

**1999 DRAFTING REQUEST****Assembly Substitute Amendment (ASA-AB266)**

Received: 05/11/1999

Received By: **kunkemd**Wanted: **Soon**

Identical to LRB:

For: **Michael Huebsch (608) 266-0631**By/Representing: **Kent Disch**This file may be shown to any legislator: **NO**Drafter: **kunkemd**

May Contact:

Alt. Drafters:

Subject: **Education - miscellaneous  
Public Util. - misc.**

Extra Copies:

**Pre Topic:**

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**Topic:**

Require public K12 boards to install filtering software on computers that have access to the Internet and eliminate TEACH grants for software

**Instructions:**

See Attached

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18 9/8  
OK/KC 9/8

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*Dan Schmidt,  
Legis. Council*

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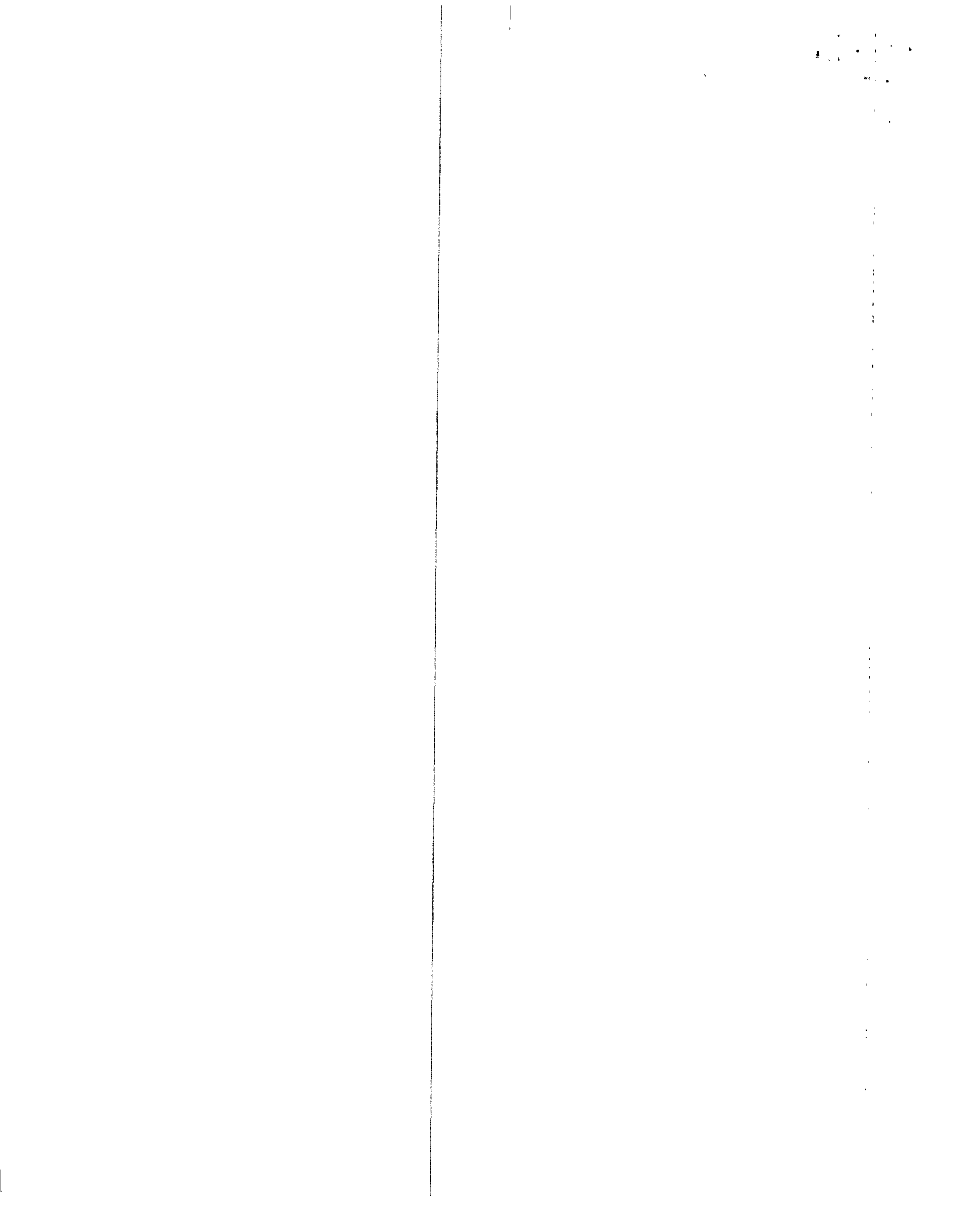
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On Thursday  
3:00pm  
5/20

ASA to  
**1999 ASSEMBLY BILL 266**

S-0070/1

RM NOT  
RUN

April 9, 1999 - Introduced by Representatives HUEBSCH, HUTCHISON, AINSWORTH, KELSO, OWENS, PETROWSKI, SERAFI and VRAKAS, cosponsored by Senators WELCH and ROESSLER. Referred to Committee on Information Policy.

Regen

✓ school boards and districts

1 AN ACT to amend 20.275 (1) (s), (t) and (tm), 119.04 (1), 196.218 (4r) (b), 196.218  
2 (4r) (c) 1., 2., 3. and 4., 196.218 (4r) (e) and 196.218 (5) (a) 5.; and to create  
3 120.12 (26), 196.218 (4r) (a) 1m. and 196.218 (4r) (i) of the statutes; relating  
4 to: requiring certain educational agencies to install filtering software on  
5 computers connected to the internet and making an appropriation.

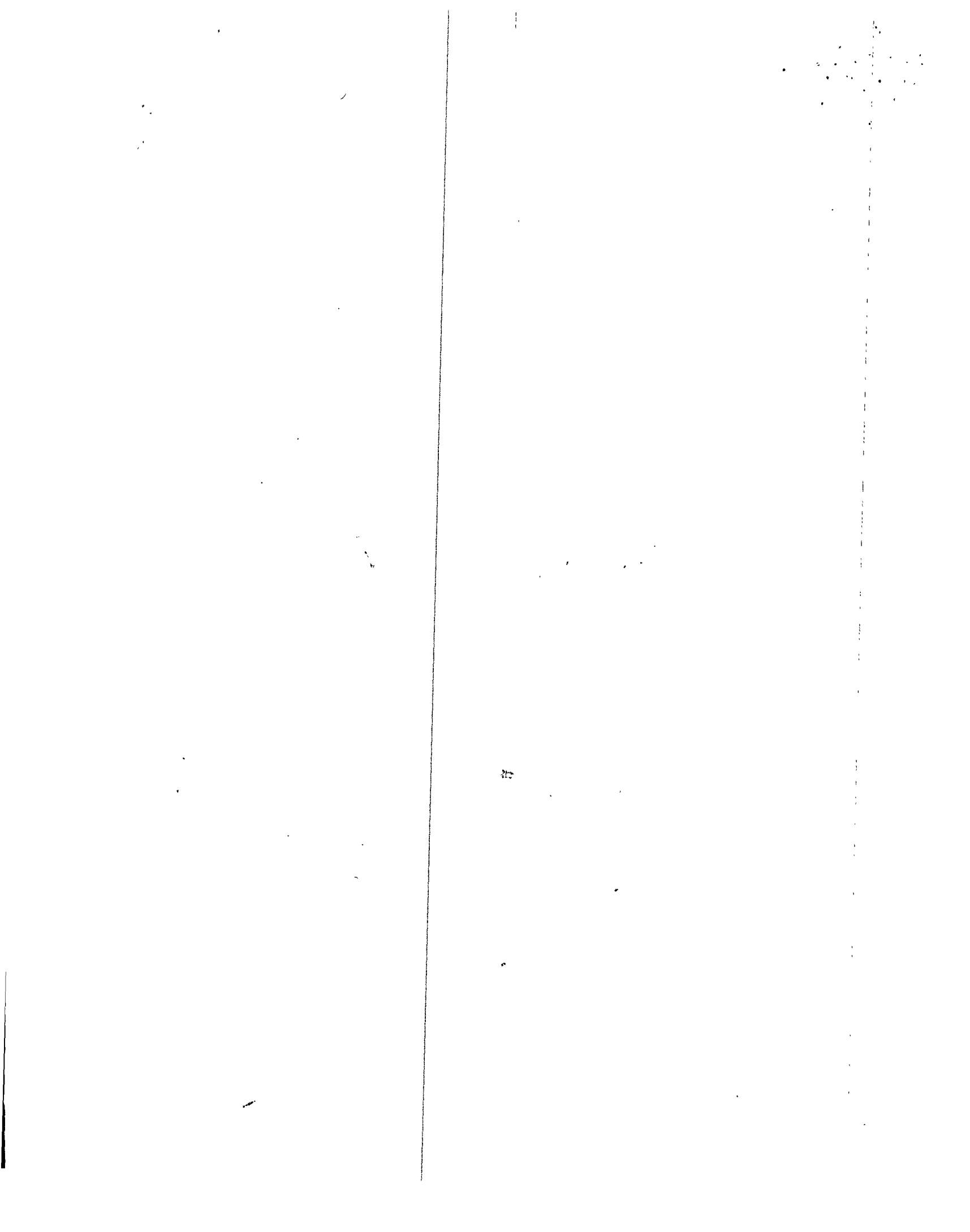
school district

a school district

**Analysis by the Legislative Reference Bureau**

Under current law, the technology for educational achievement in Wisconsin board (TEACH board) administers an educational telecommunications access program under which certain educational agencies, including school districts, are provided assistance in obtaining access to data lines and video links. This bill provides that an educational agency is not eligible for assistance under the program unless the agency installs software on its computers that blocks internet access to material that the agency determines is inappropriate for minors.

This bill also requires school boards to install filtering software on computers owned by the school board and connected to the internet to block access to material that the school board determines to be inappropriate for pupils.



**ASSEMBLY BILL 266**

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

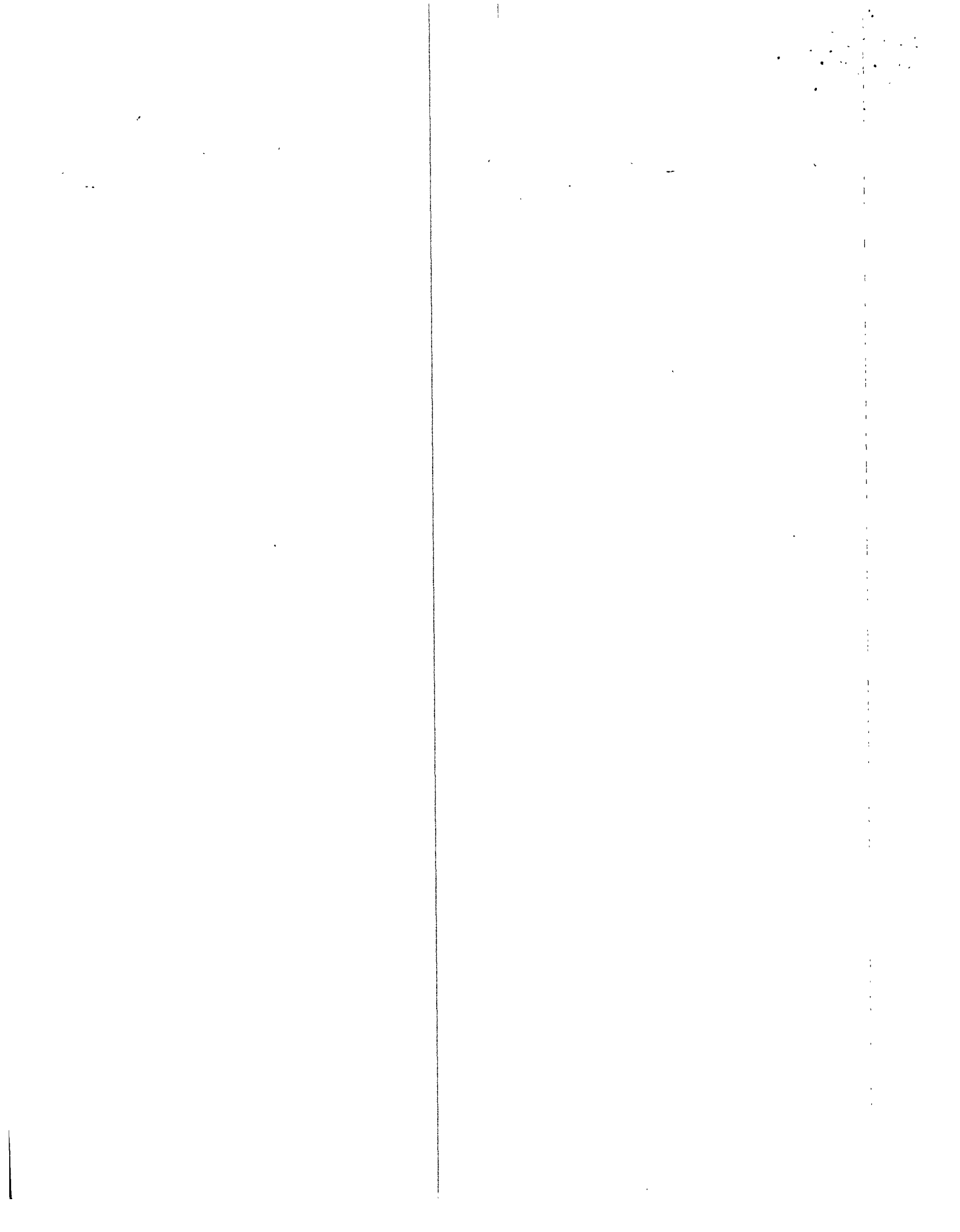
***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1       **SECTION 1.** 20.275 (1) (s), (t) and (tm) of the statutes are amended to read:

2       20.275 (1) (s) *Educational telecommunications access support; school districts,*  
3 *cooperative educational service agencies and technical college districts.* Biennially,  
4 from the universal service fund, the amounts in the schedule to make payments to  
5 telecommunications providers under contracts with the department of  
6 administration under s. 16.974 (7) (a) to the extent that the amounts due are not paid  
7 from the appropriation under s. 20.505 (1) (is) and, prior to July 1, 2002, to make  
8 grants prior to July 1, 2001, to school districts under s. 196.218 (4r) (g) and to make  
9 grants to educational school districts, cooperative educational service agencies and  
10 technical college districts under s. 196.218 (4r) (i).

11       (t) *Educational telecommunications access support; private colleges and public*  
12 *library boards.* Biennially, from the universal service fund, the amounts in the  
13 schedule to make payments to telecommunications providers under contracts with  
14 the department of administration under s. 16.974 (7) (b) to the extent that the  
15 amounts due are not paid from the appropriation under s. 20.505 (1) (is) and to make  
16 grants to private colleges and public library boards under s. 196.218 (4r) (i).

17       (tm) *Educational telecommunications access support; private schools.*  
18 Biennially, from the universal service fund, the amounts in the schedule to make  
19 payments to telecommunications providers under contracts with the department of  
20 administration under s. 16.974 (7) (c) to the extent that the amounts due are not paid  
21 from the appropriation under s. 20.505 (1) (is) and, prior to July 1, 2002, to make



**ASSEMBLY BILL 266**

1 grants to private schools under s. 196.218~~(4r)~~ (g) and to make grants to private  
2 schools under s. 196.218 (4r) (i).

3 **SECTION 2.** 119.04 (1) of the statutes, as affected by 1997 Wisconsin Act 77, is  
4 amended to read:

5 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.03 (3) (c),  
6 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38  
7 (2), 115.45, 118.001 to 118.04, 118.06, 118.07, 118.10, 118.12, 118.125 to 118.14,  
8 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19,  
9 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.291, 118.30  
10 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to ~~(25)~~ (26)<sup>✓</sup>, 120.125, 120.13 (1),  
11 (2) (b) to (g), (3), (14), (17) to (19), (26), (34) and (35) and 120.14 are applicable to a  
12 1st class city school district and board.

13 **SECTION 3.** 120.12 (26) of the statutes is created to read:

14 120.12 (26) COMPUTER SOFTWARE. Install filtering software on all computers  
15 owned by the school board and connected to the internet to block access to material  
16 that the school board determines to be inappropriate for pupils.

17 **SECTION 4.** 196.218 (4r) (a) 1m. of the statutes is created to read:

18 196.218 (4r) (a) 1m. "Educational agency" means a school district, private  
19 school, cooperative educational service agency, technical college district, private  
20 college or public library board.

21 **SECTION 5.** 196.218 (4r) (b) of the statutes is amended to read:

22 196.218 (4r) (b) The commission, in consultation with the department and the  
23 board, shall promulgate rules establishing an educational telecommunications  
24 access program to provide school districts, private schools, cooperative educational

## ASSEMBLY BILL 266

## SECTION 5

1 ~~service agencies, technical college districts, private colleges and public library~~  
2 ~~boards~~ educational agencies ✓ with access to data lines and video links.

3 SECTION 6. 196.218 (4r) (c) 1., 2., 3. and 4. of the statutes are amended to read:

4 196.218 (4r) (c) 1. Allow ~~a school district, private school, cooperative~~  
5 ~~educational service agency, technical college district, private college and public~~  
6 ~~library board~~ an educational agency to make a request to the board for access to  
7 either one data line or one video link, except that if a school district operates more  
8 than one high school the rules shall allow the school district to request access to both  
9 a data line and a video link and to request access to more than one data line or video  
10 link. The board shall forward requests received under this subdivision to the  
11 commission and the department.

12 2. Establish eligibility requirements for ~~a school district, private school,~~  
13 ~~cooperative educational service agency, technical college district, private college and~~  
14 ~~public library board~~ an educational agency to participate in the program established  
15 under par. (b). The requirements shall prohibit a participant in the program from  
16 receiving assistance from the universal service fund for the purpose specified in sub.  
17 (5) (a) 3. for educational telecommunications access that is substantially similar to  
18 the access provided to the participant under the program.

19 3. Establish specifications for a data line or video link that is provided to a  
20 ~~school district, private school, cooperative educational service agency, technical~~  
21 ~~college district, private college and public library board~~ an educational agency under  
22 the program established under par. (b).

23 4. Require ~~a school district, private school, cooperative educational service~~  
24 ~~agency, technical college district, private college and public library board~~ an  
25 educational agency to pay the department not more than \$250 per month for each



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101

**ASSEMBLY BILL 266**

1 data line or video link that is provided to the school district, private school,  
2 cooperative educational service agency, technical college district, private college and  
3 public library board educational agency under the program established under par.  
4 (b), except that the charge may not exceed \$100 per month for each data line or video  
5 link that relies on a transport medium that operates at a speed of 1.544 megabits per  
6 second.

7 **SECTION 7.** 196.218 (4r) (e) of the statutes is amended to read:

8 196.218 (4r) (e) If the federal communications commission promulgates or  
9 modifies rules that provide rate discounts for telecommunications services to school  
10 districts, private schools, cooperative educational service agencies, technical college  
11 districts, private colleges or public library boards educational agencies under 47  
12 USC 254, the governor shall submit a report to the joint committee on finance that  
13 includes any recommended changes to statutes or rules with respect to funding the  
14 program established under par. (b).

15 **SECTION 8.** 196.218 (4r) (i) of the statutes is created to read:

16 196.218 (4r) (i) ~~An educational agency~~ <sup>A school district</sup> is not eligible to participate in the  
17 program established under under par. (b) or to receive a grant under par. (g) unless  
18 the ~~educational agency~~ <sup>school district</sup> installs filtering software on all computers owned by the  
19 ~~educational agency~~ and connected to the internet to block access to material that the  
20 ~~educational agency~~ determines to be inappropriate for minors. From the

21 appropriation under s. 20.275 (1) (s), (t) or (tm), the board may award grants to  
22 educational agencies to provide assistance for purchasing and installing software  
23 required under this paragraph.

24 **SECTION 9.** 196.218 (5) (a)-5. of the statutes is amended to read:

**ASSEMBLY BILL 266**

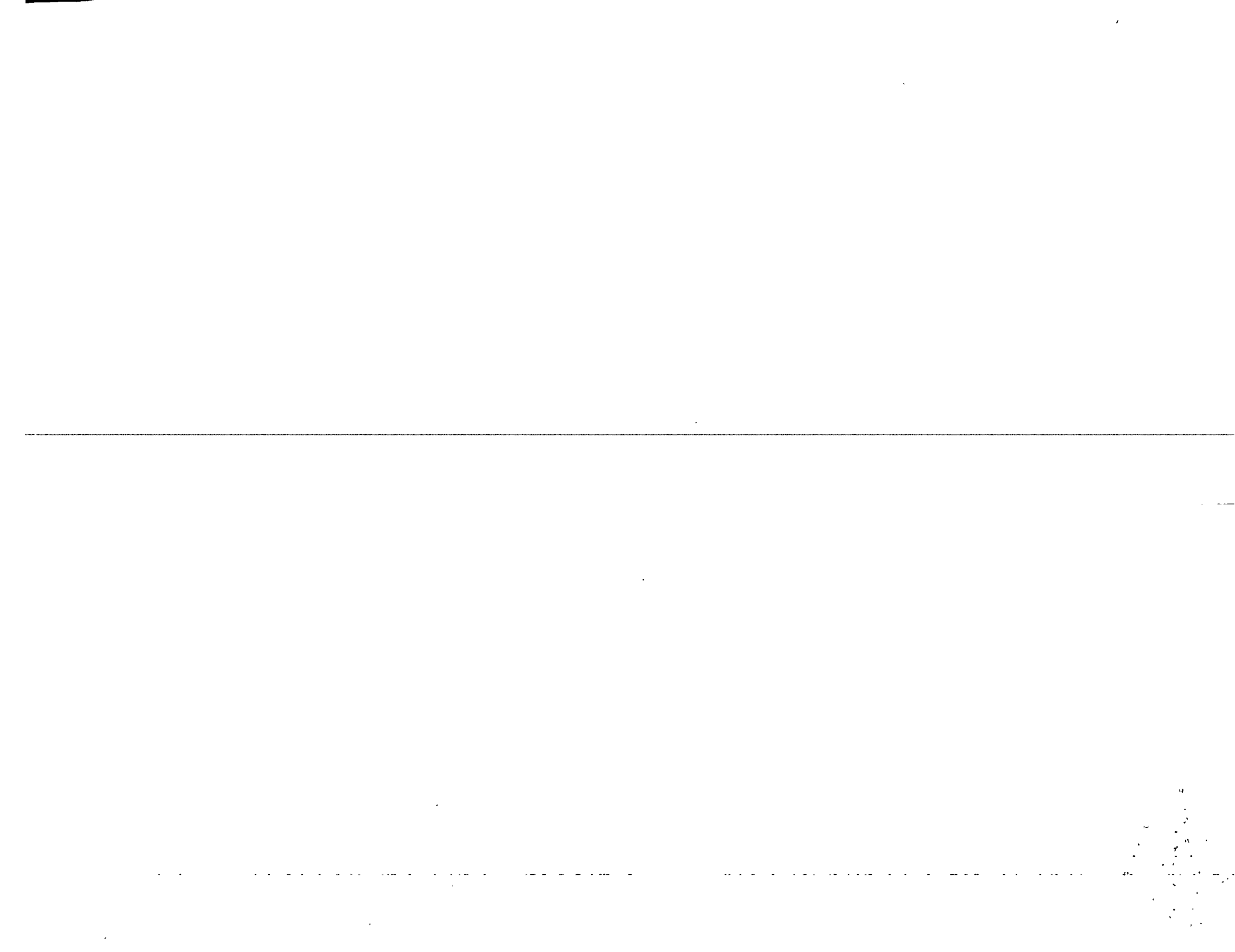
**SECTION 9**

1 196.218 (5) (a) 5. To pay costs incurred under contracts under s. 16.974 (7) to  
2 the extent that these costs are not paid under sub. (4r) (c) 4. and for the board to make  
3 grants under sub. (4r) (i).

4 **SECTION 10. Effective date.**

5 (1) This act takes effect on first day of the 13th month beginning after  
6 publication.

7 (END)



(Tues)  
Tomorrow  
5/25  
10:00am

2

**ASSEMBLY SUBSTITUTE AMENDMENT ,  
TO 1999 ASSEMBLY BILL 266**

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1 AN ACT *to amend* 119.04 (1), 196.218 (4r) (b), 196.218 (4r) (c) 1., 2., 3. and 4. and  
2 196.218 (4r) (e); and *to create* 120.12 (26), 196.218 (4r) (a) 1m. and 196.218 (4r)  
3 (i) of the statutes; **relating to:** requiring certain school boards and districts to  
4 install filtering software on computers connected to the Internet.

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

5 SECTION 1. 119.04 (1) of the statutes, as affected by 1997 Wisconsin Act 77, is  
6 amended to read:

7 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.03 (3) (c),  
8 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38  
9 (2), 115.45, 118.001 to 118.04, 118.06, 118.07, 118.10, 118.12, 118.125 to 118.14,  
10 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19,  
11 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.291, 118.30  
12 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to ~~(25)~~ (26), 120.125, 120.13 (1),

(CS) -2-  
FILTERING

(CS)  
AND SERVICES

1 (2) (b) to (g), (3), (14), (17) to (19), (26), (34) and (35) and 120.14 are applicable to a  
2 1st class city school district and board.

3 SECTION 2. 120.12 (26) of the statutes is created to read:

4 120.12 (26) ~~COMPUTER SOFTWARE~~ <sup>Provide</sup> ~~Install~~ filtering software <sup>or services</sup> on all computers  
5 owned by the school board and connected to the internet to block access to material  
6 that the school board determines to be inappropriate for pupils.

7 SECTION 3. 196.218 (4r) (a) 1m. of the statutes is created to read:

8 196.218 (4r) (a) 1m. "Educational agency" means a school district, private  
9 school, cooperative educational service agency, technical college district, private  
10 college or public library board.

11 SECTION 4. 196.218 (4r) (b) of the statutes is amended to read:

12 196.218 (4r) (b) The commission, in consultation with the department and the  
13 board, shall promulgate rules establishing an educational telecommunications  
14 access program to provide ~~school districts, private schools, cooperative educational~~  
15 ~~service agencies, technical college districts, private colleges and public library~~  
16 ~~boards~~ educational agencies with access to data lines and video links.

17 SECTION 5. 196.218 (4r) (c) 1., 2., 3. and 4. of the statutes are amended to read:

18 196.218 (4r) (c) 1. Allow ~~a school district, private school, cooperative~~  
19 ~~educational service agency, technical college district, private college and public~~  
20 ~~library board~~ an educational agency to make a request to the board for access to  
21 either one data line or one video link, except that if a school district operates more  
22 than one high school the rules shall allow the school district to request access to both  
23 a data line and a video link and to request access to more than one data line or video  
24 link. The board shall forward requests received under this subdivision to the  
25 commission and the department.

1           2. Establish eligibility requirements for a ~~school district, private school,~~  
2 ~~cooperative educational service agency, technical college district, private college and~~  
3 ~~public library board~~ an educational agency to participate in the program established  
4 under par. (b). The requirements shall prohibit a participant in the program from  
5 receiving assistance from the universal service fund for the purpose specified in sub.  
6 (5) (a) 3. for educational telecommunications access that is substantially similar to  
7 the access provided to the participant under the program.

8           3. Establish specifications for a data line or video link that is provided to a  
9 ~~school district, private school, cooperative educational service agency, technical~~  
10 ~~college district, private college and public library board~~ an educational agency under  
11 the program established under par. (b).

12           4. Require a ~~school district, private school, cooperative educational service~~  
13 ~~agency, technical college district, private college and public library board~~ an  
14 educational agency to pay the department not more than \$250 per month for each  
15 data line or video link that is provided to the ~~school district, private school,~~  
16 ~~cooperative educational service agency, technical college district, private college and~~  
17 ~~public library board~~ educational agency under the program established under par.  
18 (b), except that the charge may not exceed \$100 per month for each data line or video  
19 link that relies on a transport medium that operates at a speed of 1.544 megabits per  
20 second.

21           **SECTION 6.** 196.218 (4r) (e) of the statutes is amended to read:

22           196.218 (4r) (e) If the federal communications commission promulgates or  
23 modifies rules that provide rate discounts for telecommunications services to ~~school~~  
24 ~~districts, private schools, cooperative educational service agencies, technical college~~  
25 ~~districts, private colleges or public library boards~~ educational agencies under 47

1 USC 254, the governor shall submit a report to the joint committee on finance that  
2 includes any recommended changes to statutes or rules with respect to funding the  
3 program established under par. (b).

4 **SECTION 7.** 196.218 (4r) (i) of the statutes is created to read:

5 196.218 (4r) (i) A school district is not eligible to participate in the program  
6 established under under par. (b) or to receive a grant under par. (g) unless the school  
7 district ~~installs~~ <sup>provides</sup> filtering software <sup>or services</sup> on all computers owned by the school district and  
8 connected to the Internet to block access to material that the school district  
9 determines to be inappropriate for minors.

10 **SECTION 8. Effective date.**

11 (1) This act takes effect on first day of the 13th month beginning after  
12 publication.

13 (END)



Today  
by  
4:00

NOTE

3

ASSEMBLY SUBSTITUTE AMENDMENT,  
TO 1999 ASSEMBLY BILL 266

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1 AN ACT to amend 119.04 (1), 196.218 (4r) (b), 196.218 (4r) (c) 1., 2., 3. and 4. and  
2 196.218 (4r) (e); and to create 120.12 (26), 196.218 (4r) (a) 1m. and 196.218 (4r)  
3 (i) of the statutes; relating to: requiring certain school boards and districts to  
4 ~~install~~ filtering software on computers connected to the Internet.

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

5 SECTION 1. 119.04 (1) of the statutes, as affected by 1997 Wisconsin Act 77, is  
6 amended to read:

7 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.03 (3) (c),  
8 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38  
9 (2), 115.45, 118.001 to 118.04, 118.06, 118.07, 118.10, 118.12, 118.125 to 118.14,  
10 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19,  
11 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.291, 118.30  
12 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to ~~(25)~~ (26), 120.125, 120.13 (1),

1 (2) (b) to (g), (3), (14), (17) to (19), (26), (34) and (35) and 120.14 are applicable to a  
2 1st class city school district and board.

3 **SECTION 2.** 120.12 (26) of the statutes is created to read:

4 120.12 (26) FILTERING SOFTWARE AND SERVICES. Provide filtering software or  
5 services on all computers owned by the school board and connected to the internet  
6 to block access to material that the school board determines to be inappropriate for  
7 pupils.

8 **SECTION 3.** 196.218 (4r) (a) 1m. of the statutes is created to read:

9 196.218 (4r) (a) 1m. "Educational agency" means a school district, private  
10 school, cooperative educational service agency, technical college district, private  
11 college or public library board.

12 **SECTION 4.** 196.218 (4r) (b) of the statutes is amended to read:

13 196.218 (4r) (b) The commission, in consultation with the department and the  
14 board, shall promulgate rules establishing an educational telecommunications  
15 access program to provide ~~school districts, private schools, cooperative educational~~  
16 ~~service agencies, technical college districts, private colleges and public library~~  
17 ~~boards~~ educational agencies with access to data lines and video links.

18 **SECTION 5.** 196.218 (4r) (c) 1., 2., 3. and 4. of the statutes are amended to read:

19 196.218 (4r) (c) 1. Allow ~~a school district, private school, cooperative~~  
20 ~~educational service agency, technical college district, private college and public~~  
21 ~~library board~~ an educational agency to make a request to the board for access to  
22 either one data line or one video link, except that if a school district operates more  
23 than one high school the rules shall allow the school district to request access to both  
24 a data line and a video link and to request access to more than one data line or video

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1 link. The board shall forward requests received under this subdivision to the  
2 commission and the department.

3 2. Establish eligibility requirements for ~~a school district, private school,~~  
4 ~~cooperative educational service agency, technical college district, private college and~~  
5 ~~public library board~~ an educational agency to participate in the program established  
6 under par. (b). The requirements shall prohibit a participant in the program from  
7 receiving assistance from the universal service fund for the purpose specified in sub.  
8 (5) (a) 3. for educational telecommunications access that is substantially similar to  
9 the access provided to the participant under the program.

10 3. Establish specifications for a data line or video link that is provided to a  
11 ~~school district, private school, cooperative educational service agency, technical~~  
12 ~~college district, private college and public library board~~ an educational agency under  
13 the program established under par. (b).

14 4. Require ~~a school district, private school, cooperative educational service~~  
15 ~~agency, technical college district, private college and public library board~~ an  
16 educational agency to pay the department not more than \$250 per month for each  
17 data line or video link that is provided to the ~~school district, private school,~~  
18 ~~cooperative educational service agency, technical college district, private college and~~  
19 ~~public library board~~ educational agency under the program established under par.  
20 (b), except that the charge may not exceed \$100 per month for each data line or video  
21 link that relies on a transport medium that operates at a speed of 1.544 megabits per  
22 second.

23 **SECTION 6.** 196.218 (4r) (e) of the statutes is amended to read:

24 196.218 (4r) (e) If the federal communications commission promulgates or  
25 modifies rules that provide rate discounts for telecommunications services to school

1 ~~districts, private schools, cooperative educational service agencies, technical college~~  
2 ~~districts, private colleges or public library boards~~ educational agencies under 47  
3 USC 254, the governor shall submit a report to the joint committee on finance that  
4 includes any recommended changes to statutes or rules with respect to funding the  
5 program established under par. (b).

6 **SECTION 7.** 196.218 (4r) (i) of the statutes is created to read:

7 196.218 (4r) (i) A school district is not eligible to participate in the program  
8 established under under par. (b) or to receive a grant under par. (g) unless the school  
9 district provides filtering software or services on all computers owned by the school  
10 district and connected to the Internet to block access to material that the school  
11 district determines to be inappropriate for minors.

12 **SECTION 8. Effective date.**

13 (1) This act takes effect on first day of the 13th month beginning after  
14 publication.

15 (END)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBs0070/3dn

MDK: ↑ :...

↑  
JK

Representative Huebsch:

This version is identical to LRBs0070/2, except for a change to the relating clause.

Mark D. Kunkel  
Legislative Attorney  
Phone: (608) 266-0131  
E-mail: Mark.Kunkel@legis.state.wi.us

Handwritten scribbles and marks in the top right corner.

A vertical line of small, faint marks or characters running down the right side of the page.

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBs0070/3dn  
MDK:jl:mrc

May 25, 1999

Representative Huebsch:

This version is identical to LRBs0070/2, except for a change to the relating clause.

Mark D. Kunkel  
Legislative Attorney  
Phone: (608) 266-0131  
E-mail: [Mark.Kunkel@legis.state.wi.us](mailto:Mark.Kunkel@legis.state.wi.us)



4

TUES  
NOON  
6/11

**ASSEMBLY SUBSTITUTE AMENDMENT,  
TO 1999 ASSEMBLY BILL 266**

RM NOT  
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1 **AN ACT to amend** 119.04 (1), 196.218 (4r) (b), 196.218 (4r) (c) 1., 2., 3. and 4. and  
2 196.218 (4r) (e); and **to create** 120.12 (26), 196.218 (4r) (a) 1m. and 196.218 (4r)  
3 (i) of the statutes; **relating to:** requiring certain school boards and districts to  
4 provide filtering software or services on computers connected to the Internet.

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

5 **SECTION 1.** 119.04 (1) of the statutes, as affected by 1997 Wisconsin Act 77, is  
6 amended to read:

7 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.03 (3) (c),  
8 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38  
9 (2), 115.45, 118.001 to 118.04, 118.06, 118.07, 118.10, 118.12, 118.125 to 118.14,  
10 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19,  
11 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.291, 118.30  
12 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to ~~(25)~~ (26), 120.125, 120.13 (1),

INSERT  
2-4 ✓

1 (2) (b) to (g), (3), (14), (17) to (19), (26), (34) and (35) and 120.14 are applicable to a  
2 1st class city school district and board.

*and used by pupils*

3 SECTION 2. 120.12 (26) of the statutes is created to read:

4 120.12 (26) FILTERING SOFTWARE AND SERVICES. (Provide filtering software or  
5 services on all computers <sup>that are</sup> owned by the school board <sup>and</sup> connected to the internet,

6 to block access to material that the school board determines to be ~~inappropriate for~~  
7 *pupils. harmful to children*

8 SECTION 3. 196.218 (4r) (a) 1m. of the statutes is created to read:

9 196.218 (4r) (a) 1m. "Educational agency" means a school district, private  
10 school, cooperative educational service agency, technical college district, private  
11 college or public library board.

12 SECTION 4. 196.218 (4r) (b) of the statutes is amended to read:

13 196.218 (4r) (b) The commission, in consultation with the department and the  
14 board, shall promulgate rules establishing an educational telecommunications  
15 access program to provide ~~school districts, private schools, cooperative educational~~  
16 ~~service agencies, technical college districts, private colleges and public library~~  
17 ~~boards~~ educational agencies with access to data lines and video links.

18 SECTION 5. 196.218 (4r) (c) 1., 2., 3. and 4. of the statutes are amended to read:

19 196.218 (4r) (c) 1. Allow ~~a school district, private school, cooperative~~  
20 ~~educational service agency, technical college district, private college and public~~  
21 ~~library board~~ an educational agency to make a request to the board for access to  
22 either one data line or one video link, except that if a school district operates more  
23 than one high school the rules shall allow the school district to request access to both  
24 a data line and a video link and to request access to more than one data line or video

1 link. The board shall forward requests received under this subdivision to the  
2 commission and the department.

3 2. Establish eligibility requirements for a school district, private school,  
4 cooperative educational service agency, technical college district, private college and  
5 public library board an educational agency to participate in the program established  
6 under par. (b). The requirements shall prohibit a participant in the program from  
7 receiving assistance from the universal service fund for the purpose specified in sub.  
8 (5) (a) 3. for educational telecommunications access that is substantially similar to  
9 the access provided to the participant under the program.

10 3. Establish specifications for a data line or video link that is provided to a  
11 school district, private school, cooperative educational service agency, technical  
12 college district, private college and public library board an educational agency under  
13 the program established under par. (b).

14 4. Require a school district, private school, cooperative educational service  
15 agency, technical college district, private college and public library board an  
16 educational agency to pay the department not more than \$250 per month for each  
17 data line or video link that is provided to the school district, private school,  
18 cooperative educational service agency, technical college district, private college and  
19 public library board educational agency under the program established under par.  
20 (b), except that the charge may not exceed \$100 per month for each data line or video  
21 link that relies on a transport medium that operates at a speed of 1.544 megabits per  
22 second.

23 **SECTION 6.** 196.218 (4r) (e) of the statutes is amended to read:

24 196.218 (4r) (e) If the federal communications commission promulgates or  
25 modifies rules that provide rate discounts for telecommunications services to school

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1 ~~districts, private schools, cooperative educational service agencies, technical college~~  
 2 ~~districts, private colleges or public library boards educational agencies~~ under 47  
 3 USC 254, the governor shall submit a report to the joint committee on finance that  
 4 includes any recommended changes to statutes or rules with respect to funding the  
 5 program established under par. (b).

6 **SECTION 7.** 196.218 (4r) (i) of the statutes is created to read:

7 196.218 (4r) (i) A school district is not eligible to participate in the program  
 8 established under under par. (b) or to receive a grant under par. (g) unless the school  
 9 district provides filtering software or services on all computers <sup>that are</sup> owned by the school  
 10 district <sup>and</sup> <sup>and used by pupils</sup> connected to the Internet to block access to material that the school  
 11 district determines to be ~~inappropriate for minors.~~ <sup>harmful to children</sup>

12 **SECTION 8. Effective date.**

13 (1) This act takes effect on first day of the 13th month beginning after  
14 publication.

15 (END)

✓  
 INSERT 4-6

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1 **INSERT 2-4:**

2 (a) In this subsection, ✓“harmful to children” means that quality of any description,  
3 narrative account or representation, in whatever form, of nudity, as defined in s.  
4 948.11 (1) (d), ✓sexually explicit conduct, sexual excitement, as defined in s. 948.11 (1)  
5 (f), ✓sadoomasochistic abuse, physical torture or brutality, when it does each of the  
6 following:

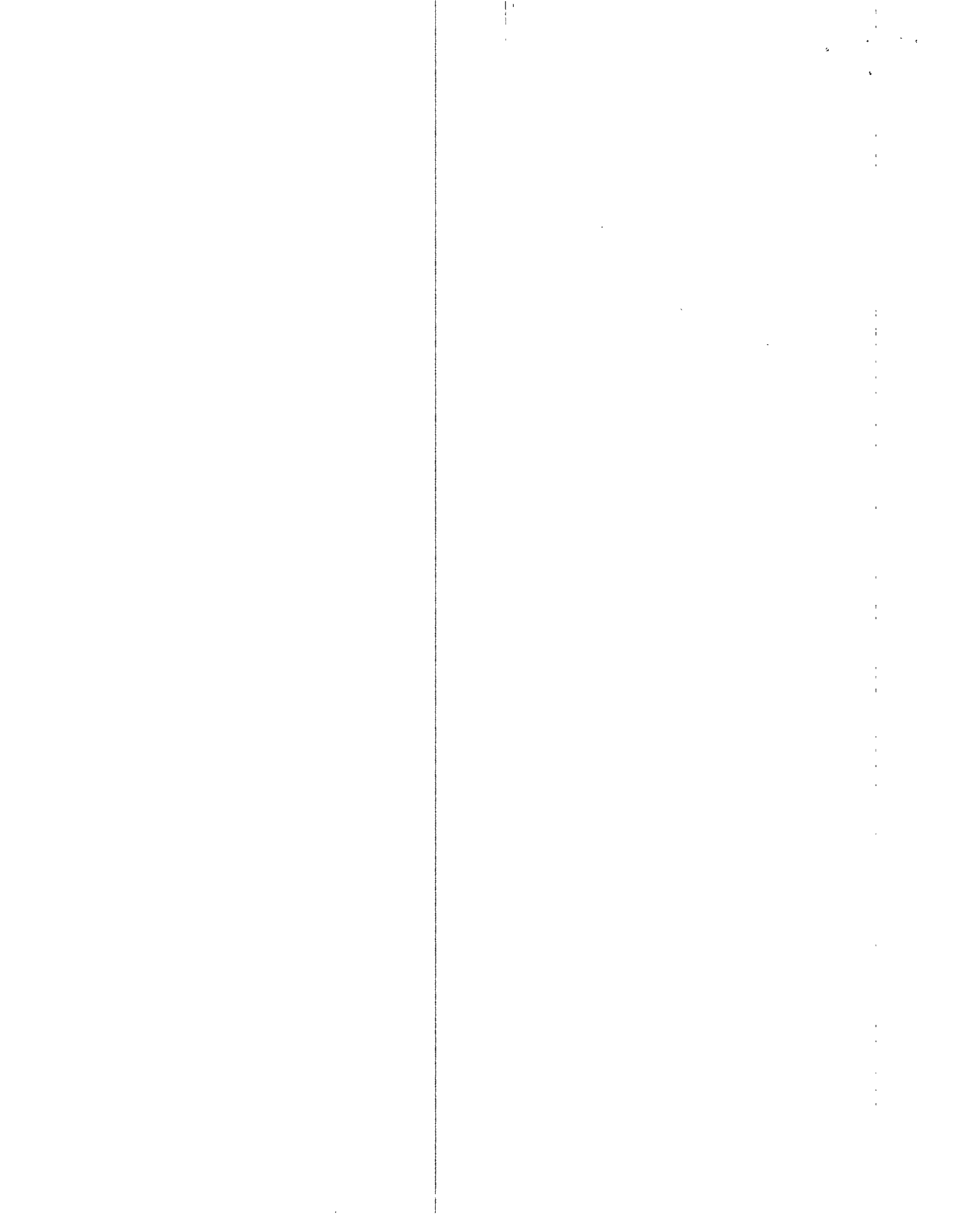
- 7 1. Predominantly appeals to the prurient, shameful or morbid interest of  
8 children.
- 9 2. Is patently offensive to prevailing standards in the adult community as a  
10 whole with respect to what is suitable for children.
- 11 3. Lacks serious literary, artistic, political, scientific or educational value for  
12 children, when taken as a whole.

13 **INSERT 4-6:**

14 **SECTION 1.** 196.218 (4r) (a) 1m. ✓of the statutes is created to read:

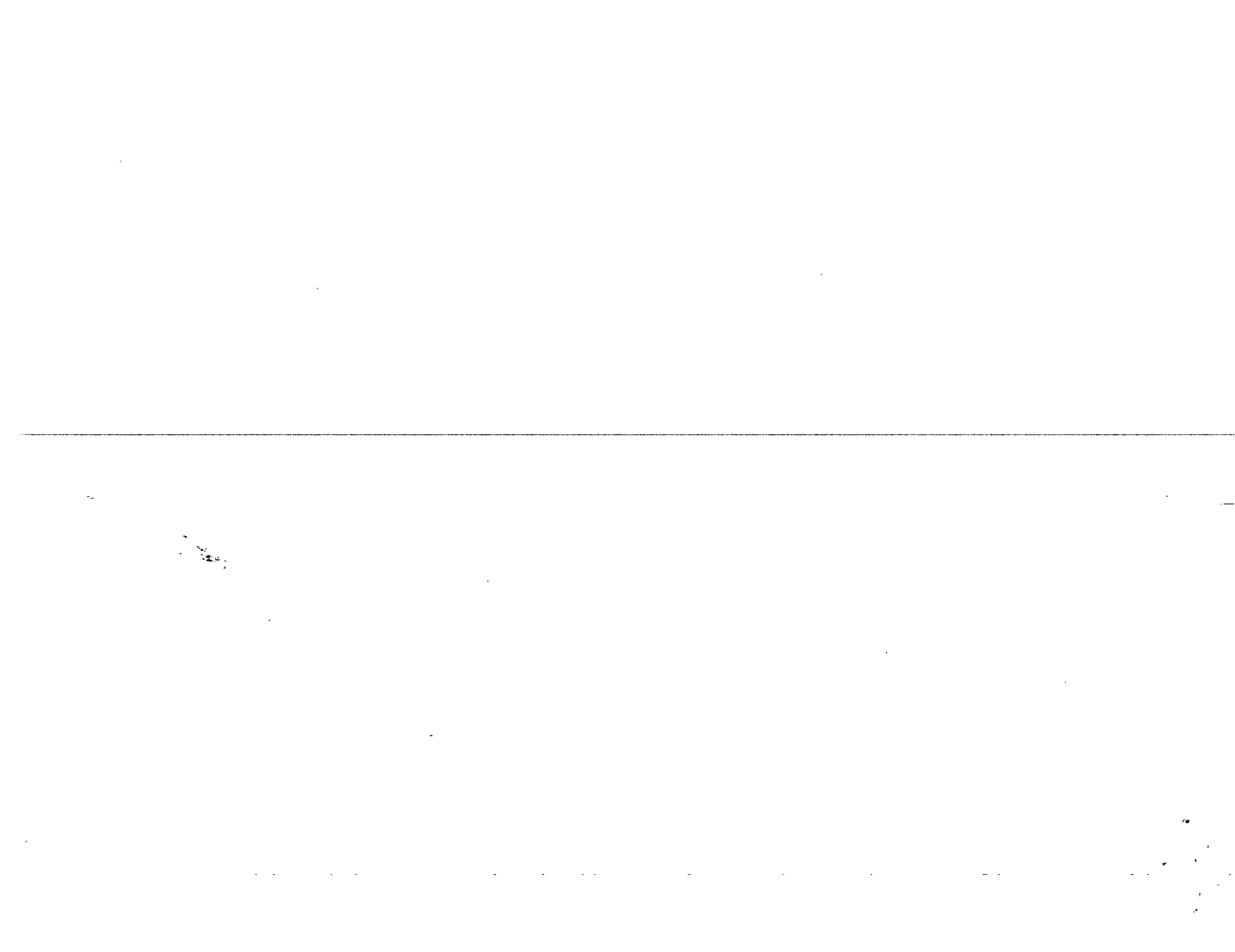
15 196.218 (4r) (a) 1m. “Harmful to children” means that quality of any  
16 description, narrative account or representation, in whatever form, of nudity, as  
17 defined in s. 948.11 (1) (d), ✓sexually explicit conduct, sexual excitement, as defined  
18 in s. 948.11 (1) (f), ✓sadoomasochistic abuse, physical torture or brutality, when it does  
19 each of the following:

- 20 a. Predominantly appeals to the prurient, shameful or morbid interest of  
21 children.
- 22 b. Is patently offensive to prevailing standards in the adult community as a  
23 whole with respect to what is suitable for children.





- 1 c. Lacks serious literary, artistic, political, scientific or educational value for
- 2 children, when taken as a whole.



5

**ASSEMBLY SUBSTITUTE AMENDMENT ,  
TO 1999 ASSEMBLY BILL 266**

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1 **AN ACT to amend** 119.04 (1); and **to create** 120.12 (26), 196.218 (4r) (a) 1m. and  
2 196.218 (4r) (i) of the statutes; **relating to:** requiring certain school boards and  
3 districts to provide filtering software or services on computers connected to the  
4 Internet.

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

5 **SECTION 1.** 119.04 (1) of the statutes, as affected by 1997 Wisconsin Act 77, is  
6 amended to read:

7 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.03 (3) (c),  
8 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38  
9 (2), 115.45, 118.001 to 118.04, 118.06, 118.07, 118.10, 118.12, 118.125 to 118.14,  
10 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19,  
11 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.291, 118.30  
12 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to ~~(25)~~ (26), 120.125, 120.13 (1),

1 (2) (b) to (g), (3), (14), (17) to (19), (26), (34) and (35) and 120.14 are applicable to a  
2 1st class city school district and board.

3 **SECTION 2.** 120.12 (26) of the statutes is created to read:

4 120.12 **(26)** FILTERING SOFTWARE AND SERVICES. (a) In this subsection, “harmful  
5 to children” means that quality of any description, narrative account or  
6 representation, in whatever form, of nudity, as defined in s. 948.11 (1) (d), sexually  
7 explicit conduct, sexual excitement, as defined in s. 948.11 (1) (f), sadomasochistic  
8 abuse, physical torture or brutality, when it does each of the following:

9 1. Predominantly appeals to the prurient, shameful or morbid interest of  
10 children.

11 2. Is patently offensive to prevailing standards in the adult community as a  
12 whole with respect to what is suitable for children.

13 3. Lacks serious literary, artistic, political, scientific or educational value for  
14 children, when taken as a whole.

15 (b) Provide filtering software or services on all computers that are owned by the  
16 school board, connected to the Internet and are used by pupils to block access to  
17 material that the school board determines to be harmful to children.

18 **SECTION 3.** 196.218 (4r) (a) 1m. of the statutes is created to read:

19 196.218 **(4r)** (a) 1m. “Harmful to children” means that quality of any  
20 description, narrative account or representation, in whatever form, of nudity, as  
21 defined in s. 948.11 (1) (d), sexually explicit conduct, sexual excitement, as defined  
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25 children.

1 b. Is patently offensive to prevailing standards in the adult community as a  
2 whole with respect to what is suitable for children.

3 c. Lacks serious literary, artistic, political, scientific or educational value for  
4 children, when taken as a whole.

5 **SECTION 4.** 196.218 (4r) (i) of the statutes is created to read:

6 196.218 (4r) (i) A school district is not eligible to participate in the program  
7 established under under par. (b) or to receive a grant under par. (g) unless the school  
8 district provides filtering software or services on all computers that are owned by the  
9 school district, connected to the Internet and used by pupils to block access to  
10 material that the school district determines to be harmful to children.

11 **SECTION 5. Effective date.**

12 (1) This act takes effect on first day of the 13th month beginning after  
13 publication.

14 **(END)**

1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

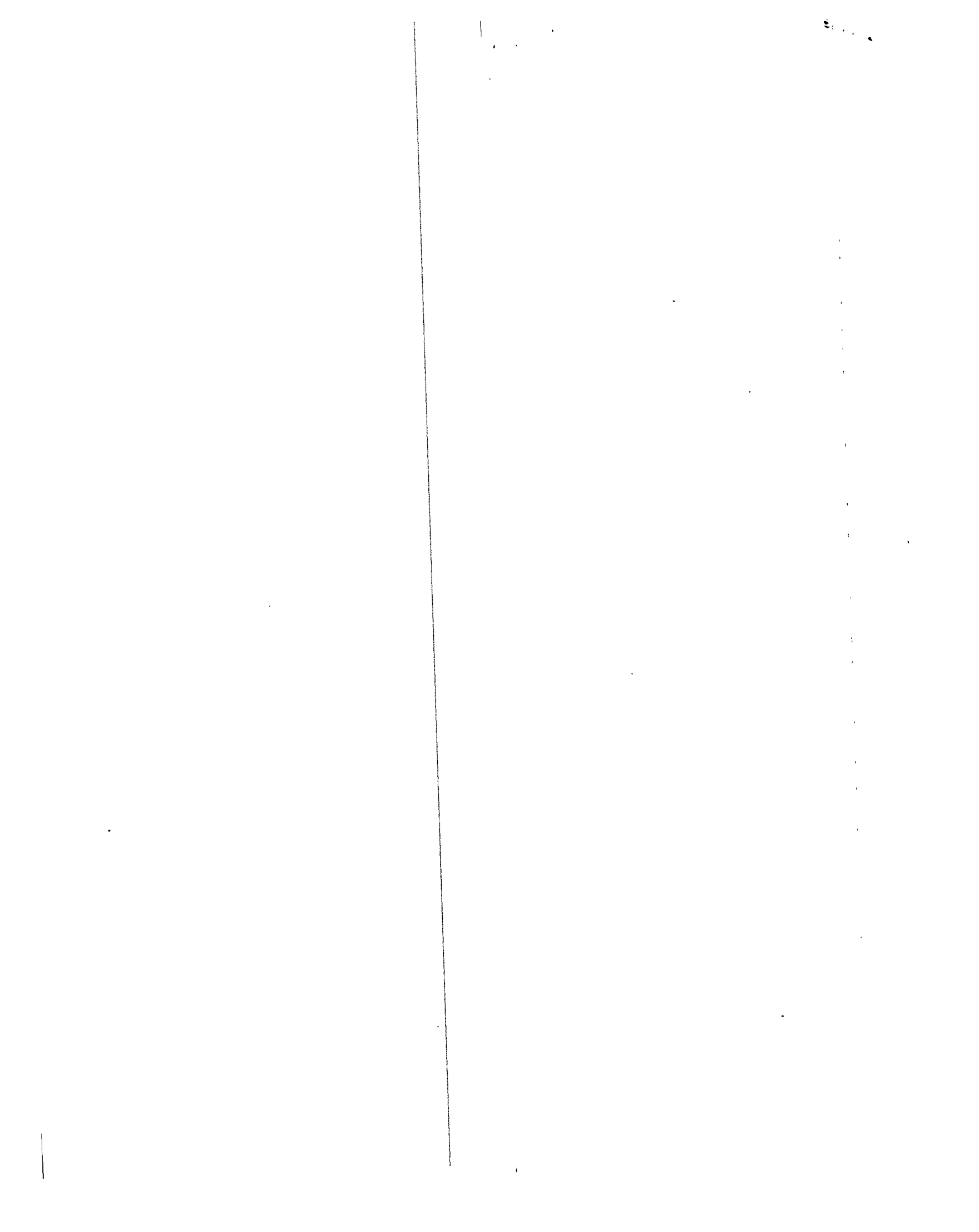
LRBs0070/5ins  
MDK:.....

1 X INSERT 1-4:

2 SECTION 1. 44.72 (2) (d) of the statutes is amended to read:

3 44.72 (2) (d) A school district receiving a grant under par. (a) or (b) shall deposit  
4 the moneys in a separate fund. The moneys may be used for any purpose related to  
5 educational technology, including obtaining the filtering software specified in s.  
6 196.218 (4r) (i), except that a school district may not use the moneys to pay the salary  
7 or benefits of any school district employe.

History: 1997 a 27, 41



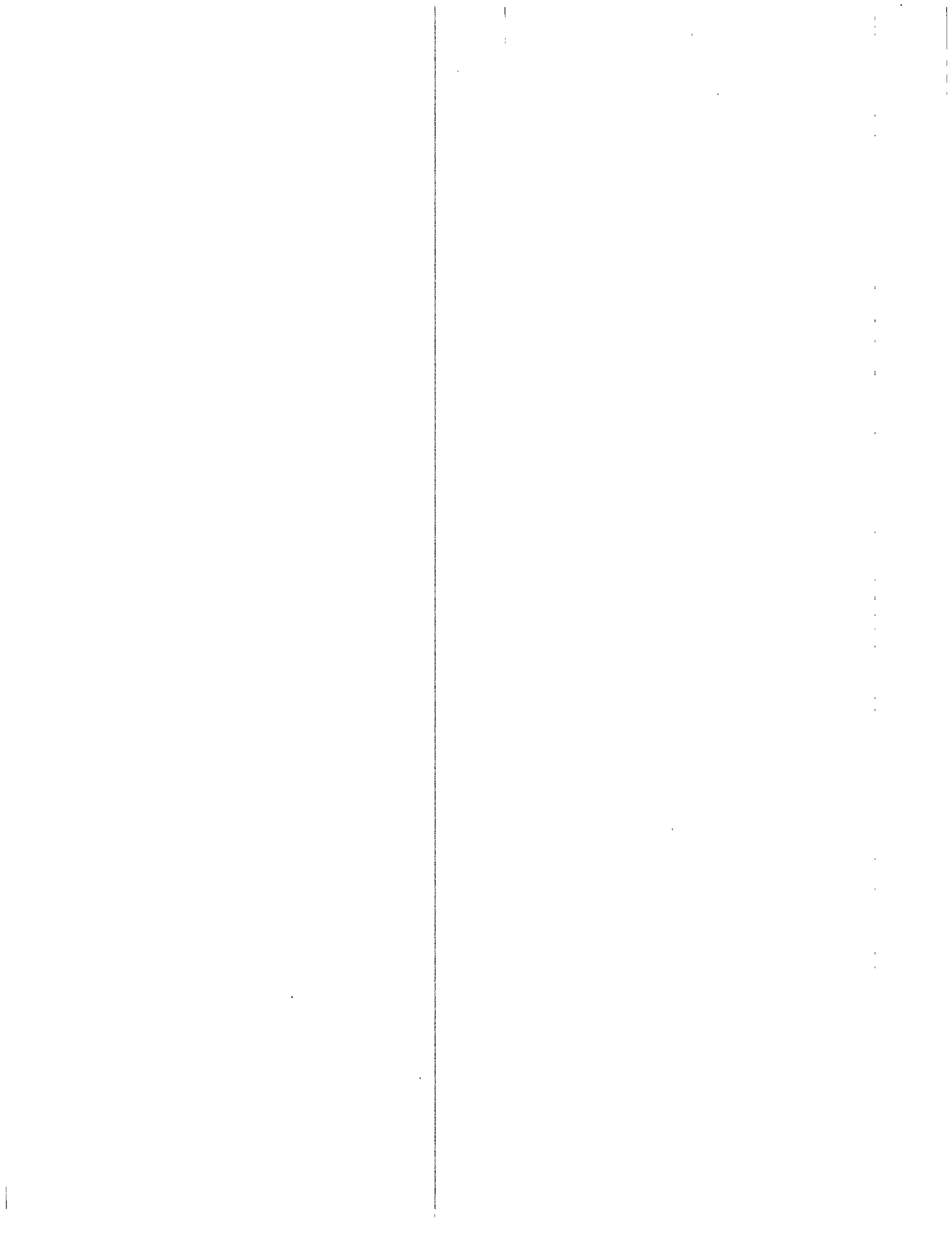
rec'd 8/20/99

Mark -

Can we change any  
reference to filters or  
filter software to  
internet management  
software?

Thanks -  
Kest





O-NOTE

6

ASSEMBLY SUBSTITUTE AMENDMENT,  
TO 1999 ASSEMBLY BILL 266

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management

1 AN ACT to amend 44.72 (2) (d) and 119.04 (1); and to create 120.12 (26), 196.218  
2 (4r) (a) 1m. and 196.218 (4r) (i) of the statutes; relating to: requiring certain  
3 school boards and districts to provide ~~software~~ software or services on  
4 computers connected to the Internet.

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

internet management

5 SECTION 1. 44.72 (2) (d) of the statutes is amended to read:  
6 44.72 (2) (d) A school district receiving a grant under par. (a) or (b) shall deposit  
7 the moneys in a separate fund. The moneys may be used for any purpose related to  
8 educational technology, including obtaining the ~~software~~ software <sup>of services</sup> specified in s.  
9 196.218 (4r) (i), except that a school district may not use the moneys to pay the salary  
10 or benefits of any school district employe.

11 SECTION 2. 119.04 (1) of the statutes, as affected by 1997 Wisconsin Act 77, is  
12 amended to read:

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1 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.03 (3) (c),  
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 3 (2), 115.45, 118.001 to 118.04, 118.06, 118.07, 118.10, 118.12, 118.125 to 118.14,  
 4 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19,  
 5 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.291, 118.30  
 6 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (25) (26), 120.125, 120.13 (1),  
 7 (2) (b) to (g), (3), (14), (17) to (19), (26), (34) and (35) and 120.14 are applicable to a  
 8 1st class city school district and board.

INTERNET MANAGEMENT C § 5

9 SECTION 3. 120.12 (26) of the statutes is created to read:

10 120.12 (26) ~~filtering~~ SOFTWARE AND SERVICES. (a) In this subsection, "harmful  
 11 to children" means that quality of any description, narrative account or  
 12 representation, in whatever form, of nudity, as defined in s. 948.11 (1) (d), sexually  
 13 explicit conduct, sexual excitement, as defined in s. 948.11 (1) (f), sadomasochistic  
 14 abuse, physical torture or brutality, when it does each of the following:

- 15 1. Predominantly appeals to the prurient, shameful or morbid interest of
- 16 children.
- 17 2. Is patently offensive to prevailing standards in the adult community as a
- 18 whole with respect to what is suitable for children.
- 19 3. Lacks serious literary, artistic, political, scientific or educational value for
- 20 children, when taken as a whole.

Internet management

21 (b) Provide ~~filtering~~ software or services on all computers that are owned by the  
 22 school board, connected to the Internet and are used by pupils to block access to  
 23 material that the school board determines to be harmful to children.

24 SECTION 4. 196.218 (4r) (a) 1m. of the statutes is created to read:

1 196.218 (4r) (a) 1m. "Harmful to children" means that quality of any  
2 description, narrative account or representation, in whatever form, of nudity, as  
3 defined in s. 948.11 (1) (d), sexually explicit conduct, sexual excitement, as defined  
4 in s. 948.11 (1) (f), sadomasochistic abuse, physical torture or brutality, when it does  
5 each of the following:

6 a. Predominantly appeals to the prurient, shameful or morbid interest of  
7 children.

8 b. Is patently offensive to prevailing standards in the adult community as a  
9 whole with respect to what is suitable for children.

10 c. Lacks serious literary, artistic, political, scientific or educational value for  
11 children, when taken as a whole.

*Internet management*

12 SECTION 5. 196.218 (4r) (d) of the statutes is created to read:

13 196.218 (4r) (i) A school district is not eligible to participate in the program  
14 established under under par. (b) or to receive a grant under par. (g) unless the school  
15 district provides ~~filtering~~ software or services on all computers that are owned by the  
16 school district, connected to the Internet and used by pupils to block access to  
17 material that the school district determines to be harmful to children.

18 SECTION 6. Effective date.

19 (1) This act takes effect on first day of the 13th month beginning after  
20 publication.

21 (END)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBs0070/6dn

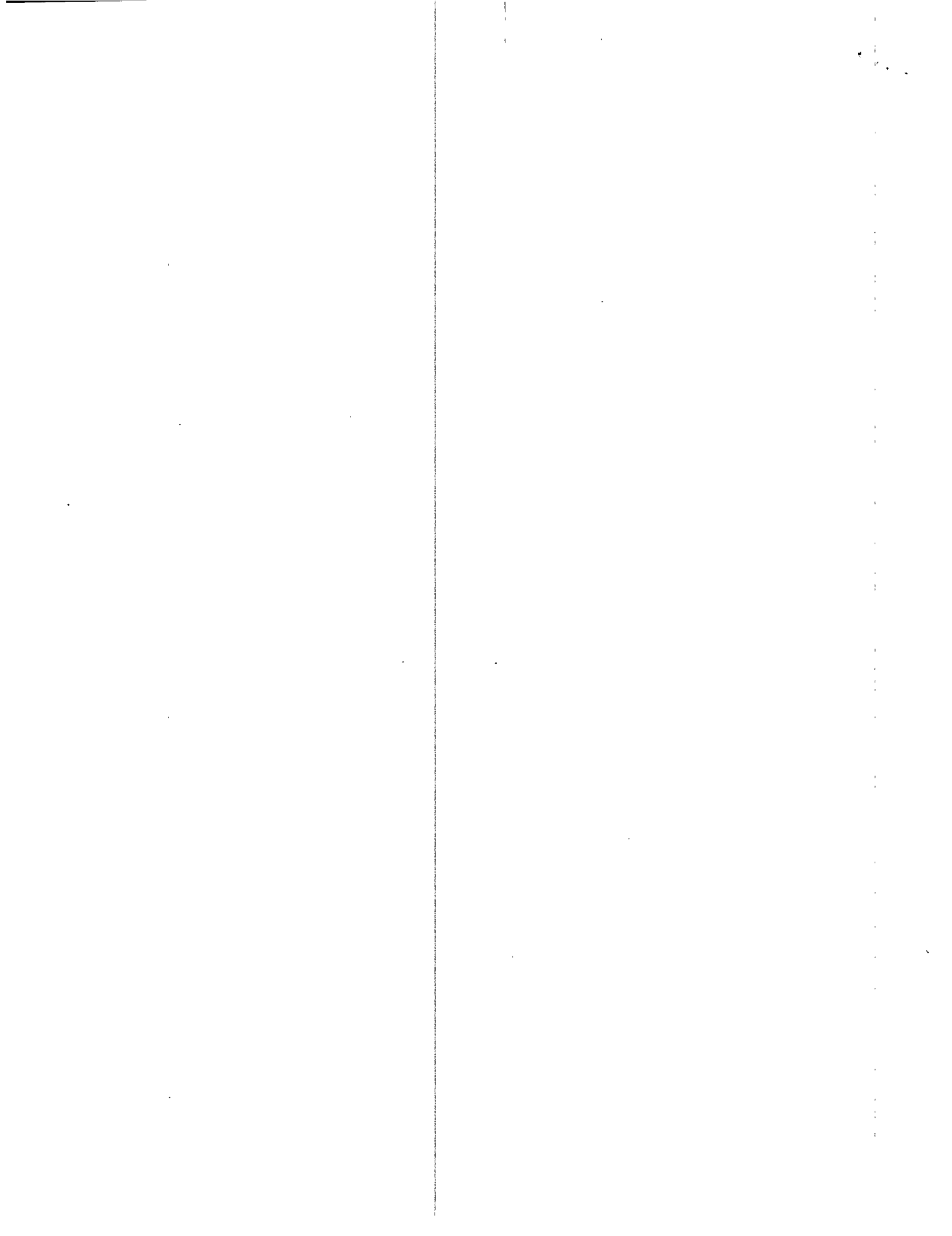
MDK:.....

1  
JK

Representative Huebsch:

This version is identical to LRBs0070/5, except that it refers to “internet management software and services”, rather than “internet filtering software and services”.

Mark D. Kunkel  
Legislative Attorney  
Phone: (608) 266-0131  
E-mail: Mark.Kunkel@legis.state.wi.us



**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBs0070/6dn  
MDK:jlg:mrc

August 20, 1999

Representative Huebsch:

This version is identical to LRBs0070/5, except that it refers to "Internet management software and services", rather than "filtering software and services".

Mark D. Kunkel  
Legislative Attorney  
Phone: (608) 266-0131  
E-mail: [Mark.Kunkel@legis.state.wi.us](mailto:Mark.Kunkel@legis.state.wi.us)



D-NOTE

7

**ASSEMBLY SUBSTITUTE AMENDMENT ,  
TO 1999 ASSEMBLY BILL 266**

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1 AN ACT to amend 44.72 (2) (d) and 119.04 (1); and to create 120.12 (26), 196.218  
2 (4r) (a) 1m. and 196.218 (4r) (i) of the statutes; relating to: requiring certain  
3 school boards and districts to provide Internet management software or  
4 services on computers connected to the Internet.

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

5 SECTION 1. 44.72 (2) (d) of the statutes is amended to read:  
6 44.72 (2) (d) A school district receiving a grant under par. (a) or (b) shall deposit  
7 the moneys in a separate fund. The moneys may be used for any purpose related to  
8 educational technology, including obtaining the Internet management software or  
9 services specified in s. 196.218 (4r) (i), except that a school district may not use the  
10 moneys to pay the salary or benefits of any school district employe.

11 SECTION 2. 119.04 (1) of the statutes, as affected by 1997 Wisconsin Act 77, is  
12 amended to read:

1 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.03 (3) (c),  
2 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38  
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4 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19,  
5 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.291, 118.30  
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7 (2) (b) to (g), (3), (14), (17) to (19), (26), (34) and (35) and 120.14 are applicable to a  
8 1st class city school district and board.

9 SECTION 3. 120.12 (26) of the statutes is created to read:

10 120.12 (26) INTERNET MANAGEMENT SOFTWARE AND SERVICES. (a) In this  
11 subsection <sup>1.</sup> "harmful to children" means that quality of any description, narrative  
12 account or representation, in whatever form, of nudity, as defined in s. 948.11 (1) (d),  
13 sexually explicit conduct, sexual excitement, as defined in s. 948.11 (1) (f),  
14 sadomasochistic abuse, physical torture or brutality, when it does ~~not~~ <sup>all</sup> of the  
15 following:

16 <sup>a</sup> 1. Predominantly appeals to the prurient, shameful or morbid interest of  
17 children.

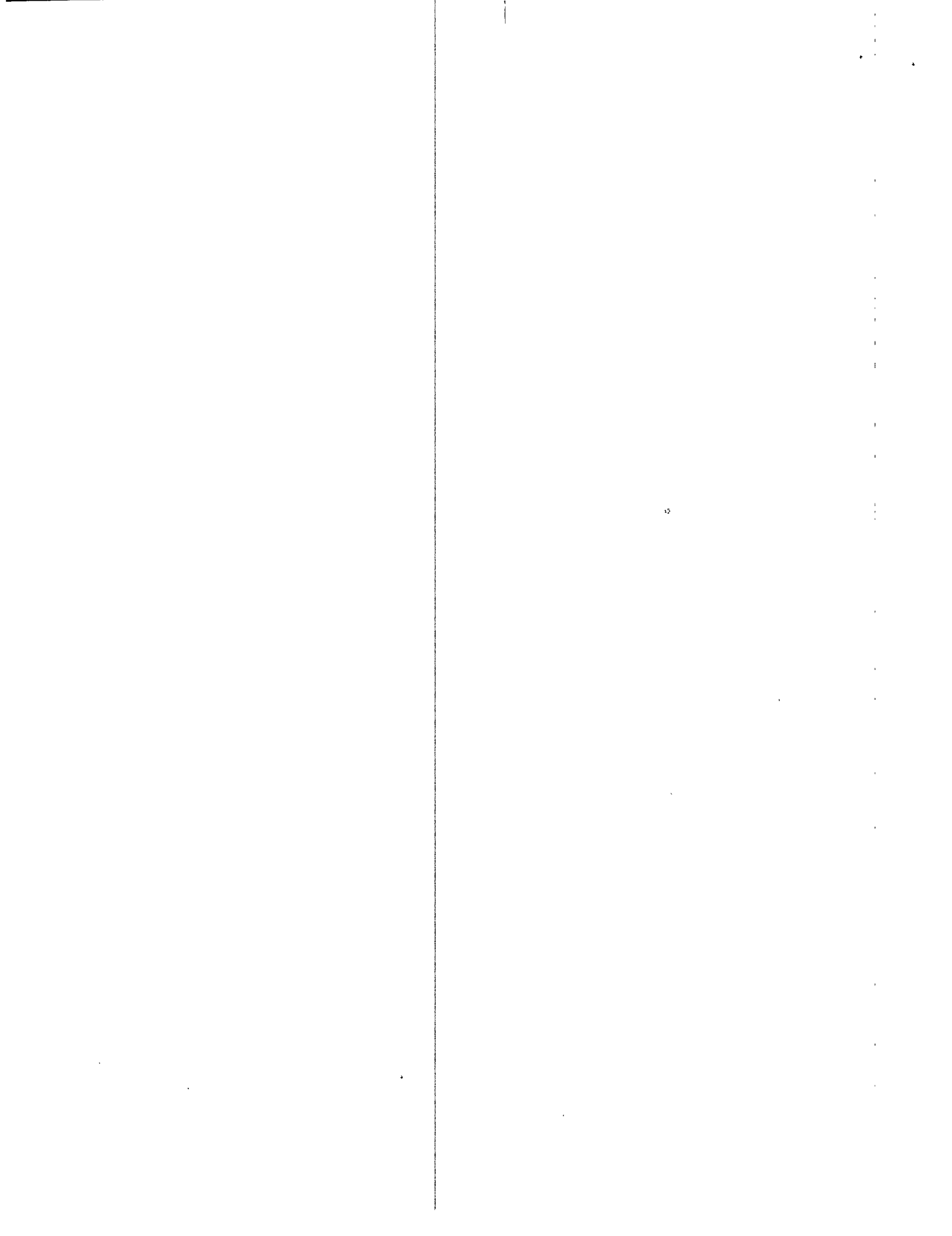
18 <sup>b</sup> 2. Is patently offensive to prevailing standards in the adult community as a  
19 whole with respect to what is suitable for children.

20 <sup>c</sup> 3. Lacks serious literary, artistic, political, scientific or educational value for  
21 children, when taken as a whole.

22 (b) Provide Internet management software or services on all computers that  
23 are owned by the school board, connected to the Internet and are used by pupils, to  
24 ~~block access to material that the school board determines to be harmful to children~~

25 SECTION 4. 196.218 (4r) (a) 1m. <sup>and 1s.</sup> of the statutes <sup>are</sup> created to read:

INSERT 2-21



1 196.218 (4r) (a) 1m. "Harmful to children" means that quality of any  
2 description, narrative account or representation, in whatever form, of nudity, as  
3 defined in s. 948.11 (1) (d), sexually explicit conduct, sexual excitement, as defined  
4 in s. 948.11 (1) (f), sadomasochistic abuse, physical torture or brutality, when it does  
5 ~~each~~ of the following: *all*

6 a. Predominantly appeals to the prurient, shameful or morbid interest of  
7 children.

8 b. Is patently offensive to prevailing standards in the adult community as a  
9 whole with respect to what is suitable for children.

10 c. Lacks serious literary, artistic, political, scientific or educational value for  
11 children, when taken as a whole.

12 **SECTION 5.** 196.218 (4r) (i) of the statutes is created to read:

13 196.218 (4r) (i) A school district is not eligible to participate in the program  
14 established under under par. (b) or to receive a grant under par. (g) unless the school  
15 district provides Internet management software or services on all computers that are  
16 owned by the school district, connected to the Internet and used by pupils to block  
17 ~~access to material that the school district determines to be harmful to children.~~

18 **SECTION 6. Effective date.**

19 (1) This act takes effect on first day of the 13th month beginning after  
20 publication.

21

(END)

*D-note*

*INSERT 3-11*

1999-2000 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBs0070/7ins  
MDK:.....

1

**INSERT 2-21:**

2

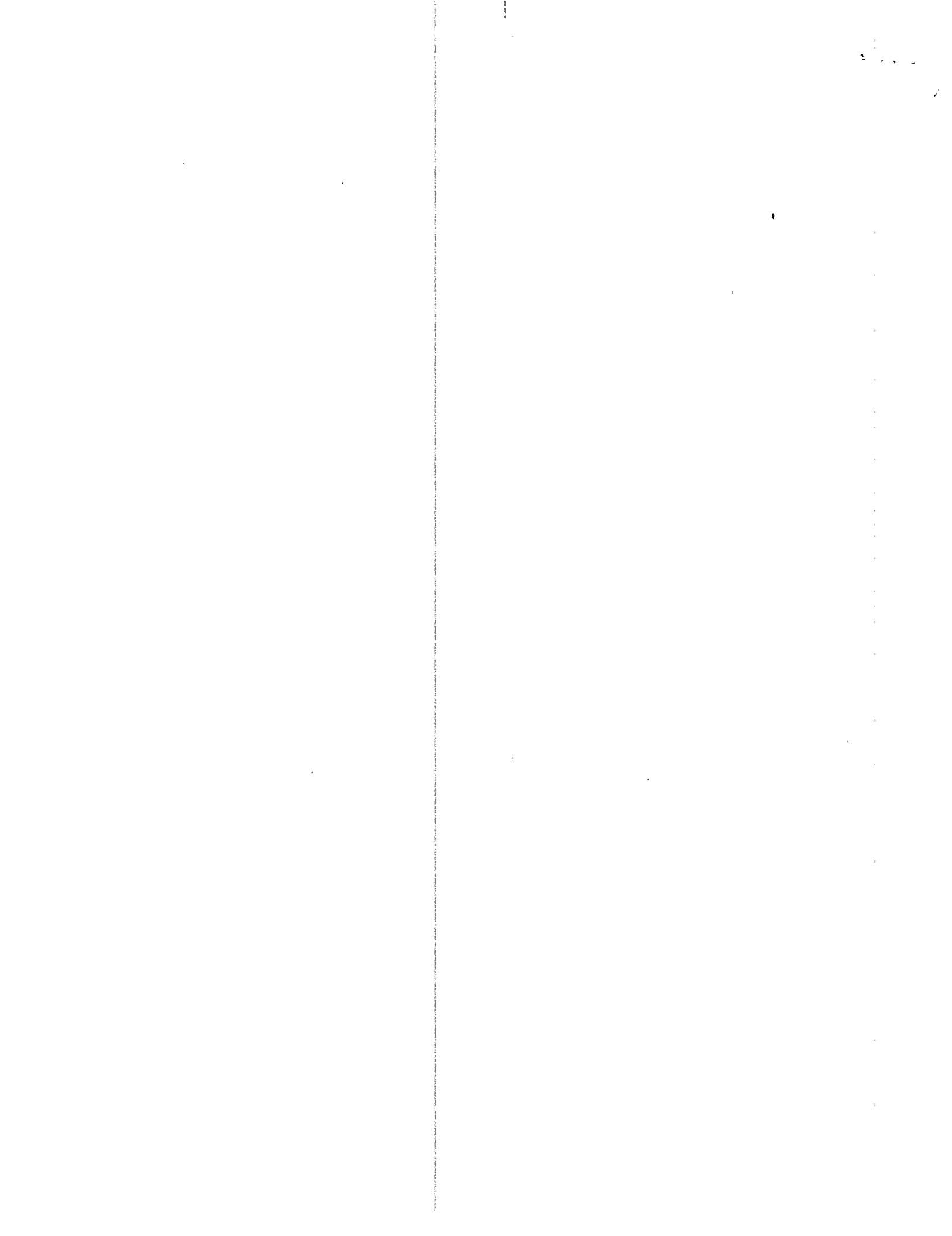
¶ 2. "Internet management software or services" means software or services that  
3 are used to filter or block access to material on the Internet that is harmful to  
4 children.

5

**INSERT 3-11:**

6

¶ 1s. "Internet management software or services" means software or services  
7 that are used to filter or block access to material on the Internet that is harmful to  
8 children.



**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBs0070/7dn

MDK:.....

*JK*

Representative Huebsch:

This version makes changes that I discussed with Dan Schmidt of Legislative Council.

Mark D. Kunkel  
Legislative Attorney  
Phone: (608) 266-0131  
E-mail: [Mark.Kunkel@legis.state.wi.us](mailto:Mark.Kunkel@legis.state.wi.us)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBs0070/7dn  
MDK:jlg:km

August 25, 1999

Representative Huebsch:

This version makes changes that I discussed with Dan Schmidt of Legislative Council.

Mark D. Kunkel  
Legislative Attorney  
Phone: (608) 266-0131  
E-mail: [Mark.Kunkel@legis.state.wi.us](mailto:Mark.Kunkel@legis.state.wi.us)



## Kunkel, Mark

---

**From:** Disch, Kent  
**Sent:** Tuesday, September 07, 1999 4:05 PM  
**To:** Kunkel, Mark  
**Subject:** RE: Assembly Substitute Amendment to AB 206

Thank you Mark!

-----Original Message-----

**From:** **Kunkel, Mark**  
**Sent:** Tuesday, September 07, 1999 4:00 PM  
**To:** Disch, Kent  
**Subject:** RE: Assembly Substitute Amendment to AB 206

Yes, it should be done by tomorrow afternoon.

-----  
Mark Kunkel  
Legislative Attorney  
State of Wisconsin  
Legislative Reference Bureau

mark.kunkel@legis.state.wi.us  
(608) 266-0131

-----Original Message-----

**From:** Disch, Kent  
**Sent:** Tuesday, September 07, 1999 4:01 PM  
**To:** Kunkel, Mark  
**Subject:** FW: Assembly Substitute Amendment to AB 206

Mark,

Can you make this change for us?

I am sending the amendment over for as you read this.

Thanks.

-Kent

-----Original Message-----

**From:** **Schmidt, Dan**  
**Sent:** Tuesday, September 07, 1999 3:12 PM  
**To:** Disch, Kent  
**Subject:** Assembly Substitute Amendment to AB 206

Kent:

LRBs0070/7 looks safe from a constitutional perspective, however, there is an error on page 3, line 2. The word "are" in "and are used by pupils" should be removed. The sentence should read like line 22 on the same page. You may want to mention this to the drafter when you request the final version of the sub.

Dan

**Daniel W. Schmidt**  
Wisconsin Legislative Council Staff  
One East Main Street, Suite 401  
P.O. Box 2536  
Madison, WI 53701-2536

(608) 267-7251  
[dan.schmidt@legis.state.wi.us](mailto:dan.schmidt@legis.state.wi.us)

SOON

8

**ASSEMBLY SUBSTITUTE AMENDMENT ,  
TO 1999 ASSEMBLY BILL 266**

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1 **AN ACT to amend** 44.72 (2) (d) and 119.04 (1); and **to create** 120.12 (26), 196.218  
2 (4r) (a) 1m. and 1s. and 196.218 (4r) (i) of the statutes; **relating to:** requiring  
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4 or services on computers connected to the Internet.

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

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4           118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19,  
5           118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.291, 118.30  
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8           1st class city school district and board.

9           **SECTION 3.** 120.12 (26) of the statutes is created to read:

10           120.12 **(26)** INTERNET MANAGEMENT SOFTWARE AND SERVICES. (a) In this  
11           subsection:

12           1. “Harmful to children” means that quality of any description, narrative  
13           account or representation, in whatever form, of nudity, as defined in s. 948.11 (1) (d),  
14           sexually explicit conduct, sexual excitement, as defined in s. 948.11 (1) (f),  
15           sodomasochistic abuse, physical torture or brutality, when it does all of the following:

16           a. Predominantly appeals to the prurient, shameful or morbid interest of  
17           children.

18           b. Is patently offensive to prevailing standards in the adult community as a  
19           whole with respect to what is suitable for children.

20           c. Lacks serious literary, artistic, political, scientific or educational value for  
21           children, when taken as a whole.

22           2. “Internet management software or services” means software or services that  
23           are used to filter or block access to material on the Internet that is harmful to  
24           children.

1 (b) Provide Internet management software or services on all computers that  
2 are owned by the school board, connected to the Internet and ~~are~~ used by pupils.

3 **SECTION 4.** 196.218 (4r) (a) 1m. and 1s. of the statutes are created to read:

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12 whole with respect to what is suitable for children.

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14 children, when taken as a whole.

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17 children.

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19 196.218 (4r) (i) A school district is not eligible to participate in the program  
20 established under under par. (b) or to receive a grant under par. (g) unless the school  
21 district provides Internet management software or services on all computers that are  
22 owned by the school district, connected to the Internet and used by pupils.

23 **SECTION 6. Effective date.**

