

2005 DRAFTING REQUEST

Bill

Received: 11/08/2004

Received By: **csundber**

Wanted: **As time permits**

Identical to LRB:

For: **Marlin Schneider (608) 266-0215**

By/Representing: **RAC**

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

Drafter: **csundber**

May Contact:

Addl. Drafters:

Subject: **Trade Regulation - other**

Extra Copies: **RNK**

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Cable television copy protection mechanisms

Instructions:

Redraft 2003 AB 587

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> |
|--------------|------------------------|--|-----------------------|----------------|-----------------------|------------------------|-----------------|
| /? | | | | | | | |
| /1 | csundber 11/19/2004 | lkunkel 11/28/2004 lkunkel 11/29/2004 | chaugen 11/29/2004 | _____ | mbarman 11/29/2004 | lnorthro 11/30/2004 | |

LRB-0675

11/30/2004 12:06:33 PM

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FE Sent For:

now

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|--------------|----------------|----------------------------|--------------|----------------|------------------|-----------------|-----------------|
| /? | csundber | 1/1mk 11/28 1/jld 11/29 | ch 11/29 | ch 11/29 | | | |

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: 11/27/2002

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: Marlin Schneider (608) 266-0215

By/Representing: himself

This file may be shown to any legislator: NO

Drafter: rkite

May Contact:

Addl. Drafters:

Subject: Trade Regulation - other

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Cable television copy protection mechanisms

Instructions:

Redraft 2001 AB 910

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> |
|--------------|---------------------|--------------------|------------------------|----------------|------------------------|-----------------------|-----------------|
| /? | rkite 12/06/2002 | jdye 12/06/2002 | | | | | |
| /1 | | | rschluet 12/11/2002 | | sbasford 12/11/2002 | mbarman 12/11/2002 | |

2005-2006

~~2003-2004~~ LEGISLATURE

0675/1

LRB-0059/1

~~RNK:jld:rs~~

CTS: ~~lmk~~

jld

ID Note

2005

2003 ASSEMBLY BILL 587

in 11-19

October 15, 2003 - Introduced by Representative SCHNEIDER. Referred to Committee on Energy and Utilities.

egan ✓

1 AN ACT *to create* 100.2065 of the statutes; relating to: prohibiting persons who
2 provide broadcast and cable television services from transmitting
3 programming that is encrypted in a certain manner. ✓

Analysis by the Legislative Reference Bureau

a ✓ This bill prohibits the provider of any broadcast audio or video service or any cable television telecommunications service from transmitting from this state any programming that is encrypted in a manner that prevents the recipient of the programming from recording the programming for the recipient's personal use. ✓ Current federal law specifies the extent to which a recipient may record programming for personal use. ✓

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

4 SECTION 1. 100.2065 of the statutes is created to read:

5 **100.2065 Encryption of audio and video programming prohibited. (1)**

6 In this section:

7 (a) "Broadcast service" has the meaning given in s. 196.01 (1m).

ASSEMBLY BILL 587

1 (b) "Cable television service" has the meaning given s. 196.01 (1p).

2 (2) No person who provides a broadcast service or a cable television service may
3 transmit from this state ~~any~~ programming that is encrypted in a manner that
4 prevents the recipient of the programming from recording the programming for the
5 recipient's personal use to the extent permitted under federal law.

6 (END)

d-note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0675/1dn

CTS:lmk

JLD

1

(date)

2

Representative Schneider:

3

✓ This is a redraft of 2003 AB 587. As Robin Kite noted with respect to the prior version, federal law may preempt the draft's prohibition on encryption. ✓ Federal law intensively regulates the fields of broadcast media and copyright law. ✓ A court might conclude that this intensive regulation reflects Congress's intent to occupy the field, to the exclusion of state regulation. ✓ If you would like me to research this area in greater depth, please let me know. ✓

4

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Christopher T. Sundberg

Legislative Attorney

Phone: (608) 266-9739

E-mail: christopher.sundberg@legis.state.wi.us

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

LRB-0675/1dn
CTS:lmk&jld:ch

November 29, 2004

Representative Schneider:

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Christopher T. Sundberg
Legislative Attorney
Phone: (608) 266-9739
E-mail: christopher.sundberg@legis.state.wi.us

Northrop, Lori

From: Schneider, Marlin
Sent: Tuesday, November 30, 2004 11:28 AM
To: LRB.Legal
Subject: Draft review: LRB 05-0675/1 Topic: Cable television copy protection mechanisms

It has been requested by <Schneider, Marlin> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-0675/1 Topic: Cable television copy protection mechanisms