

2013 DRAFTING REQUEST

Bill

Received: 9/5/2013 Received By: mkunkel
Wanted: As time permits Same as LRB:
For: Joseph Leibham (608) 266-2056 By/Representing: Lucas moench
May Contact: Drafter: mkunkel
Subject: Public Util. - telco Addl. Drafters: jkreya
Extra Copies: EVM

Submit via email: YES
Requester's email: Sen.Leibham@legis.wisconsin.gov
Carbon copy (CC) to: rick.olin@legis.wisconsin.gov
larry.konopacki@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

State 911 telecommunications service

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel 9/9/2013			_____			
/P1	mkunkel 10/23/2013	wjackson 9/18/2013	jfrantze 9/18/2013	_____	lparisi 9/18/2013		State
/P2	mkunkel	kfollett	jfrantze	_____	sbasford		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	1/17/2014	10/24/2013	10/24/2013	_____	10/24/2013		S&L
/1	mkunkel 1/17/2014	scalvin 1/21/2014	rschluet 1/21/2014	_____	sbasford 1/21/2014	srose 1/24/2014	State S&L

FE Sent For:

<END>

@
INTRO

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/P2		kfollett	jfrantze	_____	sbasford		State

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Vers. Drafted

Reviewed
10/24/2013

Typed
10/24/2013

Proofed

Submitted
10/24/2013

Jacketed

Required
S&L

FE Sent For:

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01/20/2014

/1 sac
01/20/2014

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1P2/5f 10/24
1P2/5f R3 10/24
J 10/24

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See attached - ~~0919~~ 0919, 0921, 0922, 0923, 0924

Drafting History:

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

/? mkunkel

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<END>

FE Sent For:

Kunkel, Mark

From: Moench, Lucas
Sent: Wednesday, August 28, 2013 12:06 PM
To: Kunkel, Mark
Subject: Drafting Request

Mark-

We are hoping to get started on a bill draft involving the police & fire protection fee, as well as implementing many of the recommendations of the recent Leg Council 911 Study Committee. Basically, were looking for an omnibus bill incorporating AB 97, 99, 100, 101, and 102, with some modifications and additions. We tried to do this in the budget but were unsuccessful. The best starting point for a draft is probably the draft motion that we worked on during the JFC process. It is attached.

This request is for a bill that accomplishes what is laid out in the attached motion. One change from the motion: with respect to effective dates. There should be two effective dates in the bill draft.

1. As in the motion, the provision allowing providers to indicate on subscribers' bills that the police and fire protection fee will not be collected after the effective date of the bill. Should become effective the day after publication
2. For all other provisions, the motion's effective date is July 1, 2015. In the bill draft, we would like this to be changed to July 1, 2014.

If you have any questions, Rick Olin at LFB drafted the motion and Larry Konopacki at Leg Council has been heavily involved in this issue via the study committee last summer. I spoke with both during the drafting of the budget motion that we are using as a baseline. Feel free to discuss with them. Otherwise, feel free to contact me if you need any clarification.

Draft can be in preliminary form.

Thanks,

Lucas Moench
Chief of Staff
State Senator Joe Leibham
9th Senate District
608-266-2056



ro911.docx

PUBLIC SERVICE COMMISSION

911 Grant Program and Surcharge

LFB
MOTION 106

Motion:

Move to repeal the police and fire protection fee, create a 911 grant program administered by the Public Service Commission (PSC), and authorize a surcharge to provide program funding as follows:

Repeal the Police and Fire Protection Fee. Repeal the police and fire protection fee and the PSC appropriation for administration of the fee, effective June 30, 2015. Effective July 1, 2013, or the day after this bill takes effect, whichever is later, allow communications providers that list the police and fire protection fee separately from other charges on subscribers' bills to indicate on the bills that the police and fire protection fee will not be collected after June 30, 2015. *see 2013 SB 165 + bill notice change*

day after publication

Creation of State 911 Council. Create a 15-member council to advise and direct the PSC on the administration of 911 telecommunications services and grant programs available to promote those services. Provide that the council would work with, be supported by, and be attached for administrative purposes to the PSC. Provide that the members of the council are to be appointed by the Governor and require that when making appointments to the council, the Governor consider the geographical diversity of, and the representation of urban and rural interests by, the membership of the council. Provide that the membership of the council consist of:

- an individual recommended by an association of Wisconsin cities, villages, or towns;
- an individual recommended by an association of Wisconsin counties;
- an individual recommended by a Wisconsin association, or a Wisconsin chapter of an association, that promotes a universal emergency telephone number system;
- an individual recommended by an association of Wisconsin county sheriffs;
- two individuals, each of whom represents a different commercial mobile radio service provider, as defined under current law, operating in Wisconsin, one serving a primarily regional market and one serving a national market;
- an individual recommended by a Wisconsin association, or a Wisconsin chapter of an association, of public safety communications professionals;

- two individuals recommended by an association of Wisconsin telecommunications providers, as defined under current law, at least one of whom represents a local exchange carrier with fewer than 50,000 access lines;

- an individual who represents a voice over Internet protocol provider;

- a police chief recommended by an association of Wisconsin police chiefs;

- a fire chief recommended by an association of Wisconsin fire chiefs;

- an individual recommended by a Wisconsin association that promotes emergency management;

- an individual who is a video service provider, as defined under current law; and

- an individual recommended by a Wisconsin association of emergency medical service providers.

Require the council to advise the PSC on the administration of 911 telecommunications services and associated grant and fee programs, conduct a statewide 911 telecommunications system assessment, develop a statewide plan for 911 telecommunications services, develop recommendations for service standards for public safety answering points (PSAPs), establish criteria for eligibility for state 911 grants, promote interoperability and consolidation of PSAPs statewide as appropriate, explore additional funding sources for 911 communications, direct the PSC as to the amount of the fee that is necessary to provide full cost recovery for statewide 911 telecommunications service and grants by the PSC to PSAPs, coordinate with the interoperability council, and ensure that the performance of these duties are done in such a manner so as not to favor one particular technology over another.

Specify that the members of the council serve three-year staggered terms, except that relative to the initial appointments, specify that five members serve one-year terms and five other members serve two-year terms.

Funding for State 911 Telecommunications System and State 911 Grants. Modify the countywide 911 telecommunications service fee authorized under current law, which may be imposed by counties to pay for 911 telecommunications costs associated with landline 911 telecommunications service. Extend the fee on a statewide basis to all active communications service connections, voice or nonvoice, capable of accessing a PSAP. Direct proceeds from the fee to be deposited in the appropriation created under this proposal to provide grants to telecommunications service providers. Authorize the PSC to contract with the Department of Revenue (DOR) for collection of the fee and repeal current law provisions authorizing counties to impose the fee. Set the fee at \$0.40 per month per connection, with the following two exceptions. For service users that have multiple communications service connections, direct the provider to impose a separate fee on each of the first ten connections and one additional fee for each ten additional connections per billed account, and set the fee at \$0.20 per month per retail transaction for prepaid wireless telecommunications plans. Authorize the PSC to issue annual orders decreasing or increasing the fee, but provide that the PSC may issue such an order only at

the direction of the state 911 council and with the approval of the Governor. Provide that an order may not increase a fee above the amounts initially set by the bill, except to adjust for inflation, and may not reduce the fee below the amount necessary to pay for state 911 telecommunications service.

State 911 Telecommunications Service. Require the PSC to contract with a network of 911 telecommunications service providers to perform selective routing services, manage updates to automatic location information databases, manage master street address guides statewide, and perform other functions related to state 911 telecommunications services. In addition, require communications providers to provide price schedules for 911 telecommunications services to the PSC, and direct the PSC to review the price schedules to determine whether they are commercially reasonable. Direct the PSC to reimburse the commercially reasonable costs the providers incur, including those associated with both wireless and landline 911 telecommunications service. Direct the PSC to make transitional payments to telecommunications utilities for continued performance under existing county 911 contracts until the requirements described above are implemented. Create a continuing PR appropriation funded with all monies received from the 911 telecommunications service fee to make payments to telecommunications service providers under this provision and to make transfers to the appropriation created under this proposal for making grants to PSAPs. In addition, authorize the PSC to pay its administrative expenses from the state 911 fee, not to exceed 1% of the revenue from that fee that is disbursed under contracts with 911 telecommunications service providers and paid to communications providers for 911. Specify that all monies credited to the appropriation that are unobligated at the end of each fiscal year be transferred to the appropriation created under this proposal for making grants to PSAPs.

State 911 Grant Program. Create a state 911 grant program to make state grants to public safety answering points for the improvement of 911 services in the state. Create a continuing PR-S appropriation funded with all monies transferred from the appropriation created under the preceding provision to make payments to PSAPs under this provision. Direct the state 911 council to establish, and the PSC to promulgate by rule, eligibility criteria and purposes for grants to be provided to PSAPs and provide that the purposes of these grants may include advanced training of telecommunicators, equipment or software expenses, and incentives for consolidation of PSAPs, but may not include general PSAP overhead or staffing costs or costs for providing emergency services or emergency services equipment. Require the state 911 council and the PSC to establish basic training and service standards that PSAPs must meet to be eligible for a grant, and require that the PSC's rules include measures to ensure the accountability of grant recipients. Provide that the PSC administrative costs associated with administering the state 911 grant program may not be more than 1% of the funding for that program.

Telecommunications Subscriber Records, Proprietary Information, and 911 System Updates. Authorize a communications provider, defined as a person that provides active voice or nonvoice communications service that is capable of accessing a PSAP, to designate information provided to the PSC as proprietary information. Define proprietary information as information that would aid a competitor of a communications provider in competition with the communications provider. Provide that information designated by a provider and determined by the PSC to be proprietary information is not subject to inspection or copying under the state open

records law, except with the written consent of the communications provider. Provide that subscriber records provided by communications providers to PSAPs for public safety purposes remain the property of the communications provider. Provide that a PSAP may access a subscriber record only when a call is placed to 911 from the subscriber's telephone and that any connection information of a subscriber that is obtained from the communications provider by a PSAP, including identification of a subscriber's communications provider, is not subject to inspection or copying under the state's open records law. Require 911 telecommunications service providers, communications providers, and PSAPs to take action relating to updating the master street address guide and automatic location identification databases within two business days of the installation or relocation of telecommunications service or receiving a requests for information relating to such updates. Define 911 Service Provider as an entity that contracts with the PSC to provide selective routing services, manage updates to the automatic location identification database, manage updates to the master street address guide for a particular geographic area, or provide other services related to the state 911 telecommunications system.

Effective Date. Except as noted above, provide that these changes take effect on July 1, 2015. (The single exception is the provision that would immediately allow certain providers to indicate on their subscribers' bills that the police and fire protection fee will not be collected after June 30, 2015.)

change to 2014

except repeal fee in effective date

Note:

In May, 2012, the Legislative Council approved the creation of ten interim study committees, including a committee on 911 communications. The Council subsequently approved six bills for introduction that were recommended by the 911 study committee. This proposal reflects provisions, with exceptions, in five of the six bills:

- AB 97, creating a state 911 council;
- AB 99, providing funding for the state 911 telecommunications system;
- AB 100, creating a state 911 grant program;
- AB 101, providing payments to communications providers; and
- AB 102, relating to subscriber records maintained by communications providers.

The proposal does not include AB 98, which would impose requirements on owners of multiline telephone systems.

This proposal makes the following changes to the five bills noted above. First, this proposal would not take effect until the end of the 2013-15 biennium, while the bills would take effect either upon enactment or four months after enactment. Second, the bills would assign certain functions to

the Office of Justice Assistance, but this proposal would require the ~~PSC~~ to assume the OJA responsibilities enumerated in the bills. Third, this proposal does not include authorizations for two positions, one at OJA and one at the PSC, that are included in the bills. Fourth, this proposal would repeal the police and fire protection fee, but the bills would not. The bills contain multiple references to the fee, but those are unnecessary under this proposal.

Because the proposal would not become effective until the next biennium, no fiscal effect for the proposal is reported. However, in 2015-17, repeal of the police and fire protection fee would reduce SEG revenue by \$53 million annually. That revenue provides part of the funding for the county and municipal aid program, with the balance of the funding provided through a GPR sum sufficient appropriation. Therefore, repeal of the fee would cause SEG expenditures to decrease by \$53 million annually and GPR expenditures to increase by \$53 million annually beginning in 2015-16. The newly created fee would result in additional state SEG fee revenues of \$28.3 million annually and offsetting additional SEG expenditures of \$28.3 million annually. Repeal of the state law authorizing locally-administered 911 fees would reduce local government revenues by an unknown amount.

Kunkel, Mark

From: Grant, Peter
Sent: Saturday, September 07, 2013 3:22 PM
To: Kunkel, Mark
Subject: RE: A question about linking 2 appropriations

I think you should revise it as you propose, except that in (i) I'd say "All moneys transferred from the appropriation under par. (g)" instead of "The surplus of receipts transferred from par. (g)...." The latter sounds like you're appropriating less than the amount transferred.

From: Kunkel, Mark
Sent: Friday, September 06, 2013 4:53 PM
To: Grant, Peter
Subject: A question about linking 2 appropriations

I did a bill which contains the following 2 appropriations:

Section --. 20.155 (3) (h) of the statutes is created to read:

20.155 (3) (g) Statewide 911 telecommunications. From the moneys received under s. 256.35 (3) (dm), a sum sufficient for contracts required under s. 256.35 (3f) (b), reimbursements required under s. 256.35 (3f) (c) and 2013 Wisconsin (this act), section 5 (2) (c) and (d), and administration of the contracts and reimbursements, except that no more than 1 percent of the moneys appropriated under this paragraph for the contracts and reimbursements may be used for administration of the contracts and reimbursements.

Section --. 20.155 (3) (i) of the statutes is created to read:

20.155 (3) (i) State 911 grant program. All moneys received under s. 256.35 (3) (dm) that are not appropriated under par. (g), to provide grants under the state 911 grant program under s. 16.964 (19), to administer the program, and to provide administrative support to the state 911 council, except that not more than 1 percent of the moneys received under this paragraph may be used to administer the program and to provide administrative support.

I'm making changes to the bill, so I'm considering a different approach to expressing the relationship between the 2 appropriations. Also, I don't like the sum sufficient language in s. 20.155 (3) (g). (I just don't like it!) Anyway, I found the following alternative in the following 2 appropriations under current law:

20.190(1)(h)

(h) State fair operations. All moneys received by the state fair park board for or on account of the state fair, state fair park or other events to be used to support the operation, management and development of state fair park and for the grant program under s. 42.12. The unencumbered balance of this appropriation on June 30 of each year shall be transferred to the appropriation under par. (i).

20.190(1)(i)

(i) State fair capital expenses. The surplus of receipts transferred from par. (h), to be used for the acquisition of land, the payment of construction costs, including architectural and engineering services, furnishings, and equipment, maintenance of state-owned housing and temporary financing necessary to provide facilities for exposition purposes. The state fair park board may use moneys in this appropriation to reimburse s. 20.866 (1) (u) for payment of principal and interest costs incurred in financing state fair park facilities and to make payments under an agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

Should I revise my bill to take the same approach as in s. 20.190 (1) (h) and (i)? I could revise s. 20.155 (3) (g) to appropriate all moneys received under s. 256.35 (3) (dm) for the expressed purposes, and add a sentence: "The unencumbered balance of this appropriation on June 30 of each year shall be transferred to the appropriation under par. (i)." And then I could revise s. 20.155 (3) (i) to appropriate the surplus of receipts transferred under par. (h), to be used for the expressed purposes. Is that a better approach? I think it might be, because it makes it explicit that any excess money under par. (h) gets transferred to par. (i).

Let me know what you think, won't you?



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3078/P1
MDK:...:ph

D-note

Wjall
JK

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SOON
IN 9-9

LPS: Please check auto refs.

LPS: There are inserts to inserts.

gen cat.

1 **AN ACT to repeal** 256.35 (1) (d), 256.35 (3) (a) 3., 256.35 (3) (b), (c), (d), (e), (f), (g),
2 (i) and (j) and 256.35 (3m) (a) 2.; **to renumber** 256.35 (1) (a), 256.35 (1) (a) and
3 256.35 (3) (a) 1.; **to renumber and amend** 256.35 (3) (a) 2.; **to amend** 15.01
4 (4), 196.025 (6) (b) 1. and 2., 196.025 (6) (c) 3., 256.35 (3) (title), 256.35 (3) (a)
5 4., 256.35 (3) (h) and 256.35 (4); and **to create** 15.107 (19), 16.964 (19), 16.9645
6 (2) (g), 16.9647, 20.155 (3) (g), 20.505 (6) (hm), 256.35 (1) (am), (ct) and (em),
7 256.35 (1) (cp), 256.35 (1) (ct), 256.35 (3) (a) 2m., 256.35 (3) (bm), 256.35 (3) (cm),
8 256.35 (3) (dm), 256.35 (3) (em), 256.35 (3f) and 256.35 (12) of the statutes;
9 **relating to:** ~~the creation of a state 911 council; funding for the state 911~~
10 ~~telecommunications system and granting rule-making authority; the state 911~~
11 ~~grant program and granting rule-making authority;~~ state 911
12 telecommunications services and making an appropriation
13 telecommunications subscriber records, proprietary information of certain

and granting rule-making authority

1 communications providers, and updates to certain 911 telecommunications
2 service databases.

Analysis by the Legislative Reference Bureau

*** ANALYSIS FROM -0919/2 ***
*** ANALYSIS FROM -0921/2 ***
*** ANALYSIS FROM -0922/2 ***
*** ANALYSIS FROM -0923/1 ***
*** ANALYSIS FROM -0924/1 ***

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

For further information see the *state* 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:

SECTION 1. 15.01 (4) of the statutes is amended to read:

15.01 (4) "Council" means a part-time body appointed to function on a continuing basis for the study, and recommendation of solutions and policy alternatives, of the problems arising in a specified functional area of state government, except the Milwaukee River revitalization council has the powers and duties specified in s. 23.18, the council on physical disabilities has the powers and duties specified in s. 46.29 (1) and (2), the state council on alcohol and other drug abuse has the powers and duties specified in s. 14.24, and the electronic recording council has the powers and duties specified in s. 706.25 (4), and the state 911 council has the powers and duties specified in ~~ss. 16.964(2) and 256.35 (3) (cm) 1.~~ ^{s.} 15.797(a) and (3h)(b)

SECTION 2. ~~15.107(19)~~ ^{15.797(c)} of the statutes is created to read:

~~15.107(19)~~ STATE 911 COUNCIL. There is created a state 911 council, attached to the ~~department of administration~~ ^{public service commission} under s. 15.03. When making appointments to the council, the governor shall consider the geographical diversity of, and the

INSERT 2-2

INSERT 2-17

1 representation of urban and rural interests by, the membership of the council. The
2 council consists of the following members serving for staggered 3-year terms:

3 (a) An individual recommended by an association of Wisconsin cities, villages,
4 or towns.

5 (b) An individual recommended by an association of Wisconsin counties.

6 (c) An individual recommended by a Wisconsin association, or a Wisconsin
7 chapter of an association, that promotes a universal emergency telephone number
8 system.

9 (d) An individual recommended by an association of Wisconsin county sheriffs.

10 (e) Two individuals, each of whom represents a different commercial mobile
11 radio service provider, as defined in s. 196.01 (2g),[✓] operating in Wisconsin, one
12 serving a primarily regional market and one serving a national market.

13 (f) An individual recommended by a Wisconsin association, or a Wisconsin
14 chapter of an association, of public safety communications professionals.

15 (g) Two individuals recommended by an association of Wisconsin
16 telecommunications providers, as defined in s. 196.01 (8p),[✓] at least one of whom
17 represents a local exchange carrier with fewer than 50,000 access lines.

18 (h) An individual who represents a voice over Internet protocol provider.

19 (i) A police chief recommended by an association of Wisconsin police chiefs.

20 (j) A fire chief recommended by an association of Wisconsin fire chiefs.

21 (k) An individual recommended by a Wisconsin association that promotes
22 emergency management.

23 (L) An individual who is a video service provider, as defined in s. 196.01 (12r).[✓]

24 (m) An individual recommended by a Wisconsin association of emergency
25 medical service providers.

INSEAT 14+9

256-35 (3j) of the statutes is created to read:

SECTION 3 16.964 (19) of the statutes is created to read:

16.964 (19) (a) In this subsection, "public safety answering point" has the meaning given in s. 256.35 (1) (gm).

(b) From the appropriation under s. 20.505 (6) (h), the office shall, under the direction of the state 911 council, provide grants to public safety answering points for the improvement of 911 services in the state.

(c) The Commission shall promulgate rules that do the following:

1. Using the purposes specified by the state 911 council under s. 16.964, the purposes of the grants under par. (b), which may include advanced training of telecommunicators, equipment or software expenses, and incentives to consolidate some or all of the functions of 2 or more public safety answering points. Grant purposes may not include general public safety answering point overhead or staffing costs or costs for providing emergency services or emergency services equipment.

2. Using the criteria developed by the state 911 council under s. 16.964 (2) (e), criteria and procedures for use in selecting grantees and administering the grant program under par. (b), including basic training and service standards that must be met for a public safety answering point to be eligible for a grant.

3. Measures to ensure the accountability of grant recipients under par. (b).

(d) By February 28 of each odd-numbered year, the Commission shall submit a report to the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under s. 13.172 (3), regarding receipts and expenditures made by the state 911 council and under the grant program under this subsection; the status of 911 services in this state; and any recommendations to modify liability exemptions under s. 256.35 (7), including those for public safety answering points

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(b) From the appropriation under s. 20.505 (6) (h), the office shall, under the direction of the state 911 council, provide grants to public safety answering points for the improvement of 911 services in the state.

(c) The Commission shall promulgate rules that do the following:

1. Using the purposes specified by the state 911 council under s. 16.964, the purposes of the grants under par. (b), which may include advanced training of telecommunicators, equipment or software expenses, and incentives to consolidate some or all of the functions of 2 or more public safety answering points. Grant purposes may not include general public safety answering point overhead or staffing costs or costs for providing emergency services or emergency services equipment.

2. Using the criteria developed by the state 911 council under s. 16.964 (2) (e), criteria and procedures for use in selecting grantees and administering the grant program under par. (b), including basic training and service standards that must be met for a public safety answering point to be eligible for a grant.

3. Measures to ensure the accountability of grant recipients under par. (b).

(d) By February 28 of each odd-numbered year, the Commission shall submit a report to the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under s. 13.172 (3), regarding receipts and expenditures made by the state 911 council and under the grant program under this subsection; the status of 911 services in this state; and any recommendations to modify liability exemptions under s. 256.35 (7), including those for public safety answering points

256035 (3j) STATE 911 GRANTS

20055 (3) (K) Commission

sub. (3h)

Specify

sub. (3h) (b) 5.

ga

Commission

par. (c)

INSEPT 14-9 (cont'd):

256.35 (3h) STATE 911 COUNCIL

1 that divert nuisance or harassing calls and for multiline telephone system owners
2 or operators. END of INSEPT 14-9

3 SECTION 4. 16.9645 (2) (g) of the statutes is created to read:

4 16.9645 (2) (g) Coordinate with the state 911 council.

5 X SECTION 5. ~~16.9647~~ ^{256.35 (3h)} of the statutes is created to read:

6 ~~16.9647~~ state 911 council. ^(a) In this section: ^{subection,}

7 ~~(a)~~ "Council" means the state 911 council.

8 ~~(b)~~ "Office" means the office of justice assistance.

9 ~~(c)~~ "Public safety answering point" has the meaning given in s. 256.35 (1) (gm).

10 ~~(a)~~ ^(b) The council shall do all of the following:

11 1. ~~(a)~~ Advise the ~~office~~ and the public service commission on the administration
12 of 911 telecommunications services and associated grant programs.

13 2. ~~(b)~~ Conduct a statewide 911 telecommunications system assessment.

14 3. ~~(c)~~ Develop a statewide plan for 911 telecommunications services.

15 4. ~~(d)~~ Develop recommendations for service standards for public safety answering
16 points.

17 5. ~~(e)~~ Establish criteria for eligibility for state 911 grants and advise the ~~office~~ as
18 to the standards the ^{Commission} ~~office~~ develops under ~~16.964(1)~~ ^{sub. (3j) ✓}. The criteria for eligibility
19 shall include basic training standards and service standards.

20 6. ~~(f)~~ Promote, facilitate, and coordinate interoperability across all state public
21 safety answering points with respect to telecommunications services and data
22 systems, including geographic information systems.

23 7. ~~(g)~~ Promote, facilitate, and coordinate consolidation of public safety answering
24 point functions where consolidation would provide improved service, increased
25 efficiency, or cost savings.

INSEPT 14-8
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INSERT 14-8 (Cont'd):

1 ~~(h)~~ Seek funding from sources, including federal sources, for 911
2 telecommunications system enhancements, studies, and other purposes consistent
3 with the duties of the council.

4 9 ~~(i)~~ Direct the public service ^{en} commission under ~~s. 256.35~~ ^{Sub.} (3) (cm) as to the
5 amount of the fee required under ~~s. 256.35~~ ^{Sub.} (3) (bm) ^{that} which is necessary to provide
6 full-cost recovery for statewide 911 telecommunications service under ~~s. 256.35~~ ^{Sub.} (3f) [✓]
7 and for grants under ~~s. 16.964(19)~~ ^{Sub. (3j) (a) ✓}

8 ~~10~~ ~~(j)~~ Undertake all of its duties in a manner that is competitively and
9 technologically neutral to all service providers.

10 ~~11~~ ~~(k)~~ Coordinate with the interoperability council under s. 15.107 (18). [✓]

11 12 ~~(l)~~ Assist the ^{Commission} office in identifying and obtaining funding to implement a ~~statewide~~
12 statewide 911 telecommunication ^s system.

13 13 ~~(m)~~ Advise the ^{Commission} office on allocating any funds obtained under ~~s. 16.964(19)~~ ^{paragraph} for the
14 purpose of achieving the goals under this ~~section~~ ^{subd. 12.1-stet}. END OF INSERT 14-8

15 SECTION 6. 20.155 (3) ~~(g)~~ ^(h) of the statutes is created to read:

16 20.155 (3) ~~(g)~~ ^(h) Statewide 911 telecommunications. ^{All} From the moneys received
17 under s. 256.35 (3) (dm) ^(h) as sum sufficient for contracts required under s. 256.35 (3f)
18 (b), reimbursements required under s. 256.35 (3f) (c) [✓] and 2013 Wisconsin (this
19 act), section ~~(2)~~ ^(antoref see 17-4) (c) and (d), and administration of the contracts and
20 reimbursements, except that no more than 1 percent of the moneys appropriated
21 under this paragraph for the contracts and reimbursements may be used for
22 administration of the contracts and reimbursements. INSERT 6-22

23 SECTION 7. ~~20.505 (6) (hm)~~ ^{20.155 (3) (k)} of the statutes is created to read:

24 20.505 (6) (hm) State 911 grant program. All moneys received under ~~s. 196.025~~
25 ~~(6) (c) 3.~~ and all moneys received under s. 256.35 (3) (dm) that are not appropriated

transferred from the appropriation
account

IN SEPT 25 see 2013 SB 165 attached

(par.) eh

s. 256.35(3j) ✓

1 under ~~s. 20.153(3)(g)~~ (g), to provide grants under the state 911 grant program under
2 s. ~~16.964(19)~~ (19), to administer ~~the~~ ^{that grant} program, and to provide administrative support to
3 the state 911 council, except that not more than 1 percent of the moneys received
4 under this paragraph may be used to administer the program and to provide
5 administrative support.

6 SECTION 8. 196.025 (6) (b) 1. and 2. of the statutes are amended to read:
7 196.025 (6) (b) 1. Except as provided in subd. 2., a communications provider
8 shall impose a monthly fee of \$0.75 on each communications service connection with
9 an assigned telephone number, including a communication service provided via a
10 voice over Internet protocol connection. If a communications provider provides
11 multiple communications service connections to a subscriber, the communications
12 provider shall impose a separate fee under this subdivision on each of the first 10
13 connections and one additional fee for each 10 additional connections per billed
14 account. A communications provider may list the fee separately from other charges
15 on a subscriber's bill, and if a communications provider does so, the communications
16 provider shall identify the fee as "police and fire protection fee," or, if the
17 communications provider combines the fee with a charge fee imposed under s. 256.35
18 (3) (bm), the communications provider shall identify the combined ~~fee and charge~~
19 fees as "charge for funding ~~countywide~~ state 911 systems plus police and fire
20 protection fee." Any partial payment of a fee by a subscriber shall first be applied
21 to any amount the subscriber owes the communications provider for communications
22 service.
23 2. A communications provider that offers a prepaid wireless
24 telecommunications plan, or a retailer that offers such a plan on behalf of a
25 communications provider, shall impose a fee equal to \$0.38 on each retail transaction

1 for such a plan that occurs in this state. A communications provider or retailer may
 2 state the amount of the fee separately on a bill for the retail transaction, and if a
 3 communications provider or retailer does so, the communications provider or retailer
 4 shall identify the fee as "police and fire protection fee.," or, if the communications
 5 provider combines the fee with a fee imposed under s. 256.35 (3) (bm), the
 6 communications provider shall identify the combined fees as "charge for funding
 7 state 911 systems plus police and fire protection fee."

8 SECTION 9. 196.025 (6) (c) 3. of the statutes is amended to read:

9 196.025 (6) (c) 3. The commission and department shall deposit all fees
 10 remitted under subds. 1. and 2. into the police and fire protection fund, except that,
 11 if more than \$54,089,000 in fees are remitted in a fiscal year, the amount exceeding
 12 \$54,089,000 shall be credited to the appropriation account under s. 20.505 (6) (hm).

NOTE: This provision of the bill would direct that all funding collected under the
 police and fire protection fee in excess of the average collected in the last 2 fiscal years
 be appropriated for the state 911 grants created under 2013 LRB-0922. Collections
 under the police and fire protection fee were \$51,897,000 in 2010-11 and \$56,281,000 in
 2011-12.

13 X SECTION 10. 256.35 (1) (a) of the statutes is renumbered 256.35 (1) (as).

14 SECTION 11. ~~256.35 (1) (a) of the statutes is renumbered 256.35 (1) (as).~~

15 SECTION 12. 256.35 (1) (am) ~~and (em)~~ ^{is} of the statutes are created to read:

16 256.35 (1) (am) "911 service provider" means an entity that contracts with the
 17 commission to provide selective routing services, manage updates to the automatic
 18 location identification database, manage updates to the master street address guide
 19 for a particular geographic area, or provide other services related to the state 911
 20 telecommunications system.

256.35(1)(pm) is created to read:

1 (ct) "Communications provider" means a person that provides active voice or
2 nonvoice communications service that is capable of accessing a public safety
3 answering point.

4 256.35(1)(em) "Master street address guide" means a database of street names and
5 address number ranges used to determine the proper public safety answering point
6 to which to route a call to "911" and the appropriate police, fire, ambulance, rescue,
7 and medical services agencies to dispatch.

8 SECTION 13. 256.35 (1) (cp) of the statutes is created to read:

9 256.35 (1) (cp) "Communications provider" means a person that provides active
10 voice or nonvoice communications service that is capable of accessing a public safety
11 answering point.

12 SECTION 14. 256.35 (1) (ct) of the statutes is created to read:

13 256.35 (1) (ct) "Communications service" means active voice or nonvoice
14 communications service that is capable of accessing a public safety answering point.

15 SECTION 15. 256.35 (1) (d) of the statutes is repealed.

16 SECTION 16. 256.35 (3) (title) of the statutes is amended to read:

17 256.35 (3) (title) FUNDING FOR COUNTYWIDE SYSTEMS STATE 911 SYSTEM.

18 SECTION 17. 256.35 (3) (a) 1. of the statutes is renumbered 256.35 (1) (cp).

19 SECTION 18. 256.35 (3) (a) 2. of the statutes is renumbered 256.35 (3f) (a) and
20 amended to read:

21 256.35 (3f) (a) "Costs" In this subsection, "costs" means the costs incurred by
22 a service supplier communications provider or 911 service provider after
23 August 1, 1987 the effective date of this paragraph [LRB inserts date], in
24 installing and maintaining the trunking and central office equipment used only to
25 operate a basic or sophisticated system and the database databases used only to

1 operate a sophisticated system; the costs incurred for the provision of 911
 2 telecommunications service between selective routers and public safety answering
 3 points; and all other costs associated with providing 911 telecommunications service.

NOTE: This revision would include as recoverable costs all telecommunications costs incurred by "911 service providers" and "communications providers", as defined below.

****NOTE: "911 service provider" is defined in 2013 Assembly Bill (LRB-0924/1) as "an entity that contracts with the commission to provide selective routing services, manage updates to the automatic location information database, manage updates to the master street address guide for a particular geographic area, or provide other services related to the state 911 telecommunications system."

****NOTE: "Communications provider" is defined in 2013 Assembly Bill (LRB-0924/1) as "a person that provides active voice or nonvoice communications service that is capable of accessing a public safety answering point."

4 **SECTION 19.** 256.35 (3) (a) 2m. of the statutes is created to read:

5 256.35 (3) (a) 2m. "Department" means the department of revenue.

6 **SECTION 20.** 256.35 (3) (a) 3. of the statutes is repealed.

7 **SECTION 21.** 256.35 (3) (a) 4. of the statutes is amended to read:

8 256.35 (3) (a) 4. "Service user" means any person who is provided telephone
 9 communications service by a service supplier which includes access to a basic or
 10 sophisticated system communications provider.

11 **SECTION 22.** 256.35 (3) (b), (c), (d), (e), (f), (g), (i) and (j) of the statutes are
 12 repealed.

13 **SECTION 23.** 256.35 (3) (bm) of the statutes is created to read:

14 256.35 (3) (bm) *Fee imposed.* 1. Except as provided in subd. 2., a
 15 communications provider shall impose a monthly fee of \$0.40, subject to any
 16 adjustment under par. (cm), on each communications service connection, including
 17 a communication^s service provided via a voice over Internet protocol connection. If a
 18 communications provider provides multiple communications service connections to
 19 a service user, the communications provider shall impose a separate fee under this

1 subdivision on each of the first 10 connections and one additional fee for each 10
2 additional connections per billed account. A communications provider may list the
3 fee separately from other charges on a service user's bill, and if a communications
4 provider does so, the communications provider shall identify the fee as "state 911
5 fee" ~~or, if the communications provider combines the fee with a fee imposed under~~
6 ~~s. 196.025 (6), the communications provider shall identify the combined fees as~~
7 ~~"charge for funding state 911 systems plus police and fire protection fee."~~ Any partial
8 payment of a fee by a service user shall first be applied to any amount the service user
9 owes the communications provider for communications service.

10 2. A communications provider that offers a prepaid wireless
11 telecommunications plan, or a retailer that offers such a plan on behalf of a
12 communications provider, shall impose a fee equal to \$0.20, subject to any
13 adjustment under par. (cm), on each retail transaction for such a plan that occurs in
14 this state. A communications provider or retailer may state the amount of the fee
15 separately on a bill for the retail transaction, and if a communications provider or
16 retailer does so, the communications provider or retailer shall identify the fee as
17 "state 911 fee" ~~or, if the communications provider combines the fee with a fee~~
18 ~~imposed under s. 196.025 (6), the communications provider shall identify the~~
19 ~~combined fees as "charge for funding state 911 systems plus police and fire protection~~
20 ~~fee."~~

21 SECTION 24. 256.35 (3) (cm) of the statutes is created to read:

22 256.35 (3) (cm) *Fee adjustments.* 1. The commission may annually issue an
23 order decreasing or increasing the amount of the fee required under par. (bm), but
24 only as specified in subd. 2. and only if directed by the ~~the~~ state 911 council under
25 ~~s. 16.9647 (2) (a)~~ and approved by the governor.

sub. (3h) (b) 9. ✓

1 2. a. An order under subd. 1. may not decrease the fee below the amount
2 necessary to generate sufficient revenue for the appropriation under s. 20.155 (3) (g). ^{gh}

3 b. An order under subd. 1. may increase the fee to reflect adjustments to the
4 U.S. consumer price index for all urban consumers, U.S. city average, as determined
5 by the federal department of labor. The commission shall advise the state 911 council
6 on the increases that are allowed under this subd. 2. b.

7 c. For the fee required under par. (bm) 1., an order under subd. 1. may increase
8 the fee to no more than \$0.40 per month with an adjustment described in subd. 2. b.,
9 and except that, for the fee required under par. (bm) 2., an order under subd. 1. may
10 increase the fee to no more than \$0.20 per retail transaction with an adjustment
11 described in subd. 2. b.

12 3. No later than October 1 of each year, the commission shall notify
13 communications providers and sellers who offer prepaid wireless on behalf of
14 communications providers of any order issued under subd. 1. for that year and any
15 decrease or increase to the fee allowed under par. (bm) that is specified in the order
16 shall be effective on January 1 of the following year.

17 > SECTION 25. 256.35 (3) (dm) of the statutes is created to read:

18 256.35 (3) (dm) *Fee remittance.* 1. Except as provided in subd. 2., no later than
19 the first calendar month following the calendar month in which a communications
20 provider or retailer receives from a service user a fee imposed under par. (bm), the
21 communications provider or retailer shall remit the fee to the commission.

22 2. The commission may contract with the department for the collection of fees
23 imposed under par. (bm). If the commission and ^{the} department enter into such a
24 contract, all of the following apply:

1 a. No later than the first calendar month following the calendar month in which
2 a communications provider or retailer receives from a service user a fee that is
3 subject to the contract, the communications provider or retailer shall remit the fee
4 to the department.

5 b. The department may require communications providers and retailers to
6 register with the department and file returns in the manner prescribed by the
7 department.

8 c. Section 77.59 (1) to (6), (8), and (8m), as it applies to the taxes imposed under
9 subch. III of ch. 77, applies to the fees that are subject to the contract.

10 **SECTION 26.** 256.35 (3) (em) of the statutes is created to read:

11 256.35 (3) (em) *Commission powers.* The commission may do any of the
12 following:

13 1. Promulgate rules for administering this subsection.

14 2. Bring an action to collect any amount that is required to be remitted under
15 par. (dm).

16 **SECTION 27.** 256.35 (3) (h) of the statutes is amended to read:

17 256.35 (3) (h) *Fee liability.* Every service user subject to and billed for a charge
18 fee under this subsection is liable for that charge fee until the service user pays the
19 charge fee to the service-supplier communications provider.

20 **SECTION 28.** 256.35 (3f) of the statutes is created to read:

21 256.35 (3f) STATEWIDE 911 TELECOMMUNICATIONS. (b) From the appropriation
22 under s. 20.155 (3) (g), the commission shall contract with 911 service providers for
23 the establishment and maintenance of a statewide 911 telecommunications system.

24 (c) From the appropriation under s. 20.155 (3) (g), the commission shall
25 reimburse all commercially reasonable costs incurred by a communications provider

INSEAT 14-8: 5-22 5-5 ↓

1 to provide 911 telecommunications service. A communications provider shall file
2 with the commission a price schedule that lists the prices of all of the
3 communications provider's services associated with installing, maintaining, and
4 operating 911 telecommunications service, including nonrecurring and recurring
5 costs. The commission shall determine whether a communications provider's price
6 schedule is commercially reasonable.

7 (d) The commission may contract with a 3rd party for the administration of this
8 subsection.

INSEAT 14-9: 5-22 4-1 ↓

9 SECTION 29. 256.35 (3m) (a) 2. of the statutes is repealed. ✓

10 > SECTION 30. 256.35 (4) of the statutes is amended to read:

11 256.35 (4) ~~DEPARTMENTAL ADVISORY~~ ADVISORY AUTHORITY. The department of
12 administration may provide information to public agencies, public safety agencies
13 and telecommunications utilities relating to the development and operation of
14 emergency number systems.

15 > SECTION 31. 256.35 (12) of the statutes is created to read:

16 256.35 (12) PROVIDER INFORMATION. (a) *Definition*. In this subsection,
17 "proprietary information" means information that would aid a competitor of a
18 communications provider in competition with the communications provider.

19 (b) *Proprietary information*. Any information submitted by a communications
20 provider to the ~~office of justice assistance~~ ~~or~~ ~~commission~~ that the communications
21 provider designates as proprietary information, and that the ~~office of justice~~
22 ~~assistance~~ ~~or~~ ~~commission~~ determines is proprietary information, is confidential and
23 not subject to inspection or copying under s. 19.35, except with the written consent
24 of the communications provider. Information collected by the ~~office of justice~~
25 ~~assistance~~ ~~or~~ ~~the~~ ~~commission~~ may be released or published only in a manner that

1 does not identify or enable identification of the number of subscribers or revenues
2 attributable to an individual communications provider.

3 (c) *Subscriber records and information.* Subscriber records that a
4 communications provider discloses to a public safety answering point for public
5 safety purposes remain the property of the communications provider. A public safety
6 answering point may access a subscriber record only when a call is placed to "911"
7 from the subscriber's telephone. Any connection information of a subscriber,
8 including identification of a subscriber's communications provider, that is obtained
9 from the communications provider by a public safety answering point is not subject
10 to inspection or copying under s. 19.35.

11 (d) *Automatic location identification database and master street address guide*
12 *updates.* 1. In this paragraph, "service" means ~~active voice or nonvoice~~
13 ~~communications service capable of accessing a public safety answering point~~ that is
14 associated with a particular geographic location.

15 2. No later than 2 business days after a communications provider installs or
16 relocates service for a new or existing customer or after a customer notifies a
17 communications provider of the initial location or relocation of the customer's
18 service, the communications provider shall submit an update for the automatic
19 location identification database for that location to the 911 service provider that
20 manages the automatic location identification database for that location.

21 3. If the need for an update to the master street address guide is required for
22 a 911 service provider to process an update received by the 911 service provider under
23 subd. 2., the 911 service provider shall do one of the following within 2 business days
24 after the 911 service provider receives the update:

25 a. Update the master street address guide for that location.

1 b. Identify additional information necessary to update the master street
2 address guide for that location and request that information from the relevant public
3 safety answering point.

4 4. No later than 2 business days after a public safety answering point receives
5 a request for information regarding a location from a communications provider
6 under subd. 3. b., the public safety answering point shall do one of the following:

7 a. Provide the requested information to the 911 service provider.

8 b. Update the master street address guide for that location and notify the 911
9 service provider of the update.

10 5. No later than 2 business days after a 911 service provider receives
11 information regarding a location that is provided by a public safety answering point
12 under subd. 4. a., the 911 service provider shall update the master street address
13 guide for that location.

14 **SECTION 32. Nonstatutory provisions.**

15 (1) RECONCILIATION. This act is void if 2013 Assembly Bill (LRB-0919/1),
16 2013 Assembly Bill (LRB-0922/1), 2013 Assembly Bill (LRB-0923/1), or 2013
17 Assembly Bill (LRB-0924/1) are not enacted.

18 **SECTION 33. Effective dates.** This act takes effect on the day after publication,
19 except as follows:

20 (1) The treatment of section 256.35 (3) (title), (a) 2m. and 4., (b), (bm), (c), (cm),
21 (d), (dm), (e), (em) (f), (g), (h), (i), and (j) of the statutes takes effect on the first day
22 of the 4th month beginning after publication.

23 **SECTION 34. Nonstatutory provisions.**

1 (1) RECONCILIATION. This act is void if 2013 Assembly Bill (LRB-0919/1),
2 2013 Assembly Bill (LRB-0921/1), 2013 Assembly Bill (LRB-0923/1), or 2013
3 Assembly Bill (LRB-0924/1) is not enacted.

4 **SECTION 35. Nonstatutory provisions.** *(PR auto ref)*

5 (1) POSITION AUTHORIZATION. The authorized FTE positions for the department
6 of administration are increased by 1.0 SEG position, funded from the appropriation
7 under section 20.505 (6) (hm) of the statutes, as created by 2013 Assembly Bill
8 (LRB-0922/1), to provide for statewide 911 telecommunications service coordination
9 in the office of justice assistance.

10 (2) INITIAL TERMS OF COUNCIL MEMBERS. Notwithstanding section ~~15.107(19)~~ *15.797* of *(2)*
11 the statutes, as created by this act, of the initial members appointed to the state 911
12 council, the terms of 5 of the members expire on July 1, 2014, and the terms of 5 of
13 the members expire on July 1, 2015. The terms of all of the other initial members
14 expire on July 1, 2016.

15 (3) RECONCILIATION. This act is void if 2013 Assembly Bill (LRB-0921/1),
16 2013 Assembly Bill (LRB-0922/1), 2013 Assembly Bill (LRB-0923/1), or 2013
17 Assembly Bill (LRB-0924/1) are not enacted.

18 **SECTION 36. Nonstatutory provisions.**

19 (1) POSITION AUTHORIZATION. The authorized FTE positions for the public service
20 commission are increased by 1.0 PR position, to be funded from the appropriation
21 under section 20.155 (3) (g) of the statutes, as created by this act, for the purpose of
22 administration of contracts and reimbursements required under section 256.35 (3f)
23 of the statutes, as created by this act.

Create AR. V →

24 (2) TRANSITION TO STATEWIDE 911 TELECOMMUNICATIONS SERVICE.

25 (a) *Definitions.* In this subsection:

1 1. "911 contracts" means the contracts required under section 256.35 (3f) (b) of
2 the statutes, as created by this act.

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

4 3. "Existing contract" means a contract described in section 256.35 (3) (b) 3.,
5 2011 stats., between a county and service provider that is in effect immediately
6 before the effective date of this subdivision.

7 4. "Service supplier" has the meaning given in section 256.35 (3) (a) 3., 2011
8 stats.

9 5. "Service user" has the meaning given in section 256.35 (3) (a) 4., 2011 stats.

10 (b) Existing duties. If a county and service ^{supplier} provider have entered into an
11 existing contact, the service ^{supplies} provider shall continue to perform the duties specified
12 in the existing contract. The requirement to perform those duties shall terminate
13 on the date, as determined by the commission, that a statewide 911
14 telecommunications system is established in the county pursuant to the applicable
15 911 contracts. The commission shall specify the termination date in a written notice
16 that the commission shall provide to the service ^{supplier} provider and ^{the} county.

17 (c) Reimbursement for existing duties. From the appropriation under section
18 20.155 (3) (g) of the statutes, as created by this act, the commission shall reimburse
19 a service ^{supplier} provider for performing the duties required under paragraph (b). The
20 amount of the reimbursement may not exceed the charges levied on the service
21 ^{supplier's} provider's service users under section 256.35 (3) (b), 2011 stats.

22 (d) Other reimbursement. From the appropriation under section 20.155 (3) (g)
23 of the statutes, as created by this act, the commission shall reimburse a service
24 ^{supplier} provider for any nonrecurring services described in section 256.35 (3) (b) 3. a., 2011
25 stats., that are provided under an existing contract, that the service ^{supplier} provider has not

1 recovered in rates pursuant to section 256.35 (3) (d), 2011 stats., and for which the
2 service ^{supplier} provider is not otherwise reimbursed under paragraph (c), ^{USE A-R-X} all contracts, or
3 section 256.35 (3f) (c) of the statutes, as created by this act.

4 (3) RECONCILIATION. This act is void if 2013 Assembly Bill (LRB-0919/1),
5 2013 Assembly Bill ... (LRB-0921/1), 2013 Assembly Bill ... (LRB-0922/1), or 2013
6 Assembly Bill (LRB-0924/1) are not enacted.

7 **SECTION 37: Effective date.**

8 (1) The treatment of sections 20.155 (3) (g) and 256.35 (3) (a) 2. and 3. and (3f)
9 of the statutes and SECTION 36 of this act take effect on the first day of the 4th month
10 beginning after publication.

11 (2) RECONCILIATION. This act is void if 2013 Assembly Bill (LRB-0919/1),
12 2013 Assembly Bill ... (LRB-0921/1), 2013 Assembly Bill ... (LRB-0922/1), or 2013
13 Assembly Bill ... (LRB-0923/1) is not enacted.

14 (END)

INSEAT
19-13

SENATE BILL 165

INSEPT 7-5!

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

INSEPT 2-18

SENATE BILL 165

INSERT 7-5 (cont'd):

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

SENATE BILL 165

INSEAT 7-5
(cont'd)

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.

(END) END OF INSEAT
7-5

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3078/P1ins
MDK:.....

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INSERT 2-2:

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

INSERT 2-12:

SECTION 1. 15.797 (title) of the statutes is amended to read:

15.797 (title) Same; council councils.

History: 2009 a. 40.

INSERT 6-22:

Notwithstanding s. 20.001 (3)(a),

The unencumbered balance of this appropriation on June 30 of each year shall be transferred to the appropriation under par. (k). ✓

INSERT 7-5: INSERT 2-18 TO INSERT 7-5:

~~SECTION 4.~~ 196.025 (6) (title) of the statutes is amended to read:

196.025 (6) (title) ~~POLICE~~ FORMER POLICE AND FIRE PROTECTION FEE.

History: 1993 a. 414; 1999 a. 9; 2001 a. 38; 2003 a. 89; 2005 a. 141; 2009 a. 28.

~~SECTION 3.~~ 196.025 (6) (a) 3. of the statutes is repealed.

~~SECTION 4.~~ 196.025 (6) (b) of the statutes is repealed and recreated to read:

196.025 (6) (b) 1. A communications provider may indicate on a subscriber's bill that the police and fire protection fee formerly imposed under s. 196.025 (6) (b) 1., 2011 stats., is no longer collected on the effective date of this subdivision [LRB inserts date].

2. A communications provider that offers a prepaid wireless telecommunications plan, or a retailer that offers such a plan on behalf of a communications provider, may indicate on a bill for a retail transaction for such a plan that the police and fire protection fee formerly imposed under s. 196.025 (6) (b) 2., 2011 stats., is no longer collected on the effective date of this subdivision [LRB inserts date].

1 **SECTION 5.** 196.025 (6) (c) of the statutes is repealed.

2 **SECTION 6.** 196.025 (6) (d) of the statutes is repealed.

3 **INSERT 19-13:**

4 **SECTION 7. Effective dates.** This act takes effect ^{on} July 1, 2014, or ^{on} the day after
5 publication, whichever is late, except as follows:

6 (1) POLICE AND FIRE PROTECTION FEE. The treatment of sections 20.155 (3) (t),
7 20.835 (1) (db) and (r), 25.17 (1) (ku), 25.50 (3) (b), 25.99, 77.54 (55), 196.025 (6) (title),
8 (a) 3., (b), (c), and (d), 196.202 (2), 196.203 (1g) (a), 196.206 (1), 196.499 (1) (intro.),
9 and 196.50 (2) (j) 1. b. of the statutes take effect on the day after publication.

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

LRB-3078/P1dn

MDK:/:....

WJ

Date

Sen. Leibham:

Please review this draft, which is based on the draft LFB motion you provided. In particular, please note the following:

1. To improve readability, I made slight changes to proposed s. 256.35 (3j) (b) (intro.), 1. and 2. (formerly proposed s. 16.964 (19) (c) ¹(intro.)³³ and 2. in 2013 AB 100).
2. As directed in the draft motion, I changed the wording of the appropriations in proposed s. 20.155 (3) (h) and (k). ✓
3. As you requested, ^{later} the draft takes effect on July 1, 2014 (or the day after publication, whichever is ~~late~~), except that the police and fire protection fee is eliminated on the day after publication.
4. The provisions of the draft eliminating the police and fire protection fee are based on 2013 SB 165. ✓

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

INSERT A

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3078/P1ins2
MDK:.....

INSERT A TO D-NOTE:

Proposed s. 256.35 (3h) (b) 13. [✓] refers to funds obtained under proposed s. 256.35 (3h) (b) 12. Should it refer instead, ^{of} or in addition, ^{to} funding described in proposed s. 256.35 (3h) (b) 8.?

In section *[insert nonstat section #]* (2) of the bill, I substituted "service supplier" for "service provider," because that *subsection* includes a definition for "service supplier."

the subsection (2) of the nonstatutory provisions

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3078/P1dn
MDK:wlj:jjf

September 18, 2013

Sen. Leibham:

Please review this draft, which is based on the draft LFB motion you provided. In particular, please note the following:

1. To improve readability, I made slight changes to proposed s. 256.35 (3j) (b) (intro.), 1., and 2. (formerly proposed s. 16.964 (19) (c) (intro.), 1. and 2. in 2013 AB 100).
2. As directed in the draft motion, I changed the wording of the appropriations in proposed s. 20.155 (3) (h) and (k).
3. As you requested, the draft takes effect on July 1, 2014 (or the day after publication, whichever is later), except that the police and fire protection fee is eliminated on the day after publication.
4. The provisions of the draft eliminating the police and fire protection fee are based on 2013 SB 165.
5. Proposed s. 256.35 (3h) (b) 13. refers to funds obtained under proposed s. 256.35 (3h) (b) 12. Should it refer instead of, or in addition to, funding described in proposed s. 256.35 (3h) (b) 8.?
6. In subsection (2) of the nonstatutory provisions of the bill, I substituted "service supplier" for "service provider," because that subsection includes a definition for "service supplier."

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

Kunkel, Mark

From: Moench, Lucas
Sent: Thursday, October 17, 2013 11:32 AM
To: Kunkel, Mark
Subject: LRB 3078/P1

Mark-

I'm hoping you could draft us a /P2 for LRB 3078 with the following changes:

Drafter's Note-

#1- OK as is

#2- OK as is

#3 & #4- I apologize- I was not clear in my initial drafting instructions, which has created some confusion here. Like the rest of the draft, the PFPF should be eliminated on July 1, 2014. Between the effective date of the bill and that time, communications providers that list the PFPF separately on subscribers' bills should be allowed to indicate on the bills that the PFPF will not be collected after June 30, 2014.

#5- Odd request, but can you hold on this and pose this question again in a drafter's note for the /P2? I would like to get Larry Konopacki's insight on this but want to hold off on bringing him in the loop until there is a draft with the above changes made.

#6- OK as is

Let me know if you have any questions.

Thanks,

Lucas Moench
Chief of Staff
State Senator Joe Leibham
9th Senate District
608-266-2056

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3078/P1dn
MDK:wljjf

September 18, 2013

Sen. Leibham:

Please review this draft, which is based on the draft LFB motion you provided. In particular, please note the following:

1. To improve readability, I made slight changes to proposed s. 256.35 (3j) (b) (intro.), 1., and 2. (formerly proposed s. 16.964 (19) (c) (intro.), 1. and 2. in 2013 AB 100). *OK as is*
2. As directed in the draft motion, I changed the wording of the appropriations in proposed s. 20.155 (3) (h) and (k). *OK as is*
3. As you requested, the draft takes effect on July 1, 2014 (or the day after publication, whichever is later), except that the police and fire protection fee is eliminated on the day after publication.
4. The provisions of the draft eliminating the police and fire protection fee are based on 2013 SB 165.
5. Proposed s. 256.35 (3h) (b) 13. refers to funds obtained under proposed s. 256.35 (3h) (b) 12. Should it refer instead of, or in addition to, funding described in proposed s. 256.35 (3h) (b) 8.? *ask again in P2 version*
6. In subsection (2) of the nonstatutory provisions of the bill, I substituted "service supplier" for "service provider," because that subsection includes a definition for "service supplier." *OK as is*

*elim
fee
on
July 1
2014*

Mark D. Kunkel
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