

# SENATE BILL No. 411

April 18, 2007, Introduced by Senators BASHAM, BROWN, CHERRY, BARCIA, GLEASON, HUNTER and PRUSI and referred to the Committee on Energy Policy and Public Utilities.

A bill to amend 1986 PA 32, entitled  
"Emergency telephone service enabling act,"  
by amending sections 402, 403, 404, 405, 406, 407, 408, 410, 412,  
413, 502, 504, 506, 601, 602, 605, 712, 714, 716, and 717 (MCL  
484.1402, 484.1403, 484.1404, 484.1405, 484.1406, 484.1407,  
484.1408, 484.1410, 484.1412, 484.1413, 484.1502, 484.1504,  
484.1506, 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, 410, 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 OR COUNTY 9-1-1** charge imposed on the  
3 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.~~

~~1 (c) Subject to the limitations provided by section 401(4), if~~  
~~2 a public agency is added to or withdraws from a 9-1-1 service~~  
~~3 district pursuant to this act, the emergency telephone charge shall~~  
~~4 be increased or decreased within the jurisdiction of the particular~~  
~~5 public agency in an amount such that the total emergency telephone~~  
~~6 charges to be collected in such billing period and in each billing~~  
~~7 period thereafter shall equal the total cost of providing 9-1-1~~  
~~8 service within the modified 9-1-1 service district based on the~~  
~~9 rates and charges of the service supplier.~~

~~10 Sec. 405. (1) Except as provided in sections 407 to 412,~~  
~~11 within 90 days after the first day of the calendar year following~~  
~~12 the year in which a service supplier commenced collection of the~~  
~~13 emergency telephone charge pursuant to section 401, and within 90~~  
~~14 days after the first day of each calendar year thereafter, a~~  
~~15 service supplier providing 9-1-1 service pursuant to this act shall~~  
~~16 make an annual accounting to the 9-1-1 service district of the~~  
~~17 total emergency telephone charges collected during the immediately~~  
~~18 preceding calendar year. THE COMMITTEE SHALL PROMULGATE RULES UNDER~~  
~~19 SECTION 413 TO REQUIRE EACH FACILITY WITH A MULTILINE TELEPHONE~~  
~~20 SYSTEM TO INSTALL NO LATER THAN DECEMBER 31, 2011 THE NECESSARY~~  
~~21 EQUIPMENT AND SOFTWARE TO PROVIDE SPECIFIC LOCATION INFORMATION OF~~  
~~22 A 9-1-1 CALL. THIS SECTION APPLIES TO MULTILINE TELEPHONE SYSTEMS~~  
~~23 REGARDLESS OF THE SYSTEM TECHNOLOGY.~~

~~24 (2) If an annual accounting made pursuant to subsection (1)~~  
~~25 discloses that the total emergency telephone technical charges~~  
~~26 collected during the immediately preceding calendar year exceeded~~  
~~27 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 expenditures are in compliance with this  
 18 act. ~~Except as provided in subsection (5), the~~ **THE** PSAP shall  
 19 continue to operate at the same funding level as the previous  
 20 fiscal year until an audit is performed as required by this  
 21 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       Sec. 407. (1) The ~~CMRS emergency telephone~~ **9-1-1** fund is  
 27 created within the state treasury. ~~to provide money to implement~~

~~the wireless emergency service order and this act.~~

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

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

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

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

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

Sec. 408. (1) Except as otherwise provided under ~~subsection~~ ~~(3)~~ **THIS ACT**, starting January 1, 2004-2008, a ~~CMRS SERVICE~~ supplier ~~or a reseller~~ shall include a **STATE 9-1-1** service charge ~~of 52 cents per month for each CMRS connection that has a billing address in this state~~ **AS DETERMINED UNDER SECTION 401.** The ~~CMRS~~ **SERVICE** supplier ~~or reseller~~ shall list a ~~THE STATE 9-1-1~~ service charge authorized under this ~~section~~ **ACT** as a separate line item on each bill. The service charge shall be listed on the bill as the

1 ~~"operational"~~ **STATE** 9-1-1 charge".

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

16 ~~—— (3) Before July 1, 2004, all CMRS suppliers shall notify the~~  
17 ~~committee in writing whether they will seek reimbursement from the~~  
18 ~~CMRS emergency telephone fund for costs incurred until December 31,~~  
19 ~~2005 in implementing the wireless emergency service order and this~~  
20 ~~act. If a CMRS supplier elects to seek reimbursement under this~~  
21 ~~subsection, it shall continue to impose the 52 cents per month~~  
22 ~~charge authorized under subsection (1) until December 31, 2005.~~  
23 ~~After December 31, 2005, the CMRS supplier shall impose a service~~  
24 ~~charge of 29 cents per month. A CMRS supplier that notifies the~~  
25 ~~committee in writing that it will not seek reimbursement under this~~  
26 ~~subsection shall impose a charge of 29 cents per month and not seek~~  
27 ~~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 money collected and deposited in the CMRS~~ emergency telephone ~~9-1-1~~ fund created in section 407 shall be distributed as follows:

~~(a) Except as provided in subsection (9), 10 cents of each~~ monthly service charge ~~62.25%~~ shall be disbursed equally to each

1 county that has a final 9-1-1 plan in place. ~~that includes~~  
2 ~~implementing the wireless emergency service order and this act.~~  
3 **FORTY PERCENT OF THE 62.25% SHALL BE DISTRIBUTED ON AN EQUAL BASIS**  
4 **TO EACH COUNTY, AND 60% OF THE 62.25% SHALL BE DISTRIBUTED BASED ON**  
5 **A POPULATION PER CAPITA BASIS.** Money received by a county under  
6 this subdivision shall only be used ~~to implement the wireless~~  
7 ~~emergency service order and this act~~ **FOR 9-1-1 SERVICES AS ALLOWED**  
8 **UNDER THIS ACT.** Money expended under this subdivision for a purpose  
9 considered unnecessary or unreasonable by the committee or the  
10 auditor general shall be repaid to the fund.

11 (b) ~~Except as provided in subsection (9), 15 cents of each~~  
12 ~~monthly service charge shall be disbursed on a per capita basis to~~  
13 ~~each county that has a final 9-1-1 plan in place that includes~~  
14 ~~implementing the wireless emergency service order and this act. The~~  
15 ~~committee shall certify to the department of treasury quarterly~~  
16 ~~which counties have a final 9-1-1 plan in place. The most recent~~  
17 ~~census conducted by the United States census bureau shall be used~~  
18 ~~to determine the population of each county in determining the per~~  
19 ~~capita basis in this subdivision. Money received by a county under~~  
20 ~~this subdivision shall only be used to implement the wireless~~  
21 ~~emergency service order and this act. Money expended under this~~  
22 ~~subdivision for a purpose considered unnecessary or unreasonable by~~  
23 ~~the committee or the auditor general shall be repaid to the fund.~~  
24 **31.25% SHALL BE EXPENDED FOR COMMON NETWORK COSTS AS APPROVED BY**  
25 **THE COMMITTEE UNDER SECTION 410.**

26 (c) ~~One and one-half cents of each monthly service charge~~  
27 **3.75%** shall be available to PSAPs for training personnel assigned

1 to 9-1-1 centers. A written request for money from the fund shall  
2 be made by a public safety agency or county to the committee. The  
3 committee shall semiannually authorize distribution of money from  
4 the fund to eligible public safety agencies or counties. A public  
5 safety agency or county that receives money under this subdivision  
6 shall create, maintain, and make available to the committee upon  
7 request a detailed record of expenditures relating to the  
8 preparation, administration, and carrying out of activities of its  
9 9-1-1 training program. Money expended by an eligible public safety  
10 agency or county for a purpose considered unnecessary or  
11 unreasonable by the committee or the auditor general shall be  
12 repaid to the fund. **THE COMMITTEE SHALL PROMULGATE RULES UNDER**  
13 **SECTION 413 ESTABLISHING TRAINING STANDARDS FOR 9-1-1 SYSTEM**  
14 **PERSONNEL.** Money shall be disbursed to an eligible public safety  
15 agency or county for training of PSAP personnel through courses  
16 certified by the ~~commission on law enforcement standards~~ **COMMITTEE**  
17 only for either of the following purposes:

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

19 (ii) To provide in-service training to employees engaged in 9-  
20 1-1 service.

21 (d) ~~As provided under subsections (2), (4), and (11) 2.75%~~  
22 **CREDITED TO THE DEPARTMENT OF STATE POLICE FOR COSTS TO ADMINISTER**  
23 **THIS ACT, TO OPERATE A REGIONAL DISPATCH CENTER THAT RECEIVES AND**  
24 **DISPATCHES 9-1-1 CALLS, AND TO MAINTAIN THE OFFICE OF THE STATE 9-**  
25 **1-1 COORDINATOR. A BREAKDOWN OF THE COSTS FUNDED UNDER THIS**  
26 **SUBSECTION SHALL BE INCLUDED IN THE ANNUAL REPORT REQUIRED UNDER**  
27 **SECTION 412.**

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

7       (6) **FOR THE FISCAL YEAR 2007-2008 ONLY, \$10,000,000.00 TO THE**  
8     **STATE TREASURER TO ESTABLISH A FUND FOR THE CAPITAL OUTLAY OF AN**  
9     **IP-BASED 9-1-1 SYSTEM IN THIS STATE. MONEY IN THE FUND AT THE CLOSE**  
10    **OF THE FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT LAPSE TO**  
11    **THE GENERAL FUND. IF THE MONEY IN THE FUND HAS NOT BEEN EXPENDED BY**  
12    **OCTOBER 1, 2010, THE MONEY SHALL LAPSE TO THE GENERAL FUND.**

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

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

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

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

26       (d) If a county has multiple emergency ~~telephone~~ **9-1-1**  
27     districts, money for that county shall be distributed as provided

1 in the emergency telephone ~~9-1-1~~ districts' final 9-1-1 service  
2 plans.

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

9 ~~—— (9) In addition to the requirements of this subsection, a~~  
10 ~~county is not eligible to receive disbursements under subsection~~  
11 ~~(6) (a) or (b) unless the county is compliant with the wireless~~  
12 ~~emergency service order and this act. A county shall be compliant~~  
13 ~~with phase 1 implementation by June 30, 2004 and phase 2~~  
14 ~~implementation by June 30, 2005. A county that is not compliant~~  
15 ~~with phase 1 implementation by June 30, 2004 and phase 2~~  
16 ~~implementation by June 30, 2005 shall use the disbursements~~  
17 ~~received under subsection (6) (a) and (b) only for purposes of~~  
18 ~~becoming compliant. A county that is not compliant with phase 1~~  
19 ~~implementation by December 31, 2004 and phase 2 implementation by~~  
20 ~~December 31, 2005 is not eligible to receive disbursements under~~  
21 ~~subsection (6) (a) and (b). Once the committee determines that a~~  
22 ~~county that is not eligible to receive disbursements is compliant,~~  
23 ~~the county shall begin receiving disbursements again under~~  
24 ~~subsection (6) (a) and (b). As used in this subsection, "compliant"~~  
25 ~~means the county has installed equipment that is capable, and at a~~  
26 ~~state of readiness, to deploy wireless service for all CMRS~~  
27 ~~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.~~

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

~~———— (12) A CMRS supplier or reseller is not liable for an uncollected service charge billed under subsection (1) for which~~

~~the CMRS supplier or reseller has billed the CMRS user. If only a partial payment of a bill is received by a CMRS supplier or reseller, the CMRS supplier or reseller shall credit the amount received as follows in priority order.~~

~~—— (a) For services provided.~~

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

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

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

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

~~—— (15) The department of state police shall annually prepare a list of projects in priority order that the department of state police recommends for funding from the funds collected under former section 409(c). The legislature shall annually review and approve 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.~~

**(8) THE COMMITTEE SHALL PROMULGATE RULES UNDER SECTION 413**

1 ESTABLISHING THE STANDARDS FOR COUNTY CERTIFICATION OF THE RECEIPT  
2 AND EXPENDITURES OF 9-1-1 FUNDS UNDER THIS ACT. RECEIPT OF 9-1-1  
3 FUNDS UNDER THIS ACT IS DEPENDENT ON COMPLIANCE WITH THE STANDARDS  
4 ESTABLISHED UNDER THIS SUBSECTION.

5 Sec. 410. (1) The committee shall appoint a subcommittee to  
6 review expenditures ~~from the CMRS emergency telephone fund created~~  
7 ~~in section 407~~ **FOR COMMON NETWORK COSTS OF THE 9-1-1 SYSTEM**  
8 **STATEWIDE**. The subcommittee shall consist of the member of the  
9 committee representing the department of state police provided for  
10 in section 712, who shall be the chairperson of the subcommittee,  
11 and all of the following:

12 (a) The member of the committee who represents ~~a commercial~~  
13 ~~mobile radio service as provided for in section 713(1)~~ **SERVICE**  
14 **PROVIDERS**.

15 (b) One member of the committee who represents a public safety  
16 agency who is not associated with the service supplier industry.

17 (c) The member of the committee who represents the Michigan  
18 association of counties as appointed under section 713(1).

19 (d) One member appointed by the chairperson of the committee  
20 who represents the ~~commercial mobile radio service industry but who~~  
21 ~~is not a member of the committee~~ **GENERAL PUBLIC**.

22 (2) A majority of the members of the subcommittee created  
23 under subsection (1) constitute a quorum for the purpose of  
24 conducting business and exercising the powers of the subcommittee.  
25 Official action of the subcommittee may be taken upon a vote of a  
26 majority of the subcommittee members. The chairperson of the  
27 subcommittee shall not have a vote unless the other members of the

1 subcommittee cast a tie vote.

2 (3) The subcommittee created in subsection (1) shall review  
 3 invoices ~~submitted by CMRS suppliers~~ **FOR COMMON NETWORK COSTS FOR**  
 4 **THE 9-1-1 SYSTEM** for reimbursement from the ~~CMRS~~ emergency  
 5 ~~telephone 9-1-1~~ fund created in section 407 ~~in accordance with the~~  
 6 ~~wireless emergency service order and this act~~ and shall make  
 7 recommendations to the committee regarding approval or disapproval  
 8 of payment on the invoice. The subcommittee may recommend to the  
 9 committee approval of payment of an expense of a ~~CMRS~~ **SERVICE**  
 10 supplier before the expense is incurred. Before review by the  
 11 subcommittee, the staff assigned by the department of state police  
 12 to assist the committee, as provided for under section 714, shall  
 13 remove all information that identifies the ~~CMRS~~ **SERVICE** supplier  
 14 submitting the invoice. The subcommittee shall review the validity  
 15 of the invoices and recommend approval or disapproval to the  
 16 committee. Upon receipt of recommendations from the subcommittee,  
 17 the committee shall review and approve or disapprove the invoices  
 18 and authorize payment of approved invoices.

19 ~~—— (4) An invoice shall not be approved for payment of either of~~  
 20 ~~the following:~~

21 ~~—— (a) An expense that is not related to complying with the~~  
 22 ~~wireless emergency service order and this act.~~

23 ~~—— (b) An expense that exceeds 125% of the CMRS emergency~~  
 24 ~~telephone charges submitted by a CMRS supplier unless the expense~~  
 25 ~~was recommended for approval by the subcommittee created in~~  
 26 ~~subsection (1) before the expense was incurred.~~

27 (4) ~~(5)~~ Notwithstanding section 716 **ANY OTHER PROVISION OF**

1 **THIS ACT**, specific information submitted by a ~~CMRS-SERVICE~~ supplier  
 2 under this section is exempt from the freedom of information act,  
 3 1976 PA 442, MCL 15.231 to 15.246, and shall not be released by the  
 4 chairperson or any member of the committee or their staff without  
 5 the permission of the ~~CMRS-SERVICE~~ supplier that submitted the  
 6 information. ~~However, information-~~**INFORMATION** submitted by ~~CMRS~~  
 7 **SERVICE** suppliers under this section may be released in the  
 8 aggregate if the number of ~~CMRS-SERVICE~~ users or the expenses and  
 9 revenues of a ~~CMRS-SERVICE~~ supplier cannot be identified.

10 Sec. 412. (1) The committee shall ~~conduct and complete a cost~~  
 11 ~~study and make a report~~ **ANNUALLY** on the ~~service-9-1-1~~ **SYSTEM IN**  
 12 **THIS STATE AND THE STATE AND COUNTY 9-1-1** charge required in ~~UNDER~~  
 13 **SECTIONS 401, 401A, 401B, AND 401C AND DISTRIBUTED UNDER** section  
 14 408 not later than ~~April 30, 2000, and August 30 annually after~~  
 15 ~~2000~~ **AUGUST 1 OF EACH YEAR**. The report ~~of the study shall include~~  
 16 at a minimum all of the following:

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

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

23 (c) The ~~service-~~**STATE 9-1-1** charge required in ~~UNDER~~ section  
 24 ~~408-401A~~ and a recommendation ~~to change-~~ **OF ANY CHANGES IN** the  
 25 ~~service-~~**STATE 9-1-1** charge amount. ~~if needed to fund the costs of~~  
 26 ~~meeting the time frames in the wireless emergency service order and~~  
 27 ~~this act.~~

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

(e) ~~A~~ **THE CHARGE ALLOWED UNDER SECTIONS 401A, 401B, AND 401C** ~~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 COMMITTEE SHALL PROMULGATE RULES TO ADMINISTER AND EFFECTUATE THE PURPOSES OF THIS ACT. THE RULES SHALL INCLUDE, BUT NOT BE LIMITED TO, THE ESTABLISHMENT OF UNIFORM PROCEDURES, POLICIES, AND PROTOCOLS GOVERNING 9-1-1 SERVICES IN**

1 COUNTIES AND PSAPS IN THIS STATE, THE TRAINING OF PSAP PERSONNEL  
2 UNDER SECTION 408(2)(B), THE RECEIPT AND EXPENDITURE OF 9-1-1 FUNDS  
3 BY COUNTIES UNDER SECTIONS 401A, 401B, 401C, AND 408(4), AND THE  
4 PENALTIES AND REMEDIES FOR VIOLATIONS OF THIS ACT AND THE RULES  
5 PROMULGATED UNDER THIS ACT. EXCEPT AS OTHERWISE PROVIDED UNDER THIS  
6 ACT, THIS SECTION DOES NOT APPLY TO SERVICE SUPPLIERS.

7 Sec. 502. (1) After installation and commencement of operation  
8 of a 9-1-1 system implemented ~~pursuant to~~ UNDER this act, a public  
9 safety agency serving a public agency or county within the 9-1-1  
10 service district shall cease to function as a PSAP or a secondary  
11 PSAP 60 days after giving written notice ~~thereof~~ to the county  
12 clerk. Within 5 days after receipt of the notice, the county clerk  
13 shall forward the written notice to the service supplier.

14 (2) Notwithstanding any provision of this act, ~~to the~~  
15 ~~contrary,~~ any costs incurred by a service supplier for equipment  
16 removal or system modification necessary for a public safety agency  
17 to cease functioning as a PSAP or secondary PSAP ~~pursuant to~~ UNDER  
18 subsection (1) shall be paid directly by the public safety agency.  
19 ~~and shall not be collected from service users in the 9-1-1 service~~  
20 ~~district.~~

21 Sec. 504. Within 5 days after receipt of a certified copy of a  
22 resolution adopted by a public agency ~~pursuant to~~ UNDER section  
23 503, the county clerk shall forward the certified copy of the  
24 resolution to the service supplier by certified mail, return  
25 receipt requested. Within a reasonable time after the service  
26 supplier receives the certified copy of the resolution, the service  
27 supplier shall commence 9-1-1 service to all or part of the

1 jurisdiction of the public agency, as the case may be, and after  
2 commencement of ~~such~~**THE** service shall commence the collection of  
3 the ~~emergency telephone~~**STATE AND COUNTY 9-1-1** charge, in  
4 accordance with this act, from service users within all or part of  
5 the jurisdiction of the public agency added to the 9-1-1 service  
6 district.

7       Sec. 506. Subject to the service limitations of the service  
8 supplier, a service supplier shall cease 9-1-1 service in the area  
9 of a public agency withdrawing from the 9-1-1 service district on  
10 the first day of the calendar year following the year in which the  
11 service supplier received a copy of the resolution adopted ~~pursuant~~  
12 ~~to~~**UNDER** section 505. The service supplier shall continue to  
13 collect the ~~emergency telephone~~**STATE AND COUNTY 9-1-1** charge from  
14 all service users who continue to have 9-1-1 service, but the  
15 service supplier shall not collect the ~~emergency telephone~~**STATE**  
16 **AND COUNTY 9-1-1** charge from service users within the area of the  
17 public agency withdrawing from the 9-1-1 service district who do  
18 not continue to have 9-1-1 service after the billing period in  
19 which the first day of the calendar year is included. The service  
20 supplier, using the calculations provided in section 405, shall  
21 credit or collect any additional charge from service users within  
22 the public agency withdrawing from the 9-1-1 service district.

23       Sec. 601. ~~(1) Except for a commercial mobile radio service,~~  
24 ~~the public service commission, and the~~**THE** ~~emergency telephone 9-1-~~  
25 ~~1~~ service committee created in section 712, upon request by a  
26 service supplier, county, public agency, or public service agency,  
27 shall provide, to the extent possible, technical assistance

1 regarding the formulation or implementation, or both, of a 9-1-1  
2 service plan and assistance in resolving a dispute between or among  
3 a service supplier, **SERVICE USERS**, county, public agency, or public  
4 safety agency regarding their respective rights and duties under  
5 this act.

6 ~~—— (2) Except for a commercial mobile radio service supplier, a~~  
7 ~~service supplier, county, public agency, public service agency, or~~  
8 ~~a combination of those entities that has a dispute with another~~  
9 ~~arising from the formulation or implementation, or both, of a 9-1-1~~  
10 ~~service plan shall request assistance from the public service~~  
11 ~~commission and the emergency telephone service committee in~~  
12 ~~resolving the dispute.~~

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

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

27       Sec. 602. (1) **THE COMMITTEE SHALL DEVELOP AN INFORMAL DISPUTE**

1 RESOLUTION PROCESS THAT CAN BE UTILIZED BY ANY PARTY IN RESOLVING  
2 ANY DISPUTE INVOLVING THE FORMULATION, IMPLEMENTATION, DELIVERY,  
3 AND FUNDING OF 9-1-1 SERVICES IN THIS STATE.

4 (2) Except for a dispute between a commercial mobile radio  
5 service and a local exchange provider as defined under section 408,  
6 a dispute between or among 1 or more service suppliers, counties,  
7 public agencies, public service agencies, or any combination of  
8 those entities regarding their respective rights and duties under  
9 this act shall be heard as a contested case before the public  
10 service commission as provided in the administrative procedures act  
11 of 1969, 1969 PA 306, MCL 24.201 to 24.328.

12 Sec. 605. (1) A person shall not use an emergency ~~telephone 9-~~  
13 ~~1-1 service or an emergency CMRS~~ authorized by this act for any  
14 reason other than to call for an emergency response service from a  
15 primary public safety answering point.

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

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

25 (4) This section does not apply to a person who calls a public  
26 safety answering point to report a crime or seek assistance that is  
27 not an emergency unless the call is repeated after the person is

1 told to call a different number.

2 Sec. 712. An emergency ~~telephone~~ **9-1-1** service committee is  
3 created within the department of state police to develop statewide  
4 standards and model system considerations and make other  
5 recommendations for emergency telephone services. **THE COMMITTEE**  
6 **SHALL HAVE THE AUTHORITY AND EXERCISE THE POWERS AND DUTIES GRANTED**  
7 **TO THE COMMITTEE UNDER THIS ACT.**

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

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

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

13 (c) Keep a record of the proceedings and activities of the  
14 committee.

15 (d) Provide recommendations to public safety answering points  
16 and secondary public safety answering points on statewide technical  
17 and operational standards for PSAPs and secondary PSAPs.

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

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

24 (G) **PROVIDE NOTICE TO THE SERVICE SUPPLIERS OF ANY CHANGES IN**  
25 **THE STATE OR COUNTY 9-1-1 CHARGE UNDER SECTIONS 401A, 401B, AND**  
26 **401C.**

27 (2) The department of state police and the public service

1 commission shall provide staff assistance to the committee as  
2 necessary to carry out the committee's duties under this ~~section~~  
3 **ACT**.

4       Sec. 716. ~~Subject to section 410(5)~~ **EXCEPT AS OTHERWISE**  
5 **PROVIDED UNDER THIS ACT**, a writing prepared, owned, used, in the  
6 possession of, or retained by the committee in the performance of  
7 an official function shall be made available to the public in  
8 compliance with the freedom of information act, 1976 PA 442, MCL  
9 15.231 to 15.246.

10       Sec. 717. This act is repealed effective December 31, ~~2007~~  
11 **2011**.

12       Enacting section 1. Sections 201a, 201b, and 411 of emergency  
13 telephone services enabling act, 1986 PA 32, MCL 484.1201a,  
14 484.1201b, and 484.1411, are repealed.

15       Enacting section 2. This amendatory act does not take effect  
16 unless Senate Bill No. 410

17               of the 94th Legislature is enacted into law.