

HOUSE BILL No. 4658

May 11, 1999, Introduced by Reps. Scranton, DeHart, Birkholz, Howell, LaSata, Garcia, Caul, Middaugh and Bovin and referred to the Committee on Energy and Technology.

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending section 201 (MCL 484.1201), as amended by 1994 PA 29, and by adding sections 407, 408, 409, 410, 411, and 412; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 201. ~~A Universal~~ EXCEPT AS PROVIDED IN SECTIONS 407
2 TO 412, A UNIVERSAL emergency number service system shall not be
3 implemented pursuant to this act unless a tariff exists for each
4 service supplier designated by the final 9-1-1 service plan to
5 provide 9-1-1 service in the universal emergency number system.

6 SEC. 407. (1) THE CMRS EMERGENCY TELEPHONE FUND IS CREATED
7 WITHIN THE STATE TREASURY TO PROVIDE MONEY TO IMPLEMENT THE
8 AUTOMATIC NUMBER IDENTIFICATION CAPABILITIES OF PUBLIC SAFETY

1 ANSWERING POINTS WITHIN THE GUIDELINES OF THE WIRELESS EMERGENCY
2 SERVICE ORDER AND THIS ACT.

3 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS
4 FROM ANY SOURCE FOR DEPOSIT INTO THE FUND. MONEY MAY BE DEPOS-
5 ITED INTO THE FUND BY ELECTRONIC FUNDS TRANSFER. THE STATE TREA-
6 SURER SHALL DIRECT THE INVESTMENT OF THE FUND. THE STATE TREA-
7 SURER SHALL CREDIT TO THE FUND INTEREST AND EARNINGS FROM FUND
8 INVESTMENTS.

9 (3) MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL
10 REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

11 (4) THE DEPARTMENT OF TREASURY SHALL EXPEND MONEY FROM THE
12 FUND, UPON APPROPRIATION, ONLY AS PROVIDED IN THIS ACT. THE DIS-
13 BURSEMENT OF MONEY MAY BE BY ELECTRONIC FUNDS TRANSFER.

14 SEC. 408. (1) A CMRS SUPPLIER SHALL INCLUDE A SERVICE
15 CHARGE OF 47 CENTS PER MONTH FOR EACH CMRS CONNECTION THAT HAS A
16 BILLING ADDRESS IN THIS STATE. THE CMRS SUPPLIER SHALL LIST THE
17 SERVICE CHARGE AS A SEPARATE LINE ITEM ON EACH BILL.

18 (2) EXCEPT AS PROVIDED IN THIS SECTION, THE MONEY COLLECTED
19 AS THE SERVICE CHARGE UNDER SUBSECTION (1) SHALL BE DEPOSITED IN
20 THE CMRS EMERGENCY TELEPHONE FUND CREATED IN SECTION 407 NOT
21 LATER THAN 30 DAYS AFTER THE END OF THE QUARTER IN WHICH THE
22 SERVICE CHARGE WAS COLLECTED.

23 (3) FROM EACH SERVICE CHARGE BILLED UNDER SUBSECTION (1),
24 EACH CMRS SUPPLIER SHALL RETAIN 1/2 OF 1 CENT TO COVER THE COSTS
25 OF BILLING AND COLLECTION AS THE ONLY REIMBURSEMENT FROM THIS
26 CHARGE FOR BILLING AND COLLECTION COSTS.

1 (4) A CMRS SUPPLIER IS NOT LIABLE FOR AN UNCOLLECTED SERVICE
2 CHARGE BILLED UNDER SUBSECTION (1) FOR WHICH THE CMRS SUPPLIER
3 HAS BILLED THE CMRS USER. IF ONLY A PARTIAL PAYMENT OF A BILL IS
4 RECEIVED BY A CMRS SUPPLIER, THE CMRS SUPPLIER SHALL CREDIT THE
5 AMOUNT RECEIVED AS FOLLOWS IN PRIORITY ORDER:

6 (A) FOR SERVICES PROVIDED.

7 (B) FOR THE REIMBURSEMENT UNDER SUBSECTION (3).

8 (C) FOR THE BALANCE OF THE SERVICE CHARGE.

9 (5) AMOUNTS RECEIVED UNDER SUBSECTION (4)(C) SHALL BE FOR-
10 WARDED TO THE CMRS EMERGENCY TELEPHONE FUND CREATED IN SECTION
11 407. ANY UNCOLLECTED PORTION OF THE SERVICE CHARGE THAT IS NOT
12 RECEIVED SHALL BE BILLED ON SUBSEQUENT BILLINGS AND, UPON
13 RECEIPT, AMOUNTS IN EXCESS OF THE REIMBURSEMENT UNDER SUBSECTION
14 (3) SHALL BE FORWARDED TO THE CMRS EMERGENCY TELEPHONE FUND CRE-
15 ATED IN SECTION 407. THE SERVICE CHARGE PAID BY A CMRS USER IS
16 NOT SUBJECT TO A STATE OR LOCAL TAX.

17 (6) A CMRS SUPPLIER SHALL IMPLEMENT THE BILLING PROVISIONS
18 OF THIS SECTION NOT LATER THAN 120 DAYS AFTER THE EFFECTIVE DATE
19 OF THIS SECTION.

20 SEC. 409. (1) ALL MONEY COLLECTED AND DEPOSITED IN THE CMRS
21 EMERGENCY TELEPHONE FUND CREATED IN SECTION 407 SHALL BE DISTRIB-
22 UTED AS FOLLOWS IN PRIORITY ORDER:

23 (A) TWENTY-FIVE CENTS OF EACH MONTHLY SERVICE CHARGE COL-
24 LECTED UNDER SECTION 408 SHALL BE DISBURSED TO REIMBURSE CMRS
25 SUPPLIERS FOR PROVIDING AND INSTALLING EQUIPMENT THAT IMPLEMENTS
26 THE WIRELESS EMERGENCY SERVICE ORDER AND THIS ACT.

1 (B) TEN CENTS OF EACH MONTHLY SERVICE CHARGE COLLECTED UNDER
2 SECTION 408 SHALL BE DISBURSED EQUALLY TO EACH COUNTY THAT HAS A
3 FINAL 9-1-1 PLAN IN PLACE. MONEY RECEIVED BY A COUNTY UNDER THIS
4 SUBDIVISION SHALL NOT BE USED TO SUPPLANT MONEY RECEIVED FROM ANY
5 OTHER SOURCE BY THAT COUNTY.

6 (C) TEN CENTS OF EACH MONTHLY SERVICE CHARGE COLLECTED UNDER
7 SECTION 408 SHALL BE DISBURSED TO EACH COUNTY THAT HAS A FINAL
8 9-1-1 PLAN IN PLACE ON A PER CAPITA BASIS. THE COMMITTEE SHALL
9 CERTIFY TO THE DEPARTMENT OF TREASURY ANNUALLY WHICH COUNTIES
10 HAVE A FINAL 9-1-1 PLAN IN PLACE. THE MOST RECENT CENSUS CON-
11 DUCTED BY THE UNITED STATES CENSUS BUREAU SHALL BE USED TO DETER-
12 MINE THE POPULATION OF EACH COUNTY IN DETERMINING THE PER CAPITA
13 BASIS IN THIS SUBDIVISION. MONEY RECEIVED BY A COUNTY UNDER THIS
14 SUBDIVISION SHALL NOT BE USED TO SUPPLANT MONEY RECEIVED FROM ANY
15 OTHER SOURCE BY THAT COUNTY.

16 (D) ONE AND ONE-HALF CENTS OF EACH MONTHLY SERVICE CHARGE
17 COLLECTED UNDER SECTION 408 SHALL BE AVAILABLE TO PSAPS FOR
18 TRAINING PERSONNEL ASSIGNED TO 9-1-1 CENTERS. A WRITTEN REQUEST
19 FOR MONEY FROM THE FUND SHALL BE MADE BY A PUBLIC AGENCY OR
20 COUNTY TO THE COMMITTEE. THE COMMITTEE SHALL SEMIANNUALLY AUTHO-
21 RIZE DISTRIBUTION OF MONEY FROM THE FUND TO ELIGIBLE PUBLIC AGEN-
22 CIES OR COUNTIES. A PUBLIC AGENCY OR COUNTY THAT RECEIVES MONEY
23 UNDER THIS SECTION SHALL CREATE, MAINTAIN, AND MAKE AVAILABLE TO
24 THE COMMITTEE UPON REQUEST A DETAILED RECORD OF EXPENDITURES
25 RELATING TO THE PREPARATION, ADMINISTRATION, AND CARRYING OUT OF
26 ACTIVITIES OF ITS 9-1-1 TRAINING PROGRAM. MONEY EXPENDED BY AN
27 ELIGIBLE PUBLIC AGENCY OR COUNTY FOR A PURPOSE CONSIDERED

1 UNNECESSARY OR UNREASONABLE BY THE COMMITTEE OR THE AUDITOR
2 GENERAL SHALL BE REPAID TO THE FUND. MONEY SHALL BE DISBURSED TO
3 AN ELIGIBLE PUBLIC AGENCY OR COUNTY FOR TRAINING OF PSAP PERSON-
4 NEL THROUGH COURSES CERTIFIED BY THE COMMISSION ON LAW ENFORCE-
5 MENT STANDARDS ONLY FOR EITHER OF THE FOLLOWING PURPOSES:

6 (i) TO PROVIDE BASIC 9-1-1 OPERATIONS TRAINING.

7 (ii) TO PROVIDE IN-SERVICE TRAINING TO EMPLOYEES ENGAGED IN
8 9-1-1 SERVICE.

9 (2) MONEY RECEIVED BY A COUNTY UNDER SUBSECTION (1)(B) AND
10 (C) SHALL BE DISTRIBUTED BY THE COUNTY TO THE PRIMARY PSAPS GEO-
11 GRAPHICALLY LOCATED WITHIN THE 9-1-1 SERVICE DISTRICT BY 1 OF THE
12 FOLLOWING METHODS:

13 (A) AS PROVIDED IN THE FINAL 9-1-1 SERVICE PLAN.

14 (B) IF DISTRIBUTION IS NOT PROVIDED FOR IN THE 9-1-1 SERVICE
15 PLAN UNDER SUBDIVISION (A), THEN ACCORDING TO ANY AGREEMENT FOR
16 DISTRIBUTION BETWEEN A COUNTY AND A PUBLIC AGENCY.

17 (C) IF DISTRIBUTION IS NOT PROVIDED FOR IN THE 9-1-1 SERVICE
18 PLAN UNDER SUBDIVISION (A) OR BY AGREEMENT BETWEEN THE COUNTY AND
19 PUBLIC AGENCY UNDER SUBDIVISION (B), THEN ACCORDING TO THE POPU-
20 LATION WITHIN THE GEOGRAPHIC AREA FOR WHICH THE PSAP SERVES AS
21 PRIMARY PSAP.

22 (3) IF A COUNTY WITH A FINAL 9-1-1 PLAN IN PLACE DOES NOT
23 ACCEPT 9-1-1 CALLS THROUGH THE DIRECT DISPATCH METHOD, RELAY
24 METHOD, OR TRANSFER METHOD FROM A CMRS USER, THE REVENUES AVAIL-
25 ABLE TO THE COUNTY UNDER SUBSECTION (1) SHALL BE DISBURSED TO THE
26 PUBLIC AGENCY OR COUNTY RESPONSIBLE FOR ACCEPTING AND RESPONDING
27 TO THOSE CALLS.

1 SEC. 410. (1) THE COMMITTEE SHALL APPOINT A SUBCOMMITTEE TO
2 REVIEW EXPENDITURES FROM THE CMRS EMERGENCY TELEPHONE FUND CRE-
3 ATED IN SECTION 407. THE SUBCOMMITTEE SHALL CONSIST OF THE
4 MEMBER OF THE COMMITTEE REPRESENTING THE DEPARTMENT OF STATE
5 POLICE PROVIDED FOR IN SECTION 712, WHO SHALL BE THE CHAIRPERSON
6 OF THE SUBCOMMITTEE, AND ALL OF THE FOLLOWING:

7 (A) THE MEMBER OF THE COMMITTEE WHO REPRESENTS A COMMERCIAL
8 MOBILE RADIO SERVICE AS PROVIDED FOR IN SECTION 713(1).

9 (B) ONE MEMBER OF THE COMMITTEE WHO REPRESENTS A PUBLIC
10 SAFETY ENTITY WHO IS NOT ASSOCIATED WITH THE SERVICE SUPPLIER
11 INDUSTRY.

12 (C) THE MEMBER OF THE COMMITTEE WHO REPRESENTS THE MICHIGAN
13 ASSOCIATION OF COUNTIES AS APPOINTED UNDER SECTION 713(1).

14 (D) ONE MEMBER APPOINTED BY THE CHAIRPERSON OF THE COMMITTEE
15 WHO REPRESENTS THE COMMERCIAL MOBILE RADIO SERVICE INDUSTRY BUT
16 WHO IS NOT A MEMBER OF THE COMMITTEE.

17 (2) A MAJORITY OF THE MEMBERS OF THE SUBCOMMITTEE CREATED
18 UNDER SUBSECTION (1) CONSTITUTE A QUORUM FOR THE PURPOSE OF CON-
19 DUCTING BUSINESS AND EXERCISING THE POWERS OF THE SUBCOMMITTEE.
20 OFFICIAL ACTION OF THE SUBCOMMITTEE MAY BE TAKEN UPON A VOTE OF A
21 MAJORITY OF THE SUBCOMMITTEE MEMBERS. THE CHAIRPERSON OF THE
22 SUBCOMMITTEE SHALL NOT HAVE A VOTE UNLESS THE OTHER MEMBERS OF
23 THE SUBCOMMITTEE CAST A TIE VOTE.

24 (3) THE SUBCOMMITTEE CREATED IN SUBSECTION (1) SHALL REVIEW
25 INVOICES SUBMITTED BY CMRS SUPPLIERS FOR REIMBURSEMENT FROM THE
26 CMRS EMERGENCY TELEPHONE FUND CREATED IN SECTION 407 IN
27 ACCORDANCE WITH THE WIRELESS EMERGENCY SERVICE ORDER AND THIS ACT

1 AND SHALL MAKE RECOMMENDATIONS TO THE COMMITTEE REGARDING
2 APPROVAL OR DISAPPROVAL OF PAYMENT ON THE INVOICE. THE SUBCOM-
3 MITTEE MAY RECOMMEND TO THE COMMITTEE APPROVAL OF PAYMENT OF AN
4 EXPENSE OF A CMRS SUPPLIER BEFORE THE EXPENSE IS INCURRED.
5 BEFORE REVIEW BY THE SUBCOMMITTEE, THE STAFF ASSIGNED BY THE
6 DEPARTMENT OF STATE POLICE TO ASSIST THE COMMITTEE, AS PROVIDED
7 FOR UNDER SECTION 714, SHALL REMOVE ALL INFORMATION THAT IDENTI-
8 FIES THE CMRS SUPPLIER SUBMITTING THE INVOICE. THE SUBCOMMITTEE
9 SHALL REVIEW THE VALIDITY OF THE INVOICES AND RECOMMEND APPROVAL
10 OR DISAPPROVAL TO THE COMMITTEE. UPON RECEIPT OF RECOMMENDATIONS
11 FROM THE SUBCOMMITTEE, THE COMMITTEE SHALL REVIEW AND APPROVE OR
12 DISAPPROVE THE INVOICES AND AUTHORIZE PAYMENT OF APPROVED
13 INVOICES.

14 (4) AN INVOICE SHALL NOT BE APPROVED FOR PAYMENT OF EITHER
15 OF THE FOLLOWING:

16 (A) AN EXPENSE THAT IS NOT RELATED TO COMPLYING WITH THE
17 WIRELESS EMERGENCY SERVICE ORDER AND THIS ACT.

18 (B) AN EXPENSE THAT EXCEEDS 125% OF THE CMRS EMERGENCY TELE-
19 PHONE CHARGES SUBMITTED BY A CMRS SUPPLIER UNLESS THE EXPENSE WAS
20 RECOMMENDED FOR APPROVAL BY THE SUBCOMMITTEE CREATED IN SUBSEC-
21 TION (1) BEFORE THE EXPENSE WAS INCURRED.

22 (5) NOTWITHSTANDING SECTION 716, SPECIFIC INFORMATION SUB-
23 MITTED BY A CMRS SUPPLIER UNDER THIS SECTION IS EXEMPT FROM THE
24 FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246,
25 AND SHALL NOT BE RELEASED BY THE CHAIRPERSON OR ANY MEMBER OF THE
26 COMMITTEE OR THEIR STAFF WITHOUT THE PERMISSION OF THE CMRS
27 SUPPLIER THAT SUBMITTED THE INFORMATION. HOWEVER, INFORMATION

1 SUBMITTED BY CMRS SUPPLIERS UNDER THIS SECTION MAY BE RELEASED IN
2 THE AGGREGATE IF THE NUMBER OF CMRS USERS OR THE EXPENSES AND
3 REVENUES OF A CMRS SUPPLIER CANNOT BE IDENTIFIED.

4 SEC. 411. (1) A CMRS SUPPLIER MAY USE MONEY RECEIVED FROM
5 THE CMRS EMERGENCY TELEPHONE FUND CREATED IN SECTION 407 FOR
6 MONTHLY RECURRING COSTS, START-UP COSTS, AND NONRECURRING COSTS
7 ASSOCIATED WITH INSTALLATION, SERVICE, SOFTWARE, AND HARDWARE
8 NECESSARY TO COMPLY WITH THE WIRELESS EMERGENCY SERVICE ORDER AND
9 THIS ACT. THE NONRECURRING COSTS SHALL BE AMORTIZED AT THE PRIME
10 RATE PLUS 1% OVER A PERIOD, NOT TO EXCEED 3 YEARS, UNTIL THE
11 AMOUNTS ARE FULLY RECOUPED BY THE CMRS SUPPLIER.

12 (2) IF THE TOTAL AMOUNT FROM THE INVOICES APPROVED FOR PAY-
13 MENT UNDER SECTION 410 EXCEEDS THE AMOUNT REMAINING IN THE CMRS
14 EMERGENCY TELEPHONE FUND CREATED IN SECTION 407 IN ANY QUARTER,
15 ALL CMRS SUPPLIERS THAT HAVE SUBMITTED INVOICES AND THAT ARE
16 APPROVED BY THE COMMITTEE TO RECEIVE PAYMENT SHALL RECEIVE A PRO
17 RATA SHARE OF THE MONEY IN THE FUND THAT IS AVAILABLE IN THAT
18 QUARTER. ANY UNPAID BALANCE SHALL BE CARRIED OVER TO THE FOLLOW-
19 ING QUARTER UNTIL ALL OF THE APPROVED PAYMENTS ARE MADE.
20 INTEREST SHALL BE CREDITED TO THE CMRS SUPPLIER AT THE PRIME RATE
21 ON ANY UNPAID BALANCE CARRIED OVER.

22 SEC. 412. (1) THE COMMITTEE SHALL CONDUCT AND COMPLETE A
23 COST STUDY AND MAKE A REPORT ON THE SERVICE CHARGE REQUIRED IN
24 SECTION 408 NOT LATER THAN APRIL 30, 2000, AND AUGUST 30 ANNUALLY
25 AFTER 2000. THE REPORT OF THE STUDY SHALL INCLUDE AT A MINIMUM
26 ALL OF THE FOLLOWING:

1 (A) THE EXTENT OF EMERGENCY TELEPHONE SERVICE IMPLEMENTATION
2 IN THIS STATE BY CMRS SUPPLIERS UNDER THE WIRELESS EMERGENCY
3 SERVICE ORDER AND THIS ACT.

4 (B) THE ACTUAL COSTS INCURRED BY PSAPS AND CMRS SUPPLIERS IN
5 COMPLYING WITH THE WIRELESS EMERGENCY SERVICE ORDER AND THIS
6 ACT.

7 (C) THE SERVICE CHARGE REQUIRED IN SECTION 408 AND A RECOM-
8 MENDATION TO CHANGE THE SERVICE CHARGE AMOUNT IF NEEDED TO FUND
9 THE COSTS OF MEETING THE TIME FRAMES IN THE WIRELESS EMERGENCY
10 SERVICE ORDER AND THIS ACT.

11 (D) A DESCRIPTION OF ANY COMMERCIAL APPLICATIONS DEVELOPED
12 AS A RESULT OF IMPLEMENTING THIS ACT.

13 (2) THE COMMITTEE SHALL DELIVER THE REPORT OF THE STUDY PRE-
14 PARED UNDER SUBSECTION (1) TO THE SECRETARY OF THE SENATE, THE
15 CLERK OF THE HOUSE OF REPRESENTATIVES, AND THE STANDING COMMIT-
16 TEES OF THE SENATE AND HOUSE OF REPRESENTATIVES HAVING JURISDIC-
17 TION OVER ISSUES PERTAINING TO TELECOMMUNICATION TECHNOLOGY.

18 Enacting section 1. This amendatory act does not take
19 effect unless all of the following bills of the 90th Legislature
20 are enacted into law:

21 (a) Senate Bill No. _____ or House Bill No. _____ (request
22 no. 01318'99 ***).

23 (b) Senate Bill No. 492.

24 (c) Senate Bill No. 493.