



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0921/P1
MDK&CMH:jld:ph

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT to repeal** 256.35 (1) (d) and 256.35 (3) (b), (c), (d), (e), (f), (g), (i) and (j);
2 **to renumber** 256.35 (1) (a); **to amend** 15.01 (4), 196.025 (6) (b) 1. and 2.,
3 196.025 (6) (c) 3., 256.35 (3) (title), 256.35 (3) (a) 4., 256.35 (3) (h), 256.35 (4) and
4 256.35 (6); and **to create** 256.35 (1) (cp), 256.35 (1) (ct), 256.35 (3) (a) 2m.,
5 256.35 (3) (bm), 256.35 (3) (cm), 256.35 (3) (dm) and 256.35 (3) (em) of the
6 statutes; **relating to:** funding for the state 911 communications system and
7 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.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on 911 Communications.

This bill directs that any revenue generated annually by the police and fire protection fee (s. 196.025 (6), stats.) in excess of the average of revenue generated by this fee during the 2010-11 and 2011-12 fiscal years, is to be appropriated for the state 911 grants created under 2013 LRB-0922.

The bill allows the PSC to contract with the department of revenue for collection of this fee

The bill also revises the countywide 911 service fee under s. 256.35 (3), stats. Under current law, this fee may be imposed by counties to pay for 911 telecommunications costs associated with landline 911 service. The fee amount is established on a county-by-county basis subject to certain caps, which generally allows a fee of no more than \$0.40 per landline service connection per month. The bill applies this fee statewide on all active communications service connections (voice or nonvoice) capable of accessing a public safety answering point. County imposition of the fee would no longer be required.

allowed

The fee is capped and initially set at \$0.40 per month per connection for most types of connections. The bill authorizes the Public Service Commission (PSC) to issue annual orders decreasing or increasing the fee. However, the PSC may order increases only to adjust for inflation. In addition, the PSC may issue an order decreasing or increasing the fee only at the direction of the state 911 council and with the approval of the governor.

2013 LRB-0923 directs that the revenues collected under this fee would be used to pay for a staff position at the PSC and for the PSC's administrative costs associated with providing for state 911 telecommunications service. Revenues collected under this fee would also be used to pay for state 911 telecommunications service as provided for in contracts between the PSC and 911 service providers, and pursuant to price schedules filed with the PSC by communications providers. These telecommunications costs would include those associated with wireless and landline 911 service. Fees not used for these purposes would be transferred to the state 911 grant program created under 2013 LRB-0922.

revise per comment on page 6

1 **SECTION 1.** 15.01 (4) of the statutes is amended to read:

2 15.01 (4) "Council" means a part-time body appointed to function on a

3 continuing basis for the study, and recommendation of solutions and policy

4 alternatives, of the problems arising in a specified functional area of state

5 government, except the Milwaukee River revitalization council has the powers and

6 duties specified in s. 23.18, the council on physical disabilities has the powers and

7 duties specified in s. 46.29 (1) and (2), the state council on alcohol and other drug

8 abuse has the powers and duties specified in s. 14.24, and the electronic recording

9 council has the powers and duties specified in s. 706.25 (4), and the state 911 council

10 has the powers and duties specified in ss. 16.9647 (2) and 256.35 (3) (cm).

11 **SECTION 2.** 196.025 (6) (b) 1. and 2. of the statutes are amended to read:

12 196.025 (6) (b) 1. Except as provided in subd. 2., a communications provider

13 shall impose a monthly fee of \$0.75 on each communications service connection with

14 an assigned telephone number, including a communication service provided via a

15 voice over Internet protocol connection. If a communications provider provides

1 multiple communications service connections to a subscriber, the communications
2 provider shall impose a separate fee under this subdivision on each of the first 10
3 connections and one additional fee for each 10 additional connections per billed
4 account. A communications provider may list the fee separately from other charges
5 on a subscriber's bill, and if a communications provider does so, the communications
6 provider shall identify the fee as "police and fire protection fee," or, if the
7 communications provider combines the fee with a ~~charge fee~~ imposed under s. 256.35
8 (3) ~~(bm)~~, the communications provider shall identify the combined ~~fee and charge~~
9 ~~fees~~ as "charge for funding ~~countywide~~ state 911 systems plus police and fire
10 protection fee." Any partial payment of a fee by a subscriber shall first be applied
11 to any amount the subscriber owes the communications provider for communications
12 service.

13 2. A communications provider that offers a prepaid wireless
14 telecommunications plan, or a retailer that offers such a plan on behalf of a
15 communications provider, shall impose a fee equal to \$0.38 on each retail transaction
16 for such a plan that occurs in this state. A communications provider or retailer may
17 state the amount of the fee separately on a bill for the retail transaction, and if a
18 communications provider or retailer does so, the communications provider or retailer
19 shall identify the fee as "police and fire protection fee."~~," or, if the communications~~
20 ~~provider combines the fee with a fee imposed under s. 256.35 (3) (bm), the~~
21 ~~communications provider shall identify the combined fees as "charge for funding~~
22 ~~state 911 systems plus police and fire protection fee."~~

23 SECTION 3. 196.025 (6) (c) 3. of the statutes is amended to read:

24 196.025 (6) (c) 3. The commission and department shall deposit all fees
25 remitted under subds. 1. and 2. into the police and fire protection fund, except that,

1 if more than \$54,089,000 in fees are remitted in a fiscal year, the amount exceeding
2 \$54,089,000 shall be credited to the appropriation account under s. 20.505 (6) (hm).

NOTE: This provision of the bill would direct that all funding collected under the police and fire protection fee in excess of the average collected in the last 2 fiscal years be appropriated for the state 911 grants created under 2013 LRB-0922. Collections under the police and fire protection fee were \$45,419,000 in 2009-10, \$51,897,000 in 2010-11, and \$56,281,000 in 2011-12.

3 SECTION 4. 256.35 (1) (a) of the statutes is renumbered 256.35 (1) (as).

4 SECTION 5. 256.35 (1) (cp) of the statutes is created to read:

5 256.35 (1) (cp) "Communications provider" means a person that provides
6 communications service.

*PLEASE use definite
from LRB 0924/A*

7 SECTION 6. 256.35 (1) (ct) of the statutes is created to read:

8 256.35 (1) (ct) "Communications service" means active voice or nonvoice
9 communications service that is capable of accessing a public safety answering point.

10 SECTION 7. 256.35 (1) (d) of the statutes is repealed.

11 SECTION 8. 256.35 (3) (title) of the statutes is amended to read:

12 256.35 (3) (title) ~~FUNDING FOR COUNTYWIDE SYSTEMS~~ STATE 911 SYSTEM.

13 SECTION 9. 256.35 (3) (a) 2m. of the statutes is created to read:

14 256.35 (3) (a) 2m. "Department" means the department of revenue.

15 SECTION 10. 256.35 (3) (a) 4. of the statutes is amended to read:

16 256.35 (3) (a) 4. "Service user" means any person who is provided telephone
17 communications service by a ~~service supplier which includes access to a basic or~~
18 ~~sophisticated system~~ communications provider.

19 SECTION 11. 256.35 (3) (b), (c), (d), (e), (f), (g), (i) and (j) of the statutes are
20 repealed.

21 SECTION 12. 256.35 (3) (bm) of the statutes is created to read:

1 256.35 (3) (bm) *Fee imposed.* 1. Except as provided in subd. 2., a
2 communications provider shall impose a monthly fee of \$0.40, subject to any
3 adjustment under par. (cm), on each communications service connection, including
4 a communication service provided via a voice over Internet protocol connection. If a
5 communications provider provides multiple communications service connections to
6 a service user, the communications provider shall impose a separate fee under this
7 subdivision on each of the first 10 connections and one additional fee for each 10
8 additional connections per billed account. A communications provider may list the
9 fee separately from other charges on a service user's bill, and if a communications
10 provider does so, the communications provider shall identify the fee as "state 911
11 fee," or, if the communications provider combines the fee with a fee imposed under
12 s. 196.025 (6), the communications provider shall identify the combined fees as
13 "charge for funding state 911 systems plus police and fire protection fee." Any partial
14 payment of a fee by a service user shall first be applied to any amount the service user
15 owes the communications provider for communications service.

16 2. A communications provider that offers a prepaid wireless
17 telecommunications plan, or a retailer that offers such a plan on behalf of a
18 communications provider, shall impose a fee equal to \$0.20, subject to any
19 adjustment under par. (cm), on each retail transaction for such a plan that occurs in
20 this state. A communications provider or retailer may state the amount of the fee
21 separately on a bill for the retail transaction, and if a communications provider or
22 retailer does so, the communications provider or retailer shall identify the fee as
23 "state 911 fee," or, if the communications provider combines the fee with a fee
24 imposed under s. 196.025 (6), the communications provider shall identify the

6-
in LRB 0923/P1

1 combined fees as "charge for funding state 911 systems plus police and fire protection
2 fee."

3 SECTION 13. 256.35 (3) (cm) of the statutes is created to read:

4 256.35 (3) (cm) *Fee adjustments.* 1. The commission may annually issue an
5 order decreasing or increasing the amount of the fee required under par. (bm), but
6 only if directed by the the state 911 council under s. 16.9647 (2) (i) and approved by
7 the governor. An order under this subdivision may not decrease the fee below the
8 amount necessary to generate sufficient revenue for the appropriation under s.
9 20.155 (3) (g) and may increase the fee only to reflect adjustments to the U.S.
10 consumer price index for all urban consumers, U.S. city average, as determined by
11 the federal department of labor. No later than October 1 of each year, the commission
12 shall notify communications providers and sellers who offer prepaid wireless on
13 behalf of communications providers of any order issued under this subdivision for
14 that year and any decrease or increase to the fee required under par. (bm) that is
15 specified in the order shall be effective on January 1 of the following year.

16 2. The commission may advise the council whether any increases to the fee
17 required under par. (bm) are allowed under subd. 1., but may issue an order
18 increasing the fee only if directed by the council and approved by the governor.

19 SECTION 14. 256.35 (3) (dm) of the statutes is created to read:

20 256.35 (3) (dm) *Fee remittance.* 1. Except as provided in subd. 2., no later than
21 the first calendar month following the calendar month in which a communications
22 provider or retailer receives from a service user a fee imposed under par. (bm), the
23 communications provider or retailer shall remit the fee to the commission.

(Mark: increases to the fee should also be allowed if the fee has previously
been reduced below \$.40 per line per month, adjusted for CPI.)

1 2. The commission may contract with the department for the collection of fees
2 imposed under par. (bm). If the commission and department enter into such a
3 contract, all of the following apply:

4 a. No later than the first calendar month following the calendar month in which
5 a communications provider or retailer receives from a service user a fee that is
6 subject to the contract, the communications provider or retailer shall remit the fee
7 to the department.

8 b. The department may require communications providers and retailers to
9 register with the department and file returns in the manner prescribed by the
10 department.

11 c. Section 77.59 (1) to (6), (8), and (8m), as it applies to the taxes imposed under
12 subch. III of ch. 77, applies to the fees that are subject to the contract.

13 **SECTION 15.** 256.35 (3) (em) of the statutes is created to read:

14 256.35 (3) (em) *Commission powers.* The commission may do any of the
15 following:

16 1. Promulgate rules for administering this subsection.

17 2. Bring an action to collect any amount that is required to be remitted under
18 par. (dm).

19 **SECTION 16.** 256.35 (3) (h) of the statutes is amended to read:

20 256.35 (3) (h) *Fee liability.* Every service user subject to and billed for a charge
21 fee under this subsection is liable for that charge fee until the service user pays the
22 charge fee to the service-supplier communications provider.

23 **SECTION 17.** 256.35 (4) of the statutes is amended to read:

24 256.35 (4) ~~DEPARTMENTAL-ADVISORY~~ ADVISORY AUTHORITY. The department of
25 administration may provide information to public agencies, public safety agencies

1 and telecommunications utilities relating to the development and operation of
2 emergency number systems.

3 SECTION 18. 256.35 (6) of the statutes is amended to read:

4 256.35 (6) TELECOMMUNICATIONS UTILITY REQUIREMENTS. A telecommunications
5 utility serving a public agency or group of public agencies which have established a
6 sophisticated system under sub. (2) (e) shall provide by December 31, 1985, or upon
7 establishing a system, whichever is later, such public agency or group of public
8 agencies access to the telephone numbers of subscribers and the addresses
9 associated with the numbers as needed to implement automatic number
10 identification and automatic location identification in a sophisticated system, but
11 such information shall at all times remain under the direct control of the
12 telecommunications utility and a telecommunications utility may not be required to
13 release a number and associated address to a public agency or group of public
14 agencies unless a call to the telephone number "911" has been made from such
15 number. The ~~costs~~ expenses of such access shall be paid by the public agency or group
16 of public agencies.

17 SECTION 19. Nonstatutory provisions.

18 (1) RECONCILIATION. This act is void if 2013 Assembly Bill (LRB-0919/1),
19 2013 Assembly Bill (LRB-0922/1), and 2013 Assembly Bill ... (LRB-0923/1) are
20 not enacted.

21 (END)

please add LRB 0924

Kunkel, Mark

From: Konopacki, Larry
Sent: Tuesday, January 08, 2013 6:02 PM
To: Kunkel, Mark
Subject: RE: 911 council or state 911 council?

Let's go with state 911 council. "911 council" is sufficient for subsequent references.

To try to summarize my long voicemail message – the PSC, under the direction of the council and if approved by the Governor, can either raise or lower the state 911 fee subject to the following limit: the fee may not be raised above \$0.40 per line per month, adjusted for CPI.

Maybe shorter is clearer?

Larry A. Konopacki
Wisconsin Legislative Council
(608) 267-0683
larry.konopacki@legis.wisconsin.gov

From: Kunkel, Mark
Sent: Tuesday, January 08, 2013 2:27 PM
To: Konopacki, Larry
Subject: 911 council or state 911 council?

Should the name of the council be 911 council or state 911 council?

Also, I have a question about fee increases in LRB-0921. Give me a call when you have a chance (assuming you get a chance.)



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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2 *to renumber* 256.35 (1) (a); *to amend* 15.01 (4), 196.025 (6) (b) 1. and 2.,
3 196.025 (6) (c) 3., 256.35 (3) (title), 256.35 (3) (a) 4., 256.35 (3) (h), 256.35 (4) and
4 256.35 (6); and *to create* 256.35 (1) (cp), 256.35 (1) (ct), 256.35 (3) (a) 2m.,
5 256.35 (3) (bm), 256.35 (3) (cm), 256.35 (3) (dm) and 256.35 (3) (em) of the
6 statutes; **relating to:** funding for the state 911 communications system and
7 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.

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

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This bill directs that any revenue generated annually by the police and fire protection fee (s. 196.025 (6), stats.) in excess of the average of revenue generated by this fee during the 2010-11 and 2011-12 fiscal years, is to be appropriated for the state 911 grants created under 2013 LRB-0922.

Public Service Commission
LRB-0921/P1
MDK&CMH:jld:ph

NO
The bill allows the Public Service Commission (PSC) to contract with the department of revenue for collection of this fee.

The bill also revises the countywide 911 service fee under s. 256.35 (3), stats. Under current law, this fee may be imposed by counties to pay for 911 telecommunications costs associated with landline 911 service. The fee amount is established on a county-by-county basis subject to certain caps, which generally allows a fee of no more than \$0.40 per landline service connection per month. The bill applies this fee statewide on all active communications service connections (voice or nonvoice) capable of accessing a public safety answering point. County imposition of the fee would no longer be required.

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2013 LRB-0923 directs that the revenues collected under this fee would be used to pay for a staff position at the PSC and for the PSC's administrative costs associated with providing for state 911 telecommunications service. Revenues collected under this fee would also be used to pay for state 911 telecommunications service as provided for in contracts between the PSC and 911 service providers, and pursuant to price schedules filed with the PSC by communications providers. These telecommunications costs would include those associated with wireless and landline 911 service. Fees not used for these purposes would be transferred to the state 911 grant program created under 2013 LRB-0922.

allowed
Such
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2A

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5 government, except the Milwaukee River revitalization council has the powers and
6 duties specified in s. 23.18, the council on physical disabilities has the powers and
7 duties specified in s. 46.29 (1) and (2), the state council on alcohol and other drug
8 abuse has the powers and duties specified in s. 14.24, and the electronic recording
9 council has the powers and duties specified in s. 706.25 (4), and the state 911 council
10 has the powers and duties specified in ss. 16.9647 (2) and 256.35 (3) (cm).

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6 provider shall identify the fee as "police and fire protection fee," or, if the
7 communications provider combines the fee with a ~~charge fee~~ imposed under s. 256.35
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19 shall identify the fee as "police and fire protection fee."," or, if the communications
20 provider combines the fee with a fee imposed under s. 256.35 (3) (bm), the
21 communications provider shall identify the combined fees as "charge for funding
22 state 911 systems plus police and fire protection fee."

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24 196.025 (6) (c) 3. The commission and department shall deposit all fees
25 remitted under subds. 1. and 2. into the police and fire protection fund, except that,

1 if more than \$54,089,000 in fees are remitted in a fiscal year, the amount exceeding
2 \$54,089,000 shall be credited to the appropriation account under s. 20.505 (6) (hm).

NOTE: This provision of the bill would direct that all funding collected under the police and fire protection fee in excess of the average collected in the last 2 fiscal years be appropriated for the state 911 grants created under 2013 LRB-0922. Collections under the police and fire protection fee were ~~\$49,416,000 in 2009-10~~, \$51,897,000 in 2010-11, and \$56,281,000 in 2011-12.

3 SECTION 4. 256.35 (1) (a) of the statutes is renumbered 256.35 (1) (as).

4 SECTION 5. 256.35 (1) (cp) of the statutes is created to read:

5 256.35 (1) (cp) "Communications provider" means a person that provides

6 ~~communications service.~~

INSERT 4-6 ✓

7 SECTION 6. 256.35 (1) (ct) of the statutes is created to read:

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9 communications service that is capable of accessing a public safety answering point.

10 SECTION 7. 256.35 (1) (d) of the statutes is repealed.

11 SECTION 8. 256.35 (3) (title) of the statutes is amended to read:

12 256.35 (3) (title) ~~FUNDING FOR COUNTYWIDE SYSTEMS~~ STATE 911 SYSTEM.

13 SECTION 9. 256.35 (3) (a) 2m. of the statutes is created to read:

14 256.35 (3) (a) 2m. "Department" means the department of revenue.

15 SECTION 10. 256.35 (3) (a) 4. of the statutes is amended to read:

16 256.35 (3) (a) 4. "Service user" means any person who is provided telephone
17 communications service by a service supplier which includes access to a basic or
18 sophisticated system communications provider.

19 SECTION 11. 256.35 (3) (b), (c), (d), (e), (f), (g), (i) and (j) of the statutes are
20 repealed.

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9 fee separately from other charges on a service user's bill, and if a communications
10 provider does so, the communications provider shall identify the fee as "state 911
11 fee," or, if the communications provider combines the fee with a fee imposed under
12 s. 196.025 (6), the communications provider shall identify the combined fees as
13 "charge for funding state 911 systems plus police and fire protection fee." Any partial
14 payment of a fee by a service user shall first be applied to any amount the service user
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17 telecommunications plan, or a retailer that offers such a plan on behalf of a
18 communications provider, shall impose a fee equal to \$0.20, subject to any
19 adjustment under par. (cm), on each retail transaction for such a plan that occurs in
20 this state. A communications provider or retailer may state the amount of the fee
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22 retailer does so, the communications provider or retailer shall identify the fee as
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2 fee."

3 SECTION 13. 256.35 (3) (cm) of the statutes is created to read:

4 256.35 (3) (cm) *Fee adjustments.* 1. The commission may annually issue an

5 order decreasing or increasing the amount of the fee required under par. (bm), but

6 only if directed by the the state 911 council under s. 16.9647 (2) (i) and approved by
as specified in subd. 2 and only

7 the governor. *(9) 2.a.* An order under ~~the subdivision~~ *subd. 1.* may not decrease the fee below the

8 amount necessary to generate sufficient revenue for the appropriation under s.

9 20.155 (3) (g) *(9) b. An order under subd. 1.* and may increase the fee ~~only~~ to reflect adjustments to the U.S.

10 consumer price index for all ~~urban consumers~~, U.S. city average, as determined by

11 the federal department of labor. *INSEAT 6-11 (9) 3.* No later than October 1 of each year, the commission

12 shall notify communications providers and sellers who offer prepaid wireless on

13 behalf of communications providers of any order issued under ~~this subdivision~~ *subd. 1.* for

14 that year and any decrease or increase to the fee ~~required~~ *allowed* under par. (bm) that is

15 specified in the order shall be effective on January 1 of the following year.

16 ~~2.~~ *state 911* The commission may advise the council whether any increases to the fee
17 required under par. (bm) are ~~allowed~~ *allowed* under ~~subd. 1.~~ *subd. 2.b.*, but may issue an order
18 increasing the fee only if directed by the council and approved by the governor. *state 911*

19 SECTION 14. 256.35 (3) (dm) of the statutes is created to read:

20 256.35 (3) (dm) *Fee remittance.* 1. Except as provided in subd. 2., no later than

21 the first calendar month following the calendar month in which a communications

22 provider or retailer receives from a service user a fee imposed under par. (bm), the

23 communications provider or retailer shall remit the fee to the commission.

1 2. The commission may contract with the department for the collection of fees
2 imposed under par. (bm). If the commission and department enter into such a
3 contract, all of the following apply:

4 a. No later than the first calendar month following the calendar month in which
5 a communications provider or retailer receives from a service user a fee that is
6 subject to the contract, the communications provider or retailer shall remit the fee
7 to the department.

8 b. The department may require communications providers and retailers to
9 register with the department and file returns in the manner prescribed by the
10 department.

11 c. Section 77.59 (1) to (6), (8), and (8m), as it applies to the taxes imposed under
12 subch. III of ch. 77, applies to the fees that are subject to the contract.

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14 256.35 (3) (em) *Commission powers.* The commission may do any of the
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1 and telecommunications utilities relating to the development and operation of
2 emergency number systems.

3 SECTION 18. 256.35 (6) of the statutes is amended to read:

4 256.35 (6) TELECOMMUNICATIONS UTILITY REQUIREMENTS. A telecommunications
5 utility serving a public agency or group of public agencies which have established a
6 sophisticated system under sub. (2) (e) shall provide by December 31, 1985, or upon
7 establishing a system, whichever is later, such public agency or group of public
8 agencies access to the telephone numbers of subscribers and the addresses
9 associated with the numbers as needed to implement automatic number
10 identification and automatic location identification in a sophisticated system, but
11 such information shall at all times remain under the direct control of the
12 telecommunications utility and a telecommunications utility may not be required to
13 release a number and associated address to a public agency or group of public
14 agencies unless a call to the telephone number "911" has been made from such
15 number. The ~~costs~~ expenses of such access shall be paid by the public agency or group
16 of public agencies.

17 SECTION 19. Nonstatutory provisions.

18 (1) RECONCILIATION. This act is void if 2013 Assembly Bill (LRB-0919/1),
19 2013 Assembly Bill (LRB-0922/1), ^{and} 2013 Assembly Bill/... (LRB-0923/1) are
20 not enacted.

21 (END)

INSEAT
8-20 ✓

05
2013 Assembly Bill
... (LRB-0924/1)
↑

1 **INSERT 2A:**

2 ~~NO~~ Subject to certain limits, an order may increase a fee that was decreased by a prior
3 order. Also, an order may increase a fee to adjust for inflation.

4 **INSERT 4-6:**

5 ~~NO~~ active voice or nonvoice[✓] communications service that is capable of accessing a public
6 safety answering point ~~NO~~

7 **INSERT 6-11:**

8 ~~NO~~ The commission shall advise the state 911 council on the increases that are allowed
9 under this subd. 2. b.[✓]

10 c. If a prior order under subd. 1. has decreased the fee, a subsequent order may
11 increase the fee, except that, for the fee required under par. (bm) 1., the subsequent
12 order may increase the fee to no more than \$0.40 per month with an adjustment
13 described in subd. 2. b.,[✓] and except that, for the fee required under par. (bm) 2.,[✓] the
14 subsequent order may increase the fee to no more than \$0.20 per retail transaction
15 with an adjustment described in subd. 2. b.[✓]

16 **INSERT 8-20:**

17 **SECTION 1. Effective dates.** This act takes effect on the day after publication,
18 except as follows:

19 (1) The treatment of section ~~§~~ 256.35 (3) (title), (a) 2m. and 4., (b), (bm), (c), (cm),
20 (d), (dm), (e), (em), (f), (g), (h), (i), and (j) of the statutes takes effect on the first day
21 of the 4th month beginning after publication.[✓]

Kunkel, Mark

From: Konopacki, Larry
Sent: Thursday, January 17, 2013 3:04 PM
To: Kunkel, Mark
Cc: Brown, Chadwick
Subject: RE: 911 drafts

Mark, after looking through the drafts I only have a couple comments/questions:

- LRB 0919/P2 and the DN for that draft, the reference under proposed s. 16.9647 (2) (i) and in the last paragraph of the pref. note should be to the grants issued to PSAPs by OJA under LRB 0922. You might have a better way to word this, but the intent is for this section to be where the council gets the authority to tell the PSC at what rate to set the state 911 fee (subject to Gov. approval).

✓ LRB 0920/P2 looks good

- In LRB 0921/P2, page 6 lines 16-21, I didn't explain this very well. Please eliminate reference to a prior/subsequent order. If there is room under the cap (\$.40/.20 adjusted by CPI) they should be able to increase the fee regardless of whether it was ever previously reduced. I think that the only relevant provisions of this subdivision par. are that there is a cap, and what that cap is.

Also, since you made the changes related to the definition of "costs" to this bill and 0923, I think that we can remove section 18 from this bill. *so - "costs" has limited delegation only in (3f) - under (E) reference in (G) is okay is? - 0923*

- LRB 0922/P2 looks good

- In LRB 0923/P3, can you move the notes referencing the definitions of "911 service provider" and "communications provider" up to after the definition of "costs" where these terms are first used? Also, add "telecommunications" in the pref. note consistent with #1 of the DN on the P2. *"all tele. services"?*

With respect to the transitional provisions in the nonstat section, this is really looking good. A couple of things:
1. (2) (a) 5. and (b) should be revised to recognize that the contracting requirement in s. 256.35 (3f) (b) will probably entail multiple contracts with various entities that, together, will cover the whole state. So, maybe, use "state 911 service contracts" or something like that, and terminate duties under existing contracts "upon commencement of the provision of 911 telecommunications services under state 911 services contracts applicable to the county"?

2. We also need to modify the reimbursement for existing duties (section (2) (c)) to provide that the amount of reimbursement may not exceed the fees that the service provider would have collected under the charge levied by the county under s. 256.35 (3) (b). The key here is that reimbursements should not exceed the bill-and-keep amounts that they are currently getting per customer under current law.

- LRB 0924/P2 looks good

Thanks Mark!

Larry

p 3 line 7 "shall enter into contracts"?

add global language to provide piecemeal transition

ask for PSC to make payment to transition period

X

Kunkel, Mark

From: Kunkel, Mark
Sent: Friday, January 18, 2013 5:06 PM
To: Kunkel, Mark
Subject: 911 changes

0919/P2 page 4, line 12, should also refer to provide for OJA grants under s. 16.964 (19) (created in -0922)

-0921/P2 page 6, line 16: make changes indicated to eliminate references to prior or subsequent orders. Also delete sections as no longer necessary to change reference to costs in s. 256.35 (6).

-0923/P3, move notes as indicated in Larry's email. Also, refer consistently to 911 telecommunications service, instead of 911 service (see pref note).

Also in -023/P3:

In transitional provision, change statewide contract to 911 service contract, and revise page 4 lines 11 to 17 to refer to possibility that more than one such contract will be entered into for a county. It is possible that statewide service will be provided under multiple contracts with different service providers, but the multiple contracts will still have a single start date for 911 service that the PSC must identify.

Page 4, lines 20 to 22, revise sentence so that amount of reimbursement does not exceed charge levies under current (former) law under s. 256.35 (3) (b). As drafted, limit on reimbursement refers to caps under current law, but a county may be paying an amount that is less than the cap. As drafted, the language could allow payments which are under the cap, but a greater than what is received under current law.

Add sentence or two to pref not summarizing transitional payments. E.g., the bill allows for reimbursement during transitional period, etc.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0921/P2
MDK&CMH:jld:ph

1

O-NOTE

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

on Tues
1-2
NOON

R m has
been
pass

X

Reger

1 AN ACT *to repeal* 256.35 (1) (d) and 256.35 (3) (b), (c), (d), (e), (f), (g), (i) and (j);
2 *to renumber* 256.35 (1) (a); *to amend* 15.01 (4), 196.025 (6) (b) 1. and 2.,
3 196.025 (6) (c) 3., 256.35 (3) (title), 256.35 (3) (a) 4., 256.35 (3) (h), 256.35 (4) and
4 256.35 (6); and *to create* 256.35 (1) (cp), 256.35 (1) (ct), 256.35 (3) (a) 2m.,
5 256.35 (3) (bm), 256.35 (3) (cm), 256.35 (3) (dm) and 256.35 (3) (em) of the
6 statutes; **relating to:** funding for the state 911 telecommunications system 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.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on 911 Communications.

This bill directs that any revenue generated annually by the police and fire protection fee (s. 196.025 (6), stats.) in excess of the average of revenue generated by this fee during the 2010-11 and 2011-12 fiscal years, is to be appropriated for the state 911 grants created under 2013 LRB-0922.

telecommunications service

telecommunications - 2 -

telecommunications

The bill also revises the countywide 911 service fee under s. 256.35 (3), stats. Under current law, this fee may be imposed by counties to pay for 911 telecommunications costs associated with landline 911 service. The fee amount is established on a county-by-county basis subject to certain caps, which generally allows a fee of no more than \$0.40 per landline service connection per month. The bill applies this fee statewide on all active communications service connections (voice or nonvoice) capable of accessing a public safety answering point. The bill allows the Public Service Commission (PSC) to contract with the department of revenue for collection of this fee. County imposition of the fee would no longer be allowed.

The fee is capped and initially set at \$0.40 per month per connection for most types of connections. The bill authorizes the PSC to issue annual orders decreasing or increasing the fee. However, the PSC may issue such an order only at the direction of the state 911 council and with the approval of the governor. ~~Subject to certain limits, an order may increase a fee that was decreased by a prior order.~~ Also, an order may increase a fee to adjust for inflation.

2013 LRB-0923 directs that the revenues collected under this fee would be used to pay for a staff position at the PSC and for the PSC's administrative costs associated with providing for state 911 telecommunications service. Revenues collected under this fee would also be used to pay for state 911 telecommunications service as provided for in contracts between the PSC and 911 service providers, and pursuant to price schedules filed with the PSC by communications providers. These telecommunications costs would include those associated with wireless and landline 911 service. Fees not used for these purposes would be transferred to the state 911 grant program created under 2013 LRB-0922.

above the amounts initially set by the bill, except

not

telecommunications service

telecommunications

1 SECTION 1. 15.01 (4) of the statutes is amended to read:
2 15.01 (4) "Council" means a part-time body appointed to function on a
3 continuing basis for the study, and recommendation of solutions and policy
4 alternatives, of the problems arising in a specified functional area of state
5 government, except the Milwaukee River revitalization council has the powers and
6 duties specified in s. 23.18, the council on physical disabilities has the powers and
7 duties specified in s. 46.29 (1) and (2), the state council on alcohol and other drug
8 abuse has the powers and duties specified in s. 14.24, and the electronic recording
9 council has the powers and duties specified in s. 706.25 (4), and the state 911 council
10 has the powers and duties specified in ss. 16.9647 (2) and 256.35 (3) (cm) 1.

SECTION 2. 196.025 (6) (b) 1. and 2. of the statutes are amended to read:

196.025 (6) (b) 1. Except as provided in subd. 2., a communications provider shall impose a monthly fee of \$0.75 on each communications service connection with an assigned telephone number, including a communication service provided via a

1 voice over Internet protocol connection. If a communications provider provides
2 multiple communications service connections to a subscriber, the communications
3 provider shall impose a separate fee under this subdivision on each of the first 10
4 connections and one additional fee for each 10 additional connections per billed
5 account. A communications provider may list the fee separately from other charges
6 on a subscriber's bill, and if a communications provider does so, the communications
7 provider shall identify the fee as "police and fire protection fee," or, if the
8 communications provider combines the fee with a ~~charge fee~~ imposed under s. 256.35
9 (3) (bm), the communications provider shall identify the combined ~~fee and charge~~
10 fees as "charge for funding countywide state 911 systems plus police and fire
11 protection fee." Any partial payment of a fee by a subscriber shall first be applied
12 to any amount the subscriber owes the communications provider for communications
13 service.

14 2. A communications provider that offers a prepaid wireless
15 telecommunications plan, or a retailer that offers such a plan on behalf of a
16 communications provider, shall impose a fee equal to \$0.38 on each retail transaction
17 for such a plan that occurs in this state. A communications provider or retailer may
18 state the amount of the fee separately on a bill for the retail transaction, and if a
19 communications provider or retailer does so, the communications provider or retailer
20 shall identify the fee as "police and fire protection fee."," or, if the communications
21 provider combines the fee with a fee imposed under s. 256.35 (3) (bm), the
22 communications provider shall identify the combined fees as "charge for funding
23 state 911 systems plus police and fire protection fee."

24 SECTION 3. 196.025 (6) (c) 3. of the statutes is amended to read:

1 196.025 (6) (c) 3. The commission and department shall deposit all fees
2 remitted under subds. 1. and 2. into the police and fire protection fund, except that,
3 if more than \$54,089,000 in fees are remitted in a fiscal year, the amount exceeding
4 \$54,089,000 shall be credited to the appropriation account under s. 20.505 (6) (hm).

NOTE: This provision of the bill would direct that all funding collected under the police and fire protection fee in excess of the average collected in the last 2 fiscal years be appropriated for the state 911 grants created under 2013 LRB-0922. Collections under the police and fire protection fee were \$51,897,000 in 2010-11 and \$56,281,000 in 2011-12.

telecommunications service ✓

5 **SECTION 4.** 256.35 (1) (a) of the statutes is renumbered 256.35 (1) (as).

6 **SECTION 5.** 256.35 (1) (cp) of the statutes is created to read:

7 256.35 (1) (cp) "Communications provider" means a person that provides active
8 voice or nonvoice communications service that is capable of accessing a public safety
9 answering point.

10 **SECTION 6.** 256.35 (1) (ct) of the statutes is created to read:

11 256.35 (1) (ct) "Communications service" means active voice or nonvoice
12 communications service that is capable of accessing a public safety answering point.

13 **SECTION 7.** 256.35 (1) (d) of the statutes is repealed.

14 **SECTION 8.** 256.35 (3) (title) of the statutes is amended to read:

15 256.35 (3) (title) ~~FUNDING FOR COUNTYWIDE SYSTEMS STATE 911 SYSTEM.~~ ✓

16 **SECTION 9.** 256.35 (3) (a) 2m. of the statutes is created to read:

17 256.35 (3) (a) 2m. "Department" means the department of revenue.

18 **SECTION 10.** 256.35 (3) (a) 4. of the statutes is amended to read:

19 256.35 (3) (a) 4. "Service user" means any person who is provided telephone
20 communications service by a service supplier which includes access to a basic or
21 sophisticated system communications provider.

1 **SECTION 11.** 256.35 (3) (b), (c), (d), (e), (f), (g), (i) and (j) of the statutes are
2 repealed.

3 **SECTION 12.** 256.35 (3) (bm) of the statutes is created to read:

4 256.35 (3) (bm) *Fee imposed.* 1. Except as provided in subd. 2., a
5 communications provider shall impose a monthly fee of \$0.40, subject to any
6 adjustment under par. (cm), on each communications service connection, including
7 a communication service provided via a voice over Internet protocol connection. If a
8 communications provider provides multiple communications service connections to
9 a service user, the communications provider shall impose a separate fee under this
10 subdivision on each of the first 10 connections and one additional fee for each 10
11 additional connections per billed account. A communications provider may list the
12 fee separately from other charges on a service user's bill, and if a communications
13 provider does so, the communications provider shall identify the fee as "state 911
14 fee," or, if the communications provider combines the fee with a fee imposed under
15 s. 196.025 (6), the communications provider shall identify the combined fees as
16 "charge for funding state 911 systems plus police and fire protection fee." Any partial
17 payment of a fee by a service user shall first be applied to any amount the service user
18 owes the communications provider for communications service.

19 2. A communications provider that offers a prepaid wireless
20 telecommunications plan, or a retailer that offers such a plan on behalf of a
21 communications provider, shall impose a fee equal to \$0.20, subject to any
22 adjustment under par. (cm), on each retail transaction for such a plan that occurs in
23 this state. A communications provider or retailer may state the amount of the fee
24 separately on a bill for the retail transaction, and if a communications provider or
25 retailer does so, the communications provider or retailer shall identify the fee as

1 "state 911 fee," or, if the communications provider combines the fee with a fee
2 imposed under s. 196.025 (6), the communications provider shall identify the
3 combined fees as "charge for funding state 911 systems plus police and fire protection
4 fee."

5 SECTION 13. 256.35 (3) (cm) of the statutes is created to read:

6 256.35 (3) (cm) *Fee adjustments.* 1. The commission may annually issue an
7 order decreasing or increasing the amount of the fee required under par. (bm), but
8 only as specified in subd. 2. and only if directed by the the state 911 council under
9 s. 16.9647 (2) (i) and approved by the governor.

10 2. a. An order under subd. 1. may not decrease the fee below the amount
11 necessary to generate sufficient revenue for the appropriation under s. 20.155 (3) (g).

12 b. An order under subd. 1. may increase the fee to reflect adjustments to the
13 U.S. consumer price index for all urban consumers, U.S. city average, as determined
14 by the federal department of labor. The commission shall advise the state 911 council
15 on the increases that are allowed under this subd. 2. b.

16 ^{plain period}
~~c. If a prior order under subd. 1 has decreased the fee, a subsequent order may~~
17 ~~increase the fee, except that for the fee required under par. (bm) 1., a subsequent~~
18 ~~order may increase the fee to no more than \$0.40 per month with an adjustment~~
19 described in subd. 2. b., and except that, for the fee required under par. (bm) 2., ~~a~~
20 ~~subsequent order may increase the fee to no more than \$0.20 per retail transaction~~
21 with an adjustment described in subd. 2. b.

22 3. No later than October 1 of each year, the commission shall notify
23 communications providers and sellers who offer prepaid wireless on behalf of
24 communications providers of any order issued under subd. 1. for that year and any

1 decrease or increase to the fee allowed under par. (bm) that is specified in the order
2 shall be effective on January 1 of the following year.

3 **SECTION 14.** 256.35 (3) (dm) of the statutes is created to read:

4 256.35 (3) (dm) *Fee remittance.* 1. Except as provided in subd. 2., no later than
5 the first calendar month following the calendar month in which a communications
6 provider or retailer receives from a service user a fee imposed under par. (bm), the
7 communications provider or retailer shall remit the fee to the commission.

8 2. The commission may contract with the department for the collection of fees
9 imposed under par. (bm). If the commission and department enter into such a
10 contract, all of the following apply:

11 a. No later than the first calendar month following the calendar month in which
12 a communications provider or retailer receives from a service user a fee that is
13 subject to the contract, the communications provider or retailer shall remit the fee
14 to the department.

15 b. The department may require communications providers and retailers to
16 register with the department and file returns in the manner prescribed by the
17 department.

18 c. Section 77.59 (1) to (6), (8), and (8m), as it applies to the taxes imposed under
19 subch. III of ch. 77, applies to the fees that are subject to the contract.

20 **SECTION 15.** 256.35 (3) (em) of the statutes is created to read:

21 256.35 (3) (em) *Commission powers.* The commission may do any of the
22 following:

23 1. Promulgate rules for administering this subsection.

24 2. Bring an action to collect any amount that is required to be remitted under
25 par. (dm).

1 **SECTION 16.** 256.35 (3) (h) of the statutes is amended to read:

2 256.35 (3) (h) Fee liability. Every service user subject to and billed for a ~~charge~~
3 fee under this subsection is liable for that ~~charge~~ fee until the service user pays the
4 ~~charge fee~~ to the ~~service-supplier~~ communications provider.

5 **SECTION 17.** 256.35 (4) of the statutes is amended to read:

6 256.35 (4) ~~DEPARTMENTAL ADVISORY~~ ADVISORY AUTHORITY. The department of of
7 administration may provide information to public agencies, public safety agencies
8 and telecommunications utilities relating to the development and operation of
9 emergency number systems.

10 ~~**SECTION 18.** 256.35 (6) of the statutes is amended to read:~~

11 ~~256.35 (6) TELECOMMUNICATIONS UTILITY REQUIREMENTS. A telecommunications~~
12 ~~utility serving a public agency or group of public agencies which have established a~~
13 ~~sophisticated system under sub. (2) (e) shall provide by December 31, 1985, or upon~~
14 ~~establishing a system, whichever is later, such public agency or group of public~~
15 ~~agencies access to the telephone numbers of subscribers and the addresses~~
16 ~~associated with the numbers as needed to implement automatic number~~
17 ~~identification and automatic location identification in a sophisticated system, but~~
18 ~~such information shall at all times remain under the direct control of the~~
19 ~~telecommunications utility and a telecommunications utility may not be required to~~
20 ~~release a number and associated address to a public agency or group of public~~
21 ~~agencies unless a call to the telephone number "911" has been made from such~~
22 ~~number. The costs expenses of such access shall be paid by the public agency or group~~
23 ~~of public agencies.~~

24 **SECTION 19. Nonstatutory provisions.**

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

LRB-0921/1dn

MDK:.....

date

JLD

Larry Konopacki: ✓

This version is identical to the previous version, except for the following:

1. Proposed s. 256.35 (3) (cm) 2. c. ✓ is substantially revised. See the related changes to the prefatory note.
2. This version refers to 911 telecommunications service ✓ in the notes, instead of 911 service.

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

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

LRB-0921/1dn
MDK:jld:jf

January 21, 2013

Larry Konopacki:

This version is identical to the previous version, except for the following:

1. Proposed s. 256.35 (3) (cm) 2. c. is substantially revised. See the related changes to the prefatory note.
2. This version refers to 911 telecommunications service in the notes, instead of 911 service.

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

Kunkel, Mark

From: Brown, Chadwick
Sent: Monday, March 04, 2013 2:52 PM
To: Kunkel, Mark
Cc: Konopacki, Larry; Mautz, Kelly
Subject: FW: Bill drafts

Mark,

In doing the final review of these drafts, Larry and I noticed some inconsistencies in the language used among the drafts (part of the hazard of splitting the draft, I guess). In some of the drafts, there is made reference to a "telecommunications service grant(s)", when the actual language of the grant draft refers to it as the "state 911 grant program". Please replace "telecommunication service grant(s) with "state 911 grant(s)" in the following places:

Draft 919/1: Prefatory note and Section 2.

Draft 921/1: Prefatory ~~note~~ and note after Section 3.

Please let me know if you have any questions.

Thanks,

Chad

From: Konopacki, Larry
Sent: Wednesday, January 23, 2013 8:22 AM
To: Mautz, Kelly
Cc: Brown, Chadwick
Subject: Bill drafts

Hi Kelly, the bill drafts have been approved for mailing. We are only waiting on approval of the JFC letter. You need not send copies of the drafters notes with the bills.

Thanks,
Larry



Larry A. Konopacki
Wisconsin Legislative Council
(608) 267-0683
larry.konopacki@legis.wisconsin.gov



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0921/102
MDK&CMH:jld:jf

O-NOTE

2013 BILL

RM too
seen
PWA

SOON
1-3-5

LX

Regen

1 AN ACT *to repeal* 256.35 (1) (d) and 256.35 (3) (b), (c), (d), (e), (f), (g), (i) and (j);
2 *to renumber* 256.35 (1) (a); *to amend* 15.01 (4), 196.025 (6) (b) 1. and 2.,
3 196.025 (6) (c) 3., 256.35 (3) (title), 256.35 (3) (a) 4., 256.35 (3) (h) and 256.35
4 (4); and *to create* 256.35 (1) (cp), 256.35 (1) (ct), 256.35 (3) (a) 2m., 256.35 (3)
5 (bm), 256.35 (3) (cm), 256.35 (3) (dm) and 256.35 (3) (em) of the statutes;
6 **relating to:** funding for the state 911 telecommunications system and granting
7 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.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on 911 Communications.

This bill directs that any revenue generated annually by the police and fire protection fee (s. 196.025 (6), stats.) in excess of the average of revenue generated by this fee during the 2010-11 and 2011-12 fiscal years, is to be appropriated for the state 911 telecommunications service grants created under 2013 LRB-0922.

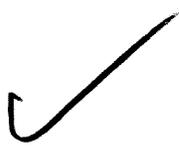
Handwritten signature

BILL

The bill also revises the countywide 911 telecommunications service fee under s. 256.35 (3), stats. Under current law, this fee may be imposed by counties to pay for 911 telecommunications costs associated with landline 911 telecommunications service. The fee amount is established on a county-by-county basis subject to certain caps, which generally allows a fee of no more than \$0.40 per landline service connection per month. The bill applies this fee statewide on all active communications service connections (voice or nonvoice) capable of accessing a public safety answering point. The bill allows the Public Service Commission (PSC) to contract with the department of revenue for collection of this fee. County imposition of the fee would no longer be allowed.

The fee is capped and initially set at \$0.40 per month per connection for most types of connections. The bill authorizes the PSC to issue annual orders decreasing or increasing the fee. However, the PSC may issue such an order only at the direction of the state 911 council and with the approval of the governor. Also, an order may not increase a fee above the amounts initially set by the bill, except to adjust for inflation.

2013 LRB-0923 directs that the revenues collected under this fee would be used to pay for a staff position at the PSC and for the PSC's administrative costs associated with providing for state 911 telecommunications service. Revenues collected under this fee would also be used to pay for state 911 telecommunications service as provided for in contracts between the PSC and 911 telecommunications service providers, and pursuant to price schedules filed with the PSC by communications providers. These telecommunications costs would include those associated with wireless and landline 911 telecommunications service. Fees not used for these purposes would be transferred to the state 911 telecommunications service grant program created under 2013 LRB-0922.



W. M. ...

1 **SECTION 1.** 15.01 (4) of the statutes is amended to read:
2 15.01 (4) "Council" means a part-time body appointed to function on a
3 continuing basis for the study, and recommendation of solutions and policy
4 alternatives, of the problems arising in a specified functional area of state
5 government, except the Milwaukee River revitalization council has the powers and
6 duties specified in s. 23.18, the council on physical disabilities has the powers and
7 duties specified in s. 46.29 (1) and (2), the state council on alcohol and other drug
8 abuse has the powers and duties specified in s. 14.24, and the electronic recording
9 council has the powers and duties specified in s. 706.25 (4), and the state 911 council
10 has the powers and duties specified in ss. 16.9647 (2) and 256.35 (3) (cm) 1.

11 **SECTION 2.** 196.025 (6) (b) 1. and 2. of the statutes are amended to read:
12 196.025 (6) (b) 1. Except as provided in subd. 2., a communications provider
13 shall impose a monthly fee of \$0.75 on each communications service connection with
14 an assigned telephone number, including a communication service provided via a

BILL

1 voice over Internet protocol connection. If a communications provider provides
2 multiple communications service connections to a subscriber, the communications
3 provider shall impose a separate fee under this subdivision on each of the first 10
4 connections and one additional fee for each 10 additional connections per billed
5 account. A communications provider may list the fee separately from other charges
6 on a subscriber's bill, and if a communications provider does so, the communications
7 provider shall identify the fee as "police and fire protection fee," or, if the
8 communications provider combines the fee with a ~~charge fee~~ imposed under s. 256.35
9 (3) (bm), the communications provider shall identify the combined ~~fee and charge~~
10 fees as "charge for funding ~~countywide~~ state 911 systems plus police and fire
11 protection fee." Any partial payment of a fee by a subscriber shall first be applied
12 to any amount the subscriber owes the communications provider for communications
13 service.

14 2. A communications provider that offers a prepaid wireless
15 telecommunications plan, or a retailer that offers such a plan on behalf of a
16 communications provider, shall impose a fee equal to \$0.38 on each retail transaction
17 for such a plan that occurs in this state. A communications provider or retailer may
18 state the amount of the fee separately on a bill for the retail transaction, and if a
19 communications provider or retailer does so, the communications provider or retailer
20 shall identify the fee as "police and fire protection fee-," or, if the communications
21 provider combines the fee with a fee imposed under s. 256.35 (3) (bm), the
22 communications provider shall identify the combined fees as "charge for funding
23 state 911 systems plus police and fire protection fee."

24 SECTION 3. 196.025 (6) (c) 3. of the statutes is amended to read:

BILL**SECTION 3**

1 196.025 (6) (c) 3. The commission and department shall deposit all fees
2 remitted under subds. 1. and 2. into the police and fire protection fund, except that,
3 if more than \$54,089,000 in fees are remitted in a fiscal year, the amount exceeding
4 \$54,089,000 shall be credited to the appropriation account under s. 20.505 (6) (hm).

✓ NOTE: This provision of the bill would direct that all funding collected under the
 police and fire protection fee in excess of the average collected in the last 2 fiscal years
 be appropriated for the state 911 ~~telecommunications service~~ grants created under 2013
 LRB-0922. Collections under the police and fire protection fee were \$51,897,000 in
 2010-11 and \$56,281,000 in 2011-12.

5 **SECTION 4.** 256.35 (1) (a) of the statutes is renumbered 256.35 (1) (as).

6 **SECTION 5.** 256.35 (1) (cp) of the statutes is created to read:

7 256.35 (1) (cp) "Communications provider" means a person that provides active
8 voice or nonvoice communications service that is capable of accessing a public safety
9 answering point.

10 **SECTION 6.** 256.35 (1) (ct) of the statutes is created to read:

11 256.35 (1) (ct) "Communications service" means active voice or nonvoice
12 communications service that is capable of accessing a public safety answering point.

13 **SECTION 7.** 256.35 (1) (d) of the statutes is repealed.

14 **SECTION 8.** 256.35 (3) (title) of the statutes is amended to read:

15 256.35 (3) (title) ~~FUNDING FOR COUNTYWIDE SYSTEMS~~ STATE 911 SYSTEM.

16 **SECTION 9.** 256.35 (3) (a) 2m. of the statutes is created to read:

17 256.35 (3) (a) 2m. "Department" means the department of revenue.

18 **SECTION 10.** 256.35 (3) (a) 4. of the statutes is amended to read:

19 256.35 (3) (a) 4. "Service user" means any person who is provided telephone
20 communications service by a ~~service supplier which includes access to a basic or~~
21 ~~sophisticated system~~ communications provider.

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1 **SECTION 11.** 256.35 (3) (b), (c), (d), (e), (f), (g), (i) and (j) of the statutes are
2 repealed.

3 **SECTION 12.** 256.35 (3) (bm) of the statutes is created to read:

4 256.35 (3) (bm) *Fee imposed.* 1. Except as provided in subd. 2., a
5 communications provider shall impose a monthly fee of \$0.40, subject to any
6 adjustment under par. (cm), on each communications service connection, including
7 a communication service provided via a voice over Internet protocol connection. If a
8 communications provider provides multiple communications service connections to
9 a service user, the communications provider shall impose a separate fee under this
10 subdivision on each of the first 10 connections and one additional fee for each 10
11 additional connections per billed account. A communications provider may list the
12 fee separately from other charges on a service user's bill, and if a communications
13 provider does so, the communications provider shall identify the fee as "state 911
14 fee," or, if the communications provider combines the fee with a fee imposed under
15 s. 196.025 (6), the communications provider shall identify the combined fees as
16 "charge for funding state 911 systems plus police and fire protection fee." Any partial
17 payment of a fee by a service user shall first be applied to any amount the service user
18 owes the communications provider for communications service.

19 2. A communications provider that offers a prepaid wireless
20 telecommunications plan, or a retailer that offers such a plan on behalf of a
21 communications provider, shall impose a fee equal to \$0.20, subject to any
22 adjustment under par. (cm), on each retail transaction for such a plan that occurs in
23 this state. A communications provider or retailer may state the amount of the fee
24 separately on a bill for the retail transaction, and if a communications provider or
25 retailer does so, the communications provider or retailer shall identify the fee as

BILL

1 “state 911 fee,” or, if the communications provider combines the fee with a fee
2 imposed under s. 196.025 (6), the communications provider shall identify the
3 combined fees as “charge for funding state 911 systems plus police and fire protection
4 fee.”

5 **SECTION 13.** 256.35 (3) (cm) of the statutes is created to read:

6 256.35 (3) (cm) *Fee adjustments.* 1. The commission may annually issue an
7 order decreasing or increasing the amount of the fee required under par. (bm), but
8 only as specified in subd. 2. and only if directed by the the state 911 council under
9 s. 16.9647 (2) (i) and approved by the governor.

10 2. a. An order under subd. 1. may not decrease the fee below the amount
11 necessary to generate sufficient revenue for the appropriation under s. 20.155 (3) (g).

12 b. An order under subd. 1. may increase the fee to reflect adjustments to the
13 U.S. consumer price index for all urban consumers, U.S. city average, as determined
14 by the federal department of labor. The commission shall advise the state 911 council
15 on the increases that are allowed under this subd. 2. b.

16 c. For the fee required under par. (bm) 1., an order under subd. 1. may increase
17 the fee to no more than \$0.40 per month with an adjustment described in subd. 2. b.,
18 and except that, for the fee required under par. (bm) 2., an order under subd. 1. may
19 increase the fee to no more than \$0.20 per retail transaction with an adjustment
20 described in subd. 2. b.

21 3. No later than October 1 of each year, the commission shall notify
22 communications providers and sellers who offer prepaid wireless on behalf of
23 communications providers of any order issued under subd. 1. for that year and any
24 decrease or increase to the fee allowed under par. (bm) that is specified in the order
25 shall be effective on January 1 of the following year.

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1 **SECTION 14.** 256.35 (3) (dm) of the statutes is created to read:

2 256.35 (3) (dm) *Fee remittance.* 1. Except as provided in subd. 2., no later than
3 the first calendar month following the calendar month in which a communications
4 provider or retailer receives from a service user a fee imposed under par. (bm), the
5 communications provider or retailer shall remit the fee to the commission.

6 2. The commission may contract with the department for the collection of fees
7 imposed under par. (bm). If the commission and department enter into such a
8 contract, all of the following apply:

9 a. No later than the first calendar month following the calendar month in which
10 a communications provider or retailer receives from a service user a fee that is
11 subject to the contract, the communications provider or retailer shall remit the fee
12 to the department.

13 b. The department may require communications providers and retailers to
14 register with the department and file returns in the manner prescribed by the
15 department.

16 c. Section 77.59 (1) to (6), (8), and (8m), as it applies to the taxes imposed under
17 subch. III of ch. 77, applies to the fees that are subject to the contract.

18 **SECTION 15.** 256.35 (3) (em) of the statutes is created to read:

19 256.35 (3) (em) *Commission powers.* The commission may do any of the
20 following:

21 1. Promulgate rules for administering this subsection.

22 2. Bring an action to collect any amount that is required to be remitted under
23 par. (dm).

24 **SECTION 16.** 256.35 (3) (h) of the statutes is amended to read:

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

LRB-0921/2dn

MDK:A:...

date

JLD

Chad Brown:

This version is identical to the previous version, except that the ^{e second}2nd and last paragraphs of the prefatory note, and the note following section 3 of the bill, refer to "state 911 grants" or "state 911 grant program," instead of "state 911 telecommunications service grants" or "state 911 telecommunications service grant program."✓ *

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

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

LRB-0921/2dn
MDK:jld:ph

March 5, 2013

Chad Brown:

This version is identical to the previous version, except that the second and last paragraphs of the prefatory note, and the note following section 3 of the bill, refer to "state 911 grants" or "state 911 grant program," instead of "state 911 telecommunications service grants" or "state 911 telecommunications service grant program."

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

Kunkel, Mark

From: Brown, Chadwick
Sent: Friday, March 08, 2013 4:31 PM
To: Kunkel, Mark
Cc: Konopacki, Larry; Mautz, Kelly
Subject: Drafts

Mark,

already jacketed

919/2 and 921/2 look good. They can be jacketed for the Assembly and given to Kelly.

I will be out of the office until March 18th, so please send remaining drafts to Larry.

Thanks,

Chad

Chadwick Brown
Staff Attorney
Wisconsin Legislative Council
One East Main St., Ste. 401
PO Box 2536
Madison, WI 53701-2536
(608) 266-0922
cbrown@legis.wisconsin.gov