

SENATE BILL No. 400

May 23, 2017, Introduced by Senator JONES and referred to the Committee on Energy and Technology.

A bill to amend 1986 PA 32, entitled
"Emergency 9-1-1 service enabling act,"
by amending sections 102, 201, 312, 401a, 401b, 401c, 403, 406,
407, and 408 (MCL 484.1102, 484.1201, 484.1312, 484.1401a,
484.1401b, 484.1401c, 484.1403, 484.1406, 484.1407, and 484.1408),
sections 102, 401a, and 401b as amended by 2012 PA 260, sections
201 and 312 as amended by 2007 PA 164, section 401c as amended by
2012 PA 433, sections 403, 406, and 407 as amended by 2007 PA 165,
and section 408 as amended by 2013 PA 113.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 102. As used in this act:

(a) "Automatic location identification" or "ALI" means a 9-1-1
service feature provided by the service supplier that automatically
provides the name and service address or, for a CMRS service
supplier, the location associated with the calling party's

1 telephone number as identified by automatic number identification
2 to a 9-1-1 public safety answering point.

3 (b) "Automatic number identification" or "ANI" means a 9-1-1
4 service feature provided by the service supplier that automatically
5 provides the calling party's telephone number to a 9-1-1 public
6 safety answering point.

7 (c) "Commercial mobile radio service" or "CMRS" means
8 commercial mobile radio service regulated under section 3 of title
9 I and section 332 of title III of the communications act of 1934,
10 chapter 652, 48 Stat.—**STAT** 1064, 47 USC 153 and 332, and the rules
11 of the ~~federal communications commission~~ **FEDERAL COMMUNICATIONS**
12 **COMMISSION** or provided under the wireless emergency service order.
13 Commercial mobile radio service or CMRS includes all of the
14 following:

15 (i) A wireless 2-way communication device, including a radio
16 telephone used in cellular telephone service or personal
17 communication service.

18 (ii) A functional equivalent of a radio telephone
19 communications line used in cellular telephone service or personal
20 communication service.

21 (iii) A network radio access line.

22 (d) "Commission" means the Michigan public service commission.

23 (e) "Committee" means the emergency 9-1-1 service committee
24 created under section 712.

25 (f) "Common network costs" means the costs associated with the
26 common network required to deliver a 9-1-1 call with ALI and ANI
27 from a selective router to the proper PSAP and the costs associated

1 with the 9-1-1 database and data distribution system of the primary
2 9-1-1 service supplier identified in a county 9-1-1 plan. As used
3 in this subdivision, "common network" means the elements of a
4 service supplier's network that are not exclusive to the supplier
5 or technology capable of accessing the 9-1-1 system.

6 (g) "Communication service" means a service capable of
7 accessing, connecting with, or interfacing with a 9-1-1 system,
8 exclusively through the numerals 9-1-1, by dialing, initializing,
9 or otherwise activating the 9-1-1 system through the numerals 9-1-1
10 by means of a local telephone device, cellular telephone device,
11 wireless communication device, interconnected voice over the
12 internet device, or any other means.

13 (h) "CMRS connection" means each number assigned to a CMRS
14 customer.

15 (i) "Consolidated dispatch" means a countywide or regional
16 emergency dispatch service that provides dispatch service for 75%
17 or more of the law enforcement, fire fighting, emergency medical
18 service, and other emergency service agencies within the
19 geographical area of a 9-1-1 service district or serves 75% or more
20 of the population within a 9-1-1 service district.

21 (j) "County 9-1-1 charge" means the charge allowed under
22 sections 401b and 401e.

23 (k) "Database service provider" means a service supplier who
24 maintains and supplies or contracts to maintain and supply an ALI
25 database or an MSAG.

26 (l) "Direct dispatch method" means that the agency receiving
27 the 9-1-1 call at the public safety answering point decides on the

1 proper action to be taken and dispatches the appropriate available
2 public safety service unit located closest to the request for
3 public safety service.

4 (m) "Emergency response service" or "ERS" means a public or
5 private agency that responds to events or situations that are
6 dangerous or that are considered by a member of the public to
7 threaten the public safety. An emergency response service includes
8 a police or fire department, an ambulance service, or any other
9 public or private entity trained and able to alleviate a dangerous
10 or threatening situation.

11 (n) "Emergency service zone" or "ESZ" means the designation
12 assigned by a county to each street name and address range that
13 identifies which emergency response service is responsible for
14 responding to an exchange access facility's premises.

15 (o) "Emergency telephone charge" means the emergency telephone
16 operational charge and emergency telephone technical charge allowed
17 under section 401.

18 (p) "Emergency 9-1-1 district" or "9-1-1 service district"
19 means the area in which 9-1-1 service is provided or is planned to
20 be provided to service users under a 9-1-1 system implemented under
21 this act.

22 (q) "Emergency 9-1-1 district board" means the governing body
23 created by the board of commissioners of the county or counties
24 with authority over an emergency 9-1-1 district.

25 (r) "Emergency telephone operational charge" means a charge
26 allowed under section 401 for nonnetwork technical equipment and
27 other costs directly related to the dispatch facility and the

1 operation of 1 or more PSAPs including, but not limited to, the
2 costs of dispatch personnel and radio equipment necessary to
3 provide 2-way communication between PSAPs and a public safety
4 agency. Emergency telephone operational charge does not include
5 non-PSAP related costs such as response vehicles and other
6 personnel.

7 (s) "Emergency telephone technical charge" means a charge as
8 allowed under section 401 or 401d for costs directly related to 9-
9 1-1 service including plant-related costs associated with the use
10 of the public switched telephone network from the end user to the
11 selective router, the network start-up costs, customer notification
12 costs, common network costs, administrative costs, database
13 management costs, and network nonrecurring and recurring
14 installation, maintenance, service, and equipment charges of a
15 service supplier providing 9-1-1 service under this act. Emergency
16 telephone technical charge does not include costs recovered under
17 sections 401b(10) and 408(2).

18 (t) "Exchange access facility" means the access from a
19 particular service user's premises to the communication service.
20 Exchange access facilities include service supplier provided access
21 lines, PBX trunks, and centrex line trunk equivalents, all as
22 defined by tariffs of the service suppliers as approved by the
23 public service commission. Exchange access facilities do not
24 include telephone pay station lines or WATS, FX, or incoming only
25 lines.

26 (u) "Final 9-1-1 service plan" means a tentative 9-1-1 service
27 plan that has been modified only to reflect necessary changes

1 resulting from any failure of public safety agencies to be
2 designated as PSAPs or secondary PSAPs under section 307.

3 (V) "IP-BASED 9-1-1 SERVICE PROVIDER" MEANS THE PROVIDER OF A
4 STANDARDS-BASED DIGITAL (INTERNET PROTOCOL) SECURE REDUNDANT
5 MANAGED 9-1-1 TRANSPORT NETWORK USED FOR THE ROUTING AND DELIVERY
6 OF 9-1-1 CONNECTIVITY WITH LOCATION INFORMATION FROM A PARTY
7 REQUESTING EMERGENCY SERVICES TO A PSAP. AN IP-BASED 9-1-1 NETWORK
8 CAN INTERFACE WITH OTHER NETWORKS AND TRANSPORT OTHER EMERGENCY
9 SERVICES APPLICATIONS. AN IP-BASED 9-1-1 NETWORK MAY BE CONSTRUCTED
10 FROM A MIX OF DEDICATED AND SHARED FACILITIES OR NETWORKS, AND MAY
11 BE INTERCONNECTED AT LOCAL, REGIONAL, STATE, FEDERAL, NATIONAL, AND
12 INTERNATIONAL LEVELS TO FORM AN IP-BASED INTER-NETWORK OR INTRA-
13 NETWORK OF 9-1-1 CONNECTIVITY.

14 (W) ~~(v)~~—"Master street address guide" or "MSAG" means a
15 perpetual database that contains information continuously provided
16 by a service district that defines the geographic area of the
17 service district and includes an alphabetical list of street names,
18 the range of address numbers on each street, the names of each
19 community in the service district, the emergency service zone of
20 each service user, and the primary service answering point
21 identification codes.

22 (X) ~~(w)~~—"Obligations" means bonds, notes, installment purchase
23 contracts, or lease purchase agreements to be issued by a public
24 agency under a law of this state.

25 (Y) ~~(x)~~—"Person" means an individual, corporation,
26 partnership, association, governmental entity, or any other legal
27 entity.

1 **(Z)** ~~(y)~~—"Prepaid wireless telecommunications service" means a
2 commercial mobile radio service that allows a caller to dial 9-1-1
3 to access the 9-1-1 system and is paid for in advance and sold in
4 predetermined units or dollars of which the number declines with
5 use in a known amount.

6 **(AA)** ~~(z)~~—"Primary public safety answering point", "PSAP", or
7 "primary PSAP" means a communications facility operated or answered
8 on a 24-hour basis assigned responsibility by a public agency or
9 county to receive 9-1-1 calls and to dispatch public safety
10 response services, as appropriate, by the direct dispatch method,
11 relay method, or transfer method. It is the first point of
12 reception by a public safety agency of a 9-1-1 call and serves the
13 jurisdictions in which it is located and other participating
14 jurisdictions, if any.

15 **(BB)** ~~(aa)~~—"Prime rate" means the average predominant prime
16 rate quoted by not less than 3 commercial financial institutions as
17 determined by the department of treasury.

18 **(CC)** ~~(bb)~~—"Private safety entity" means a nongovernmental
19 organization that provides emergency fire, ambulance, or medical
20 services.

21 **(DD)** ~~(ee)~~—"Public agency" means a village, township, charter
22 township, or city within the state and any special purpose district
23 located in whole or in part within the state.

24 **(EE)** ~~(dd)~~—"Public safety agency" means a functional division
25 of a public agency, county, or the state that provides fire
26 fighting, law enforcement, ambulance, medical, or other emergency
27 services.

1 **(FF)** ~~(ee)~~ "Qualified obligations" means obligations that meet
2 1 or more of the following:

3 (i) The proceeds of the obligations benefit the 9-1-1
4 district, and for which all of the following conditions are met:

5 (A) The proceeds of the obligations are used for capital
6 expenditures, costs of a reserve fund securing the obligations, and
7 costs of issuing the obligations. The proceeds of obligations ~~shall~~
8 **MUST** not be used for operational expenses.

9 (B) The weighted average maturity of the obligations does not
10 exceed the useful life of the capital assets.

11 (C) The obligations ~~shall~~ **DO** not in whole or in part
12 appreciate in principal amount or ~~be~~ **ARE NOT** sold at a discount of
13 more than 10%.

14 (ii) The obligations are issued to refund obligations that
15 meet the conditions described in subparagraph (i) and the net
16 present value of the principal and interest to be paid on the
17 refunding obligations, excluding the cost of issuance, will be less
18 than the net present value of the principal and interest to be paid
19 on the obligations being refunded, as calculated using a method
20 approved by the department of treasury.

21 **(GG)** ~~(ff)~~ "Relay method" means that a PSAP notes pertinent
22 information and relays it by a communication service to the
23 appropriate public safety agency or other provider of emergency
24 services that has an available emergency service unit located
25 closest to the request for emergency service for dispatch of an
26 emergency service unit.

27 **(HH)** ~~(gg)~~ "Secondary public safety answering point" or

1 "secondary PSAP" means a communications facility of a public safety
2 agency or private safety entity that receives 9-1-1 calls by the
3 transfer method only and generally serves as a centralized location
4 for a particular type of emergency call.

5 (II) ~~(hh)~~ "Service supplier" means a person providing a
6 communication service to a service user in this state.

7 (JJ) ~~(ii)~~ "Service user" means a person receiving a
8 communication service.

9 (KK) ~~(jj)~~ "State 9-1-1 charge" means the charge provided for
10 under section 401a.

11 (II) ~~(kk)~~ "Tariff" means the rate approved by the public
12 service commission for 9-1-1 service provided by a particular
13 service supplier. Tariff does not include a rate of a commercial
14 mobile radio service by a particular supplier.

15 (MM) ~~(ll)~~ "Tentative 9-1-1 service plan" means a plan prepared
16 by 1 or more counties for implementing a 9-1-1 system in a
17 specified 9-1-1 service district.

18 (NN) ~~(mm)~~ "Transfer method" means that a PSAP transfers the 9-
19 1-1 call directly to the appropriate public safety agency or other
20 provider of emergency service that has an available emergency
21 service unit located closest to the request for emergency service
22 for dispatch of an emergency service unit.

23 (OO) ~~(nn)~~ "Universal emergency number service" or "9-1-1
24 service" means public communication service that provides service
25 users with the ability to reach a public safety answering point by
26 dialing the digits "9-1-1".

27 (PP) ~~(oo)~~ "Universal emergency number service system" or "9-1-

1 1 system" means a system for providing 9-1-1 service under this
2 act.

3 (QQ) ~~(pp)~~ "Wireless emergency service order" means the order
4 of the federal communications commission, FCC docket No. 94-102,
5 adopted June 12, 1996 with an effective date of October 1, 1996.

6 Sec. 201. (1) An emergency 9-1-1 service system shall not be
7 implemented in this state except as provided under this act.

8 (2) One or more counties may create an emergency 9-1-1 service
9 system under this act.

10 (3) With the approval of the county board of commissioners in
11 a county with a population of ~~1,800,000~~ **1,650,000** or more, 4 or
12 more cities may create an emergency 9-1-1 service district under
13 this act.

14 (4) Each service supplier in this state is required to provide
15 each of its service users access to the 9-1-1 system. Each service
16 supplier shall provide the committee with contact information to
17 allow for notifications as required under section 714.

18 Sec. 312. (1) Except as otherwise provided under subsection
19 (2), after a final 9-1-1 service plan has been adopted under
20 section 310, a county may amend the final 9-1-1 service plan only
21 by complying with the procedures described in sections 301 to 310.
22 Upon adoption of an amended final 9-1-1 service plan by the county
23 board of commissioners, the county shall forward the amended final
24 9-1-1 service plan to the service supplier or suppliers designated
25 to provide 9-1-1 service within the 9-1-1 service district as
26 amended. Upon receipt of the amended final 9-1-1 service plan, each
27 designated service supplier shall implement as soon as feasible the

1 amendments to the final 9-1-1 service plan in the 9-1-1 service
2 district as amended.

3 (2) The county board of commissioners may by resolution make
4 minor amendments to the final 9-1-1 service plan for any of the
5 following:

6 (a) Changes in PSAP premises equipment, including, but not
7 limited to, computer-aided dispatch systems, call processing
8 equipment, and computer mapping.

9 (b) Changes involving the participating public safety agencies
10 within a 9-1-1 service district.

11 (c) Changes in the 9-1-1 charges collected by the county
12 subject to the limits under this act.

13 **(D) CHANGES IN 9-1-1 SERVICE PROVIDERS TO INCLUDE IP-BASED 9-**
14 **1-1 SERVICE PROVIDERS APPROVED BY THE COMMITTEE.**

15 Sec. 401a. (1) Each service supplier within a 9-1-1 service
16 district shall bill and collect a state 9-1-1 charge from all
17 service users, except for users of a prepaid wireless
18 telecommunications service, of the service supplier within the
19 geographical boundaries of the 9-1-1 service district or as
20 otherwise provided by this section. ~~The billing and collection of~~
21 ~~the state 9-1-1 charge shall begin July 1, 2008.~~ The state 9-1-1
22 charge ~~shall~~ **MUST** be uniform per each service user within the 9-1-1
23 service district.

24 ~~—— (2) The amount of the state 9-1-1 charge payable monthly by a~~
25 ~~service user shall be established as provided under subsection (4).~~
26 ~~The amount of the state 9-1-1 charge shall not be more than 25~~
27 ~~cents or less than 15 cents. The charge may be adjusted annually as~~

1 ~~provided under subsection (4).~~

2 (2) ~~(3)~~ The state 9-1-1 charge ~~shall~~ **MUST** be collected in
3 accordance with the regular billings of the service supplier.
4 Except as otherwise provided under this act, the amount collected
5 for the state 9-1-1 charge ~~shall~~ **MUST** be remitted quarterly by the
6 service supplier to the state treasurer and deposited in the
7 emergency 9-1-1 fund created under section 407. The charge allowed
8 under this section ~~shall~~ **MUST** be listed separately on the
9 customer's bill or payment receipt or otherwise disclosed to the
10 consumer.

11 (3) ~~(4)~~ The ~~initial~~ state 9-1-1 charge ~~shall be 19~~ **IS 25** cents
12 ~~and shall be effective July 1, 2008.~~ **2017**. The state 9-1-1 charge
13 ~~shall~~ **MUST** reflect the actual costs of operating, maintaining,
14 upgrading, and other reasonable and necessary expenditures for the
15 9-1-1 system in this state. ~~The state 9-1-1 charge may be reviewed~~
16 ~~and adjusted as provided under subsection (5).~~

17 ~~—— (5) The commission in consultation with the committee shall~~
18 ~~review and may adjust the state 9-1-1 charge under this section and~~
19 ~~the distribution percentages under section 408 to be effective on~~
20 ~~July 1, 2009 and July 1, 2010. Any adjustment to the charge by the~~
21 ~~commission shall be made no later than May 1 of the preceding year~~
22 ~~and shall be based on the committee's recommendations under section~~
23 ~~412. Any adjustments to the state 9-1-1 charge or distribution~~
24 ~~percentages after December 31, 2010 shall be made by the~~
25 ~~legislature.~~

26 (4) ~~(6)~~ If a service user has multiple access points or access
27 lines, the state 9-1-1 charge will be imposed separately on each of

1 the first 10 access points or access lines and then 1 charge for
2 each 10 access points or access lines per billed account.

3 ~~—— (7) This section takes effect July 1, 2008.~~

4 Sec. 401b. (1) In addition to the charge allowed under section
5 401a, after June 30, 2008 a county board of commissioners may
6 assess a county 9-1-1 charge to service users, except for users of
7 a prepaid wireless telecommunications service, located within that
8 county by 1 of the following methods:

9 (a) Up to ~~\$0.42~~ **\$0.55** per month by resolution.

10 (b) Up to \$3.00 per month with the approval of the voters in
11 the county.

12 (c) Any combination of subdivisions (a) and (b) with a maximum
13 county 9-1-1 charge of \$3.00 per month.

14 (2) A county assessing a county 9-1-1 charge amount approved
15 in the commission's order in case number U-15489 that exceeds the
16 amounts established in subsection (1) may continue to assess the
17 amount approved by the commission. Any proposed increase to the
18 amount approved in the commission order is subject to subsection
19 (1).

20 (3) The charge assessed under this section and section 401e
21 shall not exceed the amount necessary and reasonable to implement,
22 maintain, and operate the 9-1-1 system in the county.

23 (4) If the voters approve the charge to be assessed on the
24 service user's monthly bill on a ballot question under this
25 section, the service provider's bill ~~shall~~ **MUST** state the
26 following:

27 "This amount is for your 9-1-1 service which has been approved

1 by the voters on (DATE OF VOTER APPROVAL). This is not a charge
2 assessed by your service supplier. If you have questions concerning
3 your 9-1-1 service, you may call (INCLUDE APPROPRIATE TELEPHONE
4 NUMBER)".

5 (5) Within 90 days after the first day of each fiscal or
6 calendar year of a county, an annual accounting ~~shall~~**MUST** be made
7 of the charge approved under this section.

8 (6) Except as otherwise provided in subsection (10), the
9 county 9-1-1 charge collected under this section ~~shall~~**MUST** be paid
10 quarterly directly to the county and distributed by the county to
11 the primary PSAPs by 1 of the following methods:

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

13 (b) If distribution is not provided for in the plan, then
14 according to any agreement for distribution between the county and
15 public agencies.

16 (c) If distribution is not provided in the plan or by
17 agreement, then according to population within the emergency 9-1-1
18 district.

19 (7) Subject to subsection (1), the county may adjust the
20 county 9-1-1 charge annually to be effective July 1. The county
21 shall notify the committee no later than May 15 of each year of any
22 change in the county 9-1-1 charge under this section.

23 (8) If a county has multiple emergency response districts, the
24 county 9-1-1 charge collected under this section ~~shall~~**MUST** be
25 distributed under subsection (6) in proportion to the population
26 within the emergency 9-1-1 district.

27 (9) This section ~~shall~~**DOES** not preclude the distribution of

1 funding to secondary PSAPs if the distribution is determined by the
2 primary PSAPs within the emergency 9-1-1 district to be the most
3 effective method for dispatching of fire or emergency medical
4 services and the distribution is approved within the final 9-1-1
5 service plan.

6 (10) The service supplier may retain 2% of the approved county
7 9-1-1 charge to cover the supplier's costs for billings and
8 collections under this section.

9 (11) The charge allowed under this section ~~shall~~**MUST** be
10 listed separately on the customer's bill or otherwise disclosed to
11 the consumer and ~~shall~~ state by which means the charge was approved
12 under subsection (1).

13 (12) Information submitted by a service supplier to a county
14 under this section is exempt from the freedom of information act,
15 1976 PA 442, MCL 15.231 to 15.246, and ~~shall not be released by the~~
16 county **SHALL NOT RELEASE THAT INFORMATION** without the consent of
17 the service supplier. Unless required or permitted by statute,
18 court rule, subpoena, or court order, or except as necessary for a
19 county, the commission, committee, or public agency to pursue or
20 defend the public's interest in any public contract or litigation,
21 a county treasurer, the commission, committee, agency, or any
22 employee or representative of a PSAP, database administrator, or
23 public agency shall not divulge any information acquired with
24 respect to customers, revenues or expenses, trade secrets, access
25 line counts, commercial information, or any other proprietary
26 information with respect to a service supplier while acting or
27 claiming to act as an employee, agent, or representative. An

1 aggregation of information that does not identify or effectively
2 identify the number of customers, revenues or expenses, trade
3 secrets, access lines, commercial information, and other
4 proprietary information attributable to a specific service supplier
5 may be made public.

6 (13) If a service user has multiple access points or access
7 lines, the county 9-1-1 charge will be imposed separately on each
8 of the first 10 access points or access lines and then 1 charge for
9 each 10 access points or access lines per billed account.

10 (14) A county 9-1-1 charge assessed under subsection (1) ~~shall~~
11 **MUST** be used only to fund costs approved as allowable in a
12 published report by the committee before December 1, 2008. The
13 committee shall notify the standing committees of the senate and
14 house of representatives having jurisdiction over issues pertaining
15 to communication technology at least 90 days before modifying what
16 constitutes an allowable cost under this subsection.

17 Sec. 401c. (1) A seller shall collect a prepaid wireless 9-1-1
18 surcharge from a consumer for each retail transaction occurring in
19 this state.

20 (2) The amount of the prepaid wireless 9-1-1 surcharge ~~shall~~
21 ~~be 1.92%~~ **IS 4.19%** per retail transaction. The charge allowed under
22 this section ~~shall~~ **MUST** be either separately stated on an invoice,
23 receipt, or other similar document that is provided to a consumer
24 by the seller or otherwise disclosed to the consumer.

25 (3) Each of the following transactions is considered to have
26 occurred in this state:

27 (a) A retail transaction that is effected in person by a

1 consumer at a business location of a seller located in this state.

2 (b) A retail transaction that is treated as occurring in this
3 state as provided in section 3c of the use tax act, 1937 PA 94, MCL
4 205.93c, as that section applies to a prepaid wireless calling
5 service.

6 (4) A prepaid wireless 9-1-1 surcharge is the liability of the
7 consumer and not of the seller or of any provider.

8 (5) Except as otherwise provided in subsection (6), if a
9 prepaid wireless telecommunications service is sold with 1 or more
10 products or services for a single, nonitemized price, the seller
11 shall collect ~~1.92%~~ **4.19%** on the entire nonitemized price unless
12 the seller elects to do the following:

13 (a) If the amount of the prepaid wireless telecommunications
14 service is disclosed to the consumer as a dollar amount, apply the
15 percentage to that dollar amount.

16 (b) If the seller can identify the portion of the price that
17 is attributable to the prepaid wireless telecommunications service
18 by reasonable and verifiable standards from its books and records
19 that are kept in the regular course of business for other purposes
20 including, but not limited to, nontax purposes, apply the
21 percentage to that portion.

22 (6) If a minimal amount of prepaid wireless telecommunications
23 service is sold with a prepaid wireless device for a single,
24 nonitemized price, a seller may elect not to apply the percentage
25 specified in subsection (5)(a) to that transaction. As used in this
26 subsection, "minimal amount" means an amount of service denominated
27 as 10 minutes or less or \$5.00 or less.

1 (7) The **SELLER SHALL REMIT THE** prepaid wireless 9-1-1
2 surcharge ~~shall be remitted monthly by the seller to the state~~
3 ~~treasurer and deposited~~ **WHO SHALL DEPOSIT IT** in the emergency 9-1-1
4 fund created in section 407.

5 (8) A seller may retain 2% of prepaid wireless 9-1-1
6 surcharges that are collected by the seller to reimburse the seller
7 for its direct costs in collecting and remitting the prepaid
8 wireless 9-1-1 surcharges.

9 (9) A provider or seller of prepaid wireless
10 telecommunications service is not liable for damages to any person
11 resulting from or incurred in connection with the provision of, or
12 failure to provide, 9-1-1 service or for identifying or failing to
13 identify the telephone number, address, location, or name
14 associated with any person or device that is accessing or
15 attempting to access 9-1-1 service.

16 (10) A provider or seller of prepaid wireless
17 telecommunications service is not liable for damages to any person
18 resulting from or incurred in connection with the provision of any
19 lawful assistance to any investigative or law enforcement officer
20 of the United States, this state, or any other state in connection
21 with any lawful investigation or other law enforcement activity by
22 that law enforcement officer.

23 (11) As used in this section:

24 (a) "Consumer" means a person who purchases prepaid wireless
25 telecommunications services in a retail transaction.

26 (b) "Department" means the Michigan department of treasury.

27 (c) "Prepaid wireless 9-1-1 surcharge" means the fee that is

1 required to be collected by a seller from a consumer in the amount
2 established under subsection (2).

3 (d) "Provider" means a person that provides prepaid wireless
4 telecommunications services under a license issued by the ~~federal~~
5 ~~communications commission~~. **FEDERAL COMMUNICATIONS COMMISSION.**

6 (e) "Retail transaction" means the purchase of prepaid
7 wireless telecommunications service from a seller for any purpose
8 other than resale.

9 (f) "Seller" means a person who sells prepaid wireless
10 telecommunications service to another person.

11 Sec. 403. **(1)** Each service supplier ~~shall be~~ **IS** solely
12 responsible for the billing of the state and county 9-1-1 charge
13 and ~~the transmittal of~~ **TRANSMITTING THE** money collected to the
14 emergency 9-1-1 fund and to the counties as required under this
15 act.

16 **(2) THE ATTORNEY GENERAL MAY COMMENCE A CIVIL ACTION ON BEHALF**
17 **OF THE COMMITTEE AGAINST A SERVICE SUPPLIER, CMRS SUPPLIER,**
18 **RESELLER, OR RETAILER FOR APPROPRIATE RELIEF FOR FAILURE TO REPORT,**
19 **CHARGE, COLLECT, AND TRANSMIT THE STATE 9-1-1 CHARGES IN SECTIONS**
20 **401A AND 401C. AN ACTION UNDER THIS SUBSECTION MAY BE BROUGHT IN**
21 **THE INGHAM COUNTY CIRCUIT COURT OR THE CIRCUIT COURT IN A COUNTY IN**
22 **WHICH THE DEFENDANT RESIDES OR IS DOING BUSINESS. THE COURT HAS**
23 **JURISDICTION TO RESTRAIN THE VIOLATION AND TO REQUIRE COMPLIANCE**
24 **WITH THIS SECTION.**

25 **(3) A COUNTY OR 9-1-1 SERVICE DISTRICT MAY COMMENCE A CIVIL**
26 **ACTION AGAINST A SERVICE SUPPLIER, CMRS SUPPLIER, OR RESELLER FOR**
27 **APPROPRIATE RELIEF FOR FAILURE TO REPORT, CHARGE, COLLECT, AND**

1 TRANSMIT THE 9-1-1 CHARGE IN SECTION 401B. AN ACTION UNDER THIS
2 SUBSECTION MAY BE BROUGHT IN THE CIRCUIT COURT OF THE COUNTY
3 RECEIVING THE 9-1-1 CHARGE OR IN THE CIRCUIT COURT IN A COUNTY IN
4 WHICH THE DEFENDANT RESIDES OR IS DOING BUSINESS. THE COURT HAS
5 JURISDICTION TO RESTRAIN THE VIOLATION AND TO REQUIRE COMPLIANCE
6 WITH THIS SECTION.

7 Sec. 406. (1) The funds collected and expended under this act
8 ~~shall~~**MUST** be expended exclusively for 9-1-1 services and in
9 compliance with the rules promulgated under section 413.

10 (2) Each **COUNTY**, PSAP, or secondary PSAP **THAT RECEIVES MONEY**
11 **UNDER THIS ACT** shall assure that fund accounting, auditing,
12 monitoring, and evaluation procedures are provided as required by
13 this act and the rules promulgated under this act.

14 (3) An annual audit ~~shall~~**MUST** be conducted by an independent
15 auditor using generally accepted accounting principles and copies
16 of the annual audit ~~shall~~**MUST** be made available for public
17 inspection.

18 (4) An increase in the charges allowed under this act ~~shall~~
19 **MUST** not be authorized or expended for the next fiscal year unless
20 according to the most recently completed annual audit the
21 expenditures are in compliance with this act.

22 (5) The receipt of 9-1-1 funds under this act is dependent on
23 compliance with the standards established by the commission under
24 section 413.

25 Sec. 407. (1) The emergency 9-1-1 fund is created within the
26 state treasury.

27 (2) The state treasurer may receive money or other assets as

1 provided under this act and from any source for deposit into the
2 fund. Money may be deposited into the fund by electronic funds
3 transfer. Money in the CMRS emergency telephone fund on ~~the~~
4 ~~effective date of the amendatory act that added section 401a shall~~
5 **JULY 1, 2008 MUST** be deposited into the fund and expended as
6 provided by this act. The state treasurer shall direct the
7 investment of the fund. The state treasurer shall credit to the
8 fund interest and earnings from fund investments.

9 (3) Money in the fund at the close of the fiscal year ~~shall~~
10 ~~remain~~ **REMAINS** in the fund and ~~shall~~ **DOES** not lapse to the general
11 fund.

12 (4) The department of treasury shall expend money from the
13 fund only as provided in this act. The disbursement of money may be
14 by electronic funds transfer.

15 (5) The auditor general shall audit the fund at least
16 ~~annually.~~ **BIENNIALY.**

17 Sec. 408. (1) Except as otherwise provided under this act, a
18 service supplier shall bill and collect a state 9-1-1 service
19 charge per month as determined under section 401a. The service
20 supplier shall list the state 9-1-1 service charge authorized under
21 this act as a separate line item on each bill ~~. The service charge~~
22 ~~shall be listed on the bill as the "state 9-1-1 charge".~~

23 (2) Each service supplier may retain 2% of the state 9-1-1
24 charge collected under this act to cover the supplier's costs for
25 billing and collection.

26 (3) Except as otherwise provided under subsection (2), the
27 money collected as the state 9-1-1 charge under subsection (1)

1 ~~shall~~**MUST** be deposited in the emergency 9-1-1 fund created in
2 section 407 no later than 30 days after the end of the quarter in
3 which the state 9-1-1 charge was collected.

4 (4) ~~Except as otherwise provided under section 401a(5), all~~
5 **ALL** money collected and deposited in the emergency 9-1-1 fund
6 created in section 407 ~~shall~~**MUST** be distributed as **PROVIDED IN**
7 **THIS SECTION. ANNUAL MONEY IN THE FUND NOT EXCEEDING \$37,000,000.00**
8 **MUST BE DISTRIBUTED AS** follows:

9 (a) ~~82.5% shall~~**65% MUST** be disbursed to each county that has
10 a final 9-1-1 plan in place. Forty percent of the ~~82.5% shall~~**65%**
11 **MUST** be distributed quarterly on an equal basis to each county, and
12 60% of the ~~82.5% shall~~**65% MUST** be distributed quarterly based on a
13 population per capita basis. ~~Money~~**A COUNTY SHALL ONLY USE MONEY**
14 received by a ~~THE~~ county under this subdivision ~~shall only be used~~
15 for 9-1-1 services as allowed under this act. ~~Money~~**A COUNTY SHALL**
16 **REPAY TO THE FUND ANY MONEY** expended under this subdivision for a
17 purpose considered unnecessary or unreasonable by the committee or
18 the auditor general. ~~shall be repaid to the fund.~~

19 (b) ~~7.75% shall~~**3.5% MUST** be available to reimburse local
20 exchange providers for the costs related to wireless emergency
21 service. Any cost reimbursement allowed under this subdivision
22 ~~shall~~**MUST** not include a cost that is not related to wireless
23 emergency service. A local exchange provider may submit an invoice
24 to the commission for reimbursement from the emergency 9-1-1 fund
25 for allowed costs. Within 45 days after the date an invoice is
26 submitted to the commission, the commission shall approve, either
27 in whole or in part, or deny the invoice.

(c) ~~6.0% shall~~ **5.5% MUST** be available to PSAPs for training personnel assigned to 9-1-1 centers. A **PUBLIC SAFETY AGENCY OR COUNTY SHALL MAKE 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~~ **AN ELIGIBLE PUBLIC SAFETY AGENCY OR COUNTY SHALL REPAY TO THE FUND ANY MONEY** expended by ~~an eligible~~ **THAT** 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.~~ The commission shall consult with and consider the recommendations of the committee in the promulgation of rules under section 413 establishing training standards for 9-1-1 system personnel. Money ~~shall~~ **MUST** be disbursed on a biannual basis to an eligible public safety agency or county for training of PSAP personnel through courses certified by the committee 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) ~~1.88% shall~~ **1.5% MUST** be credited to the department of state police to operate a regional dispatch center that receives and dispatches 9-1-1 calls, and ~~1.87% shall~~ **3% MUST** be credited to

1 the department of state police for costs to administer this act and
2 to maintain the office of the state 9-1-1 coordinator.

3 (E) 21.5% SHALL BE AVAILABLE FOR REIMBURSEMENT BY THE
4 COMMITTEE ONLY FOR THE FOLLOWING PURPOSES:

5 (i) GRANT MATCH FOR STATEWIDE OR REGIONAL IP-BASED 9-1-1
6 PROJECTS.

7 (ii) INVOICES SUBMITTED BY COMMITTEE-APPROVED IP-BASED 9-1-1
8 SERVICE PROVIDERS FOR THE COSTS RELATED TO IP-BASED 9-1-1 EMERGENCY
9 SERVICE.

10 ~~—— (5) For fiscal year 2010 2011 only, an amount not to exceed~~
11 ~~\$1,700,000.00 is distributed to the department of state police for~~
12 ~~an integrated IP based 9-1-1 mapping system in this state. The~~
13 ~~money distributed under this subsection is for the restricted~~
14 ~~purpose of matching funds for the state's award of a grant under~~
15 ~~the grant program established under the federal ensuring needed~~
16 ~~help arrives near callers employing 911 act of 2004 to be used~~
17 ~~solely for the acquisition and deployment of a state integrated IP-~~
18 ~~based 9-1-1 mapping system. All costs associated with the state~~
19 ~~integrated IP based 9-1-1 mapping system including, but not limited~~
20 ~~to, its construction, administration, and maintenance shall only be~~
21 ~~paid from money distributed under this subsection and any federal~~
22 ~~grant money.~~

23 ~~—— (6) From money not distributed to local exchange providers~~
24 ~~under subsection (4) (b), an amount not to exceed \$150,000.00 shall~~
25 ~~be annually distributed to the department of treasury to fund a~~
26 ~~portion of the department's costs in administering this act. This~~
27 ~~subsection does not apply after September 30, 2015.~~

1 (5) AN IP-BASED 9-1-1 SERVICE PROVIDER THAT HAS BEEN APPROVED
2 BY THE COMMITTEE AS MEETING STANDARDS-BASED CRITERIA SET BY THE
3 COMMITTEE MAY SUBMIT AN INVOICE TO THE COMMITTEE FOR REIMBURSEMENT
4 FROM THE EMERGENCY 9-1-1 FUND FOR ALLOWED COSTS. WITHIN 90 DAYS
5 AFTER THE DATE AN INVOICE IS SUBMITTED TO THE COMMITTEE, THE
6 COMMITTEE SHALL APPROVE, EITHER IN WHOLE OR IN PART, OR DENY THE
7 INVOICE. ANY COST REIMBURSEMENT ALLOWED UNDER THIS SUBDIVISION MUST
8 NOT INCLUDE A COST THAT IS NOT RELATED TO IP-BASED 9-1-1 EMERGENCY
9 SERVICE.

10 (6) THE COMMITTEE SHALL ESTABLISH A SUBCOMMITTEE TO REVIEW
11 INVOICES SUBMITTED BY IP-BASED 9-1-1 SERVICE PROVIDERS AND MAKE
12 RECOMMENDATIONS TO THE COMMITTEE FOR APPROVAL OR DENIAL OF PAYMENT.
13 THE SUBCOMMITTEE WILL REMOVE IP-BASED 9-1-1 SERVICE PROVIDER
14 INFORMATION THAT IS CONSIDERED CONFIDENTIAL OR PROPRIETARY.

15 (7) FUNDS GENERATED BY THE FEE IN SECTION 401A IN EXCESS OF
16 \$37,000,000.00 ANNUALLY MUST BE RESERVED FOR DISTRIBUTION COMMITTEE
17 APPROVED COSTS UNDER SUBSECTION (4) (E) .

18 (8) ~~(7)~~—Money received by a county under subsection (4) (a)
19 ~~shall~~**MUST** be distributed by the county to the primary PSAPs
20 geographically located within the 9-1-1 service district by 1 of
21 the following methods:

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

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

26 (c) If distribution is not provided for in the 9-1-1 service
27 plan under subdivision (a) or by agreement between the county and

1 public agency under subdivision (b), then according to the
2 population within the geographic area for which the PSAP serves as
3 primary PSAP.

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

7 (9) ~~(8)~~The commission shall consult with and consider
8 recommendations of the committee in the promulgation of rules under
9 section 413 establishing the standards for the receipt and
10 expenditure of 9-1-1 funds under this act. Receipt of 9-1-1 funds
11 under this act is dependent on compliance with the standards
12 established under this subsection.

13 Enacting section 1. This amendatory act takes effect July 1,
14 2017.