

2007 DRAFTING REQUEST

Senate Amendment (SA-AB207)

Received: 10/29/2007

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Kathleen Vinehout (608) 266-8546**

By/Representing: **Joel**

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: **Sen.Vinehout@legis.wisconsin.gov**

Carbon copy (CC:) to: **david.lovell@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Franchise fees, PEG support fees, and PEG in-kind support

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>
/?	mkunkel 10/29/2007	lkunkel 10/29/2007		_____			
/1			jfrantze 10/30/2007	_____	cduerst 10/30/2007	cduerst 10/30/2007	

FE Sent For:

<END>

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/?	mkunkel	1/mk 10/29					

FE Sent For:

<END>

Kunkel, Mark

From: Kunkel, Mark
Sent: Monday, October 29, 2007 5:56 PM
To: Nilsestuen, Joel
Cc: Lovell, David
Subject: RE: amendment

After thinking about this, I think the best way to handle this issue is to make changes to LRBa0803/1, rather than draft a separate amendment.

However, to make changes to LRBa0803/1, I will need the stripes back. Rather than wait for the stripes, I am drafting a new amendment (LRBa0821/1) that is identical to LRBa0803/1, except that it will also do what you request below.

You should get LRBa0821/1 early tomorrow morning.

I hope this is okay. If not, please let me know soon.

From: Kunkel, Mark
Sent: Monday, October 29, 2007 5:11 PM
To: Nilsestuen, Joel
Subject: RE: amendment

Will do.

From: Nilsestuen, Joel
Sent: Monday, October 29, 2007 4:31 PM
To: Kunkel, Mark
Subject: amendment

Mark,

I reviewed LRBa0803 and it doesn't mention in-kind support to PEGs. Could you draft a separate amendment that would preserve any in-kind support that an incumbent provider and municipality negotiated? This support should be treated as in a0803, i.e. continues for the duration of the present agreement.

Joel Nilsestuen
Office of Sen. Kathleen Vinehout

PO Box 7882
Madison, WI 53707-7882

(608) 266-8546
Joel.Nilsestuen@legis.wisconsin.gov

2007 - 2008 LEGISLATURE

LRBa0803/1
MDK:lmk&wlj:jjf

10-30
10am

O-NOTE

STAS
a0801/t

SENATE AMENDMENT ,
TO 2007 ASSEMBLY BILL 207

RM
NOT
RUN

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

2 **1.** Page 13, line 9: delete "municipality, the" and substitute "municipality."

3 **2.** Page 13, line 10: delete lines 10 to 13.

4 **3.** Page 18, line 21: delete the material beginning with "channel," and ending
5 with "(em)," on line 22 and substitute "channel".

6 **4.** Page 21, line 11: delete the material beginning with that line and ending
7 with page 23, line 2, and substitute:

8 **"(7) VIDEO SERVICE PROVIDER FEE. (a) Duty to pay fee; amounts. 1.**
9 Notwithstanding s. 66.0611, and except as provided in subd. 2., a video service
10 provider shall, on a quarterly calendar basis, calculate and pay to each municipality
11 in which the video service provider provides video service a video service provider fee
12 equal to, as specified by each municipality every 2 years, no more than 5 percent of

1 the video service provider's gross receipts. A video service provider shall remit the
2 fee to the municipality no later than 45 days after the end of each quarter.

3 2. If a video service provider is an incumbent cable operator that was required
4 to pay a municipality a franchise fee based on a percentage of the incumbent cable
5 operator's revenues pursuant to a cable franchise granted by the municipality that
6 was in effect immediately before the effective date of this subdivision [revisor
7 inserts date], then such video service provider shall continue to pay the municipality
8 such franchise fee based on such percentage until the expiration date of the cable
9 franchise that is set forth in the cable franchise. Upon such expiration date, the video
10 service provider shall pay the municipality a video service provider fee under subd.
11 1."

12 5. Page 23, line 23: delete the material beginning with that line and ending
13 with page 24, line 8, and substitute:

14 "(em) *PEG channel monetary support*. 1. Except as provided in subd. 2., a
15 municipality may, by ordinance, for the purpose of supporting PEG channels, require
16 a video service provider to pay the municipality a fee equal to no more than 1 percent
17 of the video service provider's annual gross receipts. A video service provider shall
18 pay a fee required under this subdivision at the time that the video service provider
19 pays a video service provider fee to the municipality."

20 6. Page 24, line 13: delete the material beginning with that line and ending
21 with page 25, line 4.

22 (END)

INSERT 2-19

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0821/lins
MDK:.....

1
2
3
4
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7
8

INSERT 2-19:

~~#~~ 1. Page 24, line 9: delete "interim" and substitute "incumbent". ✓

~~#~~ 2. Page 24, line 9: before "support" insert "or in-kind". ✓

~~#~~ 3. Page 24, line 11: before "shall continue" insert "or any agreement in effect
on the effective date of this subdivision ... [revisor inserts date]". ✓

~~#~~ 4. Page 24, line 12: delete that line and substitute: [§] NO 9
"expiration date of the cable franchise or agreement as set forth in the cable
franchise or agreement." ✓

MOVE

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

LRBa0821/1dn

MDK:.....

Imk

(date)

Sen. Vinehout:

This amendment is identical to LRBa0803/1, except that it also requires incumbent cable operators to continue to provide monetary or in-kind support for access facilities for PEG channels as required under cable franchises or other agreements in effect on the effective date of the bill. The duty continues until the expiration date set forth in the cable franchise or agreement. ✓

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**

LRBa0821/1dn
MDK:lmk:jf

October 30, 2007

Sen. Vinehout:

This amendment is identical to LRBa0803/1, except that it also requires incumbent cable operators to continue to provide monetary or in-kind support for access facilities for PEG channels as required under cable franchises or other agreements in effect on the effective date of the bill. The duty continues until the expiration date set forth in the cable franchise or agreement.

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

Basford, Sarah

From: Kunkel, Mark
Sent: Wednesday, November 07, 2007 10:49 AM
To: Basford, Sarah
Subject: RE: LRB 07s0128 Topic: Video service franchises

Yes, that is okay.

From: Basford, Sarah
Sent: Wednesday, November 07, 2007 10:26 AM
To: Kunkel, Mark
Subject: FW: LRB 07s0128 Topic: Video service franchises

Is this ok? I noticed he is from Miller's office.

Sarah Basford

Program Assistant
Legislative Reference Bureau
1 East Main, Suite 200
(608) 266-3561
sarah.basford@legis.wisconsin.gov

From: Anderson, John
Sent: Wednesday, November 07, 2007 10:11 AM
To: Basford, Sarah
Subject: RE: LRB 07s0128 Topic: Video service franchises

Sarah, could you send me a PDF of LRBa0821 ? thank you very much.

From: Basford, Sarah
Sent: Wednesday, November 07, 2007 10:06 AM
To: Anderson, John
Subject: LRB 07s0128 Topic: Video service franchises

Draft Requester: Kathleen Vinehout

The attached proposal has been jacketed for introduction.

<< File: LRB s0128_2 >> << File: LRB s0128/2 >>