



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2019 Assembly Bill 234

Assembly Amendment 1

Memo published: June 6, 2019

Contact: Brian Larson, Senior Staff Attorney

2019 ASSEMBLY BILL 234

The bill creates a statewide regulatory framework for deployment by wireless services and infrastructure providers of small wireless equipment and facilities. The bill creates a definition for a “small wireless facility,” which is a wireless facility of a certain size used for the new technology generally referred to as “5G” or “small cell” technology.

The regulatory framework includes provisions regarding the placement of small wireless facilities in rights-of-way, application and permit fees, height and size restrictions, maintenance and access requirements, enforcement of existing contracts for up to two years, indemnification provisions, and dispute resolution requirements. While not directly related to the deployment of small wireless facilities, the bill also contains provisions relating to setback requirements for mobile service support structures, limits on regulation of micro wireless facilities, and the creation of a rights-of-way study committee.

ASSEMBLY AMENDMENT 1

Among its provisions, the bill specifies that, except as related to small wireless facilities, *and except as otherwise specifically required by federal or state law*, a political subdivision may not do any of the following:

- Adopt or enforce regulations or requirements on the placement or operation of communication facilities in rights-of-way.
- Regulate any communications service.

- Impose or collect any tax, fee, or other charge for the provision of additional communications services over a communications services provider's communication facilities in a right-of-way.

Assembly Amendment 1 modifies this provision to apply *except as otherwise **authorized** by federal or state law*. Accordingly, as amended, the types of regulations and charges described above could be imposed so long as authorized by other statutes under current law, rather than being limited only to situations where such regulations and charges were specifically required.

Additionally, with respect to the study committee created by the bill, Assembly Amendment 1 modifies part of the committee membership to remove the conditions related to two representatives of the electric distribution community (i.e., that one represents a for-profit business and one represents a cooperative association) and adds two additional members to the committee as follows:

- One representative of a cooperative association.
- One representative of a municipal electric utility.

Under the bill and amendment, each of these representatives would be appointed jointly by the speaker of the Assembly and the Senate majority leader.

BILL HISTORY

2019 Assembly Bill 234 was introduced by Representative Kuglitsch and others on May 23, 2019. Assembly Amendment 1 to the bill was offered by Representative Kuglitsch on May 30, 2019. On June 4, 2019, the Assembly Committee on Jobs and the Economy recommended adoption of Assembly Amendment 1 on votes of Ayes, 14; Noes, 0; and passage of Assembly Bill 234, as amended, on votes of Ayes, 13; Noes, 1.

BL:jal