

**2003 DRAFTING REQUEST****Senate Amendment (SA-SB272)**Received: **11/04/2003**Received By: **mkunkel**Wanted: **As time permits**

Identical to LRB:

For: **Ted Kanavas (608) 266-9174**By/Representing: **Bruce Pfaff**This file may be shown to any legislator: **NO**Drafter: **mkunkel**

May Contact:

Addl. Drafters:

Subject: **Munis - miscellaneous  
Public Util. - telco**

Extra Copies:

Submit via email: **YES**Requester's email: **Sen.Kanavas@legis.state.wi.us**Carbon copy (CC:) to: **thanson@chartermi.net**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Exception for broadband service

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**Instructions:**

See Attached

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**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	mkunkel 11/04/2003	kgilfoy 11/04/2003	pgreensl 11/04/2003	_____	lemery 11/04/2003	lemery 11/04/2003	
/2	mkunkel 11/07/2003	kfollett 11/07/2003	pgreensl 11/07/2003	_____	sbasford 11/07/2003	sbasford 11/07/2003	

FE Sent For:

**<END>**

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1/?	mkunkel	1-11/4 Kmg	11/4 ps	11/4 selb			
FE Sent For:							
<END>							



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRBa1707/1

MDK: *King*

*Today*

SENATE AMENDMENT ,  
TO 2003 SENATE BILL 272

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 3: after that line insert:

8 "(ag) "Broadband service" means the conveyance of any voice, data, or other  
9 information in either direction between a provider's facilities and a customer using  
10 any medium or technology in any of the following ways:

11 1. At a speed of 200 kilobits per second or more.

12 2. ✓ Via an intentional radiator, as defined in 47 CFR 15.3 (o)."

13 ✓5. Page 3, line 4: delete "(a)" and substitute "(ar)".

1 ✓6. Page 3, line 7: delete “No local government” and substitute “Except as  
2 provided in sub. (3), no local government”.

3 ✓7. Page 3, line 9: delete “Internet access” and substitute “broadband”.

4 ✓8. Page 3, line 23: after that line insert:

5  
6 “(3) (a) Subsection (2) does not apply to a facility for providing broadband  
7 service to an area within the boundaries of a local government if any of the following  
8 are satisfied:

9 1. The local government asks, in writing, each person that provides broadband  
10 service within the boundaries of the local government whether the person currently  
11 provides broadband service to the area or intends to provide broadband service  
12 within 9 months to the area and within 60 days after receiving the written request  
13 no person responds in writing to the local government that the person currently  
14 provides broadband service to the area or intends to provide broadband service to the  
15 area within 9 months.

16 2. The local government determines that a person who responded to a written  
17 request under subd. 1. that the person currently provided broadband service to the  
18 area did not actually provide broadband service to the area and no other person  
19 makes the response to the local government described in subd. 1.

20 3. The local government determines that a person who responded to a written  
21 request under subd. 1. that the person intended to provide broadband service to the  
22 area within 9 months did not actually provide broadband service to the area within  
23 9 months and no other person makes the response to the local government described  
in subd. 1.

1           (4) Notwithstanding sub. (2), a local government may enact an ordinance or  
2 adopt a resolution authorizing the local government to prepare a report specified in  
3 sub. (2) (c).<sup>✓</sup>

4           (5) If a local government enacts an ordinance or adopts a resolution that  
5 complies with the requirements of sub. (2), the local government must determine the  
6 cost incurred in preparing the report specified in sub. (2) (c).<sup>✓</sup> As soon as practicable  
7 after the local government generates revenue from a facility specified in sub. (2)  
8 (intro.)<sup>✓</sup>, the local government shall use the revenues to reimburse the treasury of the  
9 local government for the cost determined under this subsection.”

10

(END)

# Memo

**To:** Drafting file: LRBa1707  
**From:** Mark Kunkel  
**Date:** 11/04/2003  
**Re:** Drafting Instructions

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Based on my telephone conversation with Bruce Pfaff on October 31, I should create an amendment based on LRBa1571/1 that does the following:

1. Changes the definition of "broadband service" to refer to "either" direction, instead of "both" directions.
2. Refers to "broadband service" rather than "Internet access service". See page 3 lines 2 and 9 of the bill.
3. Change the amendment so that, instead of requiring a local government to find broadband service is not available in an area, require the following: 1) the local government must request in writing whether incumbent broadband service providers provide service to the area or intend to provide service within 9 months; 2) if no broadband service provider responds, in writing within 60 days, that it does provide or intend to provide service, the local government may provide broadband service to the area; 3) if no response within 60 days, the default answer is that the broadband service provider does not provide or intend to provide service to the area; and 4) if a broadband service provider does not provide within 9 months, then the local government should be able to provide service.
4. Make the exception described in item 3 above also apply to the rest of the bill.
5. Allow local governments to do the report required for the exception for broadband service without logically running afoul of the prohibition on enacting an ordinance, etc.
6. Require local governments that construct facilities to reimburse taxpayers for the cost of the report described in item 5 above.



*NOTE*

*today  
by  
NOON*

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

*RM  
has been  
run*

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22 9 months and no other person makes the response to the local government described  
23 in subd. 1.



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

LRBa1707/2dnj

MDK: 

*Date*

Sen. Kanavas:

This version eliminates the definition of "broadband service". 

Mark D. Kunkel  
Senior 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**

LRBa1707/2dn  
MDK:kjf:pg

November 7, 2003

Sen. Kanavas:

This version eliminates the definition of "broadband service."

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