



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3078/P2
MDK&JK:all:ff

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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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), 256.35 (1) (d), 256.35 (3) (a) 3., 256.35 (3) (b), (c), (d), (e), (f), (g), (i)
3 and (j) and 256.35 (3m) (a) 2.; *to renumber* 256.35 (1) (a) and 256.35 (3) (a) 1.;
4 *to renumber and amend* 256.35 (3) (a) 2.; *to amend* 15.01 (4), 15.797 (title),
5 20.835 (1) (db), 25.50 (3) (b), 196.025 (6) (b), 196.202 (2), 196.203 (1g) (a),
6 196.206 (1), 196.499 (1) (intro.), 196.50 (2) (j) 1. b., 256.35 (3) (title), 256.35 (3)
7 (a) 4., 256.35 (3) (h) and 256.35 (4); and *to create* 15.797 (2), 16.9645 (2) (g),
8 20.155 (3) (h), 20.155 (3) (k), 256.35 (1) (am), 256.35 (1) (ct), 256.35 (1) (cw),
9 256.35 (1) (em), 256.35 (3) (a) 2m., 256.35 (3) (bm), 256.35 (3) (cm), 256.35 (3)
10 (dm), 256.35 (3) (em), 256.35 (3f), 256.35 (3h), 256.35 (3j) and 256.35 (12) of the
11 statutes; **relating to:** state 911 telecommunications services, police and fire

1 protection fee imposed on certain communications services, granting
2 rule-making authority, and making appropriations.

Analysis by the Legislative Reference Bureau

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.

Police and fire protection fee. Under current law, a provider of active retail voice communications service must impose a monthly fee of 75 cents 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 38 cents, instead of the 75 cents 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 the Department of Revenue (DOR) to collect the fees for prepaid wireless plans. The PSC and DOR must deposit the fees in the police and fire protection fund, which is used to make shared revenue payments to counties, towns, villages, and cities.

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.

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 40 cents 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

safety agency may dispatch emergency service providers. The bill also requires communications providers and retailers to impose a fee of 20 cents 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. *and*

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 1 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.

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

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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. *(INSERT 4A)*

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.

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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.

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:

x

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

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

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

12 **15.797 (title) Same; council councils.**

x

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

14 15.797 (2) STATE 911 COUNCIL. There is created a state 911 council, attached to
15 the public service commission under s. 15.03. When making appointments to the
16 council, the governor shall consider the geographical diversity of, and the
17 representation of urban and rural interests by, the membership of the council. The
18 council consists of the following members serving for staggered 3-year terms:

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

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

2 (c) An individual recommended by a Wisconsin association, or a Wisconsin
3 chapter of an association, that promotes a universal emergency telephone number
4 system.

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

6 (e) Two individuals, each of whom represents a different commercial mobile
7 radio service provider, as defined in s. 196.01 (2g), operating in Wisconsin, one
8 serving a primarily regional market and one serving a national market.

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

11 (g) Two individuals recommended by an association of Wisconsin
12 telecommunications providers, as defined in s. 196.01 (8p), at least one of whom
13 ~~represents a local exchange carrier with fewer than 50,000 access lines.~~

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

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

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

17 (k) An individual recommended by a Wisconsin association that promotes
18 emergency management.

19 (l) An individual who represents a video service provider, as defined in s.
20 196.01 (12r).

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

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

24 16.9645 (2) (g) Coordinate with the state 911 council.

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

INSERT 6-12

1 20.155 (3) (h) *Statewide 911 telecommunications*. All moneys received under
2 s. 256.35 (3) (dm) for contracts required under s. 256.35 (3f) (b), reimbursements
3 required under s. 256.35 (3f) (c) and 2013 Wisconsin (this act), section 45 (2) (c)
4 and (d), and administration of the contracts and reimbursements, except that no
5 more than 1 percent of the moneys appropriated under this paragraph for the
6 contracts and reimbursements may be used for administration of the contracts and
7 reimbursements. Notwithstanding s. 20.001 (3) (a), the unencumbered balance of
8 this appropriation on June 30 of each year shall be transferred to the appropriation
9 under par. (k).

10 ^x
SECTION 6. 20.155 (3) (k) of the statutes is created to read:

11 20.155 (3) (k) *State 911 grant program*. All moneys transferred from the
12 appropriation account under par. (h), to provide grants under s. 256.35 (3j), to
13 administer that grant program, and to provide administrative support to the state
14 911 council, except that not more than 1 percent of the moneys received under this
15 paragraph may be used to administer the program and to provide administrative
16 support.

17 ^x
SECTION 7. 20.155 (3) (t) of the statutes is repealed.

18 [✓]
SECTION 8. 20.835 (1) (db) of the statutes is amended to read:

19 20.835 (1) (db) *County and municipal aid account*. A sum sufficient to make
20 payments to counties, towns, villages, and cities under s. 79.035, ~~less the amount~~
21 ~~paid from the appropriation under par. (r)~~.

22 ^x
SECTION 9. 20.835 (1) (r) of the statutes is repealed.

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

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

INSEPT 8-9

1 25.50 (3) (b) On the dates specified ~~and to the extent to which~~ they are
 2 available, subject to s. 16.53 (10), funds payable to local governments under ss.
 3 79.035, 79.04, 79.05, 79.08, and 79.10 shall be considered local funds and, pursuant
 4 to the instructions of local officials, may be paid into the separate accounts of all local
 5 governments established in the local government pooled-investment fund and,
 6 pursuant to the instructions of local officials, to the extent to which they are
 7 available, be disbursed or invested.

8 **SECTION 12.** 25.99^x of the statutes is repealed.

9 **SECTION 13.** 77.54^x (55) of the statutes is repealed.

10 **SECTION 14.** 196.025^x (6) (b) of the statutes is amended to read:

11 196.025 (6) (b) 1. Except as provided in subd. 2., a communications provider
 12 shall impose a monthly fee of \$0.75 on each communications service connection with
 13 an assigned telephone number, including a communication service provided via a
 14 voice over Internet protocol connection. If a communications provider provides
 15 multiple communications service connections to a subscriber, the communications
 16 provider shall impose a separate fee under this subdivision on each of the first 10
 17 connections and one additional fee for each 10 additional connections per billed
 18 account. A communications provider may list the fee separately from other charges
 19 on a subscriber's bill, and if a communications provider does so, the communications
 20 provider shall identify the fee as "police and fire protection fee," or, if the
 21 communications provider combines the fee with a charge imposed under s. 256.35 (3),
 22 the communications provider shall identify the combined fee and charge as "charge
 23 for funding countywide 911 systems plus police and fire protection fee." A
 24 communications provider may also indicate on a subscriber's bill that the police and
 25 fire protection fee will not be collected after June 30, 2014, or the date of publication

1 of 2013 Wisconsin Act (this act), whichever is later [LRB inserts later date].

2 Any partial payment of a fee by a subscriber shall first be applied to any amount the
3 subscriber owes the communications provider for communications service.

4 2. A communications provider that offers a prepaid wireless
5 telecommunications plan, or a retailer that offers such a plan on behalf of a
6 communications provider, shall impose a fee equal to \$0.38 on each retail transaction
7 for such a plan that occurs in this state. A communications provider or retailer may
8 state the amount of the fee separately on a bill for the retail transaction, and if a
9 communications provider or retailer does so, the communications provider or retailer
10 shall identify the fee as “police and fire protection fee.” A communications provider
11 or retailer may also indicate on the bill that the police and fire protection fee will not
12 be collected after June 30, 2014, or the date of publication of 2013 Wisconsin Act
13 (this act), whichever is later [LRB inserts later date].

14 ^x
SECTION 15. 196.025 (6) of the statutes, as affected by 2013 Wisconsin Act
15 (this act), is repealed.

16 ^x
SECTION 16. 196.202 (2) of the statutes is amended to read:

17 196.202 (2) SCOPE OF REGULATION. A commercial mobile radio service provider
18 is not subject to this chapter, except as provided in sub. (5), and except that a
19 commercial mobile radio service provider is subject to ss. ~~196.025 (6)~~, 196.218 (3), and
20 196.859, and shall respond, subject to the protection of the commercial mobile radio
21 service provider’s competitive information, to all reasonable requests for information
22 about its operations in this state from the commission necessary to administer ss.
23 ~~196.025 (6)~~, 196.218 (3), and 196.859.

24 ^x
SECTION 17. 196.203 (1g) (a) of the statutes is amended to read:

1 196.203 (1g) (a) An alternative telecommunications utility is subject to ss.
2 196.01, 196.016, ~~196.025 (6)~~, 196.191, 196.206, and 196.212.

3 **SECTION 18.** ~~196.206~~^x (1) of the statutes is amended to read:

4 196.206 (1) EXEMPTIONS. An interconnected voice over Internet protocol service
5 is not subject to this chapter, except as provided in this section, and except that an
6 interconnected voice over Internet protocol service is subject to ss. 196.01, 196.016,
7 ~~196.025 (6)~~, 196.199, 196.218 (3), 196.858, and 196.859, and except as required for
8 the commission to administer and enforce this section.

9 **SECTION 19.** ~~196.499~~^x (1) (intro.) of the statutes is amended to read:

10 196.499 (1) SCOPE. (intro.) Notwithstanding any other provisions of this
11 chapter, a telecommunications carrier is not subject to regulation under this chapter,
12 except for s. ~~196.025 (6)~~, and except under each of the following provisions:

13 **SECTION 20.** ~~196.50~~^x (2) (j) 1. b. of the statutes is amended to read:

14 196.50 (2) (j) 1. b. Provide notice to the commission to recertify the
15 telecommunications utility under this subsection and impose on the
16 telecommunications utility only those provisions of this chapter specified in this
17 subd. 1. b. No later than 30 days after receiving notice under this subd. 1. b., the
18 commission shall issue an order that grants recertification under this subsection and
19 that imposes on the telecommunications utility only those provisions of this chapter
20 specified in this subd. 1. b. The telecommunications utility shall be exempt from all
21 provisions of this chapter, except ss. 196.01, 196.016, ~~196.025 (6)~~, 196.191, 196.206,
22 196.212, 196.219 (2r), and 196.503; and except those provisions in s. 196.203 (4m) (a)
23 that are imposed on all alternative telecommunications utilities under s. 196.203 (3);
24 and except, with respect to its wholesale telecommunications services only, ss. 196.03
25 (1) and (6), 196.219 (4), 196.28, and 196.37. If required by the public interest, the

1 commission may, with respect only to intrastate switched access services, impose on
2 the telecommunications utility s. 196.03 (1) and (6) and 196.37, except that the
3 commission may not impose s. 196.03 (1) or (6) without also imposing s. 196.37 on the
4 telecommunications utility. The granting of the recertification shall operate to
5 terminate the telecommunications utility's prior certification. All regulatory
6 requirements related to the prior certification that are inconsistent with the
7 requirements of or regulation allowed under this subd. 1. b., including all such
8 requirements imposed by the certification, and all such requirements imposed by the
9 commission, whether by statute or commission rule or order, on the
10 telecommunications utility are terminated on the effective date of the order unless
11 the telecommunications utility, in its notice to the commission seeking recertification
12 under this subd. 1. b., requests to remain subject to one or more requirements of its
13 prior certification that do not violate the telecommunications utility's requirements
14 or obligations under this chapter and the commission does not deny the request in
15 its recertification order.

16 **SECTION 21.** 256.35 (1) (a) of the statutes is renumbered 256.35 (1) (as).^x

17 **SECTION 22.** 256.35 (1) (am) of the statutes is created to read:^x

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

23 **SECTION 23.** 256.35 (1) (ct) of the statutes is created to read:^x

24 256.35 (1) (ct) "Communications provider" means a person that provides
25 communications service.

1 **SECTION 24.** 256.35^x (1) (cw) of the statutes is created to read:

2 256.35 (1) (cw) “Communications service” means active voice or nonvoice
3 communications service that is capable of accessing a public safety answering point.

4 **SECTION 25.** 256.35^x (1) (d) of the statutes is repealed.

5 **SECTION 26.** 256.35^x (1) (em) of the statutes is created to read:

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

10 **SECTION 27.** 256.35^x (3) (title) of the statutes is amended to read:

11 256.35 (3) (title) ~~FUNDING FOR COUNTYWIDE SYSTEMS~~ STATE 911 SYSTEM.

12 **SECTION 28.** 256.35^x (3) (a) 1. of the statutes is renumbered 256.35 (1) (cp).

13 **SECTION 29.** 256.35^x (3) (a) 2. of the statutes is renumbered 256.35 (3f) (a) and
14 amended to read:

15 256.35 (3f) (a) “Costs” In this subsection, “costs” means the costs incurred by
16 a service supplier communications provider or 911 service provider after
17 August 1, 1987 the effective date of this paragraph [LRB inserts date], in
18 installing and maintaining the trunking and central office equipment used only to
19 operate a basic or sophisticated system and the database databases used only to
20 operate a sophisticated system; the costs incurred for the provision of 911
21 telecommunications service between selective routers and public safety answering
22 points; and all other costs associated with providing 911 telecommunications service.

23 **SECTION 30.** 256.35^x (3) (a) 2m. of the statutes is created to read:

24 256.35 (3) (a) 2m. “Department” means the department of revenue.

25 **SECTION 31.** 256.35^y (3) (a) 3. of the statutes is repealed.

1 ^x
SECTION 32. 256.35 (3) (a) 4. of the statutes is amended to read:

2 256.35 (3) (a) 4. “Service user” means any person who is provided telephone
3 communications service by a ~~service supplier which includes access to a basic or~~
4 ~~sophisticated system~~ communications provider.

5 ^x
SECTION 33. 256.35 (3) (b), (c), (d), (e), (f), (g), (i) and (j) of the statutes are
6 repealed.

7 ^x
SECTION 34. 256.35 (3) (bm) of the statutes is created to read:

8 256.35 (3) (bm) *Fee imposed.* 1. Except as provided in subd. 2., a
9 communications provider shall impose a monthly fee of \$0.40, subject to any
10 adjustment under par. (cm), on each communications service connection, including
11 a communications service provided via a voice over Internet protocol connection. If
12 a communications provider provides multiple communications service connections
13 to a service user, the communications provider shall impose a separate fee under this
14 subdivision on each of the first 10 connections and one additional fee for each 10
15 additional connections per billed account. A communications provider may list the
16 fee separately from other charges on a service user’s bill, and if a communications
17 provider does so, the communications provider shall identify the fee as “state 911
18 fee.” Any partial payment of a fee by a service user shall first be applied to any
19 amount the service user owes the communications provider for communications
20 service.

21 2. A communications provider that offers a prepaid wireless
22 telecommunications plan, or a retailer that offers such a plan on behalf of a
23 communications provider, shall impose a fee equal to \$0.20, subject to any
24 adjustment under par. (cm), on each retail transaction for such a plan that occurs in
25 this state. A communications provider or retailer may state the amount of the fee

1 separately on a bill for the retail transaction, and if a communications provider or
2 retailer does so, the communications provider or retailer shall identify the fee as
3 "state 911 fee."

4 **SECTION 35.** 256.35 (3) (cm) of the statutes is created to read:

5 256.35 (3) (cm) *Fee adjustments.* 1. The commission may annually issue an
6 order decreasing or increasing the amount of the fee required under par. (bm), but
7 only as specified in subd. 2, and only if directed by the state 911 council under sub.
8 (3h) (b) 9. and approved by the governor. *(INSEAT 14-8)*

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

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

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

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

25 **SECTION 36.** 256.35 (3) (dm) of the statutes is created to read:

(INSEAT 14-19)

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

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

8 a. No later than the first calendar month following the calendar month in which
9 a communications provider or retailer receives from a service user a fee that is
10 subject to the contract, the communications provider or retailer shall remit the fee
11 to the department.

12 b. The department may require communications providers and retailers to
13 register with the department and file returns in the manner prescribed by the
14 department.

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

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

18 256.35 (3) (em) *Commission powers*. The commission may do any of the
19 following:

20 1. Promulgate rules for administering this subsection.

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

23 **SECTION 38.** 256.35 (3) (h) of the statutes is amended to read:

1 256.35 (3) (h) Fee liability. Every service user subject to and billed for a charge
2 fee under this subsection is liable for that charge fee until the service user pays the
3 charge fee to the ~~service-supplier~~ communications provider.

4 **SECTION 39.** 256.35^x (3f) of the statutes is created to read:

5 256.35 (3f) STATEWIDE 911 TELECOMMUNICATIONS. (b) From the appropriation
6 under s. 20.155 (3) (h), the commission shall contract with 911 service providers for
7 the establishment and maintenance of a statewide 911 telecommunications system.

8 (c) From the appropriation under s. 20.155 (3) (h), the commission shall
9 reimburse all commercially reasonable costs incurred by a communications provider
10 to provide 911 telecommunications service. A communications provider shall file
11 with the commission a price schedule that lists the prices of all of the
12 communications provider's services associated with installing, maintaining, and
13 operating 911 telecommunications service, including nonrecurring and recurring
14 costs. The commission shall determine whether a communications provider's price
15 schedule is commercially reasonable.

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

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

19 256.35 (3h) STATE 911 COUNCIL. (a) In this subsection, "council" means the state
20 911 council.

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

22 1. Advise the commission on the administration of 911 telecommunications
23 services and associated grant programs.

24 2. Conduct a statewide 911 telecommunications system assessment.

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

1 4. Develop recommendations for service standards for public safety answering
2 points.

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

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

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

12 8. Seek funding from sources, including federal sources, for 911
13 telecommunications system enhancements, studies, and other purposes consistent
14 with the duties of the council.

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

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

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

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

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

*

25 SECTION 41. 256.35 (3j) of the statutes is created to read:

INSERT 17-24

1 256.35 (3j) STATE 911 GRANTS. (a) From the appropriation under s. 20.155 (3)
2 (k), the commission shall, under the direction of the state 911 council, provide grants
3 to public safety answering points for the improvement of 911 services in the state.

INSERT
18-3

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

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

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

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

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

24 SECTION 42. 256.35 (3m) (a) 2. of the statutes is repealed.

25 SECTION 43. 256.35 (4) of the statutes is amended to read:

1 256.35 (4) ~~DEPARTMENTAL ADVISORY~~ ADVISORY AUTHORITY. The department of
2 administration may provide information to public agencies, public safety agencies
3 and telecommunications utilities relating to the development and operation of
4 emergency number systems.

5 **SECTION 44.** 256.35 (12) of the statutes is created to read:

6 256.35 (12) PROVIDER INFORMATION. (a) *Definition.* In this subsection,
7 “proprietary information” means information that would aid a competitor of a
8 communications provider in competition with the communications provider.

9 (b) *Proprietary information.* Any information submitted by a communications
10 provider to the commission that the communications provider designates as
11 proprietary information, and that the commission determines is proprietary
12 information, is confidential and not subject to inspection or copying under s. 19.35,
13 except with the written consent of the communications provider. Information
14 collected by the commission may be released or published only in a manner that does
15 not identify or enable identification of the number of subscribers or revenues
16 attributable to an individual communications provider.

17 (c) *Subscriber records and information.* Subscriber records that a
18 communications provider discloses to a public safety answering point for public
19 safety purposes remain the property of the communications provider. A public safety
20 answering point may access a subscriber record only when a call is placed to “911”
21 from the subscriber’s telephone. Any connection information of a subscriber,
22 including identification of a subscriber’s communications provider, that is obtained
23 from the communications provider by a public safety answering point is not subject
24 to inspection or copying under s. 19.35.

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

4 2. No later than 2 business days after a communications provider installs or
5 relocates service for a new or existing customer or after a customer notifies a
6 communications provider of the initial location or relocation of the customer’s
7 service, the communications provider shall submit an update for the automatic
8 location identification database for that location to the 911 service provider that
9 manages the automatic location identification database for that location.

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

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

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

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

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

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

24 5. No later than 2 business days after a 911 service provider receives
25 information regarding a location that is provided by a public safety answering point

1 under subd. 4. a., the 911 service provider shall update the master street address
2 guide for that location.

3 **SECTION 45. Nonstatutory provisions.**

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

9 (2) TRANSITION TO STATEWIDE 911 TELECOMMUNICATIONS SERVICE.

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

11 1. “911 contracts” means the contracts required under section 256.35 (3f) (b) of
12 the statutes, as created by this act.

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

14 3. “Existing contract” means a contract described in section 256.35 (3) (b) 3.,
15 2011 stats., between a county and service provider that is in effect immediately
16 before the effective date of this subdivision.

17 4. “Service supplier” has the meaning given in section 256.35 (3) (a) 3., 2011
18 stats.

19 5. “Service user” has the meaning given in section 256.35 (3) (a) 4., 2011 stats.

20 (b) *Existing duties.* If a county and service supplier have entered into an
21 existing contact, the service supplier shall continue to perform the duties specified
22 in the existing contract. The requirement to perform those duties shall terminate
23 on the date, as determined by the commission, that a statewide 911
24 telecommunications system is established in the county pursuant to the applicable

1 911 contracts. The commission shall specify the termination date in a written notice
2 that the commission shall provide to the service supplier and the county.

3 (c) *Reimbursement for existing duties.* From the appropriation under section
4 20.155 (3) (h) of the statutes, as created by this act, the commission shall reimburse
5 a service supplier for performing the duties required under paragraph (b). The
6 amount of the reimbursement may not exceed the charges levied on the service
7 supplier's service users under section 256.35 (3) (b), 2011 stats.

8 (d) *Other reimbursement.* From the appropriation under section 20.155 (3) (h)
9 of the statutes, as created by this act, the commission shall reimburse a service
10 supplier for any nonrecurring services described in section 256.35 (3) (b) 3. a., 2011
11 stats., that are provided under an existing contract, that the service supplier has not
12 recovered in rates pursuant to section 256.35 (3) (d), 2011 stats., and for which the
13 service supplier is not otherwise reimbursed under paragraph (c), all contracts, or
14 section 256.35 (3f) (c) of the statutes, as created by this act.

15 **SECTION 46. Effective dates.** This act takes effect on July 1, 2014, or on the
16 day after publication, whichever is later, except as follows:

17 (1) The amendment of section 196.025 (6) (b) of the statutes takes effect on the
18 day after publication.

19 (END)

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from

INSERT 3A:

In addition, increases are subject to the approval of the joint committee on finance.

from

INSERT 3B:

Only one PSAP in a county is eligible for the grants, and a county must pass a resolution specifying the eligible PSAP.

from

INSERT 4A:

The council must also submit a biennial report to the joint committee on finance on the grants awarded to PSAPs.

from

INSERT 4B:

of whom
5
who each represent an incumbent local exchange carrier; 9) one member who represents a competitive local exchange carrier; 10)

from

INSERT 6-12:

of whom
5
who each represent an incumbent local exchange carrier.

INSERT 6-13:

(h) An individual who represents a competitive local exchange carrier.

from

INSERT 14-8:

, and only if an order increasing the amount is approved by the joint committee on finance under subd. 3

INSERT 14-19:

3. Before the commission issues an order under subd. 1. that increases the amount of the fee required under par. (bm), the commission shall submit the order to the joint committee on finance. If the cochairpersons of the joint committee on finance do not notify the commission that the committee has scheduled a meeting for the purpose of reviewing the order within 14 working days after the date of the commission's submittal, the joint committee on finance is considered to have

1 approved the order for purposes of subd. 1. If, within 14 working days after the date
2 of the commission's submittal, the cochairpersons of the joint committee on finance
3 notify the commission that the committee has scheduled a meeting for the purpose
4 of reviewing the order, the commission may not issue the order unless the joint
5 committee on finance approves the order.

6 **INSERT 17-24:**

7 14. By January 1 of each odd-numbered year, submit a report to the joint
8 committee on finance identifying the number of grants provided to public safety
9 answering points under sub. (3j) in each of the previous 2 years, identifying the total
10 amount of money provided in grants for each of those years, and describing how the
11 public safety answering points utilized the grants.

12 **INSERT 18-3:**

13 ^{not} Only one public safety answering point in a county is eligible for grants under this
14 paragraph and the commission may provide grants to a public safety answering
15 point only if the county in which the public safety answering point is located has
16 passed a resolution specifying that the public safety answering point is eligible for
17 the grants.

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3078/1insMK2
MDK:.....

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INSERT 8-9:

SECTION 1. 79.035 (1) of the statutes is amended to read:

79.035 (1) Each county and municipality shall receive a payment from the county and municipal aid account ~~and from the appropriation account under s. 20.835 (1) (r)~~ in an amount determined under this section.

History: 2001 a. 109; 2003 a. 33, 164, 320, 327; 2009 a. 28; 2011 a. 32 ss. 2191b to 2191k, 2193d.

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

LRB-3078/1dn

MDK:/:....

Sac

- date -

Sen. Leibham:

Please note the following about this version:

1. The changes to the council's membership can be found in proposed s. 15.797 (2) (g) and (h).
2. JCF approval of PSC orders increasing fees can be found in proposed s. 256.35 (3) (cm) 1. and 3.
3. The requirement for the council to submit a biennial report to JCF can be found in proposed s. 256.35 (3h) (b) 14.
4. The limit of PSAP grants to one PSAP per county can be found in proposed s. 256.35 (3j) (a).

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

LRB-3078/1dn
MDK:sac:rs

January 21, 2014

Sen. Leibham:

Please note the following about this version:

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Barman, Mike

From: Moench, Lucas
Sent: Friday, January 24, 2014 8:37 AM
To: LRB.Legal
Subject: Draft Review: LRB -3078/1 Topic: State 911 telecommunications service

Please Jacket LRB -3078/1 for the SENATE.