

2001 DRAFTING REQUEST

Bill

Received: **01/08/2001**

Received By: **kunkemd**

Wanted: **As time permits**

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**

Extra Copies: **MJL**

Pre Topic:

No specific pre topic given

Topic:

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

Instructions:

Redraft ASA1 to AB 266

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>
/?	kunkemd 01/11/2001	csicilia 01/11/2001		_____			S&L
/1			martykr 01/12/2001	_____	lrb_docadmin 01/12/2001	lrb_docadmin 01/12/2001	

FE Sent For:

<END>

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1?	kunkemd	/1 cjs 1/11 01	km 12	km 12			

FE Sent For:

<END>

Kunkel, Mark

From: Disch, Kent
Sent: Wednesday, January 03, 2001 1:54 PM
To: Kunkel, Mark
Subject: Drafting Request

Mark,

Rep. Huebsch has asked to re-draft last session's Assembly Bill 266.

I can't remember what version we finally were at when the bill passed, but Mike would like to have the bill that passed the Assembly re-drafted for introduction this session.

Please feel free to contact me if you have any questions.

Thank you,

-Kent

By 1/12/01
AM

D-NOTE

MDK:cjs:

-1873/1

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 266**

RM
NOT
RUN

INSERT
1-5: see
p 3 ll 3-17

September 16, 1999 - Offered by Representative HUEBSCH.

INSERT ANALYSIS

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
3 certain school boards and districts to provide Internet management software
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:

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. ~~(b)~~ (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)~~, except that a school district may not use the
10 moneys to pay the salary or benefits of any school district employee.

11 SECTION 2. 119.04 (1) of the statutes, as affected by 1997 Wisconsin Act 17, is
12 amended to read:

P.W.S.

INSERT
1-10:

see p 3
ll 18-22

44.73(7)

118.045, ← plain

66.0235
↑ plain

p.w.s.

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
 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~~ ~~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.

stricken text

(26)

and 120.25

27

(27)

and (37)

SECTION 3. 120.12 ~~(1)~~ of the statutes is created to read:

9 120.12 ~~(1)~~ ²⁷ ^B INTERNET MANAGEMENT SOFTWARE AND SERVICES. (a) In this
 10 subsection:
 11

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 sadomasochistic abuse, physical torture or brutality, ^{that} ~~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.

5

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

INSERT 1-5:

SECTION 4. ~~106.218 (4) (a) and (b)~~ ^{44.70 (3c) and (3e)} of the statutes are created to read:

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

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

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

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

^{44.70 (3e) (B)} "Internet management software or services" means software or services that are used to filter or block access to material on the Internet that is harmful to children.

END OF INSERT

INSERT 1-10:

SECTION 5. ~~106.218 (4) (a)~~ ^{44.73 (7) 1} of the statutes is created to read:

~~106.218 (4) (a)~~ ^{44.73 (7) 1} A school district is not eligible to participate in the program established under ~~sub. (1)~~ ^{sub. (1)} or to receive a grant under ~~sub. (6)~~ ^{sub. (6)} unless the school district provides Internet management software or services on all computers that are owned by the school district, connected to the Internet and used by pupils.

END OF INSERT

SECTION 6. Effective date.

1

ANALYSIS INSERT:

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 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.

↖ LPS: make sure to use analysis components ~~to create the~~ and to ~~analyze the~~ format analysis correctly including the analysis title and the lines that separate analysis from catalogue and from body of bill.

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

LRB-1873/1dn

MDK.....

ejs

Representative Huebsch:

Except for minor technical changes, this bill is identical to ASA 1 to 1999 AB 266. If you have any questions or redraft instructions, please contact me.

**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

LRB-1873/1dn
MDK:cjs:km

January 12, 2001

Representative Huebsch:

Except for minor technical changes, this bill is identical to ASA 1 to 1999 AB 266. If you have any questions or redraft instructions, please contact me.

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



STEPHEN H. MILLER
CHIEF

State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

January 12, 2001

MEMORANDUM

To: Representative Huebsch

From: Mark D. Kunkel, Legislative Attorney

Re: LRB-1873 Require public K12 boards to install filtering software on computers that have access to the Internet ~~and eliminate TEACH grants for software~~

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

~~X~~ JACKET FOR ASSEMBLY _____ JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-0131 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.



State of Wisconsin
2001-2002 LEGISLATURE

CORRECTIONS IN:

2001 ASSEMBLY BILL 50

Prepared by the Legislative Reference Bureau
(March 2, 2001)

1. Page 3, line 6: delete "established under" and substitute "established".

LRB - 1873 / 1
MDK

CCC to AB50

#. Page 3, line 6: delete "established
under" and substitute "established".

cjs