

2019 DRAFTING REQUEST**Senate Amendment (SA-AB344)**

For: **Jeff Smith (608) 266-8546** Drafter: **mshovers**
 By: **Megan** Secondary Drafters: **kpaczusk**
 Date: **2/18/2020** May Contact:
 Same as LRB:

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

Pre Topic:

No specific pre topic given

Topic:

Installation of empty conduit lines in a right-of-way, fiber optic cable broadband lines

Instructions:

See attached. Draft LRB -4883/1 as an amendment to the bill

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mshovers 2/18/2020	aernstr 2/19/2020			
/P1	mshovers 2/19/2020		dwalker 2/19/2020		
/1		aernstr 2/19/2020	dwalker 2/19/2020	dwalker 2/19/2020	

FE Sent For: **<END>**



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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT ,
TO ASSEMBLY BILL 344 ✓

Wed
9 AM
(H)

as shown by
Assembly Substitute
Amendment 1,

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

2 ✓ 1. Page 1, line 3: after "service" insert "and" installation of empty conduit lines
3 as part of a digging project in a right-of-way and offers of service from fiber optic
4 cable broadband lines installed in rights-of-way".

5 ✓ 2. Page 1, line 4: before that line insert: *INS 1-4*

6 ✓ 3. Page 2, line 25: after that line insert: *INS 2-25*

7 ✓ 4. Page 3, line 2: delete "This" and substitute "The treatment of ss. 76.80 (2),
8 (2m), and (5) and 76.81".

9 ✓ 5. Page 3, line 4: after that line insert: *INS 3-4*

10 (END)



State of Wisconsin
2019 - 2020 LEGISLATURE

LRBs0089/1
EKL:cdc/kjf/amn

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 344**

September 3, 2019 - Offered by Representative QUINN.

1 **AN ACT** *to amend* 76.81; and *to create* 76.80 (2), (2m) and (5) of the statutes;
2 **relating to:** telephone company tax exemption for property used to provide
3 broadband service.

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

4 **SECTION 1.** 76.80 (2), (2m) and (5) of the statutes are created to read:

5 76.80 (2) "Qualified broadband service property" means tangible personal
6 property that meets any of the following standards:

7 (a) The property is installed prior to January, 1, 2020, and is used to provide
8 Internet access service to a rural area at actual speeds that are at least a download
9 speed of 25 megabits per second and an upload speed of 3 megabits per second.

10 (b) The property is installed after December 31, 2019, and is used to provide
11 Internet access service to a rural or underserved area at actual speeds that meet or
12 exceed the higher of the following thresholds:

1 1. A download speed of 25 megabits per second and an upload speed of 3
2 megabits per second.

3 2. The download and upload speed benchmarks for fixed services as designated
4 by the federal communications commission in its inquiries regarding advanced
5 telecommunications capability under 47 USC 1302 (b).

6 **(2m)** "Rural area" means an area in this state that is located outside a federal
7 metropolitan statistical area or is located in a city, village, or town with a population
8 of not more than 14,000. For purposes of sub. (2) (a), the determination of whether
9 an area meets the criteria of this subsection shall be made on the basis of the 2010
10 federal decennial census.

11 **(5)** "Underserved area" means an area in this state in which Internet access
12 service at the highest speed threshold described in sub. (2) (b) is not available from
13 at least 2 wired providers.

14 **SECTION 2.** 76.81 of the statutes is amended to read:

15 **76.81 Imposition.** There is imposed a tax on the real property of, and the
16 tangible personal property of, every telephone company, excluding property that is
17 exempt from the property tax under s. 70.11 (39) and (39m), motor vehicles that are
18 exempt under s. 70.112 (5), property that is used less than 50 percent in the operation
19 of a telephone company, as provided under s. 70.112 (4) (b), and treatment plant and
20 pollution abatement equipment that is exempt under s. 70.11 (21), and qualified
21 broadband service property. Except as provided in s. 76.815, the rate for the tax
22 imposed on each description of real property and on each item of tangible personal
23 property is the net rate for the prior year for the tax under ch. 70 in the taxing
24 jurisdictions where the description or item is located. The real and tangible personal
property of a telephone company shall be assessed as provided under s. 70.112 (4) (b).

INS 25
2-25 →



State of Wisconsin
2019 - 2020 LEGISLATURE

LRBa0783/1
EKL:kjf

**ASSEMBLY AMENDMENT 2,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 344**

February 5, 2020 - Offered by Representative QUINN.

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

2 **1.** Page 1, line 7: after "installed" insert "in a rural area".

3 **2.** Page 1, line 8: delete "to a" and substitute "to the".

4 **3.** Page 1, line 10: after "installed" insert "in a rural or underserved area".

5 **4.** Page 1, line 11: delete "a" and substitute "the".

6 **5.** Page 2, line 8: after "14,000" insert "and a population density of not more
7 than 2,500 per square mile".

8 **6.** Page 2, line 10: after "census" insert ", except that the determination of
9 population density shall be made using the 2017 population density per square mile
10 by municipality estimates available from the department of administration".

11

(END)



2019 BILL

1 AN ACT *to amend* 66.0422 (2) (intro.); and *to create* 66.0422 (3b), 66.0912, 84.01
2 (38) and 196.5047 of the statutes; **relating to:** installation of empty conduit
3 lines as part of a digging project in a right-of-way and offers of service from
4 fiber optic cable broadband lines installed in rights-of-way.

Analysis by the Legislative Reference Bureau

This bill allows a city, village, town, or county or the Department of Transportation to require any person who conducts any special work in the political subdivision's or DOT's right-of-way to install empty conduit lines in any part of the right-of-way in which the person is digging. The bill defines "special work" as construction or maintenance of a sidewalk or highway project. The conduit lines must be suitable for the installation of fiber optic broadband lines. Under the bill, a city, village, or town is allowed to require conduit line installation without complying with notice, hearing, and cost-benefit analysis requirements that, with certain exceptions, apply to broadband, telecommunications, and video service facilities under current law.

The bill also imposes a duty to offer service on an Internet service provider that has installed a fiber optic cable broadband line in a right-of-way of the state or a city, village, town, or county. Under the bill, if requested by the owner of a structure that is 300 feet or fewer from the center line of such a right-of-way, the Internet service provider must offer to provide to the structure the service that is provided over the line.

BILL

For further information see the *state and local* 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:

INS
1-4

1 ¹²
2 ¹² SECTION 1. 66.0422 (2) (intro.) of the statutes is amended to read:

3 66.0422 (2) (intro.) Except as otherwise provided in subs. (3), (3d), (3m), and
4 ~~(3n)~~ this section, no local government may enact an ordinance or adopt a resolution
5 authorizing the local government to construct, own, or operate any facility for
6 providing video service, telecommunications service, or broadband service, directly
7 or indirectly, to the public, unless all of the following are satisfied:

8 ¹⁹
9 ¹⁹ SECTION 2. 66.0422 (3b) of the statutes is created to read:

10 66.0422 (3b) Subsection (2) does not apply to conduit lines that a local
11 government requires to be installed under s. 66.0912 (2).

12 ¹⁵
13 ¹⁵ SECTION 3. 66.0912 of the statutes is created to read:

14 **66.0912 Installation of conduit in right-of-way. (1) DEFINITIONS.** In this
15 section:

16 (a) "Political subdivision" means any city, village, town, or county.

17 (b) "Right-of-way" means the area on, below, or above a highway, as defined
18 in s. 340.01 (22), other than a highway that is part of the national system of interstate
19 highways; sidewalk; utility easement; or other similar property, including property
20 owned or controlled by the department of transportation.

21 (c) "Special work" means construction or maintenance of a sidewalk project or
22 highway project on a state trunk highway.

23 **(2) REQUIREMENTS FOR THE INSTALLATION OF CONDUIT.** If any person conducts any
24 special work in a political subdivision's right-of-way that results in the person

BILL

1 digging in the right-of-way, the political subdivision may require the person to
2 install empty conduit lines in any part of the right-of-way in which the person is
3 digging. The empty conduit lines must be suitable for the installation of fiber optic
4 broadband lines. //

INS
2-25

5 " SECTION ~~4~~ 84.01 (38) of the statutes is created to read:

6 84.01 (38) CONDUIT LINE INSTALLATION. If a person conducts construction or
7 maintenance work on a state trunk highway that results in the person digging in the
8 right-of-way of the state trunk highway, the department may require the person to
9 install empty conduit lines in any part of the right-of-way in which the person is
10 digging. The empty conduit lines must be suitable for the installation of fiber optic
11 broadband lines. 4e² 2m

12 SECTION ~~5~~ 196.5047 of the statutes is created to read:

13 **196.5047 Fiber optic cable broadband lines in rights-of-way. (1)** In this
14 section, "right-of-way" means a right-of-way, as defined in s. 66.0912 (1) (b), of the
15 state or a city, village, town, or county.

16 (2) An Internet service provider that has installed a fiber optic cable broadband
17 line in a right-of-way shall, upon the request of an owner of a structure that is 300
18 feet or fewer from the center line of the right-of-way, offer to provide to the structure
19 the service that is provided over the line. //

SECTION 6. Initial applicability.

INS
2-4

20 " 2e (1) The treatment of ss. 66.0422 (2) (intro.) and (3b), 66.0912, and 84.01 (38)
21 first applies to a project that involves digging in a right-of-way that begins on the
22 effective date of this subsection. //

24

END



State of Wisconsin
2019 - 2020 LEGISLATURE

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT ,
TO ASSEMBLY BILL 344

now

1 At the locations indicated, amend the bill, as shown by assembly substitute
2 amendment 1, as follows:

3 **1.** Page 1, line 3: after “service” insert “and installation of empty conduit lines
4 as part of a digging project in a right-of-way and offers of service from fiber optic
5 cable broadband lines installed in rights-of-way”.

6 **2.** Page 1, line 4: before that line insert:

7 “SECTION 1e. 66.0422 (2) (intro.) of the statutes is amended to read:

8 66.0422 (2) (intro.) Except as otherwise provided in subs. (3), (3d), (3m), and
9 (3n) this section, no local government may enact an ordinance or adopt a resolution
10 authorizing the local government to construct, own, or operate any facility for
11 providing video service, telecommunications service, or broadband service, directly
12 or indirectly, to the public, unless all of the following are satisfied:

1 **SECTION 1g.** 66.0422 (3b) of the statutes is created to read:

2 66.0422 **(3b)** Subsection (2) does not apply to conduit lines that a local
3 government requires to be installed under s. 66.0912 (2).

4 **SECTION 1j.** 66.0912 of the statutes is created to read:

5 **66.0912 Installation of conduit in right-of-way. (1) DEFINITIONS.** In this
6 section:

7 (a) “Political subdivision” means any city, village, town, or county.

8 (b) “Right-of-way” means the area on, below, or above a highway, as defined
9 in s. 340.01 (22), other than a highway that is part of the national system of interstate
10 highways; sidewalk; utility easement; or other similar property, including property
11 owned or controlled by the department of transportation.

12 (c) “Special work” means construction or maintenance of a sidewalk project or
13 highway project on a state trunk highway.

14 **(2) REQUIREMENTS FOR THE INSTALLATION OF CONDUIT.** If any person conducts any
15 special work in a political subdivision’s right-of-way that results in the person
16 digging in the right-of-way, the political subdivision may require the person to
17 install empty conduit lines in any part of the right-of-way in which the person is
18 digging. The empty conduit lines must be suitable for the installation of fiber optic
19 broadband lines.”.

20 **3.** Page 2, line 25: after that line insert:

21 **“SECTION 2g.** 84.01 (38) of the statutes is created to read:

22 84.01 **(38)** CONDUIT LINE INSTALLATION. If a person conducts construction or
23 maintenance work on a state trunk highway that results in the person digging in the
24 right-of-way of the state trunk highway, the department may require the person to

1 install empty conduit lines in any part of the right-of-way in which the person is
2 digging. The empty conduit lines must be suitable for the installation of fiber optic
3 broadband lines.

4 **SECTION 2m.** 196.5047 of the statutes is created to read:

5 **196.5047 Fiber optic cable broadband lines in rights-of-way.** (1) In this
6 section, “right-of-way” means a right-of-way, as defined in s. 66.0912 (1) (b), of the
7 state or a city, village, town, or county.

8 (2) An Internet service provider that has installed a fiber optic cable broadband
9 line in a right-of-way shall, upon the request of an owner of a structure that is 300
10 feet or fewer from the center line of the right-of-way, offer to provide to the structure
11 the service that is provided over the line.”.

12 **4.** Page 3, line 2: delete “This act” and substitute “The treatment of ss. 76.80
13 (2), (2m), and (5) and 76.81”.

14 **5.** Page 3, line 4: after that line insert:

15 “(2e) The treatment of ss. 66.0422 (2) (intro.) and (3b), 66.0912, and 84.01 (38)
16 first applies to a project that involves digging in a right-of-way that begins on the
17 effective date of this subsection.”.

18 (END)