



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - PLEASE DO NOT REMOVE FROM DRAFTING FILE

Appendix D

Date Transfer Requested: 04/13/2007 (Per: MDK)



The 2007 drafting file for
LRBa0226/1 (transferred)
LRBa0227/1 (transferred)
LRBa0228/1 (transferred)



LRBa0259/1 (transferred)
LRBa0283/2 (transferred)
LRBa0285/1 (transferred)
LRBa0291/1 (transferred)

where used to create ...
LRB 07s0061

 The attached 2005 draft was incorporated into the new 2005 draft listed above. For research purposes, this cover sheet and the attached drafting file were added, as an appendix, to the new 2005 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

2007 DRAFTING REQUEST

Assembly Amendment (AA-AB207)

Received: 04/06/2007

Received By: mkunkel

Wanted: As time permits

Identical to LRB:

For: Phil Montgomery (608) 266-5840

By/Representing: John Stolzenberg

This file may be shown to any legislator: NO

Drafter: mkunkel

May Contact:

Addl. Drafters:

Subject: Public Util. - telco

Extra Copies:

Submit via email: YES

Requester's email: Rep.Montgomery@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Technical amendments

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>
/?							
/1	mkunkel 04/06/2007	jdye 04/06/2007	nnatzke 04/06/2007	_____	cduerst 04/06/2007	cduerst 04/06/2007	

FE Sent For:

<END>

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/?	mkunkel	1 ⁴ / ₆ jld	nwn 4/6	nwn 4/6			

FE Sent For:

<END>

Kunkel, Mark

From: Stolzenberg, John
Sent: Monday, April 02, 2007 7:00 PM
To: Kunkel, Mark
Cc: Raschka, Adam; Venskus, Katy; Lovell, David
Subject: Clean up & technical amendments to AB 207 & SB 107

Attachments: AB 207 & SB 107 Amendments -- Clean up Ver 2 .doc

Mark,

Here's the list of cleanup and technical amendments to AB 207 and SB 107 (version 2) that I had mentioned to you late last week. You can proceed with drafting the amendments identified in this list under "I. Include in Drafting Instructions" as part of the instructions from Rep. Montgomery for an Assembly substitute amendment to AB 207. Adam indicated to us last week that he anticipates that Rep. Montgomery will ultimately have a substitute amendment to AB 207 and a number of simple amendments to the substitute. If you think that drafting these clean up amendments in a preliminary simple amendment will facilitate production of this substitute amendment, feel free to do so.

Thanks.

John



AB 207 & SB 107
Amendments -- ...

John Stolzenberg
Legislative Council
266-2988

**Clean Up and Technical Amendments to
2007 AB 207 and SB 107**

I. Include in Drafting Instructions

- A. Page 9, line 4: Delete s. 66.0419 (4) and (5). [The title and remaining subsections of s. 66.0419 are renumbered or repealed, but these subsections are left as orphans. This item has already been raised with Mark Kunkel.] ✓
- B. Page 14, line 5: Delete "committee". [Committees don't have a policy making role per s. 15.01 (3), Stats.] ✓
- C. Page 16, lines 14-19: Until a provider applies for a franchise within the 2 month period, it is not know whether the operator will meet the conditions or be operating illegally. This exception should be clarified so the applicant is not in jeopardy of being accused of operating without a franchise prior to applying for the franchise. ✓
- D. Page 18, line 20: Insert "business" before "days". [Business days are used for time periods elsewhere in the draft.] ✓
- E. Page 19, line 5: Insert "days" after "business". ✓
- F. Page 19, lines 6 to 8: Delete "the area or areas of the state in which the video service provider intends to provide video service" and substitute "its video franchise area". [Uses the defined term.] - A-NOTE
- G. Page 23, line 22: Insert a comma after "cable".

II. Hold for Further Instruction

- A. Page 11, line 21 and page 12, line 7: Maintenance charges are both included in "gross receipts" and excluded from "gross receipts" on these lines. What should be their treatment?
- B. Page 19, line 13: The bills do not address the relation of the video franchising statute with a public utility's use of public rights-of-way under ss. 182.017 and 196.58 (and ch. PSC 130). Should the notwithstanding clause on this line be expanded to cover these statutes, or should they be treated in another way? [Address in Legislative Council options memo.]
- C. Page 23, lines 11 to 13: These lines appear to require a provider to provide the first 200 feet of transmission line for each PEG channel that the municipality operates. If the intent of these lines is to limit a provider's responsibility to the first 200 feet of transmission line to 1 distribution point for all PEG channels operated by a municipality, this text should be clarified.
- D. Page 26, lines 4 to 7: Does the 3-year limit to commence an action work in conjunction with the once-every-three-years limit on inspection of the provider's books? [Address as part of response to DFI's recommended changes.]
- E. Page 33, line 22: The bills do not update the terminology in the cable subscriber privacy statute, s. 134.43. Should s. 134.43 be repealed or amended to include all video services?

Kunkel, Mark

From: Lovell, David
Sent: Tuesday, April 03, 2007 8:49 AM
To: Kunkel, Mark
Subject: RE: Clean up & technical amendments to AB 207 & SB 107

Mark,

I just reviewed the drafting instructions in this memo.

I. C. identifies a problem, but doesn't specify the solution. I would be glad to consult on this, if you like.

I. F. is a suggestion; if you had a reason for the way you drafted it, I defer to you.

David

David L. Lovell, Senior Analyst
Wisconsin Legislative Council Staff
608/266-1537

From: Stolzenberg, John
Sent: Monday, April 02, 2007 7:00 PM
To: Kunkel, Mark
Cc: Raschka, Adam; Venskus, Katy; Lovell, David
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Thanks.

John

<< File: AB 207 & SB 107 Amendments -- Clean up Ver 2 .doc >>

John Stolzenberg
Legislative Council
266-2988



State of Wisconsin
2007 - 2008 LEGISLATURE

LRBa0259/1

MDK:.....

O-NOTE

JL

Today
4pm

ASSEMBLY AMENDMENT,
TO 2007 ASSEMBLY BILL 207

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

2 1. Page 9, line 19: after that line insert:

3 "SECTION 6m. 66.0419 (4) and (5) of the statutes are repealed."

4 2. Page 14, line 5: delete "committee,"

5 3. Page 16, line 14: delete lines 14 to 19 and substitute:

6 "(c) *Other providers*. A person, other than an incumbent cable operator, who
7 was providing video service immediately before the effective date of this paragraph
8 [revisor inserts date], may provide video service without a video service franchise
9 issued by the department. This paragraph ceases to apply to such a person if the
10 person does not apply for a video service franchise ^{no later than} the first day of the 2nd month
11 beginning after the effective date of this paragraph [revisor inserts date]."

12 4. Page 18, line 20: before "days" insert "business".

13 5. Page 19, line 5: after "business" insert "days".

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0259/1dn

MDK: ^:...

date

JLD

Rep. Montgomery:

This amendment corresponds to the items under part I of the technical amendment list dated March 29, 2007 (version 2), prepared by Legislative Council. ✓ However, note that * I did not make any changes regarding item I (F) because I don't think that, as defined, "video franchise area" can be used at page 19, lines 6 to 8. ✓

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

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

LRBa0259/1dn
MDK:jld:nwn

April 6, 2007

Rep. Montgomery:

This amendment corresponds to the items under part I of the technical amendment list dated March 29, 2007 (version 2), prepared by Legislative Council. However, note that I did not make any changes regarding item I (F) because I don't think that, as defined, "video franchise area" can be used at page 19, lines 6 to 8.

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



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10 person does not apply for a video service franchise no later than the first day of the
11 2nd month beginning after the effective date of this paragraph [revisor inserts
12 date]."

13 **4.** Page 18, line 20: before "days" insert "business".

