



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-6188/1
KP/EHS/KRP/ARG:cjs&wlj

2021 SENATE BILL 1104

March 10, 2022 - Introduced by Senator SMITH. Referred to Committee on Utilities, Technology and Telecommunications.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to repeal* 121.905 (1) (b); *to renumber and amend* 121.07 (8) and
2 121.905 (1) (a); *to amend* 20.155 (3) (r), 20.155 (3) (rm), 20.255 (2) (ac), 66.0422
3 (2) (c), 66.0422 (3d) (intro.), 66.0422 (3d) (a), 66.0422 (3d) (b), 66.0422 (3d) (c),
4 66.0422 (3m) (b), 66.0422 (3m) (c), 79.10 (4), 79.10 (5m), 79.14, 79.15, 100.20
5 (1v), 100.20 (5), 100.20 (6), 121.004 (7) (c) 1. a., 121.004 (7) (c) 2., 121.07 (6) (d),
6 121.105 (1), 121.105 (2) (am) 1., 121.105 (2) (am) 2. (intro.), 121.90 (2) (am) 1.,
7 121.905 (3) (c) 6., 121.91 (2m) (i) (intro.), 121.91 (2m) (r) 1. (intro.), 121.91 (2m)
8 (r) 1. b., 121.91 (2m) (r) 2. (intro.), 121.91 (2m) (r) 2. a., 121.91 (2m) (r) 2. b.,
9 121.91 (2m) (s) 1. (intro.), 121.91 (2m) (s) 1. b., 121.91 (2m) (s) 2. (intro.), 121.91
10 (2m) (s) 2. a., 121.91 (2m) (s) 2. b., 121.91 (2m) (t) 1. (intro.), 165.25 (4) (ar),
11 196.218 (5) (a) 10., 196.504 (2) (a), 196.504 (2) (b) and 196.504 (2) (c); and *to*
12 **create** 20.155 (1) (a), 20.155 (3) (a), 20.255 (2) (ag), 20.285 (1) (cm), 20.292 (1)
13 (b), 20.437 (2) (eg), 36.27 (3t), 38.24 (6m), 49.168, 49.175 (1) (x), 66.0422 (1) (cg),
14 66.0422 (1) (cr), 100.2091, 100.2092, 100.2093, 121.07 (8) (a), 121.07 (8) (b),

SENATE BILL 1104

1 121.10, 121.105 (5), 121.136 (3), 121.15 (3m), 121.905 (3) (c) 9., 121.91 (2m) (k),
2 121.91 (2m) (L), 121.91 (4) (om), 182.0172, 196.504 (1) (ac) 4., 196.504 (2g),
3 196.504 (2r) and 227.01 (13) (yn) of the statutes; **relating to:** broadband
4 expansion grants; assistance for paying for Internet service; regulations of
5 broadband service; electric providers using easements to provide broadband;
6 municipal broadband service; counting pupils for state school aid purposes;
7 calculating the amount to be appropriated for state general school aid; school
8 aid factors; special adjustment aids; hold harmless aid; per pupil aid; school
9 district revenue limits; the first dollar and school levy property tax credits;
10 creating a one-year fee remission program to cover tuition and fees for resident
11 students enrolled in technical colleges and University of Wisconsin System
12 two-year campuses; granting rule-making authority; making an
13 appropriation; and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill establishes a variety of programs and requirements related to broadband, makes changes to the laws related to public school financing, and creates a fee remission program for technical colleges and two-year University of Wisconsin System schools, as described in further detail below.

Funding for broadband expansion grant program; state broadband office

The bill appropriates \$1.166 billion in general purpose revenue for the broadband expansion grant program administered by the Public Service Commission. The bill also creates an appropriation to fund the operations of the state broadband office within PSC. Currently, the state broadband office enhances the availability, adoption, and use of broadband across the state.

Broadband line extension and planning grants

The bill requires PSC to make grants to residents of properties that are not served by a broadband service provider to assist in paying the customer costs associated with line extension necessary to connect broadband service to the properties. The maximum size of a broadband line extension grant is \$4,000. The bill also requires PSC to give priority to primary residences and to establish other criteria for awarding the grants.

SENATE BILL 1104

The bill also requires PSC to make grants to cities, villages, towns, counties, school districts, tribal governments, regional planning commissions, nonprofit organizations, and local economic development councils for the following: 1) broadband planning; 2) feasibility engineering related to broadband infrastructure construction; 3) broadband adoption planning; and 4) digital inclusion activities. The maximum size of a broadband planning grant is \$50,000. The bill also requires PSC to provide training, technical assistance, and information on broadband infrastructure construction, broadband adoption, and digital inclusion.

Internet assistance program

The bill requires the Department of Children and Families to establish an Internet assistance program, under which it makes payments to Internet service providers on behalf of low-income individuals to assist with paying for Internet service. The bill requires that other assistance program options be exhausted before assistance is provided under this program. The bill allows DCF to contract for the administration of the program. The bill requires DCF to promulgate rules to implement the program, including a requirement that the family income of a recipient not exceed 200 percent of the federal poverty line. Under the bill, the new program is funded through an appropriation from the general fund and from \$20,000,000 that the bill requires DCF to allocate from federal moneys, including moneys received under the Temporary Assistance for Needy Families (TANF) block grant program.

Prohibiting discrimination in broadband and broadband subscriber rights

The bill prohibits a broadband service provider from denying access to a group of potential residential customers because of their race or income. Under the bill, the Department of Agriculture, Trade and Consumer Protection has authority to enforce the prohibition and to promulgate related rules. The bill also authorizes any person affected by a broadband service provider that violates the prohibition to bring a private action.

The bill also establishes various requirements for broadband service providers, including the following: 1) broadband service providers must provide service satisfying minimum standards established by PSC, and subscribers may terminate contracts if broadband service fails to satisfy those standards; 2) broadband service providers must provide service as described in advertisements or representations made to subscribers; 3) broadband service providers must repair broadband service within 72 hours after a subscriber reports a broadband service interruption that is not the result of a major systemwide or large area emergency; 4) broadband service providers must give subscribers credit for interruptions of broadband service that last more than four hours in a day; and 5) broadband service providers must give subscribers at least 30 days' advance written notice before instituting a rate increase.

Allowing electric providers to use easements for broadband service

The bill allows electric providers to use easements that they hold to do the following: 1) install or maintain broadband infrastructure; and 2) lease or provide excess capacity in broadband infrastructure to a supplier of broadband services. Under the bill, "electric provider" includes both electric public utilities and electric

SENATE BILL 1104

cooperatives. The bill also provides that except for an easement that expressly prohibits, by its terms, using the easement for those purposes, the terms or conditions of an easement held by an electric provider that inhibit it from using the easement for those purposes do not apply.

Before an electric provider uses an easement for the purposes allowed under the bill, it must provide notice to the owner of the property subject to the easement. After providing notice, an electric provider may record a memorandum including certain information in the office of the register of deeds of the county where the property subject to the easement is located. The bill also establishes requirements for actions brought by a property owner against an electric provider, subsidiary of an electric provider, or supplier of broadband services because of the electric provider's use of an easement for a purpose allowed under the bill, and the bill prohibits owners from bringing such actions if the bill's requirements are not satisfied.

Municipal construction, ownership, or operation of broadband facilities

Current law prohibits, with several exceptions, a municipality from constructing, owning, or operating a facility for providing video service, telecommunications service, or broadband service to the public unless 1) the municipality holds a public hearing on the proposed action; 2) notice of the public hearing is given; and 3) the municipality prepares and makes available for public inspection a report estimating the total costs of, and revenues derived from, constructing, owning, or operating the facility for a period of at least three years. This bill eliminates the requirement that a municipality prepare and make available for public inspection that report if the facility is a broadband facility intended to serve an area designated as underserved or unserved by PSC.

Currently, under another of the exceptions, the public hearing and cost report do not apply to a facility for providing broadband service to an area within the boundaries of a municipality if the municipality asks, in writing, each person that provides broadband service within the boundaries of the municipality whether the person currently provides broadband service to the area or intends to provide broadband service to the area within nine months and 1) does not receive an affirmative response within 60 days; 2) determines that a person who responded does not currently provide broadband service to the area, and no other person makes the response to the municipality; or 3) determines that a person who responded that the person intended to provide broadband service to the area within nine months did not actually provide the service within nine months, and no other person makes the response to the municipality. Under the bill, for this exception in the case of an underserved or unserved area, rather than asking whether a person plans to provide broadband service to the area within nine months, the municipality must ask whether the person actively plans to provide broadband service to the area within three months.

School district funding; fair funding for our future

The bill also makes a number of changes in the laws relating to public school financing, including the following:

1. Currently, the amount appropriated each fiscal year for general school aid is a sum set by law. Beginning in the 2022-23 school year, the bill directs the

SENATE BILL 1104

Department of Public Instruction, the Department of Administration, and the Legislative Fiscal Bureau annually to jointly certify to the Joint Committee on Finance an estimate of the amount necessary to appropriate in the following school year to ensure that state school aids equal two-thirds of partial school revenues (in general, the sum of state school aids and school property taxes). Under the bill, JCF determines the amount appropriated as general school aids in each odd-numbered fiscal year and the amount is set by law in each even-numbered fiscal year.

2. For purposes of determining a school district's general school aid amount, the bill changes how a pupil enrolled in a four-year-old, full-day kindergarten program is counted for purposes of general school aid from 0.5 pupil to one pupil. Additionally, for purposes of the general school aid formula, the bill requires each pupil who is eligible for a free or reduced-price lunch to be counted as an additional 0.2 pupil solely for the purpose of determining a school district's property value per member.

3. Currently, if a school district would receive less in general state aid in any school year than 85 percent of the amount it received in the previous school year, its state aid for the current school year is increased to 85 percent of the aid received in the previous school year. The bill increases the percentage to 90 percent.

4. The bill provides that a school district's state aid in any school year may not be less than an amount equal to the school district's membership multiplied by \$3,000.

5. Under current law, there is a per pupil adjustment for purposes of calculating a school district's revenue limit of \$175 per pupil for the 2019-20 school year and \$179 for the 2020-21 school year, and there is no per pupil adjustment for the 2021-22 school year or any school year thereafter. Under the bill, there is a per pupil adjustment of \$204 for the 2022-23 school year and, in the 2023-24 school year and thereafter, the per pupil adjustment is the per pupil adjustment for the previous school year as adjusted for any increase in the consumer price index.

6. Current law provides a minimum per pupil revenue limit for school districts, known as the revenue limit ceiling. Current law also provides that during the three school years following a school year in which an operating referendum fails in a school district, the school district's revenue limit ceiling is the revenue limit ceiling that applied in the school year during which the referendum was held. The bill eliminates this consequence for a failed operating referendum.

7. The bill creates a revenue limit adjustment for a school district that incurs costs to remediate lead contamination in drinking water in the school district, including costs to test for the presence of lead in drinking water, to provide safe drinking water, and to replace lead pipe water service lines to school buildings in the school district.

8. Currently, if at least 50 percent of a school district's enrollment is eligible for a free or reduced-price lunch under the federal school lunch program, the school district is eligible for a prorated share of the amount appropriated as high-poverty aid. The bill eliminates this aid beginning in the 2022-23 school year. The bill provides additional state aid for the 2022-23 school year to hold school districts harmless from the loss of high-poverty aid.

SENATE BILL 1104

9. Under current law, in the school district equalization aid formula, the guaranteed valuations represent the amount of property tax base support that the state guarantees behind each pupil. There are three guaranteed valuations used; each applies to a different level of expenditures. The first level is for expenditures up to the primary cost ceiling of \$1,000 per pupil. The second level is for costs per pupil that exceed \$1,000 but are less than the secondary cost ceiling, which is set at 90 percent of the prior school year statewide shared cost per pupil. The bill changes the secondary cost ceiling to 100 percent of the prior school year statewide shared cost per pupil.

10. The bill eliminates the school levy property tax credit and the first dollar property tax credit in 2023.

11. The bill provides additional funding of \$1,090,000,000 in the 2022-23 school year for general school aid for purposes of maintaining compliance with maintenance of effort requirements of the federal Consolidated Appropriations Act and the federal American Rescue Plan Act.

Technical college and two-year UW campus fee remission program

The bill creates a one-year fee remission program to cover resident tuition and fees at technical colleges and two-year University of Wisconsin System schools (UW branch campuses).

The bill creates a Freedom to Learn Program to provide full fee remission in the 2022-23 academic year to resident students enrolled in technical colleges or UW branch campuses who have completed the federal Free Application for Federal Student Aid. Under the program, students receive full remission of the balance of tuition and fees after other grants and scholarships awarded to the student are applied. The bill creates a sum sufficient appropriation for the UW System to fund the program for UW branch campus students and a sum sufficient appropriation for the Technical College System Board to make grants to technical colleges to fund the program for technical college students. The UW System and TCS Board must establish requirements for the completion of community service as a condition of receiving fee remission under the program.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
2 the following amounts for the purposes indicated:

SENATE BILL 1104

2021-22 2022-23

1 **20.155 Public Service Commission**

2 (1) REGULATION OF PUBLIC UTILITIES

3 (a) State broadband office; planning

4 and line extension grants GPR A -0- 4,859,000

5 (3) AFFILIATED GRANT PROGRAMS

6 (a) Broadband expansion grants;

7 general purpose revenue GPR C -0- 1,166,000,000

8 **20.437 Children and Families, Department of**

9 (2) ECONOMIC SUPPORT

10 (eg) Internet assistance program GPR A -0- 9,958,400

11 **SECTION 2.** 20.155 (1) (a) of the statutes is created to read:

12 20.155 (1) (a) *State broadband office; planning and line extension grants.* The
 13 amounts in the schedule for the operations of the state broadband office within the
 14 public service commission, for broadband planning grants under s. 196.504 (2g), and
 15 for financial assistance grants for broadband line extension under s. 196.504 (2r).

16 **SECTION 3.** 20.155 (3) (a) of the statutes is created to read:

17 20.155 (3) (a) *Broadband expansion grants; general purpose revenue.* As a
 18 continuing appropriation, the amounts in the schedule for broadband expansion
 19 grants under s. 196.504 (2).

20 **SECTION 4.** 20.155 (3) (r) of the statutes is amended to read:

21 20.155 (3) (r) *Broadband expansion grants; transfers.* From the universal
 22 service fund, all moneys transferred under s. 196.218 (3) (a) 2s. a., 2015 Wisconsin
 23 Act 55, section 9236 (1v), 2017 Wisconsin Act 59, section 9237 (1) and (2) (a), and 2019

SENATE BILL 1104

1 Wisconsin Act 9, section 9201 (1), for broadband expansion grants under s. 196.504
2 (2).

3 **SECTION 5.** 20.155 (3) (rm) of the statutes is amended to read:

4 20.155 (3) (rm) *Broadband grants; other funding.* From the universal service
5 fund, as a continuing appropriation, all moneys transferred under s. 196.218 (3) (a)
6 2s. b., for broadband expansion grants under s. 196.504 (2).

7 **SECTION 6.** 20.255 (2) (ac) of the statutes is amended to read:

8 20.255 (2) (ac) *General equalization aids.* ~~The amounts in the schedule A sum~~
9 sufficient for the payment of educational aids under ss. 121.08, 121.09, 121.095, and
10 121.105, ~~121.137~~ and subch. VI of ch. 121 equal to the amount determined by the joint
11 committee on finance under s. 121.15 (3m) (c) in the 2022-23 fiscal year and
12 biennially thereafter, and equal to the amount determined by law in the 2023-24
13 fiscal year and biennially thereafter.

14 **SECTION 7.** 20.255 (2) (ag) of the statutes is created to read:

15 20.255 (2) (ag) *Hold harmless aid.* A sum sufficient for hold harmless aid to
16 school districts under s. 121.10.

17 **SECTION 8.** 20.285 (1) (cm) of the statutes is created to read:

18 20.285 (1) (cm) *Freedom to learn program.* A sum sufficient for the program
19 under s. 36.27 (3t). No moneys may be encumbered under this paragraph after June
20 30, 2023.

21 **SECTION 9.** 20.292 (1) (b) of the statutes is created to read:

22 20.292 (1) (b) *Freedom to learn program.* A sum sufficient for the program
23 under s. 38.24 (6m). No moneys may be encumbered under this paragraph after June
24 30, 2023.

25 **SECTION 10.** 20.437 (2) (eg) of the statutes is created to read:

SENATE BILL 1104

1 20.437 (2) (eg) *Internet assistance program*. The amounts in the schedule for
2 the Internet assistance program under s. 49.168.

3 **SECTION 11.** 36.27 (3t) of the statutes is created to read:

4 36.27 (3t) FREEDOM TO LEARN PROGRAM. (a) *Definition*. In this subsection,
5 “branch campus” means any branch campus associated with a university as a result
6 of the system’s restructuring plan approved by the Higher Learning Commission on
7 or about June 28, 2018.

8 (b) *Establishment of program*. There is established, to be administered by the
9 board, a freedom to learn program to grant full remission of academic fees and
10 segregated fees to students who meet the eligibility criteria specified in this
11 subsection.

12 (c) *Eligibility for fee remission*. Subject to pars. (e), (f), and (g), a student is
13 eligible for fee remission under this subsection if the student meets all of the
14 following criteria:

15 1. The student is enrolled in a branch campus and is considered to be a resident
16 of this state under sub. (2).

17 2. The student has completed the federal Free Application for Federal Student
18 Aid, as described in 20 USC 1090 (a), for the applicable academic year.

19 (d) *Full fee remission*. 1. Subject to subd. 3., the board shall grant full remission
20 of the balance of an eligible student’s academic fees and segregated fees after first
21 deducting the total amount of all grants and scholarships awarded to the student
22 intended to cover all or part of the student’s academic fees and segregated fees, as
23 determined by the branch campus in which the student is enrolled.

24 2. All fee remissions under this subsection shall be funded from the
25 appropriation account under s. 20.285 (1) (cm).

SENATE BILL 1104

1 3. The board shall grant fee remissions under this subsection only for the
2 2022-23 academic year.

3 (e) *Limitations.* 1. A student is not eligible for any fee remission under this
4 subsection after the student has met all requirements for an associate degree or
5 diploma in the student's program at a branch campus.

6 2. The board may not grant any fee remission under this subsection to a person
7 whose name appears on the statewide support lien docket under s. 49.854 (2) (b),
8 unless the person provides to the board a payment agreement that has been
9 approved by the county child support agency under s. 59.53 (5) and that is consistent
10 with rules promulgated under s. 49.858 (2) (a).

11 (f) *Community service.* The board shall establish requirements for the
12 completion of community service, which may include mentoring, as a condition of
13 receiving any fee remission under this subsection.

14 (g) *Application of other grants and scholarships.* As a condition of receiving any
15 fee remission under this subsection, a student enrolled in a branch campus shall do
16 all of the following:

17 1. Attempt to secure available federal, state, and institutional grants and
18 scholarships.

19 2. Authorize the disclosure to the board of the type and amount of any other
20 grant or scholarship awarded to the student as a result of subd. 1.

21 3. Disclose to the financial aid office of the branch campus any grant or
22 scholarship received by the student, from any source, that is not disbursed through
23 the financial aid office, including the type and amount of the grant or scholarship.

24 (h) *Forms and guidelines.* The board may establish forms and guidelines to
25 administer the program under this subsection.

SENATE BILL 1104

1 **SECTION 12.** 38.24 (6m) of the statutes is created to read:

2 **38.24 (6m) FREEDOM TO LEARN PROGRAM.** (a) *Establishment of program.* There
3 is established, to be administered by the board, a freedom to learn program to provide
4 grants to district boards for the purpose of granting full remission of fees under sub.
5 (1m) to students enrolled in technical colleges of the district who meet the eligibility
6 criteria specified in this subsection.

7 (b) *Eligibility for fee remission.* Subject to pars. (d), (e), and (f), a student is
8 eligible for fee remission under this subsection if the student meets all of the
9 following criteria:

10 1. The student is enrolled in a technical college and is considered to be a
11 resident of this state for purposes of determining the student's fees under sub. (1m).

12 2. The student has completed the federal Free Application for Federal Student
13 Aid, as described in 20 USC 1090 (a), for the applicable academic year.

14 (c) *Grants to district boards; full fee remission.* 1. From the appropriation
15 under s. 20.292 (1) (b), the board shall award grants to district boards to cover the
16 expense to district boards of granting full fee remission under this subsection. The
17 board may not award grants to district boards under this subdivision after June 30,
18 2023.

19 2. Subject to subd. 3., for students enrolled in the technical colleges of a district,
20 the district board shall grant full remission of the balance of an eligible student's fees
21 under sub. (1m) after first deducting the total amount of all grants and scholarships
22 awarded to the student intended to cover all or part of the student's fees, as
23 determined by the district board.

24 3. Each district board shall grant fee remissions under this subsection only for
25 the 2022-23 academic year.

SENATE BILL 1104

1 (d) *Limitations.* 1. A student is not eligible for any fee remission under this
2 subsection after the student has met all requirements for an associate degree or
3 diploma in the student's program at a technical college.

4 2. A district board may not grant any fee remission under this subsection to a
5 person whose name appears on the statewide support lien docket under s. 49.854 (2)
6 (b), unless the person provides to the district board a payment agreement that has
7 been approved by the county child support agency under s. 59.53 (5) and that is
8 consistent with rules promulgated under s. 49.858 (2) (a).

9 (e) *Community service.* The board shall establish requirements for the
10 completion of community service, which may include mentoring, as a condition of
11 receiving any fee remission under this subsection.

12 (f) *Application of other grants and scholarships.* As a condition of receiving any
13 fee remission under this subsection, a student enrolled in a technical college shall do
14 all of the following:

15 1. Attempt to secure available federal, state, and institutional grants and
16 scholarships.

17 2. Authorize the disclosure to the district board of the type and amount of any
18 other grant or scholarship awarded to the student as a result of subd. 1.

19 3. Disclose to the financial aid office of the technical college any grant or
20 scholarship received by the student, from any source, that is not disbursed through
21 the financial aid office, including the type and amount of the grant or scholarship.

22 (g) *Forms and guidelines.* The board may establish forms and guidelines for
23 district boards to use in administering the program under this subsection.

24 **SECTION 13.** 49.168 of the statutes is created to read:

SENATE BILL 1104

1 **49.168 Internet assistance program. (1)** The department shall establish
2 an Internet assistance program under which it shall, from the appropriation under
3 s. 20.437 (2) (eg) and the allocation under s. 49.175 (1) (x), make payments to Internet
4 service providers on behalf of low-income individuals to assist with paying for
5 Internet service. Assistance under this program may be provided only after other
6 assistance program options have been exhausted. The department may contract for
7 the administration of the program.

8 **(2)** The department shall promulgate rules to implement the program under
9 this section and shall include a financial eligibility requirement that the family
10 income of a recipient not exceed 200 percent of the poverty line.

11 **SECTION 14.** 49.175 (1) (x) of the statutes is created to read:

12 49.175 (1) (x) *Internet assistance program.* For the Internet assistance
13 program under s. 49.168, \$20,000,000 in each fiscal year.

14 **SECTION 15.** 66.0422 (1) (cg) of the statutes is created to read:

15 66.0422 (1) (cg) “Underserved area” means an area of this state that is
16 designated as an underserved area by the public service commission under s. 196.504
17 (2) (d).

18 **SECTION 16.** 66.0422 (1) (cr) of the statutes is created to read:

19 66.0422 (1) (cr) “Unserved area” means an area of this state that is designated
20 as an unserved area by the public service commission under s. 196.504 (2) (e).

21 **SECTION 17.** 66.0422 (2) (c) of the statutes is amended to read:

22 66.0422 (2) (c) No less than 30 days before the public hearing, the local
23 government prepares and makes available for public inspection a report estimating
24 the total costs of, and revenues derived from, constructing, owning, or operating the
25 facility and including a cost-benefit analysis of the facility for a period of at least 3

SENATE BILL 1104

1 years. The costs that are subject to this paragraph include personnel costs and costs
2 of acquiring, installing, maintaining, repairing, or operating any plant or
3 equipment, and include an appropriate allocated portion of costs of personnel, plant,
4 or equipment that are used to provide jointly both telecommunications services and
5 other services. This paragraph does not apply to a broadband facility that is intended
6 to serve an underserved or unserved area.

7 **SECTION 18.** 66.0422 (3d) (intro.) of the statutes is amended to read:

8 66.0422 (3d) (intro.) Subsection (2) does not apply to a facility for providing
9 broadband service to an area within the boundaries of a local government if the local
10 government asks, in writing, each person that provides broadband service within the
11 boundaries of the local government whether the person currently provides
12 broadband service to the area and, if the area is not an underserved or unserved area,
13 whether the person intends to provide broadband service to the area within 9
14 months, or, if the area is an underserved or unserved area, whether the person
15 actively plans to provide broadband service to the area within 3 months and any of
16 the following are satisfied:

17 **SECTION 19.** 66.0422 (3d) (a) of the statutes is amended to read:

18 66.0422 (3d) (a) ~~The local government asks, in writing, each person that~~
19 ~~provides broadband service within the boundaries of the local government whether~~
20 ~~the person currently provides broadband service to the area or intends to provide~~
21 ~~broadband service within 9 months to the area and within 60 days after receiving the~~
22 ~~written request no person responds in writing to the~~ The local government does not
23 receive a response in writing that ~~the~~ a person currently provides broadband service
24 to the area or intends or actively plans to provide broadband service to the area
25 within 9 months the relevant time period.

SENATE BILL 1104

1 **SECTION 20.** 66.0422 (3d) (b) of the statutes is amended to read:

2 66.0422 (3d) (b) The local government determines that a person who responded
3 ~~to a written request under par. (a)~~ that the person currently provides broadband
4 service to the area did not actually provide broadband service to the area and no other
5 person ~~makes the response~~ responds to the local government ~~described in par. (a)~~.

6 **SECTION 21.** 66.0422 (3d) (c) of the statutes is amended to read:

7 66.0422 (3d) (c) The local government determines that a person who responded
8 ~~to a written request under par. (a)~~ that the person intended or actively planned to
9 provide broadband service to the area within ~~9 months~~ the relevant time period did
10 not actually provide broadband service to the area within ~~9 months~~ the relevant time
11 period and no other person ~~makes the response~~ responds to the local government
12 described in par. (a).

13 **SECTION 22.** 66.0422 (3m) (b) of the statutes is amended to read:

14 66.0422 (3m) (b) The municipality itself does not use the facility to provide
15 broadband service to end users. This paragraph does not apply to a facility that is
16 intended to serve an underserved or unserved area.

17 **SECTION 23.** 66.0422 (3m) (c) of the statutes is amended to read:

18 66.0422 (3m) (c) The municipality determines that, at the time that the
19 municipality authorizes the construction, ownership, or operation of the facility,
20 whichever occurs first, the facility does not compete with more than one provider of
21 broadband service. This paragraph does not apply to a facility that is intended to
22 serve an underserved or unserved area.

23 **SECTION 24.** 79.10 (4) of the statutes is amended to read:

24 79.10 (4) SCHOOL LEVY TAX CREDIT. Except as provided in sub. (5m), the amount
25 appropriated under s. 20.835 (3) (b) shall be distributed to municipalities in

SENATE BILL 1104

1 proportion to their share of the sum of average school tax levies for all municipalities.

2 No municipality shall receive a payment under this subsection after 2022.

3 **SECTION 25.** 79.10 (5m) of the statutes is amended to read:

4 79.10 (5m) FIRST DOLLAR CREDIT. Each municipality shall receive, from the
5 appropriation under s. 20.835 (3) (b), an amount determined by multiplying the
6 school tax rate by the estimated fair market value, not exceeding the value
7 determined under sub. (11) (d), of every parcel of real property with improvements
8 that is located in the municipality. No municipality shall receive a payment under
9 this subsection after 2022.

10 **SECTION 26.** 79.14 of the statutes is amended to read:

11 **79.14 School levy tax credit.** The appropriation under s. 20.835 (3) (b), for
12 the payments under s. 79.10 (4), is \$319,305,000 in 1994, 1995, and 1996;
13 \$469,305,000 beginning in 1997 and ending in 2006; \$593,050,000 in 2007;
14 \$672,400,000 in 2008; \$747,400,000 in 2009; \$732,550,000 in 2010, 2011, and 2012;
15 \$747,400,000 in 2013, 2014, and 2015; \$853,000,000 in 2016 and 2017; and
16 \$940,000,000 in 2018, 2019, 2020, 2021, and ~~in each year thereafter~~ 2022.

17 **SECTION 27.** 79.15 of the statutes is amended to read:

18 **79.15 Improvements credit.** The total amount paid each year to
19 municipalities from the appropriation account under s. 20.835 (3) (b) for the
20 payments under s. 79.10 (5m) is \$75,000,000 in 2009, \$145,000,000 in 2010, and
21 \$150,000,000 in each year beginning in 2011 and in each year thereafter ending in
22 2022.

23 **SECTION 28.** 100.20 (1v) of the statutes is amended to read:

24 100.20 (1v) It is an unfair method of competition in business or an unfair trade
25 practice for a person or business entity to violate s. 100.2093 (1) or (2) or 100.70 (1).

SENATE BILL 1104

1 **SECTION 29.** 100.20 (5) of the statutes is amended to read:

2 100.20 (5) Any person suffering pecuniary loss because of a violation by any
3 other person of s. 100.2093 or 100.70 or any order issued under this section may sue
4 for damages therefor in any court of competent jurisdiction and shall recover twice
5 the amount of such pecuniary loss, together with costs, including a reasonable
6 attorney fee.

7 **SECTION 30.** 100.20 (6) of the statutes is amended to read:

8 100.20 (6) The department may commence an action in circuit court in the
9 name of the state to restrain by temporary or permanent injunction the violation of
10 s. 100.2093 or 100.70 or any order issued under this section. The court may in its
11 discretion, prior to entry of final judgment make such orders or judgments as may
12 be necessary to restore to any person any pecuniary loss suffered because of the acts
13 or practices involved in the action, provided proof thereof is submitted to the
14 satisfaction of the court. The department may use its authority in ss. 93.14 and 93.15
15 to investigate violations of s. 100.2093 or 100.70 or any order issued under this
16 section.

17 **SECTION 31.** 100.2091 of the statutes is created to read:

18 **100.2091 Broadband; discrimination prohibited.** (1) No broadband
19 service provider may deny access to broadband service to any group of potential
20 residential customers because of the race or income of the residents in the area in
21 which the group resides.

22 (2) It is a defense to an alleged violation of sub. (1) based on income if, no later
23 than 3 years after the date on which the broadband service provider began providing
24 broadband service in this state, at least 30 percent of the households with access to

SENATE BILL 1104**SECTION 31**

1 the broadband service provider's broadband service in the area in which a group of
2 potential residential customers resides are low-income households.

3 (3) The department may enforce this section and may promulgate rules to
4 implement and administer this section. The department of justice may represent the
5 department in an action to enforce this section. If the court finds that a broadband
6 service provider has not complied with this section, the court shall order the
7 broadband service provider to comply with this section within a reasonable amount
8 of time and, notwithstanding s. 814.14 (1), shall award costs, including reasonable
9 attorney fees, to the department of justice.

10 (4) Any person that is affected by a failure to comply with this section may bring
11 an action to enforce this section. If a court finds that a broadband service provider
12 has not complied with this section, the court shall order the broadband service
13 provider to comply with this section within a reasonable amount of time and,
14 notwithstanding s. 814.14 (1), shall award costs, including reasonable attorney fees,
15 to the person affected.

16 **SECTION 32.** 100.2092 of the statutes is created to read:

17 **100.2092 Broadband service subscriber rights. (1) RIGHTS.** (a) A
18 broadband service provider shall repair broadband service within 72 hours after a
19 subscriber reports a service interruption or requests the repair if the service
20 interruption is not the result of a major systemwide or large area emergency, such
21 as a natural disaster.

22 (b) Upon notification by a subscriber of a service interruption, a broadband
23 service provider shall give the subscriber a credit for one day of broadband service
24 if broadband service is interrupted for more than 4 hours in one day and the
25 interruption is caused by the broadband service provider.

SENATE BILL 1104

1 (c) Upon notification by a subscriber of a service interruption, a broadband
2 service provider shall give the subscriber a credit for each hour that broadband
3 service is interrupted if broadband service is interrupted for more than 4 hours in
4 one day and the interruption is not caused by the broadband service provider.

5 (d) Prior to entering into a service agreement with a subscriber, a broadband
6 service provider shall disclose that a subscriber has a right to a credit for notifying
7 the broadband service provider of a service interruption.

8 (e) A broadband service provider shall provide broadband service that satisfies
9 minimum standards established by the department by rule.

10 (f) A broadband service provider shall give a subscriber at least 30 days'
11 advance written notice before instituting a rate increase.

12 (g) A broadband service provider shall give a subscriber at least 7 days' advance
13 written notice of any scheduled routine maintenance that causes a service slowdown,
14 interruption, or outage.

15 (h) A broadband service provider shall give a subscriber at least 10 days'
16 advance written notice of disconnecting service, unless the disconnection is
17 requested by the subscriber.

18 (i) Prior to entering into a service agreement with a subscriber, a broadband
19 service provider shall disclose the factors that may cause the actual broadband speed
20 experience to vary, including the number of users and device limitations.

21 (j) A broadband service provider shall provide broadband service to a
22 subscriber as described in point of sale advertisements and representations made to
23 the subscriber.

SENATE BILL 1104

1 (k) A broadband service provider shall give a subscriber at least 10 days'
2 advance written notice of a change in a factor that might cause the originally
3 disclosed speed experience to vary.

4 (L) A broadband service provider shall allow a subscriber to terminate a
5 contract and receive a full refund without fees if the provider sells a service that does
6 not satisfy the requirements established under par. (e) and the broadband service
7 provider does not satisfy the requirements established under par. (e) within one
8 month of written notification from the subscriber.

9 **(2) ADVERTISING.** A broadband service provider shall disclose the factors that
10 may cause the actual broadband speed experience of a subscriber to vary, including
11 the number of users and device limitations, in each advertisement of the speed of the
12 provider's service, including in all of the following types of advertisements:

13 (a) Television and other commercials.

14 (b) Internet and email advertisements.

15 (c) Print advertisements and bill inserts.

16 (d) Any other advertising method or solicitation for the sale of new or upgraded
17 broadband service.

18 **(3) RULES.** The department may promulgate rules to implement and
19 administer this section.

20 **(4) PENALTY; ENFORCEMENT.** (a) A person that violates this section may be
21 required to forfeit not more than \$1,000 for each violation and not more than \$10,000
22 for each occurrence. Failure to give a notice required under sub. (1) (f) to more than
23 one subscriber shall be considered one violation.

24 (b) The department or a district attorney may institute civil proceedings under
25 this section.

SENATE BILL 1104

1 **SECTION 33.** 100.2093 of the statutes is created to read:

2 **100.2093 Broadband and other Internet services.** (1) BROADBAND AND
3 OTHER INTERNET SPEEDS. No person may do any of the following:

4 (a) Advertise or otherwise represent that the person provides broadband
5 service unless a service provided by the person is capable of consistently providing
6 a minimum download speed of 25 megabits per second and a minimum upload speed
7 of 3 megabits per second or the minimum upload and download speeds for advanced
8 telecommunications capability as designated by the federal communications
9 commission in its inquiries regarding advanced telecommunications capability
10 under 47 USC 1302 (b).

11 (b) Sell or offer to sell a service that the person represents, to a consumer
12 purchasing the service, as being broadband service, unless the service is capable of
13 consistently providing that consumer with a minimum download speed of 25
14 megabits per second and a minimum upload speed of 3 megabits per second or the
15 minimum upload and download speeds for advanced telecommunications capability
16 as designated by the federal communications commission in its inquiries regarding
17 advanced telecommunications capability under 47 USC 1302 (b).

18 (c) Advertise or otherwise represent that the person provides Internet service
19 at a specific minimum speed unless a service provided by the person is capable of
20 consistently providing that speed.

21 (d) Sell or offer to sell Internet service that the person represents, to a consumer
22 purchasing the service, as being a specific minimum speed, unless the service is
23 capable of consistently providing that consumer with that speed.

24 **(2) BROADBAND LABELS.** No person may sell or offer to sell broadband service in
25 this state unless the person makes broadband labels easily available to potential

SENATE BILL 1104**SECTION 33**

1 consumers and provides a broadband label to every consumer before sale of the
2 service to the consumer. A broadband label provided under this subsection shall use
3 the templates for consumer labels for broadband service provided by the federal
4 communications commission. A broadband label provided under this subsection
5 may not contain any misleading or inaccurate information.

6 **(3) CONTRACT TERMINATION AND REFUND.** If a person makes a sale to a consumer
7 in violation of sub. (1) (b) or (d), the consumer notifies the person in writing of the
8 violation, and the person fails to remedy the violation within one month after
9 receiving the notice, the consumer may terminate the consumer's contract with the
10 person and receive a refund for all charges and fees that the consumer paid to the
11 person.

12 **SECTION 34.** 121.004 (7) (c) 1. a. of the statutes is amended to read:

13 121.004 (7) (c) 1. a. A pupil enrolled in a ~~5-year-old~~ kindergarten program that
14 requires full-day attendance by the pupil for 5 days a week, but not on any day of
15 the week that pupils enrolled in other grades in the school do not attend school, for
16 an entire school term shall be counted as one pupil.

17 **SECTION 35.** 121.004 (7) (c) 2. of the statutes is amended to read:

18 121.004 (7) (c) 2. In subd. 1. a. and b., "full-day" means the length of the school
19 day for pupils in the first grade of the school district operating the 4-year-old or
20 5-year-old kindergarten program.

21 **SECTION 36.** 121.07 (6) (d) of the statutes is amended to read:

22 121.07 (6) (d) The "secondary ceiling cost per member" ~~in the 2001-02 school~~
23 ~~year and in each school year thereafter~~ is an amount determined by dividing the state
24 total shared cost in the previous school year by the state total membership in the
25 previous school year ~~and multiplying the result by 0.90.~~

SENATE BILL 1104

1 **SECTION 37.** 121.07 (8) of the statutes is renumbered 121.07 (8) (intro.) and
2 amended to read:

3 121.07 (8) **GUARANTEED VALUATION.** (intro.) A school district's primary,
4 secondary and tertiary guaranteed valuations are determined by multiplying the
5 amounts in sub. (7) by the sum of the school district's membership, and an amount
6 calculated as follows:

7 **SECTION 38.** 121.07 (8) (a) of the statutes is created to read:

8 121.07 (8) (a) Determine the number of pupils residing in the school district
9 who satisfy the income eligibility criteria for a free or reduced-price lunch under 42
10 USC 1758 (b) (1).

11 **SECTION 39.** 121.07 (8) (b) of the statutes is created to read:

12 121.07 (8) (b) Multiply the number of pupils under par. (a) by 0.2.

13 **SECTION 40.** 121.10 of the statutes is created to read:

14 **121.10 Hold harmless aid. (1)** In this section, "state aid" means the sum of
15 the following:

16 (a) The payments made to a school district under ss. 121.08 and 121.105 and
17 subch. VI.

18 (b) The payments that would be made to a school district under s. 121.136 if s.
19 121.136 were still applicable.

20 (c) The amount that would be received by a school district under s. 79.10 (4) and
21 (5m) if s. 79.10 (4) and (5m) were still applicable.

22 **(2)** (a) Except as provided in par. (b), in the 2022-23 school year, if a school
23 district would receive less in equalization aid under s. 121.08 in the current school
24 year before any adjustment is made under s. 121.15 (4) (b) than it would have

SENATE BILL 1104

1 received in state aid in the current school year, the department shall pay to the school
2 district the amount equal to the difference.

3 (b) If a school district from which territory was detached to create a new school
4 district under s. 117.105 would receive in equalization aid under s. 121.08 in the
5 school year beginning on the first July 1 following the effective date of the
6 reorganization less than the amount determined as follows, the department shall
7 pay to the school district the difference between the former amount and the amount
8 determined as follows:

9 1. Divide the school district's membership in the preceding school year by the
10 school district's membership in the 2nd preceding school year.

11 2. Multiply the amount of state aid that would have been received by the school
12 district in the preceding school year, as adjusted under s. 121.15 (4) (b) in the current
13 school year, by the quotient under subd. 1.

14 (3) In the school year in which a school district consolidation takes effect under
15 s. 117.08 or 117.09 and in each of the subsequent 4 school years, if the consolidated
16 school district's equalization aid is less than the aggregate state aid to which the
17 consolidating school districts would have been eligible in the school year prior to the
18 school year in which the consolidation takes effect, the department shall pay the
19 difference to the consolidated school district.

20 (4) Additional aid under this section shall be paid from the appropriation under
21 s. 20.255 (2) (ag). No aid may be paid under this section after the 2022-23 school year.

22 **SECTION 41.** 121.105 (1) of the statutes is amended to read:

23 121.105 (1) ~~In~~ Except as provided in sub. (5), in this section "state aid" means
24 the sum of the payments provided to a school district under this section and ss.
25 121.08, 121.85 and 121.86.

SENATE BILL 1104

1 **SECTION 42.** 121.105 (2) (am) 1. of the statutes is amended to read:

2 121.105 (2) (am) 1. Except as provided in subd. 2., if a school district would
3 receive less in state aid in the current school year before any adjustment is made
4 under s. 121.15 (4) (b) than an amount equal to ~~85~~ 90 percent of the amount of state
5 aid that it received in the previous school year, as adjusted under s. 121.15 (4) (b) in
6 the current school year, its state aid for the current school year shall be increased to
7 an amount equal to ~~85~~ 90 percent of the state aid received in the previous school year.

8 **SECTION 43.** 121.105 (2) (am) 2. (intro.) of the statutes is amended to read:

9 121.105 (2) (am) 2. (intro.) If a school district from which territory was detached
10 to create a new school district under s. 117.105 would receive in state aid in the school
11 year beginning on the first July 1 following the effective date of the reorganization
12 less than ~~85~~ 90 percent of the amount determined as follows, its state aid in the school
13 year beginning on the first July 1 following the effective date of the reorganization
14 shall be increased to an amount equal to ~~85~~ 90 percent of the amount determined as
15 follows:

16 **SECTION 44.** 121.105 (5) of the statutes is created to read:

17 121.105 (5) (a) In this subsection, “state aid” means the sum of the payments
18 provided to a school district under this section and s. 121.08.

19 (b) If, after making the adjustments under subs. (2), (3), and (4), a school
20 district would receive less in state aid in the current school year before any
21 adjustment is made under s. 121.15 (4) (b) than an amount equal to \$3,000 multiplied
22 by the school district’s membership, the school district’s state aid shall be increased
23 to an amount equal to \$3,000 multiplied by the school district’s membership.

24 **SECTION 45.** 121.136 (3) of the statutes is created to read:

25 121.136 (3) No aid may be paid under this section after June 30, 2022.

SENATE BILL 1104

1 **SECTION 46.** 121.15 (3m) of the statutes is created to read:

2 121.15 **(3m)** (a) In this subsection:

3 1. “Partial school revenues” means the sum of state school aids, property taxes
4 levied for school districts, and aid paid to school districts under s. 79.095 (4), less all
5 of the following:

6 a. The amount of any revenue limit increase under s. 121.91 (4) (a) 2. due to a
7 school board’s increasing the services that it provides by adding responsibility for
8 providing a service transferred to it from another school board.

9 b. The amount of any revenue limit increase under s. 121.91 (4) (a) 3.

10 c. The amount of any revenue limit increase under s. 121.91 (4) (h).

11 d. The amount of any property taxes levied for the purpose of s. 120.13 (19).

12 e. An amount equal to the amount estimated to be paid under s. 119.23 (4) and
13 (4m) multiplied by the sum of the applicable percentages specified in s. 121.08 (4) (b)
14 1. and 2.

15 f. The amount by which the property tax levy for debt service on debt that has
16 been approved by a referendum exceeds \$490,000,000.

17 2. “State school aids” means the amounts appropriated under s. 20.255 (1) (b)
18 and (2), other than s. 20.255 (2) (aw), (az), (bb), (dg), (fm), (fp), (fq), (fr), (fs), (fu), (fv),
19 (k), and (m), the amount appropriated under s. 20.505 (4) (es), and the amount, as
20 determined by the secretary of administration, of the appropriation under s. 20.505
21 (4) (s) allocated for payments to telecommunications providers under contracts with
22 school districts and cooperative educational service agencies under s. 16.971 (13), for
23 grants to school district consortia under s. 16.997 (7), and to make educational
24 technology teacher training grants under s. 16.996.

SENATE BILL 1104

1 (b) By May 15, 2023, and annually by May 15 thereafter, the department, the
2 department of administration, and the legislative fiscal bureau shall jointly certify
3 to the joint committee on finance an estimate of the amount necessary to appropriate
4 under s. 20.255 (2) (ac) in the following school year to ensure that state school aids
5 equal two-thirds of partial school revenues.

6 (c) By June 30, 2022, and biennially by June 30 thereafter, the joint committee
7 on finance shall determine the amount appropriated under s. 20.255 (2) (ac) in the
8 following school year.

9 **SECTION 47.** 121.90 (2) (am) 1. of the statutes is amended to read:

10 121.90 (2) (am) 1. Aid under ss. 121.08, 121.09, 121.10, 121.105, and 121.136
11 and subch. VI, as calculated for the current school year on October 15 under s. 121.15
12 (4) and including adjustments made under s. 121.15 (4).

13 **SECTION 48.** 121.905 (1) (a) of the statutes is renumbered 121.905 (1) and
14 amended to read:

15 121.905 (1) ~~Except as provided in par. (b), in~~ In this section, “revenue ceiling”
16 means ~~\$9,100 in the 2017-18 school year, \$9,400 in the 2018-19 school year, \$9,500~~
17 \$9,700 in the 2019-20 school year, ~~\$9,600~~ and \$10,000 in the 2020-21 school year,
18 ~~\$9,700 in the 2021-22 school year, and \$9,800 in the 2022-23 school year and in any~~
19 ~~subsequent~~ each school year thereafter.

20 **SECTION 49.** 121.905 (1) (b) of the statutes is repealed.

21 **SECTION 50.** 121.905 (3) (c) 6. of the statutes is amended to read:

22 121.905 (3) (c) 6. For the limit for each of the 2015-16 to 2018-19 school years,
23 and for the 2021-22 and 2022-23 school year, ~~and for any school year thereafter~~
24 years, make no adjustment to the result under par. (b).

25 **SECTION 51.** 121.905 (3) (c) 9. of the statutes is created to read:

SENATE BILL 1104

1 121.905 (3) (c) 9. For the limit for the 2023-24 school year and any school year
2 thereafter, add the result under s. 121.91 (2m) (L) 2. to the result under par. (b).

3 **SECTION 52.** 121.91 (2m) (i) (intro.) of the statutes is amended to read:

4 121.91 (2m) (i) (intro.) Except as provided in subs. (3), (4), and (8), no school
5 district may increase its revenues for the 2015-16, 2016-17, 2017-18, 2018-19, and
6 2021-22 school year ~~or for any school year thereafter~~ years to an amount that exceeds
7 the amount calculated as follows:

8 **SECTION 53.** 121.91 (2m) (k) of the statutes is created to read:

9 121.91 (2m) (k) Except as provided in subs. (3), (4), and (8), no school district
10 may increase its revenues for the 2022-23 school year to an amount that exceeds the
11 amount calculated as follows:

12 1. Divide the sum of the amount of state aid received in the previous school year
13 and property taxes levied for the previous school year, excluding property taxes
14 levied for the purpose of s. 120.13 (19) and excluding funds described under sub. (4)
15 (c), by the average of the number of pupils enrolled in the 3 previous school years.

16 2. Add \$204 to the result under subd. 1.

17 3. Multiply the result under subd. 2. by the average of the number of pupils
18 enrolled in the current school year and the 2 preceding school years.

19 **SECTION 54.** 121.91 (2m) (L) of the statutes is created to read:

20 121.91 (2m) (L) Except as provided in subs. (3), (4), and (8), no school district
21 may increase its revenues for the 2023-24 school year or for any school year
22 thereafter to an amount that exceeds the amount calculated as follows:

23 1. Divide the sum of the amount of state aid received in the previous school year
24 and property taxes levied for the previous school year, excluding property taxes

SENATE BILL 1104

1 levied for the purpose of s. 120.13 (19) and excluding funds described under sub. (4)
2 (c), by the average of the number of pupils enrolled in the 3 previous school years.

3 2. Multiply the amount of the revenue increase per pupil allowed under this
4 subsection for the previous school year by the sum of 1.0 plus the allowable rate of
5 increase under s. 73.0305 expressed as a decimal.

6 3. Add the result under subd. 1. to the result under subd. 2.

7 4. Multiply the result under subd. 3. by the average of the number of pupils
8 enrolled in the current and the 2 preceding school years.

9 **SECTION 55.** 121.91 (2m) (r) 1. (intro.) of the statutes is amended to read:

10 121.91 **(2m)** (r) 1. (intro.) Notwithstanding pars. ~~(i) to (j)~~ **(k) and (L)**, if a school
11 district is created under s. 117.105, its revenue limit under this section for the school
12 year beginning with the effective date of the reorganization shall be determined as
13 follows except as provided under subs. (3) and (4):

14 **SECTION 56.** 121.91 (2m) (r) 1. b. of the statutes is amended to read:

15 121.91 **(2m)** (r) 1. b. Add an amount equal to the amount of revenue increase
16 per pupil allowed under this subsection for the previous school year multiplied by the
17 sum of 1.0 plus the allowable rate of increase under s. 73.0305 expressed as a decimal
18 to the result under subd. 1. a., except that ~~in calculating the limit for the 2013-14~~
19 ~~school year and the 2014-15 school year, add \$75 to the result under subd. 1. a., in~~
20 ~~calculating the limit for the 2019-20 school year, add \$175 to the result under subd.~~
21 ~~1. a., and in calculating the limit for the 2020-21 school year, add \$179 to the result~~
22 ~~under subd. 1. a. In the 2015-16 to 2018-19 school years, in calculating the limit for~~
23 ~~the 2021-22 school year, and any school year thereafter, make no adjustment to the~~
24 ~~result under subd. 1. a., in calculating the limit for the 2022-23 school year, add \$204~~
25 ~~to the result under subd. 1. a., and in calculating the limit for the 2023-24 school year~~

SENATE BILL 1104**SECTION 56**

1 and any school year thereafter, add the amount calculated under par. (L) 3. for that
2 school year to the result under subd. 1. a.

3 **SECTION 57.** 121.91 (2m) (r) 2. (intro.) of the statutes is amended to read:

4 121.91 **(2m)** (r) 2. (intro.) If a school district is created under s. 117.105, the
5 following adjustments to the calculations under pars. ~~(i) to (j)~~ (k) and (L) apply for
6 the 2 school years beginning on the July 1 following the effective date of the
7 reorganization:

8 **SECTION 58.** 121.91 (2m) (r) 2. a. of the statutes is amended to read:

9 121.91 **(2m)** (r) 2. a. For the school year beginning on the first July 1 following
10 the effective date of the reorganization the number of pupils in the previous school
11 year shall be used under pars. ~~(i) 1., (im) 1. and (j) 1.~~ (k) 1. and (L) 1. instead of the
12 average of the number of pupils in the 3 previous school years, and for the school year
13 beginning on the 2nd July 1 following the effective date of the reorganization the
14 average of the number of pupils in the 2 previous school years shall be used under
15 pars. ~~(i) 1., (im) 1. and (j) 1.~~ (k) 1. and (L) 1. instead of the average of the number of
16 pupils in the 3 previous school years.

17 **SECTION 59.** 121.91 (2m) (r) 2. b. of the statutes is amended to read:

18 121.91 **(2m)** (r) 2. b. For the school year beginning on the first July 1 following
19 the effective date of the reorganization the average of the number of pupils in the
20 current and the previous school years shall be used under pars. ~~(i) 2. and (j) 3.~~ (k) 3.
21 and (L) 4. instead of the average of the number of pupils in the current and the 2
22 preceding school years.

23 **SECTION 60.** 121.91 (2m) (s) 1. (intro.) of the statutes is amended to read:

24 121.91 **(2m)** (s) 1. (intro.) Notwithstanding pars. ~~(i) to (j)~~ (k) and (L), if territory
25 is detached from a school district to create a new school district under s. 117.105, the

SENATE BILL 1104

1 revenue limit under this section of the school district from which territory is detached
2 for the school year beginning with the effective date of the reorganization shall be
3 determined as follows except as provided in subs. (3) and (4):

4 **SECTION 61.** 121.91 (2m) (s) 1. b. of the statutes is amended to read:

5 121.91 **(2m)** (s) 1. b. Add an amount equal to the amount of revenue increase
6 per pupil allowed under this subsection for the previous school year multiplied by the
7 sum of 1.0 plus the allowable rate of increase under s. 73.0305 expressed as a decimal
8 to the result under subd. 1. a., except that in calculating the limit for ~~the 2013-14~~
9 ~~school year and the 2014-15 school year, add \$75 to the result under subd. 1. a., in~~
10 ~~calculating the limit for the 2019-20 school year, add \$175 to the result under subd.~~
11 ~~1. a., and in calculating the limit for the 2020-21 school year, add \$179 to the result~~
12 ~~under subd. 1. a. In the 2015-16 to 2018-19 school years, the 2021-22 school year,~~
13 ~~and any school year thereafter, make no adjustment to the result under subd. 1. a.~~
14 the 2022-23 school year, add \$204 to the result under subd. 1. a., and in calculating
15 the limit for the 2023-24 school year and any school year thereafter, add the amount
16 calculated under par. (L) 3. for that school year to the result under subd. 1. a.

17 **SECTION 62.** 121.91 (2m) (s) 2. (intro.) of the statutes is amended to read:

18 121.91 **(2m)** (s) 2. (intro.) If territory is detached from a school district to create
19 a new school district under s. 117.105, the following adjustments to the calculations
20 under pars. ~~(i) to (j)~~ (k) and (L) apply to the school district from which territory is
21 detached for the 2 school years beginning on the July 1 following the effective date
22 of the reorganization:

23 **SECTION 63.** 121.91 (2m) (s) 2. a. of the statutes is amended to read:

24 121.91 **(2m)** (s) 2. a. For the school year beginning on the first July 1 following
25 the effective date of the reorganization, the number of pupils in the previous school

SENATE BILL 1104**SECTION 63**

1 year shall be used under pars. ~~(i) 1., (im) 1., and (j) 1.~~ (k) 1. and (L) 1. instead of the
2 average of the number of pupils in the 3 previous school years; and for the school year
3 beginning on the 2nd July 1 following the effective date of the reorganization, the
4 average of the number of pupils in the 2 previous school years shall be used under
5 pars. ~~(i) 1., (im) 1., and (j) 1.~~ (k) 1. and (L) 1. instead of the average of the number of
6 pupils in the 3 previous school years.

7 **SECTION 64.** 121.91 (2m) (s) 2. b. of the statutes is amended to read:

8 121.91 **(2m)** (s) 2. b. For the school year beginning on the first July 1 following
9 the effective date of the reorganization the average of the number of pupils in the
10 current and the previous school year shall be used under pars. ~~(i) 2. and (j) 3.~~ (k) 3.
11 and (L) 4. instead of the average of the number of pupils in the current and the 2
12 preceding school years.

13 **SECTION 65.** 121.91 (2m) (t) 1. (intro.) of the statutes is amended to read:

14 121.91 **(2m)** (t) 1. (intro.) If 2 or more school districts are consolidated under
15 s. 117.08 or 117.09, in the 2019-20 school year, the consolidated school district's
16 revenue limit shall be determined as provided under par. (im), in the 2020-21 school
17 year, the consolidated school district's revenue limit shall be determined as provided
18 under par. (j), in the 2021-22 school year, the consolidated school district's revenue
19 limit shall be determined as provided under par. (i), in the 2022-23 school year, the
20 consolidated school district's revenue limit shall be determined as provided under
21 par. (k), and in each school year thereafter, the consolidated school district's revenue
22 limit shall be determined as provided under par. ~~(i)~~ (L), except as follows:

23 **SECTION 66.** 121.91 (4) (om) of the statutes is created to read:

24 121.91 **(4)** (om) 1. Beginning in the 2022-23 school year, if a school board adopts
25 a resolution to do so, the limit otherwise applicable to a school district under sub.

SENATE BILL 1104

1 (2m) in any school year is increased by the amount spent by the school district in that
2 school year on a project, including the payment of debt service on a bond or note
3 issued or a state trust fund loan obtained to finance the project, to remediate lead
4 contamination in drinking water in the school district. In this paragraph, the
5 amount spent by the school district includes costs incurred by the school district to
6 test for the presence of lead in drinking water, to provide safe drinking water to
7 affected school buildings during remediation, and, if necessary, to replace lead pipe
8 water service lines to school buildings in the school district. The term of a bond or
9 note issued or state trust fund loan obtained to finance the project under this
10 subdivision may not exceed 20 years. If a school board issues a bond or note or obtains
11 a state trust fund loan to finance a project described in this subdivision, a resolution
12 adopted by a school board under this subdivision is valid for each school year in which
13 the school board pays debt service on the bond, note, or state trust fund loan.

14 2. Any additional revenue received by a school district under this paragraph
15 shall not be included in the base for determining the school district's limit under sub.
16 (2m) for the following school year.

17 **SECTION 67.** 165.25 (4) (ar) of the statutes is amended to read:

18 165.25 (4) (ar) The department of justice shall furnish all legal services
19 required by the department of agriculture, trade and consumer protection relating
20 to the enforcement of ss. 91.68, 93.73, 100.171, 100.173, 100.174, 100.175, 100.177,
21 100.18, 100.182, 100.195, 100.20, 100.205, 100.207, 100.209, 100.2091, 100.2092,
22 100.21, 100.28, 100.37, 100.42, 100.50, 100.51, 100.55, and 846.45 and chs. 126, 136,
23 344, 704, 707, and 779, together with any other services as are necessarily connected
24 to the legal services.

25 **SECTION 68.** 182.0172 of the statutes is created to read:

SENATE BILL 1104**1 182.0172 Electric providers using easements to provide broadband.**

2 **(1)** In this section:

3 (a) 1. “Broadband infrastructure” means any of the following that can be used
4 to facilitate, directly or indirectly, originate, send, and receive high-quality voice,
5 data, graphics, video, and video programming communications:

6 a. Materials.

7 b. Wires.

8 c. Cables, including fiber optic and copper cables regardless of whether the
9 cables are dark or lit and whether the cables are in use or dormant.

10 d. Conduits.

11 e. Antennas.

12 f. Equipment.

13 g. Fixtures.

14 h. Switching multiplexers.

15 i. Poles.

16 j. Routers.

17 k. Switches.

18 L. Servers.

19 m. Appurtenances.

20 n. Facilities.

21 o. Ancillary or auxiliary equipment.

22 2. “Broadband infrastructure” does not include new poles or new towers that
23 are used exclusively for providing broadband services.

24 (b) “Electric provider” means any of the following:

SENATE BILL 1104

1 1. A public utility, as defined in s. 196.01 (5), that generates, transmits, or
2 distributes electric energy at wholesale or retail.

3 2. A cooperative association incorporated under ch. 185 to do business in this
4 state that carries on the business of generating, transmitting, or distributing electric
5 energy to its members at wholesale or retail.

6 **(2)** (a) 1. An electric provider may use an easement that it holds for any of the
7 following purposes:

8 a. Installing or maintaining broadband infrastructure to provide broadband
9 services or allowing a supplier of broadband services to install or maintain
10 broadband infrastructure to provide broadband services.

11 b. Leasing or providing to a supplier of broadband services any excess capacity
12 in the electric provider's broadband infrastructure.

13 2. This paragraph does not exempt, except, or exclude an electric provider or
14 supplier of broadband services from complying with any provision of state or federal
15 law applicable to siting broadband infrastructure or providing broadband services.

16 (b) Except as provided in par. (c) 1., terms or conditions of an easement held by
17 an electric provider that inhibit the electric provider from using the easement for a
18 purpose under par. (a) do not apply.

19 (c) Paragraphs (a) and (b) do not apply to an easement that does any of the
20 following:

21 1. Expressly prohibits, by its terms, using the easement for a purpose under
22 par. (a).

23 2. Applies to property owned by the state or a city, village, town, or county.

24 **(3)** (a) In this subsection, "owner" means a person who owns a fee simple or life
25 estate interest in land or who is a land contract vendee.

SENATE BILL 1104

1 (b) At least 30 days before first using an easement for a purpose under sub. (2)
2 (a), an electric provider shall make a reasonable attempt to mail a notice to the owner
3 of the property subject to the easement, as determined from records of the office of
4 the register of deeds of the county in which the property subject to the easement is
5 located, by mailing a notice to at least one of the following:

6 1. The last-known address for the owner of the property subject to the
7 easement.

8 2. The address listed with the county real property lister for the owner of the
9 property subject to the easement.

10 3. The registered agent office or principal office listed in the records of the
11 department of financial institutions for the owner of the property subject to the
12 easement.

13 (c) If an electric provider is unable to identify an address to mail a notice under
14 par. (b), the electric provider shall publish a class 1 notice under ch. 985 at least 30
15 days before first using an easement for a purpose under sub. (2) (a).

16 (d) An electric provider shall include all of the following in a notice under par.
17 (b) or (c):

18 1. An identification of the property subject to the easement, which may be made
19 by reference to the property address, by reference to the tax parcel number of the
20 property, by map, or by legal description.

21 2. A statement that the electric provider intends to install broadband
22 infrastructure or use existing infrastructure to make broadband service available.

23 3. An estimate of when the electric provider intends to install or begin using
24 infrastructure under subd. 2.

25 4. A reference to this section.

SENATE BILL 1104

1 5. A statement explaining that the electric provider may record a memorandum
2 stating that the electric provider may use the easement for a purpose under sub. (2)
3 (a).

4 6. A notice that the owner of the property subject to the easement may not bring
5 an action against the electric provider for using an easement for a purpose under sub.
6 (2) (a) after one year after the date of receiving the notice.

7 **(4)** Beginning 30 days after providing notice under sub. (3), an electric provider
8 may record a memorandum in the office of the register of deeds for a county in which
9 property subject to an easement used for a purpose under sub. (2) (a) is located. The
10 electric provider shall include all of the following in the memorandum:

11 (a) One of the following:

12 1. If the easement is recorded, recording information for the easement.

13 2. If the easement is unrecorded or a prescriptive easement under s. 893.28 (2),
14 the legal description of the parcel subject to the easement.

15 (b) A reference to this section.

16 (c) A statement that the electric provider may use the easement for a purpose
17 under sub. (2) (a).

18 (d) A statement that terms or conditions of the easement that inhibit the
19 electric provider from using the easement for a purpose under sub. (2) (a) do not
20 apply.

21 **(5)** (a) In this subsection, “owner” means an owner of or other person holding
22 an interest in real property subject to an easement used for a purpose under sub. (2)
23 (a).

24 (b) 1. If an owner provides an electric provider, a subsidiary of an electric
25 provider, or a supplier of broadband services with an appraisal performed by an

SENATE BILL 1104**SECTION 68**

1 appraiser licensed under ch. 458 comparing the fair market value of the owner's real
2 property interest immediately before and after an easement on the property is used
3 for a purpose under sub. (2) (a), the electric provider, subsidiary, or supplier of
4 broadband services shall do one of the following within 30 days:

5 a. Pay the owner the amount of damages identified in the appraisal provided
6 by the owner.

7 b. Notify the owner that it disputes the appraisal. If an electric provider,
8 subsidiary, or supplier of broadband services disputes the appraisal provided by the
9 owner under this subd. 1. b., the electric provider, subsidiary, or supplier of
10 broadband services shall within 90 days provide the owner with an appraisal
11 performed by an appraiser licensed under ch. 458 comparing the fair market value
12 of the owner's real property interest immediately before and after an easement on
13 the property is used for a purpose under sub. (2) (a). The owner shall make
14 reasonable accommodations for performance of the appraisal under this subd. 1. b.

15 2. If an owner who receives an appraisal under subd. 1. b. from an electric
16 provider, subsidiary, or supplier of broadband services provides to the electric
17 provider, subsidiary, or supplier of broadband services written notice accepting the
18 appraisal or does not bring an action under par. (d) within 30 days of receiving the
19 appraisal, the electric provider, subsidiary, or supplier of broadband services shall
20 promptly remit payment to the owner for the difference in the fair market value of
21 the owner's real property interest identified in the appraisal.

22 (c) An owner may not bring an action against an electric provider, a subsidiary
23 of an electric provider, or a supplier of broadband services for damages from a
24 decrease in the value of the owner's interest in real property due to the use of an
25 easement for a purpose under sub. (2) (a) except as provided under this subsection.

SENATE BILL 1104

1 (d) An owner may bring an action under this subsection against an electric
2 provider, a subsidiary of an electric provider, or a supplier of broadband services for
3 damages from a decrease in the value of the owner's interest in real property due to
4 the use of an easement for a purpose under sub. (2) (a) only if all of the following
5 apply:

6 1. The owner provides an appraisal under par. (b) 1. to the electric provider,
7 subsidiary, or supplier of broadband services within one year after the date that the
8 owner receives notice under sub. (3) or, if the owner receives no notice under sub. (3),
9 within one year after the date that a memorandum referring to an easement that
10 applies to the property is recorded under sub. (4).

11 2. The owner brings the action within 30 days after receiving an appraisal from
12 the electric provider, subsidiary, or supplier of broadband services under par. (b) 1.
13 b.

14 (e) The maximum recovery under this subsection may not exceed the difference
15 between the fair market value of the owner's real property interest immediately
16 before an easement on the property is used for a purpose under sub. (2) (a) and the
17 fair market value of the owner's real property interest immediately after an
18 easement on the property is used for a purpose under sub. (2) (a). Evidence of
19 revenues, profits, or fees received by an electric provider, a subsidiary of an electric
20 provider, or a supplier of broadband services shall not be admissible as evidence in
21 any proceeding or action under this subsection.

22 **SECTION 69.** 196.218 (5) (a) 10. of the statutes is amended to read:

23 196.218 (5) (a) 10. To make broadband expansion grants and administer the
24 program under s. 196.504 (2).

25 **SECTION 70.** 196.504 (1) (ac) 4. of the statutes is created to read:

SENATE BILL 1104**SECTION 70**

1 196.504 (1) (ac) 4. A political subdivision that is underserved or that is located
2 in an unserved area.

3 **SECTION 71.** 196.504 (2) (a) of the statutes, as affected by 2021 Wisconsin Act
4 58, is amended to read:

5 196.504 (2) (a) To make broadband expansion grants to eligible applicants for
6 the purpose of constructing broadband infrastructure in underserved areas
7 designated under par. (d). Grants awarded under this ~~section~~ subsection shall be
8 paid from the appropriations under ss. 20.155 (3) ~~(a)~~, (r), and (rm) and 20.866 (2) (z),
9 in the amount allocated under s. 20.866 (2) (z) 5.

10 **SECTION 72.** 196.504 (2) (b) of the statutes is amended to read:

11 196.504 (2) (b) To prescribe the form, nature, and extent of the information that
12 shall be contained in an application for a grant under this ~~section~~ subsection. The
13 application shall require the applicant to identify the area of the state that will be
14 affected by the proposed project and explain how the proposed project will increase
15 broadband access.

16 **SECTION 73.** 196.504 (2) (c) of the statutes is amended to read:

17 196.504 (2) (c) To establish criteria for evaluating applications and awarding
18 grants under this ~~section~~ subsection. The criteria shall prohibit grants that have the
19 effect of subsidizing the expenses of a provider of telecommunications service, as
20 defined in s. 182.017 (1g) (cq), or the monthly bills of customers of those providers.
21 The criteria shall give priority to projects that include matching funds, that involve
22 public-private partnerships, that affect unserved areas, that are scalable, that
23 promote economic development, that will not result in delaying the provision of
24 broadband service to areas neighboring areas to be served by the proposed project,
25 or that affect a large geographic area or a large number of underserved individuals

SENATE BILL 1104

1 or communities. When evaluating grant applications under this section ~~section~~ subsection,
2 the commission shall consider the degree to which the proposed projects would
3 duplicate existing broadband infrastructure, information about the presence of
4 which is provided to the commission by the applicant or another person within a time
5 period designated by the commission; the impacts of the proposed projects on the
6 ability of individuals to access health care services from home and the cost of those
7 services; and the impacts of the proposed projects on the ability of students to access
8 educational opportunities from home.

9 **SECTION 74.** 196.504 (2g) of the statutes is created to read:

10 196.504 **(2g)** The commission shall administer the broadband connector
11 program and shall have the following powers:

12 (a) To make broadband planning grants to political subdivisions, school
13 districts, tribal governments, regional planning commissions, nonprofit
14 organizations, and local economic development organizations for broadband
15 planning, feasibility engineering related to broadband infrastructure construction,
16 broadband adoption planning, and digital inclusion activities. The amount of a
17 broadband planning grant under this paragraph may not exceed \$50,000. Grants
18 awarded under this paragraph shall be paid from the appropriation under s. 20.155
19 (1) (a).

20 (b) To provide training, technical assistance, and information on broadband
21 infrastructure construction, broadband adoption, and digital inclusion.

22 **SECTION 75.** 196.504 (2r) of the statutes is created to read:

23 196.504 **(2r)** The commission shall administer the broadband line extension
24 assistance program and shall have the following powers:

SENATE BILL 1104

1 (a) To make financial assistance grants to residents of properties that are not
2 served by a broadband service provider to assist in paying the customer costs
3 associated with line extension necessary to connect broadband service to the
4 properties. The amount of a financial assistance grant under this paragraph may
5 not exceed \$4,000. Grants awarded under this paragraph shall be paid from the
6 appropriation under s. 20.155 (1) (a).

7 (b) To establish criteria for evaluating applications and awarding financial
8 assistance grants under par. (a). The criteria shall give priority to properties that
9 serve as a primary residence.

10 **SECTION 76.** 227.01 (13) (yn) of the statutes is created to read:

11 227.01 (13) (yn) Establishes community service requirements, forms, and
12 guidelines under ss. 36.27 (3t) (f) and (h) and 38.24 (6m) (e) and (g).

13 **SECTION 77. Nonstatutory provisions.**

14 (1) **ELECTRIC PROVIDER USE OF EASEMENTS FOR BROADBAND; PRIOR CAUSES OF ACTION.**

15 (a) *Definitions.* In this subsection:

- 16 1. "Electric provider" has the meaning given in s. 182.0172 (1) (b).
17 2. "Owner" has the meaning given in s. 182.0172 (5) (a).

18 (b) *Time limit for prior causes of action.* No owner may bring an action against
19 an electric provider, a subsidiary of an electric provider, or a supplier of broadband
20 services for using an easement held by the electric provider for any of the following
21 before the effective date of this paragraph unless the owner brings the action no later
22 than one year after the effective date of this paragraph:

23 1. Installing or maintaining broadband infrastructure to provide broadband
24 services or allowing a supplier of broadband services to install or maintain
25 broadband infrastructure to provide broadband services.

SENATE BILL 1104

1 2. Leasing or providing to a supplier of broadband services any capacity in the
2 electric provider's broadband infrastructure.

3 **SECTION 78. Fiscal changes.**

4 (1) GENERAL SCHOOL AID. In the schedule under s. 20.005 (3) for the
5 appropriation to the department of public instruction under s. 20.255 (2) (ac), the
6 dollar amount for fiscal year 2022-23 is increased by \$1,090,000,000 for the purpose
7 for which the appropriation is made.

8 **SECTION 79. Initial applicability.**

9 (1) SUBSCRIBERS TERMINATING BROADBAND CONTRACTS. The treatment of s.
10 100.2092 (1) (L) first applies to a contract that is entered into, renewed, or modified
11 on the effective date of this subsection.

12 (2) TERMINATING BROADBAND CONTRACT AND REFUND. The treatment of s.
13 100.2093 (3) first applies to a contract that is entered into, renewed, or modified on
14 the effective date of this subsection.

15 (3) STATE AID. The treatment of ss. 20.255 (2) (ac), 121.004 (7) (c) 1. a. and 2.,
16 121.07 (6) (d), and 121.105 (1), (2) (am) 1. and 2. (intro.), and (5), the renumbering
17 and amendment of s. 121.07 (8), and the creation of s. 121.07 (8) (a) and (b) first apply
18 to the distribution of school aid in, and the calculation of revenue limits for, the
19 2022-23 school year.

20

(END)