

2019 DRAFTING REQUEST**Bill**For: **Jeff Smith (608) 266-8546**Drafter: **kpaczusk**By: **Beau**

Secondary Drafters:

Date: **11/11/2019**

May Contact:

Same as LRB:

Submit via email: **YES**Requester's email: **Sen.Smith@legis.wisconsin.gov**Carbon copy (CC) to: **konrad.paczuski@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Broadband expansion grant accountability

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel 11/13/2019	swinder 11/15/2019			
/P1	mkunkel 12/23/2019	swinder 12/23/2019	dwalker 11/15/2019		State
/P2	mkunkel 1/9/2020	swinder 1/9/2020	mbarman 12/23/2019		State
/P3	kpaczusk 1/23/2020	swinder 1/24/2020	jmurphy 1/9/2020		State
/P4			mbarman		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1			mbarman 1/24/2020	mbarman 1/24/2020	State

FE Sent For: *At Intro*

<END>

Kunkel, Mark

From: Kunkel, Mark
Sent: Monday, November 11, 2019 4:21 PM
To: Kunkel, Mark
Subject: FW: Broadband Bills

Broadband Expansion Grant Accountability

- Requires grant recipients to provide broadband speed that is at least 25 Mbps (megabits per second) while downloading and 3 Mbps while uploading. ✓
- Requires grant recipients to report to the Public Service Commission (PSC) how many broadband connections were established with the grant funds and the average speeds provided to customers after completion of the project. ✓
- Allows PSC to recoup funds from grant recipients who failed to provide the required speeds or connections listed in their grant applications.
- Prohibits companies from receiving more than one grant at a time. ✓
- Prohibits companies from receiving broadband expansion grant funds if they failed to pay back funds for not complying with program requirements. ✓
- Allows recouped funds by PSC to go back into the grant fund. ✓
- Allows the Legislative Audit Bureau to conduct a performance evaluation of the broadband expansion grant program.

From: Stafford, Beau <Beau.Stafford@legis.wisconsin.gov>
Sent: Thursday, November 07, 2019 4:23 PM
To: Kunkel, Mark <Mark.Kunkel@legis.wisconsin.gov>
Subject: Broadband Bills

Mark –

Thanks for the help on these broadband bills. Can we have all of these drafted as p-drafts.

I will be out of the office tomorrow, but I will be here on Monday.

BEAU STAFFORD

Chief of Staff

Office of Senator Jeff Smith

beau.stafford@legis.wisconsin.gov

608-266-8546

Rm 22 South

Wisconsin State Capitol

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State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-4875/?? P1

MDK:...

skw

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

6 on Fri
11-15

generate catalog

- 1 AN ACT ...; relating to: requirements for broadband expansion grants and
2 making an appropriation.

Analysis by the Legislative Reference Bureau

This bill makes changes to the broadband expansion grant program administered by the Public Service Commission. Under current law, the PSC makes grants to eligible applicants for constructing broadband infrastructure in underserved areas. The bill defines “broadband infrastructure,” which is not defined under current law, as infrastructure that provides broadband service at a minimum download speed of 25 megabits per second and a minimum upload speed of 3 megabits per second. Under the bill, infrastructure is eligible for a broadband expansion grant only if it satisfies the foregoing definition. The bill requires an applicant for a grant to specify the broadband infrastructure the applicant intends to construct with a grant and requires the applicant to complete that construction before applying for a subsequent grant. The bill also requires a grant recipient to reimburse the PSC for the grant if 1) the person fails to complete construction of the infrastructure or 2) the infrastructure that is constructed fails to provide the foregoing minimum download or upload speeds. Any reimbursed amounts are used to make additional grants.

In addition, the bill requires grant recipients to submit reports to the PSC on the progress of broadband infrastructure construction, the number of broadband service connections provided by that infrastructure, and the average download and upload speeds for those service connections. Finally, beginning on January 1, 2021, the bill requires the Legislative Audit Bureau to conduct biennial performance audits of the broadband expansion grant program.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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

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

5 **SECTION 2.** 196.504 (1) (aa) of the statutes is created to read:

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7 provision of broadband service at a minimum download speed of 25 megabits per
8 second and a minimum upload speed of 3 megabits per second.

9 **SECTION 3.** 196.504 (2) (a) of the statutes is amended to read:

10 196.504 (2) (a) To make broadband expansion grants to eligible applicants for
11 the purpose of constructing broadband infrastructure in underserved areas
12 designated under par. (d). An eligible applicant shall specify in its application for a
13 grant the broadband infrastructure the applicant intends to construct with the
14 grant. Grants awarded under this section shall be paid from the appropriations
15 under s. 20.155 (3) (g), (r) and (rm).

History: 2013 a. 20; 2015 a. 55, 278; 2017 a. 59.

16 **SECTION 4.** 196.504 (2g) of the statutes is created to read:

17 196.504 (2g) (a) The commission shall require persons who receive grants
18 under sub. (2) (a) to submit reports to the commission on the progress of construction
19 activities for infrastructure specified in grant applications, the number of broadband

1 service connections provided by that infrastructure after construction is completed,
2 and the average download and upload speeds for those service connections.

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

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

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

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

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

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

19 196.504 (2r) Biennially, beginning on January 1, 2021, the legislative audit
20 bureau shall conduct a performance evaluation audit of the broadband expansion
21 grant program under sub. (2).

22 (END)

Kunkel, Mark

From: Kunkel, Mark
Sent: Monday, December 23, 2019 10:11 AM
To: Kunkel, Mark
Subject: Sen. Smith broadband bill meeting last Friday

On Dec. 20, Mary and I met with Beau in Sen. Smith's office, as well as Matt Sweeney from the PSC, about the following bills:

-1076: this is Mary's bill. She will revise to refer to broadband speed as specified in the bill (25/3) or, if faster, faster speeds specified by FCC. I sent Mary an email on how to do this last Friday.

-4854: okay as is.

-4874: don't make new farm criteria the first priority, but add to list of other priorities under current law. Beau will be getting back on whether to define "farm."

-4875: make change similar to-1076.

-4876: okay as is.

-4877: okay as is, but Beau is considering whether to take a different approach and have the info reported to DOR.

-4883: okay as is.

NOTE: although the broadband grant statutory language is silent on the following, the PSC administers the grants to make payouts after grant applicant shows that it has built what it has promised. So, the grants reimburse applicants, as opposed to providing "up front" funding.



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-4875/P1
MDK:skw

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

TODAY

Reyn

the following speeds, whichever is faster: 1)

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2 196.504 (2g) and 196.504 (2r) of the statutes; **relating to:** requirements for
3 broadband expansion grants and making an appropriation.

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This bill makes changes to the broadband expansion grant program administered by the Public Service Commission. Under current law, the PSC makes grants to eligible applicants for constructing broadband infrastructure in underserved areas. The bill defines "broadband infrastructure," which is not defined under current law, as infrastructure that provides broadband service at a minimum download speed of 25 megabits per second and a minimum upload speed of 3 megabits per second. Under the bill, infrastructure is eligible for a broadband expansion grant only if it satisfies the foregoing definition. The bill requires an applicant for a grant to specify the broadband infrastructure the applicant intends to construct with a grant and requires the applicant to complete that construction before applying for a subsequent grant. The bill also requires a grant recipient to reimburse the PSC for the grant if 1) the person fails to complete construction of the infrastructure or 2) the infrastructure that is constructed fails to provide the foregoing minimum download or upload speeds. Any reimbursed amounts are used to make additional grants.

In addition, the bill requires grant recipients to submit reports to the PSC on the progress of broadband infrastructure construction, the number of broadband service connections provided by that infrastructure, and the average download and upload speeds for those service connections. Finally, beginning on January 1, 2021,

INS 1A

the bill requires the Legislative Audit Bureau to conduct biennial performance audits of the broadband expansion grant program.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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9 is specified in the person's application under sub. (2) (a).

10 2. The infrastructure constructed with the grant fails to provide broadband
11 service with an average minimum download speed of 25 megabits per second or an
12 average minimum upload speed of 3 megabits per second. *at speeds specified*

13 (d) The commission shall promulgate rules for submitting reports under par. *in sub. (1) (a)*

14 (a), determining completion of construction for purposes of par. (b), and making
15 reimbursements under par. (c). If a person fails to make a reimbursement as
16 required under the rules, the person is not eligible for any other grant under sub. (2)
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22 (END)

**2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4875/P2ins
MDK:...

INSERT 1A:

or 2) minimum download and upload speeds designated by the Federal Communications Commission under federal law

INSERT 2-8:

2. The minimum upload and download speeds for advanced telecommunications capability as designated by the federal communications commission in its inquiries regarding advanced telecommunications capability under 47 USC 1302 (b).

Kunkel, Mark

From: Stafford, Beau
Sent: Thursday, January 09, 2020 1:57 PM
To: Kunkel, Mark
Subject: Broadband Bill Revisions

Mark –

Here are the changes we need to make based on the feedback from PSC:

LRB 4875/p2: Under Section 4, we want to change (b) to, may not apply for a subsequent grant until completion of the first phase of the infrastructure specified in the application for the prior grant.

LRB 4854/p1: Change the county population threshold for 85% of the funding to census tracts with a population that has less than 88 people per square mile.

I'm still waiting to hear back from PSC regarding changes to LRB 4874/p2. I think we want to define a "farm" as a property engaged in agricultural activities, but let's wait to change that one until we hear back from PSC.

BEAU STAFFORD

Chief of Staff

Office of Senator Jeff Smith

beau.stafford@legis.wisconsin.gov

608-266-8546

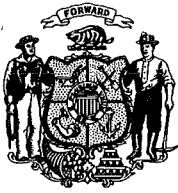
Rm 22 South

Wisconsin State Capitol

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"Senator Smith believes non-partisan redistricting reform is the single biggest issue affecting our democracy in Wisconsin. Without fair maps, Wisconsin's critical issues will be left unaddressed. Senator Smith strongly encourages everyone who contacts his office to reach out to your representatives and senators to ensure they pledge to support redistricting reform. Elected officials should never be able to choose their voters; voters should choose their elected officials."



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-4875/P2
MDK:skw

PP3

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Friday
1-10

Reyn

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the first phase of

infrastructure

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12 commission in its inquiries regarding advanced telecommunications capability
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10 subsequent grant under sub. (2) (a) until completion of construction of the
11 ~~infrastructure~~ ^g specified in the application for the prior grant.

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13 commission an amount equal to the grant if any of the following applies:

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22 (a).

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*the first
phase of the
in infrastructure*

Paczuski, Konrad

From: Stafford, Beau <Beau.Stafford@legis.wisconsin.gov>
Sent: Wednesday, January 22, 2020 5:53 PM
To: Shovers, Marc <Marc.Shovers@legis.wisconsin.gov>
Subject: Change to LRB 4875/p3

Marc –

I see Mark is no longer with you folks at LRB. I seem to remember him saying that you would be stepping in for him on the broadband bills we had drafted. If so, we have a slight revision on LRB 4875/p3. Can we strip out the provision prohibiting PSC from issuing grant funds to companies that have not completed phase 1 of their existing project? I believe the reference is on Page 3, lines 9-11.

There might be a couple more changes coming from PSC, but we are getting close. We are still hoping to introduce these on Monday next week. I will get changes to you immediately once I hear back from PSC.

Also, I'm on paternity leave right now, but I can be reached by cell phone if you have questions (608–436-0717).

Thanks Marc!

BEAU STAFFORD

Chief of Staff

Office of Senator Jeff Smith

beau.stafford@legis.wisconsin.gov

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Wisconsin State Capitol

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State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-4875/P3
KP & MDK:skw

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

IN: 1/23
OUT: 1/24

Reyn

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State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-4875/P4
KP:skw

No
change

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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Barman, Mike

From: LRB.Legal
To: Sen.Smith
Subject: Draft review: LRB -4875/1
Attachments: 19-4875/1

State of Wisconsin - Legislative Reference Bureau
One East Main Street - Suite 200 - Madison

The attached draft was prepared at your request. Please review it carefully to ensure that it satisfies your intent. If you have any questions concerning the draft or would like to have it redrafted, please contact Konrad Paczuski, Legislative Attorney, at (608) 504-5814, at Konrad.Paczuski@legis.wisconsin.gov, or at One East Main Street, Suite 200.

We will jacket this draft for introduction in the Senate.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will submit a request to DOA when the draft is introduced. You may obtain a fiscal estimate on the draft prior to introduction by contacting our program assistants at LRB.Legal@legis.wisconsin.gov or at (608) 266-3561. If you requested a fiscal estimate on an earlier version of this draft and would like to obtain a fiscal estimate on the current version before it is introduced, you will need to request a revised fiscal estimate from our program assistants.

Please call our program assistants at (608) 266-3561 if you have any questions regarding this email.