

**SUBSTITUTE FOR
HOUSE BILL NO. 6070**

A bill to amend 1986 PA 32, entitled
"Emergency 9-1-1 service enabling act,"
by amending sections 401a, 401b, 413, and 717 (MCL 484.1401a,
484.1401b, 484.1413, and 484.1717), sections 401a and 401b as added
by 2007 PA 164 and sections 413 and 717 as amended by 2007 PA 165,
and by adding section 412a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 401a. (1) Except as otherwise provided under section
2 401c, each service supplier within a 9-1-1 service district shall
3 bill and collect a state 9-1-1 charge from all service users of the
4 service supplier within the geographical boundaries of the 9-1-1
5 service district or as otherwise provided by this section. The

1 billing and collection of the state 9-1-1 charge shall begin July
2 1, 2008. The state 9-1-1 charge shall be uniform per each service
3 user within the 9-1-1 service district.

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

9 (3) The state 9-1-1 charge shall be collected in accordance
10 with the regular billings of the service supplier. Except as
11 otherwise provided under this act, the amount collected for the
12 state 9-1-1 charge shall be remitted quarterly by the service
13 supplier to the state treasurer and deposited in the emergency 9-1-
14 1 fund created under section 407. The charge allowed under this
15 section shall be listed separately on the customer's bill or
16 payment receipt.

17 (4) The initial state 9-1-1 charge shall be 19 cents and shall
18 be effective July 1, 2008. The state 9-1-1 charge shall reflect the
19 actual costs of operating, maintaining, upgrading, and other
20 reasonable and necessary expenditures for the 9-1-1 system in this
21 state. The state 9-1-1 charge may be reviewed and adjusted as
22 provided under subsection (5).

23 (5) The commission in consultation with the committee shall
24 review and may adjust the state 9-1-1 charge under this section and
25 the distribution percentages under section 408 to be effective on
26 ~~January~~ **JULY** 1, 2009 and ~~January~~ **JULY** 1, 2010. Any adjustment to
27 the charge by the commission shall be made no later than ~~October~~

1 **MAY** 1 of the preceding year and shall be based on the committee's
2 recommendations under section 412. Any adjustments to the state 9-
3 1-1 charge or distribution percentages after December 31, 2010
4 shall be made by the legislature.

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

9 (7) This section takes effect July 1, 2008.

10 Sec. 401b. (1) In addition to the charge allowed under section
11 401a, after June 30, 2008 a county board of commissioners may ~~, by~~
12 ~~resolution, millage as otherwise allowed by law, with the approval~~
13 ~~of the voters in the county, or any combination thereof,~~ assess a
14 county 9-1-1 charge ~~. The board of commissioners shall state in the~~
15 ~~resolution, ballot question, or millage request the anticipated~~
16 ~~amount to be generated.~~ **TO SERVICE USERS LOCATED WITHIN THAT COUNTY**
17 **BY 1 OF THE FOLLOWING METHODS:**

18 (A) UP TO \$0.42 PER MONTH BY RESOLUTION.

19 (B) UP TO \$3.00 PER MONTH WITH THE APPROVAL OF THE VOTERS IN
20 THE COUNTY.

21 (C) ANY COMBINATION OF SUBDIVISIONS (A) AND (B) WITH A MAXIMUM
22 COUNTY 9-1-1 CHARGE OF \$3.00 PER MONTH.

23 (2) A COUNTY ASSESSING A COUNTY 9-1-1 CHARGE AMOUNT APPROVED
24 IN THE COMMISSION'S ORDER IN CASE NUMBER U-15489 THAT EXCEEDS THE
25 AMOUNTS ESTABLISHED IN SUBSECTION (1) MAY CONTINUE TO ASSESS THE
26 AMOUNT APPROVED BY THE COMMISSION. ANY PROPOSED INCREASE TO THE
27 AMOUNT APPROVED IN THE COMMISSION ORDER IS SUBJECT TO SUBSECTION

1 (1).

2 (3) ~~(2)~~—The charge assessed under this section and section
3 401e shall not exceed the amount necessary and reasonable to
4 implement, maintain, and operate the 9-1-1 system in the county.

5 (4) ~~(3)~~—If the voters approve the charge to be assessed on the
6 service user's monthly bill on a ballot question under this
7 section, the service provider's bill shall state the following:

8 "This amount is for your 9-1-1 service which has been approved
9 by the voters on (DATE OF VOTER APPROVAL). This is not a charge
10 assessed by your service supplier. If you have questions concerning
11 your 9-1-1 service, you may call (INCLUDE APPROPRIATE TELEPHONE
12 NUMBER)."

13 (5) ~~(4)~~—Within 90 days after the first day of each fiscal or
14 calendar year of a county, an annual accounting shall be made of
15 the charge approved under this section.

16 (6) ~~(5)~~—Except as otherwise provided in subsection ~~(9)~~ **(10)**,
17 the county 9-1-1 charge collected under this section shall be paid
18 quarterly directly to the county and distributed by the county to
19 the primary PSAPs by 1 of the following methods:

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

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

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

27 (7) ~~(6)~~—~~The~~ **SUBJECT TO SUBSECTION (1), THE** county may adjust

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1 the county 9-1-1 charge annually to be effective July 1. The county
2 shall notify the committee no later than ~~April 1~~ **MAY 15** of each
3 year of any change in the county 9-1-1 charge under this section.

4 (8) ~~(7)~~—If a county has multiple emergency response districts,
5 the county 9-1-1 charge collected under this section shall be
6 distributed under subsection ~~(5)~~ **(6)** in proportion to the
7 population within the emergency 9-1-1 district.

8 (9) ~~(8)~~—This section shall not preclude the distribution of
9 funding to secondary PSAPs if the distribution is determined by the
10 primary PSAPs within the emergency 9-1-1 district to be the most
11 effective method for dispatching of fire or emergency medical
12 services and the distribution is approved within the final 9-1-1
13 service plan.

14 (10) ~~(9)~~—The service supplier may retain 2% of the approved
15 county 9-1-1 charge to cover the supplier's costs for billings and
16 collections under this section.

17 (11) ~~(10)~~—The charge allowed under this section shall be
18 listed separately on the customer's bill and shall state by which
19 means the charge was approved under subsection (1).

20 (12) ~~(11)~~—Information submitted by a service supplier to a
21 county under this section is exempt from the freedom of information
22 act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be released
23 by the county without the consent of the service supplier. **UNLESS**
24 **REQUIRED OR PERMITTED BY STATUTE, COURT RULE, SUBPOENA, OR COURT**
25 **ORDER, OR EXCEPT AS NECESSARY [FOR A COUNTY, THE COMMISSION, COMMITTEE,**
26 **OR PUBLIC AGENCY] TO PURSUE OR DEFEND THE PUBLIC'S**
27 **INTEREST IN ANY PUBLIC CONTRACT OR LITIGATION, A COUNTY TREASURER,**
THE COMMISSION, COMMITTEE, AGENCY, OR ANY EMPLOYEE OR

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1 REPRESENTATIVE OF A PSAP[, DATABASE ADMINISTRATOR,] OR PUBLIC AGENCY
2 SHALL NOT DIVULGE ANY
3 INFORMATION ACQUIRED WITH RESPECT TO CUSTOMERS, REVENUES OR
4 EXPENSES, TRADE SECRETS, ACCESS LINE COUNTS, COMMERCIAL
5 INFORMATION, OR ANY OTHER PROPRIETARY INFORMATION WITH RESPECT TO A
6 SERVICE SUPPLIER WHILE ACTING OR CLAIMING TO ACT AS AN EMPLOYEE,
7 AGENT, OR REPRESENTATIVE. AN AGGREGATION OF INFORMATION THAT DOES
8 NOT IDENTIFY OR EFFECTIVELY IDENTIFY THE NUMBER OF CUSTOMERS,
9 REVENUES OR EXPENSES, TRADE SECRETS, ACCESS LINES, COMMERCIAL
10 INFORMATION, AND OTHER PROPRIETARY INFORMATION ATTRIBUTABLE TO A
11 SPECIFIC SERVICE SUPPLIER MAY BE MADE PUBLIC.

12 (13) ~~(12)~~—If a service user has multiple access points or
13 access lines, the county 9-1-1 charge will be imposed separately on
14 each of the first 10 access points or access lines and then 1
15 charge for each 10 access points or access lines per billed
16 account.

17 SEC. 412A. (1) WITHIN 90 DAYS AFTER THE FIRST DAY OF THE
18 CALENDAR YEAR FOLLOWING THE YEAR IN WHICH A SERVICE SUPPLIER
19 COMMENCED COLLECTION OF THE EMERGENCY TELEPHONE TECHNICAL CHARGE
20 UNDER SECTION 401D, AND WITHIN 90 DAYS AFTER THE FIRST DAY OF EACH
21 CALENDAR YEAR THEREAFTER, A SERVICE SUPPLIER COLLECTING THE
22 EMERGENCY TELEPHONE TECHNICAL CHARGE FOR THE PURPOSE OF PROVIDING
23 9-1-1 SERVICE PURSUANT TO THIS ACT SHALL MAKE AN ANNUAL ACCOUNTING
24 TO THE 9-1-1 SERVICE DISTRICT OF THE TOTAL EMERGENCY TELEPHONE
25 CHARGES COLLECTED DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR.

26 (2) IF AN ANNUAL ACCOUNTING MADE PURSUANT TO SUBSECTION (1)
27 DISCLOSES THAT THE TOTAL EMERGENCY TELEPHONE TECHNICAL CHARGES
COLLECTED DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR EXCEEDED

1 THE TOTAL COST OF INSTALLING AND PROVIDING 9-1-1 SERVICE WITHIN THE
2 9-1-1 SERVICE DISTRICT FOR THE IMMEDIATELY PRECEDING CALENDAR YEAR
3 ACCORDING TO THE RATES AND CHARGES OF THE SERVICE SUPPLIER, THE
4 SERVICE SUPPLIER SHALL ADJUST THE EMERGENCY TELEPHONE TECHNICAL
5 CHARGE COLLECTED FROM SERVICE USERS IN THE 9-1-1 SERVICE DISTRICT
6 IN AN AMOUNT COMPUTED PURSUANT TO THIS SECTION. THE AMOUNT OF THE
7 ADJUSTMENT SHALL BE COMPUTED BY DIVIDING THE EXCESS BY THE NUMBER
8 OF EXCHANGE ACCESS FACILITIES WITHIN THE 9-1-1 SERVICE DISTRICT AS
9 THE DISTRICT EXISTED FOR THE BILLING PERIOD IMMEDIATELY FOLLOWING
10 THE ANNUAL ACCOUNTING. COSTS OF THE SERVICE SUPPLIER ASSOCIATED
11 WITH MAKING THE ADJUSTMENT UNDER THIS SUBSECTION AS PART OF THE
12 BILLING AND COLLECTION SERVICE SHALL BE DEDUCTED FROM THE AMOUNT TO
13 BE ADJUSTED.

14 (3) IF THE ANNUAL ACCOUNTING DISCLOSES THAT THE TOTAL
15 EMERGENCY TELEPHONE TECHNICAL CHARGES COLLECTED DURING THE CALENDAR
16 YEAR ARE LESS THAN THE TOTAL COST OF INSTALLING AND PROVIDING 9-1-1
17 SERVICE WITHIN THE 9-1-1 SERVICE DISTRICT FOR THE IMMEDIATELY
18 PRECEDING CALENDAR YEAR ACCORDING TO THE COSTS AND RATES OF THE
19 SERVICE SUPPLIER, THE SERVICE SUPPLIER SHALL COLLECT AN ADDITIONAL
20 CHARGE FROM SERVICE USERS IN THE 9-1-1 SERVICE DISTRICT IN AN
21 AMOUNT COMPUTED PURSUANT TO THIS SECTION. SUBJECT TO THE
22 LIMITATIONS PROVIDED BY SECTION 401D, THE AMOUNT OF THE ADDITIONAL
23 CHARGE SHALL BE COMPUTED BY DIVIDING THE AMOUNT BY WHICH THE TOTAL
24 COST EXCEEDED THE TOTAL EMERGENCY TELEPHONE TECHNICAL CHARGES
25 COLLECTED DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR BY THE
26 NUMBER OF EXCHANGE ACCESS FACILITIES WITHIN THE 9-1-1 SERVICE
27 DISTRICT AS THE DISTRICT EXISTED FOR THE BILLING PERIOD IMMEDIATELY

1 **FOLLOWING THE ANNUAL ACCOUNTING.**

2 Sec. 413. (1) The commission may promulgate rules to establish
3 1 or more of the following:

4 (a) Uniform procedures, policies, and protocols governing 9-1-
5 1 services in counties and PSAPs in this state.

6 (b) Standards for the training of PSAP personnel. ~~under~~
7 ~~section 408(2)(b).~~

8 (c) Uniform procedures, policies, and standards for the
9 receipt and expenditure of 9-1-1 funds under sections 401a, 401b,
10 401c, 401d, 401e, 406, and 408.

11 (d) The requirements for multiline telephone systems under
12 section 405.

13 (e) The penalties and remedies for violations of this act and
14 the rules promulgated under this act.

15 (2) The commission shall consult with and consider the
16 recommendations of the committee in the promulgation of rules under
17 this section.

18 (3) The commission's rule-making authority is limited to that
19 expressly granted under this section.

20 (4) The rules promulgated under this section do not apply to
21 service suppliers.

22 Sec. 717. This act is repealed effective ~~February 28, 2009~~
23 **DECEMBER 31, 2014.**