

2001 ASSEMBLY BILL 50

February 1, 2001 – Introduced by Representatives HUEBSCH, PETTIS, AINSWORTH, ALBERS, GUNDERSON, GUNDRUM, KEDZIE, KRAWCZYK, LADWIG, F. LASEE, LEIBHAM, LIPPERT, PETROWSKI, STARZYK, STONE, SUDER, URBAN and VRAKAS. Referred to Committee on Information Policy and Technology.

1 **AN ACT** *to amend* 44.72 (2) (d) and 119.04 (1); and *to create* 44.70 (3c) and (3e),
2 44.73 (7) and 120.12 (27) of the statutes; **relating to:** requiring certain school
3 boards and districts to provide Internet management software or services on
4 computers connected to the Internet.

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. The TEACH board also administers a program that awards grants to school districts that may be used for educational technology.

This bill provides that a school district is not eligible for assistance under the educational telecommunications program unless the school district provides software or services on its computers that filters or blocks access to material on the Internet that is harmful to children. “Harmful to children” is defined as that quality of any description, narrative account, or representation of nudity, sexually explicit conduct, sexual excitement, sadomasochistic abuse, physical torture, or brutality that does each of the following: 1) predominantly appeals to the prurient, shameful, or morbid interest of children; 2) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for children; and 3) lacks serious literary, artistic, political, scientific, or educational value for children, when taken as whole. A school district must provide the software or services on all

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computers owned by the school district, connected to the Internet, and used by children. The bill allows a school district to use an educational technology grant to obtain the software or services.

This bill also requires a school board to provide the software or services described above on all computers owned by the school board, connected to the Internet, and used by children.

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.** 44.70 (3c) and (3e) of the statutes are created to read:

2 **44.70 (3c)** “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), sadomasochistic abuse, physical torture, or brutality, that does all of the
6 following:

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

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

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

13 **(3e)** “Internet management software or services” means software or services
14 that are used to filter or block access to material on the Internet that is harmful to
15 children.

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

17 **44.72 (2)** (d) A school district receiving a grant under par. (b) shall deposit the
18 moneys in a separate fund. The moneys may be used for any purpose related to

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1 educational technology, including obtaining the Internet management software or
2 services specified in s. 44.73 (7), except that a school district may not use the moneys
3 to pay the salary or benefits of any school district employee.

4 **SECTION 3.** 44.73 (7) of the statutes is created to read:

5 44.73 (7) A school district is not eligible to participate in the program
6 established under sub. (1) or to receive a grant under sub. (6) unless the school
7 district provides Internet management software or services on all computers that are
8 owned by the school district, connected to the Internet, and used by pupils.

9 **SECTION 4.** 119.04 (1) of the statutes is amended to read:

10 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
11 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38
12 (2), 115.45, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.10, 118.12, 118.125 to
13 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18,
14 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.291,
15 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to ~~(26)~~ (27), 120.125,
16 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35) and (37), 120.14 and
17 120.25 are applicable to a 1st class city school district and board.

18 **SECTION 5.** 120.12 (27) of the statutes is created to read:

19 120.12 (27) INTERNET MANAGEMENT SOFTWARE AND SERVICES. (a) In this
20 subsection:

21 1. “Harmful to children” means that quality of any description, narrative
22 account, or representation, in whatever form, of nudity, as defined in s. 948.11 (1) (d),
23 sexually explicit conduct, sexual excitement, as defined in s. 948.11 (1) (f),
24 sadomasochistic abuse, physical torture, or brutality, that does all of the following:

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1 a. Predominantly appeals to the prurient, shameful, or morbid interest of
2 children.

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

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

7 2. “Internet management software or services” means software or services that
8 are used to filter or block access to material on the Internet that is harmful to
9 children.

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

12 **SECTION 6. Effective date.**

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

15 **(END)**