

**SENATE SUBSTITUTE AMENDMENT 1,
TO 2003 ASSEMBLY BILL 61**

May 27, 2003 – Offered by COMMITTEE ON TRANSPORTATION AND INFORMATION
INFRASTRUCTURE.

1 **AN ACT** *to repeal* 20.505 (1) (q); *to amend* 25.95 and 146.70 (7); *to repeal and*
2 *recreate* 146.70 (3m) (d) 1g.; *to create* 20.155 (3), 20.505 (1) (q), 20.530 (1) (q),
3 22.07 (3m), 25.17 (1) (yo), 25.98, 77.51 (4) (b) 8., 77.51 (15) (b) 7., 146.70 (3m)
4 and 196.218 (5) (a) 11. of the statutes; and *to affect* 1997 Wisconsin Act 27,
5 section 9456 (3m) and 1997 Wisconsin Act 27, section 9456 (3m) (b); **relating**
6 **to:** creating a wireless 911 fund; imposing a surcharge on wireless telephone
7 customers; making grants for wireless 911 emergency telephone service;
8 granting rule-making authority; and making appropriations.

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

9 **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
10 the following amounts for the purposes indicated:

2003-04 2004-05

20.505 Administration, department of

(1) SUPERVISION AND MANAGEMENT; LAND INFORMATION
BOARD

(q) Land information board; advice
regarding wireless 911 grants SEG A -0- 50,000

2003-04 2004-05

20.530 Electronic government, department of

(1) INFORMATION TECHNOLOGY AND MANAGEMENT
SERVICES

(q) Cooperative purchasing; wireless
911 SEG B 35,000 35,000

SECTION 2. 20.155 (3) of the statutes is created to read:

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

From the wireless 911 fund, all moneys received under s. 146.70 (3m) (f) 1. to administer and make grants under s. 146.70 (3m) (d) and supplemental grants under s. 146.70 (3m) (e).

SECTION 3. 20.505 (1) (q) of the statutes is created to read:

20.505 (1) (q) *Land information board; advice regarding wireless 911 grants.*

From the universal service fund, the amounts in the schedule for the land information board to provide advice to the public service commission under s. 146.70 (3m) (d) 1g.

SECTION 4. 20.505 (1) (q) of the statutes, as created by 2003 Wisconsin Act

(this act), is repealed.

1 **SECTION 5.** 20.530 (1) (q) of the statutes is created to read:

2 20.530 **(1)** (q) *Cooperative purchasing; wireless 911.* Biennially, from the
3 universal service fund, the amounts in the schedule to administer the program under
4 s. 22.07 (3m). No moneys may be encumbered from this appropriation after June 30,
5 2005.

6 **SECTION 6.** 22.07 (3m) of the statutes is created to read:

7 22.07 **(3m)** Administer a program to facilitate purchases, leases, and service
8 contracts by local governments that operate wireless public safety answering points,
9 as defined in s. 146.70 (3m) (a) 7.

10 **SECTION 7.** 25.17 (1) (yo) of the statutes is created to read:

11 25.17 **(1)** (yo) Wireless 911 fund (s. 25.98);

12 **SECTION 8.** 25.95 of the statutes is amended to read:

13 **25.95 Universal service fund.** There is established a separate nonlapsible
14 trust fund designated as the universal service fund, to consist of all contributions
15 received under s. 196.218 (3) and the amounts transferred from the wireless 911 fund
16 under s. 146.70 (3m) (hm).

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

21 **SECTION 10.** 77.51 (4) (b) 8. of the statutes is created to read:

22 77.51 **(4)** (b) 8. The surcharge established in rules of the public service
23 commission under s. 146.70 (3m) (f) for customers of wireless providers, as defined
24 in s. 146.70 (3m) (a) 6.

25 **SECTION 11.** 77.51 (15) (b) 7. of the statutes is created to read:

1 77.51 **(15)** (b) 7. The surcharge established in rules of the public service
2 commission under s. 146.70 (3m) (f) for customers of wireless providers, as defined
3 in s. 146.70 (3m) (a) 6.

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

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

6 1. “Commercial mobile radio service provider” has the meaning given in s.
7 196.01 (2g).

8 2. “Commission” means the public service commission.

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

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

14 5. “Reimbursement period” means the period beginning on the effective date
15 of this subdivision [revisor inserts date], and ending on the last day of the 3–year
16 period beginning on the first day of the 2nd month beginning after the effective date
17 of the rules promulgated under par. (f) 1.

18 6. “Wireless provider” means a commercial mobile radio service provider that
19 is subject to the federal wireless orders.

20 7. “Wireless public safety answering point” means a facility to which a person
21 dialing the digits “911” on a wireless provider’s system is initially routed for
22 response, and on which a public agency directly dispatches the appropriate
23 emergency service provider, relays a message to the appropriate emergency service
24 provider, or transfers the call to the appropriate emergency services provider.

1 (am) *Designated public safety answering points.* A wireless public safety
2 answering point shall be a designated public safety answering point for the purpose
3 of implementing the federal wireless orders only if the wireless public safety
4 answering point is identified in a resolution adopted under par. (c) 3. or 6.

5 (b) *Grant applications; wireless providers.* 1. Except as provided in subd. 2.,
6 a wireless provider may not receive a grant under par. (d) unless, no later than the
7 first day of the 3rd month beginning after the effective date of the rules promulgated
8 under par. (d) 4., the wireless provider applies to the commission with an estimate,
9 and supporting documentation, of the costs that it has incurred, or will incur, during
10 the reimbursement period to upgrade, purchase, lease, program, install, test,
11 operate, or maintain all data, hardware, and software necessary to comply with the
12 federal wireless orders in this state. The estimate may not include, and a wireless
13 provider may not seek reimbursement for, any such costs that the wireless provider
14 recovers or has recovered from customers in this state during or before the
15 reimbursement period for the implementation of wireless 911 emergency service in
16 this state.

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

21 (c) *Grant applications; local governments.* 1. A local government that operates
22 a wireless public safety answering point, or local governments that jointly operate
23 a wireless public safety answering point, may not receive a grant under par. (d)
24 unless the requirements under subsd. 3. to 5. are satisfied and, no later than the first
25 day of the 3rd month beginning after the effective date of the rules promulgated

1 under par. (d) 4., every county which itself is one of the local governments or in which
2 any of the local governments is located applies to the commission with an estimate,
3 and supporting documentation, of the costs that the local government or local
4 governments have directly and primarily incurred, or will directly and primarily
5 incur, during the reimbursement period for leasing, purchasing, operating, or
6 maintaining the wireless public safety answering point, including costs for all of the
7 following:

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

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

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

14 d. Collection and maintenance of data used by the wireless public safety
15 answering point, including data to identify a caller and the location of a caller.

16 1m. The estimate under subd. 1. may not include, and a local government may
17 not seek reimbursement for, any costs described in subd. 1. that the local government
18 recovers in the form of a gift or grant received by the local government for the
19 purposes described in subd. 1.

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

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

1 month beginning after the effective date of the rules promulgated under par. (d) 4.,
2 every county which itself is one of the local governments or in which any of the local
3 governments is located has passed a resolution specifying that the wireless public
4 safety answering point is eligible for the grants. Except as provided in subd. 4., only
5 one wireless public safety answering point in each county is eligible for local
6 governments to receive grants under par. (d).

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

14 5. Except as provided in subd. 6. a., a local government that operates, or local
15 governments that jointly operate, a wireless public safety answering point are not
16 eligible for grants under par. (d) unless the wireless public safety answering point
17 serves the entire geographic area of all of the following:

18 a. For each local government that is not a county, each county in which the local
19 government is located.

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

21 6. a. A local government is not required to serve, with its wireless public safety
22 answering point, the area of a city, village, or town that, by resolution, states its
23 intention to establish a wireless public safety answering point separate from the
24 wireless public safety answering point specified in a resolution under subd. 3. passed
25 by the county in which the city, village, or town is located. A city, village, or town that

1 adopts a resolution under this subd. 6. a. shall ensure that its entire geographic area
2 is served by another wireless public safety answering point.

3 b. A city, village, or town that adopts a resolution under subd. 6. a. is not
4 required to receive wireless 911 emergency service from the wireless public safety
5 answering point specified in a resolution under subd. 3. passed by the county in
6 which the city, village, or town is located. A city, village, or town that rescinds a
7 resolution adopted under subd. 6. a. is required to receive wireless 911 emergency
8 service from the wireless public safety answering point specified in a resolution
9 under subd. 3. passed by the county in which the city, village, or town located, unless
10 the city, village, or town subsequently adopts a new resolution under subd. 6. a.

11 c. A city, village, or town that adopts a resolution under subd. 6. a. shall submit
12 a copy of the resolution to the county in which it is located and to the commission.

13 (d) *Grants; commission approval and rules.* 1. The commission shall approve
14 an application under par. (b) or (c) if the commission determines that the costs
15 estimated in the application are reasonable and have been, or will be, incurred for
16 the purpose of promoting a cost-effective and efficient statewide system for
17 responding to wireless emergency 911 telephone calls and, for an application under
18 par. (c), if the requirements under subd. 1g. are satisfied.

19 1g. If an application under par. (c) includes an estimate of costs for the purpose
20 described in par. (c) 1. d., the commission may approve the application only if the
21 commission determines that the local government's collection of land information,
22 as defined in s. 16.967 (1) (b), and development of a land information system, as
23 defined in s. 16.967 (1) (c), that is related to that purpose are consistent with the
24 applicable county land records modernization plans developed under s. 59.72 (3) (b),
25 conform to the standards on which such plans are based, and do not duplicate land

1 information collection and other efforts funded through the land information
2 program under s. 16.967 (7). The commission shall obtain the advice of the land
3 information board in making determinations under this subdivision.

4 1r. If the commission does not approve an application under subd. 1., the
5 commission shall provide the applicant or applicants with the commission's reasons
6 and give the applicant or applicants an opportunity to resubmit the application.

7 2. From the appropriation under s. 20.155 (3) (q), the commission shall make
8 grants to reimburse wireless providers and local governments for costs approved
9 under subd. 1. that are actually incurred by the wireless providers and local
10 governments, except that no wireless provider or local government may receive a
11 total amount in grants that exceeds the estimated amount approved by the
12 commission under subd. 1. for that wireless provider or local government. For
13 applications for the joint operation of a wireless public safety answering point, the
14 commission shall apportion the grants in the manner specified under par. (c) 2.

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

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

20 b. Vehicles and equipment in vehicles.

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

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

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

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 require the commission to make the
4 grants during the 3–year period beginning on the first day of the 3rd month
5 beginning after the effective date of the rules promulgated under par. (f) 1. The rules
6 shall include record–keeping requirements to ensure that the grants are used to
7 reimburse estimated costs approved by the commission. The rules shall allow the
8 commission to make the grants in installments. The rules shall also include
9 requirements for wireless providers specified in par. (b) 2. to apply for grants.

10 5. To the greatest extent practicable, a local government that receives a grant
11 under this paragraph shall make all purchases, leases, and service contracts under
12 the grant through the program under s. 22.07 (3m). If a local government makes a
13 purchase, lease, or service contract outside the program under s. 22.07 (3m) when
14 a practicable option for that purchase, lease, or service contract is available at a lower
15 price under the program under s. 22.07 (3m), the commission shall reduce the
16 amount of the local government’s grant that is related to that purchase, lease, or
17 service contract to reflect the lower price.

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

24 (f) *Wireless surcharge.* 1. The commission shall promulgate rules requiring
25 each wireless provider to impose the same monthly surcharge for each telephone

1 number of a customer that has a billable address in this state, except that the rules
2 shall adjust the amount of the surcharge that is imposed on customers who prepay
3 for service to ensure that such customers pay an amount that is comparable to the
4 monthly amount paid by other customers. The rules shall require the surcharge to
5 be imposed during the 3-year period beginning on the first day of the 2nd month
6 beginning after the effective date of the rules. The amount of the surcharge shall be
7 sufficient for the commission to administer and make the grants under par. (d) and
8 the supplemental grants under par. (e) and for the secretary of administration to
9 make transfers under par. (hm). The rules shall require wireless providers to pay
10 the surcharge to the commission for deposit in the wireless 911 fund.

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

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

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

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

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

1 (hm) *Repayment of universal service fund.* For each fiscal year, the secretary
2 of administration shall determine the amounts encumbered from the appropriations
3 under ss. 20.505 (1) (q) and 20.530 (1) (q) in that fiscal year, and transfer those
4 amounts from the wireless 911 fund to the universal service fund when the secretary
5 determines that moneys in the wireless 911 fund are sufficient to make the transfers.

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

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

10 **SECTION 13.** 146.70 (3m) (d) 1g. of the statutes, as created by 2003 Wisconsin
11 Act (this act), is repealed and recreated to read:

12 146.70 **(3m)** (d) 1g. If an application under par. (c) includes an estimate of costs
13 for the purpose described in par. (c) 1. d., the commission may approve the application
14 only if the commission determines that the local government's collection of land
15 information, as defined in s. 16.967 (1) (b), 2001 stats., and development of a land
16 information system, as defined in s. 16.967 (1) (c), 2001 stats., that is related to that
17 purpose are consistent with the applicable county land records modernization plans
18 developed under s. 59.72 (3) (b), 2001 stats., conform to the standards on which such
19 plans are based, and do not duplicate land information collection and other efforts
20 funded through the land information program under s. 16.967 (7), 2001 stats.

21 **SECTION 14.** 146.70 (7) of the statutes is amended to read:

22 146.70 **(7)** ~~TELECOMMUNICATIONS UTILITY NOT LIABLE~~ LIABILITY EXEMPTION. A
23 telecommunications utility, wireless provider, as defined in sub. (3m) (a) 6., or local
24 government, as defined in sub. (3m) (a) 4., shall not be liable to any person who uses
25 an emergency number system created under this section or makes an emergency

1 telephone call initially routed to a wireless public safety answering point, as defined
2 in sub. (3m) (a) 7.

3 **SECTION 15.** 196.218 (5) (a) 11. of the statutes is created to read:

4 196.218 (5) (a) 11. For the purposes for which the universal service fund is
5 repaid from the wireless 911 fund under s. 146.70 (3m) (hm).

6 **SECTION 16.** 1997 Wisconsin Act 27, section 9456 (3m) is renumbered 1997
7 Wisconsin Act 27, section 9456 (3m) (a) and amended to read:

8 [1997 Wisconsin Act 27] Section 9456 (3m) (a) The treatment of ~~sections 15.07~~
9 ~~(1) (b) 16., 15.105 (16), 16.968 (by SECTION 142am), 20.505 (1) (title) (by SECTION~~
10 ~~666h), section 20.505 (1) (ka) (by SECTION 669am), 23.27 (3) (a) (by SECTION 769ad),~~
11 ~~23.325 (1) (a), 36.09 (1) (e), 36.25 (12m) (intro.), 59.43 (2) (ag) 1. and (e), 59.72 (1) (a)~~
12 ~~and (b), (3) (intro.), (a) and (b) and (5) and 92.10 (4) (a) of the statutes, and the repeal~~
13 ~~of sections 16.966 (1), and (2) and (4), 16.967, 20.505 (1) (ie), (ig), (ij) and (ks), 23.32~~
14 ~~(2) (d), 59.43 (1) (u) and 59.72 (1) (am), (3) (c) and (4) of the statutes and SECTION 9101~~
15 ~~(1) of this act take effect on September 1, 2003.~~

16 **SECTION 17.** 1997 Wisconsin Act 27, section 9456 (3m) (b) is created to read:

17 [1997 Wisconsin Act 27] Section 9456 (3m) (b) The treatment of sections 15.07
18 (1) (b) 16., 15.105 (16), 16.968 (by SECTION 142am), 20.505 (1) (title) (by SECTION
19 666h), 23.27 (3) (a) (by SECTION 769ad), 23.325 (1) (a), 36.09 (1) (e), 36.25 (12m)
20 (intro.), 59.43 (2) (ag) 1. and (e), 59.72 (1) (a) and (b), (3) (intro.), (a), and (b) and (5)
21 and 92.10 (4) (a) of the statutes, the repeal of sections 16.966 (4), 16.967, 20.505 (1)
22 (ie), (ig), and (ij), 23.32 (2) (d), 59.43 (1) (u), and 59.72 (1) (am), (3) (c), and (4) of the
23 statutes and SECTION 9101 (1) of this act take effect on July 1, 2005.

24 **SECTION 18. Nonstatutory provisions.**

25 (1) PROPOSED RULES.

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

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

12 (2) LAND INFORMATION BOARD PROJECT POSITION. The authorized FTE positions
13 for the department of administration are increased by 0.5 PR project positions, to be
14 funded from the appropriation under section 20.505 (1) (q) of the statutes, as created
15 by this act, for the purpose of the land information board to provide advice to the
16 public service commission under section 146.70 (3m) (d) 1g. of the statutes, as created
17 by this act.

18 **SECTION 19. Effective dates.** This act takes effect on the day after publication,
19 except as follows:

20 (1) COOPERATIVE PURCHASING; WIRELESS 911. The treatment of section 20.530 (1)
21 (q) of the statutes and SECTION 1 of this act take effect on the day after publication,
22 July 1, 2003, or the day after publication of the 2003–05 biennial budget act,
23 whichever is later.

