



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2017 Senate Bill 49

Senate Amendments 1 and 13

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SENATE AMENDMENT 1

Senate Amendment 1 makes changes to 2017 Senate Bill 49 (“the bill”) regarding the transfer of certain unencumbered balances and the definition of “unserved area,” as the term is used with regard to the Broadband Expansion Grant Program.

Senate Amendment 1 also makes changes to current law provisions that govern the granting of easements in state-owned real estate and the construction of certain facilities within the limits of a highway.

Transfer of Certain Unencumbered Balances

Under the bill, the unencumbered balance in the appropriation for the Technology for Educational Achievement (TEACH) program on June 30 of **each year** must be transferred to the appropriation for the Broadband Expansion Grant Program.

Senate Amendment 1 instead provides that the unencumbered balance in the appropriation for the TEACH program on June 30 of **each odd-numbered year** must be transferred to the appropriation for the Broadband Expansion Grant Program.

The Definition of “Unserved Area”

Senate Amendment 1 makes a technical change to the terms used in the definition of “unserved area,” for the Broadband Expansion Grant Program.

The bill defines “unserved area” to mean an area of the state that is not served by an Internet service provider offering Internet service that is all of the following: (1) fixed wireless or wired service; and (2) provided at actual speeds of at least 20% of the upload and download speeds for **high-speed, switched broadband telecommunications** capability as designated by

the Federal Communications Commission in its inquiries regarding advanced telecommunications capability under 47 U.S.C. s. 1302 (b).

Senate Amendment 1 replaces the term “**high-speed, switched broadband telecommunications**” with the term “**advanced telecommunications**.”

Easements in State-Owned Real Estate

Under current law, every board, commission, department, and agency of the state having real estate under its control may grant easements in the property for **public utility service**. Senate Amendment 1 expands this authority to include granting easements for **telecommunications service**, which is defined as “the offering for sale of the conveyance of voice, data, or other information, including the sale of service for collection, storage, forwarding, switching, and delivery incidental to such communication regardless of the technology or mode used to make such offering.”

Construction of Certain Facilities Within the Limits of a Highway

Under current law, any person may, subject to certain conditions and approval from the appropriate authority, construct and operate telephone, electric lines, or pipes along, across, or within the limits of a highway. Senate Amendment 1 expands this list to include the construction and operation of **lines, wires, or fiber for telecommunications service** for transmitting voice, video, or data, along, across, within, **or under** the limits of a highway.

SENATE AMENDMENT 13

Senate Amendment 13 prohibits a provider of Internet access services from collecting information about a customer’s use of Internet access services that results from the customer’s use of those services, unless the provider of Internet access services receives express written approval from the customer.

Senate Amendment 13 also prohibits a provider of Internet access services from refusing to provide Internet access services to a person because the person will not approve the collection of information about the person’s use of Internet access services.

Under Senate Amendment 13, “internet access services” means “sending messages and information transmitted through the use of local, toll, and wide-area telephone service; channel services; telegraph services; teletypewriter; computer exchange services; cellular mobile telecommunications service; specialized mobile radio; stationary two-way radio; paging service; or any other form of mobile and portable one-way or two-way communications; or any other transmission of messages or information by electronic or similar means between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities.”

BILL HISTORY

Senator Marklein offered Senate Amendment 1 on March 7, 2017. On March 9, 2017, the Senate Committee on Revenue, Financial Institutions, and Rural Issues recommended adoption of Senate Amendment 1 and passage of Senate Bill 49, as amended, on votes of Ayes, 5; Noes, 0.

On April 4, 2017, Senate Amendment 13 was introduced by Senators Shilling, Miller, Ringhand, Risser, Erpenbach, Carpenter, Vinehout, L. Taylor, Johnson, C. Larson, Hansen, Wirch, and Bewley. On the same day, the Senate adopted Senate Amendment 1 on a voice vote; adopted Senate Amendment 13 on a vote of Ayes, 33; Noes, 0; and passed the bill, as amended.

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