page 2

LRBa2460

FE Sent For:

<END>

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/?	mkunkel		3/1 /P8	3/1 /JSA			

FE Sent For:

<END>

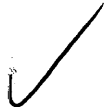
Colony

(b-note)

Stays
PM
NOT
AW

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

bill intro



1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 7: on page 1, line 8, of the material inserted by senate
3 amendment 2, delete "sub. (3)" and substitute "subs. (3) and (3m)".

4 **2.** Page 3, line 23: after that line, on page 2 of the material inserted by senate
5 amendment 2, after line 16 insert:

6 **(3m)** Subsection (2) does not apply to a facility for providing *able*
7 *telecommunications*, or broadband service if all of the following apply:

8 (a) The municipality offers use of the facility on a nondiscriminatory basis to
9 persons who provide *broadband* ~~such~~ service to end users of the service.

10 (b) The municipality itself does not use the facility to provide *broadband* ~~the~~ service to end
11 users.

authorizes the construction,
ownership, or operation of the
facility,
which ever
occurs
first

1

(c) The municipality determines that, at the time that the municipality begins

2

~~to operate the facility~~ the facility does not compete with ~~similar facilities~~ operated

3

by ~~other~~ ^{another} persons."

more than one
facility

4

3. Page 4, line 19: before that line insert:

5

"SECTION 4w. 196.204 (5) (ar) 3. of the statutes is created to read:

6

196.204 (5) (ar) 3. Subdivision 2. does not apply to a telecommunications

7

service, relevant group of services, or basic network function, ^{that is} used to provide a

8

~~telecommunications~~ ^{broadband and} service, that is offered by a municipal telecommunications

9

utility if all of the following apply:

10

a. The municipal telecommunications utility offers the telecommunications

11

service, relevant group of services, or basic network function on a nondiscriminatory

12

basis to persons who provide ^{broadband} any telecommunications service to end users.

13

b. The municipality does not provide to end users the telecommunications

14

service, relevant group of services, or ^{broadband} telecommunications service provided by the

15

basic network function.

16

c. The municipal utility determines that, at the time that the municipal utility

17

~~begins to provide~~ the telecommunications service, relevant group of services, or basic

18

network function, the municipal utility's provision of the service, group of services,

19

or function does not compete with a similar service, group of services, or function

20

~~provided by another person."~~

21

(END)

authorizes the provision
of

more than
one provider
of broadband
service.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa2460/1dn
MDK:.....

Rep. Montgomery:

Note that, upon further reflection, I made additional changes to proposed s. 196.204 (5) (ar) 3. Please review this language.

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

LRBa2460/1dn
MDK:cjs:pg

March 1, 2004

Rep. Montgomery:

Note that, upon further reflection, I made additional changes to proposed s. 196.204 (5) (ar) 3. Please review this language.

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

Kunkel, Mark

From: Smyrski, Rose
Sent: Monday, March 01, 2004 5:40 PM
To: Kunkel, Mark
Subject: RE: Printing engrossed ---AND QUESTION

It would appear that the group prefers the way you have it written on lines 18-19 vs 1-2 on page 2

In case your interested :-)

THANKS a ton Mark!

Rose

-----Original Message-----

From: Kunkel, Mark
Sent: Monday, March 01, 2004 5:25 PM
To: Smyrski, Rose
Subject: RE: Printing engrossed ---AND QUESTION

Sorry about that. It does read better if the lines say the same thing.

Please return the jacket, and I'll redraft it. It'll be done tomorrow morning by 9.

-----Original Message-----

From: Smyrski, Rose
Sent: Monday, March 01, 2004 5:16 PM
To: Kunkel, Mark
Subject: RE: Printing engrossed ---AND QUESTION
Importance: High

Thanks for checking Mark!

There appears to some confusion on page 2 lines 1-2 and lines 18-19---shouldn't these read the same? Is there a reason for them not to read the same?

-----Original Message-----

From: Kunkel, Mark
Sent: Monday, March 01, 2004 5:12 PM
To: Smyrski, Rose
Subject: Printing engrossed

Rose:

If a bill has been heavily amended in the first house, we can be ordered to print it engrossed by the clerk of either house. However, because SB 272 is on the floor tomorrow, it's too late to get any benefit out of printing it engrossed. In addition, there's probably too little time for the LRB to get it done by tomorrow.

Mark D. Kunkel
Senior Legislative Attorney
Legislative Reference Bureau
(608) 266-0131



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBa2460/1
MDK:cjs:pg

TODAY

NOON

ASSEMBLY AMENDMENT,
TO 2003 SENATE BILL 272

RM
has
been
run

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2 1. Page 3, line 7: on page 1, line 8, of the material inserted by senate
3 amendment 2, delete "sub. (3)" and substitute "subs. (3) and (3m)".

4 2. Page 3, line 23: after that line, on page 2 of the material inserted by senate
5 amendment 2, after line 16 insert:

6 "(3m) Subsection (2) does not apply to a facility for providing broadband service
7 if all of the following apply:

8 (a) The municipality offers use of the facility on a nondiscriminatory basis to
9 persons who provide broadband service to end users of the service.

10 (b) The municipality itself does not use the facility to provide broadband service
11 to end users.

12 (c) The municipality determines that, at the time that the municipality
13 authorizes the construction, ownership, or operation of the facility, whichever occurs

provider of broadband service."

1 first, the facility does not compete with more than one facility operated by another
2 ~~person."~~

3 **3.** Page 4, line 19: before that line insert:

4 "SECTION 4w. 196.204 (5) (ar) 3. of the statutes is created to read:

5 196.204 (5) (ar) 3. Subdivision 2. does not apply to a telecommunications
6 service, relevant group of services, or basic network function, that is used to provide
7 broadband service and that is offered by a municipal telecommunications utility, if
8 all of the following apply:

9 a. The municipal telecommunications utility offers the telecommunications
10 service, relevant group of services, or basic network function on a nondiscriminatory
11 basis to persons who provide broadband service to end users.

12 b. The municipality does not provide to end users the telecommunications
13 service, relevant group of services, or broadband service provided by the basic
14 network function.

15 c. The municipal utility determines that, at the time that the municipal utility
16 authorizes the provision of the telecommunications service, relevant group of
17 services, or basic network function, the municipal utility's provision of the service,
18 group of services, or function does not compete with more than one provider of
19 broadband service."

20

(END)