

**ASSEMBLY AMENDMENT 1,
TO 2007 ASSEMBLY BILL 223**

January 17, 2008 – Offered by Representative ZIPPERER.

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

2 **1.** Page 1, line 4: before that line insert:

3 “**SECTION 1d.** 77.51 (5) of the statutes is amended to read:

4 77.51 **(5)** For purposes of subs. ~~(5n)~~, (13) (e) and (f), and (14) (L) and s. 77.52
5 (2m) “incidental” means depending upon or appertaining to something else as
6 primary; something necessary, appertaining to, or depending upon another which is
7 termed the principal; something incidental to the main purpose of the service.
8 Tangible personal property transferred by a service provider is incidental to the
9 service if the purchaser’s main purpose or objective is to obtain the service rather
10 than the property, even though the property may be necessary or essential to
11 providing the service.”.

12 **2.** Page 1, line 4: delete “**SECTION 1**” and substitute “**SECTION 1m**”.

13 **3.** Page 2, line 4: delete lines 4 to 7 and substitute:

1 “77.51 (5n) (a) “Internet access” means a service that enables users to connect
2 to the Internet to access content, information, or other services offered over the
3 Internet.

4 (b) “Internet access” includes all of the following:

5 1. The purchase, use, or sale of telecommunications services by a provider of a
6 service described under par. (a) to the extent that the telecommunications services
7 are purchased, used, or sold to provide the service described under par. (a) or to
8 otherwise enable users to access content, information, or other services offered over
9 the Internet.

10 2. Services that are incidental to providing a service described under par. (a),
11 if the services are furnished to users as part of providing a service described under
12 par. (a), including a home page, electronic mail and instant messaging; including
13 voice capable and video capable electronic mail and instant messaging; video clips,
14 and personal electronic storage capacity.

15 3. A home page, electronic mail and instant messaging; including voice capable
16 and video capable electronic mail and instant messaging; video clips, and personal
17 electronic storage capacity provided independently from or not packaged with a
18 service described under par. (a).

19 (c) “Internet access” does not include voice, audio or video programming, or
20 other products and services, except services described in pars. (a) and (b), that use
21 Internet protocol or any successor protocol and for which there is a charge, regardless
22 of whether the charge is separately stated or aggregated with the charge for a service
23 described in par. (a) or (b).”.

