

**SENATE AMENDMENT 2,
TO 2003 SENATE BILL 272**

November 11, 2003 – Offered by COMMITTEE ON TRANSPORTATION AND INFORMATION
INFRASTRUCTURE.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 5: delete “Internet access” and substitute “broadband”.

3 **2.** Page 2, line 9: after that line insert:

4 “(c) The provision of broadband service by the cable television system, if the
5 requirements of s. 66.0422 (3) (a) 1., 2., or 3. are satisfied.”.

6 **3.** Page 3, line 2: delete “**Internet access**” and substitute “**broadband**”.

7 **4.** Page 3, line 7: delete “No local government” and substitute “Except as
8 provided in sub. (3), no local government”.

9 **5.** Page 3, line 9: delete “Internet access” and substitute “broadband”.

10 **6.** Page 3, line 23: after that line insert:

11 “**(3)** (a) Subsection (2) does not apply to a facility for providing broadband
12 service to an area within the boundaries of a local government if any of the following
13 are satisfied:

1 1. The local government asks, in writing, each person that provides broadband
2 service within the boundaries of the local government whether the person currently
3 provides broadband service to the area or intends to provide broadband service
4 within 9 months to the area and within 60 days after receiving the written request
5 no person responds in writing to the local government that the person currently
6 provides broadband service to the area or intends to provide broadband service to the
7 area within 9 months.

8 2. The local government determines that a person who responded to a written
9 request under subd. 1. that the person currently provides broadband service to the
10 area did not actually provide broadband service to the area and no other person
11 makes the response to the local government described in subd. 1.

12 3. The local government determines that a person who responded to a written
13 request under subd. 1. that the person intended to provide broadband service to the
14 area within 9 months did not actually provide broadband service to the area within
15 9 months and no other person makes the response to the local government described
16 in subd. 1.

17 **(4)** Notwithstanding sub. (2), a local government may enact an ordinance or
18 adopt a resolution authorizing the local government to prepare a report specified in
19 sub. (2) (c).

20 **(5)** If a local government enacts an ordinance or adopts a resolution that
21 complies with the requirements of sub. (2), the local government must determine the
22 cost incurred in preparing the report specified in sub. (2) (c). As soon as practicable
23 after the local government generates revenue from a facility specified in sub. (2)

1 (intro.), the local government shall use the revenues to reimburse the treasury of the
2 local government for the cost determined under this subsection.”.

3 (END)