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☞ (FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2005-06

(session year)

Senate

(Assembly, Senate or Joint)

Committee on Judiciary, Corrections and Privacy...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (July 2012)

Moved by Senator Grothman, seconded by Senator Taylor that **LRB 2935/1** be recommended for introduction and adoption.

Ayes: (4) Senators Roessler, Grothman, Taylor and
Risser.

Noes: (1) Senator Zien.

INTRODUCTION AND ADOPTION OF LRB 2935/1
RECOMMENDED, Ayes 4, Noes 1

Moved by Senator Grothman, seconded by Senator Taylor that **Senate Bill 691** be recommended for passage as amended.

Ayes: (4) Senators Zien, Roessler, Grothman and
Taylor.

Noes: (1) Senator Risser.

PASSAGE AS AMENDED RECOMMENDED, Ayes 4, Noes 1

Kimber Liedl
Committee Clerk

Vote Record
Committee on Judiciary, Corrections and Privacy

Date: 4/19/06

Moved by: Grothman Seconded by: Taylor

AB _____ SB 691 Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt 2 _____
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

- Be recommended for:
- | | | | | |
|---------------------------------------|------------------------------------|---------------------------------------|-----------------------------------------|--------------------------------------------------|
| <input type="checkbox"/> Passage | <input type="checkbox"/> Adoption | <input type="checkbox"/> Confirmation | <input type="checkbox"/> Concurrence | <input type="checkbox"/> Indefinite Postponement |
| <input type="checkbox"/> Introduction | <input type="checkbox"/> Rejection | <input type="checkbox"/> Tabling | <input type="checkbox"/> Nonconcurrence | |

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator David Zien, Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Carol Roessler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Glenn Grothman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Lena Taylor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Fred Risser	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>4</u>	<u>1</u>	_____	_____

Vote Record

Committee on Judiciary, Corrections and Privacy

Date: _____

Moved by: Grothman

Seconded by: ~~_____~~ Taylor

AB _____ SB 691 Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

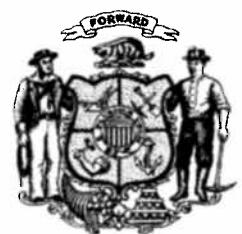
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- Be recommended for:
- Passage
 - Adoption
 - Confirmation
 - Concurrence
 - Indefinite Postponement
 - Introduction
 - Rejection
 - Tabling
 - Nonconcurrence

Committee Member	Aye	No	Absent	Not Voting
Senator David Zien, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Carol Roessler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Glenn Grothman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Lena Taylor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Fred Risser	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>4</u>	<u>1</u>	_____	_____



WISCONSIN STATE LEGISLATURE



Chris LaRowe

From: Chris LaRowe
Sent: Monday, April 17, 2006 1:43 PM
To: Chris LaRowe
Subject: SB 691 (Senate Judiciary)

Good afternoon

Mr. Chairman Committee Members Thank you for the opportunity to be here today

As was stated, my name is Chris LaRowe – I'm the Manager of External Affairs for the Wisconsin State Telecommunications Association (WSTA)

Our membership includes 10 wireless carriers providing service in the state of Wisconsin

I am testifying today FYI on SB 691 (AB 1174)

While the bill, as introduced, is not overly problematic for our membership and we don't oppose it – we don't feel it's necessary given all of the major carriers have voluntarily instituted programs to address this issue, which we feel are very workable and reasonable

Examples include:

- Waiving early termination fees;
- Holding contracts in abeyance for 1 year up to 18 months and beyond; and
- Termination of the service contracts without penalty in the event of relocation by an individual outside of the licensed service territory.

To the extent there exists isolated problems related to service contracts with members of the Military when they are ordered into Active duty, the industry remains committed to cooperatively working with those individuals and/or the Department of Military Affairs to amicably resolve those issues

As for the Amendment, which was adopted in the Assembly committee, and may be before you today, as we have expressed to the authors, we have serious concerns, especially as it relates to the damages language

This section of the Amendment allows a court to award up to 3 times the amount of any termination fee or penalty charged by the wireless carrier - by itself, this is a significant concern (especially in situations where the charges were made because of an inadvertent mistake) - however, the amendment also allows the court to add up to \$10,000 of "exemplary" or "punitive" damages as well as attorney and court fees - this means that the damages section is not limited to the amount charged by the wireless carrier, but is effectively at the discretion of a court, and limited only by a very high \$10,000 ceiling - as such, a simple mistake could result in a judgment of well over \$10,000 against a wireless carrier - for an industry that has, by in large, been addressing this concern with proactive policies to help customers who are called to Active duty, this is a significant penalty to face

In addition, the provisions related to vehicle and premises leases described in the analysis by the Legislative Reference Bureau, are Federal requirements and a cursory review of the associated Federal penalties indicate they are much less severe than those included in Assembly Amendment 1

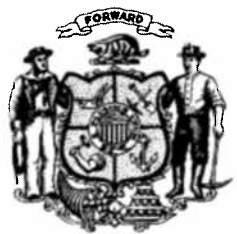
In closing, there are other issues related to Military personnel requiring proof of orders, wireless carriers knowingly violating the statutes, or some form of gross negligence, and how to handle expensive handsets associated with some of these service contracts that remain a work in progress and we would respectfully request additional time to work with the authors to find reasonable middle-ground

Thanks again for opportunity to be here today and I'd be happy to attempt to answer any questions Committee members may have

4/17/2006



WISCONSIN STATE LEGISLATURE



4/17/06

SB691 (AB1174 comparison)

↓
Assembly Hearing 4/12
Exec 4/12. in A ~~Assembly~~

6:00, a

Taylor Soldiers

- shouldn't have to return cell phone unless they got it for free.

Brian Revard

Risser

Inter-state commerce regulations

states can regulate terms & conditions not rates. Sometimes a fine line in between the two.

Taylor

→ Expand Fire & Police Commission

from 5 to 7 people

- A portion appointed, a portion elected

Thurs meeting?

Risser

- If Milwaukee wants it (mayor)