

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Wyoming public safety communications system funding.

Sponsored by: Joint Transportation, Highways & Military
Affairs Interim Committee

A BILL

for

1 AN ACT relating to public safety communications; establishing
2 a statewide service charge; providing definitions; requiring
3 reporting; creating an account; providing an appropriation;
4 authorizing rulemaking; and providing for effective dates.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 9-2-1107 and 9-2-1108 are created to
9 read:

10

11 **9-2-1107. Public safety communications service charge.**

12

1 (a) Except as provided in subsection (b) of this
2 section, there is imposed a public safety communications
3 service charge on service users in this state in an amount of
4 fifty cents (\$.50):

5

6 (i) Per month on each local exchange access line,
7 on each wireless communications access and on each other
8 technological device that under normal operation is designed
9 or routinely used to access emergency service via
10 telecommunications;

11

12 (ii) On every retail sale of prepaid wireless
13 communications access in Wyoming.

14

15 (b) The service charges created under subsection (a) of
16 this section shall not be imposed on:

17

18 (i) Any state or local governmental entity;

19

20 (ii) More than one hundred (100) local exchange
21 access lines or their equivalent per customer billing;

22

1 (iii) Sales of prepaid wireless communications
2 access intended for resale;

3

4 (iv) Sales of prepaid wireless communications
5 access that is sold with one (1) or more other products or
6 services for a single, nonitemized price when the prepaid
7 wireless communications access is for ten (10) or fewer
8 minutes or has a value of five dollars (\$5.00) or less.

9

10 (c) The proceeds of the public safety communications
11 service charge shall be deposited in the public safety
12 communications system account, which is hereby created.
13 Interest earned on monies in the account shall be deposited
14 to the account. Monies in the account shall only be expended
15 by the department of transportation as advised by the public
16 safety communications commission and upon legislative
17 appropriation to pay for system maintenance and to defray
18 user fees for state and local agency system participation and
19 integration.

20

21 (d) The public safety communications service charge
22 shall be collected by all service suppliers:

23

1 (i) At the time charges are collected under the
2 regular billing practice of the service supplier for local
3 exchange access lines, wireless communications access or
4 other technological devices that under normal operation are
5 designed or routinely used to access emergency service via
6 telecommunications. For purposes of this paragraph:

7

8 (A) The service charge shall be added to and
9 stated separately in billings to the service user;

10

11 (B) Every billed service user shall be liable
12 for the public safety communications service charge imposed
13 by subsection (a) of this section until it has been paid to
14 the service supplier. The service supplier shall be liable to
15 remit all service charges collected as provided in
16 W.S. 9-2-1108;

17

18 (C) The service supplier is not liable for
19 uncollected amounts under this paragraph. The service
20 supplier shall annually provide the public safety
21 communications commission a list of the amounts uncollected
22 along with the names and addresses of delinquent service
23 users. The public safety communications commission may bring

1 an action to collect the service charge due under this
2 section;

3

4 (D) No service supplier shall discontinue
5 service to any service user for the nonpayment of the public
6 safety communications service charge due under this section.

7

8 (ii) From each purchaser of prepaid wireless
9 communications access in Wyoming, which purchaser shall be
10 considered a service user. For purposes of this paragraph:

11

12 (A) The amount of the service charge shall be
13 either separately stated on an invoice, receipt or other
14 similar document that is provided to the service user by the
15 service supplier or shall be otherwise disclosed to the
16 service user;

17

18 (B) Retail sale of prepaid wireless
19 communications access occurs in Wyoming if the transaction
20 would be sourced to Wyoming under W.S. 39-15-104(f)(xi)(C).

21

22 (C) The service charge imposed by subsection
23 (a) of this section is the liability of the service user and

1 the service supplier. The service supplier shall be liable to
2 remit all service charges due or collected as provided in
3 W.S. 9-2-1108.

4

5 (e) If the public safety communications service charge
6 collected pursuant to subsection (d) of this section is
7 separately stated on a billing statement, invoice, receipt or
8 similar document provided to the service user by the service
9 supplier, the service charge shall not be included in the
10 base for calculating any other charge, tax, fee, surcharge or
11 other charge imposed by this state, any political subdivision
12 of the state or any intergovernmental agency.

13

14 (f) The public safety communications commission shall
15 report to the joint transportation, highways and military
16 affairs interim committee on or before July 1, 2021 and every
17 four (4) years thereafter. The report required by this
18 subsection shall contain an analysis of the service charge
19 imposed by subsection (a) of this section and shall recommend
20 whether the service charge continues to be necessary for the
21 maintenance of the system. The public safety communications
22 commission may adopt rules requiring the reporting of billing

1 and sales data or other information necessary to complete the
2 analysis required by this subsection.

3

4 (g) The public safety communications commission shall
5 promulgate rules as necessary or appropriate to the efficient
6 administration of W.S. 9-2-1107 and 9-2-1108.

7

8 **9-2-1108. Remittance of service charge to the state;**
9 **administrative fee.**

10

11 (a) The amounts collected under W.S. 9-2-1107 are to be
12 remitted by the service supplier who collected them to the
13 department of revenue as follows:

14

15 (i) A service supplier shall remit to the
16 department of revenue all monies collected at the times and
17 in the manner provided by W.S. 39-15-107(a). The department
18 of revenue may establish by rule procedures reasonably
19 necessary to facilitate the transfer of these monies. The
20 service supplier shall be subject to the penalty and
21 enforcement provisions provided by W.S. 39-15-108 for any
22 failure to collect or remit funds;

23

1 (ii) A service supplier remitting collected
2 service charges may deduct and retain two percent (2%) of the
3 service charge collected as the cost of administration for
4 collecting the service charges;

5

6 (iii) The audit and appeal procedures applicable
7 to the collection of state sales taxes shall apply to the
8 collection and remittance of taxes authorized by this
9 section;

10

11 (iv) Pursuant to rules adopted for this purpose,
12 the department of revenue shall establish a procedure by which
13 service suppliers shall document that a transaction involving
14 prepaid wireless communications access is not a retail sale
15 subject to the service charge imposed by W.S. 9-2-1107. The
16 procedure shall be substantially similar to the procedure
17 used to document a sale for resale transaction for purposes
18 of sales tax.

19

20 (b) The monies collected by the department of revenue
21 under this section shall not be general revenues of the state
22 and shall be held by the department of revenue in a separate
23 account for distribution as follows:

1

2 (i) The department of revenue shall deduct one
3 percent (1%) of the total monies collected to cover its
4 administrative expenses and costs, which amount shall be
5 remitted to the treasurer for credit to the general fund;

6

7 (ii) After deduction of the amount authorized by
8 paragraph (i) of this subsection, the department of revenue
9 shall pay all remaining amounts collected to the state
10 treasurer to be deposited in the public safety communications
11 system account created by W.S. 9-2-1107(c);

12

13 (iii) The payment authorized by paragraph (ii) of
14 this subsection shall be remitted to the state treasurer no
15 later than fifteen (15) days after the close of the calendar
16 quarter.

17

18 **Section 2.** W.S. 9-2-1101(b)(intro) and by creating new
19 paragraphs (iii) through (vii), 37-15-105(d)(iii) and by
20 creating a new paragraph (v) and 37-15-202(j) by creating a
21 new paragraph (vi) are amended to read:

22

23 **9-2-1101. Commission; created; definitions.**

1

2 (b) As used in W.S. 9-2-1101 through ~~9-2-1104~~9-2-1108:

3

4 (iii) "Local exchange access line" means as
5 defined in W.S. 16-9-102(a)(iii);

6

7 (iv) "Prepaid wireless communications access"
8 means as defined in W.S. 16-9-102(a)(xvii);

9

10 (v) "Service supplier" means as defined in
11 W.S. 16-9-102(a)(viii);

12

13 (vi) "Service user" means as defined in
14 W.S. 16-9-102(a)(ix);

15

16 (vii) "Wireless communications access" means as
17 defined in W.S. 16-9-102(a)(xv).

18

19 **37-15-105. VoIP and internet protocol enabled services.**

20

21 (d) Voice over internet protocol service shall be
22 subject to the following:

23

1 (iii) Any required special fee under
2 W.S. 16-9-209; ~~or~~

3

4 (v) Any required service charge under
5 W.S. 9-2-1107.

6

7 **37-15-202. Determination of competitive services.**

8

9 (j) Services found to be competitive under subsection
10 (a), (c) or (d) of this section shall be subject to the
11 following:

12

13 (vi) Any required service charge under
14 W.S. 9-2-1107.

15

16 **Section 3.** There is appropriated three million eight
17 hundred thousand dollars (\$3,800,000.00) from the general
18 fund to the public safety communications system account
19 created by W.S. 9-2-1107(c). This appropriation shall only be
20 expended as provided in W.S. 9-2-1107(c) as created by this
21 act. Notwithstanding any other provision of law, this
22 appropriation shall not be transferred or expended for any
23 other purpose and any unexpended, unobligated funds remaining

1 from this appropriation shall revert as provided by law on
2 June 30, 2022.

3

4 **Section 4.** On or before July 1, 2020, the department of
5 revenue and the public safety communications commission shall
6 promulgate rules and prescribe forms necessary to implement
7 W.S. 9-2-1107 and 9-2-1108 as created by section 1 of this
8 act.

9

10 **Section 5.**

11

12 (a) Except as provided in subsection (b) of this
13 section, this act is effective immediately upon completion of
14 all acts necessary for a bill to become law as provided by
15 Article 4, Section 8 of the Wyoming Constitution.

16

17 (b) Sections 1 through 3 of this act are effective
18 July 1, 2020.

19

20

(END)