



State of Wisconsin
2017 - 2018 LEGISLATURE

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**SENATE AMENDMENT 1,
TO ASSEMBLY BILL 917**

March 20, 2018 - Offered by Senators VINEHOUT, JOHNSON, SCHACHTNER, LARSON, L. TAYLOR, HANSEN, BEWLEY and SHILLING.

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

2 **1.** Page 1, line 2: before "Telecommuter" insert "various changes to the
3 broadband expansion grant program; local government telecommunications, video,
4 or broadband service facilities; claiming the manufacturing and agriculture tax
5 credit; advertising broadband and other Internet speeds and providing a
6 standardized broadband label;"

7 **2.** Page 1, line 2: after "certification" insert "; granting rule-making authority;
8 and making appropriations".

9 **3.** Page 3, line 12: before that line insert:

10 **"SECTION 1a.** 20.005 (3) (schedule) of the statutes: at the appropriate place,
11 insert the following amounts for the purposes indicated:

2017-18 2018-19

1 **20.155 Public service commission**

2 (3) AFFILIATED GRANT PROGRAMS

3 (a) Broadband expansion grants;
4 general purpose revenue fund-

5 ing GPR B 100,000,000 100,000,000

6 **SECTION 1b.** 20.155 (3) (a) of the statutes is created to read:

7 20.155 (3) (a) *Broadband expansion grants; general purpose revenue funding.*

8 Biennially, the amounts in the schedule for making broadband expansion grants
9 under s. 196.504 and for reimbursing electric providers under s. 196.504 (3) (e).

10 **SECTION 1c.** 20.155 (3) (g) of the statutes is created to read:

11 20.155 (3) (g) *Broadband expansion grants; program revenue funding.* All
12 moneys received as broadband grant reimbursements under s. 196.504 (2g) (c) for
13 making broadband expansion grants under s. 196.504.

14 **SECTION 1d.** 66.0422 (2) (c) of the statutes is repealed.

15 **SECTION 1e.** 66.0422 (4) of the statutes is repealed.

16 **SECTION 1f.** 66.0422 (5) of the statutes is repealed.

17 **SECTION 1g.** 71.07 (5n) (c) 6. of the statutes is created to read:

18 71.07 (5n) (c) 6. For taxable years beginning after December 31, 2017, no
19 individual may claim the credit under this subsection for a taxable year in which the
20 individual's adjusted gross income is greater than \$2,000,000.

21 **SECTION 1h.** 71.28 (5n) (c) of the statutes is amended to read:

22 71.28 (5n) (c) *Limitations.* Partnerships, limited liability companies, and
23 tax-option corporations may not claim the credit under this subsection, but the

1 eligibility for, and the amount of, the credit are based on their share of the income
2 described under par. (b). A partnership, limited liability company, or tax-option
3 corporation shall compute the amount of credit that each of its partners, members,
4 or shareholders may claim and shall provide that information to each of them.
5 Partners, members of limited liability companies, and shareholders of tax-option
6 corporations may claim the credit in proportion to their ownership interests, but, for
7 taxable years beginning after December 31, 2017, no partner, member, or
8 shareholder may claim the credit for a taxable year in which the adjusted gross
9 income of the partner, member, or shareholder is greater than \$2,000,000.

10 **SECTION 1i.** 100.20 (1v) of the statutes, as created by 2017 Wisconsin Act 73,
11 is amended to read:

12 100.20 (1v) It is an unfair method of competition in business or an unfair trade
13 practice for a person or business entity to violate s. 100.2085 (1) or (2) or 100.70 (1).

14 **SECTION 1j.** 100.20 (5) of the statutes, as affected by 2017 Wisconsin Act 73, is
15 amended to read:

16 100.20 (5) Any person suffering pecuniary loss because of a violation by any
17 other person of s. 100.2085 or 100.70 or any order issued under this section may sue
18 for damages therefor in any court of competent jurisdiction and shall recover twice
19 the amount of such pecuniary loss, together with costs, including a reasonable
20 attorney fee.

21 **SECTION 1k.** 100.20 (6) of the statutes, as affected by 2017 Wisconsin Act 73,
22 is amended to read:

23 100.20 (6) The department may commence an action in circuit court in the
24 name of the state to restrain by temporary or permanent injunction the violation of
25 s. 100.2085 or 100.70 or any order issued under this section. The court may in its

1 discretion, prior to entry of final judgment make such orders or judgments as may
2 be necessary to restore to any person any pecuniary loss suffered because of the acts
3 or practices involved in the action, provided proof thereof is submitted to the
4 satisfaction of the court. The department may use its authority in ss. 93.14 and 93.15
5 to investigate violations of s. 100.2085 or 100.70 or any order issued under this
6 section.

7 **SECTION 1L.** 100.2085 of the statutes is created to read:

8 **100.2085 Broadband and other Internet services.** (1) BROADBAND AND
9 OTHER INTERNET SPEEDS. No person may do any of the following:

10 (a) Advertise or otherwise represent that the person provides broadband
11 service unless a service provided by the person is capable of consistently providing
12 a minimum download speed of 25 megabits per second and a minimum upload speed
13 of 3 megabits per second.

14 (b) Sell or offer to sell a service that the person represents, to a consumer
15 purchasing the service, as being broadband service, unless the service is capable of
16 consistently providing that consumer with a minimum download speed of 25
17 megabits per second and a minimum upload speed of 3 megabits per second.

18 (c) Advertise or otherwise represent that the person provides Internet service
19 at a specific minimum speed unless a service provided by the person is capable of
20 consistently providing that speed.

21 (d) Sell or offer to sell Internet service that the person represents, to a consumer
22 purchasing the service, as being a specific minimum speed, unless the service is
23 capable of consistently providing that consumer with that speed.

24 **(2) BROADBAND LABELS.** No person may sell or offer to sell broadband service in
25 this state unless the person makes broadband labels easily available to potential

1 consumers and provides a broadband label to every consumer before sale of the
2 service to the consumer. A broadband label provided under this subsection shall use
3 the templates for consumer labels for broadband service provided by the federal
4 communications commission. A broadband label provided under this subsection
5 may not contain any misleading or inaccurate information.

6 **(3) CONTRACT TERMINATION AND REFUND.** If a person makes a sale to a consumer
7 in violation of sub. (1) (b) or (d), the consumer notifies the person in writing of the
8 violation, and the person fails to remedy the violation within one month after
9 receiving the notice, the consumer may terminate the consumer's contract with the
10 person and receive a refund for all charges and fees that the consumer paid to the
11 person.

12 **SECTION 2a.** 196.504 (1) (ab) of the statutes, as created by 2017 Wisconsin Act
13 59, is renumbered 196.504 (1) (e).

14 **SECTION 2b.** 196.504 (1) (ac) of the statutes, as affected by 2017 Wisconsin Act
15 59, is renumbered 196.504 (1) (g), and 196.504 (1) (g) 2. and 3., as renumbered, are
16 amended to read:

17 196.504 (1) (g) 2. A telecommunications utility that has not received or applied
18 for A-CAM or phase II support.

19 3. A political subdivision ~~that submits an application in partnership with an~~
20 ~~eligible applicant under subd. 1. or 2.~~

21 **SECTION 2c.** 196.504 (1) (ad) of the statutes, as created by 2017 Wisconsin Act
22 59, is renumbered 196.504 (1) (h).

23 **SECTION 2d.** 196.504 (1) (ae) of the statutes is renumbered 196.504 (1) (j).

24 **SECTION 2e.** 196.504 (1) (af) of the statutes is created to read:

1 196.504 (1) (af) “A-CAM support” means support for the deployment of voice
2 and broadband-capable networks from the federal Connect America Fund that is
3 made to telecommunications utilities regulated as rate-of-return carriers by the
4 federal communications commission and that is based on the federal
5 communications commission’s Alternative Connect America Cost Model.

6 **SECTION 2f.** 196.504 (1) (am) of the statutes is renumbered 196.504 (1) (k).

7 **SECTION 2g.** 196.504 (1) (b) of the statutes is renumbered 196.504 (1) (L).

8 **SECTION 2h.** 196.504 (1) (c) of the statutes, as created by 2017 Wisconsin Act
9 59, is repealed.

10 **SECTION 2i.** 196.504 (1) (d) of the statutes is created to read:

11 196.504 (1) (d) “Broadband infrastructure” means infrastructure for the
12 provision of broadband service at a minimum download speed of 25 megabits per
13 second and a minimum upload speed of 3 megabits per second.

14 **SECTION 2j.** 196.504 (1) (f) of the statutes is created to read:

15 196.504 (1) (f) “Electric provider” means a retail electric public utility or retail
16 electric cooperative.

17 **SECTION 2k.** 196.504 (1) (i) of the statutes is created to read:

18 196.504 (1) (i) “Phase II support” means the federal communications
19 commission’s 2nd phase of support for rural broadband deployment from the federal
20 Connect America Fund that is made to telecommunications utilities regulated as
21 price cap carriers by the federal communications commission.

22 **SECTION 2L.** 196.504 (2) (a) of the statutes, as affected by 2017 Wisconsin Act
23 59, is amended to read:

24 196.504 (2) (a) To make broadband expansion grants to eligible applicants for
25 the purpose of constructing broadband infrastructure in underserved areas

1 designated under par. (d) and to political subdivisions for project planning related
2 to such construction, including broadband feasibility reports. An eligible applicant
3 shall specify in its application for a grant the broadband infrastructure the applicant
4 intends to construct with the grant. Grants awarded under this section shall be paid
5 from the appropriations under s. 20.155 (3) (a), (g), (r), and (rm). Not less than 85
6 percent of the grants awarded in a fiscal year shall be for the construction of
7 broadband infrastructure in counties with populations of 65,000 or less.

8 **SECTION 2m.** 196.504 (2) (c) of the statutes, as affected by 2017 Wisconsin Act
9 59, is amended to read:

10 196.504 (2) (c) To establish criteria for evaluating applications and awarding
11 grants under this section. The criteria shall prohibit grants that have the effect of
12 subsidizing the expenses of a provider of telecommunications service, as defined in
13 s. 182.017 (1g) (cq), or the monthly bills of customers of those providers. The criteria
14 shall give first priority to projects for areas in which no broadband service is
15 available. The criteria shall give secondary priority to projects that include matching
16 funds, that involve public-private partnerships, ~~that affect unserved areas,~~ that are
17 scalable, that promote economic development, that will not result in delaying the
18 provision of broadband service to areas neighboring areas to be served by the
19 proposed project, or that affect a large geographic area or a large number of
20 underserved individuals or communities. When evaluating grant applications
21 under this section, the commission shall consider the degree to which the proposed
22 projects would duplicate existing broadband infrastructure, information about the
23 presence of which is provided to the commission by the applicant or another person
24 within a time period designated by the commission; the impacts of the proposed
25 projects on the ability of individuals to access health care services from home and the

1 cost of those services; and the impacts of the proposed projects on the ability of
2 students to access educational opportunities from home.

3 **SECTION 2n.** 196.504 (2) (e) of the statutes, as created by 2017 Wisconsin Act
4 59, is repealed.

5 **SECTION 2o.** 196.504 (2g) of the statutes is created to read:

6 196.504 **(2g)** (a) The commission shall require persons who receive grants
7 under sub. (2) (a) to submit reports to the commission on the progress of construction
8 activities for infrastructure specified in grant applications, the number of broadband
9 service connections provided by that infrastructure after construction is completed,
10 and the average download and upload speeds for those service connections.

11 (b) A person who receives a grant under sub. (2) (a) may not apply for a
12 subsequent grant under sub. (2) (a) until completion of construction of the
13 infrastructure specified in the application for the prior grant.

14 (c) A person who receives a grant under sub. (2) (a) shall reimburse the
15 commission an amount equal to the grant if any of the following applies:

16 1. The person fails to complete construction of broadband infrastructure that
17 is specified in the person's application under sub. (2) (a).

18 2. The infrastructure constructed with the grant fails to provide broadband
19 service with an average minimum download speed of 25 megabits per second or an
20 average minimum upload speed of 3 megabits per second.

21 (d) The commission shall promulgate rules for submitting reports under par.
22 (a), determining completion of construction for purposes of par. (b), and making
23 reimbursements under par. (c). If a person fails to make a reimbursement as
24 required under the rules, the person is not eligible for any other grant under sub. (2)
25 (a).

