



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-6186/1
KP:emw

2021 SENATE BILL 1098

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

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to amend* 196.504 (2) (a); and *to create* 20.155 (3) (g), 196.504 (1) (aa),
2 196.504 (2g) and 196.504 (2r) of the statutes; **relating to:** requirements for
3 broadband expansion grants, granting rule-making authority, and making an
4 appropriation.

Analysis by the Legislative Reference Bureau

This bill makes changes to the broadband expansion grant program administered by the Public Service Commission. Under current law, PSC makes grants to eligible applicants for constructing broadband infrastructure in underserved areas. The bill defines “broadband infrastructure,” which is not defined under current law, as infrastructure that provides broadband service at the following speeds, whichever is faster: 1) a minimum download speed of 25 megabits per second and a minimum upload speed of 3 megabits per second or 2) minimum download and upload speeds designated by the Federal Communications Commission under federal law. Under the bill, infrastructure is eligible for a broadband expansion grant only if it satisfies the foregoing definition. The bill requires an applicant for a grant to specify the broadband infrastructure the applicant intends to construct with a grant and also requires a grant recipient to reimburse PSC for the grant if 1) the person fails to complete construction of the infrastructure or 2) the infrastructure that is constructed fails to provide the foregoing minimum download or upload speeds. Any reimbursed amounts are used to make additional grants.

In addition, the bill requires grant recipients to submit reports to PSC on the progress of broadband infrastructure construction, the number of broadband service

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connections provided by that infrastructure, and the average download and upload speeds for those service connections. Finally, beginning on January 1, 2023, the bill requires the Legislative Audit Bureau to conduct biennial performance audits of the broadband expansion grant program.

For further information see the state 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.** 20.155 (3) (g) of the statutes is created to read:

2 20.155 (3) (g) *Broadband expansion grants; program revenue funding.* All
3 moneys received as broadband grant reimbursements under s. 196.504 (2g) (b) for
4 making broadband expansion grants under s. 196.504.

5 **SECTION 2.** 196.504 (1) (aa) of the statutes is created to read:

6 196.504 (1) (aa) “Broadband infrastructure” means infrastructure for the
7 provision of broadband service at the following speeds, whichever is faster:

8 1. A minimum download speed of 25 megabits per second and a minimum
9 upload speed of 3 megabits per second.

10 2. The minimum upload and download speeds for advanced
11 telecommunications capability as designated by the federal communications
12 commission in its most recent inquiry regarding advanced telecommunications
13 capability under 47 USC 1302 (b).

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

16 196.504 (2) (a) To make broadband expansion grants to eligible applicants for
17 the purpose of constructing broadband infrastructure in underserved areas
18 designated under par. (d). An eligible applicant shall specify in its application for a
19 grant the broadband infrastructure the applicant intends to construct with the

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1 grant. Grants awarded under this section shall be paid from the appropriations
2 under ss. 20.155 (3) (g), (r), and (rm) and 20.866 (2) (z), in the amount allocated under
3 s. 20.866 (2) (z) 5.

4 **SECTION 4.** 196.504 (2g) of the statutes is created to read:

5 196.504 (**2g**) (a) The commission shall require a person who receives a grant
6 under sub. (2) (a) to submit reports to the commission on the progress of construction
7 activities for the broadband infrastructure specified in the person's grant
8 application, the number of broadband service connections provided by that
9 infrastructure after construction is completed, and the average download and upload
10 speeds for those service connections.

11 (b) A person who receives a grant under sub. (2) (a) shall reimburse the
12 commission an amount equal to the grant if any of the following applies:

13 1. The person fails to complete construction of the broadband infrastructure
14 specified in the person's application under sub. (2) (a).

15 2. The infrastructure constructed with the grant fails to provide broadband
16 service at speeds specified in sub. (1) (aa).

17 (c) The commission shall promulgate rules for submitting reports under par.
18 (a) and making reimbursements under par. (b). If a person fails to make a
19 reimbursement as required under the rules, the person is not eligible for any other
20 grant under sub. (2) (a).

21 **SECTION 5.** 196.504 (2r) of the statutes is created to read:

22 196.504 (**2r**) Biennially, beginning on January 1, 2023, the legislative audit
23 bureau shall conduct a performance evaluation audit of the broadband expansion
24 grant program under sub. (2).

25

(END)