

**ASSEMBLY AMENDMENT 28,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2007 ASSEMBLY BILL 207**

April 24, 2007 – Offered by Representatives GOTTLIEB and MONTGOMERY.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 19, line 20: delete “subd. 2.” and substitute “subds. 2. and 2m.”.

3 **2.** Page 20, line 12: after that line insert:

4 “2m. If a municipality requires a video service provider to pay a cost-based
5 permit fee under a regulation under s. 182.017 (1r), the video service provider may
6 deduct the amount of the fee from any other compensation that is due to the
7 municipality including the video service provider fee under subd. 1.”.

8 **3.** Page 22, line 6: delete “notwithstanding s. 182.017” and substitute “except
9 as provided in a regulation under s. 182.017 (1r)”.

10 **4.** Page 32, line 21: before “Upon” insert “(a)”.

11 **5.** Page 32, line 24: after that line insert:

1 “(b) A municipal regulation is unreasonable if it requires a company to pay
2 more than the actual cost of functions undertaken by the municipality to manage
3 company access to and use of municipal rights-of-way. These management
4 functions include all of the following:

5 1. Registering companies, including the gathering and recording of information
6 necessary to conduct business with a company.

7 2. Except as provided in provided in par. (c), issuing, processing, and verifying
8 excavation or other company permit applications, including supplemental
9 applications.

10 3. Inspecting company job sites and restoration projects.

11 4. Maintaining, supporting, protecting, or moving company equipment during
12 work in municipal rights-of-way.

13 5. Undertaking restoration work inadequately performed by a company after
14 providing notice and the opportunity to correct the work.

15 6. Revoking company permits.

16 7. Maintenance of databases.

17 8. Scheduling and coordinating highway, street, and right-of-way work
18 relevant to a company permit.

19 (c) A municipal regulation is unreasonable if it requires a company to be
20 responsible for fees under s. 182.0175 (1m) (bm) that may be assessed to a
21 municipality as a member of the one-call system under s. 182.0175.

22 (d) It is reasonable for a municipal regulation to provide for the recovery of costs
23 incurred under par. (b) 1., 2., 3, and 7. through a preexcavation permit fee.

