

**Emergency Telephone Service Act Amendments**  
**For the purpose of funding interoperable public safety communications**  
**Offered by the Wyoming County Commissioners Association**

**ARTICLE 1 - EMERGENCY TELEPHONE SERVICE**

**16-9-101. Short title.**

This act is known and may be cited as the "Emergency Telephone Service Act".

**16-9-102. Definitions.**

(a) As used in this act:

(i) "Governing body" means the board of county commissioners of a county, city council or other governing body of a city, town or county, the board of directors of a special district or a joint powers board established pursuant to W.S. 16-4-101 through 16-4-110;

(ii) "Local exchange access company" means a franchised telephone company engaged in providing telecommunications services between points within a local calling area;

(iii) "Local exchange access line" means any land line telephone line that connects a telephone subscriber to the local switching office and has the capability of reaching local public safety service agencies by voice communication;

(iv) "911 emergency reporting system" or "911 system" means a telephone system consisting of network, database, services and equipment, including operating and personnel costs as specified in W.S. 16-9-105, using the single three-digit number 911 for reporting police, fire, medical or other emergency situations and enabling the users of a public telephone system, other technology or wireless telecommunications system to reach a public safety answering point to report emergencies by dialing 911 . 911 emergency reporting systems may include systems consisting of network, database, services and equipment, including operating and personnel costs as specified in W.S. 16-9-105, using 911 databases and public safety answering points to disseminate warnings to the public of impending

hazards, including storms, floods, hazardous materials incidents or other emergencies that could compromise the public safety. For any 911 emergency reporting system that operates a reverse 911 warning system, a quarterly test on the warning system will be conducted by calling random numbers. The level of technology for provision of the 911 emergency reporting system is to be determined by the governing body and may include enhanced wireless 911 services, however, the 911 system shall include a device for telecommunications for the deaf;

(v) "911 emergency tax" is the state-wide tax authorized by W.S. 16-9-109 and a tax on service users within the governing body's designated 911 service area set by the governing body in accordance with this act and assessed on each service user's local exchange access lines and wireless communications access to pay the directly related costs of a 911 system and a statewide interoperable communication system as authorized in accordance with W.S. 16-9-105;

(vi) "Public agency" means any city, town, county, special district, a joint powers board established pursuant to W.S. 16-4-101 through 16-4-110 or other political subdivision of the state located in whole or in part within this state providing or having the authority to provide fire fighting, law enforcement, ambulance, emergency medical or other emergency services;

(vii) "Public safety answering point" means a twenty-four (24) hour local jurisdiction communications facility receiving 911 service calls and directly dispatching emergency response services or relaying calls to the appropriate public or private safety agency or disseminating warnings to the public of impending hazards, including storms, floods, hazardous materials incidents or other emergencies that could compromise the public safety;

(viii) "Service supplier" means any utility, person or entity providing or offering to provide 911 system equipment, database installation, maintenance or local exchange access, wireless communication access or other technological device that under normal operation is designed or routinely used to access 911 services within the 911 service access area, including, for purposes of W.S. 16-9-108 and 16-9-109, a seller of prepaid wireless communications access;

(ix) "Service user" means any person within the local government's designated 911 service area who is provided local exchange access telephone service, wireless communication access service or other technological device that under normal operation is designed or routinely used to access 911 ;

(x) "This act" means W.S. 16-9-101 through 16-9-109;

(xi) "Enhanced wireless 911 service" means any enhanced 911 service so designated by the Federal Communications Commission, including wireless automatic location identification and automatic number identification;

(xii) "Wireless automatic location identification" means the definition supplied by the Federal Communication Commission regulation that provides for the automatic display on equipment at the public safety answering point of the location of the wireless service user initiating a 911 call to the public safety answering point;

(xiii) "Wireless automatic number identification" means the definition supplied by the Federal Communication Commission regulation that allows the mobile identification number of the wireless service user initiating a 911 call to the public safety answering point;

(xiv) "Wireless carrier" means a provider of commercial mobile services or any other radio communication service that the Federal Communications Commission requires to provide wireless 911 service;

(xv) "Wireless communications access" means the radio equipment and assigned mobile identification number used to connect a wireless customer to a wireless carrier for two-way interactive voice or voice capable services;

(xvi) "Wireless 911 service" means any 911 service provided by a wireless carrier, including enhanced wireless 911 service;

(xvii) "Prepaid wireless communications access" means wireless communications access which requires advance payment that is sold in predetermined units or dollars of which the number declines with use in a known amount.

(xviii) "Statewide interoperable communication system" has the definition provided in W.S. 9-2-1101(b)(ii).

**16-9-103. Imposition of tax; liability of user for tax; collection; uncollected amounts; discontinuing service prohibited.**

(a) In addition to any other powers for the protection of the public health, a governing body may incur any nonrecurring or recurring costs for the installation, maintenance or operation of a 911 system and statewide interoperable communication system, and may pay these costs by imposing a 911 emergency tax for this service in those portions of the governing body's jurisdiction for which 911 service or interoperable communication service is to be provided.

(b) In accordance with the provisions of this subsection, and after a public hearing the governing body may, by ordinance in the case of cities and by resolution in the case of counties or special districts, impose a monthly uniform tax on service users within its designated 911 service area in an amount not to exceed ~~seventy-five~~ninety-five cents (\$.7595) per month on each local exchange access line, per wireless communications access or other technological device that under normal operation is designed or routinely used to access 911 . Only one (1) governing body may impose a 911 emergency tax for each 911 system. Except as provided by W.S. 16-9-109 for prepaid wireless communication access and regardless of the level at which the tax is set, if an assessment is made on both local exchange access facilities and wireless communications access, the amount of the tax imposed per local exchange access facility and the amount of the tax imposed per wireless communications access or access by other technological device that under normal operation is designed or routinely used to access 911 , shall be equal. Except as provided by W.S. 16-9-109, the proceeds of the 911 emergency tax shall be set aside in an enterprise fund or other separate accounts from which the receipts shall be used to pay for the 911 system costs and statewide interoperable communication costs authorized in W.S. 16-9-105, and may be imposed at any time following the execution of an agreement with the provider of the service at the discretion of the governing body.

(c) No 911 emergency tax shall be imposed upon more than one hundred (100) local exchange access lines or their equivalent per customer billing.

(d) Collection of any 911 emergency tax from a service user pursuant to this act shall commence at the time specified by the governing body in accordance with this act. Taxes imposed under this act and required to be collected by the service supplier shall be added to and stated separately in the billings to the service user.

(e) Every billed service user shall be liable for any 911 emergency tax imposed under this act until it has been paid to the service supplier or governing body.

(f) An action to collect taxes under subsection (d) of this section may be brought by or on behalf of the public agency imposing the tax. The service supplier shall annually provide the governing body a list of the amounts uncollected along with the names and addresses of delinquent service users. The service supplier is not liable for uncollected amounts.

(g) Any 911 emergency tax imposed under this act shall be collected at the time charges for the telecommunications are collected under the regular billing practice of the service supplier.

(h) Service shall not be discontinued to any service user by any service supplier for the nonpayment of any tax under this act.

(j) The 911 emergency tax imposed pursuant to this section shall only be imposed upon service users whose address is in those portions of the governing body's jurisdiction for which emergency telephone service shall be provided; however, such 911 emergency tax shall not be imposed upon any state or local governmental entity.

(k) Effective January 1, 2015, and every fiscal year through June 30, 2019, the governing body primarily responsible for the expenditure of revenues collected pursuant to this act shall file with the Wyoming public service commission a statement of its gross receipts and expenditures authorized by this act for the prior fiscal year. The Wyoming public service commission is authorized to promulgate rules in consultation with the governing bodies to develop a statement of revenues and expenditures that, to the maximum extent possible, is uniform across governing bodies.

(m) Except as provided in subsection (k) of this section, this section shall not apply to the 911 emergency tax imposed on prepaid wireless communication access by W.S. 16-9-109.

**16-9-104. Remittance of tax to the governing body; administrative fee; establishment of rate of tax.**

(a) Except as provided in W.S. 16-9-109, any tax imposed under this act and the amounts collected are to be remitted quarterly to the governing body. The amount of the tax collected in one (1) calendar quarter by the service supplier shall be remitted to the governing body no later than fifteen (15) days after the close of the calendar quarter. On or before the sixteenth day of each month following the preceding calendar quarter, a return for the preceding quarter shall be filed with the governing body in a form the governing body and service supplier agree upon. The service supplier required to file the return shall deliver the return together with the remittance of the amount of the tax payable to the governing body. The service supplier shall maintain a record of the amount of each tax collected pursuant to this act. The record shall be maintained for a period of one (1) year after the time the tax was collected.

(b) Except as provided by W.S. 16-9-109, the service supplier remitting the taxes collected under this act may deduct and retain one percent (1%) of the taxes collected as the cost of administration for collecting the taxes.

(c) At least once each calendar year, the governing body shall establish a rate of tax not to exceed the amount authorized. Amounts collected in excess of necessary expenditures within any fiscal year shall be carried forward to subsequent years and shall only be used for the purposes set forth in W.S. 16-9-105. The governing body shall fix the rate, publish notice of its new rate and notify by mail every local exchange access company at least ninety (90) days before the new rate becomes effective. The governing body may at its own expense require an annual audit of the service supplier's books and records concerning the collection and remittance of the taxes authorized by this act.

(d) This section does not apply to the taxes authorized and collected for prepaid wireless communication access under W.S. 16-9-109.

**16-9-105. Agreements or contract for 911 emergency reporting systems; use of funds collected.**

(a) Any governing body imposing the tax authorized by this act may enter into an agreement directly with any service supplier to the 911 system or may contract and cooperate with any public agency or any other state for the administration of a 911 system in accordance with law.

(b) Funds collected from the 911 emergency tax imposed pursuant to this act shall be spent solely to pay for a statewide interoperable communication system and service suppliers' equipment and service costs, public safety answering point and service suppliers' equipment and service costs, installation costs, maintenance costs, monthly recurring charges and other costs directly related to the continued operation of a statewide interoperable communication system and a 911 system including enhanced wireless 911 service. Funds may also be expended for personnel expenses necessarily incurred by a public safety answering point. "Personnel expenses necessarily incurred" means expenses incurred for persons employed to:

(i) Take emergency telephone calls and dispatch them appropriately; or

(ii) Maintain the computer data base of the public safety answering point.

(c) Funds collected from the charge pursuant to this act shall be credited to a cash account separate from the general fund of the public agency, for payments for statewide interoperable communication systems and public safety answering points ~~and~~ service supplier costs pursuant to subsection (b) of this section. Any monies remaining in the cash account at the end of any fiscal year shall remain in the account for payments during any succeeding year. If any 911 system or statewide interoperable communication system is discontinued, monies remaining in the account shall, after all payments to the service supplier pursuant to subsection (b) of this section, be transferred to the general fund of the public agency or proportionately to the general fund of each participating public agency.

## Appendix

**Chart 1: Estimated User Fees on Cities, Towns and Counties for WyoLink Operation**

	YEAR				
	2019	2020	2021	2022	2023
CITY	\$763,583	\$915,399	\$941,603	\$972,825	\$974,315
COUNTY	\$819,947	\$982,969	\$1,011,107	\$1,044,635	\$1,046,234
TOWN	\$187,053	\$224,243	\$230,662	\$238,311	\$238,676
<b>Grand Total</b>	<b>\$1,770,583</b>	<b>\$2,122,611</b>	<b>\$2,183,373</b>	<b>\$2,255,771</b>	<b>\$2,259,225</b>
Local Government Share w/ 20 cent increase					
	-\$277,081	-\$629,109	-\$689,871	-\$762,269	-\$765,723
Note: Based on April, May, June 2017 Inventory and Usage					

**Chart 2: Estimated revenue from all counties**

County	Authorized per line surcharge	FY16 Enhanced 911 Post Paid Revenue	Total FY16 Revenue Per Penny	Estimated FY18 E-911 Revenue at 95 cents
Albany	\$0.75	\$ 278,584.00	\$ 3,714.45	\$ 352,873.07
Big Horn	\$0.75	\$ 303,556.00	\$ 4,047.41	\$ 384,504.27
Campbell	\$0.75	\$ 451,497.00	\$ 6,019.96	\$ 571,896.20
Carbon	\$0.75	\$ 91,755.00	\$ 1,223.40	\$ 116,223.00
Converse	\$0.75	\$ 295,005.00	\$ 3,933.40	\$ 373,673.00
Crook	\$0.75	\$ 59,116.00	\$ 788.21	\$ 74,880.27
Fremont	\$0.75	\$ 288,869.00	\$ 3,851.59	\$ 365,900.73
Goshen	\$0.75	\$ 113,367.00	\$ 1,511.56	\$ 143,598.20
Hot Springs	\$0.75	\$ 47,416.00	\$ 632.21	\$ 60,060.27
Johnson	\$0.75	\$ 78,923.00	\$ 1,052.31	\$ 99,969.13
Laramie	\$0.75	\$ 959,295.00	\$ 12,790.60	\$ 1,215,107.00
Lincoln	\$0.75	\$ 164,682.00	\$ 2,195.76	\$ 208,597.20
Natrona	\$0.75	\$ 759,276.00	\$ 10,123.68	\$ 961,749.60
Niobrara	\$0.75	\$ 22,306.00	\$ 297.41	\$ 28,254.27
Park	\$0.50	\$ 167,033.00	\$ 2,227.11	\$ 211,575.13
Platte	\$0.75	\$ 88,295.00	\$ 1,177.27	\$ 111,840.33
Sheridan	\$0.75	\$ 269,816.00	\$ 3,597.55	\$ 341,766.93
Sublette	\$0.50	\$ 57,906.00	\$ 772.08	\$ 73,347.60
Sweetwater	\$0.75	\$ 415,596.00	\$ 5,541.28	\$ 526,421.60
Teton	\$0.75	\$ 298,373.00	\$ 3,978.31	\$ 377,939.13
Uinta	\$0.75	\$ 229,049.00	\$ 3,053.99	\$ 290,128.73
Washakie	\$0.75	\$ 83,472.21	\$ 1,112.96	\$ 105,731.47
Weston	\$0.75	\$ 77,444.00	\$ 1,032.59	\$ 98,095.73
<b>Total</b>		\$ 5,600,631.21	\$ 74,675.08	\$ 7,094,132.87
		<b>Total increase over current revenue:</b>		<b>\$ 1,493,501.66</b>