

# HOUSE BILL No. 5779

April 21, 2004, Introduced by Rep. Whitmer and referred to the Committee on Appropriations.

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending section 408 (MCL 484.1408), as amended by 2003 PA 244.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 408. (1) Except as otherwise provided under subsection  
2 (3), starting January 1, 2004, a CMRS supplier or a reseller  
3 shall include a service charge of 52 cents per month for each  
4 CMRS connection that has a billing address in this state. The  
5 CMRS supplier or reseller shall list a service charge authorized  
6 under this section as a separate line item on each bill. The  
7 service charge shall be listed on the bill as the "operational  
8 9-1-1 charge".

9       (2) Except as otherwise provided under subsection (3), a CMRS  
10 supplier may submit an invoice to the subcommittee created in

1 section 410 for reimbursement from the CMRS emergency telephone  
2 fund for costs incurred in implementing the wireless emergency  
3 service order and this act. Within 90 days after the date the  
4 invoice is submitted to the subcommittee, the subcommittee shall  
5 review the invoice and make a recommendation to the committee for  
6 the approval, in whole or in part, or denial of the invoice. The  
7 committee shall approve an invoice submitted under this  
8 subsection only if the invoice is for costs directly related to  
9 the providing and installing of equipment that implements the  
10 wireless emergency service order and this act. The committee  
11 shall authorize payment of the invoice in accordance with the  
12 recommendations of the subcommittee.

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

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

13           (5) Except as otherwise provided in this section, the money  
14 collected as the service charge under subsection (1) shall be  
15 deposited in the CMRS emergency telephone fund created in section  
16 407 not later than 30 days after the end of the quarter in which  
17 the service charge was collected.

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

21           (a) Except as provided in subsection (9), 10 cents of each  
22 monthly service charge shall be disbursed equally to each county  
23 that has a final 9-1-1 plan in place that includes implementing  
24 the wireless emergency service order and this act. 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 (b) Except as provided in subsection (9), 15 cents of each  
4 monthly service charge shall be disbursed on a per capita basis  
5 to each county that has a final 9-1-1 plan in place that includes  
6 implementing the wireless emergency service order and this act.  
7 The committee shall certify to the department of treasury  
8 quarterly which counties have a final 9-1-1 plan in place. The  
9 most recent census conducted by the United States census bureau  
10 shall be used to determine the population of each county in  
11 determining the per capita basis in this subdivision. Money  
12 received by a county under this subdivision shall only be used to  
13 implement the wireless emergency service order and this act.  
14 Money expended under this subdivision for a purpose considered  
15 unnecessary or unreasonable by the committee or the auditor  
16 general shall be repaid to the fund.

17 (c) One and one-half cents of each monthly service charge  
18 shall be available to PSAPs for training personnel assigned to  
19 9-1-1 centers. A written request for money from the fund shall  
20 be made by a public safety agency or county to the committee.  
21 The committee shall semiannually authorize distribution of money  
22 from the fund to eligible public safety agencies or counties. A  
23 public safety agency or county that receives money under this  
24 subdivision shall create, maintain, and make available to the  
25 committee upon request a detailed record of expenditures relating  
26 to the preparation, administration, and carrying out of  
27 activities of its 9-1-1 training program. Money expended by an

1 eligible public safety agency or county for a purpose considered  
2 unnecessary or unreasonable by the committee or the auditor  
3 general shall be repaid to the fund. Money shall be disbursed to  
4 an eligible public safety agency or county for training of PSAP  
5 personnel through courses certified by the commission on law  
6 enforcement standards only for either of the following purposes:

7 (i) To provide basic 9-1-1 operations training.

8 (ii) To provide in-service training to employees engaged in  
9 9-1-1 service.

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

11 (e) **For the fiscal year ending September 30, 2004, an amount**  
12 **not to exceed \$12,000,000.00 and for the fiscal year ending**  
13 **September 30, 2005, an amount not to exceed \$6,000,000.00 for the**  
14 **annual rental obligations of the state building authority under**  
15 **the bonds issued to finance the Michigan public safety**  
16 **communications system project.**

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

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

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

25 (c) If distribution is not provided for in the 9-1-1 service  
26 plan under subdivision (a) or by agreement between the county and  
27 public agency under subdivision (b), then according to the

1 population within the geographic area for which the PSAP serves  
2 as primary PSAP.

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

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

12 (9) In addition to the requirements of this subsection, a  
13 county is not eligible to receive disbursements under subsection  
14 (6)(a) or (b) unless the county is compliant with the wireless  
15 emergency service order and this act. A county shall be  
16 compliant with phase 1 implementation by June 30, 2004 and phase  
17 2 implementation by June 30, 2005. A county that is not  
18 compliant with phase 1 implementation by June 30, 2004 and phase  
19 2 implementation by June 30, 2005 shall use the disbursements  
20 received under subsection (6)(a) and (b) only for purposes of  
21 becoming compliant. A county that is not compliant with phase 1  
22 implementation by December 31, 2004 and phase 2 implementation by  
23 December 31, 2005 is not eligible to receive disbursements under  
24 subsection (6)(a) and (b). Once the committee determines that a  
25 county that is not eligible to receive disbursements is  
26 compliant, the county shall begin receiving disbursements again  
27 under subsection (6)(a) and (b). As used in this subsection,

1 "compliant" means the county has installed equipment that is  
2 capable, and at a state of readiness, to deploy wireless service  
3 for all CMRS providers within a county's 9-1-1 service district  
4 or districts.

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

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

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

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

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

12 (a) For services provided.

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

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

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

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

25 (15) The department of state police shall annually prepare a  
26 list of projects in priority order that the department of state  
27 police recommends for funding from the funds collected under



1 former section 409(e). The legislature shall annually review and  
2 approve projects by law. If a project provides infrastructure or  
3 equipment for use by CMRS suppliers, the department of state  
4 police shall charge a reasonable fee for use of the  
5 infrastructure or equipment. Fees collected under this  
6 subsection shall be deposited in the fund.