

SENATE 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 that receives and
17 dispatches 9-1-1 calls. A breakdown of the costs funded under
18 this subsection shall be included in the annual report required
19 under section 412. Except as otherwise provided by this
20 subsection, the costs funded under this subsection shall not
21 exceed 1/2 of 1 cent of the monthly service charge collected
22 under this section. If the department of state police
23 establishes the position of E-911 coordinator, the costs funded
24 under this subsection shall not exceed 1 cent of the monthly
25 service charge collected under this section.

26 (5) ~~—(2)—~~ Except as **otherwise** provided in this section, the
27 money collected as the service charge under subsection (1) shall

1 be deposited in the CMRS emergency telephone fund created in
2 section 407 not later than 30 days after the end of the quarter
3 in which the service charge was collected.

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

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

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

1 unnecessary or unreasonable by the committee or the auditor
2 general shall be repaid to the fund.

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

20 (i) To provide basic 9-1-1 operations training.
21 (ii) To provide in-service training to employees engaged in
22 9-1-1 service.

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

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

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

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

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

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

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

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

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

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

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

1 incurred that are allowed under the commission order. Within 45
2 days after the date an invoice is submitted to the commission,
3 the commission shall make a recommendation to the committee for
4 the approval, either in whole or in part, or the denial of the
5 invoice. The committee shall authorize payment of an invoice in
6 accordance with the commission's recommendation. As used in this
7 subsection:

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

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

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

19 (a) For services provided.

20 (b) For the reimbursement under subsection ~~—(3)—~~ (10).

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

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

1 telephone fund created in section 407. The service charge paid
2 by a CMRS user is not subject to a state or local tax.

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

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

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

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

1 ~~following quarter until all of the approved payments are made.~~

2 Sec. 602. Except for commercial mobile radio service **and a**
3 **local exchange provider as defined under section 408**, a dispute
4 between or among 1 or more service suppliers, counties, public
5 agencies, public service agencies, or any combination of those
6 entities regarding their respective rights and duties under this
7 act shall be heard as a contested case before the public service
8 commission as provided in the administrative procedures act of
9 1969, 1969 PA 306, MCL 24.201 to 24.328.

10 Sec. 711. As used in this ~~chapter~~ **act**, "committee" means
11 the emergency telephone service committee created in section
12 712.

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

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

17 Enacting section 2. This amendatory act takes effect January
18 1, 2004.