



2013 SENATE BILL 165

April 30, 2013 – Introduced by Senators LEIBHAM, GROTHMAN, LASEE, SCHULTZ and TIFFANY, cosponsored by Representatives JACQUE, BERNIER, BIES, CZAJA, KESTELL, MURTHA, NASS, PETRYK, SCHRAA, STROEBEL, THIESFELDT and TITTL. Referred to Committee on Workforce Development, Forestry, Mining, and Revenue.

1 **AN ACT to repeal** 20.155 (3) (t), 20.835 (1) (r), 25.17 (1) (ku), 25.99, 77.54 (55) and
2 196.025 (6); and **to amend** 20.835 (1) (db), 25.50 (3) (b), 196.202 (2), 196.203 (1g)
3 (a), 196.206 (1), 196.499 (1) (intro.) and 196.50 (2) (j) 1. b. of the statutes;
4 **relating to:** the police and fire protection fee imposed on certain
5 communications services.

Analysis by the Legislative Reference Bureau

Under current law, a person that provides active retail voice communications service (communications provider) must impose a monthly fee of \$0.75 on each communications service connection with an assigned telephone number. However, for a prepaid wireless plan, a communications provider or retailer must impose a one-time fee of \$0.38, instead of the \$0.75 monthly fee. Current law allows a communications provider or retailer to separately list the fee on customer bills. If separately listed, the communications provider or retailer must identify the fee as “police and fire protection fee.” Communications providers and retailers must remit the fees to the Public Service Commission (PSC), except that the PSC may contract with the Department of Revenue (DOR) to collect the fees for prepaid wireless plans. The PSC and DOR must deposit the fees in the police and fire protection fund, which is used to make shared revenue payments to counties, towns, villages, and cities.

This bill eliminates the requirement for communications providers and retailers to impose the above fees. The bill also eliminates the police and fire protection fund and the shared revenue payments made from that fund.

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

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

1 **SECTION 1.** 20.155 (3) (t) of the statutes is repealed.

2 **SECTION 2.** 20.835 (1) (db) of the statutes is amended to read:

3 20.835 (1) (db) *County and municipal aid account.* A sum sufficient to make
4 payments to counties, towns, villages, and cities under s. 79.035, ~~less the amount~~
5 ~~paid from the appropriation under par. (r).~~

6 **SECTION 3.** 20.835 (1) (r) of the statutes is repealed.

7 **SECTION 4.** 25.17 (1) (ku) of the statutes is repealed.

8 **SECTION 5.** 25.50 (3) (b) of the statutes is amended to read:

9 25.50 (3) (b) On the dates specified and to the extent to which they are
10 available, subject to s. 16.53 (10), funds payable to local governments under ss.
11 ~~79.035~~, 79.04, 79.05, 79.08, and 79.10 shall be considered local funds and, pursuant
12 to the instructions of local officials, may be paid into the separate accounts of all local
13 governments established in the local government pooled-investment fund and,
14 pursuant to the instructions of local officials, to the extent to which they are
15 available, be disbursed or invested.

16 **SECTION 6.** 25.99 of the statutes is repealed.

17 **SECTION 7.** 77.54 (55) of the statutes is repealed.

18 **SECTION 8.** 196.025 (6) of the statutes is repealed.

19 **SECTION 9.** 196.202 (2) of the statutes is amended to read:

20 196.202 (2) **SCOPE OF REGULATION.** A commercial mobile radio service provider
21 is not subject to this chapter, except as provided in sub. (5), and except that a

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1 commercial mobile radio service provider is subject to ss. ~~196.025 (6)~~, 196.218 (3), and
2 196.859, and shall respond, subject to the protection of the commercial mobile radio
3 service provider's competitive information, to all reasonable requests for information
4 about its operations in this state from the commission necessary to administer ss.
5 ~~196.025 (6)~~, 196.218 (3), and 196.859.

6 **SECTION 10.** 196.203 (1g) (a) of the statutes is amended to read:

7 196.203 (1g) (a) An alternative telecommunications utility is subject to ss.
8 196.01, 196.016, ~~196.025 (6)~~, 196.191, 196.206, and 196.212.

9 **SECTION 11.** 196.206 (1) of the statutes is amended to read:

10 196.206 (1) EXEMPTIONS. An interconnected voice over Internet protocol service
11 is not subject to this chapter, except as provided in this section, and except that an
12 interconnected voice over Internet protocol service is subject to ss. 196.01, 196.016,
13 ~~196.025 (6)~~, 196.199, 196.218 (3), 196.858, and 196.859, and except as required for
14 the commission to administer and enforce this section.

15 **SECTION 12.** 196.499 (1) (intro.) of the statutes is amended to read:

16 196.499 (1) SCOPE. (intro.) Notwithstanding any other provisions of this
17 chapter, a telecommunications carrier is not subject to regulation under this chapter,
18 except for s. ~~196.025 (6)~~, and except under each of the following provisions:

19 **SECTION 13.** 196.50 (2) (j) 1. b. of the statutes is amended to read:

20 196.50 (2) (j) 1. b. Provide notice to the commission to recertify the
21 telecommunications utility under this subsection and impose on the
22 telecommunications utility only those provisions of this chapter specified in this
23 subd. 1. b. No later than 30 days after receiving notice under this subd. 1. b., the
24 commission shall issue an order that grants recertification under this subsection and
25 that imposes on the telecommunications utility only those provisions of this chapter

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1 specified in this subd. 1. b. The telecommunications utility shall be exempt from all
2 provisions of this chapter, except ss. 196.01, 196.016, ~~196.025 (6)~~, 196.191, 196.206,
3 196.212, 196.219 (2r), and 196.503; and except those provisions in s. 196.203 (4m) (a)
4 that are imposed on all alternative telecommunications utilities under s. 196.203 (3);
5 and except, with respect to its wholesale telecommunications services only, ss. 196.03
6 (1) and (6), 196.219 (4), 196.28, and 196.37. If required by the public interest, the
7 commission may, with respect only to intrastate switched access services, impose on
8 the telecommunications utility s. 196.03 (1) and (6) and 196.37, except that the
9 commission may not impose s. 196.03 (1) or (6) without also imposing s. 196.37 on the
10 telecommunications utility. The granting of the recertification shall operate to
11 terminate the telecommunications utility's prior certification. All regulatory
12 requirements related to the prior certification that are inconsistent with the
13 requirements of or regulation allowed under this subd. 1. b., including all such
14 requirements imposed by the certification, and all such requirements imposed by the
15 commission, whether by statute or commission rule or order, on the
16 telecommunications utility are terminated on the effective date of the order unless
17 the telecommunications utility, in its notice to the commission seeking recertification
18 under this subd. 1. b., requests to remain subject to one or more requirements of its
19 prior certification that do not violate the telecommunications utility's requirements
20 or obligations under this chapter and the commission does not deny the request in
21 its recertification order.

22 (END)