

SUBSTITUTE FOR
HOUSE BILL NO. 4439

A bill to amend 1986 PA 32, entitled
"Emergency telephone service enabling act,"
by amending sections 408, 411, 602, and 711 (MCL 484.1408,
484.1411, 484.1602, and 484.1711), sections 408 and 411 as added
by 1999 PA 78, section 602 as amended by 1999 PA 80, and section
711 as added by 1999 PA 79; and to repeal acts and parts of
acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 408. ~~—(1) Until 2 years after the effective date of~~
2 ~~this section, a CMRS supplier or a reseller shall include a~~
3 ~~service charge of 55 cents per month for each CMRS connection~~
4 ~~that has a billing address in this state. Beginning 2 years~~
5 ~~after the effective date of this section, a CMRS supplier or a~~
6 ~~reseller shall include a service charge of 52 cents per month for~~
7 ~~each CMRS connection that has a billing address in this state.~~

1 ~~The CMRS supplier or reseller shall list the service charge as a~~
2 ~~separate line item on each bill. The service charge shall be~~
3 ~~listed on the bill as the "emergency 9-1-1 charge".~~

4 (1) Except as otherwise provided under subsection (3),
5 starting January 1, 2004, a CMRS supplier or a reseller shall
6 include a service charge of 52 cents per month for each CMRS
7 connection that has a billing address in this state. The CMRS
8 supplier or reseller shall list a service charge authorized under
9 this section as a separate line item on each bill. The service
10 charge shall be listed on the bill as the "operational 9-1-1
11 charge".

12 (2) Except as otherwise provided under subsection (3), a CMRS
13 supplier may submit an invoice to the subcommittee created in
14 section 410 for reimbursement from the CMRS emergency telephone
15 fund for costs incurred in implementing the wireless emergency
16 service order and this act. Within 90 days after the date the
17 invoice is submitted to the subcommittee, the subcommittee shall
18 review the invoice and make a recommendation to the committee for
19 the approval, in whole or in part, or denial of the invoice. The
20 committee shall approve an invoice submitted under this
21 subsection only if the invoice is for costs directly related to
22 the providing and installing of equipment that implements the
23 wireless emergency service order and this act. The committee
24 shall authorize payment of the invoice in accordance with the
25 recommendations of the subcommittee.

26 (3) Before July 1, 2004, all CMRS suppliers shall notify the
27 committee in writing whether they will seek reimbursement from

1 the CMRS emergency telephone fund for costs incurred until
2 December 31, 2005 in implementing the wireless emergency service
3 order and this act. If a CMRS supplier elects to seek
4 reimbursement under this subsection, it shall continue to impose
5 the 52 cents per month charge authorized under subsection (1)
6 until December 31, 2005. After December 31, 2005, the CMRS
7 supplier shall impose a service charge of 29 cents per month. A
8 CMRS supplier that notifies the committee in writing that it will
9 not seek reimbursement under this subsection shall impose a
10 charge of 29 cents per month and not seek reimbursement from the
11 fund for costs in implementing the wireless emergency service
12 order and this act incurred after the date of its notice to the
13 committee.

14 (4) The department of state police may receive funds from the
15 CMRS emergency telephone fund for costs to administer this act or
16 to operate a regional dispatch center. A breakdown of the costs
17 funded under this subsection shall be included in the annual
18 report required under section 412. Except as otherwise provided
19 by this subsection, the costs funded under this subsection shall
20 not exceed 1/2 of 1 cent of the monthly service charge collected
21 under this section. If the department of state police
22 establishes the position of E-911 coordinator, the costs funded
23 under this subsection shall not exceed 1 cent of the monthly
24 service charge collected under this section.

25 (5) ~~-(2)-~~ Except as **otherwise** provided in this section, the
26 money collected as the service charge under subsection (1) shall
27 be deposited in the CMRS emergency telephone fund created in

1 section 407 not later than 30 days after the end of the quarter
2 in which the service charge was collected.

3 (6) All money collected and deposited in the CMRS emergency
4 telephone fund created in section 407 shall be distributed as
5 follows:

6 (a) Except as provided in subsection (9), 10 cents of each
7 monthly service charge shall be disbursed equally to each county
8 that has a final 9-1-1 plan in place that includes implementing
9 the wireless emergency service order and this act. Money
10 received by a county under this subdivision shall only be used to
11 implement the wireless emergency service order and this act.
12 Money expended under this subdivision for a purpose considered
13 unnecessary or unreasonable by the committee or the auditor
14 general shall be repaid to the fund.

15 (b) Except as provided in subsection (9), 15 cents of each
16 monthly service charge shall be disbursed on a per capita basis
17 to each county that has a final 9-1-1 plan in place that includes
18 implementing the wireless emergency service order and this act.
19 The committee shall certify to the department of treasury
20 quarterly which counties have a final 9-1-1 plan in place. The
21 most recent census conducted by the United States census bureau
22 shall be used to determine the population of each county in
23 determining the per capita basis in this subdivision. Money
24 received by a county under this subdivision shall only be used to
25 implement the wireless emergency service order and this act.
26 Money expended under this subdivision for a purpose considered
27 unnecessary or unreasonable by the committee or the auditor

1 general shall be repaid to the fund.

2 (c) One and one-half cents of each monthly service charge
3 shall be available to PSAPs for training personnel assigned to
4 9-1-1 centers. A written request for money from the fund shall
5 be made by a public safety agency or county to the committee.
6 The committee shall semiannually authorize distribution of money
7 from the fund to eligible public safety agencies or counties. A
8 public safety agency or county that receives money under this
9 subdivision shall create, maintain, and make available to the
10 committee upon request a detailed record of expenditures relating
11 to the preparation, administration, and carrying out of
12 activities of its 9-1-1 training program. Money expended by an
13 eligible public safety agency or county for a purpose considered
14 unnecessary or unreasonable by the committee or the auditor
15 general shall be repaid to the fund. Money shall be disbursed to
16 an eligible public safety agency or county for training of PSAP
17 personnel through courses certified by the commission on law
18 enforcement standards only for either of the following purposes:

19 (i) To provide basic 9-1-1 operations training.
20 (ii) To provide in-service training to employees engaged in
21 9-1-1 service.

22 (d) As provided under subsections (2), (4), and (11).

23 (7) Money received by a county under subsection (6)(b) and
24 (c) shall be distributed by the county to the primary PSAPs
25 geographically located within the 9-1-1 service district by 1 of
26 the following methods:

27 (a) As provided in the final 9-1-1 service plan.

1 (b) If distribution is not provided for in the 9-1-1 service
2 plan under subdivision (a), then according to any agreement for
3 distribution between a county and a public agency.

4 (c) If distribution is not provided for in the 9-1-1 service
5 plan under subdivision (a) or by agreement between the county and
6 public agency under subdivision (b), then according to the
7 population within the geographic area for which the PSAP serves
8 as primary PSAP.

9 (d) If a county has multiple emergency telephone districts,
10 money for that county shall be distributed as provided in the
11 emergency telephone districts' final 9-1-1 service plans.

12 (8) If a county with a final 9-1-1 plan in place does not
13 accept 9-1-1 calls through the direct dispatch method, relay
14 method, or transfer method from a CMRS user, the revenues
15 available to the county under this section shall be disbursed to
16 the public agency or county responsible for accepting and
17 responding to those calls.

18 (9) In addition to the requirements of this subsection, a
19 county is not eligible to receive disbursements under subsection
20 (6)(a) or (b) unless the county is compliant with the wireless
21 emergency service order and this act. A county shall be
22 compliant with phase 1 implementation by June 30, 2004 and phase
23 2 implementation by June 30, 2005. A county that is not
24 compliant with phase 1 implementation by June 30, 2004 and phase
25 2 implementation by June 30, 2005 shall use the disbursements
26 received under subsection (6)(a) and (b) only for purposes of
27 becoming compliant. A county that is not compliant with phase 1

1 implementation by December 31, 2004 and phase 2 implementation by
2 December 31, 2005 is not eligible to receive disbursements under
3 subsection (6)(a) and (b). Once the committee determines that a
4 county that is not eligible to receive disbursements is
5 compliant, the county shall begin receiving disbursements again
6 under subsection (6)(a) and (b). As used in this subsection,
7 "compliant" means the county has installed equipment that is
8 capable, and at a state of readiness, to deploy wireless service
9 for all CMRS providers within a county's 9-1-1 service district
10 or districts.

11 (10) ~~-(3)-~~ From each service charge billed under subsection
12 (1), each CMRS supplier or reseller who billed the customer shall
13 retain 1/2 of 1 cent to cover the costs of billing and collection
14 as the only reimbursement from this charge for billing and
15 collection costs.

16 (11) Notwithstanding any other provision of this act, the
17 commission, following a contested case, shall issue an order
18 within 180 days of the effective date of the amendatory act that
19 added this subsection establishing the costs that a local
20 exchange provider may recover in terms of the costs related to
21 the wireless emergency service order. Any cost reimbursement
22 allowed under this subsection shall not include a cost that is
23 not related to complying with the wireless emergency service
24 order. After the commission has issued the order, a local
25 exchange provider may submit an invoice to the commission for
26 reimbursement from the CMRS emergency telephone fund for costs
27 incurred that are allowed under the commission order. Within 45

1 days after the date an invoice is submitted to the commission,
 2 the commission shall make a recommendation to the committee for
 3 the approval, either in whole or in part, or the denial of the
 4 invoice. The committee shall authorize payment of an invoice in
 5 accordance with the commission's recommendation. As used in this
 6 subsection:

7 (a) "Commission" means the Michigan public service
 8 commission.

9 (b) "Local exchange provider" means a provider of regulated
 10 basic local exchange service as defined in section 102 of the
 11 Michigan telecommunications act, 1991 PA 179, MCL 484.2102.

12 (12) ~~-(4)-~~ A CMRS supplier or reseller is not liable for an
 13 uncollected service charge billed under subsection (1) for which
 14 the CMRS supplier or reseller has billed the CMRS user. If only
 15 a partial payment of a bill is received by a CMRS supplier or
 16 reseller, the CMRS supplier or reseller shall credit the amount
 17 received as follows in priority order:

18 (a) For services provided.

19 (b) For the reimbursement under subsection ~~-(3)-~~ (10).

20 (c) For the balance of the service charge.

21 (13) ~~-(5)-~~ Amounts received under subsection ~~-(4)(e)-~~ (12)(c)
 22 shall be forwarded to the CMRS emergency telephone fund created
 23 in section 407. Any uncollected portion of the service charge
 24 that is not received shall be billed on subsequent billings and,
 25 upon receipt, amounts in excess of the reimbursement under
 26 subsection ~~-(3)-~~ (10) shall be forwarded to the CMRS emergency
 27 telephone fund created in section 407. The service charge paid

1 by a CMRS user is not subject to a state or local tax.

2 **(14) ~~-(6)-~~** A CMRS supplier or reseller shall implement the
3 billing provisions of this section not later than ~~120 days after~~
4 ~~the effective date of this section~~ **October 26, 1999.**

5 **(15)** The department of state police shall annually prepare a
6 list of projects in priority order that the department of state
7 police recommends for funding from the funds collected under
8 former section 409(e). The legislature shall annually review and
9 approve projects by law. If a project provides infrastructure or
10 equipment for use by CMRS suppliers, the department of state
11 police shall charge a reasonable fee for use of the
12 infrastructure or equipment. Fees collected under this
13 subsection shall be deposited in the fund.

14 Sec. 411. (1) A CMRS supplier may use money received from
15 the CMRS emergency telephone fund created in section 407 for
16 monthly recurring costs, start-up costs, and nonrecurring costs
17 associated with installation, service, software, and hardware
18 necessary to comply with the wireless emergency service order and
19 this act.

20 (2) If the total amount from the invoices approved for
21 payment under section 410 exceeds the amount remaining in the
22 CMRS emergency telephone fund created in section 407 in any
23 quarter, all CMRS suppliers that have submitted invoices and that
24 are approved by the committee to receive payment shall receive a
25 pro rata share of the money in the fund that is available in that
26 quarter. ~~Any unpaid balance shall be carried over to the~~
27 ~~following quarter until all of the approved payments are made.~~

1 Sec. 602. Except for commercial mobile radio service **and a**
2 **local exchange provider as defined under section 408**, a dispute
3 between or among 1 or more service suppliers, counties, public
4 agencies, public service agencies, or any combination of those
5 entities regarding their respective rights and duties under this
6 act shall be heard as a contested case before the public service
7 commission as provided in the administrative procedures act of
8 1969, 1969 PA 306, MCL 24.201 to 24.328.

9 Sec. 711. As used in this ~~chapter~~ **act**, "committee" means
10 the emergency telephone service committee created in section
11 712.

12 Enacting section 1. (1) Enacting section 1 of 1999 PA 78 is
13 repealed.

14 (2) Section 409 of the emergency telephone service enabling
15 act, 1986 PA 32, MCL 484.1409, is repealed.

16 Enacting section 2. This amendatory act takes effect January
17 1, 2004.