

2003 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB61)

Received: **02/26/2003**

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Phil Montgomery (608) 266-5840**

By/Representing: **Rose Smyrski**

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

Drafter: **mkunkel**

May Contact:

Addl. Drafters:

Subject: **Public Util. - telco**

Extra Copies: **RJM**

Submit via email: **YES**

Requester's email: **Rep.Montgomery@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Wireless 911 surcharge and grants

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>
/?	mkunkel 02/28/2003	csicilia 02/28/2003		_____			
/1			jfrantze 02/28/2003	_____	amentkow 02/28/2003		
/2	mkunkel	csicilia	chaskett	_____	lemery	lrb_docadmin	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	02/28/2003	02/28/2003	02/28/2003	_____	02/28/2003	03/06/2003	

FE Sent For:

<END>



Jacket
Sent directly
to ACC
per
MDK

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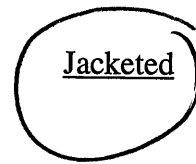
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No
(per MDK)

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02/28/2003

PER MDK

FE Sent For:

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/?	mkunkel	1 cjs 2/28 03	J 2/28	J/ch 2/28			

FE Sent For:

<END>

Kunkel, Mark

To: Stolzenberg, John
Subject: AB 61

John:

1. I haven't found any case law that addresses the issue of whether a statute that is worded like s. 146.70 (7), stats., creates immunity from civil and criminal liability. However, because the statute refers to liability "to any person", you could argue that it is limited to immunity from civil liability. Although "person" could include the state, we normally don't talk about criminal liability in terms of liability "to the state". Instead, crimes are created by providing that a person who does a prohibited act is guilty of a misdemeanor or felony. Is this a "slam dunk" interpretation? Unfortunately, I don't know. The statute is not drafted in the preferred way, which is to specify whether immunity is from civil liability, criminal liability, or both.

2. Regarding adding language that specifies that the bill does not create additional authority of the PSC over wireless providers, I don't think that such language is necessary. The bill does what it does in ch. 146, not ch. 196. Also, the bill doesn't affect the exemption for wireless providers in ch. 196. If push comes to shove, you could include something to the effect that the bill does not authorize the PSC to regulate wireless providers, except to the extent necessary to administer the bill's requirements. However, you really don't need to say that, as we discussed.

Mark D. Kunkel
Senior Legislative Attorney
Legislative Reference Bureau
(608) 266-0131

Kunkel, Mark

From: Smyrski, Rose
Sent: Wednesday, February 26, 2003 1:05 PM
To: Kunkel, Mark
Subject: Sub-Amendment to AB 61 - Wireless 911



Final Sub-amendent
issues 2-26...

Proposed Changes to AB 61 (Wireless 911) --Sub-Amendment concepts

1. Change name of program to "federally mandated wireless 911 fee" *fed w 911 mandate fee*
2. Stagger the collecting and ending time of the surcharge to that the program does not sunset before the PSC is able to send out the money collected in the last month
3. Modify the Timeline: Program timeline is driven by the completion of the grant and surcharge rules.
 - a. 6 month: draft grant rule to Legislative Council
 - b. 12 month: final grant rule to appropriate Senate and Assembly committees
 - c. 15 month:
 - i. Grant application due
 - ii. County resolution passed and 1 PSAP identified
 - d. 18 month: draft surcharge rule to Legislative Council
 - e. 20 month: final surcharge rule to appropriate Senate and Assembly committees
 - f. 21 or 22 month: start collecting surcharge for 36 months
 - g. 24 month: grants start going out to wireless providers and communities
 - h. 58 month: last wireless fee charged on customer bill and collected by PSC
4. Modify the reimbursement of expenses for wireless providers and eligible PSAPs
 - a. Reimburse for actual expenses incurred
 - b. Cap of money received from grants to the estimated value approved by the PSC
5. Reimbursement period will begin when fee collection is started
6. Add language that if a PSAP receives a grant they must serve the whole county
7. Language to address if new entrants in the wireless market come after the program started, they are able to have costs reimbursed. (New entrants are required to collect the surcharge if they do business in Wisconsin) *D-NOTE - new entrants coll fee*
8. Language that ensures that PSAPs may not sell information obtained through the system
9. Remove liability language that states that wireless companies are only held harmless for service provided to eligible PSAPs (pg 8 line 20)
10. Rate that PSC produces is a flat fee
11. Pre-paid cellular phones issue (language below is still pending...I expect to get details this afternoon) *INFO Blooming?*

*- covers private
Gramm-
each -
P.A.ley
don't include w/ sub.*

SEP A

Indiana Code Wireless 911 Program Excerpts

**IC 36-8-16.5-14
"Subscriber" defined**

Sec. 14. As used in this chapter, "subscriber" refers to a standard subscriber or a prepaid subscriber of CMRS service.

As added by P.L.98-1998, SEC.1. Amended by P.L.16-2002, SEC.2.

**IC 36-8-16.5-30c
Emergency wireless enhanced 911 fee; CMRS providers billing**

Note: This version of section amended by P.L.156-2002, SEC.2, effective 1-1-2003. See also preceding version of this section added by P.L.98-1998, SEC.1, effective until 8-1-2002, and preceding version of this section amended by P.L.104-2002, SEC.4, effective 8-1-2002.

See Florida

- a. Sec. 30. Except as provided in section 34 of this chapter, each CMRS provider shall collect the wireless emergency enhanced 911 fee as follows:
- (1) A CMRS provider shall collect the fee from each standard subscriber as part of its normal monthly billing process and may list the fee as a separate line item on each bill. If a CMRS provider receives a partial payment for a monthly bill from a CMRS standard subscriber, the CMRS provider shall apply the payment against the amount the CMRS standard subscriber owes to the CMRS provider before applying the payment against the fee.
 - (2) A CMRS provider shall collect and remit to the board under section 36 of this chapter fees from its prepaid subscribers in an amount equal to the fee amount multiplied by the number of active prepaid subscriber accounts on the last day of each calendar month.

Kunkel, Mark

From: Smyrski, Rose
Sent: Thursday, February 27, 2003 11:01 AM
To: Kunkel, Mark; Lovell, David; Stolzenberg, John
Subject: RE: New entrants

I checked with Phil and he is ok will that scenario. It would be the same for companies that come into the market after the program ends...they wouldn't receive any cost recovery.

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

From: Kunkel, Mark
Sent: Thursday, February 27, 2003 10:56 AM
To: Smyrski, Rose; Lovell, David; Stolzenberg, John
Subject: New entrants

One issue that occurs to me as I draft the substitute amendment concerns wireless providers who enter the market after the grant application deadline. If you want to allow them to receive grants, they will only get reimbursed for costs incurred during the 3-year reimbursement period. Therefore, if they enter the market toward the end of that period, they will only get grants for costs incurred during a potentially very short time period, which might not amount to an awful lot.

Is that okay?

Mark D. Kunkel
Senior Legislative Attorney
Legislative Reference Bureau
(608) 266-0131

Kunkel, Mark

From: Smyrski, Rose
Sent: Thursday, February 27, 2003 2:21 PM
To: Kunkel, Mark
Subject: RE: Cost effective

If cost-effective is stronger and places more of an emphasis on saving money than I am more inclined to go with "cost-effective system."

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

From: Kunkel, Mark
Sent: Thursday, February 27, 2003 2:10 PM
To: Smyrski, Rose
Subject: Cost effective

Rose:

Page 7, line 4 of the bill (LRB-1362/2) requires the PSC to approve an application if the estimated costs are reasonable and are incurred for the purpose of promoting an effective and efficient statewide system.

Is that good enough, or should it refer to a cost-effective system, rather than just an effective system?

Mark D. Kunkel
Senior Legislative Attorney
Legislative Reference Bureau
(608) 266-0131

Kunkel, Mark

From: Stolzenberg, John
Sent: Thursday, February 27, 2003 3:50 PM
To: Smyrski, Rose
Cc: Kunkel, Mark
Subject: Memo on revised AB 61 schedule

Eose,

Per our discussion, here's an electronic copy of the memo on the revised AB 61 schedule.

John



AB 61 - Revised
schedule.doc

John Stolzenberg,
Legislative Council Staff Scientist
Suite 401, One East Main Street
PO Box 2536
Madison, WI 53701-2536
Direct: 608-266-2988
Fax: 608-266-3830



WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director
Laura D. Rose, Deputy Director

TO: SENATOR JOE LEIBHAM AND REPRESENTATIVES SCOTT R. JENSEN AND PHIL MONTGOMERY

FROM: John Stolzenberg, Staff Scientist

RE: Revised Schedule for the Wireless 911 Program Under 2003 Assembly Bill 61

DATE: February 20, 2003

This memorandum presents in the attached chart a revised schedule for the Wireless 911 Program created by 2003 Assembly Bill 61. This schedule is based upon instructions provided by Representatives Jensen's and Montgomery's staff last Tuesday as part of drafting instructions for an Assembly substitute amendment to Assembly Bill 61.

Description of the Schedule

The schedule contains the following three types of dates:

- **Deadline in Bill:** The deadline is a specified number of months after the effective date of the bill.
- **Estimated Date:** The chart presents an estimated date for completion of a task relating to rule-making. A specific deadline cannot be prescribed for these tasks because completion of the tasks involve activities out of the control of the Public Service Commission (PSC), the program administrator.
- **Relative Deadline:** These deadlines are the specified number of months after the effective date of a rule. For example, under the schedule presented in the chart, a county board would have to designate the public safety answering point (PSAP) in the county eligible to receive a grant under the program by two months after the effective date of the PSC's grant rule.

Note that the schedule does not include all of the tasks following enactment of the bill leading up to the awarding of grants under the Wireless 911 Program. For example, public hearings on proposed rules and legislative review of proposed rules are not explicitly identified, though time for these tasks are accounted for in the schedule. In addition, the chart does not identify the "reimbursement period"

under the proposed substitute amendment, as the drafting instructions for the substitute amendment have not yet specified this period. Eligible costs incurred by wireless providers and PSAPs during the reimbursement period are reimbursed in the grants awarded under the program created by the substitute amendment.

Comments on the schedule in the chart are presented below.

Discussion

The chart modifies the schedule developed by your staff in three ways. First, following our meeting last Tuesday, Mark Kunkel, Attorney, Legislative Reference Bureau, reported that standard drafting practice is to base deadlines on the effective date of a rule rather than the publication date of a rule. This necessitated a change in deadlines in the drafting instructions based upon rule publication dates. Under s. 227.22 (2) (intro.), Stats., a rule is, in general, effective on the first day of the month commencing after the date of publication in the Wisconsin Administrative Register. Thus, barring unforeseen delays, it will take about two months once the PSC promulgates a rule for it to become effective.¹

Second, the schedule in the chart provides three months between the time that the PSC submits its proposed surcharge rule to the Legislative Council Rules Clearinghouse and when it promulgates this rule. The instructions had indicated this should occur within two months. However, once the PSC submits the proposed rule to the Rules Clearinghouse, the Rules Clearinghouse has up to one month to review it and then the PSC staff must hold one or more hearings on the rule, make any modifications in the text of the rule, and have the PSC formally act on the rule. Then, the rule must be submitted to the Legislature for standing committee review. Standing committees have a minimum of 30 days to review a rule and can request a 30-day extension. Thus, the three-month period is optimistic, as it assumes that the PSC will be able to promptly conclude its hearings and make any revisions in its proposed rule and that the Legislature will quickly review the rule with no requests for modifications or objections.

Third, the schedule in the chart indicates that wireless providers would start to collect the surcharge one month after the effective date of the surcharge rule rather than two months after publication of the rule under the drafting instructions. Wireless providers will know the amount of the initial surcharge once the PSC promulgates the surcharge rule prior to the rule becoming effective.

If you have any questions on the schedule in the chart, please feel free to direct them to me at the Legislative Council staff offices.

JES:rv;jal;ksm

Attachment

¹ If the PSC promulgates a rule at the beginning of month one and promptly files the rule with the Office of the Secretary of State and the Office of the Revisor of Statutes, the rule will be published in the Wisconsin Administrative Register in month two and take effect on the first day of month three.

Kunkel, Mark

From: Stolzenberg, John
Sent: Thursday, February 27, 2003 4:54 PM
To: Kunkel, Mark
Subject: FW: Changes to AB 61 (Wireless 911)

> -----Original Message-----

> **From:** Rep.Montgomery
> **Sent:** Thursday, February 27, 2003 2:58 PM
> **To:** Rep.Jensen; Rep.Powers; Rep.Montgomery; Rep.Friske;
> Rep.Fitzgerald; Rep.Gottlieb; Rep.Nischke; Rep.Ziegelbauer;
> Rep.Steinbrink; Rep.Krug; Rep.Schooff; Rep.Travis
> **Cc:** Stolzenberg, John; Lovell, David; Natzke, Ryan; Healy,
> Brett; Lindstedt, Daniel; Smyrski, Rose
> **Subject:** Changes to AB 61 (Wireless 911)

> Dear Members:

> Below is a summary of the changes to AB 61 that will
> incorporated in a Substitute Amendment. We are waiting on
> the draft and expect to receive on Friday. If you have any
> questions, please contact Rose Smyrski in my office and she
> will be happy to assist you.

> **Phil Montgomery**

> Identified Changes to AB 61 that will be a part of the
> Substitute Amendment

- > 1. Change name of program to "federal wireless 911 mandate fee"
- > 2. Stagger the collecting and ending time of the surcharge
> so the program does not sunset before the PSC is able to send
> out the money collected in the last month
- > 3. Modify the Timeline: Program timeline is driven by the
> passage of the grant and surcharge rules.
 - > a. 6 month: draft grant rule to Legislative Council
 - > b. 12 month: final grant rule to appropriate Senate and
> Assembly committees
 - > c. 15 month:
 - > i. Grant applications due
 - > ii. County resolution passed and 1 PSAP identified
 - > d. 18 month: draft surcharge rule to Legislative Council
 - > e. 20 month: final surcharge rule to appropriate Senate
> and Assembly committees
 - > f. 21 or 22 month: start collecting surcharge for 36 months
 - > g. 24 month: grants start going out to wireless providers
> and communities
 - > h. 58 month: last wireless fee charged on customer bill
> and collected by PSC
- > 4. Add the word "cost," which results in requiring the PSC
> to consider cost-effectiveness as well as efficiency in
> creating the statewide wireless 911 systems.
- > 5. Modify the reimbursement of expenses for wireless

- > providers and the eligible PSAPs
 - > a. Reimburse for actual expenses incurred
 - > b. Cap of money received from grants to the estimated value approved by the PSC
- > 6. Reimbursement period will begin when fee collection is started
- > 7. Add language that if a PSAP receives a grant they must serve the whole county
- > 8. Language to address if new entrants in the wireless market come after the program started, they are able to have costs reimbursed. (New entrants are required to collect the surcharge if they do business in Wisconsin)
- > 9. Modify section on liability. Wireless providers will be held harmless for service provided to any PSAPs in the state.
- > 10. Surcharge on customer's bill will be a statewide uniform flat rate.

>
>

D-NOTE

Today
07 4 PM,
if possible

2003 ASSEMBLY BILL 61

8/4/03
S0019/1

RM NOT
RUN

SAV

February 13, 2003 - Introduced by Representatives MONTGOMERY, JENSEN, M. LEHMAN, PETTIS, VAN ROY, WEBER, TURNER, J. FITZGERALD, VRAKAS and NISCHKE, cosponsored by Senators LEIBHAM, S. FITZGERALD and BRESKE. Referred to Committee on Energy and Utilities.

Repeal

1 AN ACT *to amend* 146.70 (7); and *to create* 20.155 (3), 25.17 (1) (yo), 25.98, 77.51
2 (4) (b) 8., 77.51 (15) (b) 7. and 146.70 (3m) of the statutes; **relating to:** creating
3 a wireless 911 fund; imposing a surcharge on wireless telephone customers;
4 making grants for wireless 911 emergency telephone service; ~~providing an~~
5 ~~exemption from emergency rule procedures;~~ granting rule-making authority;
6 and making appropriations.

Analysis by the Legislative Reference Bureau

This bill requires the Public Service Commission (PSC) to make grants to wireless telecommunications providers (wireless providers) and cities, villages, towns, and counties (local governments) for reimbursement of certain costs related to providing wireless 911 emergency telephone service (wireless 911 service) and operating facilities for routing wireless 911 telephone calls (wireless public safety answering points). The grants are funded by a surcharge paid by wireless customers.

A wireless provider is eligible for the grants if it is subject to orders of the Federal Communications Commission (FCC) regarding wireless 911 service. In addition, a wireless provider must apply for the grants no later than nine months after the bill's effective date. An application must include an estimate of the costs that, during the three-year period beginning nine months after the bill's effective date, the wireless provider has incurred or will incur to upgrade, purchase, lease, program, install, test, operate, or maintain all data, hardware, and software

ASSEMBLY BILL 61

necessary to comply with the FCC orders. The application must also include supporting documentation for the estimate.

For local governments, only the local governments that operate a wireless public safety answering point that is specified in a resolution passed by a county are eligible for the grants. Only one wireless public safety answering point in each county is eligible for the grants. A county has until nine months after the bill's effective date to pass such a resolution. Like wireless providers, local governments must apply for the grants no later than nine months after the bill's effective date. An application must include an estimate of the costs that, during the three-year period beginning nine months after the bill's effective date, the local government has directly and primarily incurred, or will directly and primarily incur, for leasing, purchasing, operating, or maintaining the wireless public safety answering point. Such costs include costs for the following: 1) necessary network equipment, computer hardware and software, database equipment, and radio and telephone equipment, that are located within the wireless public safety answering point; 2) training operators of the wireless public safety answering point; and 3) network costs for delivery of calls to the wireless public safety answering point. The application must also include supporting documentation for the estimate.

For both wireless providers and local governments, the PSC must approve an application if the PSC determines that the estimated costs are reasonable and have been, or will be, incurred for the purpose of promoting an effective and efficient statewide system for responding to wireless 911 telephone calls. In addition, the bill prohibits grants to local governments from being used for specified costs, including certain costs for dispatching emergency services and salaries and benefits for operators of wireless public safety answering points. If the PSC does not approve an application, the PSC must provide the applicant with its reasons and provide an opportunity to resubmit the application.

The bill requires the PSC to promulgate rules for making grants, including criteria for approving estimated costs and record-keeping requirements for ensuring that the grants are used for approved costs. The bill also requires the PSC to promulgate rules for making supplemental grants to counties for the joint operation of a wireless public safety answering point by different counties or local governments in different counties. To be eligible for supplemental grants, the resolution described above for each county must specify the same wireless public safety answering point, which is the only wireless public safety answering point for which local governments in the counties may receive the grants described above.

The funding source for the grants is a uniform monthly surcharge imposed by wireless providers for each customer telephone number that is billed to an address in this state. The surcharge may be imposed only during the three-year period beginning nine months after the bill's effective date. The PSC must promulgate rules that establish the amount of the surcharge, which must be sufficient for the PSC to administer and make grants under the bill. The PSC may promulgate rules to increase or decrease the surcharge, but may increase the surcharge only once per year, and any increase must be uniform statewide. Wireless providers must pay the surcharge to the PSC for deposit into a wireless 911 fund that is created in the bill.

ASSEMBLY BILL 61

A wireless provider is not liable for surcharges that are not paid by customers. Instead, the bill allows the PSC to bring an action against a customer for an unpaid surcharge.

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

1. The PSC must withhold from public inspection any information the PSC receives that would aid the competitor of a wireless provider.
2. Local governments and other state agencies are prohibited from requiring wireless telecommunications providers to collect or pay a surcharge or fee related to wireless 911 service.
3. Wireless providers must identify the surcharge on customer bills as "Wisconsin Wireless 911 Surcharge"
4. Wireless providers are immune from liability to any person who makes an emergency telephone call initially routed to a wireless public safety answering point for which a grant is made under the bill.
5. The surcharge under the bill is exempt from the sales and use taxes.
6. The bill's requirements regarding the surcharge and grant program do not apply after three years and nine months after the bill's effective date.

This bill will be referred to the Joint Survey Committee on Tax Exemptions for a detailed analysis, which will be printed as an appendix to this bill.

For further information see the *state 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.** 20.155 (3) of the statutes is created to read:

2 20.155 (3) WIRELESS 911 GRANTS. (q) *General program operations and grants.*

3 From the wireless 911 fund, all moneys received under s. 146.70 (3m) (f) 1. to

4 administer and make grants under s. 146.70 (3m) (d) and supplemental grants under

5 s. 146.70 (3m) (e).

6 **SECTION 2.** 25.17 (1) (yo) of the statutes is created to read:

7 25.17 (1) (yo) Wireless 911 fund (s. 25.98);

8 **SECTION 3.** 25.98 of the statutes is created to read:

ASSEMBLY BILL 61

SECTION 3

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 public service
3 commission under s. 146.70 (3m) (f) 1.

4 **SECTION 4.** 77.51 (4) (b) 8. of the statutes is created to read:

5 77.51 (4) (b) 8. The surcharge established in rules of the public service
6 commission under s. 146.70 (3m) (f) for customers of wireless providers, as defined
7 in s. 146.70 (3m) (a) 5.

8 **SECTION 5.** 77.51 (15) (b) 7. of the statutes is created to read:

9 77.51 (15) (b) 7. The surcharge established in rules of the public service
10 commission under s. 146.70 (3m) (f) for customers of wireless providers, as defined
11 in s. 146.70 (3m) (a) 5.

12 **SECTION 6.** 146.70 (3m) of the statutes is created to read:

13 146.70 (3m) WIRELESS PROVIDERS. (a) *Definitions.* In this subsection:

14 1. “Commission” means the public service commission.

15 2. “Federal wireless orders” means the orders of the federal communications
16 commission regarding 911 emergency services for wireless telephone users in FCC
17 docket no. 94-102.

18 3. “Local government” means a city, village, town, or county, or an entity formed
19 by a contract under s. 66.0301 (2) by a city, village, town, or county.

20 4. “Reimbursement period” means the ^{3-year} ~~period of time between the first day of~~
21 ~~the 10th month beginning after the effective date of this subdivision [revisor~~
22 ~~inserts date], and the first day of the 10th month after the effective date of this~~
23 ~~subdivision [revisor inserts date].~~ ^{INSERT 4-20}

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

ASSEMBLY BILL 61

1 6. "Wireless public safety answering point" means a facility to which a call on
 2 a wireless provider's system is initially routed for response, and on which a public
 3 agency directly dispatches the appropriate emergency service provider, relays a
 4 message to the appropriate emergency service provider, or transfers the call to the
 5 appropriate emergency services provider.

1. Except as provided in subd. 2.)

6 (b) *Grant applications; wireless providers.* A wireless provider may not receive
 7 a grant under par. (d) unless, no later than the first day of the ~~month~~ ^{3rd beginning} month after the
 8 effective date of ~~this paragraph~~ ^[revisor inserts date], the wireless provider
 9 applies to the commission with an estimate, and supporting documentation, of the ^{the rules promulgated under}
 10 costs that it has incurred, or will incur, during the reimbursement period to upgrade, ^{par. 1}
 11 purchase, lease, program, install, test, operate, or maintain all data, hardware, and ^{(B) (d) 4.}
 12 software necessary to comply with the federal wireless orders.

INSERT
5-12

13 (c) *Grant applications; local governments.* 1. A local government that operates
 14 a wireless public safety answering point, or local governments that jointly operate
 15 a wireless public safety answering point, may not receive a grant under par. (d)
 16 unless the requirements under subds. 3. ~~and 4.~~ ^{to 5.} are satisfied and, no later than the
 17 first day of the ~~month~~ ^{3rd beginning} month after the effective date of ~~this subdivision~~ ^{[revisor}

18 ~~inserts date]~~, every county which itself is one of the local governments or in which
 19 any of the local governments is located applies to the commission with an estimate,
 20 and supporting documentation, of the costs that the local government or local
 21 governments have directly and primarily incurred, or will directly and primarily
 22 incur, during the reimbursement period for leasing, purchasing, operating, or
 23 maintaining the wireless public safety answering point, including costs for all of the
 24 following:

par. 1
the rules promulgated under ~~1/14/06~~ ^{1/14/06} (B) (d) 4.

ASSEMBLY BILL 61

SECTION 6

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

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

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

7 2. If an application under subd. 1. is for the joint operation of a wireless public
8 safety answering point by local governments, the application shall specify the
9 manner in which the estimated costs are apportioned among the local governments.

10 3. A local government that operates a wireless public safety answering point,
11 or local governments that jointly operate a wireless public safety answering point,
12 are not eligible for grants under par. (d) unless, no later than the first day of the

13 month beginning after the effective date of ~~this subdivision~~ ^{3rd}.... [revisor inserts date],
14 every county which itself is one of the local governments or in which any of the local
15 governments is located has passed a resolution specifying that the wireless public
16 safety answering point is eligible for the grants. Except as provided in subd. 4., only
17 one wireless public safety answering point in each county is eligible for local
18 governments to receive grants under par. (d).

19 4. If a county or local government in a county jointly operates a wireless public
20 safety answering point with another county or local government in another county,
21 the resolution passed by each county under subd. 3. shall specify the same wireless
22 public safety answering point, and the counties shall submit a joint application
23 under subd. 1. that complies with the requirement under subd. 2. In each county that
24 submits a joint application, only the wireless public safety answering point specified
25 in the resolutions is eligible for local governments to receive grants under par. (d).

the rules promulgated under S. 1362, 1363 (2/2/03) (d) 4 par.

12

INSERT 6-25

ASSEMBLY BILL 61

cost-

1 (d) *Grants; commission approval and rules.* 1. The commission shall approve
 2 an application under par. (b) or (c) if the commission determines that the costs
 3 estimated in the application are reasonable and have been, or will be, incurred for
 4 the purpose of promoting ^(a) an effective and efficient statewide system for responding
 5 to wireless emergency 911 telephone calls. If the commission does not approve an
 6 application, the commission shall provide the applicant or applicants with the
 7 commission's reasons and give the applicant or applicants an opportunity to
 8 resubmit the application.

INSERT 7-11

9 2. From the appropriation under s. 20.155 (3) (q), the commission shall make
 10 grants to reimburse wireless providers and local governments for costs approved
 11 under subd. 1. For applications for the joint operation of a wireless public safety
 12 answering point, the commission shall apportion the grants in the manner specified
 13 under par. (c) 2.

14 3. No grant to a local government under subd. 2. may be used to reimburse costs
 15 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.

20 c. Communications equipment and software used to communicate with
 21 vehicles.

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

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

ASSEMBLY BILL 61

INSERT 8-3

1 4. The commission shall promulgate rules establishing requirements and
 2 procedures for making grants under this paragraph, including criteria for approving
 3 estimated costs under subd. 1. The rules shall include record-keeping requirements
 4 to ensure that the grants are used to reimburse estimated costs approved by the
 5 commission. The rules shall allow the commission to make the grants in
 6 installments. INSERT 8-6

7 (e) *Supplemental grants.* The commission shall promulgate rules for making
 8 supplemental grants from the appropriation under s. 20.155 (3) (q) to counties that
 9 submit joint applications required under par. (c) 4. The rules shall establish the
 10 supplemental grants in amounts that provide an incentive for counties to submit
 11 joint applications. The rules may not impose any limits on the use of a supplemental
 12 grant and shall allow the commission to make the grants in installments.

13 (f) *Wireless surcharge.* 1. The commission shall promulgate rules requiring
 14 each wireless provider to impose a ~~uniform~~ ^{the same} monthly surcharge for each telephone
 15 number of a customer that has a billable address in this state and pay the surcharge
 16 to the commission for deposit in the wireless 911 fund. The rules ~~shall~~ ^{shall} require the
 17 surcharge to be imposed ~~before~~ ^{the same} the first day of the ~~first~~ ^{month} month beginning after the
 18 effective date of this subdivision ... [revisor inserts date], or after the first day of the
 19 ~~first~~ ^{month} month beginning after the effective date of this subdivision ... [revisor inserts

20 ~~date].~~ ^{date].} The amount of the surcharge shall be sufficient for the commission to
 21 administer and make the grants under par. (d) and the supplemental grants under
 22 par. (e). INSERT 8-20

23 2. The commission may promulgate rules that increase or decrease the
 24 surcharge, except that the commission may not increase the surcharge more than
 25 once per year and any increase must be uniform statewide.

ASSEMBLY BILL 61

"federal wireless 911 mandate fee"

1 3. A wireless provider shall identify the surcharge on a customer's bill on a
2 separate line that consists of the words ~~Wisconsin Wireless 911 Surcharge~~.

3 4. The commission may bring an action to collect a surcharge that is not paid
4 by a customer and the customer's wireless provider is not liable for the unpaid
5 surcharge.

6 (g) Confidentiality of information. The commission shall withhold from public
7 inspection any information received under this subsection that would aid a
8 competitor of a wireless provider in competition with the wireless provider.

9 (h) Other charges prohibited. No local government or state agency, as defined
10 in s. 16.375 (1), except the commission, may require a wireless provider to collect or
11 pay a surcharge or fee related to wireless emergency telephone service.

42nd

12 (i) Sunset. This subsection does not apply after the first day of the ~~month~~
13 beginning after the effective date of ~~this paragraph~~... [revisor inserts date].

SECTION 7. 146.70 (7) of the statutes is amended to read:

15 146.70 (7) TELECOMMUNICATIONS UTILITY AND WIRELESS PROVIDERS NOT LIABLE. A
16 telecommunications utility shall not be liable to any person who uses an emergency
17 number system created under this section and a wireless provider, as defined in sub.
18 (3m) (a) 5., shall not be liable to any person who makes an emergency telephone call
19 initially routed to a wireless public safety answering point, as defined in sub. (3m)

20 (a) 6. for which a grant is made under sub. (3m) (d).

SECTION 8. Nonstatutory provisions.

PROPOSED CS

22 (1) ~~WIRELESS 911 SURCHARGE~~ RULES.

9

23 (a) Emergency rules. The public service commission may, using the procedure
24 under section 227.24 of the statutes, promulgate the rules under section 146.70 (3m)
25 (f) 1. of the statutes, as created by this act, for the period before permanent rules

the rules promulgated under par. (f) 1

ASSEMBLY BILL 61

SECTION 8

0

1 become effective, but not to exceed the period authorized under section 227.24 (1) (e)
 2 and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the
 3 statutes, the commission is not required to provide evidence that promulgating a rule
 4 under this paragraph as an emergency rule is necessary for the preservation of the
 5 public peace, health, safety, or welfare and is not required to provide a finding of
 6 emergency for a rule promulgated under this paragraph.

7 (a) ~~(b) Proposed~~ rules. The public service commission shall submit in proposed
 8 form the rules required under section 146.70 (3m) (f) 1. of the statutes, as created by
 9 this act, to the legislative council staff under section 227.15 (1) of the statutes no later
 10 than the first day of the ⁶ 6th month beginning after the effective date of this
 11 paragraph. *the rules promulgated under section 146.70 (3m) (d) 4.*
 12 *of the statutes, as created by this act*

(2) WIRELESS 911 GRANT RULES.

13 (a) *Emergency* rules. The public service commission shall, using the procedure
 14 under section 227.24 of the statutes, promulgate the rules under section 146.70 (3m)
 15 (d) 4. and (e) of the statutes, as created by this act, for the period before permanent
 16 rules become effective, but not to exceed the period authorized under section 227.24
 17 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3)
 18 of the statutes, the commission is not required to provide evidence that promulgating
 19 a rule under this paragraph as an emergency rule is necessary for the preservation
 20 of the public peace, health, safety, or welfare and is not required to provide a finding
 21 of emergency for a rule promulgated under this paragraph. The public service
 22 commission shall promulgate the rules required under this paragraph no later than
 23 the first day of the 7th month beginning after the effective date of this paragraph.

24 (b) ~~Proposed~~ rules. The public service commission shall submit in proposed
 25 form the rules required under section 146.70 (3m) (d) 4. and (e) of the statutes, as

wireless 911 grant

ASSEMBLY BILL 61

1 created by this act, to the legislative council staff under section 227.15 (1) of the
2 statutes no later than the first day of the ~~10~~⁷th month beginning after the effective
3 date of this paragraph. ✓

4 (END)

d-note

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INSERT 4-20:

beginning on the first day of the 2nd month beginning after the effective date of the rules promulgated under par. (f). [✓] 1

INSERT 5-12:

2. A wireless provider that does not provide service to customers in this state until beginning after ^{prior to} the effective of this subdivision [revisor inserts date] may make an application under subd. 1. after the date specified in subd. 1. pursuant to rules promulgated by the commission [✓] under par. (d) 4.

INSERT 6-25:

5. A local government that operates, or local governments that jointly operate, a wireless public safety answering point are not eligible for grants under par. (d) unless the wireless public safety answering point serves the entire geographic area of all of the following:

- a. For each local government that is not a county, each county in which ^{the} local government is located.
- b. For each local government that is a county, ^{the} each county itself.

INSERT 7-11:

that are actually incurred by the wireless providers and local governments, except that no wireless provider or local government may receive a total amount in grants that exceeds the estimated amount approved by the commission under subd. 1. for that wireless provider or local government.

INSERT 8-3:

1 The rules shall require the commission to make the grants during the 3-year period
2 beginning on the first day of the 3rd month beginning after the effective date of the
3 rules promulgated under par. (f). ✓ 1

4 **INSERT 8-6:**

5 The rules shall also include requirements for wireless providers specified in par. (b) ✓
6 2. to apply for grants. ✓

7 **INSERT 8-20:**

8 during the 3-year period beginning on the first day of the 2nd month beginning after ✓
9 the effective date of the rules. ✓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0019/1dn

MDK:f....

gjs

Representative Montgomery:

This substitute amendment is identical to the bill, except for the following:

1. The deadlines are changed as described in the chart prepared by John Stolzenberg. Please make sure the deadlines are accurate. Also note the new sunset date, which gives the PSC time to close out the program.
2. The surcharge must be identified as the "federal wireless 911 mandate fee". Also, the PSC must require wireless providers to impose the "same" surcharge, rather than a "uniform" surcharge. This approach makes it clearer that the fee is a "flat fee" (I'm reluctant to use the term "flat fee" because it's not typically used in the statutes.)
3. In approving applications, the PSC must determine that costs will be incurred to promote a "cost-effective" system, rather than an "effective" system. ✓
4. Grants are limited to actual costs that are incurred and the total amount of grants to an individual recipient may not exceed the estimated costs approved by the PSC. ✓
5. The exemption from liability for wireless providers is *not* limited to wireless public safety answering points for which grants are made. ✓
6. New entrants (i.e., wireless providers that do not begin providing service in this state until after the effective date of the bill) may apply for grants pursuant to rules promulgated by the PSC. Note that a new entrant's grant is limited to costs incurred during the same reimbursement period that applies to other wireless providers. In addition, note that even if a new entrant does not apply for a grant, it must still impose the surcharge because the PSC's rules must require "each wireless provider" to impose the surcharge without distinguishing between new entrants and other wireless providers. ✓

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

LRBs0019/1dn
MDK:cjs:jf

February 28, 2003

Representative Montgomery:

This substitute amendment is identical to the bill, except for the following:

1. The deadlines are changed as described in the chart prepared by John Stolzenberg. Please make sure the deadlines are accurate. Also note the new sunset date, which gives the PSC time to close out the program.
2. The surcharge must be identified as the "federal wireless 911 mandate fee." Also, the PSC must require wireless providers to impose the "same" surcharge, rather than a "uniform" surcharge. This approach makes it a clearer that the fee is a "flat fee." (I'm reluctant to use the term "flat fee" because it's not typically used in the statutes.)
3. In approving applications, the PSC must determine that costs will be incurred to promote a "cost-effective" system, rather than an "effective" system.
4. Grants are limited to actual costs that are incurred and the total amount of grants to an individual recipient may not exceed the estimated costs approved by the PSC.
5. The exemption from liability for wireless providers is *not* limited to wireless public safety answering points for which grants are made.
6. New entrants (i.e., wireless providers that do not begin providing service in this state until after the effective date of the bill) may apply for grants pursuant to rules promulgated by the PSC. Note that a new entrant's grant is limited to costs incurred during the same reimbursement period that applies to other wireless providers. In addition, note that even if a new entrant does not apply for a grant, it must still impose the surcharge because the PSC's rules must require "each wireless provider" to impose the surcharge without distinguishing between new entrants and other wireless providers.

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

Kunkel, Mark

From: Smyrski, Rose
Sent: Friday, February 28, 2003 1:00 PM
To: Kunkel, Mark
Subject: Question on PSC oversight of Wireless

Importance: High

Mark

I think I forgot to give you this language the wireless guys wanted on PSC oversight. I understand that it is unnecessary however, unfortunately we have agreed to put it into our bill

Relating to the PSC authority over CMRS providers:

"Nothing in this section limits or alters the restrictions on the Public Service Commission's authority over CMRS providers otherwise found in s. 196.202, Stats."

**ASSEMBLY SUBSTITUTE AMENDMENT ,
TO 2003 ASSEMBLY BILL 61**

To delay

PM has been RMN

Now

1 **AN ACT to amend** 146.70 (7); and **to create** 20.155 (3), 25.17 (1) (yo), 25.98, 77.51
2 (4) (b) 8., 77.51 (15) (b) 7. and 146.70 (3m) of the statutes; **relating to:** creating
3 a wireless 911 fund; imposing a surcharge on wireless telephone customers;
4 making grants for wireless 911 emergency telephone service; granting
5 rule-making authority; and making appropriations.

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

6 **SECTION 1.** 20.155 (3) of the statutes is created to read:
7 20.155 (3) WIRELESS 911 GRANTS. (q) *General program operations and grants.*
8 From the wireless 911 fund, all moneys received under s. 146.70 (3m) (f) 1. to
9 administer and make grants under s. 146.70 (3m) (d) and supplemental grants under
10 s. 146.70 (3m) (e).

11 **SECTION 2.** 25.17 (1) (yo) of the statutes is created to read:
12 25.17 (1) (yo) Wireless 911 fund (s. 25.98);

1 SECTION 3. 25.98 of the statutes is created to read:

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

5 SECTION 4. 77.51 (4) (b) 8. of the statutes is created to read:

6 77.51 (4) (b) 8. The surcharge established in rules of the public service
7 commission under s. 146.70 (3m) (f) for customers of wireless providers, as defined
8 in s. 146.70 (3m) (a) 8. 6

9 SECTION 5. 77.51 (15) (b) 7. of the statutes is created to read:

10 77.51 (15) (b) 7. The surcharge established in rules of the public service
11 commission under s. 146.70 (3m) (f) for customers of wireless providers, as defined
12 in s. 146.70 (3m) (a) 5. 6

13 SECTION 6. 146.70 (3m) of the statutes is created to read:

14 146.70 (3m) WIRELESS PROVIDERS. (a) Definitions. In this subsection:

15 1. "Commission" means the public service commission.

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

19 3. "Local government" means a city, village, town, or county, or an entity formed
20 by a contract under s. 66.0301 (2) by a city, village, town, or county.

21 4. "Reimbursement period" means the 3-year period beginning on the first day
22 of the 2nd month beginning after the effective date of the rules promulgated under
23 par. (f) 1.

24 5. "Wireless provider" means a commercial mobile radio service provider
25 defined in s. 196.01 (2g) that is subject to the federal wireless orders.

INSERT 2-15

1 ~~7~~ 6. “Wireless public safety answering point” means a facility to which a call on
2 a wireless provider’s system is initially routed for response, and on which a public
3 agency directly dispatches the appropriate emergency service provider, relays a
4 message to the appropriate emergency service provider, or transfers the call to the
5 appropriate emergency services provider.

6 (b) *Grant applications; wireless providers.* 1. Except as provided in subd. 2.,
7 a wireless provider may not receive a grant under par. (d) unless, no later than the
8 first day of the 3rd month beginning after the effective date of the rules promulgated
9 under par. (d) 4., the wireless provider applies to the commission with an estimate,
10 and supporting documentation, of the costs that it has incurred, or will incur, during
11 the reimbursement period to upgrade, purchase, lease, program, install, test,
12 operate, or maintain all data, hardware, and software necessary to comply with the
13 federal wireless orders.

14 2. A wireless provider that does not provide service to customers in this state
15 prior to the effective date of this subdivision [revisor inserts date], may make an
16 application under subd. 1. after the date specified in subd. 1. pursuant to rules
17 promulgated by the commission under par. (d) 4.

18 (c) *Grant applications; local governments.* 1. A local government that operates
19 a wireless public safety answering point, or local governments that jointly operate
20 a wireless public safety answering point, may not receive a grant under par. (d)
21 unless the requirements under subs. 3. to 5. are satisfied and, no later than the first
22 day of the 3rd month beginning after the effective date of the rules promulgated
23 under par. (d) 4., every county which itself is one of the local governments or in which
24 any of the local governments is located applies to the commission with an estimate,
25 and supporting documentation, of the costs that the local government or local

1 governments have directly and primarily incurred, or will directly and primarily
2 incur, during the reimbursement period for leasing, purchasing, operating, or
3 maintaining the wireless public safety answering point, including costs for all of the
4 following:

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

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

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

11 2. If an application under subd. 1. is for the joint operation of a wireless public
12 safety answering point by local governments, the application shall specify the
13 manner in which the estimated costs are apportioned among the local governments.

14 3. A local government that operates a wireless public safety answering point,
15 or local governments that jointly operate a wireless public safety answering point,
16 are not eligible for grants under par. (d) unless, no later than the first day of the 3rd
17 month beginning after the effective date of the rules promulgated under par. (d) 4.,
18 every county which itself is one of the local governments or in which any of the local
19 governments is located has passed a resolution specifying that the wireless public
20 safety answering point is eligible for the grants. Except as provided in subd. 4., only
21 one wireless public safety answering point in each county is eligible for local
22 governments to receive grants under par. (d).

23 4. If a county or local government in a county jointly operates a wireless public
24 safety answering point with another county or local government in another county,
25 the resolution passed by each county under subd. 3. shall specify the same wireless

1 public safety answering point, and the counties shall submit a joint application
2 under subd. 1. that complies with the requirement under subd. 2. In each county that
3 submits a joint application, only the wireless public safety answering point specified
4 in the resolutions is eligible for local governments to receive grants under par. (d).

5 5. A local government that operates, or local governments that jointly operate,
6 a wireless public safety answering point are not eligible for grants under par. (d)
7 unless the wireless public safety answering point serves the entire geographic area
8 of all of the following:

9 a. For each local government that is not a county, each county in which the local
10 government is located.

11 b. For each local government that is a county, the county itself.

12 (d) *Grants; commission approval and rules.* 1. The commission shall approve
13 an application under par. (b) or (c) if the commission determines that the costs
14 estimated in the application are reasonable and have been, or will be, incurred for
15 the purpose of promoting a cost-effective and efficient statewide system for
16 responding to wireless emergency 911 telephone calls. If the commission does not
17 approve an application, the commission shall provide the applicant or applicants
18 with the commission's reasons and give the applicant or applicants an opportunity
19 to resubmit the application.

20 2. From the appropriation under s. 20.155 (3) (q), the commission shall make
21 grants to reimburse wireless providers and local governments for costs approved
22 under subd. 1. that are actually incurred by the wireless providers and local
23 governments, except that no wireless provider or local government may receive a
24 total amount in grants that exceeds the estimated amount approved by the
25 commission under subd. 1. for that wireless provider or local government. For

1 applications for the joint operation of a wireless public safety answering point, the
2 commission shall apportion the grants in the manner specified under par. (c) 2.

3 3. No grant to a local government under subd. 2. may be used to reimburse costs
4 for any of the following:

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

8 b. Vehicles and equipment in vehicles.

9 c. Communications equipment and software used to communicate with
10 vehicles.

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

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

14 4. The commission shall promulgate rules establishing requirements and
15 procedures for making grants under this paragraph, including criteria for approving
16 estimated costs under subd. 1. The rules shall require the commission to make the
17 grants during the 3-year period beginning on the first day of the 3rd month
18 beginning after the effective date of the rules promulgated under par. (f) 1. The rules
19 shall include record-keeping requirements to ensure that the grants are used to
20 reimburse estimated costs approved by the commission. The rules shall allow the
21 commission to make the grants in installments. The rules shall also include
22 requirements for wireless providers specified in par. (b) 2. to apply for grants.

23 (e) *Supplemental grants.* The commission shall promulgate rules for making
24 supplemental grants from the appropriation under s. 20.155 (3) (q) to counties that
25 submit joint applications required under par. (c) 4. The rules shall establish the

1 supplemental grants in amounts that provide an incentive for counties to submit
2 joint applications. The rules may not impose any limits on the use of a supplemental
3 grant and shall allow the commission to make the grants in installments.

4 (f) *Wireless surcharge.* 1. The commission shall promulgate rules requiring
5 each wireless provider to impose the same monthly surcharge for each telephone
6 number of a customer that has a billable address in this state and pay the surcharge
7 to the commission for deposit in the wireless 911 fund. The rules shall require the
8 surcharge to be imposed during the 3-year period beginning on the first day of the
9 2nd month beginning after the effective date of the rules. The amount of the
10 surcharge shall be sufficient for the commission to administer and make the grants
11 under par. (d) and the supplemental grants under par. (e).

12 2. The commission may promulgate rules that increase or decrease the
13 surcharge, except that the commission may not increase the surcharge more than
14 once per year and any increase must be uniform statewide.

15 3. A wireless provider shall identify the surcharge on a customer's bill on a
16 separate line that consists of the words "federal wireless 911 mandate fee."

17 4. The commission may bring an action to collect a surcharge that is not paid
18 by a customer and the customer's wireless provider is not liable for the unpaid
19 surcharge.

20 (g) *Confidentiality of information.* The commission shall withhold from public
21 inspection any information received under this subsection that would aid a
22 competitor of a wireless provider in competition with the wireless provider.

23 (h) *Other charges prohibited.* No local government or state agency, as defined
24 in s. 16.375 (1), except the commission, may require a wireless provider to collect or
25 pay a surcharge or fee related to wireless emergency telephone service.

INSERT 8-1

1 (i) *Sunset*. This subsection does not apply after the first day of the 42nd month
2 beginning after the effective date of the rules promulgated under par. (f) 1.

3 SECTION 7. 146.70 (7) of the statutes is amended to read:

4 146.70 (7) TELECOMMUNICATIONS UTILITY AND WIRELESS PROVIDERS NOT LIABLE. A
5 telecommunications utility shall not be liable to any person who uses an emergency
6 number system created under this section and a wireless provider, as defined in sub.

7 (3m) (a) ~~b.~~⁶ shall not be liable to any person who makes an emergency telephone call
8 initially routed to a wireless public safety answering point, as defined in sub. (3m)

9 (a) ~~b.~~ ⁷

10 SECTION 8. Nonstatutory provisions.

11 (1) PROPOSED RULES.

12 (a) *Wireless 911 surcharge rules*. The public service commission shall submit
13 in proposed form the rules required under section 146.70 (3m) (f) 1. of the statutes,
14 as created by this act, to the legislative council staff under section 227.15 (1) of the
15 statutes no later than the 1st day of the 6th month beginning after the effective date
16 of the rules promulgated under section 146.70 (3m) (d) 4. of the statutes, as created
17 by this act.

18 (b) *Wireless 911 grant rules*. The public service commission shall submit in
19 proposed form the rules required under section 146.70 (3m) (d) 4. and (e) of the
20 statutes, as created by this act, to the legislative council staff under section 227.15
21 (1) of the statutes no later than the first day of the 7th month beginning after the
22 effective date of this paragraph.

23 (END)

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0019/2ins
MDK:.....

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INSERT 2-15: ✓

2. "Commercial mobile radio service provider" has the meaning given in s.
196.01 (2g).

INSERT 8-1:

(i) *Commission authority*. Nothing in this section affects the exemption from
commission authority for commercial mobile radio service providers in s. 196.202. ✓