

**2003 DRAFTING REQUEST**

**Senate Substitute Amendment (SSA-AB61)**

Received: 05/19/2003

Received By: **mkunkel**

Wanted: **Today**

Identical to LRB:

For: **Joseph Leibham (608) 266-2056**

By/Representing: **Dan**

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

Drafter: **mkunkel**

May Contact: **Leg Council**

Addl. Drafters:

Subject: **Counties - miscellaneous  
Munis - miscellaneous  
Public Util. - telco**

Extra Copies: **RJM**

Submit via email: **YES**

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

Carbon copy (CC:) to: **robert.marchant@legis.state.wi.us  
daniel.lindstedt@legis.state.wi.us  
john.stolzenberg@legis.state.wi.us  
david.lovell@legis.state.wi.us**

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**Pre Topic:**

No specific pre topic given

---

**Topic:**

Wireless 911 program

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**Instructions:**

See Attached

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**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 05/19/2003	jdyer 05/19/2003		_____			
		jdyer		_____			
				_____			

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		05/19/2003		_____			
/P1			rschluet	_____			
			05/19/2003	_____			
/1	mkunkel	jdyer	rschluet	_____	sbasford	sbasford	
	05/19/2003	05/19/2003	05/19/2003	_____	05/19/2003	05/19/2003	
/2	mkunkel	csicilia	jfrantze	_____	amentkow	amentkow	
	05/20/2003	05/20/2003	05/20/2003	_____	05/20/2003	05/20/2003	
	mkunkel	csicilia		_____			
	05/20/2003	05/20/2003		_____			
/3			chaugen	_____	lemery	lemery	
			05/20/2003	_____	05/20/2003	05/20/2003	

FE Sent For:

<END>

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1/3  
PA - please email to  
① Dan Lindstedt  
in Sen. Leibham's  
office

Submit via email: YES

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

② John Stolzenberg  
(Leg Council)

Topic:

Wireless 911 program

③ Dave Lovell

Instructions:

See Attached

(Leg Council)

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	mkunkel 05/19/2003	jdyer 05/19/2003		_____			
		jdyer 05/19/2003		_____			
/P1			rschlue	_____			

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/1	mkunkel 05/19/2003	jdyer 05/19/2003	rschluet 05/19/2003	_____	sbasford 05/19/2003	sbasford 05/19/2003	
/2	mkunkel 05/20/2003	csicilia 05/20/2003	jfrantze 05/20/2003	_____	amentkow 05/20/2003	amentkow 05/20/2003	

FE Sent For:

13 g s 5/20  
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 <END>

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Public Util. - telco**

Extra Copies: **RJM**

*CJS*

Submit via email: **YES**

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

Carbon copy (CC:) to:

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No specific pre topic given

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**Topic:**

Wireless 911 program

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**Instructions:**

See Attached

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/?	mkunkel 05/19/2003	jdyer 05/19/2003		_____			
		jdyer 05/19/2003		_____			

/P1

*12 cjs 5/20/03 rschluet  
5/20/03 [Signature] 5/20*

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			05/19/2003	_____			
/1	mkunkel 05/19/2003	jdyer 05/19/2003	rschluet 05/19/2003	_____	sbasford 05/19/2003	sbasford 05/19/2003	

FE Sent For:

<END>

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May Contact: Leg Council

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JLD

Submit via email: YES

PA do not submit "/PI")

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

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Wireless 911 program

Instructions:

See Attached

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/?	mkunkel	15/19 jld					
		15/19 jld					

FE Sent For:

Handwritten notes and signatures including "1-4-23 PB", "<END>", and "5-19-3".

**DRAFTING INSTRUCTIONS FOR PROVISIONS  
IN A NEW AB 61 SUBSTITUTE AMENDMENT  
ON GIS AT A WIRELESS PSAP**

1. Specify that data collection is a grant eligible expense for a local government. For example, add in ASA 2 after page 4, line 20, "d. Collection and maintenance of data used by the wireless public safety answering point, including data to identify a caller and the location of a caller."
2. Require the PSC's grant rules (see page 6, line 24 in ASA 2) to include requirements that the collection of land information, as defined in s. 16.967 (1) (b), and the related development of a land information system, as defined in s. 16.967 (1) (c) proposed to be funded by a grant shall:
  - a. Be consistent with the applicable county land records modernization plans developed under s. 59.72 (3) (b) and conform to the standards on which these plans are based.
  - b. May not duplicate land information collection and other efforts funded through the land information program under s. 16.967 (7). [This item is modeled on s. ADM 48.03 (1) (d).]
3. Direct the PSC to seek the advice of the Land Information Board in reviewing whether the portion of a grant application relating to a land information system for a PSAP meets the requirements under #2.
4. Provide a 0.5 project position for FY 2004-05 to DOA and \$50,000 to fund this position, and related supplies and services, to provide staff to the Land Information Board [see s. 16.966 (4)] for the consultation required under #3. Fund this from the wireless surcharge with a loan from the Universal Service Fund, as under WLC: 0186/1.
5. Extend the sunset of the Land Information Board from September 1, 2003 to September 1, 2005, [2003 SB 44 also makes this extension, but it is needed here since AB 61 may be passed prior to SB 44.]

---

JES  
5/16/03



**Kunkel, Mark**

---

**From:** Lindstedt, Daniel  
**Sent:** Friday, May 16, 2003 2:45 PM  
**To:** Kunkel, Mark  
**Cc:** Stolzenberg, John; Lovell, David; Smyrski, Rose; Healy, Brett  
**Subject:** RE: AB 61 GIS alternative provision

**Importance:** High

Mark:

Please incorporate the sub that is attached to this email re: the GIS portion of the sub.

Thank you.

- Dan

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

**From:** Lovell, David  
**Sent:** Friday, May 16, 2003 11:39 AM  
**To:** Smyrski, Rose; Lindstedt, Daniel; Healy, Brett  
**Cc:** Kunkel, Mark; 'John Stolzenberg'; Stolzenberg, John  
**Subject:** FW: AB 61 GIS alternative provision

Rose, Dan, Brett,

Here is an outline John prepared relating to ensuring coordination and efficiency in developing the GIS aspects of PSAPs. It is an alternative to the amendment he did on this topic earlier this week (WLC: 0190/2) and incorporates the comments of DOA staff. Should Mark incorporate this into the sub he is working on now?

David

---

David L. Lovell, Senior Analyst  
Wisconsin Legislative Council Staff  
608/266-1537

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

**From:** John Stolzenberg [mailto:JohnStolzenberg@Charter.Net]  
**Sent:** Friday, May 16, 2003 11:20 AM  
**To:** David.Lovell  
**Subject:** AB 61 GIS alternative provision

David,

Here are the drafting instructions for an alternative GIS provision in the new AB 61 substitute amendment.

John

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

- 1           At the locations indicated, amend the bill, as shown by assembly substitute amendment  
2           2, as follows:

**LEGISLATIVE COUNCIL STAFF PREFATORY NOTE:** This amendment addresses land information (also known as geographic information) used in the operation of wireless public safety answering points (PSAPs). The amendment directs the Land Information Board to review portions of a local government's grant application relating to a land information system to ensure that the collection of land information under the grant does not duplicate land information already collected by and available from a county land information program and that this information meets the standards of the board. The board must also determine whether the costs of the proposed land information system are reasonable.

The amendment establishes that the Public Service Commission may not approve the land information-related portion of a local government grant unless the Land Information Board has approved the portion based on these determinations.

The amendment also establishes explicitly that the costs of collecting and maintaining data used by a PSAP, including data to identify a caller and the location of a caller, are eligible local government grant expenses.

Current law on the land information program defines "land information" and "land information system" as follows:

"Land information" means any physical, legal, economic or environmental information or characteristics concerning land, water, groundwater, subsurface resources or air in this state. "Land information" includes information relating to topography, soil, soil erosion, geology, minerals, vegetation, land cover, wildlife, associated natural resources, land ownership, land use, land use controls and restrictions, jurisdictional boundaries, tax assessment, land value, land survey records and references, geodetic control networks, aerial photographs, maps, planimetric data, remote sensing data, historic and prehistoric sites and economic projections. [s. 16.967 (1) (b), Stats.]

“Land information system” means an orderly method of organizing and managing land information and land records. [s. 16.967 (1) (c), Stats.]

This version of the amendment does not address any funding for the Land Information Board’s review of the land information–related portions of a PSAP’s grant application.

The 2003–05 biennial budget bill, 2003 Senate Bill 44, postpones the sunset of the Land Information Board, and related programs and appropriations, from September 3, 2003 to September 1, 2005. If Assembly Bill 61, as amended by this amendment, will be passed prior to passage of Senate Bill 44, then the amendment will need to be modified to extend the sunset of the board.

1           **1.** Page 1, line 6: before that line insert:

2           “**SECTION 1.** 16.967 (3) (f) and (12) of the statutes are created to read:

3           16.967 (3) (f) Review portions of grant applications received under sub. (12) and  
4 determine whether the applications meet the criteria specified in sub. (12).

5           **(12) WIRELESS 911 LAND INFORMATION SYSTEMS.** (a) Upon receiving a portion of a local  
6 government grant application relating to a land information system for a wireless public safety  
7 answering point from the public service commission under s. 146.70 (3m) (d) 6., the board  
8 shall approve the portion if the board determines all of the following:

9           1. The land information proposed to be collected under the grant application does not  
10 duplicate existing land information collected by and available from the county land  
11 information program established under s. 59.72.

12           2. The land information proposed to be collected under the grant application meets  
13 standards for land information established by the board.

14           3. The costs of the land information system estimated in the grant application are  
15 reasonable.

1 (b) The board shall notify the commission of its determination on a grant application  
2 under par. (a). If the board does not approve an application, the board shall provide to the  
3 commission its reasons for the disapproval.”.

**NOTE:** This SECTION specifies the responsibilities of the Land  
Information Board under the amendment

4 **2.** Page 1, line 6: substitute “**1m.**” for “**1.**”.

5 **3.** Page 4, line 6: substitute “**6.**” for “**5.**”.

6 **4.** Page 4, line 20: after that line insert:

7 “d. Collection and maintenance of data used by the wireless public safety answering  
8 point, including data to identify a caller and the location of a caller.”.

**NOTE:** This item explicitly adds the costs of data collection and  
maintenance to local governments’ eligible grant expenses.

9 **5.** Page 7, line 11: after that line insert:

10 “6. If the commission receives an application under par. (c) that includes costs for part  
11 or all of a land information system, as defined in s. 16.967 (1) (c), necessary to operate the  
12 wireless public safety answering point, the commission shall refer that portion of the  
13 application to the land information board. The commission may not approve the portion of  
14 a grant application referred to the board under this subdivision unless the board has approved  
15 the portion pursuant to s. 16.967 (12).”.

16

(END)

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

1 At the locations indicated, amend the bill, as shown by assembly substitute amendment  
2 2, as follows:

**LEGISLATIVE COUNCIL STAFF PREFATORY NOTE:** 2003 Assembly Bill 61 provides grants to wireless providers and local governments for certain costs related to wireless 911 service. The bill directs the department of electronic government (DEG) to administer a cooperative purchasing program to obtain competitive prices for equipment and services purchased or leased by local governments that receive grants under the program created by the bill. This amendment makes 3 modifications to the cooperative purchasing program, which are described in the notes that follow.

INCLUDE

3 **1.** Page 1, line 10: after that line insert:

4 "SECTION 1m. 20.530 (1) (h) of the statutes is created to read:

5 20.530 (1) INFORMATION TECHNOLOGY MANAGEMENT AND SERVICES. (h) *Cooperative*  
6 *purchasing; wireless 911.* From the wireless 911 fund, the amounts in the schedule to  
7 administer the program under s. 22.07."

**NOTE:** This item creates an appropriation to the DEG for administration of the cooperative purchasing program. A number of other items would be required to implement this appropriation, including an entry in the appropriation table.

DEG estimates that it will need \$70,000 in the first year. This will require, as well, a loan from another source, such as the universal service fund, to provide the revenue for this appropriation before the fees created by the bill begin to produce revenue.

8 **2.** Page 2, line 2: delete "that receive grants under s. 146.70 (3m) (d)" and substitute  
9 "that operate wireless public safety answering points, as defined in s. 146.70 (3m) (a) 7".

INCLUDE

**NOTE:** This item applies the cooperative purchasing program to purchases and leases by all local governments that operate wireless public safety answering points, rather than only those that receive grants.

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**3.** Page 7, line 11: delete that line and substitute:

“government under s. 22.07 (3m). If a local government makes a purchase, lease, or service contract outside the cooperative purchasing program when a practicable option for that purchase, lease, or service contract exists within the cooperative purchasing program, the commission shall reduce the amount of the local government’s grant that is related to that purchase, lease, or service contract by one-half.”.

**NOTE:** The bill requires that local governments that receive grants under the bill make purchases, leases, and service contracts through the cooperative purchasing program or through a consortium of local governments. This item removes the option of buying through a consortium of local governments as an alternative to the state cooperative purchasing program and imposes a 50% penalty on grant reimbursement for purchases made outside the state program when a practicable option exists in the state program. As alternatives, to provide an even stronger inducement for participation in the state cooperative purchasing program, the penalty could be set at 75% or even 100% if a practicable option exists in the state program.

(END)

*MODIFY → so that only get reimbursed for what they would spend under coop purch. program*

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

1           At the locations indicated, amend the bill, as shown by assembly substitute amendment  
2           2, as follows:

**LEGISLATIVE COUNCIL STAFF PREFATORY NOTE:** 2003 Assembly Bill 61 provides grants to wireless providers and local governments for certain costs related to wireless 911 service. The bill provides that grants to a wireless provider may not include any costs which the wireless provider has already recovered from customers.

This amendment clarifies that the limitation on grants to wireless providers applies to costs recovered from customers in this state. It also applies the limitation to costs recovered throughout the reimbursement period, rather than those costs recovered prior to submission of a grant application. To facilitate identifying excluded costs, it requires wireless providers that receive a grant to itemize any cost recovery on their bills in a clear and identifiable manner.

*INCLUDE*  
The amendment also creates a similar provision applicable to grants to local governments. This provision excludes from the grants any costs recovered through gifts or grants for wireless 911 service.

3           **1.** Page 3, line 20: delete the material beginning with "necessary to comply with the"  
4           and ending with "recovered from customers." on page 3, line 23 and substitute: "necessary  
5           to comply with the federal wireless orders [in this state]. The estimate may not include, and  
6           a wireless provider may not seek reimbursement for, any such costs that the wireless provider  
7           recovers from customers in this state [before or] during the reimbursement period."

**NOTE:** The bracketed language on line 5 clarifies that grants to wireless providers may be used only for costs related to providing wireless 911 service *in this state*.

*Utah*  
*INCLUDE*  
The bracketed language on line 7 presents the option of excluding from grant eligibility costs recovered by wireless providers at any time before







WLC: 0189/1

05/13/2003

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

*ADD to  
additional  
piece  
from John S.*

- 1           At the locations indicated, amend the bill, as shown by assembly substitute amendment
- 2           2, as follows:

**LEGISLATIVE COUNCIL STAFF PREFATORY NOTE:** 2003 Assembly Bill 61 provides grants to wireless providers and local governments for certain costs related to wireless 911 service. The bill requires that, to be eligible for a grant, a local government must be designated by the county board of supervisors and its wireless public safety answering point (PSAP) must serve the entire area of the county that designated it. There are at least 3 circumstances in which a local government designated by a county would lose its eligibility for a grant because of not serving the entire area of the county that designated it. These are:

1. A city or village may be located in more than one county and may choose to have all of its area served by a wireless PSAP in one of those counties.
2. A city, village, or town may choose to operate a wireless PSAP cooperatively with local governments in another county (either the local government designated by that county or others).
3. A city, village, or town may choose to operate a wireless PSAP, alone or in cooperation with other local governments, that is separate from the PSAP designated by the county.

This amendment states that a county-designated wireless PSAP does not have to serve the area of a city, village, or town that adopts a resolution stating that it will establish a separate wireless PSAP. It requires cities, villages, and towns that adopt such a resolution to ensure that their entire geographic area is served by another wireless PSAP.

Although not stated explicitly, a city, village, or town that adopts a resolution stating that it will establish a separate wireless PSAP is not eligible for grant funding for that wireless PSAP unless the wireless PSAP is one established by a local government in another county that has been designated to receive a grant.

- 3           **1.** Page 5, line 15: delete "A" and substitute "Except as provided in subd. 6. a."

1           **2.** Page 5, line 20: after that line insert:

2           “6. a. A local government is not required to serve, with its wireless public safety  
3 answering point, the area of a city, village, or town that, by resolution, states its intention to  
4 establish a wireless public safety answering point separate from the wireless public safety  
5 answering point established by the local government designated under subd. 3. by the county  
6 in which the city, village, or town is located. A city, village, or town that adopts a resolution  
7 under this subdivision shall ensure that its entire geographic area is served by another wireless  
8 public safety answering point.

9           b. A city, village, or town that adopts a resolution under this subdivision is not subject  
10 to a resolution under subd. 3. of a county in which the city, village, or town is located. A city,  
11 village, or town that rescinds a resolution adopted under this subdivision is subject to the  
12 resolution adopted under subd. 3. by the county in which it is located, unless it subsequently  
13 adopts a new resolution under this subdivision.

14           c. A city, village, or town that adopts a resolution under this subdivision shall submit  
15 a copy of the resolution to the county in which it is located and to the commission.”.

16

(END)

Insert to WLC: 0189/1 on Designated PSAPs

At the locations indicated, amend the amendment as follows:

1. Page 3, line 13, after that line, insert:

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

(End)

Version 2  
JES  
5/16/03

## Kunkel, Mark

---

**From:** Lovell, David  
**Sent:** Friday, May 16, 2003 11:39 AM  
**To:** Smyrski, Rose; Lindstedt, Daniel; Healy, Brett  
**Cc:** Kunkel, Mark; 'John Stolzenberg'; Stolzenberg, John  
**Subject:** FW: AB 61 GIS alternative provision



Alternative GIS  
provision in A...

Rose, Dan, Brett,

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David

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David L. Lovell, Senior Analyst  
Wisconsin Legislative Council Staff  
608/266-1537

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

**From:** John Stolzenberg [mailto:JohnStolzenberg@Charter.Net]  
**Sent:** Friday, May 16, 2003 11:20 AM  
**To:** David.Lovell  
**Subject:** AB 61 GIS alternative provision

David,

Here are the drafting instructions for an alternative GIS provision in the new AB 61 substitute amendment.

John

LPS -  
check  
auto refs

Now

SSA to

JLD

S 0087/P1

**ASSEMBLY SUBSTITUTE AMENDMENT 2,**

**TO 2003 ASSEMBLY BILL 61**

\* LPS - please check if font in inserts matches font in draft

Rm not run

March 4, 2003 - Offered by COMMITTEE ON ENERGY AND UTILITIES.

Regen

1 AN ACT *to amend* 146.70 (7); and *to create* 20.155 (3), 22.07 (3m), 25.17 (1) (yo),  
2 25.98, 77.51 (4) (b) 8., 77.51 (15) (b) 7. and 146.70 (3m) of the statutes; **relating**  
3 **to:** creating a wireless 911 fund; imposing a surcharge on wireless telephone  
4 customers; making grants for wireless 911 emergency telephone service;  
5 granting rule-making authority; and making appropriations. ✓

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

→ INSERT 1-6 ✓

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

INSERT 1-10 ✓

INSERT 2-4 ✓

INSERT 2-2 ✓

1 22.07 (3m) Administer a program to facilitate purchases, leases, and service  
2 contracts by local governments that receive grants under s. 146.70 (3m) (d).

3 SECTION 3. 25.17 (1) (yo) of the statutes is created to read:

4 25.17 (1) (yo) Wireless 911 fund (s. 25.98);

5 SECTION 4. 25.98 of the statutes is created to read:

6 25.98 Wireless 911 fund. There is established a separate nonlapsible trust  
7 fund designated as the wireless 911 fund, consisting of deposits by the public service  
8 commission under s. 146.70 (3m) (f) 1.

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

10 77.51 (4) (b) 8. 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) 6.

13 SECTION 6. 77.51 (15) (b) 7. of the statutes is created to read:

14 77.51 (15) (b) 7. The surcharge established in rules of the public service  
15 commission under s. 146.70 (3m) (f) for customers of wireless providers, as defined  
16 in s. 146.70 (3m) (a) 6.

17 SECTION 7. 146.70 (3m) of the statutes is created to read:

18 146.70 (3m) WIRELESS PROVIDERS. (a) *Definitions*. In this subsection:

19 1. "Commercial mobile radio service provider" has the meaning given in s.  
20 196.01 (2g).

21 2. "Commission" means the public service commission.

22 3. "Federal wireless orders" means the orders of the federal communications  
23 commission regarding 911 emergency services for wireless telephone users in FCC  
24 docket no. 94-102.

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

3 5. "Reimbursement period" means the period beginning on the effective date  
4 of this subdivision .... [revisor inserts date], and ending on the last day of the 3-year  
5 period beginning on the first day of the 2nd month beginning after the effective date  
6 of the rules promulgated under par. (f) 1.

7 6. "Wireless provider" means a commercial mobile radio service provider that  
8 is subject to the federal wireless orders. ✓

person dialing the digits "911"

9 7. "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.

INSEPT  
3-13

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

21 federal wireless orders. The estimate may not include, and a wireless provider may  
22 not seek reimbursement for, any such costs that the wireless provider has ~~previously~~  
23 recovered from customers in this state during or before the reimbursement period

AT INSEPT 3-23

24 2. A wireless provider that does not provide service to customers in this state  
25 prior to the effective date of this subdivision .... [revisor inserts date], may make an

in this state ✓

recovers or ✓



1 application under subd. 1. after the date specified in subd. 1. pursuant to rules  
2 promulgated by the commission under par. (d) 4.

3 (c) *Grant applications; local governments.* 1. A local government that operates  
4 a wireless public safety answering point, or local governments that jointly operate  
5 a wireless public safety answering point, may not receive a grant under par. (d)  
6 unless the requirements under subds. 3. to 5. are satisfied and, no later than the first  
7 day of the 3rd month beginning after the effective date of the rules promulgated  
8 under par. (d) 4., every county which itself is one of the local governments or in which  
9 any of the local governments is located applies to the commission with an estimate,  
10 and supporting documentation, of the costs that the local government or local  
11 governments have directly and primarily incurred, or will directly and primarily  
12 incur, during the reimbursement period for leasing, purchasing, operating, or  
13 maintaining the wireless public safety answering point, including costs for all of the  
14 following:

15 a. Necessary network equipment, computer hardware and software, database  
16 equipment, and radio and telephone equipment, that are located within the wireless  
17 public safety answering point.

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

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

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

24 3. A local government that operates a wireless public safety answering point,  
25 or local governments that jointly operate a wireless public safety answering point,

INSERT 4-20 ✓

1 are not eligible for grants under par. (d) unless, no later than the first day of the 3rd  
2 month beginning after the effective date of the rules promulgated under par. (d) 4.,  
3 every county which itself is one of the local governments or in which any of the local  
4 governments is located has passed a resolution specifying that the wireless public  
5 safety answering point is eligible for the grants. Except as provided in subd. 4., only  
6 one wireless public safety answering point in each county is eligible for local  
7 governments to receive grants under par. (d).

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

15 5. <sup>Except as provided in subd. 6.a. 1. a ✓</sup> local government that operates, or local governments that jointly operate,  
16 a wireless public safety answering point are not eligible for grants under par. (d)  
17 unless the wireless public safety answering point serves the entire geographic area  
18 of all of the following:

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

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

22 (d) *Grants; commission approval and rules.* 1. The commission shall approve  
23 an application under par. (b) or (c) ✓ if the commission determines that the costs  
24 estimated in the application are reasonable and have been, or will be, incurred for  
25 the purpose of promoting a cost-effective and efficient statewide system for

INSERT 5-21 ✓

INSERT  
6-4

INSERT 6-1

9 1r.

1 responding to wireless emergency 911 telephone calls. (If the commission does not  
 2 approve an application, the commission shall provide the applicant or applicants  
 3 with the commission's reasons and give the applicant or applicants an opportunity  
 4 to resubmit the application.

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

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

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

18 b. Vehicles and equipment in vehicles.

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

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

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

24 4. The commission shall promulgate rules establishing requirements and  
 25 procedures for making grants under this paragraph, including criteria for approving

INSERT  
7-11

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

8 5. To the greatest extent practicable, a local government that receives a grant  
9 under this paragraph shall make all purchases, leases, and service contracts under  
10 the grant through the program administered by the department of electronic  
11 government ~~under s. 22.07 (3m) or through a consortium of local governments~~

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

18 (f) *Wireless surcharge.* 1. The commission shall promulgate rules requiring  
19 each wireless provider to impose the same monthly surcharge for each telephone  
20 number of a customer that has a billable address in this state, except that the rules  
21 shall adjust the amount of the surcharge that is imposed on customers who prepay  
22 for service to ensure that such customers pay an amount that is comparable to the  
23 monthly amount paid by other customers. The rules shall require the surcharge to  
24 be imposed during the 3-year period beginning on the first day of the 2nd month  
25 beginning after the effective date of the rules. The amount of the surcharge shall be

1 sufficient for the commission to administer and make the grants under par. (d) and  
2 the supplemental grants under par. (e). The rules shall require wireless providers  
3 to pay the surcharge to the commission for deposit in the wireless 911 fund.

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

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

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

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

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

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

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

22 **SECTION 8.** 146.70 (7) of the statutes is amended to read:

23 ~~146.70 (7) TELECOMMUNICATIONS UTILITY NOT LIABLE~~ LIABILITY EXEMPTION. A  
24 telecommunications utility, wireless provider, as defined in sub. (3m) (a) 6., or local  
25 government, as defined in sub. (3m) (a) 4., shall not be liable to any person who uses

INSERT 8-17 ✓

1 an emergency number system created under this section or makes an emergency  
2 telephone call initially routed to a wireless public safety answering point, as defined  
3 in sub. (3m) (a) 7.

4 **SECTION 9. Nonstatutory provisions.**

STET

5 (1) PROPOSED RULES.

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

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

17 (END)

Handwritten annotations: "INSERT 9-16" and "INSERT 9-17" circled in black with checkmarks, and a large handwritten "STET" with arrows pointing to the text above.

6  
INSERT 1-10:

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

4 2003-04 2004-05

5 20.505 Administration, department of ✓

6 (1) SUPERVISION AND MANAGEMENT; LAND INFORMATION  
7 BOARD ✓

8 (q) Land information board; advice

9 regarding wireless 911 grants ✓

SEG  
PR

A

-0-

50,000

10 2003-04 2004-05

11 20.530 Electronic government, department of

12 (1) INFORMATION TECHNOLOGY AND MANAGEMENT  
13 SERVICES ✓

14 (q) Cooperative purchasing; wireless

15 911 ✓

INSERT 1-10

SEG  
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B

35,000

35,000

16 SECTION 2. 20.505 (1) (q) of the statutes is created to read:

17 20.505 (1) (q) Land information board; advice regarding wireless 911 grants.

18 From the universal service fund, the amounts in the schedule for the land  
19 information board to provide advice to the public service commission under s. 146.70

20 (3m) (d) 1g.

21 SECTION 3. 20.530 (1) (q) of the statutes is created to read:

INS 1-10  
CONT

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

5 **INSERT 2-2:**

6 (13) operate wireless public safety answering points, as defined in s. 146.70 (3m) (a) (7)

7 **INSERT 2-4:**

8 **SECTION 4.** 25.95 of the statutes is amended to read:

9 **25.95 Universal service fund.** There is established a separate nonlapsible  
10 trust fund designated as the universal service fund, to consist of all contributions  
11 received under s. 196.218 (3) and the amounts transferred from the wireless 911 fund  
12 under s. 146.70 (3m) (hm).

13 History: 1997 a. 27.

13 **INSERT 3-13:**

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

18 **INSERT 3-23:**

19 (X) 1m. The estimate under subd. 1. may not include, and a local government may  
20 not seek reimbursement for, any costs described in subd. 1. that the local government  
21 recovers in the form of a gift or grant received by the local government for the  
22 purposes described in subd. 1.

23 **INSERT 4-20:**







1 ¶ 1g. If an application under par. (c) includes an estimate of costs for the purpose  
 2 described in par. (c) 1. d., the commission may approve the application only if the  
 3 commission determines that the local government's collection of land information,  
 4 as defined in s. 16.967 (1) (b), and development of a land information system, as  
 5 defined in s. 16.967 (1) (c), that is related to that purpose are consistent with the  
 6 applicable county land records modernization plans developed under s. 59.72 (3) (b),  
 7 conform to the standards on which such plans are based, and do not duplicate land  
 8 information collection and other efforts funded through the land information  
 9 program under s. 16.967 (7). The commission shall obtain the advice of the land  
 10 information board in making determinations under this subdivision.

**INSERT 7-11:**

11  
 12 (AP) If a local government makes a purchase, lease, or service contract outside the  
 13 cooperative purchasing program when a practicable option for that purchase, lease,  
 14 or service contract is available at a lower price under the cooperative purchasing  
 15 program, the commission shall reduce the amount of the local government's grant  
 16 that is related to that purchase, lease, or service contract to reflect the lower price.

**INSERT 8-17:**

17  
 18 ¶ (hm) *Repayment of universal service fund.* For each fiscal year, the secretary  
 19 of administration shall determine the amounts encumbered from the appropriations  
 20 under ss. 20.505 (1) (q) and 20.530 (1) (h) in that fiscal year, and transfer those  
 21 amounts from the wireless 911 fund to the universal service fund when the secretary  
 22 determines that moneys in the wireless 911 fund are sufficient to make the transfers.

**INSERT 9-16:**

23  
 24 nonstat # (2) LAND INFORMATION BOARD PROJECT POSITION. The authorized FTE positions  
 25 for the department of administration are increased by 0.5 PR project positions, to be



INS 9-16  
CONT

1 funded from the appropriation under <sup>g</sup> § 20.505 (1) (q) of the statutes, as created by  
 2 this act, for the purpose of the land information board to provide advice to the public  
 3 service commission under section 146.70 (3m) (d) 1g. of the statutes, as created by  
 4 this act.

**INSERT 9-17:**

5  
 6 **SECTION 5. Effective dates.** This act takes effect on the day after publication,  
 7 except as follows:

8 (1) COOPERATIVE PURCHASING; WIRELESS 911. <sup>a.s.</sup> SECTION 1 of this act ~~and~~ <sup>and</sup> ~~the~~  
 9 treatment of section 20.530 (1) <sup>g</sup> (h) of the statutes <sup>and</sup> take effect on the day after  
 10 publication, July 1, 2003, or the day after publication of the 2003-~~05~~ <sup>05</sup> biennial  
 11 budget act, whichever is later.



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRBs0087/P1  
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LPS-check  
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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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

Regen

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

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

7 SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert  
8 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.** 20.530 (1) (q) of the statutes is created to read:

INSERT 2-72 ✓

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

5           **SECTION 5.** 22.07 (3m) of the statutes is created to read:

6           **22.07 (3m)** Administer a program to facilitate purchases, leases, and service  
7 contracts by local governments that operate wireless public safety answering points,  
8 as defined in s. 146.70 (3m) (a) 7.

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

10          25.17 (1) (yo) Wireless 911 fund (s. 25.98);

11          **SECTION 7.** 25.95 of the statutes is amended to read:

12          **25.95 Universal service fund.** There is established a separate nonlapsible  
13 trust fund designated as the universal service fund, to consist of all contributions  
14 received under s. 196.218 (3) and the amounts transferred from the wireless 911 fund  
15 under s. 146.70 (3m) (hm).

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

17          **25.98 Wireless 911 fund.** There is established a separate nonlapsible trust  
18 fund designated as the wireless 911 fund, consisting of deposits by the public service  
19 commission under s. 146.70 (3m) (f) 1.

20          **SECTION 9.** 77.51 (4) (b) 8. of the statutes is created to read:

21          **77.51 (4) (b) 8.** The surcharge established in rules of the public service  
22 commission under s. 146.70 (3m) (f) for customers of wireless providers, as defined  
23 in s. 146.70 (3m) (a) 6.

24          **SECTION 10.** 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 11.** 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.

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

24 (c) *Grant applications; local governments.* 1. A local government that operates  
25 a wireless public safety answering point, or local governments that jointly operate



1 a wireless public safety answering point, may not receive a grant under par. (d)  
2 unless the requirements under subds. 3. to 5. are satisfied and, no later than the first  
3 day of the 3rd month beginning after the effective date of the rules promulgated  
4 under par. (d) 4., every county which itself is one of the local governments or in which  
5 any of the local governments is located applies to the commission with an estimate,  
6 and supporting documentation, of the costs that the local government or local  
7 governments have directly and primarily incurred, or will directly and primarily  
8 incur, during the reimbursement period for leasing, purchasing, operating, or  
9 maintaining the wireless public safety answering point, including costs for all of the  
10 following:

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

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

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

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

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

22 3. A local government that operates a wireless public safety answering point,  
23 or local governments that jointly operate a wireless public safety answering point,  
24 are not eligible for grants under par. (d) unless, no later than the first day of the 3rd  
25 month beginning after the effective date of the rules promulgated under par. (d) 4.,

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

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

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

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

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

20 6. a. A local government is not required to serve, with its wireless public safety  
21 answering point, the area of a city, village, or town that, by resolution, states its  
22 intention to establish a wireless public safety answering point separate from the  
23 wireless public safety answering point specified in a resolution under subd. 3. passed  
24 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 911 emergency service from the wireless public safety answering  
5 point specified in a resolution under subd. 3. passed by the county in which the city,  
6 village, or town is located. A city, village, or town that rescinds a resolution adopted  
7 under subd. 6. a. is required to receive 911 emergency service from the wireless public  
8 safety answering point specified in a resolution under subd. 3. passed by the county  
9 in which the city, village, or town located, unless the city, village, or town  
10 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 administered by the department of electronic  
13 government. If a local government makes a purchase, lease, or service contract  
14 outside the cooperative purchasing program when a practicable option for that  
15 purchase, lease, or service contract is available at a lower price under the cooperative  
16 purchasing program, the commission shall reduce the amount of the local  
17 government's grant that is related to that purchase, lease, or service contract to  
18 reflect the lower price.

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

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

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  
12-9

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 12. 146.70 (7) of the statutes is amended to read:

11 146.70 (7) ~~TELECOMMUNICATIONS UTILITY NOT LIABLE~~ LIABILITY EXEMPTION. A  
12 telecommunications utility, wireless provider, as defined in sub. (3m) (a) 6., or local  
13 government, as defined in sub. (3m) (a) 4., shall not be liable to any person who uses  
14 an emergency number system created under this section or makes an emergency  
15 telephone call initially routed to a wireless public safety answering point, as defined  
16 in sub. (3m) (a) 7.

17 SECTION 13. **Nonstatutory provisions.**

18 (1) PROPOSED RULES.

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

INSERT 12-16 ✓

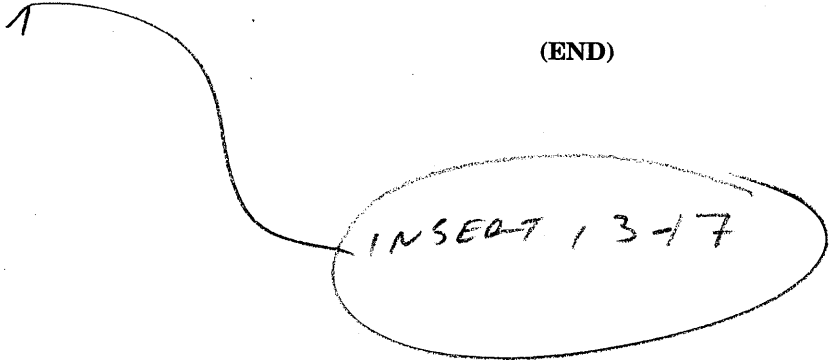
1 (b) *Wireless 911 grant rules.* The public service commission shall submit in  
2 proposed form the rules required under section 146.70 (3m) (d) 4. and (e) of the  
3 statutes, as created by this act, to the legislative council staff under section 227.15  
4 (1) of the statutes no later than the first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

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

12 **SECTION 14. Effective dates.** This act takes effect on the day after publication,  
13 except as follows:

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

18 (END)



INSEAT 13-17





1 (ie), (ig), and (ij), 23.32 (2) (d), 59.43 (1) (u), and 59.72 (1) (am), (3) (c), and (4) of the  
2 statutes and SECTION 9101 (1) of this act take effect on July 1, 2005.

3

**INSERT 13-17:**

4

(2) SUNSET OF LAND INFORMATION BOARD. The repeal of sections 20.505 (1) (q) and

5

146.70 (3m) (d) 1g. of the statutes and SECTION 14 (3) of this act takes effect on July

6

1, 2005.

~~SECTION 14 (3)~~  
keep

## Kunkel, Mark

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**From:** Kunkel, Mark  
**Sent:** Tuesday, May 20, 2003 8:46 AM  
**To:** Stolzenberg, John; Lovell, David  
**Subject:** Wireless 911 sub

John and David:

You asked whether an additional appropriation is necessary to account for the amounts transferred from the wireless 911 fund to repay the universal service fund. I don't think an appropriation is necessary because the transfer does not involve any spending by the state. Instead, money is being transferred between different funds in the state treasury, and the transfer itself does not withdraw any money from the treasury.

Also, yesterday I recommended adding the phrase "described under subd. 5." after "local government" on page 7 line 20 of the "/1" version. In thinking about it a bit further, I don't think the phrase adds anything beneficial. Instead, I think it might confuse things because a local government described in subd. 5. could be interpreted as a local government that operates a wireless PSAP that serves the entire geographic area specified in subd. 5. Therefore, I think the language is okay as drafted.

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