

**2003 DRAFTING REQUEST**

**Bill**

Received: **09/16/2002**

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Robert Jauch (608) 266-3510**

By/Representing: **Adam Korbitz**

This file may be shown to any legislator: **NO**

Drafter: **mkunkel**

May Contact:

Addl. Drafters:

Subject: **Public Util. - telco  
Health - miscellaneous**

Extra Copies: **RJM (via e-mail)**

Submit via email: **YES**

Requester's email: **Sen.Jauch@legis.state.wi.us**

Carbon copy (CC:) to: **robert.marchant@legis.state.wi.us**

**Pre Topic:**

No specific pre topic given

**Topic:**

Emergency 911 telephone service

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			S&L
/P1	mkunkel 10/18/2002	csicilia 10/18/2002	rschluet 10/18/2002	_____	lkunkel 10/18/2002		S&L
/1	mkunkel 01/27/2003	csicilia 01/27/2003	rschluet 01/28/2003	_____	mbarman 01/28/2003	mbarman 01/30/2003	

*Sent for at intro*

Vers.      Drafted      Reviewed      Typed      Proofed      Submitted      Jacketed      Required

csicilia  
01/28/2003

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FE Sent For:

<END>

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		csicilia		_____			
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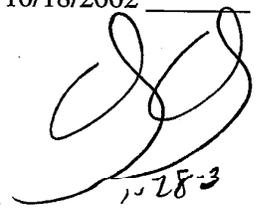
See Attached

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/P1	mkunkel 10/18/2002	csicilia 10/18/2002	rschluet 10/18/2002		lkunkel 10/18/2002		

FE Sent For:

*1 ejs 1/28 02*  
  
*10-28-02 PG*

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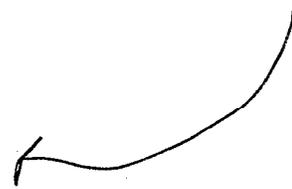
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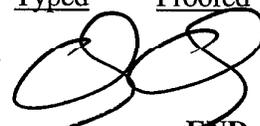
See Attached

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Vers.    Drafted    Reviewed    Typed    Proofed    Submitted    Jacketed    Required

FE Sent For:

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02  p6  
10-18-2  
<END>

-0045

**Kunkel, Mark**

---

**From:** Korbitz, Adam  
**Sent:** Friday, September 13, 2002 4:06 PM  
**To:** Kunkel, Mark  
**Subject:** FW: from Darin Renner -- LFB

Mark, this is what Bob would like to use as the basis for a new E911 draft. He is hoping to have something, at least a P draft, by the middle of October. Please let me know if that is a problem. Thanks, Adam.

-----Original Message-----

**From:** Hanson, Lori  
**Sent:** Tuesday, August 27, 2002 10:21 AM  
**To:** Korbitz, Adam  
**Subject:** from.Darin Renner -- LFB



Jauch.pdf



## Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

June 25, 2002

TO: Senator Robert Jauch  
Room 313 South, State Capitol

FROM: Darin Renner, Fiscal Analyst

SUBJECT: Proposed Senate Alternative Position on the Creation of a Wireless 911 Surcharge and a Wireless 911 Board

At your request, I have prepared a revised comparison of the differences between the two houses on the matters relating to the creation of a wireless 911 board and wireless 911 assessments [Public Service Commission, Item #2, page 65, of this office's April 12, 2002, Comparative Summary of Budget Recommendations].

The attached table provides a brief comparison of the major provisions of the revised Assembly (June 14, 2002) and Senate (June 25, 2002) proposals.

Please review this general summary carefully. If it does not reflect your current position, please do not hesitate to contact me with the necessary clarifications.

I hope this information is helpful.

DR/bh  
Attachment

ATTACHMENT 1

COMPARISON OF THE ASSEMBLY JUNE 14 POSITION AND A PROPOSED SENATE POSITION ON  
A WIRELESS 911 SURCHARGE AND A WIRELESS 911 BOARD

ASSEMBLY (June 14)	SENATE (JUNE 25)
<p><b>A. WIRELESS 911 BOARD</b></p> <p><u>Board Established</u></p> <ul style="list-style-type: none"> <li>• Attach the 12-member Board administratively to the Department of Administration (DCA), rather than to the Department of Commerce. ✓</li> </ul> <p><u>Board Membership and Appointment</u></p> <ul style="list-style-type: none"> <li>• Specify that the Board would be comprised of the following members: (1) one representative, appointed by the Speaker of the Assembly; (2) one representative, appointed by the Assembly minority leader; (3) one senator, appointed by the President of the Senate; (4) one senator, appointed by the Senate minority leader; (5) four members who represent wireless telecommunications providers and who are appointed by the Governor; and (6) four members who represent public agencies that operate emergency telephone service systems and who are appointed by the Governor. [Appointees of the Governor would not require Senate confirmation.]</li> </ul> <p><u>Board Terms</u></p> <ul style="list-style-type: none"> <li>• Provide that the Board's public members would serve three-year terms, and could not serve more than two consecutive terms. Establish staggered, initial terms for the first public members appointed to the Board. ✓</li> </ul>	<ul style="list-style-type: none"> <li>• Same treatment</li> <li>• Same treatment.</li> <li>• Same treatment.</li> </ul>

ASSEMBLY (June 14)	SENATE (JUNE 25)
<p><b>B. WIRELESS 911 SURCHARGE</b></p> <p><u>Monthly Surcharge</u></p> <ul style="list-style-type: none"> <li>Require wireless telecommunications providers to impose a \$0.50 surcharge on each wireless telephone number that has a billable address in the state and to remit this surcharge to the Board. Specify that the surcharge would have to be paid to the Board no more than 60 days after the end of the calendar month in which the surcharge is collected. [It is estimated that a \$0.50 monthly fee would generate \$9,000,000 annually.]</li> </ul> <p><u>Identification of Surcharge on Bills</u></p> <ul style="list-style-type: none"> <li>Direct the wireless telecommunications provider to identify the surcharge on the customer's bill as a "Wireless 911 Surcharge" and direct that the surcharge first be imposed on bills issued after July 1, 2002.</li> </ul> <p><u>Other Wireless Emergency Telephone Service Surcharges Prohibited</u></p> <ul style="list-style-type: none"> <li>Prohibit cities, villages, towns, counties, and other state agencies from requiring wireless telecommunications providers to collect or pay a surcharge or fee related to wireless emergency telephone service.</li> </ul> <p><u>Exemptions from Surcharge</u></p> <ul style="list-style-type: none"> <li>No provision.</li> </ul>	<p>75</p> <ul style="list-style-type: none"> <li>Increase the amount of the surcharge to \$0.70 on each wireless telephone number. Authorize DOA to require wireless providers to report to the Department the number of all in-service numbers by municipality based on billing addresses. Specify that the surcharge would have to be paid to the Board no later than 60 days after the calendar month in which the surcharge is collected. [It is estimated that a \$0.70 monthly fee would generate \$12,600,000 annually.]</li> <li>Modify the provision to direct that the surcharge first be imposed on bills issued 90 days after the general effective date of the act.</li> <li>Same treatment.</li> </ul> <p>per the 5/11 supplement</p> <ul style="list-style-type: none"> <li>Exempt from the application of the wireless 911 surcharge any telephone equipment with a billable address to a county, town, village or city that operates a public safety answering point (PSAP).</li> </ul>
<p><b>C. ALLOCATION OF SURCHARGE REVENUES</b></p> <p><u>Appropriations</u></p> <ul style="list-style-type: none"> <li>Create three PR-funded, continuing appropriations under DOA [Board operations; provider distributions; and public agency distributions] to which the wireless assessment revenues would be credited.</li> </ul>	<ul style="list-style-type: none"> <li>Modify the Assembly provision to include a fourth PR-funded appropriation for supplemental grants.</li> </ul>

SENATE (JUNE 25)	ASSEMBLY (June 14)
<p><b>Funding Distribution</b></p> <ul style="list-style-type: none"> <li>Specify that 35%, rather than 49.5%, of the assessment amounts collected would be distributed to wireless providers.</li> <li>Specify that 62%, rather than 49.5%, of the assessment amounts collected would be distributed to public agencies based upon the portion of in-service wireless telephone numbers that are in each municipality. Require the Department to deposit any unallocated funds from this appropriation into the supplemental grants appropriation.</li> <li>Same treatment.</li> </ul>	<ul style="list-style-type: none"> <li>Specify that 49.5% of the assessment amounts received by the Board would be used to fund grants to wireless providers.</li> <li>Specify that 49.5% of the assessment amounts received by the Board would be used to fund grants to public agencies.</li> <li>Specify that 1.0% of the assessment amounts received by the Board would be used to fund the Board's general program operations.</li> <li>No provision.</li> <li>No provision.</li> </ul>
<ul style="list-style-type: none"> <li>Specify that, beginning October 1, 2004, 2% of the assessment amounts collected would be deposited in the supplemental grants appropriation for grant distribution to underserved areas or areas that have inadequate funding due to an inadequate number of in-service telephone numbers, as determined by the Board.</li> <li>Require the Department to distribute these funds to providers and to eligible public agencies on January 1, and July 1, of each year.</li> </ul> <p><i>2 / 100%</i></p> <p><i>why not the board? - see notes</i></p>	<p><b>Special Start-up Allocation</b></p> <ul style="list-style-type: none"> <li>Stipulate that during the 2002-03 and 2003-04 fiscal year, the wireless telecommunications provider may retain 2% of the total amounts surcharged for reimbursing the initial start-up costs associated with collecting the surcharge.</li> </ul>
<ul style="list-style-type: none"> <li>Specify that from October 1, 2002, through September 30, 2004, the wireless telecommunications provider may retain 2% of the total amounts collected.</li> </ul>	<p><i>Current FY is July 1, 2002 - 03</i></p> <p><i>Separately</i></p>

**D. GRANTS**

Grants to Providers

- Require the Board to make grants from the wireless surcharge revenues apportioned to the wireless telecommunications provider grants appropriation account. Specify that a wireless telecommunications provider would be eligible for a grant from the Board if the provider is subject to orders of the Federal Communications Commission (FCC) regarding wireless 911 emergency telephone service.

Public Agency Initial Funding Eligibility Requirements

- No provision.

Grants to Public Agencies

- Require the Board to make grants from the wireless surcharge revenues apportioned to the public agency grants appropriation account. Specify that funds would be distributed to counties. Authorize counties to allocate the grant funds to other public agencies in the county or to retain the funds in order to consolidate 911 emergency services in the county. A public agency would be eligible for a grant only if the Board determines that the agency is providing or has begun to implement 911 emergency services for wireless users and the agency has complied with the FCC's orders.

- Require DOA to distribute the wireless surcharge revenues apportioned to the wireless provider account to the provider based on the proportion of service addresses served by the provider to all service addresses in the state. ["Service address" is the customer's place of primary use defined as the street address representative of where the customer's use of the wireless service primarily occurs, and is the residential street address or the primary business street address of the customer within the licensed service area of the wireless provider offering the service.]

- Between January 1, 2003, and July 1, 2005, before a public agency may receive a funding allocation, the governing body of a municipality or county that operates a public service answering point must adopt a resolution stating its intent to provide emergency 911 wireless telephone services within two years. The resolution shall contain a timeline for the planning design and issuance of a request for proposal to purchase the necessary equipment to implement the provision of emergency 911 telephone services.

- For public agencies that have complied with the initial funding eligibility requirement, direct DOA to distribute the wireless surcharge revenues apportioned to the public agency account based on the portion of in-service wireless telephone numbers that are in each municipality. Require the Department to determine the number of in-service wireless numbers by municipality on June 1 of each year. Require the initial determination to be completed by December 1, 2002.

- *In counties with municipal PSAPs only*, each public agency operating an eligible municipal PSAP would receive an allocation equal to the proportion of the number of in-service wireless numbers in the municipality to all such numbers in the state multiplied by the annual allocation amount for public agencies.

- *In counties with only a county PSAP*, the eligible county PSAP would receive an allocation equal to the proportion of the number of in-service wireless numbers in the municipalities served to all such numbers in the state multiplied by the annual allocation amount for public agencies.

- *In a county with a population of 500,000 or less with a PSAP and with one or more municipal PSAPs*, each public agency operating an eligible municipal PSAP would receive an allocation equal to the proportion of the number of in-service wireless numbers in the municipality to all such numbers in the state multiplied by the annual allocation amount for public agencies, and the county PSAP would receive an allocation equal to the proportion of the number of in-service wireless numbers in the municipalities served only by the county to all such numbers in the state multiplied by the annual allocation amount for public agencies.

- *In a county with a population of more than 500,000*, specify that an amount equal to 93% of the amounts that would otherwise be allocated to eligible municipal PSAPs would be distributed to such entities and 7% of the amounts otherwise allocable to such municipalities would be distributed to the county PSAP.

- Stipulate that the funds otherwise available to public agencies through the 2005 calendar year that were not distributed during a year because the governing body of a municipality or a county that operates a PSAP did not file the required initial resolution with the Board would be transferred to the supplemental grant appropriation. Commencing October 1, 2004, 2% of all wireless surcharge amounts would also be credited to this appropriation on an on-going basis.

DENOMINATOR  
 SHOULD BE  
 # wireless phone #s  
 in state  
 served by PSAs  
 operated by noncounty  
 munis +  
 operated by  
 counties w/ less  
 500K or less  
 pop.

Supplemental Grants

- No provision.

SENATE (JUNE 25)	SENATE (JUNE 25)
<p>ASSEMBLY (June 14)</p> <ul style="list-style-type: none"> <li>No provision.</li> </ul>	<ul style="list-style-type: none"> <li>Direct DOA, in consultation with the Board, to establish a supplemental grant program, funded from the supplemental grant appropriation, to provide grants to wireless PSAPs that have either a high cost for providing wireless 911 emergency services or are in an area with low or underserved wireless telecommunications services.</li> </ul>
<p><u>Reallocation of Funds; Installment Payments</u></p> <ul style="list-style-type: none"> <li>Specify that if there are insufficient funds to support a grant to a wireless telecommunications provider, the Board would be authorized to fund the grant from the public agencies appropriation account; however, that appropriation account would have to be made whole from assessment revenues as soon as practicable.</li> <li>Authorize the Board to make grants in installments, if there are insufficient funds in a surcharge account.</li> </ul>	<ul style="list-style-type: none"> <li>No provision. Grants converted to pass-through allocations. <i>meaning? → no discretion re: amt, b/c amt, based on %?</i></li> <li>No provision. Grants converted to pass-through allocations.</li> </ul>
<p><b>E. ELIGIBLE EXPENSES</b></p> <p><u>Wireless Providers</u></p> <ul style="list-style-type: none"> <li>Specify that eligible grant expenses for a wireless provider would include the designing, upgrading, purchasing, leasing, programming, installing, or testing of equipment and software necessary to comply with the FCC orders.</li> </ul> <p><u>Public Agencies</u></p> <ul style="list-style-type: none"> <li>Specify that eligible grant expenses for public agencies would include: (a) necessary network equipment, computer hardware and software, database equipment and radio and telephone equipment at the public safety answering point; (b) training of agency operators; and (c) network costs for the delivery of calls from a wireless provider to the public safety answering point.</li> <li>No provision.</li> </ul>	<ul style="list-style-type: none"> <li>Similar treatment, modified to reflect the fact that funds would be allocated on a pass-through basis, rather than being in the form of grants. <i>modifier so that funds may only be used for those purposes</i></li> <li>Similar treatment, modified to reflect the fact that funds would be allocated on a pass-through basis rather than being in the form of grants.</li> <li>Newly authorize public agencies to utilize funding for salaries and fringe benefits of operators of a public safety answering point.</li> </ul>

ASSEMBLY (June 14)	SENATE (JUNE 25)
<p><b>F. PROHIBITED USES OF FUNDS</b></p> <p><u>Public Agencies</u></p> <ul style="list-style-type: none"> <li>Prohibit a public agency from using grant funds for emergency service dispatch, vehicles and equipment in vehicles, communications equipment to communicate with vehicles, real estate and associated improvements or salaries and fringe benefits of operators. ✓</li> </ul> <p><u>Maximum Public Agency Funding</u></p> <ul style="list-style-type: none"> <li>Stipulate that the grants could not fund more than 50% of a public agency's eligible expenses enumerated above.</li> </ul>	<ul style="list-style-type: none"> <li>Similar treatment, modified to reflect the fact that funds would be allocated on a pass-through basis rather than being in the form of grants. ✓</li> <li>Delete prohibition on the use of funds for salaries and fringe benefits. ✓</li> <li>No provision. ✓</li> </ul>
<p><b>G. CONSOLIDATION PLAN</b></p> <p><u>Consolidation Plan Required as a Condition for the Continued Receipt of Funds</u></p> <ul style="list-style-type: none"> <li>No provision.</li> </ul>	<ul style="list-style-type: none"> <li>Require all public agencies within a county to jointly approve a consolidation plan and submit the plan to the Board in order to receive any surcharge allocations on or after January 1, 2006.</li> <li>Direct DOA, in consultation with the Board, to specify by rule the minimum contents of PSAP consolidation plans [wireless and land-line]. Specify that the rule must (1) require identification of the most cost effective combination of county and municipal wireless PSAPs in the county; and (2) be submitted to the Legislative Council Rules Clearinghouse by February 1, 2003.</li> <li>Authorize two or more counties to jointly operate a PSAP if the counties have submitted a plan (for the release of public agency funds) to DOA based on this consolidation.</li> </ul>

**H. COUNTY RECORD KEEPING**

Emergency telephone systems account

- No provision.

- Require wireless communications providers to keep accurate and complete books and records of each transaction or activity which requires the person to collect and remit or to pay the fee imposed by this provision, including all original source documents for a minimum of three years. Specify that, all such books and records shall, at all reasonable times during business hours of the day, be open to inspection by the Department. Require all interest accrued in the account to be used for wireless 911 services.

**I. DEPARTMENT AND BOARD DUTIES AND MISCELLANEOUS PROVISIONS**

Administrative Rules

- Direct DOA, in consultation with the Board, to promulgate administrative rules establishing requirements and procedures for informing the public about the uses of the surcharge and requiring that the Board maintain a toll-free number to provide the information. Specify that the rules direct wireless providers to include the Board's toll-free number on its customer bills. In the event that all the members of the new Board are not appointed and qualified before July 1, 2002, authorize DOA to promulgate emergency rules establishing the wireless surcharge. If the Board is operational by that date, authorize it to establish the commencement of the wireless surcharge by emergency rule. In either case, a finding of an emergency would not be required.

Independent Audits

- Require DOA to contract for independent audits of grant applications.

- Same treatment.

Confidential Information

• Require the Board to establish procedures that prohibits members of the Board from having access to confidential business information submitted by wireless telecommunications providers. Authorize the Board to withhold from public inspection any information the Board receives that would aid the competitor of a wireless provider.

Liability of Wireless Providers

• Specify that a wireless provider would not be liable to any person who uses a wireless emergency telephone number system for which a grant has been provided.

Authority to Increase Surcharge Amount

• Authorize DOA, in consultation with the Board, to promulgate rules establishing the commencement of the wireless surcharge and the manner of its payment to the Board.

• Authorize the Board to increase or decrease the amount of the wireless 911 surcharge by rule, except that the Board could not increase the surcharge more than once during a year.

• Specify that any annual increase must be uniform statewide and could not exceed \$0.10. Prohibits a Board modified surcharge from exceeding \$1 per telephone number per month.

Annual Report

• Require DOA and the Board to jointly submit an annual report to the Governor and to the Legislature that describes the costs incurred by wireless providers and public agencies in providing wireless 911 service and the grants made by the Board.

• Same treatment. ✓

• Same treatment. ✓

• Same treatment.

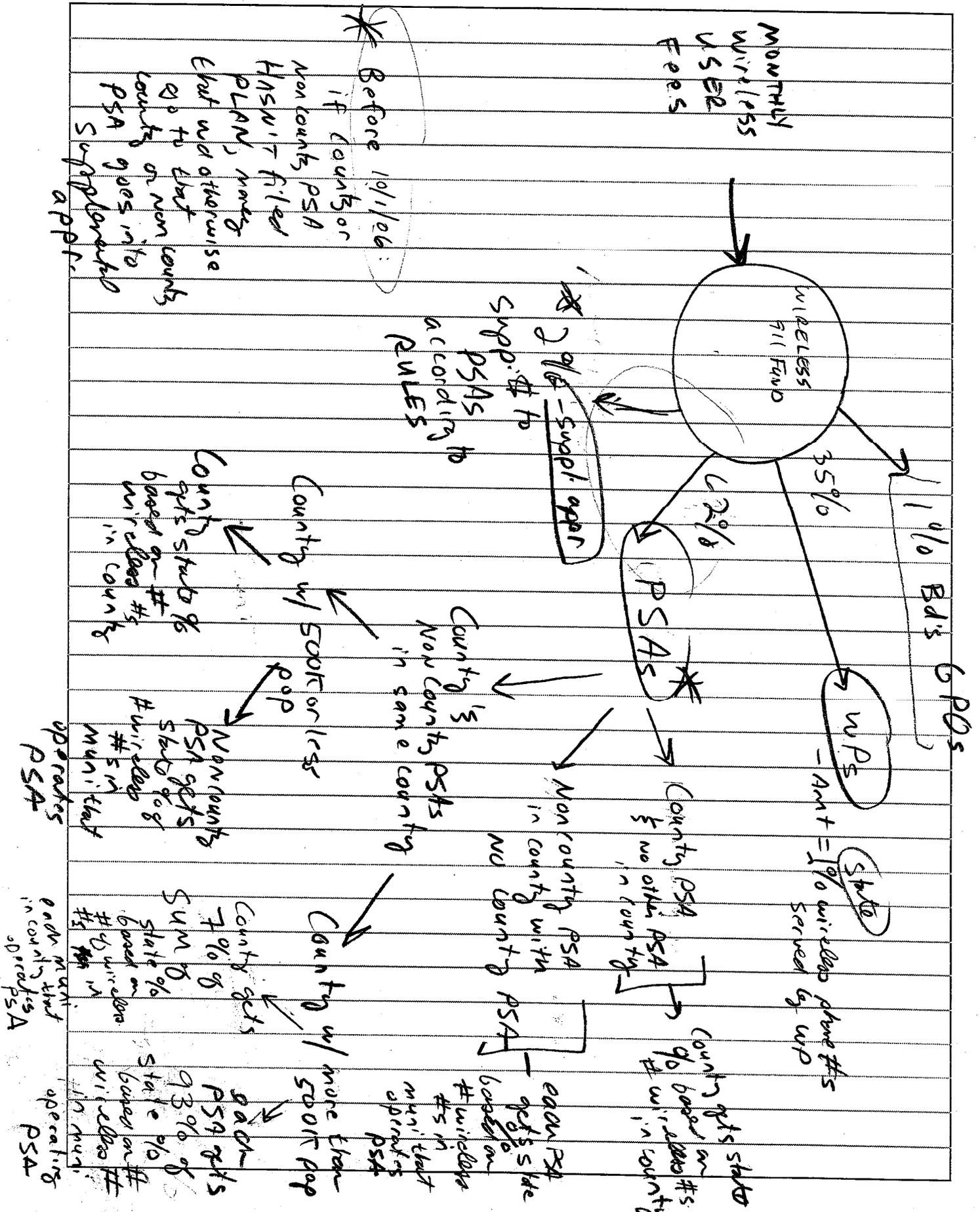
• Same treatment.

• Modify provision by capping the maximum surcharge at \$0.70 per telephone number per month.

• Same treatment. ✓

75

SENATE (JUNE 25)	ASSEMBLY (June 14)
<ul style="list-style-type: none"> <li>• No provision. ✓</li> </ul>	<p><b>J. SUNSET PROVISION</b></p> <p><u>10-Year Sunset</u></p> <ul style="list-style-type: none"> <li>• Specify that the wireless 911 surcharge, the Wireless 911 Board and the associated grant programs would sunset on the first day of the 120th month beginning after the bill's effective date.</li> </ul>





State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-0045/P1

MDK: A:...

gjs

D-NOTE

SAV  
K-ruff  
owl

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Today by  
3 PM,  
if possible

Gen Cost

wireless  
911

1 AN ACT relating to: creating a wireless 911 board and fund, imposing a  
2 surcharge on wireless telephone customers, making grants for emergency 911  
3 wireless service, providing an exemption from emergency rule procedures,  
4 granting rule-making authority, and making appropriations. ✓  
✓  
✓

**Analysis by the Legislative Reference Bureau**

This is a preliminary draft. An analysis will be prepared for a subsequent version of the draft.

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

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

5 SECTION 1. 15.105 (28) of the statutes is created to read:

6 15.105 (28) (1) WIRELESS 911 BOARD. (a) There is created a wireless 911 board  
7 attached to the department of administration under s. 15.03 consisting of the  
8 following members:

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

3           2. One representative to the assembly, appointed by the assembly minority  
4 leader.

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

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

7           5. Four persons who represent the interests of wireless providers, as defined  
8 in s. 146.70 (3m) (a) 3., appointed by the governor. ✓

9           6. Four persons who represent the interests of cities, villages, towns, or  
10 counties that operate public safety answering points, as defined in s. 146.70 (1) (gm),  
11 appointed by the governor. ✓

\*\*\*\*NOTE: The instructions impose some duties on DOA and other duties on the board. Why not impose all duties on the board, which is attached to DOA and will receive administrative support from DOA? In this draft, I gave all duties to the board. If there are some duties that you want to give to DOA instead, let me know. ✓

\*\*\*\*NOTE: The prior versions of this draft referred to persons who represent "public agencies". However, note that "public agency" is defined to include state agencies that provide emergency services, in addition to cities, villages, towns, and counties. Because the board makes grants to cities, villages, towns, and counties, and not to state agencies, isn't it appropriate to limit board membership to cities, villages, towns, and counties that operate public safety answering points (PSAPs)? ✓

\*\*\*\*NOTE: Should the members be limited to operators of *wireless* PSAPs, as defined in s. 146.70 (3m) (a) 4.? Or is the broader reference to any public safety operating point okay? ✓

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

14           **SECTION 2.** 20.505 (4) (h) of the statutes is amended to read:

15           20.505 (4) (h) *Program services.* The amounts in the schedule to carry out the  
16 responsibilities of divisions, commissions, and boards attached to the department of  
17 administration, other than the board on aging and long-term care, the adolescent  
18 pregnancy prevention and pregnancy services board, and the public records board,

1 and the wireless 911 board, and to carry out the responsibilities of special and ✓  
 2 executive committees. All moneys received from fees which are authorized by law  
 3 or administrative rule to be collected by any division, board or commission attached  
 4 to the department, other than the board on aging and long-term care, the adolescent  
 5 pregnancy prevention and pregnancy services board, and the public records board,  
 6 and the wireless 911 board, and all moneys received from fees that are authorized  
 7 by law or executive order to be collected by any special or executive committee shall  
 8 be credited to this appropriation account and used to carry out the purposes for which  
 9 collected.

History: 1971 c. 108, 125, 215; 1971 c. 270 s. 104; 1973 c. 90 and supp., 137, 305; 1975 c. 39 ss. 179 to 184f, 735 (5); 1975 Ex. Order No. 24; 1975 c. 224, 397; 1977 c. 29; 1977 c. 196 ss. 70, 131; 1977 c. 377 s. 30; 1977 c. 418 s. 929 (1), (55); 1979 c. 32 s. 92 (5); 1979 c. 34, 175, 221; 1979 c. 355 s. 241; 1979 c. 361; 1981 c. 20 ss. 400b to 421, 2202 (57) (b); 1981 c. 44 s. 3; 1981 c. 62, 121; 1981 c. 202 s. 23; 1981 c. 314, 374, 391; 1983 a. 27 ss. 439 to 456, 2202 (1); 1983 a. 36, 187, 282, 371, 393; 1985 a. 29, 31, 57, 120, 296, 297, 332; 1987 a. 27 ss. 296n, 296q, 297b, 297d, 299a to 299r, 300a, 301a, 418 to 432; 1987 a. 142, 147, 342, 399; 1989 a. 31, 56, 107, 122, 336, 339, 345, 366; 1991 a. 39 s. 469, 593q to 614; 1991 a. 105, 269, 315; 1993 a. 16 ss. 470g, 470m, 470r, 488 to 506m; 1993 a. 35, 75, 193, 349, 358, 374, 414, 437, 477, 491; 1995 a. 27, 56, 201, 216, 225, 227, 370, 403; 1997 a. 3; 1997 a. 27 ss. 199, 227 to 229m, 233, 666g to 692; 1997 a. 237, 283; 1999 a. 5, 9, 24, 52, 105, 113, 148, 185; 2001 a. 16 ss. 684d, 685d, 800 to 905; 2001 a. 104, 109.

10 SECTION 3. 20.505 (4) (qb) of the statutes is created to read:

11 20.505 (4) (qb) *Wireless 911 board; general program operations.* A sum  
 12 sufficient not to exceed one percent of all moneys received under s. 146.70 (3m) (f) 3. ✓  
 13 for general program operations of the wireless 911 board, including contracting for  
 14 audits under s. 146.70 (3m) (e).

\*\*\*\*NOTE: The language provides "not to exceed" 1%, rather than "equal to" 1%, because the board may have actual expenses that are less than 1%.

15 SECTION 4. 20.505 (4) (qe) of the statutes is created to read:

16 20.505 (4) (qe) *Wireless 911 board; wireless provider grants.* A sum sufficient  
 17 not to exceed thirty-five percent of all moneys received under s. 146.70 (3m) (f) 3. ✓  
 18 the wireless 911 board to make grants to wireless providers under s. 146.70 (3m) (d). ✓

\*\*\*\*NOTE: See the NOTE following s. 146.70 (3m) (b) 1. (intro.) for an explanation why the appropriations that are created refer to a sum sufficient "not to exceed" a specified percentage, rather than a sum sufficient equal to a specified percentage.

19 SECTION 5. 20.505 (4) (qm) of the statutes is created to read:

1%

From the wireless 911 fund,

35%

From the wireless 911 fund,

64%

1           20.505 (4) (qm) *Wireless 911 board; local government grants.* A sum sufficient  
 2 not to exceed sixty-four percent of all moneys received under s. 146.70 (3m) (f) 3. for  
 3 the wireless 911 board to make grants to cities, villages, towns, and counties under  
 4 s. 146.70 (3m) (b) and (c). This paragraph does not apply after October 1, 2006.

\*\*\*\*NOTE: I don't think it's necessary to create a separate appropriation for the local government supplemental grants until October 1, 2006. Before that date, both the semiannual and supplemental grants can be made from the same appropriation.

5           **SECTION 6.** 20.505 (4) (qp) of the statutes is created to read:

6           20.505 (4) (qp) *Wireless 911 board; local government semiannual grants.* A sum  
 7 sufficient not to exceed sixty-two percent of all moneys received under s. 146.70 (3m)  
 8 (f) 3. for the wireless 911 board to make grants to cities, villages, towns, and counties  
 9 under s. 146.70 (3m) (b).

62%

\*\*\*\*NOTE: The appropriation above is not effective until October 1, 2006.

From the wireless 911 funds  
<use 3x>

10          **SECTION 7.** 20.505 (4) (qs) of the statutes is created to read:

11          20.505 (4) (qs) *Wireless 911 board; local government supplemental grants.* A  
 12 sum sufficient not to exceed two percent of all moneys received under s. 146.70 (3m)  
 13 (f) 3. for the wireless 911 board to make grants to cities, villages, towns, and counties  
 14 under s. 146.70 (3m) (c).

2%

\*\*\*\*NOTE: The appropriation above is not effective until October 1, 2006.

15          **SECTION 8.** 25.17 (1) (yo) of the statutes is created to read:

16          25.17 (1) (yo) *Wireless 911 fund (s.25.98);*

17          **SECTION 9.** 25.98 of the statutes is created to read:

18          **25.98 Wireless 911 fund.** There is established a separate nonlapsible trust  
 19 fund designated as the wireless 911 fund, consisting of deposits by the wireless 911  
 20 board under s. 146.70 (3m) (f) 3.

\*\*\*\*NOTE: A segregated fund is created because you want the interest on the surcharges to be used for grants. If you don't create a segregated fund, the interest would accrue to the general fund.

1 SECTION 10. 146.70 (3m) of the statutes is created to read:

2 146.70 (3m) WIRELESS PROVIDERS. (a) *Definitions*. In this subsection:

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

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

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

9 4. "Wireless public safety answering point" means a facility to which a call on  
10 a wireless provider's system is initially routed for response, and on which a public  
11 agency directly dispatches the appropriate emergency service provider, relays a  
12 message to the appropriate emergency service provider, or transfers the call to the  
13 appropriate emergency services provider.

14 (b) *Local government semiannual grants*. 1. 'Eligibility for grants.' From the  
15 appropriation under s. 20.505 (4) (qm), the board shall make semiannual grants to  
16 cities, villages, towns, and counties that operate public safety answering points for  
17 the uses allowed under subd. 3. The board shall award no more than 64% of all  
18 moneys received under par. (f) 3. in grants under this paragraph and par. (c). A city,  
19 village, town, or county may receive a grant under this paragraph only if all of the  
20 following are satisfied:

\*\*\*\*NOTE: The draft requires that "no more than" specified percentages are paid for the different types of grants to avoid a logical problem that would result from requiring the board to pay exactly a specified percentage. The problem arises because local governments have to meet certain requirements to receive the grants. What if none, or only a small number, of local governments meet these requirements? On one hand you would require the board to pay a specific amount of money in grants, but on the other hand, you would restrict the amount that may actually be paid in grants. I think this problem is avoided if you require "no more than" a specified percentage in grants. As a result, the board could pay less than the specified percentage if only a small number of local governments actually qualify for the grants.

\*\*\*\*NOTE: The instructions state that the grants should be made on January 1 and July 1 of each year. I made the grants semiannual to give the board some flexibility on the timing of the grants because it might not be possible for the board to make all of the grants on a specific day. ✓

1 a. The governing body, as defined in s. 66.0309 (1) (a), of the city, village, town, ✓  
 2 or county has adopted a resolution stating the intent of the city, village, town, or  
 3 county to provide emergency 911 wireless service within 2 years after the effective  
 4 date of the resolution and including a schedule for planning, designing, and issuing  
 5 requests for proposals for facilities and equipment that are necessary for providing  
 6 emergency 911 wireless service. ✓

\*\*\*\*NOTE: "Emergency 911 wireless service" is not defined in this draft or prior versions of the draft. Is there a potential for confusion regarding its meaning? If so, a definition should be included. I will review the FCC regulations and orders to determine whether a federal definition is available. ✓

\*\*\*\*NOTE: What if a local government adopts <sup>(a)</sup> resolution but doesn't carry it out? Should the draft make such a local government ineligible for a grant, or provide some other penalty? Or should the draft include other requirements for ensuring that the resolution is carried out? ✓

7 b. Each public agency that operates a wireless public safety answering point  
 8 in the county, if the county is the recipient of the grant, or in the county in which the  
 9 city, village, or town is located, if the city, village, or town is the recipient of the grant,  
 10 has jointly submitted a plan to the board for combining all emergency 911 wireless  
 11 services in the county in the most cost-effective manner. The board shall promulgate  
 12 rules specifying the minimum requirements for plans required under this subd. 1. ✓

13 b. This subd. 1. b. applies to grants made on or after January 1, 2008.

\*\*\*\*NOTE: Should the reference to public agencies be modified to refer only to public agencies that are cities, villages, towns, or counties? ✓

\*\*\*\*NOTE: Should the board be required to approve the plan before a grant is made? ✓

\*\*\*\*NOTE: Is the limitation to *wireless* PSAPs okay? ✓

14 c. If the recipient of the grant is a county that jointly operates a wireless public  
 15 safety answering point with another county, all of the counties that jointly operate  
 16 the wireless public safety answering point have submitted a plan to the board for

1 combining the emergency 911 wireless services provided by all of the counties in the  
2 most cost-effective manner. The board shall promulgate rules specifying the  
3 minimum requirements for plans required under this subd. 1. c. This subd. 1. c.  
4 applies to grants made on or after January 1, 2008.

\*\*\*\*NOTE: Should the board be required to approve the plan before a grant is made? ✓

\*\*\*\*NOTE: I'm assuming that you want to impose requirements on the joint  
operation of wireless PSAPs by counties only if the counties want to receive grants. If you  
want to impose other requirements on the joint operation of wireless PSAPs by counties,  
other changes to s. 146.70, stats., might be necessary. ✓

\*\*\*\*NOTE: As drafted, a county that jointly operates a wireless PSAP is allowed to  
receive a grant before January 1, 2008, even if the county does not intend to submit a plan.  
Is that okay? ✓

\*\*\*\*NOTE: Is the limitation to wireless PSAPs okay? ✓

5 2. 'Grant amounts.' a. Except as provided in subd. 2. b., grants to cities,  
6 villages, towns, and counties under this paragraph shall be awarded in amounts  
7 directly proportional to the percentage of in-service wireless telephone numbers in  
8 this state that are located in the city, village, town, or county that receives the grant.  
9 The board shall annually determine the number of in-service wireless telephone  
10 numbers in each city, village, town, or county in this state. For purposes of this subd.  
11 2. a., an in-service wireless telephone number is considered to be located in a city,  
12 village, town, or county if the primary billing address for the telephone number is  
13 located in the city, village, town, or county.

\*\*\*\*NOTE: The instructions impose a June 1 deadline for determining the numbers  
of in-service wireless telephone numbers. I made the deadline annual to make this  
requirement consistent with the flexibility I gave to the board to make semiannual  
grants. However, note that an initial deadline for making the determination is included  
in SECTION 10 (4) of this draft.

\*\*\*\*NOTE: The board's authority to obtain information from wireless providers to  
make the determination regarding in-service wireless numbers is set forth below in s.  
146.70 (3m) (L).

14 b. If a county has a population of more than 500,000, a grant to the city, village,  
15 or town in that county under this paragraph shall be equal to 93% of the amount  
16 determined under subd. 2. a. for that city, village, or town, and the grant awarded

use  
auto ref  
"A"  
use  
auto ref  
"B"

1 to the county shall be an amount equal to 7% of the total amount determined under  
2 subd. 2. a. for all cities, villages, and towns in that county.

\*\*\*\*NOTE: I'm not sure why the exception should apply only to counties with populations over 500,000. Shouldn't the exception be drafted to apply in counties where both the county and a city, village, or town in the county provide emergency 911 wireless service in the same area? Isn't the problem that, in such an area, it's not appropriate to use the number of in-service wireless telephone numbers as a basis for dividing up the grant money because some wireless telephone numbers might be counted twice: once for the county and once for the city, village, or town? However, I might not understand the problem that the exception is intended to address. I think we should discuss this issue and insert something in the drafting file that explains the exception.

3 3. 'Allowed grant uses.' A city, village, town, or county that receives a grant  
4 under this paragraph may use the grant only for actual expenses that are directly  
5 and primarily incurred for leasing, purchasing, operating, or maintaining a wireless  
6 public safety answering point, including expenses for all of the following:

\*\*\*\*NOTE: The allowable and prohibited uses only apply to *wireless* PSAPs. Is that  
okay? ✓

7 a. Necessary network equipment, computer hardware and software, database  
8 equipment, and radio and telephone equipment, that are located within the wireless  
9 public safety answering point. ✓

10 b. Training operators of a wireless public safety answering point. ✓

11 c. Network costs for delivery of calls from a wireless provider to a wireless  
12 public safety answering point. ✓

13 d. Salaries and benefits of operators of a wireless public safety answering point. ✓

14 4. 'Prohibited grant uses'. A city, village, town, or county that receives a grant  
15 under this paragraph may not use the grant for any of the following: ✓

16 a. Emergency service dispatch, including personnel, training, equipment,  
17 software, records management, radio communications, and mobile data network  
18 systems. ✓

19 b. Vehicles and equipment in vehicles. ✓

1 c. Communications equipment and software used to communicate with ✓  
2 vehicles.

3 d. Real estate and improvements to real estate, other than improvements ✓  
4 necessary to maintain the security of a wireless public safety answering point.

5 (c) *Local government supplemental grants.* From the appropriation under s.  
6 20.505 (4) (qm), the board may award supplemental grants to cities, villages, towns,  
7 and counties that are awarded grants under par. (b) if the board determines that a  
8 city, village, town, or county has or will experience excessive costs in providing  
9 emergency 911 wireless service or that a city, village, town, or county is in an area  
10 that is underserved by wireless providers. A city, village, town, or county that  
11 receives a grant under this paragraph may use the grant only for the purposes  
12 described in par. (b) 3. and may not use the grant for the purposes described in par.  
13 (b) 4. The board shall promulgate rules for making grants under this paragraph. ✓

\*\*\*\*NOTE: If you want the rules for supplemental grants to go into effect quickly,  
then you can revise the draft so that the board (or DOA) can use emergency rules. ✓

14 (d) *Wireless provider grants.* 1. 'Eligibility for grants.' From the appropriation  
15 under s. 20.505 (4) (qe), the board shall make semiannual grants to wireless  
16 providers that may be used only for actual expenses incurred to design, upgrade,  
17 purchase, lease, program, install, test, operate, or maintain all data, hardware, and  
18 software necessary to comply with the federal wireless orders. The board shall  
19 award no more than 35% of all moneys received under par. (f) 3. in grants under this  
20 paragraph. A wireless provider may not receive a grant under this paragraph unless  
21 the wireless provider maintains records regarding the collection of wireless  
22 surcharges from customers and the payment of the wireless surcharges to the board  
23 under the rules promulgated under par. (f) 3., maintains the records for not less than

3

1 three years after the collection of wireless surcharges, and makes the records  
2 available to the board for inspection and copying during regular business hours. The  
3 board shall promulgate rules specifying the records that must be maintained under  
4 this subdivision.

\*\*\*\*NOTE: The instructions require wireless providers to maintain records of each transaction or activity requiring the collection and payment of fees, including all original source documents. I'm not sure what records satisfy this requirement. For example, do you want a wireless provider to maintain a copy of each customer bill? This draft takes a different approach and requires the board to promulgate rules specifying the records that must be maintained. If you don't want rules, we should discuss the types of records that must be maintained and how to describe them.

5 2. 'Grant amounts.' Grants to wireless providers under this paragraph shall  
6 be awarded in amounts directly proportional to the percentage of in-service wireless  
7 telephone numbers in this state that are billed to the wireless provider. The board  
8 shall annually determine the number of in-service wireless telephone numbers in  
9 this state that are billed to each wireless provider. For purposes of this subdivision,  
10 an in-service wireless telephone number is considered to be located in this state if  
11 the primary billing address for the telephone number is located in that area.

\*\*\*\*NOTE: The board's authority to obtain information from wireless providers to make the determination regarding in-service wireless numbers is set forth below in s. 146.70 (3m) (L).

use auto-ref A

\*\*\*\*NOTE: The initial deadline for making the determination is included in SECTION 146.70 (4) of this draft.

use auto-ref B

\*\*\*\*NOTE: The instructions refer to service areas of wireless providers, but I don't understand how service area is relevant to the above determination.

12 (e) Grant audits. The board shall contract for independent audits of  
13 applications for grants under pars. (b), (c), and (d). An applicant for a grant shall  
14 provide an auditor with any relevant confidential business information.

\*\*\*\*NOTE: Should the draft specify who decides what information is relevant?

\*\*\*\*NOTE: Should the power to audit be limited to applications for grants? What about auditing to determine whether a grant has been used for a permissible purpose?

15 (f) Wireless surcharge. 1. Each wireless provider shall impose a surcharge of  
16 75 cents per month for each telephone number that the wireless provider assigns to

this state

1 a customer with a billable address in this state, except that no surcharge may be  
2 imposed for a telephone number billed to a public agency that operates a public safety  
3 answering point. A wireless provider shall identify the surcharge on a customer's  
4 bill on a separate line that is identified as "Wireless 911 Surcharge." The board may  
5 promulgate rules that increase or decrease the surcharge, except that the board may  
6 not increase the surcharge more than once per year, any increase must be uniform  
7 statewide and may not exceed 10 cents, and the surcharge may not exceed \$1. ✓

\*\*\*\*NOTE: Is the requirement to identify the surcharge on customer bills okay? ✓

\*\*\*\*NOTE: Should the exemption be revised to apply only to public agencies that are  
cities, villages, towns, or counties? Also, should the exemption be revised to apply only  
to *wireless* PSAPs? ✓

\*\*\*\*NOTE: If public agencies don't have to pay surcharges for their wireless  
telephone numbers, should the draft be revised to exclude those numbers from the  
determinations that the board has to make under s. 146.70 (3m) (b) 2. a. and (d) 2.? ✓

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

10 3. The board shall promulgate rules establishing requirements for wireless  
11 providers to collect the surcharge from their customers. Except as provided in subd.  
12 4., a wireless provider shall pay the surcharges to the board no more than 60 days  
13 after the end of the calendar month in which the surcharges are collected. The board  
14 shall bring an action to collect a surcharge that is not paid by a customer and the  
15 customer's wireless provider is not liable for the unpaid surcharge. The board shall  
16 deposit the surcharges in the wireless 911 fund. ✓

17 4. Wireless providers may retain 2% of the surcharges collected during the  
18 period beginning on the first day of the 4th month beginning after the effective date  
19 of this subdivision .... [revisor inserts date] and ending on the first day of the 16th  
20 month beginning after the effective date of this subdivision .... [revisor inserts date],

prevent the board from carrying out its duties?

1 for reimbursing costs related to collecting the surcharge, including reprogramming  
2 billing systems.

\*\*\*\*NOTE: The dates included in the Senate's June 25 proposal are no longer valid.  
Are the above dates okay?

3 (g) Confidentiality of information. The board may withhold from public  
4 inspection any information that would aid a competitor of a wireless provider in  
5 competition with the wireless provider. The board shall establish procedures for  
6 internal management that prohibit members of the board from having access to  
7 confidential business information submitted by wireless providers.

\*\*\*NOTE: Will the restriction regarding confidential business information?

8 (h) Public information. The board shall promulgate rules establishing  
9 requirements and procedures for informing the public about the purpose and uses  
10 of the surcharge required under par. (f). The rules shall require the board to  
11 maintain a toll-free telephone number to provide such information to the public and  
12 require wireless providers to identify the toll-free number on bills and direct  
13 customers to contact the board regarding questions about the surcharge.

14 (i) Other charges prohibited. No city, village, town, county, or state agency, as  
15 defined in s. 16.375 (1), except the board, may require a wireless provider to collect  
16 or pay a surcharge or fee related to emergency 911 wireless service.

17 (j) Liability exemption. A wireless provider shall not be liable to any person who  
18 uses an emergency 911 wireless service for which a grant is made under this  
19 subsection.

\*\*\*NOTE: shouldn't the exemption be narrowed to damages arising from wireless service?

20 (k) Report to governor and legislature. Annually, the board shall submit a  
21 report to the governor, and to the chief clerk of each house of the legislature for  
22 distribution to the legislature under s. 13.172 (2), that describes the costs incurred

a person's use of an emergency 911 wireless service?

1 by wireless providers and public agencies in providing emergency 911 wireless  
2 service and the grants made by the board.

\*\*\*\*NOTE: Even though only public agencies that are cities, villages, towns, or counties may receive grants, I assume that you want the report to include all public agencies. Is that correct? ✓

3 (L) *Board powers.* The board shall possess all powers necessary or convenient  
4 for administering the requirements of this subsection, including the authority to  
5 require wireless providers and public agencies to submit information to the board  
6 that is necessary for the board to make the determinations under pars. (b) 2. a. and  
7 (d) 2. and to submit the report required under par. (k).

(Eligibility for grants.)

\*\*\*\*NOTE: Because the board does not otherwise have jurisdiction over all public agencies, I added authority for the board to obtain information that the board needs to make the report to the governor and legislature. Is that okay? ✓

8 SECTION 11. 146.70 (3m) (b) 1. (intro.) of the statutes, as created by 2003  
9 Wisconsin Act .... (this act), is repealed and recreated to read:

10 146.70 (3m) (b) 1. (intro.) From the appropriation under s. 20.505 (4) (qp), the  
11 board shall make semiannual grants to cities, villages, towns, and counties that  
12 operate public safety answering points for the uses allowed under subd. 3. The board  
13 shall award no more than 62% of all moneys received under par. (f) 3. in grants under  
14 this paragraph. A city, village, town, or county may receive a grant under this  
15 paragraph only if all of the following are satisfied:

\*\*\*\*NOTE: The only changes are: 1) the reference to s. 20.505 (4) (qp), rather than s. 20.505 (4) (qm); 2) the 62% limitation, rather than a 64% limitation; and 3) the reference to grants under "this paragraph", rather than to grants under "this paragraph" and par. (c). Note that the treatment above is delayed until Oct. 1, 2006, when the 62%/2% split between semiannual and supplemental grants takes effect. ✓

16 SECTION 12. 146.70 (3m) (c) of the statutes, as created by 2003 Wisconsin Act  
17 .... (this act), is repealed and recreated to read:

18 146.70 (3m) (c) From the appropriation under s. 20.505 (4) (qs), the board may  
19 award supplemental grants to cities, villages, towns, and counties that are awarded

Local government supplemental grants.

1 grants under par. (b) if the board determines that a city, village, town, or county has  
 2 or will experience excessive costs in providing emergency 911 wireless service or that  
 3 a city, village, town, or county is in an area that is underserved by wireless providers.  
 4 The board shall award no more than 2% of all moneys received under par. (f) 3. in  
 5 grants under this paragraph. A city, village, town, or county that receives a grant  
 6 under this paragraph may use the grant only for the purposes described in par. (b)  
 7 3. and may not use the grant for the purposes described in par. (b) 4. The board shall  
 8 promulgate rules for making grants under this paragraph. ✓

\*\*\*\*NOTE: The only changes are: 1) the reference to s. 20.505 (4) (qs), rather than  
 s. 20.505 (4) (qm); 2) the 2% limitation; and 3) the reference to grants under "this  
 paragraph". Note that the treatment above is delayed until Oct. 1, 2006, when the  
 62%/2% split between semiannual and supplement grants takes effect. ✓

9 **SECTION 13. Nonstatutory provisions**

10 (1) DEFINITIONS.

11 (a) "Board" means the wireless 911 board.

12 (b) "Department" means the department of administration. ✓

13 (c) "Wireless provider" means has the definition given in section 146.70 (3m)

14 (a) 3., as created by this act. ✓

15 (2) INITIAL MEMBERS OF WIRELESS 911 BOARD. Notwithstanding section 15.105 (28)

16 (b) of the statutes, as created by this act:

17 (a) One initial member appointed under section 15.105 (28) (a) 5. of the  
 18 statutes, as created by this act, and one initial member appointed under section  
 19 15.105 (28) (a) 6. of the statutes, as created by this act, shall be appointed for terms  
 20 expiring on May 1, 2006. ✓

21 (b) One initial member appointed under section 15.105 (28) (a) 5. of the  
 22 statutes, as created by this act, and one initial member appointed under section

1 15.105 (5) (a) 6. of the statutes, as created by this act, shall be appointed for terms  
2 expiring on May 1, 2007. ✓

3 (c) One initial member appointed under section 15.105 (28) (a) 5. of the statutes,  
4 as created by this act, and one initial member appointed under section 15.105 (28)  
5 (a) 6. of the statutes, as created by this act, shall be appointed for terms expiring on  
6 May 1, 2008. ✓

7 (d) One initial member appointed under section 15.105 (28) (a) 5. of the  
8 statutes, as created by this act, and one initial member appointed under section  
9 15.105 (28) (a) 6. of the statutes, as created by this act, shall be appointed for terms  
10 expiring on May 1, 2009. ✓

\*\*\*\*NOTE: The expiration dates can be changed if you want to impose different  
initial terms. ✓

11 (3) WIRELESS SURCHARGE. rules CS

12 (a) *Duty to impose wireless surcharge.* Notwithstanding section 146.70 (3m) (f)  
13 1. of the statutes, as created by this act, the duty of a wireless provider to impose the  
14 wireless surcharge described in section 146.70 (3m) (f) 1. of the statutes, as created  
15 by this act, first applies to customer bills issued by the wireless provider after the  
16 first day of the 4th month beginning after the effective date of this paragraph. ✓

17 a (b) *Emergency rules; board.* If all of the members of the board are appointed  
18 and qualified on July 1, 2004, the board shall, using the procedure under section  
19 227.24 of the statutes, promulgate the rules required under section 146.70 (3m) (f)  
20 3. of the statutes, as created by this act, for the period before the effective date of the  
21 permanent rules promulgated under section 146.70 (3m) (f) 3. of the statutes, as  
22 created by this act, but not to exceed the period authorized under section 227.24 (1)  
23 (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of

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

\*\*\*\*NOTE: The first day of the 4th month after the effective date of the above  
 paragraph is approximately equal to the 90 days that are included in the instructions.

5 **(b)** *Emergency rules; department.* Notwithstanding section 146.70 (3m) (f) 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, 2004, the department shall, using the procedure  
 8 under section 227.24 of the statutes, promulgate the rules under section 146.70 (3m)  
 9 (f) 3. of the statutes, as created by this act, for the period before permanent rules  
 10 become effective, but not to exceed the period authorized under section 227.24 (1) (c)  
 11 and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the  
 12 statutes, the department is not required to provide evidence that promulgating a rule  
 13 under this paragraph as an emergency rule is necessary for the preservation of the  
 14 public peace, health, safety, or welfare and is not required to provide a finding of  
 15 emergency for a rule promulgated under this paragraph.

\*\*\*\*NOTE: Paragraphs (b) and (c) above apply to the rules required for wireless  
 providers to collect surcharges. The draft also requires rules for all of the following: 1)  
 local government supplemental grants — s. 146.70 (3m) (c); 2) surcharge increases and  
 decreases — s. 146.70 (3m) (f) 1.; 3) record keeping by wireless providers — s. 146.70 (3m)  
 (d) 1.; and 4) public information — s. 146.70 (3m) (h). Do you want to require DOA to  
 promulgate any of these rules in case the board isn't appointed and qualified by July 1,  
 2004? (The rules for joint plans that are required under s. 146.70 (3m) (b) 1. b. and 1. c.  
 do not apply until January 1, 2008, so it's not necessary to provide for DOA promulgation  
 of those rules.)

16 **(#)** DEADLINE FOR DETERMINING NUMBER OF WIRELESS TELEPHONE NUMBERS. No  
 17 later than December 1, 2004, the board shall make the first annual determinations  
 18 required under section 146.70 (3m) (b) 2. a. and (d) 2. of the statutes, as created by  
 19 this act.

create awta ref "B"



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

LRB-0045/P1dn  
MDK:.....

gjs

Senator Jauch:

Please review this preliminary draft to make sure that it achieves your intent. I included NOTES in the draft that raise questions about your intent. After we resolve those questions, I will prepare a version of this draft that may be introduced. In addition, please note the following:

1. Some of the language of the draft differs from the language of the instructions for stylistic and other reasons. Not all of the differences are pointed out in the NOTES.
2. In general, I added 2 years to all of the dates included in Senate's June 25 proposal.

two

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

the

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

LRB-0045/P1dn  
MDK:ej:s:rs

October 18, 2002

Senator Jauch:

Please review this preliminary draft to make sure that it achieves your intent. I included NOTES in the draft that raise questions about your intent. After we resolve those questions, I will prepare a version of this draft that may be introduced. In addition, please note the following:

1. Some of the language of the draft differs from the language of the instructions for stylistic and other reasons. Not all of the differences are pointed out in the NOTES.
2. In general, I added two years to all of the dates included in the Senate's June 25 proposal.

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State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-0045/P1  
MDK:cjs:rs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

*received from  
Adam Korbitz  
(Sen. Jauch)*

1     **AN ACT** *to amend* 20.505 (4) (h); *to repeal and recreate* 146.70 (3m) (b) 1.  
2           (intro.) and 146.70 (3m) (c); and *to create* 15.105 (28), 20.505 (4) (qb), 20.505  
3           (4) (qe), 20.505 (4) (qm), 20.505 (4) (qp), 20.505 (4) (qs), 25.17 (1) (yo), 25.98 and  
4           146.70 (3m) of the statutes; **relating to:** creating a Wireless 911 Board and  
5           wireless 911 fund, imposing a surcharge on wireless telephone customers,  
6           making grants for emergency 911 wireless service, providing an exemption  
7           from emergency rule procedures, granting rule-making authority, and making  
8           appropriations.

---

***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be prepared for a subsequent version of the draft.

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

---

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

1           20.505 (4) (h) *Program services.* The amounts in the schedule to carry out the  
2 responsibilities of divisions, commissions, and boards attached to the department of  
3 administration, other than the board on aging and long-term care, the adolescent  
4 pregnancy prevention and pregnancy services board, and the public records board,  
5 and the wireless 911 board, and to carry out the responsibilities of special and  
6 executive committees. All moneys received from fees which are authorized by law  
7 or administrative rule to be collected by any division, board or commission attached  
8 to the department, other than the board on aging and long-term care, the adolescent  
9 pregnancy prevention and pregnancy services board, and the public records board,  
10 and the wireless 911 board, and all moneys received from fees that are authorized  
11 by law or executive order to be collected by any special or executive committee shall  
12 be credited to this appropriation account and used to carry out the purposes for which  
13 collected.

14           **SECTION 3.** 20.505 (4) (qb) of the statutes is created to read:

15           20.505 (4) (qb) *Wireless 911 board; general program operations.* From the  
16 wireless 911 fund, a sum sufficient not to exceed 1% of all moneys received under s.  
17 146.70 (3m) (f) 3. for general program operations of the wireless 911 board, including  
18 contracting for audits under s. 146.70 (3m) (e).

OK           \*\*\*\*NOTE: The language provides "not to exceed" 1%, rather than "equal to" 1%,  
because the board may have actual expenses that are less than 1%. NO CHANGES

19           **SECTION 4.** 20.505 (4) (qe) of the statutes is created to read:

20           20.505 (4) (qe) *Wireless 911 board; wireless provider grants.* From the wireless  
21 911 fund, a sum sufficient not to exceed 35% of all moneys received under s. 146.70  
22 (3m) (f) 3. for the wireless 911 board to make grants to wireless providers under s.  
23 146.70 (3m) (d).

1           **25.98 Wireless 911 fund.** There is established a separate nonlapsible trust  
2 fund designated as the wireless 911 fund, consisting of deposits by the wireless 911  
3 board under s. 146.70 (3m) (f) 3.

OK . \*\*\*\*NOTE: A segregated fund is created because you want the interest on the  
surcharges to be used for grants. If you don't create a segregated fund, the interest would  
accrue to the general fund.

NO CHANGES.

4           **SECTION 10.** 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 emergency 911 wireless services for wireless telephone users  
9 in FCC 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) *Local government semiannual grants.* 1. 'Eligibility for grants.' From the  
18 appropriation under s. 20.505 (4) (qm), the board shall make semiannual grants to  
19 cities, villages, towns, and counties that operate public safety answering points for  
20 the uses allowed under subd. 3. The board shall award no more than 64% of all  
21 moneys received under par. (f) 3. in grants under this paragraph and par. (c). A city,  
22 village, town, or county may receive a grant under this paragraph only if all of the  
23 following are satisfied:

*NO* \*\*\*\*NOTE: Should the reference to public agencies be modified to refer only to public agencies that are cities, villages, towns, or counties? *NO CHANGES.*

*NO* \*\*\*\*NOTE: Should the board be required to approve the plan before a grant is made? *NO*

*YES* \*\*\*\*NOTE: Is the limitation to wireless PSAPs okay? *NO CHANGES* *CHANGES*

1 c. If the recipient of the grant is a county that jointly operates a wireless public  
2 safety answering point with another county, all of the counties that jointly operate  
3 the wireless public safety answering point have submitted a plan to the board for  
4 combining the emergency 911 wireless services provided by all of the counties in the  
5 most cost-effective manner. The board shall promulgate rules specifying the  
6 minimum requirements for plans required under this subd. 1. c. This subd. 1. c.  
7 applies to grants made on or after January 1, 2008.

*NO* \*\*\*\*NOTE: Should the board be required to approve the plan before a grant is made? *NO CHANGES*

*Correct* \*\*\*\*NOTE: I'm assuming that you want to impose requirements on the joint operation of wireless PSAPs by counties only if the counties want to receive grants. If you want to impose other requirements on the joint operation of wireless PSAPs by counties, other changes to s. 146.70, stats., might be necessary. *NO CHANGES*

*YES* \*\*\*\*NOTE: As drafted, a county that jointly operates a wireless PSAP is allowed to receive a grant before January 1, 2008, even if the county does not intend to submit a plan. Is that okay? *NO CHANGES*

*YES* \*\*\*\*NOTE: Is the limitation to wireless PSAPs okay? *NO CHANGES*

8 2. 'Grant amounts.' a. Except as provided in subd. 2. b., grants to cities,  
9 villages, towns, and counties under this paragraph shall be awarded in amounts  
10 directly proportional to the percentage of in-service wireless telephone numbers in  
11 this state that are located in the city, village, town, or county that receives the grant.  
12 The board shall annually determine the number of in-service wireless telephone  
13 numbers in each city, village, town, or county in this state. For purposes of this subd.  
14 2. a., an in-service wireless telephone number is considered to be located in a city,  
15 village, town, or county if the primary billing address for the telephone number is  
16 located in the city, village, town, or county.

*OK* \*\*\*\*NOTE: The instructions impose a June 1 deadline for determining the numbers of in-service wireless telephone numbers. I made the deadline annual to make this

1           4. 'Prohibited grant uses'. A city, village, town, or county that receives a grant  
2 under this paragraph may not use the grant for any of the following:

3           a. Emergency service dispatch, including personnel, training, equipment,  
4 software, records management, radio communications, and mobile data network  
5 systems.

6           b. Vehicles and equipment in vehicles.

7           c. Communications equipment and software used to communicate with  
8 vehicles.

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

11           (c) *Local government supplemental grants.* From the appropriation under s.  
12 20.505 (4) (qm), the board may award supplemental grants to cities, villages, towns,  
13 and counties that are awarded grants under par. (b) if the board determines that a  
14 city, village, town, or county has or will experience excessive costs in providing  
15 emergency 911 wireless service or that a city, village, town, or county is in an area  
16 that is underserved by wireless providers. A city, village, town, or county that  
17 receives a grant under this paragraph may use the grant only for the purposes  
18 described in par. (b) 3. and may not use the grant for the purposes described in par.

19           (b) 4. The board shall promulgate rules for making grants under this paragraph.

Please  
do so

\*\*\*\*NOTE: If you want the rules for supplemental grants to go into effect quickly,  
then you can revise the draft so that the board (or DOA) can use emergency rules.

20           (d) *Wireless provider grants.* 1. 'Eligibility for grants.' From the appropriation  
21 under s. 20.505 (4) (qe), the board shall make semiannual grants to wireless  
22 providers that may be used only for actual expenses incurred to design, upgrade,  
23 purchase, lease, program, install, test, operate, or maintain all data, hardware, and

1 (e) *Grant audits.* The board shall contract for independent audits of  
2 applications for grants under pars. (b), (c), and (d). An applicant for a grant shall  
3 provide an auditor with any relevant confidential business information.

NO \*\*\*\*NOTE: Should the draft specify who decides what information is relevant? NO CHANGES

NO \*\*\*\*NOTE: Should the power to audit be limited to *applications* for grants? What  
about auditing to determine whether a grant has been used for a permissible purpose? NO CHANGES

4 (f) *Wireless surcharge.* 1. Each wireless provider shall impose a surcharge of  
5 75 cents per month for each telephone number that the wireless provider assigns to  
6 a customer with a billable address in this state, except that no surcharge may be  
7 imposed for a telephone number billed to a public agency that operates a public safety  
8 answering point. A wireless provider shall identify the surcharge on a customer's  
9 bill on a separate line that is identified as "Wireless 911 Surcharge." The board may  
10 promulgate rules that increase or decrease the surcharge, except that the board may  
11 not increase the surcharge more than once per year, any increase must be uniform  
12 statewide and may not exceed 10 cents, and the surcharge may not exceed \$1.

YES \*\*\*\*NOTE: Is the requirement to identify the surcharge on customer bills okay? NO CHANGES

NO \*\*\*\*NOTE: Should the exemption be revised to apply only to public agencies that are  
cities, villages, towns, or counties? Also, should the exemption be revised to apply only  
to wireless PSAPs? NO CHANGES

NO \*\*\*\*NOTE: If public agencies don't have to pay surcharges for their wireless  
telephone numbers, should the draft be revised to exclude those numbers from the  
determinations that the board has to make under s. 146.70 (3m) (b) 2. a. and (d) 2.? NO CHANGES

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

15 3. The board shall promulgate rules establishing requirements for wireless  
16 providers to collect the surcharge from their customers. Except as provided in subd.  
17 4., a wireless provider shall pay the surcharges to the board no more than 60 days  
18 after the end of the calendar month in which the surcharges are collected. The board  
19 shall bring an action to collect a surcharge that is not paid by a customer and the

1 (j) *Liability exemption.* A wireless provider shall not be liable to any person who  
2 uses an emergency 911 wireless service for which a grant is made under this  
3 subsection.

yes  
modify

\*\*\*\*NOTE: Shouldn't the exemption be narrowed to damages arising from a person's use of an emergency 911 wireless service?

4 (k) *Report to governor and legislature.* Annually, the board shall submit a  
5 report to the governor, and to the chief clerk of each house of the legislature for  
6 distribution to the legislature under s. 13.172 (2), that describes the costs incurred  
7 by wireless providers and public agencies in providing emergency 911 wireless  
8 service and the grants made by the board.

yes

\*\*\*\*NOTE: Even though only public agencies that are cities, villages, towns, or counties may receive grants, I assume that you want the report to include all public agencies. Is that correct? NO CHANGES

9 (L) *Board powers.* The board shall possess all powers necessary or convenient  
10 for administering the requirements of this subsection, including the authority to  
11 require wireless providers and public agencies to submit information to the board  
12 that is necessary for the board to make the determinations under pars. (b) 2. a. and  
13 (d) 2. and to submit the report required under par. (k).

yes  
OK

\*\*\*\*NOTE: Because the board does not otherwise have jurisdiction over all public agencies, I added authority for the board to obtain information that the board needs to make the report to the governor and legislature. Is that okay? NO CHANGES

14 **SECTION 11.** 146.70 (3m) (b) 1. (intro.) of the statutes, as created by 2003  
15 Wisconsin Act .... (this act), is repealed and recreated to read:

16 146.70 (3m) (b) 1. 'Eligibility for grants.' (intro.) From the appropriation under  
17 s. 20.505 (4) (qp), the board shall make semiannual grants to cities, villages, towns,  
18 and counties that operate public safety answering points for the uses allowed under  
19 subd. 3. The board shall award no more than 62% of all moneys received under par.

1 (c) "Wireless provider" means has the definition given in section 146.70 (3m)  
2 (a) 3. of the statutes, as created by this act.

3 (2) INITIAL MEMBERS OF WIRELESS 911 BOARD. Notwithstanding section 15.105 (28)  
4 (b) of the statutes, as created by this act:

5 (a) One initial member appointed under section 15.105 (28) (a) 5. of the  
6 statutes, as created by this act, and one initial member appointed under section  
7 15.105 (28) (a) 6. of the statutes, as created by this act, shall be appointed for terms  
8 expiring on May 1, 2006.

9 (b) One initial member appointed under section 15.105 (28) (a) 5. of the  
10 statutes, as created by this act, and one initial member appointed under section  
11 15.105 (5) (a) 6. of the statutes, as created by this act, shall be appointed for terms  
12 expiring on May 1, 2007.

13 (c) One initial member appointed under section 15.105 (28) (a) 5. of the statutes,  
14 as created by this act, and one initial member appointed under section 15.105 (28)  
15 (a) 6. of the statutes, as created by this act, shall be appointed for terms expiring on  
16 May 1, 2008.

17 (d) One initial member appointed under section 15.105 (28) (a) 5. of the  
18 statutes, as created by this act, and one initial member appointed under section  
19 15.105 (28) (a) 6. of the statutes, as created by this act, shall be appointed for terms  
20 expiring on May 1, 2009.

\*\*\*\*NOTE: The expiration dates can be changed if you want to impose different  
initial terms. NO CHANGES

21 (3) WIRELESS SURCHARGE RULES.

22 (a) *Emergency rules; board.* If all of the members of the board are appointed  
23 and qualified on July 1, 2004, the board shall, using the procedure under section

do not apply until January 1, 2008, so it's not necessary to provide for DOA promulgation of those rules.)

1           (4) DEADLINE FOR DETERMINING NUMBER OF WIRELESS TELEPHONE NUMBERS. No  
2 later than December 1, 2004, the board shall make the first annual determinations  
3 required under section 146.70 (3m) (b) 2. a. and (d) 2. of the statutes, as created by  
4 this act.

5           **SECTION 14. Initial applicability.**

6           (1) The treatment of section 146.70 (3m) (f) 1. of the statutes first applies to  
7 customer bills issued after the first day of the 4th month beginning after the effective  
8 date of this subsection.

9           **SECTION 15. Effective dates.** This act takes effect on the day after publication,  
10 except as follows:

11           (1) The treatment of section 20.505 (4) (qp) and (qs) of the statutes and the  
12 repeal and recreation of section 146.70 (3m) (b) 1. (intro.) and (c) of the statutes take  
13 effect on October 1, 2006.

14

(END)

SA✓

D.NOTE

stays

1

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

By  
Tues. 1/28  
PM

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AN ACT ~~to amend~~ 20.505 (4) (h); ~~to repeal and recreate~~ 146.70 (3m) (b) 1.  
(intro.) and ~~146.70 (3m) (c); and to create~~ 15.105 (28), 20.505 (4) (qb), 20.505  
(4) (qe), 20.505 (4) (qm), 20.505 (4) (qp), 20.505 (4) (qs), 25.17 (1) (yo), 25.98 and  
146.70 (3m) of the statutes; **relating to:** creating a Wireless 911 Board and  
wireless 911 fund, imposing a surcharge on wireless telephone customers,  
making grants for emergency 911 wireless service, providing an exemption  
from emergency rule procedures, granting rule-making authority, and making  
appropriations.

**Analysis by the Legislative Reference Bureau**

This is a preliminary draft. An analysis will be prepared for a subsequent version of the draft.

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

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

1 SECTION 1. 15.105 (28) of the statutes is created to read:

2 15.105 (28) WIRELESS 911 BOARD. (a) There is created a wireless 911 board  
3 attached to the department of administration under s. 15.03 consisting of the  
4 following members:

5 1. One representative to the assembly, appointed by the speaker of the  
6 assembly.

7 2. One representative to the assembly, appointed by the assembly minority  
8 leader.

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

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

11 5. Four persons who represent the interests of wireless providers, as defined  
12 in s. 146.70 (3m) (a) ~~4~~<sup>4</sup>, appointed by the governor.

13 6. Four persons who represent the interests of cities, villages, towns, or  
14 counties that operate public safety answering points, as defined in s. 146.70 (1) (gm),  
15 appointed by the governor.

~~\*\*\*\*NOTE: The instructions impose some duties on DOA and other duties on the board. Why not impose all duties on the board, which is attached to DOA and will receive administrative support from DOA? In this draft, I gave all duties to the board. If there are some duties that you want to give to DOA instead, let me know.~~

~~\*\*\*\*NOTE: The prior versions of this draft referred to persons who represent "public agencies." However, note that "public agency" is defined to include state agencies that provide emergency services, in addition to cities, villages, towns, and counties. Because the board makes grants to cities, villages, towns, and counties, and not to state agencies, isn't it appropriate to limit board membership to cities, villages, towns, and counties that operate public safety answering points (PSAPs)?~~

~~\*\*\*\*NOTE: Should the members be limited to operators of wireless PSAPs, as defined in s. 146.70 (3m) (a) 4.? Or is the broader reference to any public safety operating point okay?~~

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

18 SECTION 2. 20.505 (4) (h) of the statutes is amended to read:

1           20.505 (4) (h) *Program services*. The amounts in the schedule to carry out the  
2 responsibilities of divisions, commissions, and boards attached to the department of  
3 administration, other than the board on aging and long-term care, the adolescent  
4 pregnancy prevention and pregnancy services board, ~~and the public records board,~~  
5 and the wireless 911 board, and to carry out the responsibilities of special and  
6 executive committees. All moneys received from fees which are authorized by law  
7 or administrative rule to be collected by any division, board or commission attached  
8 to the department, other than the board on aging and long-term care, the adolescent  
9 pregnancy prevention and pregnancy services board, ~~and the public records board,~~  
10 and the wireless 911 board, and all moneys received from fees that are authorized  
11 by law or executive order to be collected by any special or executive committee shall  
12 be credited to this appropriation account and used to carry out the purposes for which  
13 collected.

14           **SECTION 3.** 20.505 (4) (qb) of the statutes is created to read:

15           20.505 (4) (qb) *Wireless 911 board; general program operations*. From the  
16 wireless 911 fund, a sum sufficient not to exceed 1% of all moneys received under s.  
17 146.70 (3m) (f) 3. for general program operations of the wireless 911 board, including  
18 contracting for audits under s. 146.70 (3m) (e).

\*\*\*\*NOTE: The language provides "not to exceed" 1%, rather than "equal to" 1%,  
because the board may have actual expenses that are less than 1%.

19           **SECTION 4.** 20.505 (4) (qe) of the statutes is created to read:

20           20.505 (4) (qe) *Wireless 911 board; wireless provider grants*. From the wireless  
21 911 fund, a sum sufficient not to exceed 35% of all moneys received under s. 146.70  
22 (3m) (f) 3. for the wireless 911 board to make grants to wireless providers under s.  
23 146.70 (3m) (d).

~~\*\*\*\*NOTE: See the NOTE following s. 146.70 (3m) (b) 1. (intro.) for an explanation why the appropriations that are created refer to a sum sufficient "not to exceed" a specified percentage, rather than a sum sufficient equal to a specified percentage.~~

1           **SECTION 5.** 20.505 (4) (qm) of the statutes is created to read:

2           20.505 (4) (qm) *Wireless 911 board; local government grants.* From the wireless  
3 911 fund, a sum sufficient not to exceed 64% of all moneys received under s. 146.70  
4 (3m) (f) 3. for the wireless 911 board to make grants to cities, villages, towns, and  
5 counties under s. 146.70 (3m) (b) and (c). This paragraph does not apply after  
6 October 1, 2006.

~~\*\*\*\*NOTE: I don't think it's necessary to create a separate appropriation for the local government supplemental grants until October 1, 2006. Before that date, both the semiannual and supplemental grants can be made from the same appropriation.~~

7           **SECTION 6.** 20.505 (4) (qp) of the statutes is created to read:

8           20.505 (4) (qp) *Wireless 911 board; local government semiannual grants.* From  
9 the wireless 911 fund, a sum sufficient not to exceed 62% of all moneys received under  
10 s. 146.70 (3m) (f) 3. for the wireless 911 board to make grants to cities, villages, towns,  
11 and counties under s. 146.70 (3m) (b).

~~\*\*\*\*NOTE: The appropriation above is not effective until October 1, 2006.~~

12          **SECTION 7.** 20.505 (4) (qs) of the statutes is created to read:

13          20.505 (4) (qs) *Wireless 911 board; local government supplemental grants.*  
14 From the wireless 911 fund, a sum sufficient not to exceed 2% of all moneys received  
15 under s. 146.70 (3m) (f) 3. for the wireless 911 board to make grants to cities, villages,  
16 towns, and counties under s. 146.70 (3m) (c).

~~\*\*\*\*NOTE: The appropriation above is not effective until October 1, 2006.~~

17          **SECTION 8.** 25.17 (1) (yo) of the statutes is created to read:

18          25.17 (1) (yo) *Wireless 911 fund (s. 25.98);*

19          **SECTION 9.** 25.98 of the statutes is created to read:

INSERT 5-6 ✓

1 **25.98 Wireless 911 fund.** There is established a separate nonlapsible trust  
2 fund designated as the wireless 911 fund, consisting of deposits by the wireless 911  
3 board under s. 146.70 (3m) (f) 3.

*\*\*\*NOTE: A segregated fund is created because you want the interest on the surcharges to be used for grants. If you don't create a segregated fund, the interest would accrue to the general fund.*

4 **SECTION 10.** 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 3. "Federal wireless orders" means the orders of the federal communications  
8 commission regarding emergency 911 wireless services for wireless telephone users  
9 in FCC docket no. 94-102. *wireless* ✓

10 4. "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 5. "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) *Local government semiannual grants.* 1. <sup>wireless</sup> 'Eligibility for grants.' From the  
18 appropriation under s. 20.505 (4) (qm), the board shall make semiannual grants to  
19 cities, villages, towns, and counties that operate public safety answering points for  
20 the uses allowed under subd. 3. The board shall award no more than 64% of all  
21 moneys received under par. (f) 3. in grants under this paragraph and par. (c). A city,  
22 village, town, or county may receive a grant under this paragraph only if all of the  
23 following are satisfied:

\*\*\*\*NOTE: The draft requires that "no more than" specified percentages are paid for the different types of grants to avoid a logical problem that would result from requiring the board to pay exactly a specified percentage. The problem arises because local governments have to meet certain requirements to receive the grants. What if none, or only a small number, of local governments meet these requirements? On one hand you would require the board to pay a specific amount of money in grants, but on the other hand, you would restrict the amount that may actually be paid in grants. I think this problem is avoided if you require "no more than" a specified percentage in grants. As a result, the board could pay less than the specified percentage if only a small number of local governments actually qualify for the grants.

\*\*\*\*NOTE: The instructions state that the grants should be made on January 1 and July 1 of each year. I made the grants semiannual to give the board some flexibility on the timing of the grants because it might not be possible for the board to make all of the grants on a specific day.

1 a. The governing body, as defined in s. 66.0309 (1) (a), of the city, village, town,  
 2 or county has adopted a resolution stating the intent of the city, village, town, or  
 3 county to provide emergency 911 wireless service within 2 years after the effective  
 4 date of the resolution and including a schedule for planning, designing, and issuing  
 5 requests for proposals for facilities and equipment that are necessary for providing  
 6 emergency 911 wireless service.

\*\*\*\*NOTE: "Emergency 911 wireless service" is not defined in this draft or prior versions of the draft. Is there a potential for confusion regarding its meaning? If so, a definition should be included. I will review the FCC regulations and orders to determine whether a federal definition is available.

\*\*\*\*NOTE: What if a local government adopts a resolution but doesn't carry it out? Should the draft make such a local government ineligible for a grant, or provide some other penalty? Or should the draft include other requirements for ensuring that the resolution is carried out?

7 b. Each public agency that operates a wireless public safety answering point  
 8 in the county, if the county is the recipient of the grant, or in the county in which the  
 9 city, village, or town is located, if the city, village, or town is the recipient of the grant,  
 10 has jointly submitted a plan to the board for combining all emergency 911 wireless  
 11 services in the county in the most cost-effective manner. The board shall promulgate  
 12 rules specifying the minimum requirements for plans required under this subd. 1.

13

b. This subd. 1. b. applies to grants made on or after January 1, 2008.

first

\*\*\*\*NOTE: Should the reference to public agencies be modified to refer only to public agencies that are cities, villages, towns, or counties?

\*\*\*\*NOTE: Should the board be required to approve the plan before a grant is made?

\*\*\*\*NOTE: Is the limitation to wireless PSAPs okay?

1 c. If the recipient of the grant is a county that jointly operates a wireless public  
2 safety answering point with another county, all of the counties that jointly operate  
3 the wireless public safety answering point have submitted a plan to the board for  
4 combining the emergency 911 wireless services provided by all of the counties in the  
5 most cost-effective manner. The board shall promulgate rules specifying the  
6 minimum requirements for plans required under this subd. 1. c. This subd. 1. c.

7 <sup>first</sup> applies to grants made on ~~or after~~ after January 1, 2008.

\*\*\*\*NOTE: Should the board be required to approve the plan before a grant is made?

\*\*\*\*NOTE: I'm assuming that you want to impose requirements on the joint operation of wireless PSAPs by counties only if the counties want to receive grants. If you want to impose other requirements on the joint operation of wireless PSAPs by counties, other changes to s. 146.70, stats., might be necessary.

\*\*\*\*NOTE: As drafted, a county that jointly operates a wireless PSAP is allowed to receive a grant before January 1, 2008, even if the county does not intend to submit a plan. Is that okay?

\*\*\*\*NOTE: Is the limitation to wireless PSAPs okay?

8 2. 'Grant amounts.' a. Except as provided in subd. 2. b., grants to cities,  
9 villages, towns, and counties under this paragraph shall be awarded in amounts  
10 directly proportional to the percentage of in-service wireless telephone numbers in  
11 this state that are located in the city, village, town, or county that receives the grant.  
12 The board shall annually determine the number of in-service wireless telephone  
13 numbers in each city, village, town, or county in this state. For purposes of this subd.  
14 2. a., an in-service wireless telephone number is considered to be located in a city,  
15 village, town, or county if the primary billing address for the telephone number is  
16 located in the city, village, town, or county.

\*\*\*\*NOTE: The instructions impose a June 1 deadline for determining the numbers of in-service wireless telephone numbers. I made the deadline annual to make this

requirement consistent with the flexibility I gave to the board to make semiannual grants. However, note that an initial deadline for making the determination is included in SECTION 13.4) of this draft.

\*\*\*NOTE: The board's authority to obtain information from wireless providers to make the determination regarding in-service wireless numbers is set forth below in s. 146.70 (3m) (L).

1           b. If a county has a population of more than 500,000, a grant to the city, village,  
2           or town in that county under this paragraph shall be equal to 93% of the amount  
3           determined under subd. 2. a. for that city, village, or town, and the grant awarded  
4           to the county shall be an amount equal to 7% of the total amount determined under  
5           subd. 2. a. for all cities, villages, and towns in that county.

\*\*\*NOTE: I'm not sure why the exception should apply only to counties with populations over 500,000. Shouldn't the exception be drafted to apply in counties where both the county and a city, village, or town in the county provide emergency 911 wireless service in the same area? Isn't the problem that, in such an area, it's not appropriate to use the number of in-service wireless telephone numbers as a basis for dividing up the grant money because some wireless telephone numbers might be counted twice, once for the county and once for the city, village, or town? However, I might not understand the problem that the exception is intended to address. I think we should discuss this issue and insert something in the drafting file that explains the exception.

6           3. 'Allowed grant uses.' A city, village, town, or county that receives a grant  
7           under this paragraph may use the grant only for actual expenses that are directly  
8           and primarily incurred for leasing, purchasing, operating, or maintaining a wireless  
9           public safety answering point, including expenses for all of the following:

\*\*\*NOTE: The allowable and prohibited uses only apply to wireless PSAPs. Is that okay?

10           a. Necessary network equipment, computer hardware and software, database  
11           equipment, and radio and telephone equipment, that are located within the wireless  
12           public safety answering point.

13           b. Training operators of a wireless public safety answering point.

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

16           d. Salaries and benefits of operators of a wireless public safety answering point.

1           4. 'Prohibited grant uses'. A city, village, town, or county that receives a grant  
2 under this paragraph may not use the grant for any of the following:

3           a. Emergency service dispatch, including personnel, training, equipment,  
4 software, records management, radio communications, and mobile data network  
5 systems.

6           b. Vehicles and equipment in vehicles.

7           c. Communications equipment and software used to communicate with  
8 vehicles.

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

11           (c) *Local government supplemental grants.* From the appropriation under s.  
12 20.505 (4) (qm), the board may award supplemental grants to cities, villages, towns,  
13 and counties that are awarded grants under par. (b) if the board determines that a  
14 city, village, town, or county has or will experience excessive costs in providing  
15 emergency 911 wireless service or that a city, village, town, or county is in an area  
16 that is underserved by wireless providers. A city, village, town, or county that  
17 receives a grant under this paragraph may use the grant only for the purposes  
18 described in par. (b) 3. and may not use the grant for the purposes described in par.  
19 (b) 4. The board shall promulgate rules for making grants under this paragraph.

*\*\*\*NOTE: If you want the rules for supplemental grants to go into effect quickly,  
then you can revise the draft so that the board (or DOA) can use emergency rules.*

20           (d) *Wireless provider grants.* 1. 'Eligibility for grants.' From the appropriation  
21 under s. 20.505 (4) (qe), the board shall make semiannual grants to wireless  
22 providers that may be used only for actual expenses incurred to design, upgrade,  
23 purchase, lease, program, install, test, operate, or maintain all data, hardware, and

1 software necessary to comply with the federal wireless orders. The board shall  
2 award no more than 35% of all moneys received under par. (f) 3. in grants under this  
3 paragraph. A wireless provider may not receive a grant under this paragraph unless  
4 the wireless provider maintains records regarding the collection of wireless  
5 surcharges from customers and the payment of the wireless surcharges to the board  
6 under the rules promulgated under par. (f) 3., maintains the records for not less than  
7 3 years after the collection of wireless surcharges, and makes the records available  
8 to the board for inspection and copying during regular business hours. The board  
9 shall promulgate rules specifying the records that must be maintained under this  
10 subdivision.

\*\*\*\*NOTE: The instructions require wireless providers to maintain records of each transaction or activity requiring the collection and payment of fees, including all original source documents. I'm not sure what records satisfy this requirement. For example, do you want a wireless provider to maintain a copy of each customer bill? This draft takes a different approach and requires the board to promulgate rules specifying the records that must be maintained. If you don't want rules, we should discuss the types of records that must be maintained and how to describe them.

11 2. 'Grant amounts.' Grants to wireless providers under this paragraph shall  
12 be awarded in amounts directly proportional to the percentage of in-service wireless  
13 telephone numbers in this state that are billed to the wireless provider. The board  
14 shall annually determine the number of in-service wireless telephone numbers in  
15 this state that are billed to each wireless provider. For purposes of this subdivision,  
16 an in-service wireless telephone number is considered to be located in this state if  
17 the primary billing address for the telephone number is located in this state.

\*\*\*\*NOTE: The board's authority to obtain information from wireless providers to make the determination regarding in-service wireless numbers is set forth below in s. 146.70 (3m) (L).

\*\*\*\*NOTE: The initial deadline for making the determination is included in SECTION 13 (4) of this draft.

\*\*\*\*NOTE: The instructions refer to service areas of wireless providers, but I don't understand how service area is relevant to the above determination.

1 (e) *Grant audits.* The board shall contract for independent audits of  
2 applications for grants under pars. (b), (c), and (d). An applicant for a grant shall  
3 provide an auditor with any relevant confidential business information.

\*\*\*\*NOTE: Should the draft specify who decides what information is relevant?

\*\*\*\*NOTE: Should the power to audit be limited to *applications* for grants? What about auditing to determine whether a grant has been used for a permissible purpose?

4 (f) *Wireless surcharge.* 1. Each wireless provider shall impose a surcharge of  
5 75 cents per month for each telephone number that the wireless provider assigns to  
6 a customer with a billable address in this state, except that no surcharge may be  
7 imposed for a telephone number billed to a public agency that operates a public safety  
8 answering point. A wireless provider shall identify the surcharge on a customer's  
9 bill on a separate line that is identified as "Wireless 911 Surcharge." The board may  
10 promulgate rules that increase or decrease the surcharge, except that the board may  
11 not increase the surcharge more than once per year, any increase must be uniform  
12 statewide and may not exceed 10 cents, and the surcharge may not exceed \$1.

\*\*\*\*NOTE: Is the requirement to identify the surcharge on customer bills okay?

\*\*\*\*NOTE: Should the exemption be revised to apply only to public agencies that are cities, villages, towns, or counties? Also, should the exemption be revised to apply only to *wireless* PSAPs?

\*\*\*\*NOTE: If public agencies don't have to pay surcharges for their wireless telephone numbers, should the draft be revised to exclude those numbers from the determinations that the board has to make under s. 146.70 (3m) (b) 2. a. and (d) 2.?

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

15 3. The board shall promulgate rules establishing requirements for wireless  
16 providers to collect the surcharge from their customers. Except as provided in subd.  
17 4., a wireless provider shall pay the surcharges to the board no more than 60 days  
18 after the end of the calendar month in which the surcharges are collected. The board  
19 shall bring an action to collect a surcharge that is not paid by a customer and the

1 customer's wireless provider is not liable for the unpaid surcharge. The board shall  
2 deposit the surcharges in the wireless 911 fund.

3 4. Wireless providers may retain 2% of the surcharges collected during the  
4 period beginning on the first day of the 4th month beginning after the effective date  
5 of this subdivision .... [revisor inserts date], and ending on the first day of the 16th  
6 month beginning after the effective date of this subdivision .... [revisor inserts date],  
7 for reimbursing costs related to collecting the surcharge, including reprogramming  
8 billing systems.

\*\*\*\*NOTE: The dates included in the Senate's June 25 proposal are no longer valid.  
Are the above dates okay?

9 (g) *Confidentiality of information.* The board may withhold from public  
10 inspection any information that would aid a competitor of a wireless provider in  
11 competition with the wireless provider. The board shall establish procedures for  
12 internal management that <sup>limit the access that</sup> ~~prohibit~~ members of the board ~~from having access~~ <sup>I have</sup> to  
13 confidential business information submitted by wireless providers.

\*\*\*\*NOTE: Will the restriction regarding confidential business information prevent  
the board from carrying out its duties?

14 (h) *Public information.* The board shall promulgate rules establishing  
15 requirements and procedures for informing the public about the purpose and uses  
16 of the surcharge required under par. (f). The rules shall require the board to  
17 maintain a toll-free telephone number to provide such information to the public and  
18 require wireless providers to identify the toll-free number on bills and direct  
19 customers to contact the board regarding questions about the surcharge.

20 (i) *Other charges prohibited.* No city, village, town, county, or state agency, as  
21 defined in s. 16.375 (1), except the board, may require a wireless provider to collect  
22 or pay a surcharge or fee related to emergency 911 wireless service.

INSEPT  
13-1

1

(j) *Liability exemption.* A wireless provider shall ~~not be liable to any person who~~

2

~~uses~~ an emergency 911 wireless service for which a grant is made under this subsection.

3

\*\*\*NOTE: Shouldn't the exemption be narrowed to damages arising from a person's use of an emergency 911 wireless service?

4

(k) *Report to governor and legislature.* Annually, the board shall submit a report to the governor, and to the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2), that describes the costs incurred by wireless providers and public agencies in providing emergency 911 wireless service and the grants made by the board.

5

6

7

8

\*\*\*NOTE: Even though only public agencies that are cities, villages, towns or counties may receive grants, I assume that you want the report to include all public agencies. Is that correct?

9

(L) *Board powers.* The board shall possess all powers necessary or convenient for administering the requirements of this subsection, including the authority to require wireless providers and public agencies to submit information to the board that is necessary for the board to make the determinations under pars. (b) 2. a. and (d) 2. and to submit the report required under par. (k).

10

11

12

13

\*\*\*NOTE: Because the board does not otherwise have jurisdiction over all public agencies, I added authority for the board to obtain information that the board needs to make the report to the governor and legislature. Is that okay?

14

**SECTION 11.** 146.70 (3m) (b) 1. (intro.) of the statutes, as created by 2003 Wisconsin Act .... (this act), is repealed and recreated to read:

15

16

17

18

19

146.70 (3m) (b) 1. 'Eligibility for grants.' (intro.) From the appropriation under s. 20.505 (4) (qp), the board shall make semiannual grants to cities, villages, towns, and counties that operate public safety answering points for the uses allowed under subd. 3. The board shall award no more than 62% of all moneys received under par.

wireless

1 (f) 3. in grants under this paragraph. A city, village, town, or county may receive a  
2 grant under this paragraph only if all of the following are satisfied:

\*\*\*NOTE: The only changes are: 1) the reference to s. 20.505 (4) (qp), rather than s. 20.505 (4) (qm); 2) the 62% limitation, rather than a 64% limitation; and 3) the reference to grants under "this paragraph", rather than to grants under "this paragraph and par. (c)". Note that the treatment above is delayed until Oct. 1, 2006, when the 62%/2% split between semiannual and supplemental grants takes effect.

3 SECTION 12. 146.70 (3m) (c) of the statutes, as created by 2003 Wisconsin Act  
4 .... (this act), is repealed and recreated to read:

5 146.70 (3m) (c) Local government supplemental grants. From the  
6 appropriation under s. 20.505 (4) (qs), the board may award supplemental grants to  
7 cities, villages, towns, and counties that are awarded grants under par. (b) if the  
8 board determines that a city, village, town, or county has or will experience excessive  
9 costs in providing emergency 911 wireless service or that a city, village, town, or  
10 county is in an area that is underserved by wireless providers. The board shall award  
11 no more than 2% of all moneys received under par. (f) 3. in grants under this  
12 paragraph. A city, village, town, or county that receives a grant under this paragraph  
13 may use the grant only for the purposes described in par. (b) 3. and may not use the  
14 grant for the purposes described in par. (b) 4. The board shall promulgate rules for  
15 making grants under this paragraph.

\*\*\*NOTE: The only changes are: 1) the reference to s. 20.505 (4) (qs), rather than s. 20.505 (4) (qm); 2) the 2% limitation; and 3) the reference to grants under "this paragraph". Note that the treatment above is delayed until Oct. 1, 2006, when the 62%/2% split between semiannual and supplemental grants takes effect.

16 SECTION 13. Nonstatutory provisions. (CS)

17 (1) DEFINITIONS. In this Section :

- 18 (a) "Board" means the wireless 911 board.
- 19 (b) "Department" means the department of administration.

1

2

(c) "Wireless provider" means has the definition given in section 146.70 (3m) of the statutes, as created by this act.

3

(2) INITIAL MEMBERS OF WIRELESS 911 BOARD. Notwithstanding section 15.105 (28)

4

(b) of the statutes, as created by this act:

5

(a) One initial member appointed under section 15.105 (28) (a) 5. of the statutes, as created by this act, and one initial member appointed under section 15.105 (28) (a) 6. of the statutes, as created by this act, shall be appointed for terms expiring on May 1, 2006.

9

(b) One initial member appointed under section 15.105 (28) (a) 5. of the statutes, as created by this act, and one initial member appointed under section 15.105 (5) (a) 6. of the statutes, as created by this act, shall be appointed for terms expiring on May 1, 2007.

13

(c) One initial member appointed under section 15.105 (28) (a) 5. of the statutes, as created by this act, and one initial member appointed under section 15.105 (28) (a) 6. of the statutes, as created by this act, shall be appointed for terms expiring on May 1, 2008.

17

(d) One initial member appointed under section 15.105 (28) (a) 5. of the statutes, as created by this act, and one initial member appointed under section 15.105 (28) (a) 6. of the statutes, as created by this act, shall be appointed for terms expiring on May 1, 2009.

20

\*\*\*NOTE: The expiration dates can be changed if you want to impose different initial terms.

21

(3) WIRELESS SURCHARGE RULES.

22

(a) *Emergency rules; board.* If all of the members of the board are appointed and qualified on July 1, 2004, the board shall, using the procedure under section

23

1 227.24 of the statutes, promulgate the rules required under section 146.70 (3m) (f)  
2 3. of the statutes, as created by this act, for the period before the effective date of the  
3 permanent rules promulgated under section 146.70 (3m) (f) 3. of the statutes, as  
4 created by this act, but not to exceed the period authorized under section 227.24 (1)  
5 (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of  
6 the statutes, the board is not required to provide evidence that promulgating a rule  
7 under this paragraph as an emergency rule is necessary for the preservation of the  
8 public peace, health, safety, or welfare and is not required to provide a finding of  
9 emergency for a rule promulgated under this paragraph.

\*\*\*\*NOTE: The first day of the 4th month after the effective date of the above paragraph is approximately equal to the 90 days that are included in the instructions.

10 (b) *Emergency rules; department.* Notwithstanding section 146.70 (3m) (f) 3.  
11 of the statutes, as created by this act, if all of the members of the board are not  
12 appointed and qualified on July 1, 2004, the department shall, using the procedure  
13 under section 227.24 of the statutes, promulgate the rules under section 146.70 (3m)  
14 (f) 3. of the statutes, as created by this act, for the period before permanent rules  
15 become effective, but not to exceed the period authorized under section 227.24 (1) (c)  
16 and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the  
17 statutes, the department is not required to provide evidence that promulgating a rule  
18 under this paragraph as an emergency rule is necessary for the preservation of the  
19 public peace, health, safety, or welfare and is not required to provide a finding of  
20 emergency for a rule promulgated under this paragraph.

\*\*\*\*NOTE: Paragraphs (b) and (c) above apply to the rules required for wireless providers to collect surcharges. The draft also requires rules for all of the following: 1) local government supplemental grants — s. 146.70 (3m) (c); 2) surcharge increases and decreases — s. 146.70 (3m) (f) 1.; 3) record keeping by wireless providers — s. 146.70 (3m) (d) 1.; and 4) public information — s. 146.70 (3m) (h). Do you want to require DCA to promulgate any of these rules in case the board isn't appointed and qualified by July 1, 2004? (The rules for joint plans that are required under s. 146.70 (3m) (b) 1. b. and 1. c.

*cell number,  
not house  
number*

**INSERT 17-1**

*(do not apply until January 1, 2008, so it's not necessary to provide for DOA promulgation of those rules.)*

1 **DEADLINE FOR DETERMINING NUMBER OF WIRELESS TELEPHONE NUMBERS.** No  
2 later than December 1, 2004, the board shall make the first annual determinations  
3 required under section 146.70 (3m) (b) 2. a. and (d) 2. of the statutes, as created by  
4 this act.

5 **SECTION 14. Initial applicability.**

6 (1) The treatment of section 146.70 (3m) (f) 1. of the statutes first applies to  
7 customer bills issued after the first day of the 4th month beginning after the effective  
8 date of this subsection.

9 **SECTION 15. Effective dates.** This act takes effect on the day after publication,  
10 except as follows:

11 (1) The treatment of section 20.505 (4) (qp) and (qs) of the statutes and the  
12 repeal and recreation of section 146.70 (3m) (b) 1. (intro.) and (c) of the statutes take  
13 effect on October 1, 2006.

14 (END)

2003-2004 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0045/lins  
MDK:.....

INSERT A:

This bill creates a wireless 911 board (board), consisting of the following 12 members: 1) one representative appointed by the speaker of the assembly; 2) one representative appointed by the assembly minority leader; 3) one senator appointed by the president of the senate; 4) one senator appointed by the senate minority leader; 5) four members who represent wireless telecommunications providers and who are appointed by the governor; and 6) four members who represent local governments that operate emergency 911 telephone systems and who are appointed by the governor.

telephone numbers ✓  
for → The bill requires wireless telecommunications providers to impose a 75-cent monthly surcharge on ~~customer bills~~ <sup>telephone numbers</sup> that have billable addresses in the state, except for ~~bills to~~ local governments and state agencies that operate emergency 911 telephone systems. The surcharge must be identified on a separate line on customer bills as "Wireless 911 Surcharge". A wireless telecommunications provider must pay the surcharge to the board, except for an initial one-year period during which 2% of the surcharge may be retained as reimbursement for collecting the surcharge. The board may promulgate rules to increase or decrease the surcharge, but the board may increase the surcharge only once per year. In addition, any increase must be uniform statewide and may not exceed 10 cents, and the surcharge may never exceed \$1. ✓

The board must deposit the surcharges in a wireless 911 fund that is created in the bill. From the fund, the board must make semiannual grants to: 1) wireless telecommunications providers and 2) cities, villages, towns, and counties (local governments) that operate wireless emergency 911 telephone systems. No more than 35% of the surcharges may be awarded in grants to wireless telecommunications providers and no more than 64% of the surcharges may be awarded in grants to local governments. No more than 1% of the surcharges may be used for the board's operating expenses. ✓ ←  
STET: as leave typed

A wireless telecommunications provider is eligible for a grant if it is subject to orders of the federal communications commission (FCC) regarding emergency 911 wireless telephone service. The grants must be used for specified expenses incurred by wireless telecommunications providers to comply with the FCC's orders. The grants must be awarded in amounts that are directly proportional to the percentage of in-service wireless telephone numbers in this state that are billed to a wireless telecommunications provider. The bill also imposes record-keeping requirements on wireless telecommunications providers that receive grants.

A local government is eligible for a grant only if its governing body <sup>two</sup> adopts a resolution stating its intent to provide emergency 911 wireless service within 2 years after the resolution's effective date. The resolution must include a schedule for planning and designing the facilities and equipment necessary for the service. In addition, after January 1, 2008, a local government is not eligible for a grant unless all of the local governments in the same county that provide emergency 911 wireless service submit a plan for combining the services in the most cost-effective manner. Also, after that same date, counties that jointly provide emergency 911 wireless

service are not eligible for grants unless they submit plans for combining the service in the most cost-effective manner. ✓

Grants to local governments may be used only for purposes related to emergency 911 wireless service that are specified in the bill. For local governments in a county with a population of 500,000 or less, the amount of a grant must be directly proportional to the percentage of in-service wireless telephone numbers in the state that are located in the local government. For local governments in a county with a population greater than 500,000, the amount of a grant for each city, village, or town must be equal to 93% of the amount that the city, village, or town would have received if it were located in a county with a population of 500,000 or less, and the amount of a grant to the county must be equal to 7% of the total amount that all cities, villages, and towns in that county would have received if they were located in a county with a population of 500,000 or less. In addition, the board may award supplemental grants to local governments that have already received grants, if the board determines that the local government has excessive costs in providing emergency 911 wireless service or is in an area that is underserved by wireless telecommunications providers. Before October 1, 2006, there is no limit on the amount of the 64% local government portion of the surcharges that may be used for supplemental grants. After that date, only 2% of the 64% may be used for supplemental grants. ✓

The bill creates other requirements for the grant program, including the following: ✓

1. The bill requires the board to contract for independent audits of grant applications. ✓

2. The bill allows the board to withhold from public inspection any information the board receives that would aid the competitor of a wireless telecommunications provider. In addition, the board must establish procedures for internal management that limit the access that board members have to confidential business information of wireless telecommunications providers. ✓

3. The bill prohibits local governments and other state agencies from requiring wireless telecommunications providers to collect or pay a surcharge or fee related to emergency 911 wireless service. ✓

4. The bill creates immunity from civil liability for wireless telecommunications providers for damages resulting from any person's use of an emergency 911 wireless service for which a grant is made. ✓

5. The bill requires the board to submit an annual report to the legislature regarding the grant program. ✓

**INSERT 5-6:**

2. "Emergency 911 wireless service" means any service regarding the transmission of wireless 911 calls that the federal communications commission requires wireless providers to provide. ✓

**INSERT 13-1:**

*with billable addresses*  
*territory of the*

1 ✓  
2  
3  
4  
5

*delete extra space*

1 be immune from civil liability for damages resulting from any person's use of

2 **INSERT 17-1:**

*auto number*  
→ ~~§~~

3 LOCAL GOVERNMENT SUPPLEMENTAL GRANTS; EMERGENCY RULES. If all of the  
4 members of the board are appointed and qualified on July 1, 2004, the board shall,  
5 using the procedure under section 227.24 of the statutes, promulgate the rules  
6 required under section 146.70 (3m) (c) of the statutes, as created by this act, for the  
7 period before the effective date of the permanent rules promulgated under section  
8 146.70 (3m) (c) of the statutes, as created by this act, but not to exceed the period  
9 authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding  
10 section 227.24 (1) (a), (2) (b), and (3) of the statutes, the board is not required to  
11 provide evidence that promulgating a rule under this subsection as an emergency  
12 rule is necessary for the preservation of the public peace, health, safety, or welfare  
13 and is not required to provide a finding of emergency for a rule promulgated under  
14 this subsection.

*not set*

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

LRB-0045/1dn

MDK:f:....

gjs

Senator Jauch:

that  
Please review this bill to make sure that it achieves your intent. In particular, please note, as directed, I revised the language regarding board member access to confidential business information in proposed s. 146.70 (3m) (g). The previous version *prohibited* access; this version *limits* access and requires the board to establish procedures for limiting access. Presumably, the board will be able to adopt procedures that satisfy the different members' concerns regarding confidentiality. ✓

Also note the new definition of "emergency 911 wireless service" in proposed s. 146.70 (3m) (a) 2. and the new language on immunity in proposed s. 146.70 (3m) (j). In addition, this version of the bill allows the board to promulgate emergency rules for the supplemental grants to local governments. ✓

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

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

LRB-0045/1dn  
MDK:cjs:rs

January 28, 2003

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

**Barman, Mike**

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**From:** Kunkel, Mark  
**Sent:** Thursday, January 30, 2003 9:18 AM  
**To:** Barman, Mike  
**Subject:** FW: LRB 0045 (wireless 911)

Mike: can you do this?

-- Mark

-----Original Message-----

**From:** Korbitz, Adam  
**Sent:** Thursday, January 30, 2003 9:17 AM  
**To:** Kunkel, Mark  
**Subject:** LRB 0045 (wireless 911)

Could you jacket this for introduction in the Senate for us? Thank you.