



## 2003 ASSEMBLY BILL 135

March 6, 2003 – Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Energy and Utilities.

1     **AN ACT to create** 22.01 (2n) and 22.03 (2) (o) of the statutes; **relating to:**  
2             directing the Department of Electronic Government to develop a database and  
3             Web site on broadband transmission service availability, public access to  
4             certain records created for this purpose, and granting rule-making authority.

---

### *Analysis by the Legislative Reference Bureau*

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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:***

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill is introduced at the recommendation of the Joint Legislative Council's Special Committee on Public and Private Broadband.

The bill directs the Department of Electronic Government (DEG) to develop a database and Web site on broadband transmission service availability, and to report to the legislature as to the advisability of upgrading and maintaining the database and Web site as an ongoing effort. The bill creates an exception from the open records law for the information submitted for this purpose and directs the DEG to withhold such information unless the DEG determines, using criteria it has established by rule, that the information

**ASSEMBLY BILL 135**

is sufficiently aggregated for Web site display that it would not aid a competitor in competition with the provider of the information. The bill also defines “broadband transmission service.”

1           **SECTION 1.** 22.01 (2n) of the statutes is created to read:

2           22.01 (2n) “Broadband transmission service” means the offering of  
3 telecommunications for the purpose of Internet access at a speed of over 200 kilobits  
4 per second in at least one direction.

NOTE: Section 22.01 (10), stats. defines “telecommunications” as “all services and facilities capable of transmitting, switching, or receiving information in any form by wire, radio, or other electronic means.”

5           **SECTION 2.** 22.03 (2) (o) of the statutes is created to read:

6           22.03 (2) (o) Develop a database and Web site on the availability of broadband  
7 transmission services in this state. The department shall design the database and  
8 Web site to provide useful information for state and local public officials, current and  
9 potential small business and residential customers, and the economic development  
10 community. The department shall withhold from public access under s. 19.35 (1)  
11 information contained in any record that is obtained by the department to develop  
12 the database and Web site under this paragraph unless the department determines  
13 that the information is sufficiently aggregated for Web site display that it would not  
14 aid a competitor in competition with the provider of the information. The  
15 department may withhold information from Web site display if it determines that the  
16 information cannot be sufficiently aggregated to avoid aiding a competitor in  
17 competition with the provider of the information. The department shall, by rule,  
18 establish criteria for determining whether information is sufficiently aggregated for  
19 Web site display that it would not aid a competitor in competition with the provider  
20 of the information.

21           **SECTION 3. Nonstatutory provisions.**

**ASSEMBLY BILL 135**

1           (1) REPORT ON BROADBAND TRANSMISSION DATABASE AND WEB SITE. No later than  
2           the first day of the 36th month after the effective date of this subsection, the  
3           department of electronic government shall report to the legislature in the manner  
4           provided under section 13.172 (2) of the statutes as to the advisability of upgrading  
5           and maintaining the database and Web site developed under section 22.03 (2) (o) of  
6           the statutes, as created by this act, as an ongoing effort.

7

**(END)**