



State of Wisconsin
2019 - 2020 LEGISLATURE

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**SENATE AMENDMENT 1,
TO ASSEMBLY BILL 344**

February 19, 2020 - Offered by Senators SMITH, JOHNSON, L. TAYLOR, HANSEN, WIRCH, SHILLING, MILLER, RINGHAND, RISSER, ERPENBACH, CARPENTER, LARSON and SCHACHTNER.

1 At the locations indicated, amend the bill, as shown by assembly substitute
2 amendment 1, as follows:

3 **1.** Page 1, line 3: after “service” insert “and installation of empty conduit lines
4 as part of a digging project in a right-of-way and offers of service from fiber optic
5 cable broadband lines installed in rights-of-way”.

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

7 “**SECTION 1e.** 66.0422 (2) (intro.) of the statutes is amended to read:

8 66.0422 (2) (intro.) Except as otherwise provided in subs. ~~(3)~~, ~~(3d)~~, ~~(3m)~~, and
9 ~~(3n)~~ this section, no local government may enact an ordinance or adopt a resolution
10 authorizing the local government to construct, own, or operate any facility for
11 providing video service, telecommunications service, or broadband service, directly
12 or indirectly, to the public, unless all of the following are satisfied:

13 **SECTION 1g.** 66.0422 (3b) of the statutes is created to read:

1 66.0422 **(3b)** Subsection (2) does not apply to conduit lines that a local
2 government requires to be installed under s. 66.0912 (2).

3 **SECTION 1j.** 66.0912 of the statutes is created to read:

4 **66.0912 Installation of conduit in right-of-way. (1) DEFINITIONS.** In this
5 section:

6 (a) “Political subdivision” means any city, village, town, or county.

7 (b) “Right-of-way” means the area on, below, or above a highway, as defined
8 in s. 340.01 (22), other than a highway that is part of the national system of interstate
9 highways; sidewalk; utility easement; or other similar property, including property
10 owned or controlled by the department of transportation.

11 (c) “Special work” means construction or maintenance of a sidewalk project or
12 highway project on a state trunk highway.

13 **(2) REQUIREMENTS FOR THE INSTALLATION OF CONDUIT.** If any person conducts any
14 special work in a political subdivision’s right-of-way that results in the person
15 digging in the right-of-way, the political subdivision may require the person to
16 install empty conduit lines in any part of the right-of-way in which the person is
17 digging. The empty conduit lines must be suitable for the installation of fiber optic
18 broadband lines.”.

19 **3.** Page 2, line 25: after that line insert:

20 **“SECTION 2g.** 84.01 (38) of the statutes is created to read:

21 **84.01 (38) CONDUIT LINE INSTALLATION.** If a person conducts construction or
22 maintenance work on a state trunk highway that results in the person digging in the
23 right-of-way of the state trunk highway, the department may require the person to
24 install empty conduit lines in any part of the right-of-way in which the person is

1 digging. The empty conduit lines must be suitable for the installation of fiber optic
2 broadband lines.

3 **SECTION 2m.** 196.5047 of the statutes is created to read:

4 **196.5047 Fiber optic cable broadband lines in rights-of-way. (1)** In this
5 section, “right-of-way” means a right-of-way, as defined in s. 66.0912 (1) (b), of the
6 state or a city, village, town, or county.

7 **(2)** An Internet service provider that has installed a fiber optic cable broadband
8 line in a right-of-way shall, upon the request of an owner of a structure that is 300
9 feet or fewer from the center line of the right-of-way, offer to provide to the structure
10 the service that is provided over the line.”

11 **4.** Page 3, line 2: delete “This act” and substitute “The treatment of ss. 76.80
12 (2), (2m), and (5) and 76.81”.

13 **5.** Page 3, line 4: after that line insert:

14 “(2e) The treatment of ss. 66.0422 (2) (intro.) and (3b), 66.0912, and 84.01 (38)
15 first applies to a project that involves digging in a right-of-way that begins on the
16 effective date of this subsection.”.

17 (END)