

**SENATE 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  
6 billing and collection of the state 9-1-1 charge shall begin July

1 1, 2008. The state 9-1-1 charge shall be uniform per each service  
2 user within the 9-1-1 service district.

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

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

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

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

1 recommendations under section 412. Any adjustments to the state 9-  
2 1-1 charge or distribution percentages after December 31, 2010  
3 shall be made by the legislature.

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

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

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

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

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

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

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

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

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

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

12           (5) ~~(4)~~—Within 90 days after the first day of each fiscal or  
13 calendar year of a county, an annual accounting shall be made of  
14 the charge approved under this section.

15           (6) ~~(5)~~—Except as otherwise provided in subsection ~~(9)~~ **(10)**,  
16 the county 9-1-1 charge collected under this section shall be paid  
17 quarterly directly to the county and distributed by the county to  
18 the primary PSAPs by 1 of the following methods:

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

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

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

26           (7) ~~(6)~~ **The SUBJECT TO SUBSECTION (1), THE** county may adjust  
27 the county 9-1-1 charge annually to be effective July 1. The county

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

3 (8) ~~(7)~~—If a county has multiple emergency response districts,  
4 the county 9-1-1 charge collected under this section shall be  
5 distributed under subsection ~~(5)~~ **(6)** in proportion to the  
6 population within the emergency 9-1-1 district.

7 (9) ~~(8)~~—This section shall not preclude the distribution of  
8 funding to secondary PSAPs if the distribution is determined by the  
9 primary PSAPs within the emergency 9-1-1 district to be the most  
10 effective method for dispatching of fire or emergency medical  
11 services and the distribution is approved within the final 9-1-1  
12 service plan.

13 (10) ~~(9)~~—The service supplier may retain 2% of the approved  
14 county 9-1-1 charge to cover the supplier's costs for billings and  
15 collections under this section.

16 (11) ~~(10)~~—The charge allowed under this section shall be  
17 listed separately on the customer's bill and shall state by which  
18 means the charge was approved under subsection (1).

19 (12) ~~(11)~~—Information submitted by a service supplier to a  
20 county under this section is exempt from the freedom of information  
21 act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be released  
22 by the county without the consent of the service supplier. **UNLESS**  
23 **REQUIRED OR PERMITTED BY STATUTE, COURT RULE, SUBPOENA, OR COURT**  
24 **ORDER, OR EXCEPT AS NECESSARY FOR A COUNTY, THE COMMISSION,**  
25 **COMMITTEE, OR PUBLIC AGENCY TO PURSUE OR DEFEND THE PUBLIC'S**  
26 **INTEREST IN ANY PUBLIC CONTRACT OR LITIGATION, A COUNTY TREASURER,**  
27 **THE COMMISSION, COMMITTEE, AGENCY, OR ANY EMPLOYEE OR**

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

11 (13) ~~(12)~~—If a service user has multiple access points or  
12 access lines, the county 9-1-1 charge will be imposed separately on  
13 each of the first 10 access points or access lines and then 1  
14 charge for each 10 access points or access lines per billed  
15 account.

16 (14) A COUNTY 9-1-1 CHARGE ASSESSED UNDER SUBSECTION (1) SHALL  
17 BE USED ONLY TO FUND COSTS APPROVED AS ALLOWABLE IN A PUBLISHED  
18 REPORT BY THE COMMITTEE PRIOR TO DECEMBER 1, 2008. THE COMMITTEE  
19 SHALL NOTIFY THE STANDING COMMITTEES OF THE SENATE AND HOUSE OF  
20 REPRESENTATIVES HAVING JURISDICTION OVER ISSUES PERTAINING TO  
21 COMMUNICATION TECHNOLOGY AT LEAST 90 DAYS PRIOR TO MODIFYING WHAT  
22 CONSTITUTES AN ALLOWABLE COST UNDER THIS SUBSECTION.

23 (15) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, THE  
24 COUNTY 9-1-1 CHARGE LEVIED UNDER THIS SECTION SHALL NOT BE LEVIED  
25 AFTER THE REPEAL DATE PROVIDED IN SECTION 717. IF ALL OR A PORTION  
26 OF THE COUNTY 9-1-1 CHARGE LEVIED UNDER THIS SECTION HAS BEEN  
27 PLEDGED AS SECURITY FOR THE PAYMENT OF QUALIFIED OBLIGATIONS, THE

1 COUNTY 9-1-1 CHARGE SHALL BE LEVIED AND COLLECTED ONLY TO THE  
2 EXTENT REQUIRED TO PAY THE QUALIFIED OBLIGATIONS OR SATISFY THE  
3 PLEDGE.

4 SEC. 412A. (1) WITHIN 90 DAYS AFTER THE FIRST DAY OF THE  
5 CALENDAR YEAR FOLLOWING THE YEAR IN WHICH A SERVICE SUPPLIER  
6 COMMENCED COLLECTION OF THE EMERGENCY TELEPHONE TECHNICAL CHARGE  
7 UNDER SECTION 401D, AND WITHIN 90 DAYS AFTER THE FIRST DAY OF EACH  
8 CALENDAR YEAR THEREAFTER, A SERVICE SUPPLIER COLLECTING THE  
9 EMERGENCY TELEPHONE TECHNICAL CHARGE FOR THE PURPOSE OF PROVIDING  
10 9-1-1 SERVICE PURSUANT TO THIS ACT SHALL MAKE AN ANNUAL ACCOUNTING  
11 TO THE 9-1-1 SERVICE DISTRICT OF THE TOTAL EMERGENCY TELEPHONE  
12 CHARGES COLLECTED DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR.

13 (2) IF AN ANNUAL ACCOUNTING MADE PURSUANT TO SUBSECTION (1)  
14 DISCLOSES THAT THE TOTAL EMERGENCY TELEPHONE TECHNICAL CHARGES  
15 COLLECTED DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR EXCEEDED  
16 THE TOTAL COST OF INSTALLING AND PROVIDING 9-1-1 SERVICE WITHIN THE  
17 9-1-1 SERVICE DISTRICT FOR THE IMMEDIATELY PRECEDING CALENDAR YEAR  
18 ACCORDING TO THE RATES AND CHARGES OF THE SERVICE SUPPLIER, THE  
19 SERVICE SUPPLIER SHALL ADJUST THE EMERGENCY TELEPHONE TECHNICAL  
20 CHARGE COLLECTED FROM SERVICE USERS IN THE 9-1-1 SERVICE DISTRICT  
21 IN AN AMOUNT COMPUTED PURSUANT TO THIS SECTION. THE AMOUNT OF THE  
22 ADJUSTMENT SHALL BE COMPUTED BY DIVIDING THE EXCESS BY THE NUMBER  
23 OF EXCHANGE ACCESS FACILITIES WITHIN THE 9-1-1 SERVICE DISTRICT AS  
24 THE DISTRICT EXISTED FOR THE BILLING PERIOD IMMEDIATELY FOLLOWING  
25 THE ANNUAL ACCOUNTING. COSTS OF THE SERVICE SUPPLIER ASSOCIATED  
26 WITH MAKING THE ADJUSTMENT UNDER THIS SUBSECTION AS PART OF THE  
27 BILLING AND COLLECTION SERVICE SHALL BE DEDUCTED FROM THE AMOUNT TO

1 BE ADJUSTED.

2 (3) IF THE ANNUAL ACCOUNTING DISCLOSES THAT THE TOTAL  
3 EMERGENCY TELEPHONE TECHNICAL CHARGES COLLECTED DURING THE CALENDAR  
4 YEAR ARE LESS THAN THE TOTAL COST OF INSTALLING AND PROVIDING 9-1-1  
5 SERVICE WITHIN THE 9-1-1 SERVICE DISTRICT FOR THE IMMEDIATELY  
6 PRECEDING CALENDAR YEAR ACCORDING TO THE COSTS AND RATES OF THE  
7 SERVICE SUPPLIER, THE SERVICE SUPPLIER SHALL COLLECT AN ADDITIONAL  
8 CHARGE FROM SERVICE USERS IN THE 9-1-1 SERVICE DISTRICT IN AN  
9 AMOUNT COMPUTED PURSUANT TO THIS SECTION. SUBJECT TO THE  
10 LIMITATIONS PROVIDED BY SECTION 401D, THE AMOUNT OF THE ADDITIONAL  
11 CHARGE SHALL BE COMPUTED BY DIVIDING THE AMOUNT BY WHICH THE TOTAL  
12 COST EXCEEDED THE TOTAL EMERGENCY TELEPHONE TECHNICAL CHARGES  
13 COLLECTED DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR BY THE  
14 NUMBER OF EXCHANGE ACCESS FACILITIES WITHIN THE 9-1-1 SERVICE  
15 DISTRICT AS THE DISTRICT EXISTED FOR THE BILLING PERIOD IMMEDIATELY  
16 FOLLOWING THE ANNUAL ACCOUNTING.

17 Sec. 413. (1) The commission may promulgate rules to establish  
18 1 or more of the following:

19 (a) Uniform procedures, policies, and protocols governing 9-1-  
20 1 services in counties and PSAPs in this state.

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

23 (c) Uniform procedures, policies, and standards for the  
24 receipt and expenditure of 9-1-1 funds under sections 401a, 401b,  
25 401c, 401d, 401e, 406, and 408.

26 (d) The requirements for multiline telephone systems under  
27 section 405.



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

3           (2) The commission shall consult with and consider the  
4 recommendations of the committee in the promulgation of rules under  
5 this section.

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

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

10           Sec. 717. This act is repealed effective ~~February 28, 2009~~

11 **DECEMBER 31, 2014.**