

1999 DRAFTING REQUEST

Bill

Received: **09/21/98**

Received By: **kunkemd**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Milioto**

This file may be shown to any legislator: **NO**

Drafter: **kunkemd**

May Contact:

Alt. Drafters:

Subject: **Education - miscellaneous
Public Util. - telco and cable**

Extra Copies: **PG**

Topic:

DOA:.....Milioto - Educational telecommunications access program

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	kunkemd 01/20/99 kunkemd 01/26/99	chanaman 01/22/99 chanaman 01/26/99	ismith 01/25/99	_____	lrb_docadmin 01/25/99		State
/2	kunkemd 01/26/99	ygeller 01/26/99	hhagen 01/26/99	_____	lrb_docadmin 01/26/99		State
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FE Sent For: *15 2/8 jlg* *4/2/8* *4/15 2/8*

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		1/22 jlg					

FE Sent For:

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Rationale: Because the block grants are distributed to school districts based on both statutory and constitutional formulas, this requirement has been an unnecessary administrative hurdle for both school districts and TEACH staff. The collection and verification of the resolutions has depleted valuable staff time that could better be spent on assisting school districts or collecting data useful for performance-based budgeting.

Instruction: Delete s. 44.72(c), except last sentence.

C. **Subsidized Educational Technology Infrastructure Loans** - 0249 - IN

1. **Financial Assistance Loans and Grants - Technical**

Change: Replace language relating to "subsidized loans" with "financial assistance," and characterize funding to school districts as a 50% loan and 50% grant of total eligible funding.

Rationale: Under the current program, school districts and libraries may chose a loan term of two to ten years to pay off their 50% portion of the loan. However, because the state will always finance its 50% of the loan over ten years, school districts and libraries are liable for the loan until the end of the full ten years, regardless of the loan term they chose. This change would allow school districts and libraries to fully pay off their 50% loan within their chosen term and not be liable for ten years because the other 50% of the financial assistance would be a grant and no longer a forgivable loan.

Instructions: See attached draft.

2. **Continuing Program Revenue Debt Service Appropriation - Technical**

Change: Amend appropriation s. 20.275 (1)(h) in the Chapter 20 schedule to be a continuing, rather than a sum sufficient, program revenue appropriation. This would be consistent with the treatment of the other program revenue debt service appropriation, 20.275(1)(hb), under TEACH Wisconsin.

D. **Educational Telecommunications Access Program** - 0250

1. **Establish Program Under Chapter 44, Subchapter IV (TEACH Wisconsin) - Policy** IN

Current: Under current law, the program is established under Wis. Stats. Chapter 196 (Public Service Commission) and authorizes the PSC to promulgate rules, report to the legislature and complete some administrative functions for the program. However, the appropriations and responsibility to operate the program rest with TEACH.

Change: Move the program from Chapter 196 to Chapter 44 (TEACH Wisconsin). Delete the requirement that the PSC promulgate rules for the educational telecommunications access program. Instead, require TEACH Wisconsin to administer the program following the statutory requirements established for the program. Delete all administrative functions delegated to the PSC, including reporting and documentation of contracts. Maintain the statutory requirements for administering the universal service fund with the PSC under Chapter 196, including assessing the necessary moneys to fund the telecommunications access program.

Rationale: Because the PSC does not administer the telecommunications access program, it has been administratively cumbersome to authorize the PSC to establish rules, report data and approve contracts for the program. The statutory authority for the program should reside with the agency that administers the program. Further, because TEACH Wisconsin is required to implement performance-based budgeting, it is crucial that TEACH be authorized to fully implement and administer the programs for which it will be ultimately held accountable.

Instructions: Make the necessary amendments to chapters 44 and 196 to reflect these changes.

2. **Expand Authority to Pay Telecommunications Providers - Policy** - OUT

Current: Under current law, TEACH may make payments on behalf of libraries and educational institutions for telecommunications services only to telecommunications providers under contracts with DOA.

Change: Permit TEACH Wisconsin to make payments to telecommunications providers under contracts with eligible institutions that have entered into such contracts following a competitive bidding process, in addition to those providers under contracts with DOA.

note grant + grants

note: w/DO contracts with who?

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Rationale: This change would allow for greater competition for TEACH-supported services, as well as provide for programmatic flexibility for the libraries and educational institutions that are beneficiaries of TEACH. Additionally, this change could potentially provide TEACH Wisconsin cost savings which would enable TEACH to serve greater numbers of institutions.

Instructions: Make the necessary changes to Chapter 20 appropriation language.

3. Additional Data Lines and Video Links for Cost Savings – Policy

Change: Permit TEACH Wisconsin to provide more than one data line or video link to an eligible institution if such an action would result in a cost savings to TEACH.

Rationale: In some instances, it is more cost effective to provide an institution several lower-capacity data lines, rather than one high-capacity data line or video link. Because under current law, TEACH may generally not provide more than one data line or video link, several institutions have requested a high-capacity data line, which provides greater bandwidth capacity than necessary, rather than requesting several lower-capacity data lines. Permitting TEACH the flexibility to provide several data lines would enable the program to be more cost effective, respond more directly to institution needs and serve greater numbers of institutions.

Instructions: Make necessary changes to s. 196.218(4r) (c)1.

who decide? in 102

IN

4. Appropriation Rearrangement – Technical

Current Law: There are three appropriations for the program: (a) public school districts, CESAs and technical colleges; (b) private colleges and public library boards; and (c) private K-12 schools.

Change: Maintain three appropriations and current funding levels for each type of institution, but alter the arrangement as follows: (a) public school districts and CESAs; (b) technical colleges and public library boards; and (c) private colleges and private K-12 schools.

Rationale: Because the school district and CESA appropriation is included in the calculation of the state's commitment to funding two-thirds of partial school revenues, only public K-12 educational purposes should be funded through the appropriation. Public library boards and technical colleges are both public entities and can logically share an appropriation. Private colleges and K-12 schools are both private entities and can logically share an appropriation.

Instructions: Make the necessary changes to chapters 20 and 196 to reflect these appropriation changes.

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20.275 (1) (t)

IN

E. Wisconsin Advanced Telecommunications Foundation and TEACH Wisconsin Administration – Policy

-0251

Change: Consolidate the administrative functions of the Wisconsin Advanced Telecommunications Foundation (WATF) under TEACH Wisconsin, as is currently provided under a memorandum of understanding between the WATF Chair and the TEACH Executive Director. Create a continuing program revenue (PR) appropriation under TEACH Wisconsin, entitled "Wisconsin Advanced Telecommunications Foundation and other activities." Funding for this appropriation would be generated from the WATF Foundation interest earnings. Provide 2.0 permanent PR positions and \$135,600 PR in 1999-2000, and \$149,700 PR in 2000-01. In order to fill one of the positions, TEACH Wisconsin would accrete into the state employment system the current WATF employee who is currently performing administrative and grants specialist duties. The position authority for the other position could be transferred from DOA to TEACH because, of the four positions authorized to DOA under 1997 Act 27 for TEACH-related activities, only three positions have been filled and are completing TEACH-related duties.

Rename Wis. Stats. Chapter 44, Subchapter IV to be "the Office of Technology for Educational Achievement in Wisconsin." Under the Office of TEACH Wisconsin, the TEACH Board would retain its current duties and programs. Establish that the administration of the duties and programs of the WATF Board would be completed by the Office of TEACH Wisconsin, under the direction of the TEACH Wisconsin Executive Director. Provide that the WATF Board would retain its current duties



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0250/1

MDK:.....

emf
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JG

NOTE

DOA:.....Milioto - Educational telecommunications access program

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

SOON

W.P.D.s --
please fix topic
line on request
cover sheet

don't
get
scat.

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

OTHER EDUCATIONAL AND CULTURAL AGENCIES

Under current law, the public service commission (PSC) is required to promulgate rules for an educational telecommunications access program under which certain educational agencies are provided with financial assistance from the universal service fund (fund) to obtain access to either one data line or video link, except that school districts that operate more than one high school may be provided with access to more than data line or video link under the program. The PSC requires telecommunications providers to make contributions to the fund, which is also used for other programs that promote universal access to telecommunications services.

Under this bill, all of the PSC's duties regarding the educational telecommunications access program, except the PSC's duties regarding requiring telecommunications providers to contribute to the fund, are transferred to the technology for educational achievement in Wisconsin board (TEACH board). In addition, the bill allows any educational agency to obtain access to more than one data line or video link under the program if they can show to the satisfaction of the TEACH board that the additional lines or links are more cost-effective than a single line or link.

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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. 16.974^X(7) of the statutes is amended to read:

2 16.974 (7) (a) Subject to s. 196.218[✓](4r)[✓](f) 44.73[✓](5)[✓], coordinate with the
3 technology for educational achievement in Wisconsin board to provide school
4 districts, cooperative educational service agencies and technical college districts
5 with telecommunications access under s. 196.218[✓](4r) 44.73[✓] and contract with
6 telecommunications providers to provide such access.

7 (b) Coordinate with the technology for educational achievement in Wisconsin
8 board to provide private colleges and public library boards with telecommunications
9 access under s. 196.218[✓](4r) 44.73[✓] and contract with telecommunications providers
10 to provide such access.

11 (c) Coordinate with the technology for educational achievement in Wisconsin
12 board to provide private schools with telecommunications access under s. 196.218[✓]
13 (4r) 44.73[✓] and contract with telecommunications providers to provide such access.

14 History: 1991 a. 39; 1995 a. 27; 1997 a. 27, 237.

14 SECTION 2. 20.275^X(1) (s) of the statutes is amended to read:

15 20.275 (1) (s) *Educational telecommunications access support; school districts,*
16 *cooperative educational service agencies.* Biennially, from the universal service fund,
17 the amounts in the schedule to make payments to telecommunications providers
18 under contracts with the department of administration under s. 16.974 (7) (a) to the
19 extent that the amounts due are not paid from the appropriation under s. 20.505 (1)

1 (is) and, prior to July 1, 2002, to make grants to school districts under s. ~~196.218 (4r)~~
2 ~~(g)~~ 44.73 (6).

3 History: 1997 a. 27, 237.

3 **SECTION 3.** 20.275 (1) (tm) of the statutes is amended to read:

4 20.275 (1) (tm) *Educational telecommunications access support; private*
5 *schools.* Biennially, from the universal service fund, the amounts in the schedule to
6 make payments to telecommunications providers under contracts with the
7 department of administration under s. 16.974 (7) (c) to the extent that the amounts
8 due are not paid from the appropriation under s. 20.505 (1) (is) and, prior to
9 July 1, 2002, to make grants to private schools under s. ~~196.218 (4r)~~ ~~(g)~~ 44.73 (6).

10 History: 1997 a. 27, 237.

10 **SECTION 4.** 20.505 (1) (is) of the statutes is amended to read:

11 20.505 (1) (is) *Information technology processing services to nonstate entities.*
12 All moneys received from local governmental units and entities in the private sector
13 for provision of computer services, telecommunications services and supercomputer
14 services under s. 16.973 (2) (b) and (c) or under s. ~~196.218 (4r)~~ ~~(e)~~ 44.73 (2) (d), to
15 be used for the purpose of providing those services.

History: 1971 c. 108, 125, 215; 1971 c. 270 s. 104; 1973 c. 90 and supp., 157, 305; 1975 c. 39 ss. 179 to 184f, 735 (5); 1975 Ex. Order No. 24; 1975 c. 224, 397; 1977 c. 29, 1977 c. 196 ss. 70, 131, 1977 c. 377 s. 30; 1977 c. 418 s. 929 (1), (55); 1979 c. 32 s. 92 (5); 1979 c. 34, 175, 221; 1979 c. 355 s. 241; 1979 c. 361; 1981 c. 20 ss. 400b to 421, 2202 (57) (b); 1981 c. 44 s. 3; 1981 c. 62, 121; 1981 c. 202 s. 23; 1981 c. 314, 374, 391; 1983 a. 27 ss. 439 to 456, 2202 (1); 1983 a. 36, 187, 282, 371, 393; 1985 a. 29, 31, 57, 120, 296, 297, 332; 1987 a. 27 ss. 296n, 296q, 297b, 297d, 299a to 299r, 300a, 301a, 418 to 432; 1987 a. 142, 147, 342, 399; 1989 a. 31, 56, 107, 122, 336, 339, 345, 366; 1991 a. 39 s. 469, 593q to 614; 1991 a. 105, 269, 315; 1993 a. 16 ss. 470g, 470m, 470r, 488 to 506m; 1993 a. 33, 75, 193, 349, 358, 374, 414, 437, 477, 491; 1995 a. 27, 56, 201, 216, 225, 227, 370, 403; 1997 a. 3; 1997 a. 27 ss. 199, 227, 229m, 233, 666g to 692; 1997 a. 237, 283.

16 **SECTION 5.** 44.70 (2g) of the statutes is created to read:

17 44.70 (2g) "Educational agency" means a school district, private school,
18 cooperative educational service agency, technical college district, private college or
19 public library board.

20 **SECTION 6.** 44.70 (5) of the statutes is created to read:

21 44.70 (5) "Universal service fund" means the trust fund established under s.
22 25.95.

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SECTION 7. 44.71 (2) (e) of the statutes is amended to read:

44.71 (2) (e) Subject to s. ~~196.218 (4r) (f)~~ s. 44.73 (5), in cooperation with the department ~~and the public service commission~~, provide telecommunications access to school districts, private schools, cooperative educational service agencies, technical college districts, private colleges and public library boards educational agencies under the program established under s. ~~196.218 (4r)~~ 44.73.

History: 1997 a. 27, 237.

SECTION 8. 121.15 (3m) (a) 2. of the statutes is amended to read:

121.15 (3m) (a) 2. "State school aids" means those aids appropriated under s. 20.255 (2), other than s. 20.255 (2) (fm), (fu), (k) and (m), and under ss. 20.275 (1) (d), (es), (et), (f), (fs) and (u) and 20.285 (1) (ee), (r) and (rc) and those aids appropriated under s. 20.275 (1) (s) that are used to provide grants or educational telecommunications access to school districts under s. ~~196.218 (4r)~~ 44.73.

History: 1977 c. 29 s. 1098; 1977 c. 273; Stats. 1977 s. 121.15; 1979 c. 34; 1985 a. 29, 120; 1987 a. 27; 1989 a. 207; 1993 a. 16, 437; 1995 a. 27 ss. 4073 to 4075m, 9145 (1); 1997 a. 27, 113, 228; 1997 a. 237 ss. 368v to 369, 727.

SECTION 9. 196.218 (1) (a) and (b) of the statutes are repealed.

SECTION 10. 196.218 (4r) (title) of the statutes is renumbered 44.73 (title).

SECTION 11. 196.218 (4r) (a) (intro.) of the statutes is repealed.

SECTION 12. 196.218 (4r) (a) 1. of the statutes is renumbered 44.70 (1m).

SECTION 13. 196.218 (4r) (a) 2. and 2m. of the statutes are renumbered 44.70

and
(3g) [^] (3j).

SECTION 14. 196.218 (4r) (a) 3. of the statutes is renumbered 44.70 (6).

SECTION 15. 196.218 (4r) (b) of the statutes is renumbered 44.73 (1) and amended to read:

44.73 (1) The ~~commission board~~ board, in consultation with the department ~~and the board~~, shall promulgate rules establishing an educational telecommunications access program to provide school districts, private schools, cooperative educational

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

History: 1993 a. 496; 1997 a. 27, 41, 237.

3 **SECTION 16.** 196.218 (4r) (c) (intro.), 1., 2., 3. and 4. of the statutes are
4 renumbered 44.73 (2) (intro.), (a), (b), (c) and (d) and amended to read:

5 44.73 (2) (intro.) [✓]The rules promulgated under ~~par. (b)~~ sub. (1) shall do all of
6 the following:

7 (a) Allow ~~a school district, private school, cooperative educational service~~
8 ~~agency, technical college district, private college and public library board~~ an
9 educational agency to make a request to the board for access to either one data line
10 or one video link, except that if any educational agency may request access to
11 additional data lines or video links if the agency shows to the satisfaction of the board
12 that the additional data lines or video links are more cost-effective than a single data
13 line or video link and except that a school district that operates more than one high
14 school the rules shall allow the school district to may request access to both a data
15 line and a video link and to request access to more than one data line or video link

16 additional data lines and video links ^{delete period} The board shall forward requests received
17 under this subdivision to the commission and the department. ^{plain period}

18 (b) Establish eligibility requirements for ~~a school district, private school,~~
19 ~~cooperative educational service agency, technical college district, private college and~~
20 ~~public library board~~ an educational agency to participate in the program established
21 under ~~par. (b)~~ sub. (1). The requirements shall prohibit a participant in the program
22 from receiving assistance from the universal [✓]service fund for the purpose specified
23 in ~~sub. (5) (a) 3.~~ s. 196.218 (5) (a) 3. for educational telecommunications access that
24 is substantially similar to the access provided to the participant under the program.

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1 (c) Establish specifications for a data line ~~or lines~~ and video link ~~links~~ that for
2 which access is provided to a school district, private school, cooperative educational
3 service agency, technical college district, private college and public library board an
4 educational agency under the program established under ~~par. (b)~~ sub. (1).

5 (d) Require ~~a school district, private school, cooperative educational service~~
6 ~~agency, technical college district, private college and public library board~~ an
7 educational agency to pay the department not more than \$250 per month for each
8 data line or video link that is provided to the school district, private school,
9 cooperative educational service agency, technical college district, private college and
10 public library board educational agency under the program established under ~~par.~~
11 ~~(b)~~ sub. (1), except that the charge may not exceed \$100 per month for each data line
12 or video link that relies on a transport medium that operates at a speed of 1.544
13 megabits per second.

History: 1993 a. 496; 1997 a. 27, 41, 237.

14 SECTION 17. 196.218 (4r) (c) 5. of the statutes is renumbered 44.73 (3) (e).

15 SECTION 18. 196.218 (4r) (d) of the statutes is renumbered 44.73 (3) and
16 amended to read:

17 44.73 (3) The ~~commission board~~ shall submit an annual report to the board
18 ~~department~~ on the status of providing data lines and video links that are requested
19 under ~~par. (e) 1.~~ sub. (2)(a) and the impact on the universal service fund of any

20 payment under sub. (5) (a) ~~5.~~ contracts under s. 16.974 (7).

History: 1993 a. 496; 1997 a. 27, 41, 237.

21 SECTION 19. 196.218 (4r) (e) of the statutes is renumbered 44.73 (4) and
22 amended to read:

23 44.73 (4) If the federal communications commission promulgates or modifies
24 rules that provide rate discounts for telecommunications services to school districts,

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

History: 1993 a. 496; 1997 a. 27, 41, 237.

6 **SECTION 20.** 196.218 (4r) (f) of the statutes is renumbered 44.73 (5) and
7 amended to read:

8 44.73 (5) Notwithstanding ~~pars. (b) and (c)~~ subs. (1) and (2), technical college
9 districts are not eligible to participate in the program established under ~~par. (b)~~ sub.
10 (1) before April 1, 1998. ~~In consultation with the commission, the~~ The board shall
11 determine by April 1, 1998, whether there are sufficient moneys in the appropriation
12 under s. 20.275 (1) (s) to include technical college districts in the program established
13 under ~~par. (b)~~ sub. (1). If the board determines that there are sufficient moneys,
14 technical college districts are eligible to participate in the program established under
15 ~~par. (b)~~ sub. (1) beginning on April 1, 1998.

History: 1993 a. 496; 1997 a. 27, 41, 237.

16 **SECTION 21.** 196.218 (4r) (g) of the statutes is renumbered 44.73 (6) and
17 amended to read:

18 44.73 (6) From the appropriation under s. 20.275 (1) (s) or (tm), the board may
19 award an annual grant to a school district or private school that had in effect on
20 October 14, 1997, a contract for access to a data line or video link, as documented by
21 the ~~commission~~ board. The board shall determine the amount of the grant, which
22 shall be equal to the cost incurred by the state to provide telecommunications access
23 to a school district or private school under a contract entered into under s. 16.974 (7)
24 (a) or (c) less the amount that the school district or private school would be paying

1 under ~~par. (e)~~ [✓]4. sub. (2) [✓](d) if the school district or private school were participating
 2 in the program established under ~~par. (b)~~ [✓]sub. [✓](1), except that the amount may not
 3 be greater than the cost that a school district or private school incurs under the
 4 contract in effect on October 14, 1997. A school district or private school receiving
 5 a grant under this paragraph subsection [✓]is not eligible to participate in the program
 6 under ~~par. (b)~~ [✓]sub. [✓](1). No grant may be awarded under this paragraph subsection [✓]
 7 after June 30, 2002.

History: 1993 a. 496; 1997 a. 27, 41, 237.

8 **SECTION 22.** 196.218 (5) (a) 3. of the statutes is amended to read:
 9 196.218 (5) (a) 3. To promote affordable access throughout this state to
 10 high-quality education, library and health care information services, except that no
 11 educational agency that participates in the program established in the rules
 12 promulgated under s. 44.73 (1) may receive assistance under this subdivision [✓]that
 13 is substantially similar to the assistance that it receives under that program.

History: 1993 a. 496; 1997 a. 27, 41, 237.

14 **SECTION 23.** 196.218 (5) (a) 5. of the statutes is amended to read:
 15 196.218 (5) (a) 5. To pay costs incurred under contracts under s. 16.974 (7) to
 16 the extent that these costs are not paid under sub. ~~(4r)~~ [✓](e) 4. ^{5.} ~~44.73~~ [✓](2) ~~(d)~~ [✓].

History: 1993 a. 496; 1997 a. 27, 41, 237.

17 **SECTION 24.** 196.218 (5) (a) 7. of the statutes is amended to read:
 18 196.218 (5) (a) 7. To make grants awarded by the technology for educational
 19 achievement in Wisconsin board to school districts and private schools under sub.
 20 ~~(4r)~~ [✓](g) s. 44.73 (6) [✓]. This subdivision does not apply after June 30, 2002.

History: 1993 a. 496; 1997 a. 27, 41, 237.

21 **SECTION 25.** 196.218 (5m) of the statutes is amended to read:

Handwritten notes:
 - A circle around the number 16.
 - An arrow pointing to the text "sub. (4r) (e) 4. 44.73 (2) (d)." with the note "underscore period".
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1 196.218 (5m) RULE REVIEW. ~~Except for rules promulgated under sub. (4r) (b),~~
2 at At least biennially, the commission shall review and revise as appropriate rules
3 promulgated under this section.

4 History: 1993 a. 496; 1997 a. 27, 41, 237. ✓

4 **SECTION 26.** 196.218 (6) (b) of the statutes is amended to read:

5 196.218 (6) (b) The universal service fund council shall advise the commission
6 concerning the administration of this section and the content of rules promulgated
7 under this section. ~~This paragraph does not apply to the administration of sub. (4r)~~
8 ~~and rules promulgated under sub. (4r) (b).~~ ✓

9 History: 1993 a. 496; 1997 a. 27, 41, 237. ✓

9 **SECTION 9141. Nonstatutory provisions; public service commission.**

10 (1) TRANSFER OF EDUCATIONAL TELECOMMUNICATIONS ACCESS PROGRAM.

11 (a) In this section:

12 1. “Board” ✓ means the technology for educational achievement in Wisconsin
13 board.

14 2. “Commission” means the public service commission.

15 3. “Secretary” means the secretary of the department of administration. ✓

16 (b) During the period beginning on the effective date of this paragraph ✓ and
17 ending on the first day of the 3rd month beginning after the effective date of this

18 paragraph, ✓ the commission shall cooperate with the board board ✓ in providing orderly
19 and efficient transfers under this subsection. ✓ On the first day of the 3rd month
20 beginning after the effective date of this paragraph, ✓ all of the following apply:

21 1. All rules that have been promulgated by the commission under section
22 196.218 (4r) (b), ✓ 1997 stats., and that are in effect shall become rules of the board and
23 shall remain in effect until their specified expiration dates or until amended or
24 repealed by the board. ✓ All determinations that have been made by the commission ✓

1 under section 196.218 (4r) (g), 1997 stats., regarding documentation of contracts
2 shall become determinations of the board and shall remain in effect until modified
3 or rescinded by the board.

4 2. Any matter relating to the administration of the educational
5 telecommunications access program under section 196.218 (4r), 1997 stats., that is
6 pending with the commission is transferred to the board, and all materials submitted
7 to or actions taken by the commission with respect to the pending matter are
8 considered to have been submitted to or taken by the board.

9 3. All tangible personal property, including records, of the commission
10 pertaining to the administration of the educational telecommunications access
11 program under section 196.218 (4r), 1997 stats., as determined by the secretary, is
12 transferred to the board.

13 4. All contracts entered into by the commission in effect on the effective date
14 of this subdivision pertaining to the administration of the educational
15 telecommunications access program under section 196.218 (4r), 1997 stats., as
16 determined by the secretary, remain in effect and are transferred to the board. The
17 board shall carry out any obligations under such a contract until the contract is
18 modified or rescinded by the board to the extent allowed under the contract.

19 5. The assets and liabilities of the commission pertaining to the administration
20 of the educational telecommunications access program under section 196.218 (4r),
21 1997 stats., as determined by the secretary, shall become the assets and liabilities
22 of the board.

23 (END)

0 - NOTE

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0250/1dn

MDK:.....

cmd
+
jlg

Steve Milioto:

Please review this draft carefully to ensure that it complies with your intent. In particular, please note the following:

1. The bill allows access to additional data lines or video links if an educational agency shows to the satisfaction of the TEACH board that additional lines and links are more cost-effective than a single line or link. Is it okay for the TEACH board to make this determination? Is the standard for the determination okay?

2. Under current law, the PSC is required to submit a report regarding the status of the educational telecommunications access program to the TEACH board. This bill requires the TEACH board to submit such a report to DOA. Is this okay?

3. The nonstatutory provisions give the PSC 3 months to transfer of authority over the administration of the educational telecommunications access program to the TEACH board. Is this okay?

Mark D. Kunkel
Legislative Attorney
266-0131

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0250/1dn
MDK:cmh&jlg:ijs

January 25, 1999

Steve Milioto:

Please review this draft carefully to ensure that it complies with your intent. In particular, please note the following:

1. The bill allows access to additional data lines or video links if an educational agency shows to the satisfaction of the TEACH board that additional lines and links are more cost-effective than a single line or link. Is it okay for the TEACH board to make this determination? Is the standard for the determination okay?
2. Under current law, the PSC is required to submit a report regarding the status of the educational telecommunications access program to the TEACH board. This bill requires the TEACH board to submit such a report to DOA. Is this okay?
3. The nonstatutory provisions give the PSC 3 months to transfer the administration of the educational telecommunications access program to the TEACH board. Is this okay?

Mark D. Kunkel
Legislative Attorney
266-0131

SOON

D-NOTE

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DOA:.....Milioto - Educational telecommunications access program

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

Ed. - only changes
are on pages
5 1/2 & 8
+ D-NOTE

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1 AN ACT ^{don't get cut} ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

OTHER EDUCATIONAL AND CULTURAL AGENCIES

Under current law, the public service commission (PSC) is required to promulgate rules for an educational telecommunications access program under which certain educational agencies are provided with financial assistance from the universal service fund (fund) to obtain access to either one data line or video link, except that school districts that operate more than one high school may be provided with access to more than one data line or video link under the program. The PSC requires telecommunications providers to make contributions to the fund, which is also used for other programs that promote universal access to telecommunications services.

Under this bill, all of the PSC's duties regarding the educational telecommunications access program, except the PSC's duties regarding requiring telecommunications providers to contribute to the fund, are transferred to the technology for educational achievement in Wisconsin board (TEACH board). In addition, the bill allows any educational agency to obtain access to more than one data line or video link under the program if it can show to the satisfaction of the TEACH board that the additional lines or links are more cost-effective than a single line or link.

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.** 16.974 (7) of the statutes is amended to read:

2 16.974 (7) (a) Subject to s. ~~196.218 (4r) (f)~~ 44.73 (5), coordinate with the
3 technology for educational achievement in Wisconsin board to provide school
4 districts, cooperative educational service agencies and technical college districts
5 with telecommunications access under s. ~~196.218 (4r)~~ 44.73 and contract with
6 telecommunications providers to provide such access.

7 (b) Coordinate with the technology for educational achievement in Wisconsin
8 board to provide private colleges and public library boards with telecommunications
9 access under s. ~~196.218 (4r)~~ 44.73 and contract with telecommunications providers
10 to provide such access.

11 (c) Coordinate with the technology for educational achievement in Wisconsin
12 board to provide private schools with telecommunications access under s. ~~196.218~~
13 ~~(4r)~~ 44.73 and contract with telecommunications providers to provide such access.

14 **SECTION 2.** 20.275 (1) (s) of the statutes is amended to read:

15 20.275 (1) (s) *Educational telecommunications access support; school districts,*
16 *cooperative educational service agencies.* Biennially, from the universal service fund,
17 the amounts in the schedule to make payments to telecommunications providers
18 under contracts with the department of administration under s. 16.974 (7) (a) to the
19 extent that the amounts due are not paid from the appropriation under s. 20.505 (1)
20 (is) and, prior to July 1, 2002, to make grants to school districts under s. ~~196.218 (4r)~~
21 ~~(g)~~ 44.73 (6).

1 **SECTION 3.** 20.275 (1) (tm) of the statutes is amended to read:

2 20.275 (1) (tm) *Educational telecommunications access support; private*
3 *schools.* Biennially, from the universal service fund, the amounts in the schedule to
4 make payments to telecommunications providers under contracts with the
5 department of administration under s. 16.974 (7) (c) to the extent that the amounts
6 due are not paid from the appropriation under s. 20.505 (1) (is) and, prior to
7 July 1, 2002, to make grants to private schools under s. ~~196.218 (4r) (g)~~ 44.73 (6).

8 **SECTION 4.** 20.505 (1) (is) of the statutes is amended to read:

9 20.505 (1) (is) *Information technology processing services to nonstate entities.*
10 All moneys received from local governmental units and entities in the private sector
11 for provision of computer services, telecommunications services and supercomputer
12 services under s. 16.973 (2) (b) and (c) or under s. ~~196.218 (4r) (e)~~ 44.73 (2) (d), to
13 be used for the purpose of providing those services.

14 **SECTION 5.** 44.70 (2g) of the statutes is created to read:

15 44.70 (2g) “Educational agency” means a school district, private school,
16 cooperative educational service agency, technical college district, private college or
17 public library board.

18 **SECTION 6.** 44.70 (5) of the statutes is created to read:

19 44.70 (5) “Universal service fund” means the trust fund established under s.
20 25.95.

21 **SECTION 7.** 44.71 (2) (e) of the statutes is amended to read:

22 44.71 (2) (e) Subject to s. ~~196.218 (4r) (f)~~ 44.73 (5), in cooperation with the
23 department ~~and the public service commission~~, provide telecommunications access
24 to ~~school districts, private schools, cooperative educational service agencies,~~

1 ~~technical college districts, private colleges and public library boards~~ educational
2 agencies under the program established under s. ~~196.218 (4r)~~ 44.73.

3 **SECTION 8.** 121.15 (3m) (a) 2. of the statutes is amended to read:

4 121.15 (3m) (a) 2. "State school aids" means those aids appropriated under s.
5 20.255 (2), other than s. 20.255 (2) (fm), (fu), (k) and (m), and under ss. 20.275 (1) (d),
6 (es), (et), (f), (fs) and (u) and 20.285 (1) (ee), (r) and (rc) and those aids appropriated
7 under s. 20.275 (1) (s) that are used to provide grants or educational
8 telecommunications access to school districts under s. ~~196.218 (4r)~~ 44.73.

9 **SECTION 9.** 196.218 (1) (a) and (b) of the statutes are repealed.

10 **SECTION 10.** 196.218 (4r) (title) of the statutes is renumbered 44.73 (title).

11 **SECTION 11.** 196.218 (4r) (a) (intro.) of the statutes is repealed.

12 **SECTION 12.** 196.218 (4r) (a) 1. of the statutes is renumbered 44.70 (1m).

13 **SECTION 13.** 196.218 (4r) (a) 2. and 2m. of the statutes are renumbered 44.70
14 (3g) and (3j).

15 **SECTION 14.** 196.218 (4r) (a) 3. of the statutes is renumbered 44.70 (6).

16 **SECTION 15.** 196.218 (4r) (b) of the statutes is renumbered 44.73 (1) and
17 amended to read:

18 44.73 (1) The ~~commission~~ board, in consultation with the department and the
19 ~~board~~, shall promulgate rules establishing an educational telecommunications
20 access program to provide ~~school districts, private schools, cooperative educational~~
21 ~~service agencies, technical college districts, private colleges and public library~~
22 ~~boards~~ educational agencies with access to data lines and video links.

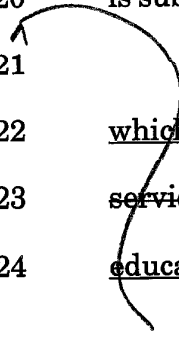
23 **SECTION 16.** 196.218 (4r) (c) (intro.), 1., 2., 3. and 4. of the statutes are
24 renumbered 44.73 (2) (intro.), (a), (b), (c) and (d) and amended to read:

1 44.73 (2) (intro.) The rules promulgated under ~~par. (b)~~ sub. (1) shall do all of
2 the following:

3 (a) ~~Allow a school district, private school, cooperative educational service~~
4 ~~agency, technical college district, private college and public library board~~ an
5 educational agency to make a request to the board for access to either one data line
6 or one video link, except that if any educational agency may request access to
7 additional data lines or video links if the agency shows to the satisfaction of the board
8 that the additional data lines or video links are more cost-effective than a single data
9 line or video link and except that a school district that operates more than one high
10 ~~school the rules shall allow the school district to~~ may request access to both a data
11 ~~line and a video link and to request access to more than one data line or video link.~~
12 ~~The board shall forward requests received under this subdivision to the commission~~
13 ~~and the department~~ additional data lines and video links.

14 (b) Establish eligibility requirements for ~~a school district, private school,~~
15 ~~cooperative educational service agency, technical college district, private college and~~
16 ~~public library board~~ an educational agency to participate in the program established
17 under ~~par. (b)~~ sub. (1). The requirements shall prohibit a participant in the program
18 from receiving assistance from the universal service fund for the purpose specified
19 in ~~sub. (5) (a) 3.~~ s. 196.218 (5) (a) 3. for educational telecommunications access that
20 is substantially similar to the access provided to the participant under the program.

21 (c) Establish specifications for ~~a data line or~~ lines and video link that links for
22 which access is provided to a school district, private school, cooperative educational
23 ~~service agency, technical college district, private college and public library board~~ an
24 educational agency under the program established under ~~par. (b)~~ sub. (1).



*** NOTE
IF LRB-1950/1 is also "in", then the
s. 44.73(2)(b) must be revised.

1 (d) Require a ~~school district, private school, cooperative educational service~~
2 ~~agency, technical college district, private college and public library board~~ an
3 educational agency to pay the department not more than \$250 per month for each
4 data line or video link that is provided to the ~~school district, private school,~~
5 ~~cooperative educational service agency, technical college district, private college and~~
6 ~~public library board~~ educational agency under the program established under ~~par.~~
7 ~~(b) sub. (1)~~, except that the charge may not exceed \$100 per month for each data line
8 or video link that relies on a transport medium that operates at a speed of 1.544
9 megabits per second.

10 **SECTION 17.** 196.218 (4r) (c) 5. of the statutes is renumbered 44.73 (2) (e).

11 **SECTION 18.** 196.218 (4r) (d) of the statutes is renumbered 44.73 (3) and
12 amended to read:

13 44.73 (3) The ~~commission~~ board shall submit an annual report to the ~~board~~
14 department on the status of providing data lines and video links that are requested
15 under ~~par. (e) 1.~~ sub. (2) (a) and the impact on the universal service fund of any
16 payment under ~~sub. (5) (a) 5.~~ contracts under s. 16.974 (7).

17 **SECTION 19.** 196.218 (4r) (e) of the statutes is renumbered 44.73 (4) and
18 amended to read:

19 44.73 (4) If the federal communications commission promulgates or modifies
20 rules that provide rate discounts for telecommunications services to ~~school districts,~~
21 ~~private schools, cooperative educational service agencies, technical college districts,~~
22 ~~private colleges or public library boards~~ educational agencies under 47 USC 254, the
23 governor shall submit a report to the joint committee on finance that includes any
24 recommended changes to statutes or rules with respect to funding the program
25 established under ~~par. (b) sub. (1).~~

1 **SECTION 20.** 196.218 (4r) (f) of the statutes is renumbered 44.73 (5) and
2 amended to read:

3 44.73 (5) Notwithstanding ~~pars. (b) and (c)~~ subs. (1) and (2), technical college
4 districts are not eligible to participate in the program established under ~~par. (b)~~ sub.
5 (1) before April 1, 1998. ~~In consultation with the commission, the~~ The board shall
6 determine by April 1, 1998, whether there are sufficient moneys in the appropriation
7 under s. 20.275 (1) (s) to include technical college districts in the program established
8 under ~~par. (b)~~ sub. (1). If the board determines that there are sufficient moneys,
9 technical college districts are eligible to participate in the program established under
10 ~~par. (b)~~ sub. (1) beginning on April 1, 1998.

11 **SECTION 21.** 196.218 (4r) (g) of the statutes is renumbered 44.73 (6) and
12 amended to read:

13 44.73 (6) From the appropriation under s. 20.275 (1) (s) or (tm), the board may
14 award an annual grant to a school district or private school that had in effect on
15 October 14, 1997, a contract for access to a data line or video link, as documented by
16 the ~~commission~~ board. The board shall determine the amount of the grant, which
17 shall be equal to the cost incurred by the state to provide telecommunications access
18 to a school district or private school under a contract entered into under s. 16.974 (7)
19 (a) or (c) less the amount that the school district or private school would be paying
20 under ~~par. (e) 4.~~ sub. (2) (d) if the school district or private school were participating
21 in the program established under ~~par. (b)~~ sub. (1), except that the amount may not
22 be greater than the cost that a school district or private school incurs under the
23 contract in effect on October 14, 1997. A school district or private school receiving
24 a grant under this ~~paragraph~~ subsection is not eligible to participate in the program

* * * * * NOT IF LRB-1950/1 is also in; SECTION 21 must be eliminated.

1 under par. (b) sub. (1). No grant may be awarded under this paragraph subsection
2 after June 30, 2002.

3 SECTION 22. 196.218 (5) (a) 3. of the statutes is amended to read:

4 196.218 (5) (a) 3. To promote affordable access throughout this state to
5 high-quality education, library and health care information services, except that no
6 educational agency that participates in the program established in the rules
7 promulgated under s. 44.73 (1) may receive assistance under this subdivision that
8 is substantially similar to the assistance that it receives under that program.

9 SECTION 23. 196.218 (5) (a) 5. of the statutes is amended to read:

10 196.218 (5) (a) 5. To pay costs incurred under contracts under s. 16.974 (7) to
11 the extent that these costs are not paid under sub. (4r) (e) 4. s. 44.73 (2) (d).

12 SECTION 24. 196.218 (5) (a) 7. of the statutes is amended to read:

13 196.218 (5) (a) 7. To make grants awarded by the technology for educational
14 achievement in Wisconsin board to school districts and private schools under sub.
15 (4r) (g) s. 44.73 (6). This subdivision does not apply after June 30, 2002.

16 SECTION 25. 196.218 (5m) of the statutes is amended to read:

17 196.218 (5m) RULE REVIEW. ~~Except for rules promulgated under sub. (4r) (b),~~
18 at At least biennially, the commission shall review and revise as appropriate rules
19 promulgated under this section.

20 SECTION 26. 196.218 (6) (b) of the statutes is amended to read:

21 196.218 (6) (b) The universal service fund council shall advise the commission
22 concerning the administration of this section and the content of rules promulgated
23 under this section. ~~This paragraph does not apply to the administration of sub. (4r)~~
24 ~~and rules promulgated under sub. (4r) (b).~~

25 SECTION 9141. Nonstatutory provisions; public service commission.

1 (1) TRANSFER OF EDUCATIONAL TELECOMMUNICATIONS ACCESS PROGRAM.

2 (a) In this section:

3 1. "Board" means the technology for educational achievement in Wisconsin
4 board.

5 2. "Commission" means the public service commission.

6 3. "Secretary" means the secretary of administration.

7 (b) During the period beginning on the effective date of this paragraph and
8 ending on the first day of the 3rd month beginning after the effective date of this
9 paragraph, the commission shall cooperate with the board in providing orderly and
10 efficient transfers under this subsection. On the first day of the 3rd month beginning
11 after the effective date of this paragraph, all of the following apply:

12 1. All rules that have been promulgated by the commission under section
13 196.218 (4r) (b), 1997 stats., and that are in effect shall become rules of the board and
14 shall remain in effect until their specified expiration dates or until amended or
15 repealed by the board. All determinations that have been made by the commission
16 under section 196.218 (4r) (g), 1997 stats., regarding documentation of contracts
17 shall become determinations of the board and shall remain in effect until modified
18 or rescinded by the board.

19 2. Any matter relating to the administration of the educational
20 telecommunications access program under section 196.218 (4r), 1997 stats., that is
21 pending with the commission is transferred to the board, and all materials submitted
22 to or actions taken by the commission with respect to the pending matter are
23 considered to have been submitted to or taken by the board.

24 3. All tangible personal property, including records, of the commission
25 pertaining to the administration of the educational telecommunications access

1 program under section 196.218 (4r), 1997 stats., as determined by the secretary, is
2 transferred to the board.

3 4. All contracts entered into by the commission in effect on the effective date
4 of this subdivision pertaining to the administration of the educational
5 telecommunications access program under section 196.218 (4r), 1997 stats., as
6 determined by the secretary, remain in effect and are transferred to the board. The
7 board shall carry out any obligations under such a contract until the contract is
8 modified or rescinded by the board to the extent allowed under the contract.

9 5. The assets and liabilities of the commission pertaining to the administration
10 of the educational telecommunications access program under section 196.218 (4r),
11 1997 stats., as determined by the secretary, shall become the assets and liabilities
12 of the board.

13 (END)

D-NOTE


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

LRB-0250/2dn

MDK:.....

*cmj
+
jlg*

Steve Milioto:

This version is identical to LRB-0250/1, except for the inclusion of two **** NOTES.

Mark D. Kunkel
Legislative Attorney
266-0131

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

LRB-0250/2dn
MDK:cmh&jlg:hmh

Tuesday, January 26, 1999

Steve Milioto:

This version is identical to LRB-0250/1, except for the inclusion of two **** NOTES.

Mark D. Kunkel
Legislative Attorney
266-0131

O-NOTE

SOON

3

DOA:.....Milioto - Educational telecommunications access program

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

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NOT
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AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

OTHER EDUCATIONAL AND CULTURAL AGENCIES

Under current law, the public service commission (PSC) is required to promulgate rules for an educational telecommunications access program under which certain educational agencies are provided with financial assistance from the universal service fund (fund) to obtain access to either one data line or video link, except that school districts that operate more than one high school may be provided with access to more than one data line or video link under the program. The PSC requires telecommunications providers to make contributions to the fund, which is also used for other programs that promote universal access to telecommunications services.

Under this bill, all of the PSC's duties regarding the educational telecommunications access program, except the PSC's duties regarding requiring telecommunications providers to contribute to the fund, are transferred to the technology for educational achievement in Wisconsin board (TEACH board). In addition, the bill allows any educational agency to obtain access to more than one data line ~~or video link~~ under the program if it can show to the satisfaction of the TEACH board that the additional lines ~~or links~~ are more cost-effective than a single line or link.

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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.** 16.974 (7) of the statutes is amended to read:

2 16.974 (7) (a) Subject to s. ~~196.218 (4r)~~ 44.73 (5), coordinate with the
3 technology for educational achievement in Wisconsin board to provide school
4 districts, cooperative educational service agencies and technical college districts
5 with telecommunications access under s. ~~196.218 (4r)~~ 44.73 and contract with
6 telecommunications providers to provide such access.

7 (b) Coordinate with the technology for educational achievement in Wisconsin
8 board to provide private colleges and public library boards with telecommunications
9 access under s. ~~196.218 (4r)~~ 44.73 and contract with telecommunications providers
10 to provide such access.

11 (c) Coordinate with the technology for educational achievement in Wisconsin
12 board to provide private schools with telecommunications access under s. ~~196.218~~
13 ~~(4r)~~ 44.73 and contract with telecommunications providers to provide such access.

14 **SECTION 2.** 20.275 (1) (s) of the statutes is amended to read:

15 20.275 (1) (s) *Educational telecommunications access support; school districts,*
16 *cooperative educational service agencies.* Biennially, from the universal service fund,
17 the amounts in the schedule to make payments to telecommunications providers
18 under contracts with the department of administration under s. 16.974 (7) (a) to the
19 extent that the amounts due are not paid from the appropriation under s. 20.505 (1)
20 (is) and, prior to July 1, 2002, to make grants to school districts under s. ~~196.218 (4r)~~
21 ~~(g)~~ 44.73 (6).

1 **SECTION 3.** 20.275 (1) (tm) of the statutes is amended to read:

2 20.275 (1) (tm) *Educational telecommunications access support; private*
3 *schools.* Biennially, from the universal service fund, the amounts in the schedule to
4 make payments to telecommunications providers under contracts with the
5 department of administration under s. 16.974 (7) (c) to the extent that the amounts
6 due are not paid from the appropriation under s. 20.505 (1) (is) and, prior to
7 July 1, 2002, to make grants to private schools under s. ~~196.218 (4r) (g)~~ 44.73 (6).

8 **SECTION 4.** 20.505 (1) (is) of the statutes is amended to read:

9 20.505 (1) (is) *Information technology processing services to nonstate entities.*
10 All moneys received from local governmental units and entities in the private sector
11 for provision of computer services, telecommunications services and supercomputer
12 services under s. 16.973 (2) (b) and (c) or under s. ~~196.218 (4r) (e) 4.~~ 44.73 (2) (d), to
13 be used for the purpose of providing those services.

14 **SECTION 5.** 44.70 (2g) of the statutes is created to read:

15 44.70 (2g) “Educational agency” means a school district, private school,
16 cooperative educational service agency, technical college district, private college or
17 public library board.

18 **SECTION 6.** 44.70 (5) of the statutes is created to read:

19 44.70 (5) “Universal service fund” means the trust fund established under s.
20 25.95.

21 **SECTION 7.** 44.71 (2) (e) of the statutes is amended to read:

22 44.71 (2) (e) Subject to s. ~~196.218 (4r) (f)~~ 44.73 (5), in cooperation with the
23 department and the public service commission, provide telecommunications access
24 to school districts, private schools, cooperative educational service agencies,

1 ~~technical college districts, private colleges and public library boards~~ educational
2 agencies under the program established under s. ~~196.218 (4r)~~ 44.73.

3 **SECTION 8.** 121.15 (3m) (a) 2. of the statutes is amended to read:

4 121.15 (3m) (a) 2. "State school aids" means those aids appropriated under s.
5 20.255 (2), other than s. 20.255 (2) (fm), (fu), (k) and (m), and under ss. 20.275 (1) (d),
6 (es), (et), (f), (fs) and (u) and 20.285 (1) (ee), (r) and (rc) and those aids appropriated
7 under s. 20.275 (1) (s) that are used to provide grants or educational
8 telecommunications access to school districts under s. ~~196.218 (4r)~~ 44.73.

9 **SECTION 9.** 196.218 (1) (a) and (b) of the statutes are repealed.

10 **SECTION 10.** 196.218 (4r) (title) of the statutes is renumbered 44.73 (title).

11 **SECTION 11.** 196.218 (4r) (a) (intro.) of the statutes is repealed.

12 **SECTION 12.** 196.218 (4r) (a) 1. of the statutes is renumbered 44.70 (1m).

13 **SECTION 13.** 196.218 (4r) (a) 2. and 2m. of the statutes are renumbered 44.70
14 (3g) and (3j).

15 **SECTION 14.** 196.218 (4r) (a) 3. of the statutes is renumbered 44.70 (6).

16 **SECTION 15.** 196.218 (4r) (b) of the statutes is renumbered 44.73 (1) and
17 amended to read:

18 44.73 (1) ~~The commission board~~, in consultation with the department ~~and the~~
19 ~~board~~, shall promulgate rules establishing an educational telecommunications
20 access program to provide ~~school districts, private schools, cooperative educational~~
21 ~~service agencies, technical college districts, private colleges and public library~~
22 ~~boards~~ educational agencies with access to data lines and video links.

23 **SECTION 16.** 196.218 (4r) (c) (intro.), 1., 2., 3. and 4. of the statutes are
24 renumbered 44.73 (2) (intro.), (a), (b), (c) and (d) and amended to read:

1 44.73 (2) (intro.) The rules promulgated under ~~par. (b)~~ sub. (1) shall do all of
2 the following:

3 (a) Allow ~~a school district, private school, cooperative educational service~~
4 ~~agency, technical college district, private college and public library board~~ an
5 educational agency to make a request to the board for access to either one data line
6 or one video link, except that if any educational agency may request access to
7 additional data lines ~~or video links~~ if the agency shows to the satisfaction of the board
8 that the additional data lines ~~or video links~~ are more cost-effective than a single data
9 line ~~or video link~~ and except that a school district that operates more than one high
10 school the rules shall allow the school district to may request access to both a data
11 line and a video link and to request access to more than one data line or video link.
12 The board shall forward requests received under this subdivision to the commission
13 and the department ~~additional data lines and video links.~~ strike period

Handwritten annotations: "7" in a circle, "plain" in a circle with an arrow pointing to "both a data line and a video link", "plain" in a circle with an arrow pointing to "both a data line and a video link", "plain" in a circle with an arrow pointing to "request access to more than one data line or video link", "plain" in a circle with an arrow pointing to "both a data line and a video link", "plain" in a circle with an arrow pointing to "request access to more than one data line or video link".

14 (b) Establish eligibility requirements for ~~a school district, private school,~~
15 ~~cooperative educational service agency, technical college district, private college and~~
16 ~~public library board~~ an educational agency to participate in the program established
17 under ~~par. (b)~~ sub. (1). The requirements shall prohibit a participant in the program
18 from receiving assistance from the universal service fund for the purpose specified
19 in ~~sub. (5) (a) 3.~~ s. 196.218 (5) (a) 3. for educational telecommunications access that
20 is substantially similar to the access provided to the participant under the program.

***NOTE: If LRB-1950/1 is also "in", then s. 44.73 (2) (b) must be revised.

21 (c) Establish specifications for ~~a data line or lines and video link that links for~~
22 which access is provided to ~~a school district, private school, cooperative educational~~
23 ~~service agency, technical college district, private college and public library board~~ an
24 educational agency under the program established under ~~par. (b)~~ sub. (1).

1 (d) Require a ~~school district, private school, cooperative educational service~~
2 ~~agency, technical college district, private college and public library board~~ an
3 educational agency to pay the department not more than \$250 per month for each
4 data line or video link that is provided to the ~~school district, private school,~~
5 ~~cooperative educational service agency, technical college district, private college and~~
6 ~~public library board~~ educational agency under the program established under ~~par.~~
7 ~~(b) sub. (1)~~, except that the charge may not exceed \$100 per month for each data line
8 or video link that relies on a transport medium that operates at a speed of 1.544
9 megabits per second.

10 SECTION 17. 196.218 (4r) (c) 5. of the statutes is renumbered 44.73 (2) (e).

11 SECTION 18. 196.218 (4r) (d) of the statutes is renumbered 44.73 (3) and
12 amended to read:

13 44.73 (3) The ~~commission board~~ shall submit an annual report to the ~~board~~
14 department on the status of providing data lines and video links that are requested
15 under ~~par. (e) 1. sub. (2) (a)~~ and the impact on the universal service fund of any
16 payment under ~~sub. (5) (a) 5. contracts under s. 16.974 (7).~~

17 SECTION 19. 196.218 (4r) (e) of the statutes is renumbered 44.73 (4) and
18 amended to read:

19 44.73 (4) If the federal communications commission promulgates or modifies
20 rules that provide rate discounts for telecommunications services to ~~school districts,~~
21 ~~private schools, cooperative educational service agencies, technical college districts,~~
22 ~~private colleges or public library boards~~ educational agencies under 47 USC 254, the
23 governor shall submit a report to the joint committee on finance that includes any
24 recommended changes to statutes or rules with respect to funding the program
25 established under ~~par. (b) sub. (1).~~

1 **SECTION 20.** 196.218 (4r) (f) of the statutes is renumbered 44.73 (5) and
2 amended to read:

3 44.73 (5) Notwithstanding ~~pars. (b) and (c)~~ subs. (1) and (2), technical college
4 districts are not eligible to participate in the program established under ~~par. (b) sub.~~
5 (1) before April 1, 1998. ~~In consultation with the commission, the~~ The board shall
6 determine by April 1, 1998, whether there are sufficient moneys in the appropriation
7 under s. 20.275 (1) (s) to include technical college districts in the program established
8 under ~~par. (b) sub. (1)~~. If the board determines that there are sufficient moneys,
9 technical college districts are eligible to participate in the program established under
10 ~~par. (b) sub. (1)~~ beginning on April 1, 1998.

11 **SECTION 21.** 196.218 (4r) (g) of the statutes is renumbered 44.73 (6) and
12 amended to read:

13 44.73 (6) From the appropriation under s. 20.275 (1) (s) or (tm), the board may
14 award an annual grant to a school district or private school that had in effect on
15 October 14, 1997, a contract for access to a data line or video link, as documented by
16 the ~~commission~~ board. The board shall determine the amount of the grant, which
17 shall be equal to the cost incurred by the state to provide telecommunications access
18 to a school district or private school under a contract entered into under s. 16.974 (7)
19 (a) or (c) less the amount that the school district or private school would be paying
20 under ~~par. (e) 4. sub. (2) (d)~~ if the school district or private school were participating
21 in the program established under ~~par. (b) sub. (1)~~, except that the amount may not
22 be greater than the cost that a school district or private school incurs under the
23 contract in effect on October 14, 1997. A school district or private school receiving
24 a grant under this ~~paragraph subsection~~ is not eligible to participate in the program

1 under ~~par. (b) sub. (1)~~. No grant may be awarded under this ~~paragraph subsection~~
2 after June 30, 2002.

3 SECTION 22. 196.218 (5) (a) 3. of the statutes is amended to read:

4 196.218 (5) (a) 3. To promote affordable access throughout this state to
5 high-quality education, library and health care information services, except that no
6 educational agency that participates in the program established in the rules
7 promulgated under s. 44.73 (1) may receive assistance under this subdivision that
8 is substantially similar to the assistance that it receives under that program.

***NOTE: If LRB-1950 is also "in", this SECTION must be eliminated.

9 SECTION 23. 196.218 (5) (a) 5. of the statutes is amended to read:

10 196.218 (5) (a) 5. To pay costs incurred under contracts under s. 16.974 (7) to
11 the extent that these costs are not paid under ~~sub. (4r) (e) 4.~~ s. 44.73 (2) (d).

12 SECTION 24. 196.218 (5) (a) 7. of the statutes is amended to read:

13 196.218 (5) (a) 7. To make grants awarded by the technology for educational
14 achievement in Wisconsin board to school districts and private schools under ~~sub.~~
15 ~~(4r) (g) s. 44.73 (6)~~. This subdivision does not apply after June 30, 2002.

16 SECTION 25. 196.218 (5m) of the statutes is amended to read:

17 196.218 (5m) RULE REVIEW. ~~Except for rules promulgated under sub. (4r) (b),~~
18 ~~at~~ At least biennially, the commission shall review and revise as appropriate rules
19 promulgated under this section.

20 SECTION 26. 196.218 (6) (b) of the statutes is amended to read:

21 196.218 (6) (b) The universal service fund council shall advise the commission
22 concerning the administration of this section and the content of rules promulgated
23 under this section. ~~This paragraph does not apply to the administration of sub. (4r)~~
24 ~~and rules promulgated under sub. (4r) (b).~~

1 **SECTION 9141. Nonstatutory provisions; public service commission.**

2 (1) TRANSFER OF EDUCATIONAL TELECOMMUNICATIONS ACCESS PROGRAM.

3 (a) In this ^{subc} section:

4 1. "Board" means the technology for educational achievement in Wisconsin
5 board.

6 2. "Commission" means the public service commission.

7 3. "Secretary" means the secretary of administration.

8 (b) During the period beginning on the effective date of this paragraph and
9 ending on the first day of the 3rd month beginning after the effective date of this
10 paragraph, the commission shall cooperate with the board in providing orderly and
11 efficient transfers under this subsection. On the first day of the 3rd month beginning
12 after the effective date of this paragraph, all of the following apply:

13 1. All rules that have been promulgated by the commission under section
14 196.218 (4r) (b), 1997 stats., and that are in effect shall become rules of the board and
15 shall remain in effect until their specified expiration dates or until amended or
16 repealed by the board. All determinations that have been made by the commission
17 under section 196.218 (4r) (g), 1997 stats., regarding documentation of contracts
18 shall become determinations of the board and shall remain in effect until modified
19 or rescinded by the board.

20 2. Any matter relating to the administration of the educational
21 telecommunications access program under section 196.218 (4r), 1997 stats., that is
22 pending with the commission is transferred to the board, and all materials submitted
23 to or actions taken by the commission with respect to the pending matter are
24 considered to have been submitted to or taken by the board.

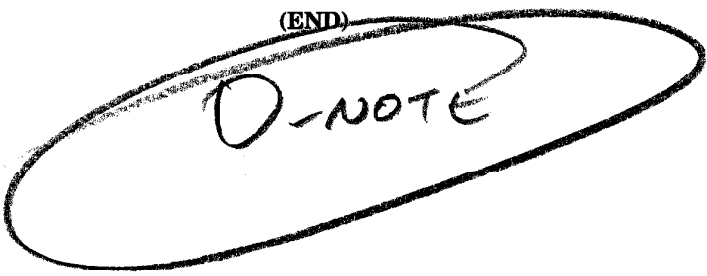
1 3. All tangible personal property, including records, of the commission
2 pertaining to the administration of the educational telecommunications access
3 program under section 196.218 (4r), 1997 stats., as determined by the secretary, is
4 transferred to the board.

5 4. All contracts entered into by the commission in effect on the effective date
6 of this subdivision pertaining to the administration of the educational
7 telecommunications access program under section 196.218 (4r), 1997 stats., as
8 determined by the secretary, remain in effect and are transferred to the board. The
9 board shall carry out any obligations under such a contract until the contract is
10 modified or rescinded by the board to the extent allowed under the contract.

11 5. The assets and liabilities of the commission pertaining to the administration
12 of the educational telecommunications access program under section 196.218 (4r),
13 1997 stats., as determined by the secretary, shall become the assets and liabilities
14 of the board.

15

(END)
O-NOTE



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

LRB-0250/3dn

MDK: ^:....

12/9

Steve Milioto:

This version is identical to LRB-0250/2, except that it allows any educational entity to request access to additional data lines, rather than to additional data lines *and* video links.

Mark D. Kunkel
Legislative Attorney
266-0131

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

LRB-0250/3dn
MDK;jlg:lp

January 27, 1999

Steve Milioto:

This version is identical to LRB-0250/2, except that it allows any educational entity to request access to additional data lines, rather than to additional data lines *and* video links.

Mark D. Kunkel
Legislative Attorney
266-0131