

SENATE BILL No. 930

April 11, 2018, Introduced by Senator CASPERSON 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 401b and 408 (MCL 484.1401b and 484.1408), as
amended by 2018 PA 51.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 401b. (1) In addition to the charge allowed under section
2 401a, after June 30, 2008 a county board of commissioners may
3 assess a county 9-1-1 charge to service users, except for users of
4 a prepaid wireless telecommunications service, located within that
5 county by 1 of the following methods:

6 (a) Up to \$0.42 per month by resolution.

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

9 (c) Any combination of subdivisions (a) and (b) with a maximum

1 county 9-1-1 charge of \$3.00 per month.

2 (2) A county assessing a county 9-1-1 charge amount approved
3 in the commission's order in case number U-15489 that exceeds the
4 amounts established in subsection (1) may continue to assess the
5 amount approved by the commission. Any proposed increase to the
6 amount approved in the commission order is subject to subsection
7 (1).

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

11 (4) If the voters approve the charge to be assessed on the
12 service user's monthly bill on a ballot question under this
13 section, the service provider's bill must state the following:

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

19 (5) Within 90 days after the first day of each fiscal or
20 calendar year of a county, an annual accounting must be made of the
21 charge approved under this section.

22 (6) Except as otherwise provided in subsection (10), the
23 county 9-1-1 charge collected under this section must be paid
24 quarterly directly to the county and distributed by the county to
25 the primary PSAPs by 1 of the following methods:

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

27 (b) If distribution is not provided for in the plan, then

1 according to any agreement for distribution between the county and
2 public agencies.

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

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

10 (8) If a county has multiple emergency response districts, the
11 county 9-1-1 charge collected under this section must be
12 distributed under subsection (6) in proportion to the population
13 within the emergency 9-1-1 district.

14 (9) This section does not preclude the distribution of funding
15 to secondary PSAPs if the distribution is determined by the primary
16 PSAPs within the emergency 9-1-1 district to be the most effective
17 method for dispatching of fire or emergency medical services and
18 the distribution is approved within the final 9-1-1 service plan.

19 (10) The service supplier may retain 2% of the approved county
20 9-1-1 charge to cover the supplier's costs for billings and
21 collections under this section.

22 (11) The charge allowed under this section must be listed
23 separately on the customer's bill or otherwise disclosed to the
24 consumer and state by which means the charge was approved under
25 subsection (1).

26 (12) Information submitted by a service supplier to a county
27 under this section is exempt from the freedom of information act,

1 1976 PA 442, MCL 15.231 to 15.246, and the county shall not release
2 that information without the consent of the service supplier.

3 Unless required or permitted by statute, court rule, subpoena, or
4 court order, or except as necessary for a county, the commission,
5 committee, or public agency to pursue or defend the public's
6 interest in any public contract or litigation, a county treasurer,
7 the commission, committee, agency, or any employee or
8 representative of a PSAP, database administrator, or public agency
9 shall not divulge any information acquired with respect to
10 customers, revenues or expenses, trade secrets, access line counts,
11 commercial information, or any other proprietary information with
12 respect to a service supplier while acting or claiming to act as an
13 employee, agent, or representative. An aggregation of information
14 that does not identify or effectively identify the number of
15 customers, revenues or expenses, trade secrets, access lines,
16 commercial information, and other proprietary information
17 attributable to a specific service supplier may be made public.

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

22 (14) A county 9-1-1 charge assessed under subsection (1) must
23 be used only ~~to fund costs~~ **FOR THE FOLLOWING:**

24 (A) **COSTS** approved as allowable in a published report by the
25 committee before December 1, 2008.

26 (B) **COSTS ATTRIBUTABLE TO THE INSTALLATION AND MAINTENANCE OF**
27 **ROAD NAME AND ADDRESS SIGNS.**

1 (15) The committee shall notify the standing committees of the
2 senate and house of representatives having jurisdiction over issues
3 pertaining to communication technology at least 90 days before
4 modifying what constitutes an allowable cost under this subsection.

5 Sec. 408. (1) Except as otherwise provided under this act, a
6 service supplier shall bill and collect a state 9-1-1 service
7 charge per month as determined under section 401a. The service
8 supplier shall list the state 9-1-1 service charge authorized under
9 this act as a separate line item on each bill as the "state 9-1-1
10 charge".

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

14 (3) Except as otherwise provided under subsection (2), the
15 money collected as the state 9-1-1 charge under subsection (1) must
16 be deposited in the emergency 9-1-1 fund created in section 407 no
17 later than 30 days after the end of the quarter in which the state
18 9-1-1 charge was collected.

19 (4) All money collected and deposited in the emergency 9-1-1
20 fund created in section 407 must be distributed as provided in this
21 section. Annual money in the fund not exceeding \$37,000,000.00 must
22 be distributed as follows:

23 (a) 65% must be disbursed to each county that has a final 9-1-
24 1 plan in place. Forty percent of the 65% must be distributed
25 quarterly on an equal basis to each county, and 60% of the 65% must
26 be distributed quarterly based on a population per capita basis. A
27 county shall only use money received by the county under this

1 subdivision for 9-1-1 services as allowed under this act. A county
2 shall repay to the fund any money expended under this subdivision
3 for a purpose considered unnecessary or unreasonable by the
4 committee or the auditor general. **A COUNTY MAY USE MONEY RECEIVED**
5 **UNDER THIS SUBDIVISION FOR COSTS ATTRIBUTABLE TO THE INSTALLATION**
6 **AND MAINTENANCE OF ROAD NAME AND ADDRESS SIGNS.**

7 (b) 25.56% must be available to reimburse local exchange
8 providers for the costs related to wireless emergency service and
9 to reimburse IP-based 9-1-1 service providers for the costs related
10 to the transport, routing, or delivery to PSAPs of IP-based 9-1-1
11 emergency service. Any cost reimbursement allowed under this
12 subdivision must not include a cost that is not related to wireless
13 emergency service or to IP-based 9-1-1 emergency service. A local
14 exchange provider or an IP-based 9-1-1 service provider may, on a
15 quarterly basis, submit an invoice to the commission for
16 reimbursement from the emergency 9-1-1 fund for allowed costs.
17 Except as otherwise provided in subsection (5), within 45 days
18 after the date an invoice is submitted to the commission, the
19 commission shall approve, either in whole or in part, or deny the
20 invoice.

21 (c) 5.5% must be available to PSAPs for training personnel
22 assigned to 9-1-1 centers. A public safety agency or county shall
23 make a written request for money from the fund to the committee.
24 The committee shall semiannually authorize distribution of money
25 from the fund to eligible public safety agencies or counties. A
26 public safety agency or county that receives money under this
27 subdivision shall create, maintain, and make available to the

1 committee upon request a detailed record of expenditures relating
2 to the preparation, administration, and carrying out of activities
3 of its 9-1-1 training program. An eligible public safety agency or
4 county shall repay to the fund any money expended by that public
5 safety agency or county for a purpose considered unnecessary or
6 unreasonable by the committee or the auditor general. The
7 commission shall consult with and consider the recommendations of
8 the committee in the promulgation of rules under section 413
9 establishing training standards for 9-1-1 system personnel. Money
10 must be disbursed on a biannual basis to an eligible public safety
11 agency or county for training of PSAP personnel through courses
12 certified by the committee only for either of the following
13 purposes:

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

15 (ii) To provide in-service training to employees engaged in 9-
16 1-1 service.

17 (d) 1.5% must be credited to the department of state police to
18 operate a regional dispatch center that receives and dispatches 9-
19 1-1 calls, and 2.44% must be credited to the department of state
20 police for costs to administer this act and to maintain the office
21 of the state 9-1-1 coordinator.

22 (5) ~~Within 60 days of the effective date of the 2018~~
23 ~~amendatory act that added this subsection, BY MAY 5, 2018, the~~
24 commission shall commence a proceeding to determine the recurring
25 and nonrecurring cost categories for all IP-based 9-1-1 service
26 providers. The commission shall allow any interested person to
27 intervene in a proceeding under this subsection. Within 180 days

1 after a proceeding is commenced under this subsection, the
2 commission shall issue a final order adopting the recurring and
3 nonrecurring cost categories for all IP-based 9-1-1 service
4 providers considered just and reasonable by the commission. For
5 cost studies first submitted by an IP-based 9-1-1 service provider
6 after the commission completes the proceeding under this
7 subsection, the commission shall, within 45 days of receiving an
8 invoice, only approve those costs in the invoice that are both of
9 the following:

10 (a) Consistent with the recurring and nonrecurring cost
11 categories for IP-based 9-1-1 service providers approved by the
12 commission under this subsection.

13 (b) For contracts entered into after ~~the effective date of the~~
14 ~~2018 amendatory act that amended this section,~~ **MARCH 6, 2018**, the
15 result of a competitively bid process as confirmed by supporting
16 documentation.

17 (6) An IP-based 9-1-1 service provider shall file an updated
18 cost study not later than 5 years after the filing of an initial
19 cost study and every 5 years thereafter.

20 (7) An IP-based 9-1-1 service provider must meet the next
21 generation 9-1-1 standards set by the National Emergency Number
22 Association to submit an invoice to the commission under subsection
23 (4)(b) for reimbursement from the emergency 9-1-1 fund for allowed
24 costs.

25 (8) Funds generated by the fee in section 401a in excess of
26 \$37,000,000.00 annually must be reserved for approved costs under
27 subsection (4)(b).

1 (9) Money received by a county under subsection (4)(a) must be
2 distributed by the county to the primary PSAPs geographically
3 located within the 9-1-1 service district by 1 of the following
4 methods:

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

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

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

14 (d) If a county has multiple emergency 9-1-1 districts, money
15 for that county must be distributed as provided in the emergency 9-
16 1-1 districts' final 9-1-1 service plans.

17 (10) The commission shall consult with and consider
18 recommendations of the committee in the promulgation of rules under
19 section 413 establishing the standards for the receipt and
20 expenditure of 9-1-1 funds under this act. Receipt of 9-1-1 funds
21 under this act is dependent on compliance with the standards
22 established under this subsection.

23 (11) No later than December 1, 2020, the commission must issue
24 a report to the legislature and governor containing the following
25 information:

26 (a) The total costs incurred by counties or 9-1-1 service
27 districts that have transitioned to an IP-based 9-1-1 service

1 provider.

2 (b) The estimated transition costs to be incurred by counties
3 or 9-1-1 service districts that have not transitioned to an IP-
4 based 9-1-1 service provider and the estimated dates for
5 transition.

6 (c) The estimated ongoing, annual costs of operating the 9-1-1
7 network after the transition to an IP-based 9-1-1 service provider
8 has been completed by all counties or 9-1-1 service districts
9 choosing to transition.

10 (d) The current 9-1-1 funding system revenues as reported by
11 the committee.

12 (e) The estimated costs of operating the IP-based 9-1-1
13 network based on the estimates calculated in subdivisions (b) and
14 (c).

15 (12) The commission may collect data from counties, 9-1-1
16 service districts, IP-based 9-1-1 service providers, the state
17 treasurer, and the state 9-1-1 committee that are reasonably
18 required to complete the report under subsection (11). Counties, 9-
19 1-1 service districts, IP-based 9-1-1 service providers, the state
20 treasurer, and the state 9-1-1 committee shall submit to the
21 commission any data that are reasonably required to compile the
22 report under subsection (11). At the request of the commission, the
23 committee shall, in preparing the annual report to be submitted to
24 the legislature and governor under section 412 by August 1, 2020,
25 collect data from counties, 9-1-1 service districts, and IP-based
26 9-1-1 service providers that the commission reasonably requires to
27 compile the report under subsection (11) and submit that data to

1 the commission.