



State of Wisconsin
2019 - 2020 LEGISLATURE

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**SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 321**

August 28, 2019 - Offered by Senator MARKLEIN.

1 **AN ACT** *to amend* 76.81; and *to create* 76.80 (2), (2m) and (5) of the statutes;
2 **relating to:** telephone company tax exemption for property used to provide
3 broadband service.

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

4 **SECTION 1.** 76.80 (2), (2m) and (5) of the statutes are created to read:

5 76.80 (2) “Qualified broadband service property” means tangible personal
6 property that meets any of the following standards:

7 (a) The property is installed prior to January, 1, 2020, and is used to provide
8 Internet access service to a rural area at actual speeds that are at least a download
9 speed of 25 megabits per second and an upload speed of 3 megabits per second.

10 (b) The property is installed after December 31, 2019, and is used to provide
11 Internet access service to a rural or underserved area at actual speeds that meet or
12 exceed the higher of the following thresholds:

1 1. A download speed of 25 megabits per second and an upload speed of 3
2 megabits per second.

3 2. The download and upload speed benchmarks for fixed services as designated
4 by the federal communications commission in its inquiries regarding advanced
5 telecommunications capability under 47 USC 1302 (b).

6 **(2m)** “Rural area” means an area in this state that is located outside a federal
7 metropolitan statistical area or is located in a city, village, or town with a population
8 of not more than 14,000. For purposes of sub. (2) (a), the determination of whether
9 an area meets the criteria of this subsection shall be made on the basis of the 2010
10 federal decennial census.

11 **(5)** “Underserved area” means an area in this state in which Internet access
12 service at the highest speed threshold described in sub. (2) (b) is not available from
13 at least 2 wired providers.

14 **SECTION 2.** 76.81 of the statutes is amended to read:

15 **76.81 Imposition.** There is imposed a tax on the real property of, and the
16 tangible personal property of, every telephone company, excluding property that is
17 exempt from the property tax under s. 70.11 (39) and (39m), motor vehicles that are
18 exempt under s. 70.112 (5), property that is used less than 50 percent in the operation
19 of a telephone company, as provided under s. 70.112 (4) (b), ~~and~~ treatment plant and
20 pollution abatement equipment that is exempt under s. 70.11 (21), and qualified
21 broadband service property. Except as provided in s. 76.815, the rate for the tax
22 imposed on each description of real property and on each item of tangible personal
23 property is the net rate for the prior year for the tax under ch. 70 in the taxing
24 jurisdictions where the description or item is located. The real and tangible personal
25 property of a telephone company shall be assessed as provided under s. 70.112 (4) (b).

1 **SECTION 3. Initial applicability.**

2 (1) This act first applies to the property tax assessments as of January 1, 2021,
3 except that the treatment of s. 76.80 (2) (a) first applies to the property tax
4 assessments as of January 1, 2025.

5 **(END)**