

Fiscal Estimate - 2023 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 23-0477/1	Introduction Number AB-0893
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Description
 prohibiting social media website censorship of journalistic enterprises

Fiscal Effect

State:

- No State Fiscal Effect
- Indeterminate
 - Increase Existing Appropriations
 - Decrease Existing Appropriations
 - Create New Appropriations
- Increase Existing Revenues
- Decrease Existing Revenues
- Increase Costs - May be possible to absorb within agency's budget
 - Yes
 - No
- Decrease Costs

Local:

- No Local Government Costs
- Indeterminate
- 1. Increase Costs
 - Permissive Mandatory
- 2. Decrease Costs
 - Permissive Mandatory
- 3. Increase Revenue
 - Permissive Mandatory
- 4. Decrease Revenue
 - Permissive Mandatory
- 5. Types of Local Government Units Affected
 - Towns Village Cities
 - Counties Others
 - School Districts WTCS Districts

Fund Sources Affected **Affected Ch. 20 Appropriations**

GPR
 FED
 PRO
 PRS
 SEG
 SEGS 20.115 (1) (a)

Agency/Prepared By DATCP/ David Woldseth (608) 224-5164	Authorized Signature Waylon Hurlburt (608) 224-4857	Date 1/29/2024
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Fiscal Estimate Narratives

DATCP 1/29/2024

LRB Number	23-0477/1	Introduction Number	AB-0893	Estimate Type	Original
Description prohibiting social media website censorship of journalistic enterprises					

Assumptions Used in Arriving at Fiscal Estimate

This bill prohibits a social media website from censoring, deplatforming, or shadow banning a journalistic enterprise on the basis of the content of its publication or broadcast. The bill applies to social media websites or applications that enable users to communicate with each other and that have more than 150 million users. The bill defines a "journalistic enterprise" as an entity that publishes more than 10,000 words online with at least 5,000 paid subscribers or 10,000 monthly active users; publishes more than 100 hours of audio or video online with at least 100 million viewers annually; operates a cable television channel that provides more than 40 hours of content per week to more than 100,000 cable television subscribers; or operates under a broadcast license issued by the Federal Communications Commission. The bill provides for a private cause of action and statutory damages.

The department does not currently regulate social media, so outreach and education would need to be conducted with both consumers and businesses that meet the definition of a social media platform to inform them of their rights and responsibilities under the regulations. Largely, these social media platforms would not be Wisconsin-based businesses. The department would establish new processes related to educate newly regulated social media platforms, handle related complaints, and investigate and enforce when there are violations. Since Wisconsin enforces consumer protection laws against out-of-state businesses regularly, the enforcement would not be atypical in jurisdiction.

At this time, it is not clear if the department would need or require any rulemaking. If rulemaking is required, the department would conduct it with current staff.

Under Wis. Stat. Chap. 100, the department would refer cases to the Attorney General's office or to local prosecutors if needed based on the investigations of consumer complaints. The bill grants private rights of action. Should the department refer a case, prosecution costs would be borne by other government agencies; in private rights of action, the cost would be borne by the litigant.

Since this represents a new line of enforcement, it is not clear how many complaints will be filed. The department plans to absorb costs but may need to seek additional positions in future budgets. The department therefore believes the fiscal estimate to be indeterminate.

Long-Range Fiscal Implications

Since this represents a new line of enforcement, it is not clear how many complaints will be filed. The department plans to absorb costs but may need to seek additional positions in future budgets.