

Emergency Management Committee Meeting
February 10, 2014
Kewaunee County Fairgrounds Bldg.

Call to Order

Meeting was called to order at 4:25 by Chuck Hutter.

Roll Call

Chuck Hutter, Larry Kirchman, Leverle Koenig, David Mayer, Lori Hucek, Matt Joski, David Cornelius and Ron Heuer.

Approval of Bills

David motion to approve the bills and Leverle second the motion. Motion carried.

Report of Emergency Management

Travel Request

Tracy to Green Lake for E-Sponsor User Manager February 19, Lori and Tracy to the Governor's Conference in Appleton on March 19-20, and Lori to Salt Lake City, UT for the National Radiological Emergency Preparedness Conference. Larry made a motion to approve, second by Leverle and motion carried.

Update on propane shortage

Lori has participated in several phone conferences since January with DOA, WEM, NWS, Dept of Health and Volunteer Organizations. They are updated on the propane situation in regards to pricing, shortages and where, outlooks etc... DOA made available almost immediately, extra money for energy assistance that will go to local Wisconsin Home Energy Assistance. People needed to go an apply and qualify for assistance. Also the county has warming centers listed on the State Dept of Health website, which are County Board Room, Algoma Youth Club and the fair exhibit building. They are only open during business hours. Emergency Management will assist people in the county to locate shelters for those who need to stay overnight if out of gas.

Cities and villages water problems have been addressed by use of CodeRed. We have used this system more in the last three months than we have all year other years past.

Set Next Meeting Date

The next meeting is scheduled for March 10 at 4:30 p.m. at the EOC in Luxemburg.

Such Other Matters as Authorized by Law

None

Adjournment

David motion to adjourn at 4:48 and Larry second. Motion carried.

Respectfully Submitted

David Mayer, Secretary

Law Enforcement Committee Meeting
February 10, 2014
Kewaunee County Fairgrounds Building

Call to Order

Meeting was called to order at 4:49 p.m. by Chuck Hutter.

Roll Call

Chuck Hutter, Larry Kirchman, Leverle Koenig, David Mayer, Matt Joski, , David Cornelius, Lori Hucek and Ron Heuer.

Travel/Training Request

None.

Law Enforcement Agenda

Status report on Communication System Update

The paging system is working well after some adjustments to equipment have been made. Interior coverage at WS Packaging continues to be a challenge. Testing is being done to develop a solution. All equipment is up and running.

Update on Staffing

Nia Bongle's FTO training is nearly complete; she is doing a fine job. Justin Farley has just completed Jail Academy and Tyler Tuttle is currently attending the Jail Academy. John McCambridge stepped down as Sergeant and Larry Ostermeier has taken over for the position. The Sheriff's Department is at full staff.

Approve Jail Fee Schedule

There were two changes to the schedule; Fingerprint fee for public is now \$10 from \$6 and PBT Fee for public is \$10. Larry made a motion to approve, seconded by Leverle. Motion carried.

Review of Protective Status Legislation

The Sherriff handed out some legislation that is being talked about currently which will make Jailers in line with state Correction officers.

Review of 911 Legislation

The surcharge to all phone lines not just land lines is being proposed. Emergency call centers in the near future will need to be able to take all incoming calls, text messages and all other technologies. The surcharge will assist in funding the costs for call centers to be ready for all the changes.

Approval of Bills

Larry made a motion to approve the bills and Leverle second the motion. Motion carried.

Set Next Meeting Date

The next meeting date was set for March 10 at 4:30 at the EOC in Luxemburg.

Law Enforcement Committee Meeting
February 10, 2014
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Adjournment

Dave made a motion to adjourn at Larry and 5:14 second. Motion carried.

Respectfully Submitted

David Mayer



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2696/5
RAC:wj:rs

2013 BILL

1 **AN ACT to amend** 40.02 (48) (c); and **to create** 40.02 (17) (n), 40.02 (48) (am) 23.,
2 40.02 (48) (b) 5. and 40.65 (4w) of the statutes; **relating to:** classifying county
3 jailers, detention officers, and correctional officers as protective occupation
4 participants under the Wisconsin Retirement System.

Analysis by the Legislative Reference Bureau

Under current law, participants under the Wisconsin Retirement System (WRS) whose principal duties involve active law enforcement or fire suppression or prevention and require frequent exposure to a high degree of danger or peril and a high degree of physical conditioning are classified as protective occupation participants. Current law specifically classifies police officers, fire fighters, and various other individuals as protective occupation participants. Under the WRS, the normal retirement age of a protective occupation participant is lower than that of other participants and the percentage multiplier used to calculate retirement annuities is higher for protective occupation participants than for other participants.

This bill permits counties to classify county jailers, detention officers, and correctional officers eligible as protective occupation participants under the WRS without a requirement that their principal duties involve active law enforcement or active fire suppression or prevention.

Because this bill relates to public employee retirement or pensions, it may be referred to the Joint Survey Committee on Retirement Systems for a report to be printed as an appendix to the bill.

BILL

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

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

1 **SECTION 1.** 40.02 (17) (n) of the statutes is created to read:

2 40.02 (17) (n) Notwithstanding par. (d), each participant who is a county jailer
3 and who is classified as a protective occupation participant shall be granted
4 creditable service as a protective occupation participant for all covered service while
5 a county jailer that was earned on or after the effective date of this paragraph
6 [LRB inserts date], but may not be granted creditable service as a protective
7 occupation participant for any covered service as a county jailer that was earned
8 before the effective date of this paragraph [LRB inserts date], unless that service
9 was earned while the participant was classified under sub. (48) (a) and s. 40.06 (1)
10 (d) as a protective occupation participant.

11 **SECTION 2.** 40.02 (48) (am) 23. of the statutes is created to read:

12 40.02 (48) (am) 23. A county jailer.

13 **SECTION 3.** 40.02 (48) (b) 5. of the statutes is created to read:

14 40.02 (48) (b) 5. A "county jailer" includes a county detention officer and a
15 county correctional officer. Notwithstanding par. (a), an employer may classify a
16 participant who is a county jailer as a protective occupation participant without
17 making a determination that the principal duties of the participant involve active
18 law enforcement or active fire suppression or prevention. A determination under
19 this subdivision may not be appealed under s. 40.06 (1) (e) or (em).

20 **SECTION 4.** 40.02 (48) (c) of the statutes is amended to read:

2013 - 2014 LEGISLATURE

2013 ASSEMBLY BILL 648

January 22, 2014 - Introduced by Representatives RIPP, BIES, BORN, BROOKS, CZAJA, DANOU, ENDSLEY, JAGLER, KAHL, KRUG, KULP, T. LARSON, MURPHY, MURSAU and A. OTT, cosponsored by Senators PETROWSKI, COWLES, GROTHMAN, GUXEX, HARSDORF, MOULTON and OLSEN. Referred to Committee on Transportation.

AUTHORS SUBJECT TO CHANGE

AN ACT *to repeal* 341.01 (2) (a), 347.21 (2), 348.05 (2) (c), 348.05 (3), 348.17 (6) 2(a) 3. and 348.27 (14); *to renumber* 100.47 (3); *to renumber and amend* 3348.05 (2g), 348.07 (2) (e) and 348.17 (5); *to amend* 100.47 (2) (c), 100.47 (4) 4(intro.), 341.05 (17), 346.09 (1), 346.09 (3) (b), 346.13 (1), (2) and (3), 347.21 5(1m), 347.22 (2), 347.245 (1), 347.245 (5), 348.05 (2) (a), 348.05 (2) (a), 348.06 6(2), 348.07 (1), 348.08 (1) (b), 348.08 (1) (d), 348.08 (2), 348.15 (3) (b), 348.15 (3) 7(d), 348.15 (3) (f) 2., 348.15 (8), 348.16 (2), 348.17 (6) (a) 2., 348.21 (3) (intro.), 8348.25 (4) (intro.), 348.25 (8) (b) (intro.), 348.25 (8) (e) and 348.25 (8) (f); *to 9repeal and recreate* 340.01 (24); and *to create* 100.47 (3) (b), 227.01 (13) (rs), 10340.01 (1o), 346.05 (1) (g), 346.13 (4), 347.24 (3), 347.25 (2g), 348.01 (2) (bg), 11348.01 (2) (bp), 348.02 (6), 348.03, 348.05 (2) (am), 348.05 (2g), 348.05 (2g) (b), 12348.07 (2) (e) 1., 348.07 (2m), 348.09 (3), 348.15 (3) (g), 348.15 (9), 348.17 (5) (a)

11. and 2., 348.21 (3t) and 348.27 (19) of the statutes; **relating to:** operation of 2agricultural vehicles on highways and providing a penalty.

Analysis by the Legislative Reference Bureau

Definition of implement of husbandry

Current law includes various provisions relating to the operation on highways of implements of husbandry and farm tractors. An "implement of husbandry" is generally defined as a vehicle or piece of equipment or machinery designed for agricultural purposes, used exclusively in the conduct of agricultural operations, and used principally off the highway, or a trailer-mounted bulk liquid fertilizer container. However, an "implement of husbandry" does not include certain vehicles, such as motor trucks or farm trucks, with or without a trailer attached, when operated as a commercial motor vehicle on a highway. A "farm tractor" is defined as a motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

This bill modifies the definition of implement of husbandry. Under the bill, an implement of husbandry is a self-propelled or towed vehicle that is manufactured, designed, or reconstructed to be used and that is exclusively used in the conduct of agricultural operations. An implement of husbandry includes a combination of vehicles in which each vehicle in the combination is an implement of husbandry. An implement of husbandry may include a farm tractor, a farm trailer, a self-propelled combine, or other vehicles.

Definition and registration of agricultural commercial motor vehicles

The bill creates a definition of an agricultural commercial motor vehicle. An agricultural commercial motor vehicle (agricultural CMV) is defined as a commercial motor vehicle to which all of the following apply: 1) the vehicle is substantially designed or equipped, or materially altered from its original construction, for the purpose of agricultural use; 2) the vehicle was designed and manufactured primarily for highway use and, with limited exceptions, was manufactured to meet federal motor vehicle highway safety standards; 3) the vehicle is used exclusively in the conduct of agricultural operations; and 4) the vehicle is directly engaged in harvesting farm products, directly applies fertilizer, spray, or seeds to a farm field, or distributes feed to livestock. An agricultural CMV is not an implement of husbandry.

Under the bill, an agricultural CMV is exempt from motor vehicle registration with the Department of Transportation (DOT).

Under the bill, the owner or operator of an agricultural CMV may certify, on a form prescribed by DOT, that the vehicle and its operation satisfy all requirements to be an agricultural CMV. This certification may be offered to DOT or any traffic officer as evidence of the truth of the matters asserted in the certification, but the certification is not conclusive of these matters.

Vehicle size and weight limitations

Under current law, with limited exceptions, no person may operate on a highway any vehicle or combination of vehicles that exceeds certain statutory limits on size, weight, or load unless that person obtains a permit issued by DOT or a local highway authority. Current law imposes certain weight limitations on vehicles and vehicle combinations, including limitations based on the number and spacing of axles. Certain exceptions allow vehicles or vehicle combinations to operate without a permit at weights higher than the general statutory weight limitations. For example, from September 1 to December 31, a person may, without a permit, exceed the general statutory weight limitations by not more than 15 percent in certain vehicles or vehicle combinations that are: 1) transporting corn, soybeans, potatoes, vegetables, or cranberries from the field to storage or processing; or 2) transporting manure to or from a farm.

Also under current law, DOT or a local highway authority may impose special weight limits on highways that, because of weakness of the roadbed due to deterioration or climatic conditions or other special or temporary conditions, would likely be seriously damaged or destroyed in the absence of the special limits. If special weight limits are imposed, the limits must be posted by highway signs along the affected highways. The special weight limits apply regardless of whether a vehicle is being operated under an overweight permit unless the permit expressly authorizes the special weight limits to be exceeded.

Current law authorizes local authorities to designate highways under their jurisdiction as class "B" highways. With limited exceptions, the maximum gross weight and per-axle vehicle weight permitted for vehicles on a class "B" highway is 60 percent of the weight allowed by statute if the vehicle were operating on a highway that is not designated as a class "B" highway.

This bill creates an increased weight limit for all implements of husbandry and agricultural CMVs that is approximately 15 percent higher than the general

statutory weight limit. For implements of husbandry, this increased weight allowance generally applies in lieu of, not in addition to, any other increased weight allowance for implements of husbandry. With this increased allowance, the maximum gross weight for an implement of husbandry or agricultural CMV operated on a highway without a permit may not exceed 92,000 pounds, although the increased weight allowance does not apply on interstate highways and there are limited exceptions (discussed below) to this 92,000 pound limit. If an implement of husbandry or agricultural CMV exceeds the increased weight allowance created under the bill, the amount of the overweight violation is computed based on the general statutory weight limitations, not on the weight allowance that is approximately 15 percent higher. If the implement of husbandry is an empty potato harvester and, if traveling on the highway for more than 0.25 miles, is accompanied by one or more escort vehicles operating with hazard lights activated, there is no per-axle weight limit for the potato harvester, but the potato harvester is subject to posted special weight limits and is subject to the maximum gross weight limitation of 92,000 pounds. In addition, a potato harvester is exempt from the reduction of permissible vehicle weight when operating on a highway designated by local

authorities as a class "B" highway. Under the limited exceptions, there is no per-axle

or gross weight limit, except on interstate highways and highways posted with special weight limits, for the following: 1) an implement of husbandry or agricultural CMV being operated or transported by a person engaged in the business of delivering, repairing, or servicing implements of husbandry or agricultural CMVs (implement dealer) or farmer for purposes of delivery, repair, or servicing and being operated or transported directly between a farmer's owned or leased land and the business of an implement dealer located within 75 miles; and 2) certain self-propelled implements of husbandry, such as combines, forage harvesters, and fertilizer or pesticide application equipment, traveling between fields and operated on the highway for a distance of 0.25 miles or less.

Under current law, unless an exception applies, a person may not, without a permit, operate on a highway any vehicle having a total width in excess of 8 feet 6 inches. Under one exception, there is no width limitation for an implement of husbandry temporarily operated on a highway in the course of performance of its work. Under another exception, a farm tractor may have a total outside width of up to 12 feet or, if operated on most parts of the interstate highway system, 9 feet. Under yet another exception, a farm tractor exceeding 12 feet in width, and an implement of husbandry not being operated in the course of performance of its work and exceeding 8 feet 6 inches in width, may be moved, towed, or hauled over the highways, without a permit, between one-half hour before sunrise and sunset on Mondays to Thursdays and from one-half hour before sunrise to 2 p.m. on Fridays, but this exception generally does not apply on the interstate highway system. DOT may issue annual or consecutive month permits (farm machinery permits) for the movement, towing, or hauling of farm tractors exceeding 12 feet in width, and of implements of husbandry not being operated in the course of performance of their work and exceeding 8 feet 6 inches in width, on the interstate highway system.

Under this bill, there is generally no width limitation for implements of husbandry operated on a highway. However, certain wide implements of husbandry are subject to lighting and marking requirements (discussed below). There is also

no width limitation if the implement of husbandry is being operated or transported by an implement dealer or farmer for purposes of delivery, repair, or servicing and being operated or transported directly between a farmer's owned or leased land and the business of an implement dealer located within 75 miles, but, if applicable, the lighting and marking requirements for wide implements of husbandry (discussed below) apply. If the implement of husbandry is being transported rather than operated, certain provisions of current law relating to side projections of loads do not apply. The bill establishes a general total width limitation for agricultural commercial motor vehicles, operated without a permit, of 10 feet, but provides a total width limitation of 12 feet for agricultural CMVs operated for the purpose of spreading lime or fertilizer and having extending tires, fenders, or fender flares.

The bill also eliminates DOT's issuance of farm machinery permits, repeals the general width limitation of 12 feet for farm tractors, and repeals the exception under current law authorizing the operation of certain farm tractors and implements of husbandry that would otherwise not be authorized on the highway between one-half

hour before sunrise and sunset on Mondays to Thursdays and from one-half hour before sunrise to 2 p.m. on Fridays.

Under current law, unless an exception applies, a person may not, without a permit, operate on a highway any single vehicle with an overall length in excess of 45 feet or any combination of two vehicles with an overall length in excess of 70 feet. Under one exception, there is no length limitation for implements of husbandry temporarily operated on a highway.

Also under current law, unless an exception applies, a person may not, without a permit, operate on a highway any vehicle towing, or having attached to it, two or more other vehicles. Under one exception, two trailers used primarily as implements of husbandry in connection with seasonal agricultural activities or one such trailer and any other implement of husbandry may be towed by a farm tractor if the operation of the vehicle combination (implement of husbandry train) is exclusively a farming operation and not for the transportation of property for hire and if the overall length of the vehicle combination does not exceed 60 feet. Under another exception, two trailers transporting empty tanks used for hauling or storing liquid agricultural fertilizer or two implements of husbandry, including two empty trailers used primarily as implements of husbandry in connection with seasonal agricultural activities, may be towed by a motor truck or truck tractor if the overall length of the vehicle combination (truck-drawn agricultural train) does not exceed 60 feet.

This bill creates length limitations for implements of husbandry operated on a highway without a permit based in part on the number of vehicles being operated. Under the bill, if the implement of husbandry is a single vehicle, it may not exceed 60 feet in length. If the implement of husbandry is a two-vehicle combination, it may not exceed 100 feet in length. If the vehicle combination is an implement of husbandry train or a truck-drawn agricultural train, its length may not exceed 70 feet or, if it is traveling at a speed of 20 miles per hour or less, 100 feet. The bill also modifies the statutory description of an implement of husbandry train to specify that it consists of three implements of husbandry. The same length limitation that applies to a one-vehicle or two-vehicle implement of husbandry also applies if the one-vehicle or two-vehicle implement of husbandry is being operated or transported by an implement dealer or farmer for purposes of delivery, repair, or servicing and

being operated or transported directly between a farmer's owned or leased land and the business of an implement dealer located within 75 miles.

Under current law, unless an exception applies, a person may not, without a permit, operate on a highway any vehicle having an overall height in excess of 13.5 feet. Under one exception, there is no height limitation for implements of husbandry temporarily operated on a highway.

Under this bill, there is no height limitation for implements of husbandry operated on a highway. The bill also specifies that the operator of the implement of husbandry is responsible for ensuring that there is adequate height clearance between the implement of husbandry and any overhead structure or obstruction.

The bill creates a new annual or consecutive month permit, referred to as a "no-fee permit," issued by DOT and local authorities for implements of husbandry and agricultural CMVs that exceed statutory length or weight limitations. For

purposes of this no-fee permit, the bill defines a "maintaining authority" of a highway as: 1) DOT or its designee, with respect to a state trunk highway; or 2) the municipality or county responsible for maintenance of the highway or its designee (local authority), with respect to a highway that is not a state trunk highway. A maintaining authority may issue no-fee permits authorizing operation on highways under its jurisdiction of implements of husbandry and agricultural CMVs that exceed statutory length or weight limitations. A no-fee permit is not valid on interstate highways. With an exception, an application for a no-fee permit must be accompanied by a listing or map of the highways that may potentially be traveled under authorization of the permit. Under this exception, a municipality may, by resolution or ordinance, authorize operation of implements of husbandry and agricultural CMVs exceeding statutory length or weight limitations on any or all highways under the municipality's jurisdiction and issue a form letter and copy of the resolution or ordinance to serve as the approved permit. In such a municipality, a no-fee permit application is not required to be accompanied by a listing or map of the highways to be traveled under the permit and is not required to be made on a form prescribed by DOT for the application. Upon application, a no-fee permit may be amended by the maintaining authority to reflect changes in the applicant's circumstances, including a change in the highways to be traveled.

Under the bill, no fee may be charged for issuance or amendment of a no-fee permit or for any study or investigation in connection with the permit application. If a maintaining authority denies an application for a no-fee permit, it must notify the applicant in writing of the denial and the notice must include a reasonable and structurally based explanation of the denial that relates to the preservation of the roadway. If the application is made with respect to certain self-propelled implements of husbandry, including combines, forage harvesters, and fertilizer or pesticide application equipment, the denial must also include an approved alternate route or map of highways for operation of the implement of husbandry.

Under current law, if any bill introduced in either house of the legislature directly or indirectly establishes an exception to vehicle weight limitations, DOT must prepare a report, containing specified information, relating to the bill within six weeks after the bill is introduced and before any vote is taken on the bill. This bill directs DOT not to prepare such a report on this bill because DOT recently completed the Implements of Husbandry Study, which contained the same or similar information that would be contained in a report on this bill.

Vehicle lighting and marking requirements

Current law imposes various equipment requirements for vehicles operated on highways, including certain lighting and marking requirements. Although these requirements are generally inapplicable to implements of husbandry, farm tractors, and self-propelled farm implements, current law does impose various specific requirements with respect to lighting and marking of implements of husbandry and other agricultural vehicles.

Under current law, during hours of darkness, the following requirements apply with respect to each described vehicle operated on the highway:

1. A farm tractor or self-propelled farm implement must carry the lighted headlamps and tail lamps that would be required of other vehicles and the only color of light that may show to the rear is red.

2. An implement of husbandry must generally be equipped with at least two lighted lamps or lanterns exhibiting a white light to the front and either two lighted lamps or lanterns exhibiting a red light to the rear or two red reflectors mounted on the rear. Also, if the implement of husbandry extends at least four feet to the left of the center line of a towing vehicle, it must be equipped with an amber reflector mounted on the left side, facing forward, to mark the extreme width of the implement of husbandry to drivers of oncoming vehicles.

3. A truck-drawn agricultural train must have mounted on each side of every vehicle in the train at least one lamp emitting red light visible to the side or at least one red reflector or one slow moving vehicle (SMV) emblem visible from the side.

4. An implement of husbandry train must have mounted on each side of every vehicle in the train at least one lamp emitting a red light visible to the side or at least one red reflector visible from the side.

Certain requirements also apply to a farm tractor, implement of husbandry, or self-propelled farm implement, whether attended or unattended, parked, or left standing on the roadway or shoulder of a highway during hours of darkness.

Under current law, at times other than hours of darkness, an implement of husbandry train operated on a highway must display a red flag at least 12 inches square on each rear corner of the rearmost vehicle in the train.

Under current law, a person may not operate on a highway, day or night, any vehicle that usually travels at speeds of less than 25 miles per hour unless an SMV emblem is displayed on the most practicable visible rear area. However, instead of the SMV emblem, a vehicle may be equipped with a yellow or amber flashing light at least four inches in diameter attached to the left rear. The SMV emblem is also not required if the vehicle is only moving directly across the highway. A towed vehicle is exempt from this requirement if an SMV emblem on the towing vehicle is visible from the rear. The SMV emblem must meet standards and specifications for design and mounting established by rule by DOT, but this rule must conform to standards and specifications approved by the American Society of Agricultural Engineers.

In addition to the lighting and marking requirements described above, this bill creates new lighting and marking requirements for implements of husbandry operated on the highway that exceed 15 feet in total width or that extend over the center of the roadway into a lane intended for the opposite direction of travel (wide implements of husbandry). A person may not operate on a highway a wide implement of husbandry manufactured before January 1, 2014, unless it is equipped

with all of the following: 1) at least two amber flashing warning lamps, visible from both the front and rear; 2) red retroreflective conspicuity material, visible to the rear; 3) at least two strips of yellow retroreflective conspicuity material, visible to the front; and 4) at least two red tail lamps. Any lamp or light required above must be lighted and visible when the wide implement of husbandry is operated on a highway and the lamps or lights, devices, and material described above must generally be mounted so as to indicate the lateral extremities of the implement of husbandry. A

wide implement of husbandry manufactured before January 1, 2014, must also display an SMV emblem. An implement of husbandry manufactured on or after January 1, 2014, may not be operated on a highway unless it is equipped with all lighting and marking devices with which the implement of husbandry was originally equipped by the manufacturer and all such lighting and marking devices are in good working order and visible at the time of operation.

Under the bill, a person may not operate on a highway any self-propelled implement of husbandry manufactured before January 1, 2014, that exceeds 12 feet in total width, unless it is equipped with a yellow or amber rotating strobe or beacon light mounted at the highest practicable point, or two flashing amber lights visible to the front and rear, and the light or lights are activated. If an implement of husbandry exceeds 20 feet in total width, in addition to the applicable foregoing requirements, it must be accompanied by an escort vehicle operating with hazard lights activated unless it is traveling between fields and operated on the highway for a distance of 0.25 miles or less.

The bill also eliminates the requirement that an implement of husbandry train operated on a highway during the day must display a red flag on each rear corner of the rearmost vehicle in the train.

Rules of the road relating to implements of husbandry

Under current law, on all roadways of sufficient width, the operator of a vehicle must generally drive on the right half of the roadway and in the right-hand lane of a three-lane highway, subject to various exceptions, such as when the operator is making a left turn or U-turn or is overtaking and passing another vehicle. A vehicle operator must also drive as nearly as practicable entirely within a single lane and, on a three-lane highway, may not drive in the center lane, subject to exceptions like those discussed above. With an exception, a vehicle operator may not drive in a lane when signs or signals indicate that the lane is allocated exclusively to vehicles moving in the opposite direction.

Also under current law, on a two-way roadway: 1) operators of vehicles proceeding in opposite directions must pass each other to the right and give to the other at least one-half of the main traveled portion of the roadway as nearly as possible; and 2) a vehicle operator may not drive on the left side of the center of the roadway on a grade or curve where the operator's view is obstructed or, with an exception, in an area designated by signs or pavement marking it as a no-passing zone. In general, a person may not drive a motor vehicle so slowly as to impede the normal movement of traffic and the operator of a slow-moving vehicle must, if practicable, yield the roadway to an overtaking vehicle.

This bill creates an exception allowing a wide implement of husbandry that satisfies applicable lighting and marking requirements and that is operated as much as practicable on the right half of the roadway and within a single lane to: 1) extend

over the center of the roadway into a lane intended for travel in the opposite direction; 2) extend into the passing lane of a three-lane highway; and 3) extend into another lane intended for travel in the same direction if it does not impede other vehicles approaching from the rear. However, this exception does not exempt the operator of the wide implement of husbandry from the requirements and

prohibitions above, specifying that a vehicle operator must pass a vehicle proceeding

in the opposite direction on the right and yield half of the roadway if possible; a vehicle operator may not drive on the left side of the roadway on a grade or curve where the operator's view is obstructed or in an area designated as a no-passing zone; and a vehicle operator may not drive so slowly as to impede the normal movement of traffic and must, if practicable, yield the roadway to an overtaking vehicle.

Under current law, a vehicle operator may not drive on the left side of the center of a roadway designated, by signs or a solid yellow line, as a no-passing zone. However, under an exception, a vehicle operator may cross to the left of the center of the roadway in such a no-passing zone to overtake and pass, with care, any vehicle traveling at a speed less than half of the applicable speed limit. Under this bill, this exception does not apply with respect to overtaking and passing an implement of husbandry or an agricultural CMV.

Required disclosures in sales of farm equipment

Under current law, no person in the business of selling a tractor or other machinery used in the business of farming (farm equipment) may sell farm equipment unless, at the time of sale, the farm equipment is equipped with specified safety equipment, including lights, reflectors, and an SMV emblem meeting applicable vehicle equipment requirements, if the farm equipment can be operated on a highway. However, this requirement does not apply to sales of farm equipment to another person in the business of selling farm equipment for the purpose of resale, sales of farm equipment for the purpose of salvage, and most sales by auction. A person who violates this requirement may be required to forfeit not more than \$500 for each violation.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3078/1
MDK&JK:all.rs

2013 BILL

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), 79.035 (1), 196.025 (6) (b), 196.202 (2), 196.203 (1g)
6 (a), 196.206 (1), 196.499 (1) (intro.), 196.50 (2) (j) 1. b., 256.35 (3) (title), 256.35
7 (3) (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

BILL

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

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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 and the only increases allowed under the bill are those that reflect adjustments to the U.S. consumer price index. In addition, increases are subject to the approval of the joint committee on finance.

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

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

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, each of whom represents an incumbent local exchange carrier; 9) one member who represents a competitive local exchange carrier; 10) one member who represents a VOIP provider; 11) a police chief recommended by an association of Wisconsin police chiefs; 12) a fire chief recommended by an association of Wisconsin fire chiefs; 13) one member recommended by a Wisconsin association that promotes emergency management; 14) one member who represents a cable television or other video service provider; and 15) 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.

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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:

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.**

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:

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

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

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

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

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

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

13 (g) Two individuals recommended by an association of Wisconsin
14 telecommunications providers, as defined in s. 196.01 (8p), each of whom represents
15 an incumbent local exchange carrier.

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

17 (i) An individual who represents a voice over Internet protocol provider.

18 (j) A police chief recommended by an association of Wisconsin police chiefs.

19 (k) A fire chief recommended by an association of Wisconsin fire chiefs.

20 (L) An individual recommended by a Wisconsin association that promotes
21 emergency management.

22 (m) An individual who represents a video service provider, as defined in s.
23 196.01 (12r).

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

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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 46 (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.

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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.

10 **SECTION 12.** 25.99 of the statutes is repealed.

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

12 **SECTION 14.** 79.035 (1) of the statutes is amended to read:

13 79.035 (1) Each county and municipality shall receive a payment from the
14 county and municipal aid account ~~and from the appropriation account under s.~~
15 ~~20.835 (1) (r)~~ in an amount determined under this section.

16 **SECTION 15.** 196.025 (6) (b) of the statutes is amended to read:

17 196.025 (6) (b) 1. Except as provided in subd. 2., a communications provider
18 shall impose a monthly fee of \$0.75 on each communications service connection with
19 an assigned telephone number, including a communication service provided via a
20 voice over Internet protocol connection. If a communications provider provides
21 multiple communications service connections to a subscriber, the communications
22 provider shall impose a separate fee under this subdivision on each of the first 10
23 connections and one additional fee for each 10 additional connections per billed
24 account. A communications provider may list the fee separately from other charges
25 on a subscriber's bill, and if a communications provider does so, the communications

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1 provider shall identify the fee as “police and fire protection fee,” or, if the
2 communications provider combines the fee with a charge imposed under s. 256.35 (3),
3 the communications provider shall identify the combined fee and charge as “charge
4 for funding countywide 911 systems plus police and fire protection fee.” A
5 communications provider may also indicate on a subscriber’s bill that the police and
6 fire protection fee will not be collected after June 30, 2014, or the date of publication
7 of 2013 Wisconsin Act (this act), whichever is later [LRB inserts later date].
8 Any partial payment of a fee by a subscriber shall first be applied to any amount the
9 subscriber owes the communications provider for communications service.

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

20 **SECTION 16.** 196.025 (6) of the statutes, as affected by 2013 Wisconsin Act
21 (this act), is repealed.

22 **SECTION 17.** 196.202 (2) of the statutes is amended to read:

23 196.202 (2) SCOPE OF REGULATION. A commercial mobile radio service provider
24 is not subject to this chapter, except as provided in sub. (5), and except that a
25 commercial mobile radio service provider is subject to ss. ~~196.025 (6)~~, 196.218 (3), and

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

5 **SECTION 18.** 196.203 (1g) (a) of the statutes is amended to read:

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

8 **SECTION 19.** 196.206 (1) of the statutes is amended to read:

9 196.206 (1) EXEMPTIONS. An interconnected voice over Internet protocol service
10 is not subject to this chapter, except as provided in this section, and except that an
11 interconnected voice over Internet protocol service is subject to ss. 196.01, 196.016,
12 ~~196.025 (6)~~, 196.199, 196.218 (3), 196.858, and 196.859, and except as required for
13 the commission to administer and enforce this section.

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

15 196.499 (1) SCOPE. (intro.) Notwithstanding any other provisions of this
16 chapter, a telecommunications carrier is not subject to regulation under this chapter,
17 ~~except for s. 196.025 (6), and~~ except under each of the following provisions:

18 **SECTION 21.** 196.50 (2) (j) 1. b. of the statutes is amended to read:

19 196.50 (2) (j) 1. b. Provide notice to the commission to recertify the
20 telecommunications utility under this subsection and impose on the
21 telecommunications utility only those provisions of this chapter specified in this
22 subd. 1. b. No later than 30 days after receiving notice under this subd. 1. b., the
23 commission shall issue an order that grants recertification under this subsection and
24 that imposes on the telecommunications utility only those provisions of this chapter
25 specified in this subd. 1. b. The telecommunications utility shall be exempt from all

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

21 **SECTION 22.** 256.35 (1) (a) of the statutes is renumbered 256.35 (1) (as).

22 **SECTION 23.** 256.35 (1) (am) of the statutes is created to read:

23 256.35 (1) (am) "911 service provider" means an entity that contracts with the
24 commission to provide selective routing services, manage updates to the automatic
25 location identification database, manage updates to the master street address guide

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1 for a particular geographic area, or provide other services related to the state 911
2 telecommunications system.

3 **SECTION 24.** 256.35 (1) (ct) of the statutes is created to read:

4 256.35 (1) (ct) “Communications provider” means a person that provides
5 communications service.

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

7 256.35 (1) (cw) “Communications service” means active voice or nonvoice
8 communications service that is capable of accessing a public safety answering point.

9 **SECTION 26.** 256.35 (1) (d) of the statutes is repealed.

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

11 256.35 (1) (em) “Master street address guide” means a database of street names
12 and address number ranges used to determine the proper public safety answering
13 point to which to route a call to “911” and the appropriate police, fire, ambulance,
14 rescue, and medical services agencies to dispatch.

15 **SECTION 28.** 256.35 (3) (title) of the statutes is amended to read:

16 256.35 (3) (title) ~~FUNDING FOR COUNTYWIDE SYSTEMS~~ STATE 911 SYSTEM.

17 **SECTION 29.** 256.35 (3) (a) 1. of the statutes is renumbered 256.35 (1) (cp).

18 **SECTION 30.** 256.35 (3) (a) 2. of the statutes is renumbered 256.35 (3f) (a) and
19 amended to read:

20 256.35 (3f) (a) “Costs” In this subsection, “costs” means the costs incurred by
21 a service supplier communications provider or 911 service provider after
22 August 1, 1987 the effective date of this paragraph [LRB inserts date], in
23 installing and maintaining the trunking and central office equipment used only to
24 operate a basic or sophisticated system and the database databases used only to
25 operate a sophisticated system; the costs incurred for the provision of 911

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1 telecommunications service between selective routers and public safety answering
2 points; and all other costs associated with providing 911 telecommunications service.

3 **SECTION 31.** 256.35 (3) (a) 2m. of the statutes is created to read:

4 256.35 (3) (a) 2m. "Department" means the department of revenue.

5 **SECTION 32.** 256.35 (3) (a) 3. of the statutes is repealed.

6 **SECTION 33.** 256.35 (3) (a) 4. of the statutes is amended to read:

7 256.35 (3) (a) 4. "Service user" means any person who is provided ~~telephone~~
8 communications service by a ~~service supplier which includes access to a basic or~~
9 sophisticated system communications provider.

10 **SECTION 34.** 256.35 (3) (b), (c), (d), (e), (f), (g), (i) and (j) of the statutes are
11 repealed.

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

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

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1 2. A communications provider that offers a prepaid wireless
2 telecommunications plan, or a retailer that offers such a plan on behalf of a
3 communications provider, shall impose a fee equal to \$0.20, subject to any
4 adjustment under par. (cm), on each retail transaction for such a plan that occurs in
5 this state. A communications provider or retailer may state the amount of the fee
6 separately on a bill for the retail transaction, and if a communications provider or
7 retailer does so, the communications provider or retailer shall identify the fee as
8 “state 911 fee.”

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

10 256.35 (3) (cm) *Fee adjustments.* 1. The commission may annually issue an
11 order decreasing or increasing the amount of the fee required under par. (bm), but
12 only as specified in subd. 2., and only if directed by the state 911 council under sub.
13 (3h) (b) 9. and approved by the governor, and only if an order increasing the amount
14 is approved by the joint committee on finance under subd. 3.

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

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

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

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1 3. Before the commission issues an order under subd. 1. that increases the
2 amount of the fee required under par. (bm), the commission shall submit the order
3 to the joint committee on finance. If the cochairpersons of the joint committee on
4 finance do not notify the commission that the committee has scheduled a meeting for
5 the purpose of reviewing the order within 14 working days after the date of the
6 commission's submittal, the joint committee on finance is considered to have
7 approved the order for purposes of subd. 1. If, within 14 working days after the date
8 of the commission's submittal, the cochairpersons of the joint committee on finance
9 notify the commission that the committee has scheduled a meeting for the purpose
10 of reviewing the order, the commission may not issue the order unless the joint
11 committee on finance approves the order.

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

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

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

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

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

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

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

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

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

13 1. Promulgate rules for administering this subsection.

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

16 **SECTION 39.** 256.35 (3) (h) of the statutes is amended to read:

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

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

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

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

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

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

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

10 256.35 (3h) STATE 911 COUNCIL. (a) In this subsection, "council" means the state
11 911 council.

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

13 1. Advise the commission on the administration of 911 telecommunications
14 services and associated grant programs.

15 2. Conduct a statewide 911 telecommunications system assessment.

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

17 4. Develop recommendations for service standards for public safety answering
18 points.

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

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

BILL**SECTION 41**

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

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

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

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

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

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

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

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

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

23 256.35 (3j) STATE 911 GRANTS. (a) From the appropriation under s. 20.155 (3)
24 (k), the commission shall, under the direction of the state 911 council, provide grants
25 to public safety answering points for the improvement of 911 services in the state.

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1 Only one public safety answering point in a county is eligible for grants under this
2 paragraph and the commission may provide grants to a public safety answering
3 point only if the county in which the public safety answering point is located has
4 passed a resolution specifying that the public safety answering point is eligible for
5 the grants.

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

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

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

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

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

BILL**SECTION 43**

1 **SECTION 43.** 256.35 (3m) (a) 2. of the statutes is repealed.

2 **SECTION 44.** 256.35 (4) of the statutes is amended to read:

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

7 **SECTION 45.** 256.35 (12) of the statutes is created to read:

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

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

19 (c) *Subscriber records and information.* Subscriber records that a
20 communications provider discloses to a public safety answering point for public
21 safety purposes remain the property of the communications provider. A public safety
22 answering point may access a subscriber record only when a call is placed to “911”
23 from the subscriber’s telephone. Any connection information of a subscriber,
24 including identification of a subscriber’s communications provider, that is obtained

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1 from the communications provider by a public safety answering point is not subject
2 to inspection or copying under s. 19.35.

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

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

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

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

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

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

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

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

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

SECTION 46. Nonstatutory provisions.

5 (1) INITIAL TERMS OF COUNCIL MEMBERS. Notwithstanding section 15.797 (2) of
6 the statutes, as created by this act, of the initial members appointed to the state 911
7 council, the terms of 5 of the members expire on July 1, 2014, and the terms of 5 of
8 the members expire on July 1, 2015. The terms of all of the other initial members
9 expire on July 1, 2016.
10

11 (2) TRANSITION TO STATEWIDE 911 TELECOMMUNICATIONS SERVICE.

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

13 1. “911 contracts” means the contracts required under section 256.35 (3f) (b) of
14 the statutes, as created by this act.

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

16 3. “Existing contract” means a contract described in section 256.35 (3) (b) 3.,
17 2011 stats., between a county and service provider that is in effect immediately
18 before the effective date of this subdivision.

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

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

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

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1 telecommunications system is established in the county pursuant to the applicable
2 911 contracts. The commission shall specify the termination date in a written notice
3 that the commission shall provide to the service supplier and the county.

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

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

16 **SECTION 47. Effective dates.** This act takes effect on July 1, 2014, or on the
17 day after publication, whichever is later, except as follows:

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

20 (END)