

State of Misconsin 2013 - 2014 LEGISLATURE



2013 SENATE BILL 115

April 1, 2013 - Introduced by Joint Committee for Review of Administrative Rules. Referred to Natural Resources.

AN ACT *to create* 23.145 of the statutes; **relating to:** telecommunications systems installed on tower sites under the management and control of the Department of Natural Resources and the suspension of portions of a rule of the Department of Natural Resources.

Analysis by the Legislative Reference Bureau

This bill authorizes the Department of Natural Resources (DNR) to enter into a lease of a DNR radio tower or a lookout tower site (tower site) with a private person or a governmental entity for the purpose of installing a commercial or noncommercial telecommunications system. The bill provides that the lease may allow the owner or operator of the telecommunications system to provide telecommunications services to persons other than employees of a governmental entity.

The bill also provides that, if the owner of the telecommunications system is this state, then DNR may not charge a fee to lease the tower site. If the owner of the telecommunications system is another governmental entity, then DNR may charge a fee but the fee may not exceed \$25 per month.

The suspended rule prohibits DNR from considering a request to install a telecommunications system at a tower site unless the telecommunications system is owned by a governmental entity and is used either to provide noncommercial broadcast services to the public or to provide necessary communications between employees of governmental entities.

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This bill is introduced as required by s. 227.26 (2) (f), stats., in support of the action of the Joint Committee for Review of Administrative Rules in suspending portions of NR 1.483, Wis. Adm. Code, a rule of DNR on February 26, 2013.

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

Section 1. 23.145 of the statutes is created to read:

- **23.145** Installation of telecommunications systems. (1) In this section, "tower site" means a site on land under the management and control of the department and on which the department operates a radio tower or lookout tower.
- (2) The department may enter into a lease of a tower site with a private person or a governmental entity for the purpose of installing a commercial or noncommercial telecommunications system. The lease may allow the owner or operator of the telecommunications system to provide telecommunications services to persons other than employees of a governmental entity.
- (3) (a) The department may not charge a fee to lease a tower site if the purpose of the lease is to install a telecommunications system that is owned by this state.
- (b) The department may not charge a fee that exceeds \$25 per month to lease a tower site if the purpose of the lease is to install a telecommunications system that is owned by a governmental entity other than this state.

15 (END)