

HOUSE BILL NO. HB0071

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

13 (a) Except as provided in subsection (b) of this
14 section, there is imposed a public safety communications

1 service charge on service users in this state in an amount of
2 fifty cents (\$.50):

3

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

9

10 (ii) On every retail sale of prepaid wireless
11 communications access in Wyoming.

12

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

15

16 (i) Any state or local governmental entity;

17

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

20

21 (iii) Sales of prepaid wireless communications
22 access intended for resale;

23

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

6

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

17

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

20

21 (i) At the time charges are collected under the
22 regular billing practice of the service supplier for local
23 exchange access lines, wireless communications access or

1 other technological devices that under normal operation are
2 designed or routinely used to access emergency service via
3 telecommunications. For purposes of this paragraph:

4

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

7

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

14

15 (C) The service supplier is not liable for
16 uncollected amounts under this paragraph. The service
17 supplier shall annually provide the public safety
18 communications commission a list of the amounts uncollected
19 along with the names and addresses of delinquent service
20 users. The public safety communications commission may bring
21 an action to collect the service charge due under this
22 section;

23

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

4

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

8

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

14

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

18

19 (C) The service charge imposed by subsection
20 (a) of this section is the liability of the service user and
21 the service supplier. The service supplier shall be liable to
22 remit all service charges due or collected as provided in
23 W.S. 9-2-1108.

1

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

10

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

1

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

5

6 **9-2-1108. Remittance of service charge to the state;**
7 **administrative fee.**

8

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

12

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

21

22 (ii) A service supplier remitting collected
23 service charges may deduct and retain two percent (2%) of the

1 service charge collected as the cost of administration for
2 collecting the service charges;

3

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

8

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

17

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

22

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

5

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

11

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

16

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

21

22 **9-2-1101. Commission; created; definitions.**

23

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

2

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

5

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

8

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

11

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

14

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

17

18 **37-15-105. VoIP and internet protocol enabled services.**

19

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

22

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

3
4 (v) Any required service charge under W.S.
5 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) for purposes as specified in
20 W.S. 9-2-1107(c) as created by this act. This appropriation
21 shall be for the period beginning with the effective date of
22 this section and ending June 30, 2022. This appropriation
23 shall not be transferred or expended for any other purpose

1 and any unexpended, unobligated funds remaining from this
2 appropriation shall revert as provided by law on June 30,
3 2022.

4

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

10

11 **Section 5.**

12

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

17

18 (b) Sections 1 through 3 of this act are effective July
19 1, 2020.

20

21

(END)