

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 411

A bill to amend 1986 PA 32, entitled
"Emergency telephone service enabling act,"
by amending sections 402, 403, 404, 405, 406, 407, 408, 412, 413,
502, 504, 601, 602, 605, 712, 714, 716, and 717 (MCL 484.1402,
484.1403, 484.1404, 484.1405, 484.1406, 484.1407, 484.1408,
484.1412, 484.1413, 484.1502, 484.1504, 484.1601, 484.1602,
484.1605, 484.1712, 484.1714, 484.1716, and 484.1717), sections
403, 404, 405, and 406 as amended by 1999 PA 81, sections 407 and
412 as added by 1999 PA 78, section 408 as amended by 2006 PA 74,
section 413 as added and section 717 as amended by 2006 PA 249,
section 601 as amended and section 605 as added by 1999 PA 80,
section 602 as amended by 2004 PA 515, and sections 712, 714, and
716 as added by 1999 PA 79; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 402. Each billed service user shall be liable for any
 2 ~~emergency telephone~~ **STATE, COUNTY, OR TECHNICAL 9-1-1** charge
 3 imposed on the service user ~~pursuant to~~ **UNDER** this act.

4 Sec. 403. ~~Except as provided in sections 407 to 412, each~~ **EACH**
 5 service supplier shall be solely responsible for the billing ~~for~~ **OF**
 6 the ~~emergency telephone~~ **STATE AND COUNTY 9-1-1** charge and the
 7 transmittal of money collected ~~from~~ **TO** the emergency telephone
 8 ~~operational charge~~ **9-1-1 FUND AND TO THE COUNTIES AS REQUIRED UNDER**
 9 **THIS ACT.**

10 Sec. 404. ~~After commencement of collection of the emergency~~
 11 ~~telephone charge within a particular 9-1-1 service district, a~~ **A**
 12 service supplier providing or designated to provide 9-1-1 service
 13 ~~pursuant to~~ **UNDER** this act shall not alter the ~~emergency telephone~~
 14 **STATE OR COUNTY 9-1-1** charge collected from service users within
 15 the 9-1-1 service district **EXCEPT AS PROVIDED UNDER THIS ACT.**
 16 ~~pursuant to this act except as follows:~~

17 ~~—— (a) As provided in sections 405 and 407 to 412.~~

18 ~~—— (b) Subject to the limitations provided by section 401(4), if~~
 19 ~~additions or withdrawals of PSAPs or secondary PSAPs are made to~~
 20 ~~the 9-1-1 service within a 9-1-1 service district pursuant to this~~
 21 ~~act, the emergency telephone charge shall be increased or decreased~~
 22 ~~in an amount such that the total emergency telephone charges to be~~
 23 ~~collected in such billing period and in each billing period~~
 24 ~~thereafter shall equal the total cost of providing 9-1-1 service~~
 25 ~~within the 9-1-1 service district based on the rates and charges of~~
 26 ~~the service supplier.~~

27 ~~—— (c) Subject to the limitations provided by section 401(4), if~~

~~a public agency is added to or withdraws from a 9-1-1 service district pursuant to this act, the emergency telephone charge shall be increased or decreased within the jurisdiction of the particular public agency in an amount such that the total emergency telephone charges to be collected in such billing period and in each billing period thereafter shall equal the total cost of providing 9-1-1 service within the modified 9-1-1 service district based on the rates and charges of the service supplier.~~

Sec. 405. ~~(1) Except as provided in sections 407 to 412, within 90 days after the first day of the calendar year following the year in which a service supplier commenced collection of the emergency telephone charge pursuant to section 401, and within 90 days after the first day of each calendar year thereafter, a service supplier providing 9-1-1 service pursuant to this act shall make an annual accounting to the 9-1-1 service district of the total emergency telephone charges collected during the immediately preceding calendar year.~~ **THE COMMISSION SHALL CONSULT WITH AND CONSIDER THE RECOMMENDATIONS OF THE COMMITTEE IN THE PROMULGATION OF RULES UNDER SECTION 413 TO REQUIRE EACH SERVICE USER WITH A MULTILINE TELEPHONE SYSTEM TO INSTALL NO LATER THAN DECEMBER 31, 2011 THE NECESSARY EQUIPMENT AND SOFTWARE TO PROVIDE SPECIFIC LOCATION INFORMATION OF A 9-1-1 CALL. THIS SECTION APPLIES TO MULTILINE TELEPHONE SYSTEMS REGARDLESS OF THE SYSTEM TECHNOLOGY.**

~~———— (2) If an annual accounting made pursuant to subsection (1) discloses that the total emergency telephone technical charges collected during the immediately preceding calendar year exceeded the total cost of installing and providing 9-1-1 service within the~~

~~9-1-1 service district for the immediately preceding calendar year according to the rates and charges of the service supplier, the service supplier shall adjust the emergency telephone technical charge collected from service users in the 9-1-1 service district in an amount computed pursuant to this section. The amount of the adjustment shall be computed by dividing the excess by the number of exchange access facilities within the 9-1-1 service district as the district existed for the billing period immediately following the annual accounting. Costs of the service supplier associated with making the adjustment under this subsection as part of the billing and collection service shall be deducted from the amount to be adjusted.~~

~~—— (3) If the annual accounting discloses that the total emergency telephone charges collected during the calendar year are less than the total cost of installing and providing 9-1-1 service within the 9-1-1 service district for the immediately preceding calendar year according to the costs and rates of the service supplier, the service supplier shall collect an additional charge from service users in the 9-1-1 service district in an amount computed pursuant to this section. Subject to the limitations provided by section 401(4), the amount of the additional charge shall be computed by dividing the amount by which the total cost exceeded the total emergency telephone charges collected during the immediately preceding calendar year by the number of exchange access facilities within the 9-1-1 service district as the district existed for the billing period immediately following the annual accounting.~~

1 Sec. 406. (1) ~~Except as provided in sections 407 to 412, the~~
2 ~~emergency telephone operational charge~~ **THE** funds collected and
3 expended ~~pursuant to~~ **UNDER** this act shall be used **EXPENDED**
4 exclusively for the ~~operation of the 9-1-1 system~~ **9-1-1 SERVICES**
5 **AND IN COMPLIANCE WITH THE RULES PROMULGATED UNDER SECTION 413.**

6 (2) Each PSAP or secondary PSAP shall assure that fund
7 accounting, auditing, monitoring, and evaluation procedures are
8 provided **AS REQUIRED BY THIS ACT AND THE RULES PROMULGATED UNDER**
9 **THIS ACT.** ~~The accounting procedures shall provide for accurate and~~
10 ~~timely recording of receipt and disbursement of funds by source.~~

11 (3) An annual audit shall be conducted by an independent
12 auditor using generally accepted accounting principles and copies
13 of the annual audit shall be made available for public inspection.

14 (4) An increase in ~~9-1-1 operational funds~~ **THE CHARGES ALLOWED**
15 **UNDER THIS ACT** shall not be authorized or expended for the next
16 fiscal year unless ~~an annual audit has been performed for the~~
17 ~~previous fiscal year and~~ **ACCORDING TO THE MOST RECENTLY COMPLETED**
18 **ANNUAL AUDIT THE** expenditures are in compliance with this act.
19 ~~Except as provided in subsection (5), the PSAP shall continue to~~
20 ~~operate at the same funding level as the previous fiscal year until~~
21 ~~an audit is performed as required by this section.~~

22 ~~(5) The recurring emergency telephone operational charge~~
23 ~~authorized under section 401 shall not be expended if an audit has~~
24 ~~not been performed as required by this section within 120 days of~~
25 ~~the end of the fiscal year.~~

26 (5) **THE RECEIPT OF 9-1-1 FUNDS UNDER THIS ACT IS DEPENDENT ON**
27 **COMPLIANCE WITH THE STANDARDS ESTABLISHED BY THE COMMISSION UNDER**

1 **SECTION 413.**

2 Sec. 407. (1) The ~~CMRS emergency telephone~~ **9-1-1** fund is
 3 created within the state treasury. ~~to provide money to implement~~
 4 ~~the wireless emergency service order and this act.~~

5 (2) The state treasurer may receive money or other assets **AS**
 6 **PROVIDED UNDER THIS ACT AND** from any source for deposit into the
 7 fund. Money may be deposited into the fund by electronic funds
 8 transfer. **MONEY IN THE CMRS EMERGENCY TELEPHONE FUND ON THE**
 9 **EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED SECTION 401A SHALL**
 10 **BE DEPOSITED INTO THE FUND AND EXPENDED AS PROVIDED BY THIS ACT.**

11 The state treasurer shall direct the investment of the fund. The
 12 state treasurer shall credit to the fund interest and earnings from
 13 fund investments. ~~The state treasurer shall establish restricted~~
 14 ~~subaccounts within the fund for each of the categories listed in~~
 15 ~~section 409(1)(a) to (e).~~

16 (3) Money in the fund at the close of the fiscal year shall
 17 remain in the fund and shall not lapse to the general fund.

18 (4) The department of treasury shall expend money from the
 19 fund ~~, upon appropriation,~~ only as provided in this act. The
 20 disbursement of money may be by electronic funds transfer.

21 (5) The auditor general shall audit the fund at least
 22 annually.

23 Sec. 408. (1) Except as otherwise provided under ~~subsection~~
 24 ~~(3)~~ **THIS ACT**, starting January ~~JULY 1, 2004-2008~~, a ~~CMRS SERVICE~~
 25 supplier ~~or a reseller~~ shall include a **STATE 9-1-1** service charge
 26 ~~of 52 cents per month for each CMRS connection that has a billing~~
 27 ~~address in this state~~ **AS DETERMINED UNDER SECTION 401A.** The ~~CMRS~~

1 **SERVICE** supplier ~~or reseller~~ shall list a ~~THE STATE 9-1-1~~ service
2 charge authorized under this ~~section~~ **ACT** as a separate line item on
3 each bill. The service charge shall be listed on the bill as the
4 ~~"operational"~~ **STATE 9-1-1 charge**.

5 ~~—— (2) Except as otherwise provided under subsection (3), a CMRS~~
6 ~~supplier may submit an invoice to the subcommittee created in~~
7 ~~section 410 for reimbursement from the CMRS emergency telephone~~
8 ~~fund for costs incurred in implementing the wireless emergency~~
9 ~~service order and this act. Within 90 days after the date the~~
10 ~~invoice is submitted to the subcommittee, the subcommittee shall~~
11 ~~review the invoice and make a recommendation to the committee for~~
12 ~~the approval, in whole or in part, or denial of the invoice. The~~
13 ~~committee shall approve an invoice submitted under this subsection~~
14 ~~only if the invoice is for costs directly related to the providing~~
15 ~~and installing of equipment that implements the wireless emergency~~
16 ~~service order and this act. The committee shall authorize payment~~
17 ~~of the invoice in accordance with the recommendations of the~~
18 ~~subcommittee.~~

19 ~~—— (3) Before July 1, 2004, all CMRS suppliers shall notify the~~
20 ~~committee in writing whether they will seek reimbursement from the~~
21 ~~CMRS emergency telephone fund for costs incurred until December 31,~~
22 ~~2005 in implementing the wireless emergency service order and this~~
23 ~~act. If a CMRS supplier elects to seek reimbursement under this~~
24 ~~subsection, it shall continue to impose the 52 cents per month~~
25 ~~charge authorized under subsection (1) until December 31, 2005.~~
26 ~~After December 31, 2005, the CMRS supplier shall impose a service~~
27 ~~charge of 29 cents per month. A CMRS supplier that notifies the~~

~~committee in writing that it will not seek reimbursement under this subsection shall impose a charge of 29 cents per month and not seek reimbursement from the fund for costs in implementing the wireless emergency service order and this act incurred after the date of its notice to the committee.~~

~~(4) The department of state police may receive funds from the CMRS emergency telephone fund for costs to administer this act or to operate a regional dispatch center that receives and dispatches 9-1-1 calls. A breakdown of the costs funded under this subsection shall be included in the annual report required under section 412. Except as otherwise provided by this subsection, the costs funded under this subsection shall not exceed 1/2 of 1 cent of the monthly service charge collected under this section. If the department of state police establishes the position of E-911 coordinator, the costs funded under this subsection shall not exceed 1 cent of the monthly service charge collected under this section.~~

(2) EACH SERVICE SUPPLIER MAY RETAIN 2% OF THE STATE 9-1-1 CHARGE COLLECTED UNDER THIS ACT TO COVER THE SUPPLIER'S COSTS FOR BILLING AND COLLECTION.

~~(3) (5) Except as otherwise provided in this section~~ **UNDER SUBSECTION (2)**, the money collected as the ~~service~~ **STATE 9-1-1** charge under subsection (1) shall be deposited in the ~~CMRS~~ emergency ~~telephone~~ **9-1-1** fund created in section 407 ~~not~~ **NO** later than 30 days after the end of the quarter in which the ~~service~~ **STATE 9-1-1** charge was collected.

~~(4) (6) All~~ **EXCEPT AS OTHERWISE PROVIDED UNDER SECTION 401A(5)**, **ALL** money collected and deposited in the ~~CMRS~~ emergency

1 ~~telephone~~ 9-1-1 fund created in section 407 shall be distributed as
2 follows:

3 (a) ~~Except as provided in subsection (9), 10 cents of each~~
4 ~~monthly service charge 82.5%~~ shall be disbursed ~~equally to each~~
5 county that has a final 9-1-1 plan in place. ~~that includes~~
6 ~~implementing the wireless emergency service order and this act.~~
7 **FORTY PERCENT OF THE 82.5% SHALL BE DISTRIBUTED QUARTERLY ON AN**
8 **EQUAL BASIS TO EACH COUNTY, AND 60% OF THE 82.5% SHALL BE**
9 **DISTRIBUTED QUARTERLY BASED ON A POPULATION PER CAPITA BASIS.** Money
10 received by a county under this subdivision shall only be used ~~to~~
11 ~~implement the wireless emergency service order and this act~~ **FOR 9-**
12 **1-1 SERVICES AS ALLOWED UNDER THIS ACT.** Money expended under this
13 subdivision for a purpose considered unnecessary or unreasonable by
14 the committee or the auditor general shall be repaid to the fund.

15 (b) ~~Except as provided in subsection (9), 15 cents of each~~
16 ~~monthly service charge shall be disbursed on a per capita basis to~~
17 ~~each county that has a final 9-1-1 plan in place that includes~~
18 ~~implementing the wireless emergency service order and this act. The~~
19 ~~committee shall certify to the department of treasury quarterly~~
20 ~~which counties have a final 9-1-1 plan in place. The most recent~~
21 ~~census conducted by the United States census bureau shall be used~~
22 ~~to determine the population of each county in determining the per~~
23 ~~capita basis in this subdivision. Money received by a county under~~
24 ~~this subdivision shall only be used to implement the wireless~~
25 ~~emergency service order and this act. Money expended under this~~
26 ~~subdivision for a purpose considered unnecessary or unreasonable by~~
27 ~~the committee or the auditor general shall be repaid to the fund.~~

1 7.75% SHALL BE AVAILABLE TO REIMBURSE LOCAL EXCHANGE PROVIDERS FOR
2 THE COSTS RELATED TO WIRELESS EMERGENCY SERVICE. ANY COST
3 REIMBURSEMENT ALLOWED UNDER THIS SUBDIVISION SHALL NOT INCLUDE A
4 COST THAT IS NOT RELATED TO WIRELESS EMERGENCY SERVICE. A LOCAL
5 EXCHANGE PROVIDER MAY SUBMIT AN INVOICE TO THE COMMISSION FOR
6 REIMBURSEMENT FROM THE EMERGENCY 9-1-1 FUND FOR ALLOWED COSTS.
7 WITHIN 45 DAYS AFTER THE DATE AN INVOICE IS SUBMITTED TO THE
8 COMMISSION, THE COMMISSION SHALL APPROVE, EITHER IN WHOLE OR IN
9 PART, OR DENY THE INVOICE.

10 (c) ~~One and one-half cents of each monthly service charge 6.0%~~
11 shall be available to PSAPs for training personnel assigned to 9-1-
12 1 centers. A written request for money from the fund shall be made
13 by a public safety agency or county to the committee. The committee
14 shall semiannually authorize distribution of money from the fund to
15 eligible public safety agencies or counties. A public safety agency
16 or county that receives money under this subdivision shall create,
17 maintain, and make available to the committee upon request a
18 detailed record of expenditures relating to the preparation,
19 administration, and carrying out of activities of its 9-1-1
20 training program. Money expended by an eligible public safety
21 agency or county for a purpose considered unnecessary or
22 unreasonable by the committee or the auditor general shall be
23 repaid to the fund. **THE COMMISSION SHALL CONSULT WITH AND CONSIDER**
24 **THE RECOMMENDATIONS OF THE COMMITTEE IN THE PROMULGATION OF RULES**
25 **UNDER SECTION 413 ESTABLISHING TRAINING STANDARDS FOR 9-1-1 SYSTEM**
26 **PERSONNEL.** Money shall be disbursed **ON A BIENNIAL BASIS** to an
27 eligible public safety agency or county for training of PSAP

1 personnel through courses certified by the ~~commission on law~~
2 ~~enforcement standards~~ **COMMITTEE** only for either of the following
3 purposes:

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

5 (ii) To provide in-service training to employees engaged in 9-
6 1-1 service.

7 (d) ~~As provided under subsections (2), (4), and (11) 1.88%~~
8 **CREDITED TO THE DEPARTMENT OF STATE POLICE TO OPERATE A REGIONAL**
9 **DISPATCH CENTER THAT RECEIVES AND DISPATCHES 9-1-1 CALLS, AND 1.87%**
10 **CREDITED TO THE DEPARTMENT OF STATE POLICE FOR COSTS TO ADMINISTER**
11 **THIS ACT AND TO MAINTAIN THE OFFICE OF THE STATE 9-1-1 COORDINATOR.**

12 (5) ~~(e) For fiscal year 2005-2006-2007-2008 only, an amount~~
13 ~~not to exceed \$15,000,000.00 for the annual rental obligations of~~
14 ~~the state building authority under the bonds issued to finance the~~
15 ~~Michigan public safety communications system project \$500,000.00 TO~~
16 **THE DEPARTMENT OF STATE POLICE TO STUDY THE FEASIBILITY OF AN IP-**
17 **BASED 9-1-1 SYSTEM IN THIS STATE.**

18 (6) ~~(7) Money received by a county under subsection (6)(b) and~~
19 ~~(e) (4) (A)~~ shall be distributed by the county to the primary PSAPs
20 geographically located within the 9-1-1 service district by 1 of
21 the following methods:

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

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

26 (c) If distribution is not provided for in the 9-1-1 service
27 plan under subdivision (a) or by agreement between the county and

1 public agency under subdivision (b), then according to the
2 population within the geographic area for which the PSAP serves as
3 primary PSAP.

4 (d) If a county has multiple emergency ~~telephone-9-1-1~~
5 districts, money for that county shall be distributed as provided
6 in the emergency ~~telephone-9-1-1~~ districts' final 9-1-1 service
7 plans.

8 ~~—— (8) If a county with a final 9-1-1 plan in place does not~~
9 ~~accept 9-1-1 calls through the direct dispatch method, relay~~
10 ~~method, or transfer method from a CMRS user, the revenues available~~
11 ~~to the county under this section shall be disbursed to the public~~
12 ~~agency or county responsible for accepting and responding to those~~
13 ~~calls.~~

14 ~~—— (9) In addition to the requirements of this subsection, a~~
15 ~~county is not eligible to receive disbursements under subsection~~
16 ~~(6)(a) or (b) unless the county is compliant with the wireless~~
17 ~~emergency service order and this act. A county shall be compliant~~
18 ~~with phase 1 implementation by June 30, 2004 and phase 2~~
19 ~~implementation by June 30, 2005. A county that is not compliant~~
20 ~~with phase 1 implementation by June 30, 2004 and phase 2~~
21 ~~implementation by June 30, 2005 shall use the disbursements~~
22 ~~received under subsection (6)(a) and (b) only for purposes of~~
23 ~~becoming compliant. A county that is not compliant with phase 1~~
24 ~~implementation by December 31, 2004 and phase 2 implementation by~~
25 ~~December 31, 2005 is not eligible to receive disbursements under~~
26 ~~subsection (6)(a) and (b). Once the committee determines that a~~
27 ~~county that is not eligible to receive disbursements is compliant,~~

~~the county shall begin receiving disbursements again under subsection (6) (a) and (b). As used in this subsection, "compliant" means the county has installed equipment that is capable, and at a state of readiness, to deploy wireless service for all CMRS providers within a county's 9-1-1 service district or districts.~~

~~—— (10) From each service charge billed under subsection (1), each CMRS supplier or reseller who billed the customer shall retain 1/2 of 1 cent to cover the costs of billing and collection as the only reimbursement from this charge for billing and collection costs.~~

~~—— (11) Notwithstanding any other provision of this act, the commission, following a contested case, shall issue an order no later than June 29, 2004 establishing the costs that a local exchange provider may recover in terms of the costs related to the wireless emergency service order. Any cost reimbursement allowed under this subsection shall not include a cost that is not related to complying with the wireless emergency service order. After the commission has issued the order, a local exchange provider may submit an invoice to the commission for reimbursement from the CMRS emergency telephone fund for costs incurred that are allowed under the commission order. Within 45 days after the date an invoice is submitted to the commission, the commission shall make a recommendation to the committee for the approval, either in whole or in part, or the denial of the invoice. The committee shall authorize payment of an invoice in accordance with the commission's recommendation. As used in this subsection:~~

~~—— (a) "Commission" means the Michigan public service commission.~~

~~1 (b) "Local exchange provider" means a provider of regulated
2 basic local exchange service as defined in section 102 of the
3 Michigan telecommunications act, 1991 PA 179, MCL 484.2102.~~

~~4 (12) A CMRS supplier or reseller is not liable for an
5 uncollected service charge billed under subsection (1) for which
6 the CMRS supplier or reseller has billed the CMRS user. If only a
7 partial payment of a bill is received by a CMRS supplier or
8 reseller, the CMRS supplier or reseller shall credit the amount
9 received as follows in priority order:~~

~~10 (a) For services provided.~~

~~11 (b) For the reimbursement under subsection (10).~~

~~12 (c) For the balance of the service charge.~~

~~13 (13) Amounts received under subsection (12)(c) shall be
14 forwarded to the CMRS emergency telephone fund created in section
15 407. Any uncollected portion of the service charge that is not
16 received shall be billed on subsequent billings and, upon receipt,
17 amounts in excess of the reimbursement under subsection (10) shall
18 be forwarded to the CMRS emergency telephone fund created in
19 section 407. The service charge paid by a CMRS user is not subject
20 to a state or local tax.~~

~~21 (14) A CMRS supplier or reseller shall implement the billing
22 provisions of this section not later than October 26, 1999.~~

~~23 (15) The department of state police shall annually prepare a
24 list of projects in priority order that the department of state
25 police recommends for funding from the funds collected under former
26 section 409(e). The legislature shall annually review and approve
27 projects by law. If a project provides infrastructure or equipment~~

~~for use by CMRS suppliers, the department of state police shall charge a reasonable fee for use of the infrastructure or equipment. Fees collected under this subsection shall be deposited in the fund.~~

(7) THE COMMISSION SHALL CONSULT WITH AND CONSIDER RECOMMENDATIONS OF THE COMMITTEE IN THE PROMULGATION OF RULES UNDER SECTION 413 ESTABLISHING THE STANDARDS FOR THE RECEIPT AND EXPENDITURES OF 9-1-1 FUNDS UNDER THIS ACT. RECEIPT OF 9-1-1 FUNDS UNDER THIS ACT IS DEPENDENT ON COMPLIANCE WITH THE STANDARDS ESTABLISHED UNDER THIS SUBSECTION.

Sec. 412. (1) The committee shall ~~conduct and complete a cost study and make a report~~ **ANNUALLY** on the ~~service~~ **9-1-1 SYSTEM IN THIS STATE AND THE STATE AND COUNTY 9-1-1 charge required in UNDER SECTIONS 401, 401A, 401B, 401C, 401D, AND 401E AND DISTRIBUTED UNDER section 408 not later than April 30, 2000, and August 30 annually after 2000** **AUGUST 1 OF EACH YEAR.** The report ~~of the study~~ shall include at a minimum all of the following:

(a) The extent of emergency ~~telephone~~ **9-1-1** service implementation in this state. ~~by CMRS suppliers under the wireless emergency service order and this act.~~

(b) The actual **9-1-1 SERVICE** costs incurred by PSAPs and ~~CMRS suppliers in complying with the wireless emergency service order and this act~~ **COUNTIES.**

(c) The ~~service~~ **STATE 9-1-1** charge required ~~in UNDER~~ section ~~408~~ **401A** and a recommendation ~~to change~~ **OF ANY CHANGES IN** the ~~service~~ **STATE 9-1-1** charge amount ~~if needed to fund the costs of meeting the time frames in the wireless emergency service order and~~

~~this act~~ OR IN THE DISTRIBUTION PERCENTAGES UNDER SECTION 408.

(d) A description of any commercial applications developed as a result of implementing this act.

(e) ~~A~~ **THE CHARGE ALLOWED UNDER SECTIONS 401A, 401B, 401C, 401D, AND 401E AND A** detailed record of expenditures by each county relating to ~~the implementation of the wireless emergency service order and~~ this act.

(2) The committee shall deliver the report ~~of the study prepared~~ **REQUIRED** under subsection (1) to the secretary of the senate, the clerk of the house of representatives, and the standing committees of the senate and house of representatives having jurisdiction over issues pertaining to ~~telecommunication~~ **COMMUNICATION** technology.

~~—— (3) Upon receipt of the report, the legislature must consider the findings of the report and determine whether an adjustment to the fee is necessary.~~

Sec. 413. (1) ~~The state 9-1-1 director shall issue a report to the legislature and the governor no later than December 1, 2006, providing recommendations for stable, equitable long term funding of the 9-1-1 system in this state and recommendations, if any, for the establishment of standards for the training and response time of 9-1-1 personnel.~~

~~—— (2) The report shall contain a recommendation that any 9-1-1 fees collected from communications providers are assessed in a competitively neutral manner.~~ **THE COMMISSION MAY PROMULGATE RULES TO ESTABLISH 1 OR MORE OF THE FOLLOWING:**

(A) UNIFORM PROCEDURES, POLICIES, AND PROTOCOLS GOVERNING 9-1-

1 SERVICES IN COUNTIES AND PSAPS IN THIS STATE.

2 (B) STANDARDS FOR THE TRAINING OF PSAP PERSONNEL UNDER SECTION
3 408(2)(B).

4 (C) UNIFORM PROCEDURES, POLICIES, AND STANDARDS FOR THE
5 RECEIPT AND EXPENDITURE OF 9-1-1 FUNDS UNDER SECTIONS 401A, 401B,
6 401C, 401D, 401E, 406, AND 408.

7 (D) THE REQUIREMENTS FOR MULTILINE TELEPHONE SYSTEMS UNDER
8 SECTION 405.

9 (E) THE PENALTIES AND REMEDIES FOR VIOLATIONS OF THIS ACT AND
10 THE RULES PROMULGATED UNDER THIS ACT.

11 (2) THE COMMISSION SHALL CONSULT WITH AND CONSIDER THE
12 RECOMMENDATIONS OF THE COMMITTEE IN THE PROMULGATION OF RULES UNDER
13 THIS SECTION.

14 (3) THE COMMISSION'S RULE-MAKING AUTHORITY IS LIMITED TO THAT
15 EXPRESSLY GRANTED UNDER THIS SECTION.

16 (4) THE RULES PROMULGATED UNDER THIS SECTION DO NOT APPLY TO
17 SERVICE SUPPLIERS.

18 Sec. 502. (1) After installation and commencement of operation
19 of a 9-1-1 system implemented ~~pursuant to~~ **UNDER** this act, a public
20 safety agency serving a public agency or county within the 9-1-1
21 service district shall cease to function as a PSAP or a secondary
22 PSAP 60 days after giving written notice ~~thereof~~ to the county
23 clerk. Within 5 days after receipt of the notice, the county clerk
24 shall forward the written notice to the service supplier.

25 (2) Notwithstanding any provision of this act, ~~to the~~
26 ~~contrary,~~ any costs incurred by a service supplier for equipment
27 removal or system modification necessary for a public safety agency

1 to cease functioning as a PSAP or secondary PSAP ~~pursuant to~~ **UNDER**
 2 subsection (1) shall be paid directly by the public safety agency.
 3 ~~and shall not be collected from service users in the 9-1-1 service~~
 4 ~~district.~~

5 Sec. 504. Within 5 days after receipt of a certified copy of a
 6 resolution adopted by a public agency ~~pursuant to~~ **UNDER** section
 7 503, the county clerk shall forward the certified copy of the
 8 resolution to the service supplier by certified mail, return
 9 receipt requested. Within a reasonable time after the service
 10 supplier receives the certified copy of the resolution, the service
 11 supplier shall commence 9-1-1 service to all or part of the
 12 jurisdiction of the public agency, as the case may be, and after
 13 commencement of ~~such~~ **THE** service shall commence the collection of
 14 the ~~emergency telephone~~ **STATE AND COUNTY 9-1-1** charge, in
 15 accordance with this act, from service users within all or part of
 16 the jurisdiction of the public agency added to the 9-1-1 service
 17 district.

18 Sec. 601. ~~(1) Except for a commercial mobile radio service,~~
 19 ~~the public service commission, and the~~ **THE** emergency telephone ~~9-1-~~
 20 1 service committee created in section 712, upon request by a
 21 service supplier, county, public agency, or public service agency,
 22 shall provide, to the extent possible, technical assistance
 23 regarding the formulation or implementation, or both, of a 9-1-1
 24 service plan and assistance in resolving a dispute between or among
 25 a service supplier, county, public agency, or public safety agency
 26 regarding their respective rights and duties under this act.

27 ~~—— (2) Except for a commercial mobile radio service supplier, a~~

~~service supplier, county, public agency, public service agency, or a combination of those entities that has a dispute with another arising from the formulation or implementation, or both, of a 9-1-1 service plan shall request assistance from the public service commission and the emergency telephone service committee in resolving the dispute.~~

~~—— (3) Upon the request of a CMRS supplier, county, public agency, or public service agency, the emergency telephone service committee shall, to the extent possible, provide technical assistance in formulating and implementing a 9-1-1 service plan. The emergency telephone service committee shall also provide assistance in resolving a dispute between or among a CMRS supplier, county, public agency, or public service agency regarding their respective rights and duties under this act.~~

~~—— (4) A CMRS supplier, county, public agency, or public service agency or a combination of those entities that has a dispute with another of those entities, arising from the formulation or implementation, or both, of a 9-1-1 service plan, shall request assistance from the emergency telephone service committee appointed pursuant to section 410 in resolving the dispute.~~

Sec. 602. (1) THE COMMITTEE SHALL DEVELOP A VOLUNTARY INFORMAL DISPUTE RESOLUTION PROCESS THAT CAN BE UTILIZED BY ANY PARTY IN RESOLVING ANY DISPUTE INVOLVING THE FORMULATION, IMPLEMENTATION, DELIVERY, AND FUNDING OF 9-1-1 SERVICES IN THIS STATE.

(2) Except for a dispute between a commercial mobile radio service and a local exchange provider as defined under section 408, a dispute between or among 1 or more service suppliers, counties,

1 public agencies, public service agencies, or any combination of
2 those entities regarding their respective rights and duties under
3 this act shall be heard as a contested case before the public
4 service commission as provided in the administrative procedures act
5 of 1969, 1969 PA 306, MCL 24.201 to 24.328.

6 Sec. 605. (1) A person shall not use an emergency ~~telephone 9-~~
7 ~~1-1 service or an emergency CMRS~~ authorized by this act for any
8 reason other than to call for an emergency response service from a
9 primary public safety answering point.

10 (2) A person who knowingly uses or attempts to use an
11 emergency ~~telephone 9-1-1~~ service for a purpose other than
12 authorized in subsection (1) is guilty of a misdemeanor punishable
13 by imprisonment for not more than ~~93-180~~ days or a fine of not more
14 than ~~\$1,000.00-\$5,000.00~~, or both.

15 (3) A person who violates subsection (2) and has 1 or more
16 prior convictions under this section is guilty of a felony
17 punishable by imprisonment for not more than 2 years or a fine of
18 not more than ~~\$2,000.00-\$10,000.00~~, or both.

19 (4) This section does not apply to a person who calls a public
20 safety answering point to report a crime or seek assistance that is
21 not an emergency unless the call is repeated after the person is
22 told to call a different number.

23 Sec. 712. An emergency ~~telephone 9-1-1~~ service committee is
24 created within the department of state police to develop statewide
25 standards and model system considerations and make other
26 recommendations for emergency telephone services. **THE COMMITTEE**
27 **SHALL ONLY HAVE THE AUTHORITY AND DUTIES GRANTED TO THE COMMITTEE**

1 **UNDER THIS ACT.**

2 Sec. 714. (1) The committee shall do all of the following:

3 (a) Organize and adopt standards governing the committee's
4 formal and informal procedures.

5 (b) Meet not less than 4 times per year at a place and time
6 specified by the chairperson.

7 (c) Keep a record of the proceedings and activities of the
8 committee.

9 (d) Provide recommendations to public safety answering points
10 and secondary public safety answering points on statewide technical
11 and operational standards for PSAPs and secondary PSAPs.

12 (e) Provide recommendations to public agencies concerning
13 model systems to be considered in preparing a 9-1-1 service plan.

14 (f) Perform ~~other duties as necessary to promote successful~~
15 **ALL DUTIES AS REQUIRED UNDER THIS ACT RELATING TO THE** development,
16 implementation, ~~and operation,~~ **AND FUNDING** of 9-1-1 systems ~~across~~
17 ~~the~~ **IN THIS** state.

18 **(G) PROVIDE NOTICE TO THE SERVICE SUPPLIERS OF ANY CHANGES IN**
19 **THE STATE OR COUNTY 9-1-1 CHARGE UNDER SECTIONS 401A, 401B, AND**
20 **401C.**

21 (2) The department of state police and the public service
22 commission shall provide staff assistance to the committee as
23 necessary to carry out the committee's duties under this ~~section~~
24 **ACT.**

25 Sec. 716. ~~Subject to section 410(5)~~ **EXCEPT AS OTHERWISE**
26 **PROVIDED UNDER THIS ACT,** a writing prepared, owned, used, in the
27 possession of, or retained by the committee in the performance of

Senate Bill No. 411 (H-7) as amended December 12, 2007

an official function shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

Sec. 717. This act is repealed effective ~~December 31, 2007~~
FEBRUARY 28, 2009.]

Enacting section 1. Sections 201a, 201b, 306, 410, 411, 506, and 711 of the emergency telephone services enabling act, 1986 PA 32, MCL 484.1201a, 484.1201b, 484.1306, 484.1410, 484.1411, 484.1506, and 484.1711, are repealed.

Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 410 of the 94th Legislature is enacted into law.