

Act No. 244
Public Acts of 2003
Approved by the Governor
December 23, 2003
Filed with the Secretary of State
December 29, 2003
EFFECTIVE DATE: January 1, 2004

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2003**

Introduced by Rep. Bradstreet

ENROLLED HOUSE BILL No. 4439

AN ACT to amend 1986 PA 32, entitled "An act to provide for the establishment of emergency telephone districts; to provide for the installation, operation, modification, and maintenance of universal emergency number service systems; to provide for the imposition and collection of certain charges; to provide the powers and duties of certain state agencies, local units of government, public officers, telephone service suppliers, and others; to create an emergency telephone service committee; to provide remedies; to provide penalties; and to repeal certain parts of this act on specific dates," 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:

Sec. 408. (1) Except as otherwise provided under subsection (3), starting January 1, 2004, a CMRS supplier or a reseller shall include a service charge of 52 cents per month for each CMRS connection that has a billing address in this state. The CMRS supplier or reseller shall list a service charge authorized under this section as a separate line item on each bill. The service charge shall be listed on the bill as the "operational 9-1-1 charge".

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

(3) Before July 1, 2004, all CMRS suppliers shall notify the committee in writing whether they will seek reimbursement from the CMRS emergency telephone fund for costs incurred until December 31, 2005 in implementing the wireless emergency service order and this act. If a CMRS supplier elects to seek reimbursement under this subsection, it shall continue to impose the 52 cents per month charge authorized under subsection (1) until December 31, 2005. After December 31, 2005, the CMRS supplier shall impose a service charge of 29 cents per month. A CMRS supplier that notifies the committee in writing that it will not seek reimbursement under this subsection shall impose a charge of 29 cents per month and not seek reimbursement from the fund for costs in implementing the wireless emergency service order and this act incurred after the date of its notice to the committee.

(4) The department of state police may receive funds from the CMRS emergency telephone fund for costs to administer this act or to operate a regional dispatch center that receives and dispatches 9-1-1 calls. A breakdown of the costs funded under this subsection shall be included in the annual report required under section 412. Except as otherwise provided by this subsection, the costs funded under this subsection shall not exceed 1/2 of 1 cent of the monthly service charge collected under this section. If the department of state police establishes the position of E-911 coordinator, the costs funded under this subsection shall not exceed 1 cent of the monthly service charge collected under this section.

(5) Except as otherwise provided in this section, the money collected as the service charge under subsection (1) shall be deposited in the CMRS emergency telephone fund created in section 407 not later than 30 days after the end of the quarter in which the service charge was collected.

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

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

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

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

- (i) To provide basic 9-1-1 operations training.
- (ii) To provide in-service training to employees engaged in 9-1-1 service.
- (d) As provided under subsections (2), (4), and (11).

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

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

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

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

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

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

(9) In addition to the requirements of this subsection, a county is not eligible to receive disbursements under subsection (6)(a) or (b) unless the county is compliant with the wireless emergency service order and this act. A county shall be compliant with phase 1 implementation by June 30, 2004 and phase 2 implementation by June 30, 2005. A county that is not compliant with phase 1 implementation by June 30, 2004 and phase 2 implementation by June 30, 2005 shall use the disbursements received under subsection (6)(a) and (b) only for purposes of becoming compliant. A county that is not compliant with phase 1 implementation by December 31, 2004 and phase 2 implementation by December 31, 2005

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

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

(11) Notwithstanding any other provision of this act, the commission, following a contested case, shall issue an order within 180 days of the effective date of the amendatory act that added this subsection establishing the costs that a local exchange provider may recover in terms of the costs related to the wireless emergency service order. Any cost reimbursement allowed under this subsection shall not include a cost that is not related to complying with the wireless emergency service order. After the commission has issued the order, a local exchange provider may submit an invoice to the commission for reimbursement from the CMRS emergency telephone fund for costs incurred that are allowed under the commission order. Within 45 days after the date an invoice is submitted to the commission, the commission shall make a recommendation to the committee for the approval, either in whole or in part, or the denial of the invoice. The committee shall authorize payment of an invoice in accordance with the commission's recommendation. As used in this subsection:

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

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

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

(a) For services provided.

(b) For the reimbursement under subsection (10).

(c) For the balance of the service charge.

(13) Amounts received under subsection (12)(c) shall be forwarded to the CMRS emergency telephone fund created in section 407. Any uncollected portion of the service charge that is not received shall be billed on subsequent billings and, upon receipt, amounts in excess of the reimbursement under subsection (10) shall be forwarded to the CMRS emergency telephone fund created in section 407. The service charge paid by a CMRS user is not subject to a state or local tax.

(14) A CMRS supplier or reseller shall implement the billing provisions of this section not later than October 26, 1999.

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

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

(2) If the total amount from the invoices approved for payment under section 410 exceeds the amount remaining in the CMRS emergency telephone fund created in section 407 in any quarter, all CMRS suppliers that have submitted invoices and that are approved by the committee to receive payment shall receive a pro rata share of the money in the fund that is available in that quarter.

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

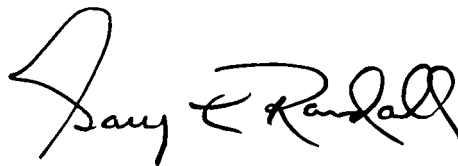
Sec. 711. As used in this act, "committee" means the emergency telephone service committee created in section 712.

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

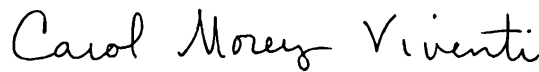
(2) Section 409 of the emergency telephone service enabling act, 1986 PA 32, MCL 484.1409, is repealed.

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

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved

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Governor