

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0921/P1dn

MDK:jld:ph

January 7, 2013

Larry Konopacki:

Please review this preliminary draft to make sure it achieves your intent. In particular, please note the following:

1. I revised the second paragraph of your prefatory note because LRB-0922 creates an appropriation for the state 911 grants, rather than a new segregated fund for the grants. Also note my related change to your note following the amendment of s. 196.025 (6) (c) 3.
2. In the last sentence of the third paragraph of your prefatory note, you say that county imposition of the fee would no longer be required. Is it more accurate to say that county imposition is no longer allowed? Also, do we need to consider whether any transitional provisions are necessary to deal with county fees currently in effect under s. 256.35 (3) (b), which is repealed by this draft? For example, if a county has entered into a contract for a person to provide services to the county, and the person is paid under the contract from the fees that are currently in effect, then the person might argue that the draft impairs its contractual right to payment. Do we need to consider how to address such a scenario?
3. Do you need to add a note describing the contracts allowed between the PSC and DOR, and DOR's powers under those contracts?
4. The draft amends s. 15.01 (4) to ensure that the state 911 council has substantive powers. Note that we will have to make sure that the references to the council and its powers are consistent with the language in LRB-0919. For example, LRB-0919 refers to the council as the 911 advisory council, which must be revised.
5. I substantially revised your language for s. 196.025 (6) (c) 3. and made a slight change to your note regarding that language.
6. You deleted the definition for "communications provider" in proposed s. 256.35 (1) (cp), but I retained it because the term is used in the draft.
7. I repealed s. 256.35 (1) (d), which defines "department" as DOA. The only references to DOA in s. 256.35 are in s. 256.35 (4), which I have amended to clarify the reference to DOA, and in s. 256.35 (3m) (d) 1g., which refers to the "department of administration," rather than "department."

8. Instead of amending the definition of “costs” in s. 256.35 (3) (a) 2. and renumbering it to s. 256.35 (1) so that it applies throughout s. 256.35, I did not affect that definition in this draft. Instead, we should revise LRB-0923 to make the changes you want (including your note). However, when we revise LRB-0923, we should renumber the definition so that it only applies in proposed s. 256.35 (3f). The definition should not apply throughout s. 256.35, because the term “cost” is used in s. 256.35 (3m) (wireless providers), and you do not want to affect the meaning of “costs” in s. 256.35 (3m). The other references to “costs” in s. 256.35 are in paragraphs in s. 256.35 (3) that this draft repeals, or in s. 256.35 (6), for which this draft replaces “costs” with “expenses.”

9. I also did not repeal the term “service supplier” in this draft, as it should be repealed in LRB-0923. As noted above, I did not affect the definition of “costs,” which uses the term “service supplier.” Because LRB-0923 will be revised to deal with “costs,” we should also deal with “service supplier” in that draft.

10. I created titles for all of the paragraphs in s. 256.35 (3).

11. I made substantial changes to the language in proposed s. 256.35 (3) (cm) regarding PSC orders to adjust the fee, which are based, in part, on my assumption that the PSC may issue only one order per year. Please review my changes. Also, I revised the fourth paragraph of your prefatory note, which describes the PSC’s powers. If you disagree with my revisions, please let me know.

12. We simplified the language regarding DOR’s duties and included it in proposed s. 256.35 (3) (dm) 2.

13. I think the cross-reference to s. 256.35 (3) in s. 77.54 (37) is still accurate (which deals with a sales and use tax exemption), but we may want to consider whether any changes to s. 77.54 (37) are appropriate.

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