

HOUSE BILL No. 5653

March 11, 1998, Introduced by Rep. Scranton and referred to the Committee on Public Utilities.

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.

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 STATE CMRS EMERGENCY TELEPHONE FUND IS
7 CREATED WITHIN THE STATE TREASURY.

8 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS
9 FROM ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE TREASURER
10 SHALL DIRECT THE INVESTMENT OF THE FUND. THE STATE TREASURER

1 SHALL CREDIT TO THE FUND INTEREST AND EARNINGS FROM FUND
2 INVESTMENTS.

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

5 (4) THE DEPARTMENT OF TREASURY SHALL EXPEND MONEY FROM THE
6 FUND, UPON APPROPRIATION, ONLY AS PROVIDED IN SECTION 409.

7 SEC. 408. (1) A CMRS SUPPLIER SHALL INCLUDE A SERVICE
8 CHARGE OF \$.65 PER MONTH FOR EACH CMRS CONNECTION THAT HAS A
9 BILLING ADDRESS IN THIS STATE. THE CMRS SUPPLIER SHALL LIST THE
10 SERVICE CHARGE AS A SEPARATE LINE ITEM ON EACH BILL.

11 (2) EXCEPT AS PROVIDED IN THIS SECTION, THE MONEY COLLECTED
12 AS THE SERVICE CHARGE SHALL BE DEPOSITED IN THE CMRS EMERGENCY
13 TELEPHONE FUND CREATED IN SECTION 407 NOT LATER THAN 30 DAYS
14 AFTER THE END OF THE QUARTER IN WHICH THE SERVICE CHARGE WAS
15 COLLECTED.

16 (3) EACH CMRS SUPPLIER SHALL RETAIN 1% OF THE TOTAL SERVICE
17 CHARGES COLLECTED TO COVER THE COSTS OF BILLING AND COLLECTION.

18 (4) A CMRS SUPPLIER IS NOT LIABLE FOR AN UNCOLLECTED SERVICE
19 CHARGE FOR WHICH THE CMRS SUPPLIER HAS BILLED THE CMRS USER.
20 UNLESS OTHERWISE SPECIFIED BY THE CMRS USER, IF ONLY A PARTIAL
21 PAYMENT OF A BILL IS RECEIVED BY A CMRS SUPPLIER, THE CMRS SUP-
22 PLIER SHALL FIRST CREDIT THE PARTIAL PAYMENT TO THE BALANCE DUE
23 TO THE CMRS SUPPLIER. THE SERVICE CHARGE PAID BY A CMRS USER IS
24 NOT SUBJECT TO A STATE OR LOCAL TAX.

25 (5) A CMRS SUPPLIER SHALL IMPLEMENT THE BILLING PROVISIONS
26 OF THIS SECTION NOT LATER THAN 120 DAYS AFTER THE EFFECTIVE DATE
27 OF THE AMENDATORY ACT THAT ADDED THIS SECTION.

1 SEC. 409. (1) ALL MONEY COLLECTED AND DEPOSITED IN THE CMRS
2 EMERGENCY TELEPHONE FUND SHALL BE DISTRIBUTED AS FOLLOWS:

3 (A) TWENTY PERCENT OF THE TOTAL MONTHLY SERVICE CHARGES
4 SHALL BE DISBURSED EQUALLY TO EACH COUNTY THAT HAS A FINAL 9-1-1
5 PLAN IN PLACE. THE COUNTY SHALL DISTRIBUTE THE FUNDS PURSUANT TO
6 SECTION 401(12) OF THIS ACT.

7 (B) TWENTY-FIVE PERCENT OF THE TOTAL MONTHLY SERVICE CHARGES
8 SHALL BE DISBURSED TO EACH COUNTY THAT HAS A FINAL 9-1-1 PLAN IN
9 PLACE ON A PER CAPITA BASIS. THE ETSC SHALL CERTIFY TO THE
10 DEPARTMENT OF TREASURY ANNUALLY WHICH COUNTIES HAVE A FINAL 9-1-1
11 PLAN IN PLACE. THE MOST RECENT CENSUS CONDUCTED BY THE UNITED
12 STATES CENSUS BUREAU SHALL BE USED TO DETERMINE THE POPULATION OF
13 EACH COUNTY IN DETERMINING THE PER CAPITA BASIS IN THIS
14 SUBDIVISION. THE COUNTY SHALL DISTRIBUTE THE FUNDS PURSUANT TO
15 SECTION 401(12) OF THIS ACT.

16 (C) FIVE PERCENT OF THE TOTAL MONTHLY SERVICE CHARGES SHALL
17 BE AVAILABLE TO PSAPS FOR TRAINING PERSONNEL ASSIGNED TO 9-1-1
18 CENTERS. A REQUEST FOR MONEY FROM THE CMRS EMERGENCY TELEPHONE
19 FUND SHALL BE MADE TO THE EMERGENCY TELEPHONE SERVICE COMMITTEE.
20 THE MICHIGAN LAW ENFORCEMENT OFFICERS TRAINING COUNCIL SHALL
21 ESTABLISH TRAINING PROGRAMS AND ADMINISTER TRAINING WITH THE
22 MONEY RECEIVED UNDER THIS SUBDIVISION.

23 (D) FIFTY PERCENT OF THE TOTAL MONTHLY SERVICE CHARGES
24 DEPOSITED INTO THE CMRS EMERGENCY TELEPHONE FUND SHALL BE USED BY
25 CMRS SUPPLIERS TO PROVIDE AND INSTALL EQUIPMENT THAT IMPLEMENTS
26 THE WIRELESS EMERGENCY SERVICE ORDER.

1 (2) IN THE EVENT THAT A COUNTY WITH A FINAL 9-1-1 PLAN IN
2 PLACE DOES NOT ACCEPT 9-1-1 CALLS THROUGH THE DIRECT DISPATCH
3 METHOD, RELAY METHOD, OR TRANSFER METHOD FROM A CMRS USER, THE
4 REVENUES COLLECTED SHALL BE DISBURSED TO THE ENTITY OR COUNTY
5 RESPONSIBLE FOR ACCEPTING AND RESPONDING TO THOSE CALLS.

6 SEC. 410. (1) THE EMERGENCY TELEPHONE SERVICE COMMITTEE
7 SHALL APPOINT A SUBCOMMITTEE TO REVIEW EXPENDITURES AUTHORIZED
8 UNDER THIS ACT COMPOSED OF THE CHAIRPERSON OF THE EMERGENCY TELE-
9 PHONE SERVICE COMMITTEE CREATED IN SECTION 703 AND ALL OF THE
10 FOLLOWING:

11 (A) ONE MEMBER OF THE COMMITTEE WHO REPRESENTS A COMMERCIAL
12 MOBILE RADIO SERVICE PROVIDER AS PROVIDED IN SECTION 703(1)(Q).

13 (B) TWO MEMBERS OF THE COMMITTEE WHO REPRESENT AN ENTITY NOT
14 ASSOCIATED WITH THE SERVICE SUPPLIER INDUSTRY.

15 (C) ONE MEMBER OF THE PUBLIC APPOINTED BY THE CHAIRPERSON OF
16 THE ETSC WHO REPRESENTS THE COMMERCIAL MOBILE RADIO SERVICE
17 INDUSTRY AND WHO IS NOT A MEMBER OF THE EMERGENCY TELEPHONE SERV-
18 ICE COMMITTEE.

19 (2) THE CHAIRPERSON OF THE SUBCOMMITTEE CREATED UNDER SUB-
20 SECTION (1) SHALL NOT HAVE A VOTE UNLESS THE OTHER MEMBERS OF THE
21 SUBCOMMITTEE CAST A TIE VOTE.

22 (3) THE SUBCOMMITTEE CREATED IN SUBSECTION (1) SHALL REVIEW
23 INVOICES SUBMITTED BY CMRS SUPPLIERS FOR REIMBURSEMENT FROM THE
24 CMRS EMERGENCY TELEPHONE FUND. BEFORE REVIEW BY THE SUBCOMMIT-
25 TEE, THE STAFF ASSIGNED BY THE DEPARTMENT OF STATE POLICE TO
26 ASSIST THE COMMITTEE, AS PROVIDED FOR UNDER SECTION 704, SHALL
27 REMOVE ALL INFORMATION THAT IDENTIFIES THE CMRS SUPPLIER

1 SUBMITTING THE INVOICE. THE SUBCOMMITTEE SHALL REVIEW THE
2 VALIDITY OF THE INVOICES AND RECOMMEND PAYMENT TO THE STATE TREA-
3 SURER OF ALL APPROVED INVOICES. APPROVAL OF THE INVOICES SHALL
4 BE BY A MAJORITY VOTE OF THE SUBCOMMITTEE.

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

7 (A) AN EXPENSE THAT IS NOT RELATED TO COMPLYING WITH THE
8 WIRELESS EMERGENCY SERVICE ORDER.

9 (B) AN EXPENSE THAT EXCEEDS 125% OF THE CMRS EMERGENCY TELE-
10 PHONE CHARGES SUBMITTED BY A CMRS SUPPLIER UNLESS APPROVAL OF THE
11 CHARGES WAS OBTAINED FROM THE SUBCOMMITTEE CREATED IN THIS SEC-
12 TION BEFORE THE EXPENSE WAS INCURRED.

13 (5) NOTWITHSTANDING SECTION 706, INFORMATION SUBMITTED BY A
14 CMRS SUPPLIER UNDER THIS SECTION IS EXEMPT FROM ANY PROVISION OF
15 THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO
16 15.246, AND SHALL NOT BE RELEASED BY THE CHAIRPERSON OF THE EMER-
17 GENCY TELEPHONE SERVICE COMMITTEE WITHOUT THE PERMISSION OF THE
18 CMRS SUPPLIER THAT SUBMITTED THE INFORMATION. INFORMATION SUB-
19 MITTED BY CMRS SUPPLIERS UNDER THIS SECTION MAY ONLY BE RELEASED
20 IN THE AGGREGATE SO THAT THE NUMBER OF CMRS USERS OR THE EXPENSES
21 AND REVENUES OF A CMRS SUPPLIER CANNOT BE IDENTIFIED.

22 SEC. 411. (1) A CMRS SUPPLIER MAY USE MONEY IN THE FUND FOR
23 MONTHLY RECURRING COSTS AND START-UP COSTS, INCLUDING, WITHOUT
24 LIMITATION, NONRECURRING COSTS ASSOCIATED WITH INSTALLATION,
25 SERVICE, SOFTWARE, AND HARDWARE NECESSARY TO COMPLY WITH THE
26 WIRELESS EMERGENCY SERVICES ORDER. THE NONRECURRING COSTS SHALL
27 BE AMORTIZED AT THE PRIME RATE PLUS 1% OVER A PERIOD, NOT TO

1 EXCEED 3 YEARS, UNTIL THE AMOUNTS ARE FULLY RECOUPED BY THE CMRS
2 SUPPLIER.

3 (2) IF THE TOTAL AMOUNT FROM THE INVOICES APPROVED FOR PAY-
4 MENT EXCEEDS THE AMOUNT REMAINING IN THE CMRS EMERGENCY TELEPHONE
5 FUND IN ANY QUARTER, ALL CMRS SUPPLIERS THAT HAVE SUBMITTED
6 INVOICES AND THAT ARE RECOMMENDED BY THE ETSC TO RECEIVE PAYMENT
7 SHALL RECEIVE A PRO RATA SHARE OF THE FUND AVAILABLE IN THAT
8 QUARTER. ANY UNPAID BALANCE SHALL BE CARRIED OVER TO THE FOLLOW-
9 ING QUARTER UNTIL ALL OF THE RECOMMENDED PAYMENTS ARE MADE. ON
10 ANY UNPAID BALANCE CARRIED OVER, INTEREST AT THE PRIME RATE SHALL
11 BE CREDITED TO THE CMRS SUPPLIER.

12 SEC. 412. (1) THE EMERGENCY TELEPHONE SERVICE COMMITTEE
13 SHALL CONDUCT AND COMPLETE A COST STUDY AND MAKE A REPORT ON THE
14 SERVICE CHARGE AUTHORIZED IN SECTION 408 NOT LATER THAN AUGUST
15 31, 1999 AND AUGUST 31 BIENNIALY AFTER 1999. THE REPORT OF THE
16 STUDY SHALL INCLUDE AT LEAST ALL OF THE FOLLOWING:

17 (A) THE EXTENT OF EMERGENCY TELEPHONE SERVICE IMPLEMENTATION
18 IN THIS STATE BY CMRS SUPPLIERS UNDER THE WIRELESS EMERGENCY
19 SERVICE ORDER.

20 (B) THE ACTUAL COSTS INCURRED BY PSAPS AND CMRS SUPPLIERS IN
21 COMPLYING WITH THE APPLICABLE REQUIREMENTS PRESCRIBED IN THE
22 WIRELESS EMERGENCY SERVICE ORDER.

23 (C) THE ADEQUACY OF THE SERVICE CHARGE IMPOSED UNDER THIS
24 ACT ON CMRS USERS AND A RECOMMENDATION TO CHANGE THE SERVICE
25 CHARGE AMOUNT IF NEEDED TO ADEQUATELY FUND THE COSTS OF MEETING
26 THE TIME FRAMES IN THE WIRELESS EMERGENCY SERVICE ORDER.

1 (2) THE REPORT OF THE STUDY SHALL BE DELIVERED TO THE
2 SECRETARY OF THE SENATE AND THE CLERK OF THE HOUSE OF
3 REPRESENTATIVES.

4 Enacting section 1. This amendatory act does not take
5 effect unless all of the following bills of the 89th Legislature
6 are enacted into law:

7 (a) Senate Bill No. _____ or House Bill No. _____ (request
8 no. 02251'97).

9 (b) Senate Bill No. _____ or House Bill No. _____ (request
10 no. 05594'98).

11 (c) House Bill No. 5289.

12 Enacting section 2. This amendatory act takes effect 120
13 days after the date this amendatory act is enacted.