

2001

Date (time) needed \_\_\_\_\_

LRB b 2441 / 1

**ARC CAUCUS BUDGET AMENDMENT  
[ONLY FOR CAUCUS]**

MDT 5JK: hmh: \_\_\_\_\_

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**January 2002 SPECIAL SESSION CAUCUS AMENDMENT  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1  
TO 2001 ASSEMBLY BILL 1**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

#. Page 139, line 16: after that line insert: INSERT JOE 1

At the locations indicated, amend the substitute amendment as follows:

✓ #. Page 10, line 6: after that line insert:  
INSERT MK1

✓ #. Page 13, line 13: after that line insert:  
INSERT MK2

✓ #. Page 154, line 4: after that line insert:  
INSERT MK3

✓ #. Page 172, line 3: after that line insert:  
INSERT 4

✓ #. Page 353, line 16: after that line insert:  
INSERT 5

✓ #. Page 437, line 6: after that line insert:  
INSERT JOE 3

INSERT MK 1

1 telecommunications providers; authority of the public service commission  
 2 regarding area codes and telephone numbers; allowing for adjustments in  
 3 incentive-regulated telecommunication utility rates; requesting the joint  
 4 legislative council to study retail and wholesale telecommunications services;  
 5 granting rule-making authority; and making appropriations.

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

11  
14c

6 ✓ SECTION 1. 15.155 (5) of the statutes is created to read:

7 15.155 (5) WIRELESS 911 BOARD. (a) There is created a wireless 911 board  
 8 attached to the department of commerce under s. 15.03 consisting of the following  
 9 members:

10 1. One representative to the assembly, appointed by the speaker of the  
 11 assembly.

12 2. One representative to the assembly, appointed by the assembly minority  
 13 leader.

14 3. One senator, appointed by the president of the senate.

15 4. One senator, appointed by the senate minority leader.

16 5. Four persons who represent the interests of commercial mobile radio service  
 17 providers, as defined in s. 196.01 (2g), appointed by the governor.

18 6. Four persons who represent the interests of public agencies, as defined in s.  
 19 146.70 (1) (f), or public safety agencies, as defined in s. 146.70 (1) (g), that operate  
 20 public safety answering points, as defined in s. 146.70 (1) (gm), appointed by the  
 21 governor.

22 (b) The members appointed under par. (a) 5. and 6. shall serve 3-year terms  
 23 and may not serve more than 2 consecutive terms. ✓

END of INSERT MK 1

INSERT MK 2

1     ✓ SECTION <sup>30b</sup> 2. 20.143 (3) (je) of the statutes is created to read:

2             20.143 (3) (je) *Wireless 911 board general program operations.* Two and  
3 one-half percent of all moneys received under s. 146.70 (3m) (d) 3. for general  
4 program operations of the wireless 911 board, including contracting for audits under  
5 s. 146.70 (3m) (b) 5.

6             SECTION <sup>30d</sup> 3. 20.143 (3) (jm) of the statutes is created to read:

7             20.143 (3) (jm) *Wireless provider grants.* Forty-eight and three-fourths  
8 percent of all moneys received under s. 146.70 (3m) (d) 3. for the wireless 911 board  
9 to make grants to wireless providers under s. 146.70 (3m) (b) 2. and to make transfers  
10 to the appropriation under par. (kv) as provided under s. 146.70 (3m) (b) 3.

11            SECTION <sup>30f</sup> 4. 20.143 (3) (js) of the statutes is created to read:

12            20.143 (3) (js) *Public agency and wireless provider grants.* Forty-eight and  
13 three-fourths percent of all moneys received under s. 146.70 (3m) (d) 3. for the  
14 wireless 911 board to make grants to public agencies under s. 146.70 (3m) (b) 1. and  
15 to wireless providers under s. 146.70 (3m) (b) 3.

16            SECTION <sup>30h</sup> 5. 20.143 (3) (kv) of the statutes is created to read:

17            20.143 (3) (kv) *Public agency grants.* All moneys transferred from the  
18 appropriation account under par. (jm) for the wireless 911 board to make grants to  
19 public agencies under s. 146.70 (3m) (b) 1. ✓

20            SECTION 6. 93.01 (1r) of the statutes is created to read:

21            93.01 (1r) "Civil investigative demand" means a written document prepared  
22 by the department that is related to the enforcement of chs. 93 to 100 and that orders  
23 a person to do any of the following:

24            (a) Provide originals or copies of documents, records, or reports in the person's  
25 custody.

END of INSERT MK 2

INSERT MK3

1 SECTION 2. 20.143 (3) (je) of the statutes is created to read:

2 20.143 (3) (je) *Wireless 911 board general program operations.* Two and  
3 one-half percent of all moneys received under s. 146.70 (3m) (d) 3. for general  
4 program operations of the wireless 911 board, including contracting for audits under  
5 s. 146.70 (3m) (b) 5.

6 SECTION 3. 20.143 (3) (jm) of the statutes is created to read:

7 20.143 (3) (jm) *Wireless provider grants.* Forty-eight and three-fourths  
8 percent of all moneys received under s. 146.70 (3m) (d) 3. for the wireless 911 board  
9 to make grants to wireless providers under s. 146.70 (3m) (b) 2. and to make transfers  
10 to the appropriation under par. (kv) as provided under s. 146.70 (3m) (b) 3.

11 SECTION 4. 20.143 (3) (js) of the statutes is created to read:

12 20.143 (3) (js) *Public agency and wireless provider grants.* Forty-eight and  
13 three-fourths percent of all moneys received under s. 146.70 (3m) (d) 3. for the  
14 wireless 911 board to make grants to public agencies under s. 146.70 (3m) (b) 1. and  
15 to wireless providers under s. 146.70 (3m) (b) 3.

16 SECTION 5. 20.143 (3) (kv) of the statutes is created to read:

17 20.143 (3) (kv) *Public agency grants.* All moneys transferred from the  
18 appropriation account under par. (jm) for the wireless 911 board to make grants to  
19 public agencies under s. 146.70 (3m) (b) 1.

20 SECTION <sup>259 m</sup> 93.01 (1r) of the statutes is created to read:

21 93.01 (1r) "Civil investigative demand" means a written document prepared  
22 by the department that is related to the enforcement of chs. 93 to 100 and that orders  
23 a person to do any of the following:

24 (a) Provide originals or copies of documents, records, or reports in the person's  
25 custody.

INSERT MK3 (cont'd):

1 (b) Answer specific questions submitted by the department in the form of  
2 written depositions, interrogatories, or requests for admissions.

3 (c) Allow employees of the department to review and copy documents, records,  
4 or reports in the person's custody. ✓ A

5 ✓ SECTION 7. 93.14 (1m) of the statutes is created to read: # Page 154, line 17:  
after that  
line insert:

6 93.14 (1m) (a) Any person who has been served with a department complaint,  
7 notice, order, or other process as authorized in s. 93.18 (5) shall be subject to the  
8 department's authority and jurisdiction, as limited by par. (b).

9 (b) The department's jurisdiction may not exceed the jurisdiction granted to  
10 courts under s. 815.05. ✓

11 SECTION 8. 259w 93.14 (3) of the statutes is amended to read:

12 93.14 (3) Any person who shall unlawfully fail to attend as a witness, fail to  
13 comply with a subpoena, order, or civil investigative demand, or refuse to testify may  
14 be coerced as provided in s. 885.12.

15 SECTION 9. 259x 93.15 (1) of the statutes is amended to read:

16 93.15 (1) The department may, by general or special order, require persons  
17 ~~engaged in business~~ to file with the department, at such time and in such manner  
18 as the department may direct, sworn or unsworn reports or sworn or unsworn  
19 answers in writing to specific questions, as to any matter which the department may  
20 investigate.

21 SECTION 10. 259y 93.15 (2) of the statutes is amended to read:

22 93.15 (2) The department or any of its authorized agents may have access to  
23 and may copy any document, or any part thereof, which of a document, that is in the  
24 possession or under the control of any person ~~engaged in business~~, if such the

INSERT MK 3 (cont'd):

1 document, or such part thereof of the document, is relevant to any matter which that  
2 the department may investigate. ✓ ✓

3 ✓ SECTION 11. 100.207 (1) of the statutes is renumbered 100.207 (1) (intro.) and  
4 amended to read: 263b # Page 155, line 13: after that line insert:

5 100.207 (1) DEFINITION DEFINITIONS. (intro.) In this section,  
6 "telecommunications:

7 (b) "Telecommunications service" has the meaning given in s. 196.01 (9m).

8 SECTION 12. 100.207 (1) (a) of the statutes is created to read: 263F

9 100.207 (1) (a) "Telecommunications provider" has the meaning given in s.  
10 196.01 (8p).

11 SECTION 13. 100.207 (1) (c) of the statutes is created to read: 263K

12 100.207 (1) (c) "Telecommunications subscription" means a contract between  
13 a telecommunications provider and a customer for a telecommunications service that  
14 is always provided to the customer during each billing period.

15 SECTION 14. 100.207 (3g) of the statutes is created to read: 2630

16 100.207 (3g) BILLING FOR OTHER SERVICES. (a) A telecommunications provider  
17 may not bill a customer for any goods or services, other than telecommunications  
18 services, unless all of the following apply:

19 1. The telecommunications provider reasonably believes that the customer  
20 knowingly consented to the billing.

21 2. The telecommunications provider confirms with the customer, before  
22 providing the telecommunications service, that the customer knowingly consented  
23 to the billing.

24 (b) If a customer consents to being billed under par. (a), all of the following shall  
25 apply:

INSERT MK3 (cont'd):

1           1. The telecommunications provider shall distinguish the billing for the other  
2 goods or services from the billing for the telecommunications service in a conspicuous  
3 manner. The department shall promulgate rules establishing requirements for  
4 complying with this subdivision.

5           2. The telecommunications provider shall provide a detailed itemized listing  
6 of the charges for the goods or services if requested to do so by the customer.

7           SECTION 15. <sup>2635</sup> 100.207 (3m) of the statutes is created to read:

8           100.207 (3m) TELECOMMUNICATIONS SERVICE CONFIRMATION. (a) A  
9 telecommunications provider may not provide a telecommunications service to a  
10 customer unless all of the following apply:

11           1. The telecommunications provider reasonably believes that the customer  
12 knowingly consented to receive the service.

13           2. The telecommunications provider confirms with the customer, before  
14 providing the telecommunications service, that the customer knowingly consented  
15 to receive the service.

16           3. At the time that the telecommunications provider provides confirmation  
17 under subd. 2., the telecommunications provider informs the customer that he or she  
18 may, before the service is activated, withdraw his or her consent to receive the service  
19 and informs the customer of the manner by which that consent may be withdrawn.

20           (b) Paragraph (a) does not apply to basic local exchange service or long distance  
21 toll service or a telecommunications service that is provided as part of a  
22 telecommunications subscription.

23           SECTION 16. <sup>263w</sup> 100.207 (5g) of the statutes is created to read:

24           100.207 (5g) RESTRICTIONS ON CONTRACTS. No telecommunications provider  
25 may place in a contract entered into with a customer located in this state a clause that

INSERT MT3 (cont'd):

1 provides that a law of a state other than this state applies to the parties or terms of  
2 the contract or the rights and remedies under the contract, unless the law of the other  
3 state is in conformity with the law of this state.

4 SECTION <sup>0263y</sup> 17. 100.207 (5m) of the statutes is created to read:

5 100.207 (5m) RECORD REQUIREMENTS. Any person who provides  
6 telecommunications service to any customer in this state shall maintain each billing  
7 and collection record that is made in providing the telecommunications service for  
8 a period of 5 years beginning on the date that the record is made. ✓/1

9 SECTION 18. 146.70 (3m) of the statutes is created to read:

10 146.70 (3m) WIRELESS PROVIDERS. (a) *Definitions.* In this subsection:

11 1. "Board" means the wireless 911 board.

12 2. "Federal wireless orders" means the orders of the federal communications  
13 commission regarding 911 emergency services for wireless telephone users in FCC  
14 docket no. 94-102.

15 3. "Wireless provider" means a commercial mobile radio service provider, as  
16 defined in s. 196.01 (2g), that is subject to the federal wireless orders.

17 4. "Wireless public safety answering point" means a facility to which a call on  
18 a wireless provider's system is initially routed for response, and on which a public  
19 agency directly dispatches the appropriate emergency service provider, relays a  
20 message to the appropriate emergency service provider, or transfers the call to the  
21 appropriate emergency services provider.

22 (b) *Grants.* 1. From the appropriations under s. 20.143 (3) (js) and (kv), the  
23 board shall make grants to public agencies that operate public safety answering  
24 points for eligible expenses under par. (c). A public agency is eligible for a grant  
25 under this subdivision only if the board determines that the public agency is

END OF INSERT MT3



INSERT MK 4

1 provides that a law of a state other than this state applies to the parties or terms of  
2 the contract or the rights and remedies under the contract, unless the law of the other  
3 state is in conformity with the law of this state.

4 SECTION 17. 100.207 (5m) of the statutes is created to read:  
5 100.207 (5m) RECORD REQUIREMENTS. Any person who provides  
6 telecommunications service to any customer in this state shall maintain each billing  
7 and collection record that is made in providing the telecommunications service for  
8 a period of 5 years beginning on the date that the record is made.

9 ✓ SECTION ~~16~~<sup>335 m</sup> 146.70 (3m) of the statutes is created to read:  
10 146.70 (3m) WIRELESS PROVIDERS. (a) Definitions. In this subsection:

11 1. "Board" means the wireless 911 board.

12 2. "Federal wireless orders" means the orders of the federal communications  
13 commission regarding 911 emergency services for wireless telephone users in FCC  
14 docket no. 94-102.

15 3. "Wireless provider" means a commercial mobile radio service provider, as  
16 defined in s. 196.01 (2g), that is subject to the federal wireless orders.

17 4. "Wireless public safety answering point" means a facility to which a call on  
18 a wireless provider's system is initially routed for response, and on which a public  
19 agency directly dispatches the appropriate emergency service provider, relays a  
20 message to the appropriate emergency service provider, or transfers the call to the  
21 appropriate emergency services provider.

22 (b) Grants. 1. From the appropriations under s. 20.143 (3) (js) and (kv), the  
23 board shall make grants to public agencies that operate public safety answering  
24 points for eligible expenses under par. (c). A public agency is eligible for a grant  
25 under this subdivision only if the board determines that the public agency is

has complied with the federal wireless orders and either

INSERT MK 4 (cont'd)

1 providing ~~or has begun to implement~~ 911 emergency services for wireless telephone  
2 users ~~and has complied with the federal wireless orders~~. INSERT 8-2 The total amount in grants  
3 that a public agency may receive under this subdivision may not exceed 50% of the  
4 public agency's total eligible expenses under par. (c).

5 2. From the appropriation under s. 20.143 (3) (jm), the board shall make grants  
6 to wireless providers for actual <sup>costs and</sup> expenses incurred by wireless providers to upgrade,  
7 INSERT 8-6  
8 purchase, lease, program, install, test, operate, or maintain all data, hardware, and  
9 software necessary to comply with the federal wireless orders.

10 3. If the board determines that there are insufficient funds in the appropriation  
11 account under s. 20.143 (3) (jm) to make a grant under subd. 2., and the board has  
12 not paid a grant under subd. 1. or an installment under subd. 4. in the preceding 3  
13 months, the board may make the grant to the wireless provider from the  
14 appropriation account under s. 20.143 (3) (js). If the board makes a grant under this  
15 subdivision, the board shall, as soon as practicable, transfer moneys from the  
16 appropriation account under s. 20.143 (3) (jm) to the appropriation account under s.  
17 20.143 (3) (kv) in an amount equal to the amount of the grant.

18 4. If the board determines that there are insufficient funds in an appropriation  
19 to make a grant under this paragraph, the board may make the grant in  
20 installments.

21 5. The board shall contract for independent audits of applications for grants  
22 under this paragraph. An applicant shall provide an auditor with any relevant  
23 confidential business information.

24 (c) *Public agency eligible expenses.* 1. A public agency may receive a grant  
under par. (b) 1. for actual expenses that the public agency directly and primarily

(INSERT MKU (cont'd):)

1 incurred for leasing, purchasing, operating, or maintaining a wireless public safety  
2 answering point, including expenses for all of the following:

3 a. Necessary network equipment, computer hardware and software, database  
4 equipment, and radio and telephone equipment, that are located within the public  
5 safety answering point.

6 b. Training operators of a public safety answering point.

7 c. Network costs for delivery of calls from a wireless provider to a public safety  
8 answering point.

9 2. Except for expenses under subd. 1., a public agency may not receive a grant  
10 under par. (b) 1. for any of the following:

11 a. Emergency service dispatch, including personnel, training, equipment,  
12 software, records management, radio communications, and mobile data network  
13 systems.

14 b. Vehicles and equipment in vehicles.

15 c. Communications equipment and software used to communicate with  
16 vehicles.

17 d. Real estate and improvements to real estate, other than improvements  
18 necessary to maintain the security of a public safety answering point.

19 e. Salaries and benefits of operators of a public safety answering point.

20 (d) *Wireless surcharge.* 1. Each wireless provider shall impose a surcharge of  
21 50 cents per month for each telephone number that has a billable address in this state  
22 and shall identify the surcharge on a customer's bill on a separate line that is  
23 identified as "Wireless 911 Surcharge." The board may promulgate rules that  
24 increase or decrease the surcharge, except that the board may not increase the

INSERT MK4 (Cont'd)

1 surcharge more than once per year, any increase must be uniform statewide and may  
2 not exceed 10 cents, and the surcharge may not exceed \$1.

3 2. A wireless provider may not prorate the surcharge and shall collect the entire  
4 amount of the surcharge for a month of partial service.

5 3. The board shall promulgate rules establishing requirements for wireless  
6 providers to collect the surcharge from their customers beginning with the first bills  
7 issued after July 1, 2002. Except as provided in subd. 4., a wireless provider shall  
8 pay the surcharges to the board no more than 60 days after the end of the calendar  
9 month in which the surcharges are collected. The board shall bring an action to  
10 collect a surcharge that is not paid by a customer and the customer's wireless  
11 provider is not liable for the unpaid surcharge.

12 4. Wireless providers may retain 2% of the surcharges collected in fiscal year  
13 2002-03 for reimbursing costs related to collecting the surcharge, including  
14 reprogramming billing systems.

15 (e) *Confidentiality of information.* The board may withhold from public  
16 inspection any information that would aid a competitor of a wireless provider in  
17 competition with the wireless provider. The board shall establish procedures for  
18 internal management that prohibit members of the board from having access to  
19 confidential business information submitted by wireless providers.

20 (f) *Public information.* The board shall promulgate rules establishing  
21 requirements and procedures for informing the public about the purpose and uses  
22 of the surcharge required under this subsection. The rules shall require the board  
23 to maintain a toll-free telephone number to provide such information to the public  
24 and require wireless providers to identify the toll-free number on bills and direct  
25 customers to contact the board regarding questions about the surcharge.

INSERT MK 4  
(amended)

1 (g) *Other charges prohibited.* No city, village, town, county, or state agency, as  
2 defined in s. 16.375 (1), except the board, may require a wireless provider to collect  
3 or pay a surcharge or fee related to wireless emergency telephone service.

4 (h) *Liability exemption.* A wireless provider shall not be liable to any person  
5 who uses a wireless emergency telephone number system for which a grant is made  
6 under par. (b).

7 (i) *Report to governor and legislature.* Annually, the board shall submit a report  
8 to the governor, and to the chief clerk of each house of the legislature for distribution  
9 to the legislature under s. 13.172 (2), that describes the costs incurred by wireless  
10 providers and public agencies in providing wireless emergency telephone service and  
11 the grants made by the board.

12 (j) *Board powers.* The board shall possess all powers necessary or convenient  
13 for administering the requirements of this subsection.

14 (k) *Sunset.* This subsection does not apply after the first day of the <sup>120</sup> month  
15 beginning after the effective date of this paragraph .... [revisor inserts date]. <sub>11</sub>

16 SECTION 19. 196.02 (13) of the statutes is created to read:

17 196.02 (13) TELEPHONE NUMBERS AND AREA CODES. To the extent authorized  
18 under federal law, the commission has jurisdiction to supervise and regulate  
19 telephone numbers and area codes used by any telecommunications provider in this  
20 state and to do all things necessary and convenient to such jurisdiction. The  
21 commission may withhold from public inspection any information obtained from a  
22 telecommunications provider under this subsection that would aid a competitor of  
23 the telecommunications provider.

24 SECTION 20. 196.195 (12) (a) of the statutes is amended to read:

END of INSERT MK 4

INSERT MK 5:

1 the right freely to use and occupy any public highway, street, way or place reasonably  
2 necessary to be used or occupied for the maintenance and operation of such utility  
3 or any part thereof, subject, however, to such local police regulations as may be  
4 imposed by any ordinance adopted by the governing body of the municipality in  
5 which such highway, street, way or place is located.

6 SECTION 34. 198.22 (6) of the statutes is amended to read:

7 198.22 (6) ACQUISITION; CONSTRUCTION; OPERATION; SALE OF SERVICE; USE OF  
8 STREETS. The district shall have power and authority to own, acquire, and, subject  
9 to the restrictions applying to a municipality under s. 196.50 (4) (b), to construct any  
10 water utility or portion thereof, to operate, in whole or in part, in the district and to  
11 construct any addition or extension to any such utility. For such purpose the district  
12 is granted and shall have and exercise the right freely to use and occupy any public  
13 highway, street, way or place reasonably necessary to be used or occupied for the  
14 construction, operation or maintenance of such utility or any part thereof, subject,  
15 however, to the obligation of the district to replace said grounds in the same condition  
16 as they previously were in.

17 SECTION 35. Nonstatutory provisions.

18 ✓ (1) WIRELESS 911 SURCHARGE RULES.

19 (a) *Definition.* In this subsection, "board" means the wireless 911 board.

20 (b) *Board rules.* If all of the members of the board are appointed and qualified  
21 on July 1, 2002, the board shall, using the procedure under section 227.24 of the  
22 statutes, promulgate the rules under section 146.70 (3m) (d) 3. of the statutes, as  
23 created by this act, for the period before permanent rules become effective, but not  
24 to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes.  
25 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the board is not

INSERT MK 5 (cont'd):

1 required to provide evidence that promulgating a rule under this paragraph as an  
2 emergency rule is necessary for the preservation of the public peace, health, safety,  
3 or welfare and is not required to provide a finding of emergency for a rule  
4 promulgated under this paragraph.

5 (c) *Department of commerce rules.* Notwithstanding section 146.70 (3m) (d) 3.  
6 of the statutes, as created by this act, if all of the members of the board are not  
7 appointed and qualified on July 1, 2002, the department of commerce shall, using the  
8 procedure under section 227.24 of the statutes, promulgate the rules under section  
9 146.70 (3m) (d) 3. of the statutes, as created by this act, for the period before  
10 permanent rules become effective, but not to exceed the period authorized under  
11 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a),  
12 (2) (b), and (3) of the statutes, the department of commerce is not required to provide  
13 evidence that promulgating a rule under this paragraph as an emergency rule is  
14 necessary for the preservation of the public peace, health, safety, or welfare and is  
15 not required to provide a finding of emergency for a rule promulgated under this  
16 paragraph.

17 (2) INITIAL MEMBERS OF WIRELESS 911 BOARD. Notwithstanding section 15.155 (5)  
18 (b) of the statutes, as created by this act, the initial members of the wireless 911 board  
19 under section 15.155 (5) (a) 5. and 6. of the statutes, as created by this act, shall be  
20 appointed to serve the following terms:

21 (a) One member appointed under section 15.155 (5) (a) 5. of the statutes, as  
22 created by this act, and one member appointed under section 15.155 (5) (a) 6. of the  
23 statutes, as created by this act, for terms expiring on May 1, 2004.

INSERT MK5 (cont'd)

1 (b) One member appointed under section 15.155 (5) (a) 5. of the statutes, as  
2 created by this act, and one member appointed under section 15.155 (5) (a) 6. of the  
3 statutes, as created by this act, for terms expiring on May 1, 2005.

4 (c) One member appointed under section 15.155 (5) (a) 5. of the statutes, as  
5 created by this act, and one member appointed under section 15.155 (5) (a) 6. of the  
6 statutes, as created by this act, for terms expiring on May 1, 2006.

7 (d) One member appointed under section 15.155 (5) (a) 5. of the statutes, as  
8 created by this act, and one member appointed under section 15.155 (5) (a) 6. of the  
9 statutes, as created by this act, for terms expiring on May 1, 2007.

10 (3) POSITION AUTHORIZATION. There is authorized for the wireless 911 board 1.0  
11 FTE PR position, to be funded from the appropriation under section 20.143 (3) (je)  
12 of the statutes, as created by this act, for the purpose of providing administrative  
13 services to the wireless 911 board.

END of INSERT MK5

~~14 (4) STUDY OF RETAIL AND WHOLESALE TELECOMMUNICATIONS SERVICE. The joint  
15 legislative council is requested to study the appropriate level of regulation of retail  
16 and wholesale telecommunications services, the quality of such services, and related  
17 enforcement issues, with a focus on making the transition toward deregulated  
18 markets for such services. If the council undertakes such a study, the council shall  
19 report its findings, conclusions, and recommendations to the 2003 legislature when  
20 it convenes.~~

**SECTION 36. Initial applicability.**

21  
22 (1) TELECOMMUNICATIONS SERVICE. The treatment of section 100.207 (3g), (3m),  
23 and (5g) of the statutes first applies to contracts entered into, extended, modified, or  
24 renewed on the effective date of this subsection.



INSERT  
Joe 1

## 2001 SENATE BILL 260

October 2, 2001 - Introduced by Senator JAUCH, cosponsored by Representatives M. DEHMAN, AINSWORTH, JESKEWITZ, LIPPERT, MEYERHOFER, MUSSER, OLSEN and STONE. Referred to Joint survey committee on Tax Exemptions.

1 **AN ACT to renumber and amend 77.52 (2) (a) 5.; to amend 77.52 (3m) (intro.),**  
 2 **77.525 and 77.72 (3) (b); and to create 77.52 (2) (a) 5. b., 77.52 (3n) and 77.54**  
 3 **(46m) of the statutes; relating to: the sales tax imposed on the sale of mobile**  
 4 **telecommunications services**

### *Analysis by the Legislative Reference Bureau*

Under current law, the sale of a mobile telecommunications service is subject to the sales tax if, generally, the service either originates or terminates in this state. Under this bill, for customer bills issued after August 1, 2002, the sale of a mobile telecommunications service is subject to the sales tax if the customer's place of primary use of the service is in this state, regardless of where the service originates or terminates, as determined under the federal Mobile Telecommunications Sourcing Act (act). Under the act, a mobile telecommunications service provider is responsible for determining the customer's place of primary use, but may rely on an electronic database of addresses and taxing jurisdictions to make such a determination. Either this state or a designated database provider maintains the electronic database.

Under current law, telephone services obtained by using a prepaid telephone calling card are exempt from the sales tax and the use tax, if the sales tax or use tax was paid on the purchase of the prepaid telephone calling card. This bill clarifies current law by creating a sales and use tax exemption on telephone services obtained by using a prepaid telephone calling card, if the sales tax or use tax was paid on the purchase of the prepaid telephone calling card.

SENATE BILL 260

This bill will be referred to the joint survey committee on tax exemptions for a detailed analysis, which will be printed as an appendix to this bill.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

INDEX  
JOB  
1

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

1       " SECTION 1. <sup>233b</sup> 77.52 (2) (a) 5. of the statutes is renumbered 77.52 (2) (a) 5. a. and  
2       amended to read:

3           77.52 (2) (a) 5. a. The sale of telecommunications services, except services  
4       subject to 4 USC 116 to 126, as amended by P.L. 106-252, that either originate or  
5       terminate in this state; except services that are obtained by means of a toll-free  
6       number, that originate outside this state and that terminate in this state; and are  
7       charged to a service address in this state, regardless of the location where that charge  
8       is billed or paid; and the sale of the rights to purchase telecommunications services,  
9       including purchasing reauthorization numbers, by paying in advance and by using  
10       an access number and authorization code, except sales that are subject to subd. 5. b.

11       SECTION 2. <sup>233c</sup> 77.52 (2) (a) 5. b. of the statutes is created to read:

12           77.52 (2) (a) 5. b. The sale of services subject to 4 USC 116 to 126, as amended  
13       by P.L. 106-252, if the customer's place of primary use of the services is in this state,  
14       as determined under 4 USC 116 to 126, as amended by P.L. 106-252. For purposes  
15       of this subd. 5. b., all of the provisions of 4 USC 116 to 126, as amended by P.L.  
16       106-252, are adopted, except that if 4 USC 116 to 126, as amended by P.L. 106-252,  
17       or the application of 4 USC 116 to 126, as amended by P.L. 106-252, is found  
18       unconstitutional the sale of telecommunications services is subject to the tax  
19       imposed under this section as provided in subd. 5. a.

20       SECTION 3. <sup>233e</sup> 77.52 (3m) (intro.) of the statutes is amended to read:

SENATE BILL 260

1 77.52 (3m) (intro.) In regard to the sale of the rights to purchase  
2 telecommunications services under sub. (2) (a) 5. a.:

3 SECTION 4. <sup>233f</sup> 77.52 (3n) of the statutes is created to read:

4 77.52 (3n) In regard to the sale of the rights to purchase telecommunications  
5 services under sub. (2) (a) 5. b., the situs of the sale is as determined under 4 USC  
6 116 to 126, as amended by P.L. 106-252.

INSERT  
Joe 2

7 SECTION 5. <sup>233h</sup> 77.525 of the statutes is amended to read:

8 **77.525 Reduction to prevent double taxation.** Any person who is subject  
9 to the tax under s. 77.52 (2) (a) 5. a. on telecommunications services that terminate  
10 in this state and who has paid a similar tax on the same services to another state may  
11 reduce the amount of the tax remitted to this state by an amount equal to the similar  
12 tax properly paid to another state on those services or by the amount due this state  
13 on those services, whichever is less. That person shall refund proportionally to the  
14 persons to whom the tax under s. 77.52 (2) (a) 5. a. was passed on an amount equal  
15 to the amounts not remitted.

16 SECTION 6. <sup>233j</sup> 77.54 (46m) of the statutes is created to read:

17 77.54 (46m) The gross receipts from the sale of and the storage, use, or other  
18 consumption of telecommunications services, if the telecommunications services are  
19 obtained by using the rights to purchase telecommunications services, including  
20 purchasing reauthorization numbers, by paying in advance and by using an access  
21 number and authorization code; and if the tax imposed under s. 77.52 or 77.53 was  
22 previously paid on the sale or purchase of such rights.

23 SECTION 7. <sup>233k</sup> 77.72 (3) (b) of the statutes is amended to read:

24 77.72 (3) (b) *Exceptions.* ~~Communication~~ A communication service has a situs  
25 where the customer is billed for the service if the customer calls collect or pays by

**SENATE BILL 260**

1 credit card. Services subject to s. 77.52 (2) (a) 5. b. have a situs at the customer's place  
2 of primary use of the services, as determined under 4 USC 116 to 126, as amended  
3 by P.L. 106-252. Towing services have a situs at the location to which the vehicle is  
4 delivered. Services performed on tangible personal property have a situs at the  
5 location where the property is delivered to the buyer.

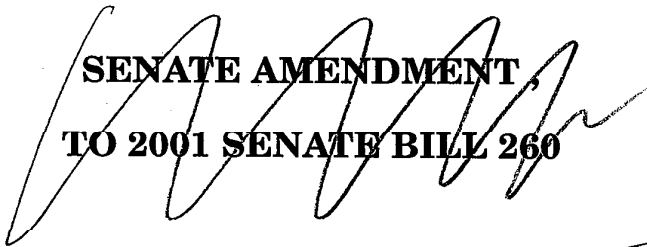
6 ~~Section 8. Initial applicability.~~

7 ~~(1) This act first applies to customer bills issued after August 1, 2002.~~

8 (END)

**SENATE AMENDMENT  
TO 2001 SENATE BILL 260**

INSERT  
JOE 2



that is subject to 4 ~~VSC~~ 116 to 126, as amended by P.L. 106-252  
233g  
233g

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~~At the locations indicated, amend the bill as follows:~~

~~1. Page 3, line 6: after that line insert~~

"SECTION ~~47~~ 77.523 of the statutes is created to read:

**77.523 Customer remedy.** If a customer purchases a service ~~described under~~  
~~77.523(2)(a)(i)~~, and if the customer believes that the amount of the tax assessed  
for the service under this subchapter or the place of primary use or taxing jurisdiction  
assigned to the service is erroneous, the customer may request that the service  
provider correct the alleged error by sending a written notice to the service provider.  
The notice shall include a description of the alleged error, the street address for the  
customer's place of primary use of the service, the account name and number of the  
service for which the customer seeks a correction, and any other information that the  
service provider reasonably requires to process the request. Within 60 days from the  
date that a service provider receives a request under this section, the service provider



✓

1 shall review its records to determine the customer's taxing jurisdiction. If the review  
 2 indicates that there is no error as alleged, the service provider shall explain the  
 3 findings of the review in writing to the customer. If the review indicates that there  
 4 is an error as alleged, the service provider shall correct the error and shall refund or  
 5 credit the amount of any tax collected erroneously <sup>, along with the related interest,</sup> as a result of the error from the  
 6 customer in the previous ~~24~~<sup>48</sup> months. A customer may take no other action, or  
 7 commence any action, to correct an alleged error in the amount of the tax assessed  
 8 under this subchapter on a service ~~described under s. 77.52 (2) (b) (i) (ii)~~, or to correct  
 9 an alleged error in the assigned place of primary use or taxing jurisdiction, unless  
 10 the customer has exhausted his or her remedies under this section. ✓

11

(END)  
*[Signature]*

, consistent with s. 77.59(4) ✓

that is subject to 4 USC 116 to 126,  
as amended by P.L. 106-252

end of insert Joe 2

INSERT  
Joe 3

~~SENATE AMENDMENT 1,  
TO 2001 SENATE BILL 260~~

~~November 6, 2001 - Offered by FINANCE.~~

f  
(1A) SALE OF MOBILE  
TELECOMMUNICATIONS SERVICES. (CS)

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6

~~At the locations indicated, amend the bill as follows:~~

~~1. Page 4, line 7: delete "This act first applies" and substitute "The treatment of sections 77.52 (3m) (intro.) and (3n), 77.525, and 77.72 (3) (b) of the statutes, the renumbering and amendment of section 77.52 (2) (a) 5. of the statutes, and the creation of section 77.52 (2) (a) 5. b. of the statutes first apply".~~

(END)

to customer bills issued  
after August 1, 2002.

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBb2441/linsMK  
MDK:.....

1

**INSERT 8-2:**

2

or has begun to implement 911 emergency services for wireless telephone users

3

~~which~~ <sup>that</sup> will be provided within 2 years after implementation has begun

4

**INSERT 8-6:**

5

in complying with the federal wireless orders, including costs and expenses for

6

designing, upgrading, purchasing, leasing, programming, installing, testing,

7

operating, and maintaining data, hardware, and software necessary to provide 911

8

emergency services for wireless telephone users.



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

LRBb2441/1dn  
MDK: *hmk*

*Date*

Darin Renner:

Note that I revised the language in proposed s. 146.70 (3m) (b) 2. to make it consistent with other language in the amendment.

Mark D. Kunkel  
Legislative Attorney  
Phone: (608) 266-0131  
E-mail: [mark.kunkel@legis.state.wi.us](mailto:mark.kunkel@legis.state.wi.us)

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

LRBb2441/1dn  
MDK:hmh:rs

March 13, 2002

Darin Renner:

Note that I revised the language in proposed s. 146.70 (3m) (b) 2. to make it consistent with other language in the amendment.

Mark D. Kunkel  
Legislative Attorney  
Phone: (608) 266-0131  
E-mail: [mark.kunkel@legis.state.wi.us](mailto:mark.kunkel@legis.state.wi.us)

Drew Lewis

↳ 2491/1

\*ref to 77.523 in 1A on page 16



State of Wisconsin  
 2001 - 2002 LEGISLATURE  
 January 2002 Special Session

LRBb24414/2  
 MDK&JK:hmh:rs

Stay  
 PM not R

LFB:.....Renner – Wireless 911 grants; mobile telecommunications services sales tax

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

*[Handwritten signature]*

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO ASSEMBLY BILL 1

ARC

*m* 3-13-02

*see page 16*

D-N

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 10, line 6: after that line insert:
- 3 “SECTION 14c. 15.155 (5) of the statutes is created to read:
- 4 15.155 (5) WIRELESS 911 BOARD. (a) There is created a wireless 911 board
- 5 attached to the department of commerce under s. 15.03 consisting of the following
- 6 members:
- 7 1. One representative to the assembly, appointed by the speaker of the
- 8 assembly.
- 9 2. One representative to the assembly, appointed by the assembly minority
- 10 leader.

- 1           3. One senator, appointed by the president of the senate.
- 2           4. One senator, appointed by the senate minority leader.
- 3           5. Four persons who represent the interests of commercial mobile radio service
- 4 providers, as defined in s. 196.01 (2g), appointed by the governor.
- 5           6. Four persons who represent the interests of public agencies, as defined in s.
- 6 146.70 (1) (f), or public safety agencies, as defined in s. 146.70 (1) (g), that operate
- 7 public safety answering points, as defined in s. 146.70 (1) (gm), appointed by the
- 8 governor.

9           (b) The members appointed under par. (a) 5. and 6. shall serve 3–year terms  
10 and may not serve more than 2 consecutive terms.”.

11           **2.** Page 13, line 13: after that line insert:

12           “**SECTION 30b.** 20.143 (3) (je) of the statutes is created to read:

13           20.143 (3) (je) *Wireless 911 board general program operations.* Two and  
14 one–half percent of all moneys received under s. 146.70 (3m) (d) 3. for general  
15 program operations of the wireless 911 board, including contracting for audits under  
16 s. 146.70 (3m) (b) 5.

17           **SECTION 30d.** 20.143 (3) (jm) of the statutes is created to read:

18           20.143 (3) (jm) *Wireless provider grants.* Forty–eight and three–fourths  
19 percent of all moneys received under s. 146.70 (3m) (d) 3. for the wireless 911 board  
20 to make grants to wireless providers under s. 146.70 (3m) (b) 2. and to make transfers  
21 to the appropriation under par. (kv) as provided under s. 146.70 (3m) (b) 3.

22           **SECTION 30f.** 20.143 (3) (js) of the statutes is created to read:

23           20.143 (3) (js) *Public agency and wireless provider grants.* Forty–eight and  
24 three–fourths percent of all moneys received under s. 146.70 (3m) (d) 3. for the

1 wireless 911 board to make grants to public agencies under s. 146.70 (3m) (b) 1. and  
2 to wireless providers under s. 146.70 (3m) (b) 3.

3 **SECTION 30h.** 20.143 (3) (kv) of the statutes is created to read:

4 20.143 (3) (kv) *Public agency grants.* All moneys transferred from the  
5 appropriation account under par. (jm) for the wireless 911 board to make grants to  
6 public agencies under s. 146.70 (3m) (b) 1.”.

7 **3.** Page 139, line 16: after that line insert:

8 “**SECTION 233b.** 77.52 (2) (a) 5. of the statutes is renumbered 77.52 (2) (a) 5. a.  
9 and amended to read:

10 77.52 (2) (a) 5. a. The sale of telecommunications services, except services  
11 subject to 4 USC 116 to 126, as amended by P.L. 106–252, that either originate or  
12 terminate in this state; except services that are obtained by means of a toll-free  
13 number, that originate outside this state and that terminate in this state; and are  
14 charged to a service address in this state, regardless of the location where that charge  
15 is billed or paid; and the sale of the rights to purchase telecommunications services,  
16 including purchasing reauthorization numbers, by paying in advance and by using  
17 an access number and authorization code, except sales that are subject to subd. 5. b.

18 **SECTION 233c.** 77.52 (2) (a) 5. b. of the statutes is created to read:

19 77.52 (2) (a) 5. b. The sale of services subject to 4 USC 116 to 126, as amended  
20 by P.L. 106–252, if the customer’s place of primary use of the services is in this state,  
21 as determined under 4 USC 116 to 126, as amended by P.L. 106–252. For purposes  
22 of this subd. 5. b., all of the provisions of 4 USC 116 to 126, as amended by P.L.  
23 106–252, are adopted, except that if 4 USC 116 to 126, as amended by P.L. 106–252,  
24 or the application of 4 USC 116 to 126, as amended by P.L. 106–252, is found

1 unconstitutional the sale of telecommunications services is subject to the tax  
2 imposed under this section as provided in subd. 5. a.

3 **SECTION 233e.** 77.52 (3m) (intro.) of the statutes is amended to read:

4 77.52 (3m) (intro.) In regard to the sale of the rights to purchase  
5 telecommunications services under sub. (2) (a) 5. a.:

6 **SECTION 233f.** 77.52 (3n) of the statutes is created to read:

7 77.52 (3n) In regard to the sale of the rights to purchase telecommunications  
8 services under sub. (2) (a) 5. b., the situs of the sale is as determined under 4 USC  
9 116 to 126, as amended by P.L. 106–252.

10 **SECTION 233g.** 77.523 of the statutes is created to read:

11 **77.523 Customer remedy.** If a customer purchases a service that is subject  
12 to 4 USC 116 to 126, as amended by P.L. 106–252, and if the customer believes that  
13 the amount of the tax assessed for the service under this subchapter or the place of  
14 primary use or taxing jurisdiction assigned to the service is erroneous, the customer  
15 may request that the service provider correct the alleged error by sending a written  
16 notice to the service provider. The notice shall include a description of the alleged  
17 error, the street address for the customer's place of primary use of the service, the  
18 account name and number of the service for which the customer seeks a correction,  
19 and any other information that the service provider reasonably requires to process  
20 the request. Within 60 days from the date that a service provider receives a request  
21 under this section, the service provider shall review its records to determine the  
22 customer's taxing jurisdiction. If the review indicates that there is no error as  
23 alleged, the service provider shall explain the findings of the review in writing to the  
24 customer. If the review indicates that there is an error as alleged, the service  
25 provider shall correct the error and shall refund or credit the amount of any tax

1 collected erroneously, along with the related interest, as a result of the error from the  
2 customer in the previous 48 months, consistent with s. 77.59 (4). A customer may  
3 take no other action, or commence any action, to correct an alleged error in the  
4 amount of the tax assessed under this subchapter on a service that is subject to 4 USC  
5 116 to 126, as amended by P.L. 106–252, or to correct an alleged error in the assigned  
6 place of primary use or taxing jurisdiction, unless the customer has exhausted his  
7 or her remedies under this section.

8 **SECTION 233h.** 77.525 of the statutes is amended to read:

9 **77.525 Reduction to prevent double taxation.** Any person who is subject  
10 to the tax under s. 77.52 (2) (a) 5. a. on telecommunications services that terminate  
11 in this state and who has paid a similar tax on the same services to another state may  
12 reduce the amount of the tax remitted to this state by an amount equal to the similar  
13 tax properly paid to another state on those services or by the amount due this state  
14 on those services, whichever is less. That person shall refund proportionally to the  
15 persons to whom the tax under s. 77.52 (2) (a) 5. a. was passed on an amount equal  
16 to the amounts not remitted.

17 **SECTION 233j.** 77.54 (46m) of the statutes is created to read:

18 **77.54 (46m)** The gross receipts from the sale of and the storage, use, or other  
19 consumption of telecommunications services, if the telecommunications services are  
20 obtained by using the rights to purchase telecommunications services, including  
21 purchasing reauthorization numbers, by paying in advance and by using an access  
22 number and authorization code; and if the tax imposed under s. 77.52 or 77.53 was  
23 previously paid on the sale or purchase of such rights.

24 **SECTION 233k.** 77.72 (3) (b) of the statutes is amended to read:



1           77.72 (3) (b) *Exceptions.* ~~Communication~~ A communication service has a situs  
2 where the customer is billed for the service if the customer calls collect or pays by  
3 credit card. Services subject to s. 77.52 (2) (a) 5. b. have a situs at the customer's place  
4 of primary use of the services, as determined under 4 USC 116 to 126, as amended  
5 by P.L. 106-252. Towing services have a situs at the location to which the vehicle is  
6 delivered. Services performed on tangible personal property have a situs at the  
7 location where the property is delivered to the buyer.”.

8           **4.** Page 154, line 4: after that line insert:

9           “**SECTION 259m.** 93.01 (1r) of the statutes is created to read:

10           93.01 (1r) “Civil investigative demand” means a written document prepared  
11 by the department that is related to the enforcement of chs. 93 to 100 and that orders  
12 a person to do any of the following:

13           (a) Provide originals or copies of documents, records, or reports in the person’s  
14 custody.

15           (b) Answer specific questions submitted by the department in the form of  
16 written depositions, interrogatories, or requests for admissions.

17           (c) Allow employees of the department to review and copy documents, records,  
18 or reports in the person’s custody.”.

19           **5.** Page 154, line 17: after that line insert:

20           “**SECTION 259u.** 93.14 (1m) of the statutes is created to read:

21           93.14 (1m) (a) Any person who has been served with a department complaint,  
22 notice, order, or other process as authorized in s. 93.18 (5) shall be subject to the  
23 department’s authority and jurisdiction, as limited by par. (b).

1 (b) The department's jurisdiction may not exceed the jurisdiction granted to  
2 courts under s. 815.05.

3 **SECTION 259w.** 93.14 (3) of the statutes is amended to read:

4 93.14 (3) Any person who shall unlawfully fail to attend as a witness, fail to  
5 comply with a subpoena, order, or civil investigative demand, or refuse to testify may  
6 be coerced as provided in s. 885.12.

7 **SECTION 259x.** 93.15 (1) of the statutes is amended to read:

8 93.15 (1) The department may, by general or special order, require persons  
9 ~~engaged in business~~ to file with the department, at such time and in such manner  
10 as the department may direct, sworn or unsworn reports or sworn or unsworn  
11 answers in writing to specific questions, as to any matter which the department may  
12 investigate.

13 **SECTION 259y.** 93.15 (2) of the statutes is amended to read:

14 93.15 (2) The department or any of its authorized agents may have access to  
15 and may copy any document, or any part ~~thereof, which~~ of a document, that is in the  
16 possession or under the control of any person ~~engaged in business, if such~~ the  
17 document, or ~~such part thereof~~ of the document, is relevant to any matter ~~which that~~  
18 the department may investigate.”.

19 **6.** Page 155, line 13: after that line insert:

20 “**SECTION 263b.** 100.207 (1) of the statutes is renumbered 100.207 (1) (intro.)  
21 and amended to read:

22 100.207 (1) ~~DEFINITION~~ DEFINITIONS. (intro.) In this section,  
23 “telecommunications;

24 (b) “Telecommunications service” has the meaning given in s. 196.01 (9m).

1           **SECTION 263f.** 100.207 (1) (a) of the statutes is created to read:

2           100.207 (1) (a) “Telecommunications provider” has the meaning given in s.  
3 196.01 (8p).

4           **SECTION 263k.** 100.207 (1) (c) of the statutes is created to read:

5           100.207 (1) (c) “Telecommunications subscription” means a contract between  
6 a telecommunications provider and a customer for a telecommunications service that  
7 is always provided to the customer during each billing period.

8           **SECTION 263o.** 100.207 (3g) of the statutes is created to read:

9           100.207 (3g) BILLING FOR OTHER SERVICES. (a) A telecommunications provider  
10 may not bill a customer for any goods or services, other than telecommunications  
11 services, unless all of the following apply:

12           1. The telecommunications provider reasonably believes that the customer  
13 knowingly consented to the billing.

14           2. The telecommunications provider confirms with the customer, before  
15 providing the telecommunications service, that the customer knowingly consented  
16 to the billing.

17           (b) If a customer consents to being billed under par. (a), all of the following shall  
18 apply:

19           1. The telecommunications provider shall distinguish the billing for the other  
20 goods or services from the billing for the telecommunications service in a conspicuous  
21 manner. The department shall promulgate rules establishing requirements for  
22 complying with this subdivision.

23           2. The telecommunications provider shall provide a detailed itemized listing  
24 of the charges for the goods or services if requested to do so by the customer.

25           **SECTION 263s.** 100.207 (3m) of the statutes is created to read:

1           100.207 **(3m)** TELECOMMUNICATIONS SERVICE CONFIRMATION. (a) A  
2 telecommunications provider may not provide a telecommunications service to a  
3 customer unless all of the following apply:

4           1. The telecommunications provider reasonably believes that the customer  
5 knowingly consented to receive the service.

6           2. The telecommunications provider confirms with the customer, before  
7 providing the telecommunications service, that the customer knowingly consented  
8 to receive the service.

9           3. At the time that the telecommunications provider provides confirmation  
10 under subd. 2., the telecommunications provider informs the customer that he or she  
11 may, before the service is activated, withdraw his or her consent to receive the service  
12 and informs the customer of the manner by which that consent may be withdrawn.

13           (b) Paragraph (a) does not apply to basic local exchange service or long distance  
14 toll service or a telecommunications service that is provided as part of a  
15 telecommunications subscription.

16           **SECTION 263w.** 100.207 (5g) of the statutes is created to read:

17           100.207 **(5g)** RESTRICTIONS ON CONTRACTS. No telecommunications provider  
18 may place in a contract entered into with a customer located in this state a clause that  
19 provides that a law of a state other than this state applies to the parties or terms of  
20 the contract or the rights and remedies under the contract, unless the law of the other  
21 state is in conformity with the law of this state.

22           **SECTION 263y.** 100.207 (5m) of the statutes is created to read:

23           100.207 **(5m)** RECORD REQUIREMENTS. Any person who provides  
24 telecommunications service to any customer in this state shall maintain each billing

1 and collection record that is made in providing the telecommunications service for  
2 a period of 5 years beginning on the date that the record is made.”.

3 **7.** Page 172, line 3: after that line insert:

4 **“SECTION 335m.** 146.70 (3m) of the statutes is created to read:

5 146.70 (3m) WIRELESS PROVIDERS. (a) *Definitions.* In this subsection:

6 1. “Board” means the wireless 911 board.

7 2. “Federal wireless orders” means the orders of the federal communications  
8 commission regarding 911 emergency services for wireless telephone users in FCC  
9 docket no. 94–102.

10 3. “Wireless provider” means a commercial mobile radio service provider, as  
11 defined in s. 196.01 (2g), that is subject to the federal wireless orders.

12 4. “Wireless public safety answering point” means a facility to which a call on  
13 a wireless provider’s system is initially routed for response, and on which a public  
14 agency directly dispatches the appropriate emergency service provider, relays a  
15 message to the appropriate emergency service provider, or transfers the call to the  
16 appropriate emergency services provider.

17 (b) *Grants.* 1. From the appropriations under s. 20.143 (3) (js) and (kv), the  
18 board shall make grants to public agencies that operate public safety answering  
19 points for eligible expenses under par. (c). A public agency is eligible for a grant  
20 under this subdivision only if the board determines that the public agency has  
21 complied with the federal wireless orders and either is providing 911 emergency  
22 services for wireless telephone users or has begun to implement 911 emergency  
23 services for wireless telephone users that will be provided within 2 years after  
24 implementation has begun. The total amount in grants that a public agency may

1 receive under this subdivision may not exceed 50% of the public agency's total eligible  
2 expenses under par. (c).

3 2. From the appropriation under s. 20.143 (3) (jm), the board shall make grants  
4 to wireless providers for actual costs and expenses incurred by wireless providers in  
5 complying with the federal wireless orders, including costs and expenses for  
6 designing, upgrading, purchasing, leasing, programming, installing, testing,  
7 operating, and maintaining data, hardware, and software necessary to provide 911  
8 emergency services for wireless telephone users.

9 3. If the board determines that there are insufficient funds in the appropriation  
10 account under s. 20.143 (3) (jm) to make a grant under subd. 2., and the board has  
11 not paid a grant under subd. 1. or an installment under subd. 4. in the preceding 3  
12 months, the board may make the grant to the wireless provider from the  
13 appropriation account under s. 20.143 (3) (js). If the board makes a grant under this  
14 subdivision, the board shall, as soon as practicable, transfer moneys from the  
15 appropriation account under s. 20.143 (3) (jm) to the appropriation account under s.  
16 20.143 (3) (kv) in an amount equal to the amount of the grant.

17 4. If the board determines that there are insufficient funds in an appropriation  
18 to make a grant under this paragraph, the board may make the grant in  
19 installments.

20 5. The board shall contract for independent audits of applications for grants  
21 under this paragraph. An applicant shall provide an auditor with any relevant  
22 confidential business information.

23 (c) *Public agency eligible expenses.* 1. A public agency may receive a grant  
24 under par. (b) 1. for actual expenses that the public agency directly and primarily

1 incurred for leasing, purchasing, operating, or maintaining a wireless public safety  
2 answering point, including expenses for all of the following:

3 a. Necessary network equipment, computer hardware and software, database  
4 equipment, and radio and telephone equipment, that are located within the public  
5 safety answering point.

6 b. Training operators of a public safety answering point.

7 c. Network costs for delivery of calls from a wireless provider to a public safety  
8 answering point.

9 2. Except for expenses under subd. 1., a public agency may not receive a grant  
10 under par. (b) 1. for any of the following:

11 a. Emergency service dispatch, including personnel, training, equipment,  
12 software, records management, radio communications, and mobile data network  
13 systems.

14 b. Vehicles and equipment in vehicles.

15 c. Communications equipment and software used to communicate with  
16 vehicles.

17 d. Real estate and improvements to real estate, other than improvements  
18 necessary to maintain the security of a public safety answering point.

19 e. Salaries and benefits of operators of a public safety answering point.

20 (d) *Wireless surcharge.* 1. Each wireless provider shall impose a surcharge of  
21 50 cents per month for each telephone number that has a billable address in this state  
22 and shall identify the surcharge on a customer's bill on a separate line that is  
23 identified as "Wireless 911 Surcharge." The board may promulgate rules that  
24 increase or decrease the surcharge, except that the board may not increase the

1 surcharge more than once per year, any increase must be uniform statewide and may  
2 not exceed 10 cents, and the surcharge may not exceed \$1.

3 2. A wireless provider may not prorate the surcharge and shall collect the entire  
4 amount of the surcharge for a month of partial service.

5 3. The board shall promulgate rules establishing requirements for wireless  
6 providers to collect the surcharge from their customers beginning with the first bills  
7 issued after July 1, 2002. Except as provided in subd. 4., a wireless provider shall  
8 pay the surcharges to the board no more than 60 days after the end of the calendar  
9 month in which the surcharges are collected. The board shall bring an action to  
10 collect a surcharge that is not paid by a customer and the customer's wireless  
11 provider is not liable for the unpaid surcharge.

12 4. Wireless providers may retain 2% of the surcharges collected in fiscal year  
13 2002–03 for reimbursing costs related to collecting the surcharge, including  
14 reprogramming billing systems.

15 (e) *Confidentiality of information.* The board may withhold from public  
16 inspection any information that would aid a competitor of a wireless provider in  
17 competition with the wireless provider. The board shall establish procedures for  
18 internal management that prohibit members of the board from having access to  
19 confidential business information submitted by wireless providers.

20 (f) *Public information.* The board shall promulgate rules establishing  
21 requirements and procedures for informing the public about the purpose and uses  
22 of the surcharge required under this subsection. The rules shall require the board  
23 to maintain a toll-free telephone number to provide such information to the public  
24 and require wireless providers to identify the toll-free number on bills and direct  
25 customers to contact the board regarding questions about the surcharge.



1           (g) *Other charges prohibited.* No city, village, town, county, or state agency, as  
2 defined in s. 16.375 (1), except the board, may require a wireless provider to collect  
3 or pay a surcharge or fee related to wireless emergency telephone service.

4           (h) *Liability exemption.* A wireless provider shall not be liable to any person  
5 who uses a wireless emergency telephone number system for which a grant is made  
6 under par. (b).

7           (i) *Report to governor and legislature.* Annually, the board shall submit a report  
8 to the governor, and to the chief clerk of each house of the legislature for distribution  
9 to the legislature under s. 13.172 (2), that describes the costs incurred by wireless  
10 providers and public agencies in providing wireless emergency telephone service and  
11 the grants made by the board.

12           (j) *Board powers.* The board shall possess all powers necessary or convenient  
13 for administering the requirements of this subsection.

14           (k) *Sunset.* This subsection does not apply after the first day of the 120th month  
15 beginning after the effective date of this paragraph .... [revisor inserts date].”

16           **8.** Page 353, line 16: after that line insert:

17           “(1f) WIRELESS 911 SURCHARGE RULES.

18           (a) *Definition.* In this subsection, “board” means the wireless 911 board.

19           (b) *Board rules.* If all of the members of the board are appointed and qualified  
20 on July 1, 2002, the board shall, using the procedure under section 227.24 of the  
21 statutes, promulgate the rules under section 146.70 (3m) (d) 3. of the statutes, as  
22 created by this act, for the period before permanent rules become effective, but not  
23 to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes.  
24 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the board is not

1 required to provide evidence that promulgating a rule under this paragraph as an  
2 emergency rule is necessary for the preservation of the public peace, health, safety,  
3 or welfare and is not required to provide a finding of emergency for a rule  
4 promulgated under this paragraph.

5 (c) *Department of commerce rules.* Notwithstanding section 146.70 (3m) (d) 3.  
6 of the statutes, as created by this act, if all of the members of the board are not  
7 appointed and qualified on July 1, 2002, the department of commerce shall, using the  
8 procedure under section 227.24 of the statutes, promulgate the rules under section  
9 146.70 (3m) (d) 3. of the statutes, as created by this act, for the period before  
10 permanent rules become effective, but not to exceed the period authorized under  
11 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a),  
12 (2) (b), and (3) of the statutes, the department of commerce is not required to provide  
13 evidence that promulgating a rule under this paragraph as an emergency rule is  
14 necessary for the preservation of the public peace, health, safety, or welfare and is  
15 not required to provide a finding of emergency for a rule promulgated under this  
16 paragraph.

17 (2f) INITIAL MEMBERS OF WIRELESS 911 BOARD. Notwithstanding section 15.155 (5)  
18 (b) of the statutes, as created by this act, the initial members of the wireless 911 board  
19 under section 15.155 (5) (a) 5. and 6. of the statutes, as created by this act, shall be  
20 appointed to serve the following terms:

21 (a) One member appointed under section 15.155 (5) (a) 5. of the statutes, as  
22 created by this act, and one member appointed under section 15.155 (5) (a) 6. of the  
23 statutes, as created by this act, for terms expiring on May 1, 2004.

1 (b) One member appointed under section 15.155 (5) (a) 5. of the statutes, as  
2 created by this act, and one member appointed under section 15.155 (5) (a) 6. of the  
3 statutes, as created by this act, for terms expiring on May 1, 2005.

4 (c) One member appointed under section 15.155 (5) (a) 5. of the statutes, as  
5 created by this act, and one member appointed under section 15.155 (5) (a) 6. of the  
6 statutes, as created by this act, for terms expiring on May 1, 2006.

7 (d) One member appointed under section 15.155 (5) (a) 5. of the statutes, as  
8 created by this act, and one member appointed under section 15.155 (5) (a) 6. of the  
9 statutes, as created by this act, for terms expiring on May 1, 2007.

10 (3f) POSITION AUTHORIZATION. There is authorized for the wireless 911 board 1.0  
11 FTE PR position, to be funded from the appropriation under section 20.143 (3) (je)  
12 of the statutes, as created by this act, for the purpose of providing administrative  
13 services to the wireless 911 board.”

14 **9.** Page 437, line 6: after that line insert. 77.523,

15 “(1f) SALE OF MOBILE TELECOMMUNICATIONS SERVICES. The treatment of sections  
16 77.52 (3m) (intro.) and (3n), 77.525, and 77.72 (3) (b) of the statutes, the renumbering  
17 and amendment of section 77.52 (2) (a) 5. of the statutes, and the creation of section  
18 77.52 (2) (a) 5. b. of the statutes first apply to customer bills issued after August 1,  
19 2002.”

20 (END)

8/24/12  
JK hml

Date

Darin Renner and Drew Larson:

This draft adds a reference to s. 77.523, as created in the amendment, to the initial applicability section.

JK

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

LRBb2441/2dn  
JK:hmh:rs

March 13, 2002

Darin Renner and Drew Larson:

This draft adds a reference to s. 77.523, as created in the amendment, to the initial applicability section.

Joseph T. Kreye  
Legislative Attorney  
Phone: (608) 266-2263  
E-mail: [joseph.kreye@legis.state.wi.us](mailto:joseph.kreye@legis.state.wi.us)