

SENATE AMENDMENT 137,

Chief Clerk's Correction

TO 1985 ASSEMBLY BILL 85

June 22, 1985 - Offered by Senators CULLEN, GEORGE, HELBACH, LEE, PLEWA, NORQUIST, ANDREA, ULICHNY, MOEN, VAN SISTINE, ROSHELL, STROHL, FEINGOLD, KINCAID, CZARNEZKI, OTTE, CHVALA and RISSER.

- 1 At the locations indicated, amend the engrossed bill as follows:
- 2 1. Page 3, line 1: delete lines 1 to 7.
- 3 2. Page 8, line 28: delete the text beginning with that line and
4 ending with page 9, line 12.
- 5 3. Page 10, line 9: delete lines 9 and 10, and substitute "cities,
6 villages, towns and school districts. The report shall show the aggregate
7 amount of".
- 8 4. Page 10, line 27: delete lines 27 to 31.
- 9 5. Page 16, line 25: delete lines 25 to 27.
- 10 6. Page 17, line 28: delete lines 28 to 33.
- 11 7. Page 18, line 6: delete lines 6 to 11 and substitute:
12 "SECTION 70g. 15.107 (1m) (a) of the statutes is amended to read:
13 15.107 (1m) (a) ~~Four~~ Three members nominated by the Wisconsin hospital
14 association, ~~one of whom shall be a registered nurse.~~
- 15 SECTION 70r. 15.107 (1m) (e) of the statutes is created to read:
16 15.107 (1m) (e) One member nominated by the Wisconsin nurses association.
17 This member shall be a registered nurse."
- 18 8. Page 23, line 17: after that line insert:
19 "SECTION 94s. 15.76 (2) of the statutes is amended to read:
20 15.76 (2) Four members appointed for staggered 6-year terms, who 3 of
21 whom shall have had at least 10 years' experience in making investments, but

1 54.21 (2m) The commission may grant hospitals whose gross annual patient
2 revenue is less than \$10,000,000, adjusted as provided in s. 54.26, a rate
3 increase that takes effect over a 2-year period with an automatic escalation
4 clause taking effect at the end of the first year. A hospital that receives a
5 2-year rate increase is not required to request a rate increase at the end of
6 the first year.

7 SECTION 1140t. 54.26 of the statutes is created to read:

8 54.26 ANNUAL ADJUSTMENTS. The limits on gross annual patient revenue in
9 ss. 54.13 (1) (b) and 54.21 (2) (a) (intro.) and (2m) shall be adjusted annu-
10 ally to reflect annual changes in the average of the consumer price index and
11 of the hospital market basket index.

12 SECTION 1141. 54.29 (3) (c) of the statutes is amended to read:

13 54.29 (3) (c) The degree to which general relief under ss. 49.02 to and
14 49.04, medical assistance under ss. 49.43 to 49.47 and medicare under 42 USC
15 1395 to 1395xx do not pay rates equal to the rates paid by nongovernment
16 payers. Reports under this paragraph shall be issued annually and shall dis-
17 cuss these effects on both a statewide and individual hospital basis.

18 SECTION 1142. 54.31 of the statutes is amended to read:

19 54.31 FINANCING THE COMMISSION'S OPERATIONS. Commencing July 1, 1985,
20 the commission shall annually, within 90 days after the commencement of each
21 fiscal year, estimate its total expenditures during the ensuing calendar year.
22 From the appropriation under s. 20.441 (1) (a) the commission shall draw the
23 amount that is budgeted for this calendar year. The commission shall assess
24 the remaining amount to the hospitals in proportion to each hospital's
25 respective gross private-pay patient revenues during the hospital's last
26 entire fiscal year. Each hospital shall pay its assessment for the ensuing
27 year on or before December 1. All payments shall be deposited in the appro-
28 priation under s. 20.441 (1) (g).

29 SECTION 1142m. 54.33 of the statutes is amended to read:

30 54.33 APPLICABILITY. This chapter does not apply after July 1, 1989
31 1987."

32 146. Page 471, line 38: after that line insert:

33 "SECTION 1200m. 66.082 of the statutes is created to read:

34 66.082 REGULATION OF CABLE TELEVISION BY MUNICIPALITIES. (1) LEGIS-
35 LATIVE FINDINGS (a) The legislature finds that:

36 1. The federal cable communications policy act of 1984 authorizes, and,
37 for systems installed and services provided after July 1, 1984, requires, the
38 award of a franchise to a cable operator.

1 2. The practice of individual municipalities in this state prior to
2 December 29, 1984, requiring a franchise for operation of a cable television
3 system within their respective boundaries conformed to the policy and regula-
4 tions issued by the federal communications commission.

5 3. Prior to December 29, 1984, federal law did not prohibit requiring
6 compensation for operation of a cable television system in a city, town or
7 village.

8 4. The federal cable communications policy act of 1984 authorizes a city,
9 town or village to impose a limited franchise fee based on the gross revenues
10 a cable operator derives from operation of a cable television system in the
11 city, town or village.

12 5. Section 637 of the federal communications policy act of 1984 reaffirms
13 the authority of cities, towns and villages to award cable television system
14 franchises and maintains the integrity of existing franchises.

15 6. Regulation of cable television services by cities, towns and villages
16 is necessary to ensure citizens adequate and efficient cable television ser-
17 vice and to protect and promote public health, safety and welfare.

18 7. It is in the public interest to maintain the authority of cities,
19 towns and villages to grant and revoke cable television franchises, require
20 the payment of franchise fees and establish rates charged to customers by
21 franchise holders.

22 (b) In this section the legislature intends to:

23 1. Clarify the legislature's position on certain antitrust and franchise
24 fee and other compensation issues which affect the cities, towns and villages
25 of this state, which are related to the regulation of cable television ser-
26 vices and which have arisen in recent state and federal court actions.

27 2. Reaffirm the policy of the legislature, which is to provide that the
28 exercise of the police power of this state concerning cable television service
29 remain in the cities, towns and villages of this state.

30 3. Authorize cities, towns and villages to impose franchise fees for the
31 purpose of raising general revenue.

32 4. Maintain the spirit of the compromise between the cable industry and
33 municipalities effected under the federal cable communications policy act of
34 1984, the enactment of which the municipalities agreed to support because it
35 provides for their clear right to impose and collect a limited franchise fee
36 based on cable operator income or gross revenues.

37 (2) DEFINITIONS. In this section:

1 (a) "Affiliate", when used in relation to any person, means another
2 person who owns or controls, is owned or controlled by, or is under common
3 ownership control with such person.

4 (b) "Cable operator" means any person who provides cable service over a
5 cable television system and who:

6 1. Directly or through one or more affiliates owns a significant interest
7 in the cable television system; or

8 2. Otherwise controls or is responsible for, through any arrangement, the
9 management and operation of the cable television system.

10 (c) "Cable service" means:

11 1. The one-way transmission to subscribers of video programming or of
12 other programming service; and

13 2. Subscriber interaction, if any, which is required for the selection of
14 such video programming or other programming service.

15 (d) "Cable television system" means a facility which consists of a set of
16 closed transmission paths and associated signal generation, reception and
17 control equipment designed to provide cable service which includes video pro-
18 gramming and which is provided to multiple subscribers within a community.
19 "Cable television system" does not include any of the following:

20 1. A facility which serves only to retransmit the television signals of
21 one or more television broadcast stations.

22 2. A facility that serves only subscribers in one or more multiunit
23 dwellings under common ownership, control or management unless such facility
24 uses any public right-of-way.

25 3. A facility of a common carrier which is subject, in whole or in part,
26 to the provisions of 47 USC 201 to 222, except that the facility is a cable
27 television system to the extent that the facility is used in transmission of
28 video programming directly to subscribers.

29 4. Any facility of any electric utility used solely for operating its
30 electric utility system.

31 (e) "Franchise fee" means any fee, assessment or other compensation which
32 a municipality requires a cable operator to pay, with respect to the operation
33 of cable television systems, solely because of the cable operator's status as
34 such, and includes any compensation required under s. 66.045..

35 (f) "Municipality" means a city, village or town.

36 (g) "Other programming service" means information which a cable operator
37 makes available to all subscribers generally.

1 (h) "Video programming" means programming provided by, or generally
2 considered comparable to, programming provided by a television broadcast
3 station.

4 (3) FRANCHISES. A municipality may operate or regulate a cable tele-
5 vision system and in such operation and regulation may, without limitation
6 because of enumeration:

7 (a) Own and operate a cable television system.

8 (b) Grant or revoke one or more franchises authorizing the construction
9 and operation of a cable television system and govern the operation of any
10 franchise granted.

11 (c) Require the payment of franchise fees which, notwithstanding s.
12 66.70, may be based on the income or gross revenues of a cable television
13 system, or measured by such income or gross revenues.

14 (d) Contract for operation of a municipally owned cable television
15 system.

16 (e) Establish rates and regulate services to the extent provided under
17 federal law.

18 (4) CONSTRUCTION. The authority granted under this section to a munici-
19 pality to operate and regulate a cable television system is in addition to any
20 other power which the municipality has and the authority of a municipality to
21 operate and regulate a cable television system is limited only by the express
22 language of this section."

23 147. Page 476, line 12: after that line insert:

24 "SECTION 1209ao. 66.894 (1) (c) of the statutes is amended to read:

25 66.894 (1) (c) Facilities for the treatment and disposal of sewage trans-
26 mitted into the interceptor sewers of the district, except as provided under
27 sub. (1m).

28 SECTION 1209ap. 66.894 (1m) of the statutes is created to read:

29 66.894 (1m) CONSTRUCTION POWER LIMITED. The commission may not construct
30 a solid waste facility for which an operating license is required under s.
31 144.44 (4) in any 4th class city which is located in a county with a popu-
32 lation of 500,000 or more unless the facility is located in a county park
33 abutting Lake Michigan."

34 148. Page 476, line 38: after that line insert:

35 "SECTION 1209c. 66.904 (2) (cm) of the statutes is created to read:

36 66.904 (2) (cm) 1. Except as provided under subd. 4, in determining the
37 lowest responsible bid for any contract awarded prior to December 31, 1993,
38 the commission may evaluate the multiplier effect on state revenues and tax
39 receipts of contract moneys which will be spent in this state under the