

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0321/1dn
MDK:jld:jf

April 18, 2007

Sen. Plale:

The following comments refer to items in the attachment to Katy Venskus's email to me dated April 17.

1. I had difficulty determining how item 1, which provides a new definition for "video service franchise area," relates to item 5, which would delete proposed s. 66.0420 (3) (j), which deals with modifications of information submitted in an application for a video service franchise. I'm also confused because item 2 includes new text that continues to refer to proposed s. 66.0420 (3) (j). I assume that you want to continue to require a video franchise holder to modify certain information and pay the \$100 fee for most modifications. In addition, I'm guessing that you want to require the holder of a video service franchise to apply for a modified video service franchise — rather than simply notify DFI about the modification — if the holder wants modify the video franchise area. I drafted the amendment accordingly. However, note that I included a new definition for "video service franchise area" that differs from the definition in item 1 because I don't know what legal impact you are trying to achieve with the definition in item 1. Let me know if you need any changes to what I drafted.
2. Regarding item 2, note that I included a reference to DFI's power to collect fees in proposed s. 66.0420 (13) (c).
3. I rephrased some of the language in item 4. As for the transcript that is required, who should be required to pay for it? Also, note that, under our current drafting style, we no longer refer to a "court of competent jurisdiction." Instead, I provided that a video service provider may bring an action to appeal a decision by DFI.
4. Regarding item 6, I assume that the successor-in-interest should apply for a video service franchise, not the entity that was originally issued the franchise. Also, I assume that you want to allow the successor-in-interest to provide video service while DFI reviews the application, but that DFI can ultimately determine not to issue a franchise to the successor-in-interest.
5. Regarding item 7, in addition to adding references to DATCP in proposed s. 66.0420 (8), I added a reference to DATCP in proposed s. 66.0420 (13) (a).
6. I made changes to the language in item 8. I don't think it's necessary to include the language that I omitted. Please contact me if you want explain your rationale for including what I omitted.

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