



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3078/P1
MDK&JK:all:jf
stays

NOTE

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

By Thursday
10-24

11-10-23

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1 AN ACT *to repeal* 20.155 (3) (t), 20.835 (1) (r), 25.17 (1) (ku), 25.99, 77.54 (55),
2 196.025 (6) (a) 3., 196.025 (6) (c), 196.025 (6) (d), 256.35 (1) (d), 256.35 (3) (a) 3.,
3 256.35 (3) (b), (c), (d), (e), (f), (g), (i) and (j) and 256.35 (3m) (a) 2.; **to renumber**
4 256.35 (1) (a) and 256.35 (3) (a) 1.; **to renumber and amend** 256.35 (3) (a) 2.;
5 **to amend** 15.01 (4), 15.797 (title), 20.835 (1) (db), 25.50 (3) (b), 196.025 (6)
6 (title), 196.202 (2), 196.203 (1g) (a), 196.206 (1), 196.499 (1) (intro.), 196.50 (2)
7 (j) 1. b., 256.35 (3) (title), 256.35 (3) (a) 4., 256.35 (3) (h) and 256.35 (4); **to repeal**
8 **and recreate** 196.025 (6) (b); and **to create** 15.797 (2), 16.9645 (2) (g), 20.155
9 (3) (h), 20.155 (3) (k), 256.35 (1) (am), 256.35 (1) (ct), 256.35 (1) (cw), 256.35 (1)
10 (em), 256.35 (3) (a) 2m., 256.35 (3) (bm), 256.35 (3) (cm), 256.35 (3) (dm), 256.35
11 (3) (em), 256.35 (3f), 256.35 (3h), 256.35 (3j) and 256.35 (12) of the statutes;

INSERT 2-1

1 relating to: state 911 telecommunications services, granting rule-making
2 authority, and making appropriations.

INSERT 2A

Analysis by the Legislative Reference Bureau

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

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

and local

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

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

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

13 SECTION 2. 15.797 (title) of the statutes is amended to read:

14 15.797 (title) **Same; council councils.**

15 SECTION 3. 15.797 (2) of the statutes is created to read:

16 15.797 (2) STATE 911 COUNCIL. There is created a state 911 council, attached to
17 the public service commission under s. 15.03. When making appointments to the
18 council, the governor shall consider the geographical diversity of, and the

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 ^{represents} 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.

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

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

3 **SECTION 5.** 20.155 (3) (h) of the statutes is created to read:

4 20.155 (3) (h) *Statewide 911 telecommunications.* All moneys received under
5 s. 256.35 (3) (dm) for contracts required under s. 256.35 (3f) (b), reimbursements
6 required under s. 256.35 (3f) (c) and 2013 Wisconsin (this act), section 48 (2) (c)
7 and (d), and administration of the contracts and reimbursements, except that no
8 more than 1 percent of the moneys appropriated under this paragraph for the
9 contracts and reimbursements may be used for administration of the contracts and
10 reimbursements. Notwithstanding s. 20.001 (3) (a), the unencumbered balance of
11 this appropriation on June 30 of each year shall be transferred to the appropriation
12 under par. (k).

13 **SECTION 6.** 20.155 (3) (k) of the statutes is created to read:

14 20.155 (3) (k) *State 911 grant program.* All moneys transferred from the
15 appropriation account under par. (h), to provide grants under s. 256.35 (3j), to
16 administer that grant program, and to provide administrative support to the state
17 911 council, except that not more than 1 percent of the moneys received under this
18 paragraph may be used to administer the program and to provide administrative
19 support.

20 **SECTION 7.** 20.155 (3) (t) of the statutes is repealed.

21 **SECTION 8.** 20.835 (1) (db) of the statutes is amended to read:

22 20.835 (1) (db) *County and municipal aid account.* A sum sufficient to make
23 payments to counties, towns, villages, and cities under s. 79.035, ~~less the amount~~
24 ~~paid from the appropriation under par. (r).~~

25 **SECTION 9.** 20.835 (1) (r) of the statutes is repealed.

1 SECTION 10. 25.17 (1) (ku) of the statutes is repealed.

2 SECTION 11. 25.50 (3) (b) of the statutes is amended to read:

3 25.50 (3) (b) On the dates specified and to the extent to which they are
4 available, subject to s. 16.53 (10), funds payable to local governments under ss.
5 79.035, 79.04, 79.05, 79.08, and 79.10 shall be considered local funds and, pursuant
6 to the instructions of local officials, may be paid into the separate accounts of all local
7 governments established in the local government pooled-investment fund and,
8 pursuant to the instructions of local officials, to the extent to which they are
9 available, be disbursed or invested.

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10 SECTION 12. 25.99 of the statutes is repealed.

11 SECTION 13. 77.54 (55) of the statutes is repealed.

12 SECTION 14. 196.025 (6) ~~(title)~~ of the statutes is amended to read:

13 196.025 (6) (title) POLICE FORMER POLICE AND FIRE PROTECTION FEE.

14 SECTION 15. 196.025 (6) (a) 3. of the statutes is repealed.

15 SECTION 16. 196.025 (6) (b) of the statutes is repealed and recreated to read:

16 196.025 (6) (b) 1. A communications provider may indicate on a subscriber's bill
17 that the police and fire protection fee formerly imposed under s. 196.025 (6) (b) 1.,
18 2011 stats., is no longer collected on the effective date of this subdivision [LRB
19 inserts date].

20 2. A communications provider that offers a prepaid wireless
21 telecommunications plan, or a retailer that offers such a plan on behalf of a
22 communications provider, may indicate on a bill for a retail transaction for such a
23 plan that the police and fire protection fee formerly imposed under s. 196.025 (6) (b)
24 2., 2011 stats., is no longer collected on the effective date of this subdivision [LRB
25 inserts date].

1 **SECTION 17.** 196.025 (6) (c) of the statutes is repealed.

2 **SECTION 18.** 196.025 ~~(6)~~ (d) of the statutes is repealed.

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

4 196.202 (2) SCOPE OF REGULATION. A commercial mobile radio service provider
5 is not subject to this chapter, except as provided in sub. (5), and except that a
6 commercial mobile radio service provider is subject to ss. ~~196.025 (6)~~, 196.218 (3), and
7 196.859, and shall respond, subject to the protection of the commercial mobile radio
8 service provider's competitive information, to all reasonable requests for information
9 about its operations in this state from the commission necessary to administer ss.
10 ~~196.025 (6)~~, 196.218 (3), and 196.859.

11 **SECTION 20.** 196.203 (1g) (a) of the statutes is amended to read:

12 196.203 (1g) (a) An alternative telecommunications utility is subject to ss.
13 196.01, 196.016, ~~196.025 (6)~~, 196.191, 196.206, and 196.212.

14 **SECTION 21.** 196.206 (1) of the statutes is amended to read:

15 196.206 (1) EXEMPTIONS. An interconnected voice over Internet protocol service
16 is not subject to this chapter, except as provided in this section, and except that an
17 interconnected voice over Internet protocol service is subject to ss. 196.01, 196.016,
18 ~~196.025 (6)~~, 196.199, 196.218 (3), 196.858, and 196.859, and except as required for
19 the commission to administer and enforce this section.

20 **SECTION 22.** 196.499 (1) (intro.) of the statutes is amended to read:

21 196.499 (1) SCOPE. (intro.) Notwithstanding any other provisions of this
22 chapter, a telecommunications carrier is not subject to regulation under this chapter,
23 except for s. ~~196.025 (6)~~, and except under each of the following provisions:

24 **SECTION 23.** 196.50 (2) (j) 1. b. of the statutes is amended to read:

1 196.50 (2) (j) 1. b. Provide notice to the commission to recertify the
2 telecommunications utility under this subsection and impose on the
3 telecommunications utility only those provisions of this chapter specified in this
4 subd. 1. b. No later than 30 days after receiving notice under this subd. 1. b., the
5 commission shall issue an order that grants recertification under this subsection and
6 that imposes on the telecommunications utility only those provisions of this chapter
7 specified in this subd. 1. b. The telecommunications utility shall be exempt from all
8 provisions of this chapter, except ss. 196.01, 196.016, ~~196.025 (6)~~, 196.191, 196.206,
9 196.212, 196.219 (2r), and 196.503; and except those provisions in s. 196.203 (4m) (a)
10 that are imposed on all alternative telecommunications utilities under s. 196.203 (3);
11 and except, with respect to its wholesale telecommunications services only, ss. 196.03
12 (1) and (6), 196.219 (4), 196.28, and 196.37. If required by the public interest, the
13 commission may, with respect only to intrastate switched access services, impose on
14 the telecommunications utility s. 196.03 (1) and (6) and 196.37, except that the
15 commission may not impose s. 196.03 (1) or (6) without also imposing s. 196.37 on the
16 telecommunications utility. The granting of the recertification shall operate to
17 terminate the telecommunications utility's prior certification. All regulatory
18 requirements related to the prior certification that are inconsistent with the
19 requirements of or regulation allowed under this subd. 1. b., including all such
20 requirements imposed by the certification, and all such requirements imposed by the
21 commission, whether by statute or commission rule or order, on the
22 telecommunications utility are terminated on the effective date of the order unless
23 the telecommunications utility, in its notice to the commission seeking recertification
24 under this subd. 1. b., requests to remain subject to one or more requirements of its
25 prior certification that do not violate the telecommunications utility's requirements

1 or obligations under this chapter and the commission does not deny the request in
2 its recertification order.

3 **SECTION 24.** 256.35 (1) (a) of the statutes is renumbered 256.35 (1) (as).

4 **SECTION 25.** 256.35 (1) (am) of the statutes is created to read:

5 256.35 (1) (am) “911 service provider” means an entity that contracts with the
6 commission to provide selective routing services, manage updates to the automatic
7 location identification database, manage updates to the master street address guide
8 for a particular geographic area, or provide other services related to the state 911
9 telecommunications system.

10 **SECTION 26.** 256.35 (1) (ct) of the statutes is created to read:

11 256.35 (1) (ct) “Communications provider” means a person that provides
12 communications service.

13 **SECTION 27.** 256.35 (1) (cw) of the statutes is created to read:

14 256.35 (1) (cw) “Communications service” means active voice or nonvoice
15 communications service that is capable of accessing a public safety answering point.

16 **SECTION 28.** 256.35 (1) (d) of the statutes is repealed.

17 **SECTION 29.** 256.35 (1) (em) of the statutes is created to read:

18 256.35 (1) (em) “Master street address guide” means a database of street names
19 and address number ranges used to determine the proper public safety answering
20 point to which to route a call to “911” and the appropriate police, fire, ambulance,
21 rescue, and medical services agencies to dispatch.

22 **SECTION 30.** 256.35 (3) (title) of the statutes is amended to read:

23 256.35 (3) (title) ~~FUNDING FOR COUNTYWIDE SYSTEMS~~ STATE 911 SYSTEM.

24 **SECTION 31.** 256.35 (3) (a) 1. of the statutes is renumbered 256.35 (1) (cp).

1 **SECTION 32.** 256.35 (3) (a) 2. of the statutes is renumbered 256.35 (3f) (a) and
2 amended to read:

3 256.35 (3f) (a) ~~“Costs”~~ In this subsection, “costs” means the costs incurred by
4 a service supplier communications provider or 911 service provider after
5 August 1, 1987 the effective date of this paragraph [LRB inserts date], in
6 installing and maintaining the trunking and central office equipment used only to
7 operate a basic or sophisticated system and the ~~database~~ databases used only to
8 operate a sophisticated system; the costs incurred for the provision of 911
9 telecommunications service between selective routers and public safety answering
10 points; and all other costs associated with providing 911 telecommunications service.

11 **SECTION 33.** 256.35 (3) (a) 2m. of the statutes is created to read:

12 256.35 (3) (a) 2m. “Department” means the department of revenue.

13 **SECTION 34.** 256.35 (3) (a) 3. of the statutes is repealed.

14 **SECTION 35.** 256.35 (3) (a) 4. of the statutes is amended to read:

15 256.35 (3) (a) 4. “Service user” means any person who is provided telephone
16 communications service by a service supplier which includes access to a basic or
17 sophisticated system communications provider.

18 **SECTION 36.** 256.35 (3) (b), (c), (d), (e), (f), (g), (i) and (j) of the statutes are
19 repealed.

20 **SECTION 37.** 256.35 (3) (bm) of the statutes is created to read:

21 256.35 (3) (bm) *Fee imposed.* 1. Except as provided in subd. 2., a
22 communications provider shall impose a monthly fee of \$0.40, subject to any
23 adjustment under par. (cm), on each communications service connection, including
24 a communications service provided via a voice over Internet protocol connection. If
25 a communications provider provides multiple communications service connections

1 to a service user, the communications provider shall impose a separate fee under this
2 subdivision on each of the first 10 connections and one additional fee for each 10
3 additional connections per billed account. A communications provider may list the
4 fee separately from other charges on a service user's bill, and if a communications
5 provider does so, the communications provider shall identify the fee as "state 911
6 fee." Any partial payment of a fee by a service user shall first be applied to any
7 amount the service user owes the communications provider for communications
8 service.

9 2. A communications provider that offers a prepaid wireless
10 telecommunications plan, or a retailer that offers such a plan on behalf of a
11 communications provider, shall impose a fee equal to \$0.20, subject to any
12 adjustment under par. (cm), on each retail transaction for such a plan that occurs in
13 this state. A communications provider or retailer may state the amount of the fee
14 separately on a bill for the retail transaction, and if a communications provider or
15 retailer does so, the communications provider or retailer shall identify the fee as
16 "state 911 fee."

17 **SECTION 38.** 256.35 (3) (cm) of the statutes is created to read:

18 256.35 (3) (cm) *Fee adjustments.* 1. The commission may annually issue an
19 order decreasing or increasing the amount of the fee required under par. (bm), but
20 only as specified in subd. 2. and only if directed by the state 911 council under sub.
21 (3h) (b) 9. and approved by the governor.

22 2. a. An order under subd. 1. may not decrease the fee below the amount
23 necessary to generate sufficient revenue for the appropriation under s. 20.155 (3) (h).

24 b. An order under subd. 1. may increase the fee to reflect adjustments to the
25 U.S. consumer price index for all urban consumers, U.S. city average, as determined

1 by the federal department of labor. The commission shall advise the state 911 council
2 on the increases that are allowed under this subd. 2. b.

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

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

13 **SECTION 39.** 256.35 (3) (dm) of the statutes is created to read:

14 256.35 (3) (dm) *Fee remittance.* 1. Except as provided in subd. 2., no later than
15 the first calendar month following the calendar month in which a communications
16 provider or retailer receives from a service user a fee imposed under par. (bm), the
17 communications provider or retailer shall remit the fee to the commission.

18 2. The commission may contract with the department for the collection of fees
19 imposed under par. (bm). If the commission and the department enter into such a
20 contract, all of the following apply:

21 a. No later than the first calendar month following the calendar month in which
22 a communications provider or retailer receives from a service user a fee that is
23 subject to the contract, the communications provider or retailer shall remit the fee
24 to the department.

1 b. The department may require communications providers and retailers to
2 register with the department and file returns in the manner prescribed by the
3 department.

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

6 **SECTION 40.** 256.35 (3) (em) of the statutes is created to read:

7 256.35 (3) (em) *Commission powers.* The commission may do any of the
8 following:

9 1. Promulgate rules for administering this subsection.

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

12 **SECTION 41.** 256.35 (3) (h) of the statutes is amended to read:

13 256.35 (3) (h) *Fee liability.* Every service user subject to and billed for a charge
14 fee under this subsection is liable for that charge fee until the service user pays the
15 charge fee to the service supplier communications provider.

16 **SECTION 42.** 256.35 (3f) of the statutes is created to read:

17 256.35 (3f) STATEWIDE 911 TELECOMMUNICATIONS. (b) From the appropriation
18 under s. 20.155 (3) (h), the commission shall contract with 911 service providers for
19 the establishment and maintenance of a statewide 911 telecommunications system.

20 (c) From the appropriation under s. 20.155 (3) (h), the commission shall
21 reimburse all commercially reasonable costs incurred by a communications provider
22 to provide 911 telecommunications service. A communications provider shall file
23 with the commission a price schedule that lists the prices of all of the
24 communications provider's services associated with installing, maintaining, and
25 operating 911 telecommunications service, including nonrecurring and recurring

1 costs. The commission shall determine whether a communications provider's price
2 schedule is commercially reasonable.

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

5 **SECTION 43.** 256.35 (3h) of the statutes is created to read:

6 256.35 (3h) STATE 911 COUNCIL. (a) In this subsection, "council" means the state
7 911 council.

8 (b) The council shall do all of the following:

9 1. Advise the commission on the administration of 911 telecommunications
10 services and associated grant programs.

11 2. Conduct a statewide 911 telecommunications system assessment.

12 3. Develop a statewide plan for 911 telecommunications services.

13 4. Develop recommendations for service standards for public safety answering
14 points.

15 5. Establish criteria for eligibility for state 911 grants and advise the
16 commission as to the standards the commission develops under sub. (3j). The criteria
17 for eligibility shall include basic training standards and service standards.

18 6. Promote, facilitate, and coordinate interoperability across all state public
19 safety answering points with respect to telecommunications services and data
20 systems, including geographic information systems.

21 7. Promote, facilitate, and coordinate consolidation of public safety answering
22 point functions where consolidation would provide improved service, increased
23 efficiency, or cost savings.

1 8. 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. Direct the commission under sub. (3) (cm) as to the amount of the fee required
5 under sub. (3) (bm) that is necessary to provide full-cost recovery for statewide 911
6 telecommunications service under sub. (3f) and for grants under sub. (3j) (a).

7 10. Undertake all of its duties in a manner that is competitively and
8 technologically neutral to all service providers.

9 11. Coordinate with the interoperability council under s. 15.107 (18).

10 12. Assist the commission in identifying and obtaining funding to implement
11 a statewide 911 telecommunications system.

12 13. Advise the commission on allocating any funds obtained under subd. 12. for
13 the purpose of achieving the goals under this paragraph.

14 **SECTION 44.** 256.35 (3j) of the statutes is created to read:

15 256.35 (3j) STATE 911 GRANTS. (a) From the appropriation under s. 20.155 (3)
16 (k), the commission shall, under the direction of the state 911 council, provide grants
17 to public safety answering points for the improvement of 911 services in the state.

18 (b) The commission shall promulgate rules that do all of the following:

19 1. Using the purposes specified by the state 911 council under sub. (3h), specify
20 the purposes of the grants under par. (a), which may include advanced training of
21 telecommunicators, equipment or software expenses, and incentives to consolidate
22 some or all of the functions of 2 or more public safety answering points. Grant
23 purposes may not include general public safety answering point overhead or staffing
24 costs, or costs for providing emergency services or emergency services equipment.

1 2. Using the criteria developed by the state 911 council under sub. (3h) (b) 5.,
2 specify the criteria and procedures for use in selecting grantees and administering
3 the grant program under par. (a), including basic training and service standards that
4 must be met for a public safety answering point to be eligible for a grant.

5 3. Measure^S to ensure the accountability of grant recipients under par. (a).

6 (c) By February 28 of each odd-numbered year, the commission shall submit
7 a report to the chief clerk of each house of the legislature, for distribution to the
8 appropriate standing committees under s. 13.172 (3), regarding receipts and
9 expenditures made by the state 911 council and under the grant program under par.
10 (a); the status of 911 services in this state; and any recommendations to modify
11 liability exemptions under s. 256.35 (7), including those for public safety answering
12 points that divert nuisance or harassing calls and for multiline telephone system
13 owners or operators.

14 **SECTION 45.** 256.35 (3m) (a) 2. of the statutes is repealed.

15 **SECTION 46.** 256.35 (4) of the statutes is amended to read:

16 256.35 (4) ~~DEPARTMENTAL ADVISORY~~ ADVISORY AUTHORITY. The department of
17 administration may provide information to public agencies, public safety agencies
18 and telecommunications utilities relating to the development and operation of
19 emergency number systems.

20 **SECTION 47.** 256.35 (12) of the statutes is created to read:

21 256.35 (12) PROVIDER INFORMATION. (a) *Definition.* In this subsection,
22 “proprietary information” means information that would aid a competitor of a
23 communications provider in competition with the communications provider.

24 (b) *Proprietary information.* Any information submitted by a communications
25 provider to the commission that the communications provider designates as

1 proprietary information, and that the commission determines is proprietary
2 information, is confidential and not subject to inspection or copying under s. 19.35,
3 except with the written consent of the communications provider. Information
4 collected by the commission may be released or published only in a manner that does
5 not identify or enable identification of the number of subscribers or revenues
6 attributable to an individual communications provider.

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

15 (d) *Automatic location identification database and master street address guide*
16 *updates.* 1. In this paragraph, “service” means communications service that is
17 associated with a particular geographic location.

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

24 3. If the need for an update to the master street address guide is required for
25 a 911 service provider to process an update received by the 911 service provider under

1 subd. 2., the 911 service provider shall do one of the following within 2 business days
2 after the 911 service provider receives the update:

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

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

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

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

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

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

17 **SECTION 48. Nonstatutory provisions.**

18 (1) INITIAL TERMS OF COUNCIL MEMBERS. Notwithstanding section 15.797 (2) of
19 the statutes, as created by this act, of the initial members appointed to the state 911
20 council, the terms of 5 of the members expire on July 1, 2014, and the terms of 5 of
21 the members expire on July 1, 2015. The terms of all of the other initial members
22 expire on July 1, 2016.

23 (2) TRANSITION TO STATEWIDE 911 TELECOMMUNICATIONS SERVICE.

24 (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 have entered into an
11 existing contact, the service supplier 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 and the county.

17 (c) *Reimbursement for existing duties.* From the appropriation under section
18 20.155 (3) (h) of the statutes, as created by this act, the commission shall reimburse
19 a service supplier 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 service users under section 256.35 (3) (b), 2011 stats.

22 (d) *Other reimbursement.* From the appropriation under section 20.155 (3) (h)
23 of the statutes, as created by this act, the commission shall reimburse a service
24 supplier 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 has not

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

4 **SECTION 49. Effective dates.** This act takes effect on July 1, 2014, or on the
5 day after publication, whichever is later, 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), 25.09, 77.54 (55), 196.025 (6) (title),~~
8 ~~(a) 3, (b) (e), 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.~~

10 (END)

*amendment of section 196.025
(6)(b)*

D-Note

1
2
3

INSERT 2-1:

police and fire protection fee imposed on certain communications services,

INSERT 2A:

X This bill does all of the following: 1) eliminates the police and fire protection fee; 2) requires statewide funding for a 911 emergency telecommunications system; 3) requires the Public Service Commission (PSC) to contract for such a system and reimburse communications providers for related costs; 4) allows the PSC to make grants to public safety agencies for improving 911 service; 5) creates a state 911 council; and 6) includes other provisions related to the foregoing.

X **Police and fire protection fee.** Under current law, a provider of active retail voice communications service 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 provider or a retailer must impose a one-time fee of \$0.38, instead of the \$0.75 monthly fee. Current law allows a provider or retailer to separately list the fee on customer bills. If separately listed, the provider or retailer must identify the fee as "police and fire protection fee." The provider or retailer must remit the fees to the PSC, except that the PSC may contract with (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.

The bill eliminates the requirement to impose the above fees. The bill also eliminates the police and fire protection fund and the shared revenue payments made from that fund. The foregoing changes, as well as the rest of the bill, take effect on July 1, 2014, or the day after the bill's publication, whichever is later. The bill also allows providers and retailers to indicate on bills that the fees will not be collected after that date.

X **Statewide 911 funding.** Current law allows a county to levy charges on telecommunications service users to finance costs related to a 911 emergency telecommunications system, if certain requirements are satisfied. One of the requirements is that a county must enter into contracts with telecommunications utilities to establish such a system. Also, the telecommunications utilities must include the charges in their regular billing to service users. Current law imposes limits on the amounts of the charges, which are based, in part, on a county's population.

This bill eliminates a county's authority to levy the above charges and enter into the above contracts. Instead, the bill generally requires that each communications provider in the state impose a monthly fee of \$0.40 on each communications service connection, including those provided via a voice over Internet protocol (VOIP) connection. The bill defines "communications provider" as any person that provides a "communications service," which the bill defines as an active voice or nonvoice communications service that is capable of accessing a "public safety answering point" (PSAP), which is a facility to which 911 calls are initially routed so that a public

38 cents
the Department of Revenue

75 cents

law

40 cents

20 cents

safety agency may dispatch emergency service providers. The bill also requires communications providers and retailers to impose a fee of \$0.20 on each retail transaction for a prepaid wireless plan.

Subject to certain limits, the bill allows the PSC to annually increase or decrease the above fees, but only if directed to do so by the state 911 council, which is created in this bill and discussed below. Also, the PSC may increase or decrease the above fees only with the approval of the governor. In addition, the only increases allowed under the bill are those that reflect adjustments to the U.S. consumer price index.

The bill allows communications providers and retailers to identify the fee on bills as "state 911 fee." Communications providers and retailers must remit the fees they receive on a monthly basis to the PSC, except that the PSC may contract with DOR to collect the fees.

Contracts and reimbursements. The bill requires the PSC to contract for the establishment and maintenance of a statewide 911 telecommunications system by contracting with entities to perform selective routing services, manage updates to automatic location information databases, manage master street address guides, and perform other services. If a county has contracted under current law with a telecommunications utility for a system in the county, the telecommunications utility must continue to perform the duties specified in the contract until the date that the PSC determines that a statewide 911 telecommunications system has been established in that county pursuant to contracts entered into by the PSC under the bill. The PSC must reimburse the telecommunications utility for services related to the county contract.

The bill also requires the PSC to reimburse communications providers, which are defined as described above, for the commercially reasonable costs they incur to provide 911 telecommunications service. Communications providers must provide price schedules for 911 telecommunications services to the PSC, and the PSC must review the schedules to determine whether they are commercially reasonable.

The fees imposed by communications providers and retailers under the bill are used to fund the contracts entered into by the PSC for a statewide 911 telecommunications system. The fees are also used to fund the reimbursements described above. In addition, no more than one percent of the fees may be used for the PSC's administration of the contracts and reimbursements. If fees are received in excess of the amount needed for the foregoing purposes, the bill requires the PSC to use the excess to make grants to PSAPs, which are described below, and to provide administrative support to the state 911 council.

1

PSAP grants. The bill requires the PSC, under the direction of the state 911 council, to make grants to PSAPs for the improvement of 911 services. The PSC must promulgate rules specifying the purposes of the grants, which 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. The PSC must also promulgate rules specifying criteria and procedures for the grants, including basic training and service standards that PSAPs must satisfy for grant

eligibility. The PSC rules must also include measures ensuring the accountability of grant recipients.

State 911 council. This bill creates a 15-member state 911 council to advise and, in specified circumstances, direct the PSC regarding the PSC's duties under the bill. The council's duties include conducting a statewide 911 telecommunications system assessment, developing recommendations for service standards for PSAPs, establishing criteria for eligibility for PSAP grants under the PSC rules described above, promoting interoperability and consolidation of PSAPs, and seeking additional funding sources for 911 telecommunications purposes. The bill requires the council to perform its duties in a manner that is technologically and competitively neutral.

The governor appoints members to the council for 3-year terms. In making appointments, the governor must consider geographical diversity and representation of urban and rural interests. The council consists of the following: 1) one member recommended by an association of Wisconsin cities, villages, or towns; 2) one member recommended by an association of Wisconsin counties; 3) one member recommended by an association that promotes a universal emergency telephone number system; 4) one member recommended by an association of Wisconsin county sheriffs; 5) one member representing a wireless provider serving a national market; 6) one member representing a wireless provider serving a primarily regional market; 7) one member recommended by an association of public safety communications professionals; 8) two members recommended by an association of telecommunications providers, at least one of whom represents a local exchange carrier with fewer than 50,000 access lines; 9) one member who represents a VOIP provider; 10) a police chief recommended by an association of Wisconsin police chiefs; 11) a fire chief recommended by an association of Wisconsin fire chiefs; 12) one member recommended by a Wisconsin association that promotes emergency management; 13) one member who represents a cable television or other video service provider; and 14) one member recommended by a Wisconsin association of emergency medical service providers.

Other provisions. The bill allows communications providers to designate information provided to the PSC as "proprietary information," which is defined as information that would aid competitors. If the PSC determines that information so designated is proprietary, then the information is not subject to inspection or copying under the state's open records law, except with the written consent of the communications provider. The bill also provides that any connection information of a subscriber obtained from a communications provider by a PSAP is not subject to inspection or copying under the state's open records law. In addition, the bill specifies that subscriber records disclosed by a communications provider to a PSAP for public safety purposes remain the property of the communications provider. The bill also allows a PSAP to access a subscriber record only when a call is placed to "911" from the subscriber's telephone.

The bill requires communications providers, PSAPs, and entities with whom the PSC contracts for a statewide 911 telecommunications system to take action to

update master street address guides and automatic location identification databases within specified time periods.

INSERT 5-11:

SECTION 1. 196.025 (6) (b) of the statutes is amended to read:

196.025 (6) (b) 1. Except as provided in subd. 2., a communications provider shall impose a monthly fee of \$0.75 on each communications service connection with an assigned telephone number, including a communication service provided via a voice over Internet protocol connection. If a communications provider provides multiple communications service connections to a subscriber, the communications provider shall impose a separate fee under this subdivision on each of the first 10 connections and one additional fee for each 10 additional connections per billed account. A communications provider may list the fee separately from other charges on a subscriber's bill, and if a communications provider does so, the communications provider shall identify the fee as "police and fire protection fee," or, if the communications provider combines the fee with a charge imposed under s. 256.35 (3), the communications provider shall identify the combined fee and charge as "charge for funding countywide 911 systems plus police and fire protection fee." A communications provider may also indicate on a subscriber's bill that the police and fire protection fee will not be collected after June 30, 2014, or the date of publication of 2013 Wisconsin Act ... (this act), whichever is later [LRB inserts later date]. Any partial payment of a fee by a subscriber shall first be applied to any amount the subscriber owes the communications provider for communications service.

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, shall impose a fee equal to \$0.38 on each retail transaction for such a plan that occurs in this state. A communications provider or retailer may

*per
month
base*

00000Δ

1 state the amount of the fee separately on a bill for the retail transaction, and if a
 2 communications provider or retailer does so, the communications provider or retailer
 3 shall identify the fee as "police and fire protection fee." A communications provider
 4 or retailer may also indicate on the bill that the police and fire protection fee will not
 5 be collected after June 30, 2014, or the date of publication of 2013 Wisconsin Act ...
 6 (this act), whichever is later [LRB inserts later date],

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

SECTION 2. 196.025 (6) of the statutes, as affected by 2013 Wisconsin Act ...

7
8 (this act), is repealed.

move

f

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3078/P2dn

MDK:...

Date

Sen. Leibham:

Please note the following about this version of the draft:

1. As in the previous version, 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.?
2. As in the previous version, the PSC may contract with DOR to collect all state 911 fees, not just the fees on prepaid wireless plans. See proposed s. 256.35 (3) (dm) 2. Is that okay, or, as under current law regarding the police and fire protection fee, should DOR be allowed to collect only fees on prepaid wireless plans? See s. 196.025 (6) (c) 2.
3. In proposed s. 15.797 (2) (L), I revised the language to refer to an individual who "represents" a video service provider, instead of an individual who "is" such a provider.

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

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

LRB-3078/P2dn
MDK:kjf:kf

October 24, 2013

Sen. Leibham:

Please note the following about this version of the draft:

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Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

Kunkel, Mark

From: Moench, Lucas
Sent: Friday, January 17, 2014 2:52 PM
To: Kunkel, Mark
Subject: RE: LRB 3078/P2

Mark-

For the two ILEC representatives, keep the current language regarding Association recommendation. However, for the new CLEC representative that is being added, no Association recommendation is needed.

Thanks,

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

From: Kunkel, Mark
Sent: Friday, January 17, 2014 2:17 PM
To: Moench, Lucas
Subject: RE: LRB 3078/P2

Lucas:

Regarding the first change described below, as drafted the bill requires 2 of the members to be recommended by an association of Wisconsin telecommunications providers and one of those must represent a local exchange carrier with fewer than 50,000 access lines. You want to change the foregoing so that both members represent ILECs. Do you want the ILEC members to be recommended by an association of Wisconsin telecommunications providers? Or should I eliminate that recommendation requirement?

I have the same question regarding the new CLEC member. Does that member have to be recommended by an association described above?

--Mark

From: Moench, Lucas
Sent: Friday, January 17, 2014 11:38 AM
To: Kunkel, Mark
Subject: RE: LRB 3078/P2

Thanks, Mark. That timeline is fine. I think we're fine with the even numbered membership, understanding the possibility of a tie.

Lucas Moench
Chief of Staff

State Senator Joe Leibham
9th Senate District
608-266-2056

From: Kunkel, Mark
Sent: Friday, January 17, 2014 11:31 AM
To: Moench, Lucas
Subject: RE: LRB 3078/P2

Lucas:

I can get it to you Tues am. Will that work? If you need it sooner, let me know, and I'll see what I can do.

--Mark

PS adding one member to the council will create a total of 16 members. Because that's an even number, you could get tied votes. You may or may not be concerned about that issue, but I thought I would bring it to your attention.

From: Moench, Lucas
Sent: Thursday, January 16, 2014 5:19 PM
To: Kunkel, Mark
Subject: LRB 3078/P2

Mark-

We're looking to make two changes to LRB 3078/P2, which you have been working on for us. First, after reviewing your drafter's note from the /P2 version, we've concluded that with respect to the three issues you point out, the draft is fine as currently written and no further changes here are needed. *OK as is*

So, the two things we would like to change:

1. In Section 8 of the draft which establishes the membership of the State 911 council, we would like to change (g) as follows:
 - Specify that the two members under (g) must both represent an ILEC
 - Add an additional member to the Council, and specify that this individual represent a CLEC
2. With respect to the section of the bill establishing a PSAP grant program- we would like to specify that the grants could only be awarded to one PSAP per county, as determined by County Board resolution. The grants awarded pursuant to 2003 Act 61 used this framework, so if you look at that language, we're basically looking for the same thing.

The revisions can be drafted as a /1. Also, we're hoping to get this moving forward so we would like the draft as soon as possible. If you can give me a sense of when you think that will be, I would appreciate it.

Let me know if you have any questions, and thanks in advance for the help.

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

Kunkel, Mark

From: Moench, Lucas
Sent: Friday, January 17, 2014 3:52 PM
To: Kunkel, Mark
Subject: RE: LRB 3078/P2

Great, thanks so much.

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

From: Kunkel, Mark
Sent: Friday, January 17, 2014 3:51 PM
To: Moench, Lucas
Subject: RE: LRB 3078/P2

Still on track for Tues am.

From: Moench, Lucas
Sent: Friday, January 17, 2014 3:09 PM
To: Kunkel, Mark
Subject: RE: LRB 3078/P2

Mark-

I'm really sorry for adding to the drafting instructions I gave you this morning, but based on a conversation with Senator Leibham today, we would like to add two additional items to the new draft:

- 1) In order to increase the state 911 fee by CPI, add a requirement for Joint Committee on Finance approval of the increase via passive review. This should be in addition to the stipulations currently in the bill governing a CPI increase.
- 2) Add a requirement that the 911 Council submit a report to JFC every 2 years detailing the following: 1) the total amount of money awarded each year in grants to PSAPs 3) the number of PSAP grants awarded each year 2) a description of how the various PSAP grants were utilized. Require the report to be submitted to JFC by January 1 of odd-numbered years.

*See proposed 256.35(3)(cm)
2. & 3.
256.35(3h) 14.*

Again, sorry for this late addition, and I understand if the draft takes you a little longer to turn around because of it.

Thanks,

Lucas Moench
Chief of Staff
State Senator Joe Leibham
9th Senate District
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ok

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15.797 (2) (g) 1/3 (4)

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256.35(3j)(a)

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