



State of Wisconsin  
2015 - 2016 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 820**

February 16, 2016 - Offered by Representatives BARCA, SHANKLAND, JORGENSEN  
and ZAMARRIPA.

1     **AN ACT to amend** 20.155 (3) (r), 49.45 (23) (a), 49.471 (4) (a) 4. b., 196.504 (title),  
2           196.504 (1) (a) 3., 196.504 (2) (c) and 196.85 (1m) (b); and **to create** 49.471 (1)  
3           (cr), 49.471 (4g), 196.504 (1) (ae), 196.504 (3), 196.504 (4), 196.504 (5), 196.504  
4           (6), 196.504 (7), 196.504 (8) and 196.504 (9) of the statutes; **relating to:** duties  
5           of the Public Service Commission under the broadband expansion grant  
6           program, eligible applicants under that program, certification of political  
7           subdivisions under that program, Medicaid expansion, eligibility for  
8           BadgerCare Plus and BadgerCare Plus Core, and making appropriations.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

9           **SECTION 1.** 20.155 (3) (r) of the statutes is amended to read:  
10           20.155 (3) (r) *Broadband expansion grants.* From the universal service fund,  
11           as a continuing appropriation, the amounts in the schedule for broadband expansion

1 grants under s. 196.504. All moneys transferred under 2015 Wisconsin Act 55,  
2 section 9236 (1v) and all moneys transferred under 2015 Wisconsin Act ... (this act),  
3 section 18 (4) shall be credited to this appropriation account.

4 **SECTION 2.** 49.45 (23) (a) of the statutes is amended to read:

5 49.45 (23) (a) The department shall request a waiver from the secretary of the  
6 federal department of health and human services to permit the department to  
7 conduct a demonstration project to provide health care coverage to adults who are  
8 under the age of 65, who have family incomes not to exceed 100 133 percent of the  
9 poverty line ~~before application of the 5 percent income disregard under 42 CFR~~  
10 ~~435.603 (d), except as provided in s. 49.471 (4g),~~ and who are not otherwise eligible  
11 for medical assistance under this subchapter, the Badger Care health care program  
12 under s. 49.665, or Medicare under 42 USC 1395 et seq.

13 **SECTION 3.** 49.471 (1) (cr) of the statutes is created to read:

14 49.471 (1) (cr) “Enhanced federal medical assistance percentage” means a  
15 federal medical assistance percentage described under 42 USC 1396d (y) or (z).

16 **SECTION 4.** 49.471 (4) (a) 4. b. of the statutes is amended to read:

17 49.471 (4) (a) 4. b. ~~The~~ Except as provided in sub. (4g), the individual’s family  
18 income does not exceed 100 133 percent of the poverty line ~~before application of the~~  
19 ~~5 percent income disregard under 42 CFR 435.603 (d).~~

20 **SECTION 5.** 49.471 (4g) of the statutes is created to read:

21 49.471 (4g) MEDICAID EXPANSION; FEDERAL MEDICAL ASSISTANCE PERCENTAGE. (a)  
22 For services provided to individuals described under sub. (4) (a) 4. and s. 49.45 (23),  
23 the department shall comply with all federal requirements to qualify for the highest  
24 available enhanced federal medical assistance percentage. The department shall  
25 submit any amendment to the state medical assistance plan, request for a waiver of

1 federal Medicaid law, or other approval required by the federal government to  
2 provide services to the individuals described under sub. (4) (a) 4. and s. 49.45 (23) and  
3 qualify for the highest available enhanced federal medical assistance percentage.

4 (b) If the department does not qualify for an enhanced federal medical  
5 assistance percentage, or if the enhanced federal medical assistance percentage  
6 obtained by the department is lower than printed in federal law as of July 1, 2013,  
7 for individuals eligible under sub. (4) (a) 4. or s. 49.45 (23), the department shall  
8 submit to the joint committee on finance a fiscal analysis comparing the cost to  
9 maintain coverage for adults who are not pregnant and not elderly at up to 133  
10 percent of the poverty line to the cost of limiting eligibility to those adults with family  
11 incomes up to 100 percent of the poverty line. The department may reduce income  
12 eligibility for adults who are not pregnant and not elderly from up to 133 percent of  
13 the poverty line to up to 100 percent of the poverty line only if this reduction in income  
14 eligibility levels is approved by the joint committee on finance.

15 **SECTION 6.** 196.504 (title) of the statutes is amended to read:

16 **196.504 (title) Broadband expansion grant program; Broadband**  
17 **Forward! community certification.**

18 **SECTION 7.** 196.504 (1) (a) 3. of the statutes is amended to read:

19 196.504 (1) (a) 3. A ~~city, village, town, or county~~ political subdivision, school  
20 district, technical college district, or public library board that submits an application  
21 in partnership with an eligible applicant under subd. 1. or 2.

22 **SECTION 8.** 196.504 (1) (ae) of the statutes is created to read:

23 196.504 (1) (ae) "Political subdivision" means a city, village, town, or county.

24 **SECTION 9.** 196.504 (2) (c) of the statutes, as affected by 2015 Wisconsin Act 55,  
25 is amended to read:

1           196.504 (2) (c) To establish criteria for evaluating applications and awarding  
2 grants under this section. The criteria shall prohibit grants that have the effect of  
3 subsidizing the expenses of a provider of telecommunication—provider  
4 telecommunications service, as defined in s. 182.017 (1g) (cq), or the monthly bills of  
5 telecommunications customers of those providers. The criteria shall give priority to  
6 projects that include matching funds, that involve public-private partnerships, that  
7 affect areas with no broadband service providers, that are scalable, that promote  
8 economic development, that are in a political subdivision certified as a Broadband  
9 Forward! community under sub. (4), or that affect a large geographic area or a large  
10 number of underserved individuals or communities.

11           **SECTION 10.** 196.504 (3) of the statutes is created to read:

12           196.504 (3) The commission shall encourage the development of broadband  
13 infrastructure in underserved areas of the state and do all of the following:

14           (a) Provide comprehensive information concerning permits required for  
15 broadband network projects and related business activities in the state and make  
16 this information available to any person.

17           (b) Work with other state and local government offices, departments, and  
18 administrative entities to encourage timely and efficient issuance of permits and  
19 resolution of related issues.

20           (c) Encourage local and federal government agencies to coordinate activities  
21 related to approving applications and issuing permits related to broadband network  
22 projects.

23           **SECTION 11.** 196.504 (4) of the statutes is created to read:

24           196.504 (4) A political subdivision may apply to the commission for  
25 certification as a Broadband Forward! community. The commission shall prescribe

1 the form and manner for making an application. The commission shall prescribe a  
2 process for public notice and comment on an application for a period of at least 30  
3 days after the application is received, except that the process does not apply to an  
4 application by a political subdivision that enacts a model ordinance developed under  
5 sub. (9) (a) or submits a written statement under sub. (9) (b). The commission shall  
6 approve an application and certify a political subdivision as a Broadband Forward!  
7 community if the commission determines that the political subdivision has enacted  
8 an ordinance that complies with sub. (5). If the process for public notice and comment  
9 applies to an application, the commission shall, before approving the application,  
10 consider any public comments made regarding the application.

11 **SECTION 12.** 196.504 (5) of the statutes is created to read:

12 196.504 (5) A political subdivision may not be certified as a Broadband  
13 Forward! community under sub. (4) unless the political subdivision enacts an  
14 ordinance for reviewing applications and issuing permits related to broadband  
15 network projects that provides for all of the following:

16 (a) Appointing a single point of contact for all matters related to a broadband  
17 network project.

18 (b) Requiring the political subdivision to determine whether an application is  
19 complete and notifying the applicant about the determination in writing within 10  
20 days of receiving the application.

21 (c) If the political subdivision does not believe that an application is complete,  
22 requiring the written notification under par. (b) to specify in detail the required  
23 information that is incomplete.

1 (d) If the political subdivision does not make the written notification required  
2 under par. (b), requiring the political subdivision to consider an application to be  
3 complete.

4 (e) Allowing an applicant to resubmit an application as often as necessary until  
5 the application is complete.

6 (f) Within 45 days of receiving an application that is complete, requiring the  
7 political subdivision to approve or deny the application and provide the applicant  
8 written notification of the approval or denial.

9 (g) If the political subdivision denies an application, requiring the political  
10 subdivision to include in the written notification under par. (f) substantial evidence  
11 that supports the denial.

12 (h) Requiring that an application is considered approved and any required  
13 permit is issued if the political subdivision does not provide the written notification  
14 under par. (f).

15 (i) Providing that any fee imposed by the political subdivision to review an  
16 application, issue a permit, or perform any other activity related to a broadband  
17 network project is reasonable.

18 (k) Allowing all forms, applications, and documentation related to a broadband  
19 network project to be filed and signed by electronic or another means authorized by  
20 the commission.

21 **SECTION 13.** 196.504 (6) of the statutes is created to read:

22 196.504 (6) A political subdivision that the commission has certified as a  
23 Broadband Forward! community under sub. (4) may not do any of the following:

24 (a) Require an applicant to designate a final contractor to complete a  
25 broadband network project.

1 (b) Impose an unreasonable fee to review an application or issue a permit for  
2 a broadband network project application. Any application fee that exceeds \$100 is  
3 considered unreasonable.

4 (c) Impose a moratorium of any kind on the approval of applications and  
5 issuance of permits for broadband network projects or on construction related to  
6 broadband network projects.

7 (d) Discriminate among providers of telecommunications service, as defined in  
8 s. 182.017 (1g) (cq), or public utilities with respect to any action described in this  
9 section or otherwise related to a broadband network project, including granting  
10 access to public rights-of-way, infrastructure and poles, river and bridge crossings,  
11 or any other physical assets owned or controlled by the political subdivision.

12 (e) As a condition for approving an application or issuing a permit for a  
13 broadband network project or for any other purpose, require the applicant to do any  
14 of the following:

15 1. Provide any service or make available any part of the broadband network  
16 project to the political subdivision.

17 2. Except for reasonable fees allowed under sub. (5) (i), make any payment to  
18 or on behalf of the political subdivision.

19 **SECTION 14.** 196.504 (7) of the statutes is created to read:

20 196.504 (7) Upon the request of a broadband service provider, the commission  
21 may decertify a political subdivision as a Broadband Forward! community if the  
22 political subdivision fails to comply with or modifies the ordinance required for  
23 certification under sub. (4) or violates sub. (6).

24 **SECTION 15.** 196.504 (8) of the statutes is created to read:

1           196.504 (8) Upon a complaint that an application fee under an ordinance  
2 required for certification under sub. (4) is unreasonable, the commission shall  
3 determine whether the fee is reasonable. In the proceeding for making that  
4 determination, the political subdivision has the burden of proving the  
5 reasonableness of any function undertaken by the political subdivision as part of the  
6 application process and the reasonableness of the costs of those functions.

7           **SECTION 16.** 196.504 (9) of the statutes is created to read:

8           196.504 (9) (a) The commission may develop a model ordinance that complies  
9 with sub. (5) for a political subdivision to review applications and issue permits  
10 related to broadband network projects.

11           (b) If the commission develops a model ordinance under par. (a) and a political  
12 subdivision enacts a different ordinance that complies with sub. (5), the political  
13 subdivision shall, when applying for certification under sub. (4), provide the  
14 commission with a written statement that describes the ordinance and how the  
15 ordinance differs from the model ordinance.

16           **SECTION 17.** 196.85 (1m) (b) of the statutes is amended to read:

17           196.85 (1m) (b) For the purpose of direct assessment under sub. (1) of expenses  
18 incurred by the commission in connection with its activities under s. 196.04 (2) or (4),  
19 the term “public utility” includes a video service provider.

20           **SECTION 18. Fiscal changes.**

21           (1) **MEDICAL ASSISTANCE.** In the schedule under section 20.005 (3) of the statutes  
22 for the appropriation to the department of health services under section 20.435 (4)  
23 (b) of the statutes, as affected by the acts of 2015, the dollar amount for fiscal year  
24 2015-16 is decreased by \$102,900,000 to provide Medical Assistance to certain  
25 adults with incomes up to 133 percent of the federal poverty line. In the schedule



1 under section 20.005 (3) of the statutes for the appropriation to the department of  
2 health services under section 20.435 (4) (b) of the statutes, as affected by the acts of  
3 2015, the dollar amount for fiscal year 2016-17 is decreased by \$220,600,000 to  
4 provide Medical Assistance to certain adults with incomes up to 133 percent of the  
5 federal poverty line.

6 (2) BROADBAND EXPANSION GRANTS. In the schedule under section 20.005 (3) of  
7 the statutes for the appropriation to the public service commission under section  
8 20.155 (3) (r) of the statutes, as affected by the acts of 2015, the dollar amount for  
9 fiscal year 2015-16 is increased by \$22,978,367 for the purpose for which the  
10 appropriation is made.

11 (3) GENERAL FUND TRANSFER. There is transferred from the general fund to the  
12 universal service fund \$22,978,367 in fiscal year 2015-16.

13 (4) UNIVERSAL SERVICE FUND TRANSFER. There is transferred from the universal  
14 service fund to the appropriation account under section 20.155 (3) (r) of the statutes  
15 \$22,978,367 in fiscal year 2015-16.

16 **SECTION 19. Effective dates.** This act takes effect on the day after publication,  
17 except as follows:

18 (1) The treatment of sections 49.45 (23) (a) and 49.471 (1) (cr), (4) (a) 4. b., and  
19 (4g) of the statutes takes effect on March 1, 2016, or on the day after publication,  
20 whichever is later.

21 (END)