

Act No. 29
Public Acts of 1994
Approved by the Governor
March 2, 1994
Filed with the Secretary of State
March 2, 1994

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1994**

Introduced by Senators Ehlers Emmons Hart and Gougeon

ENROLLED SENATE BILL No. 849

AN ACT to amend the title and sections 102 201 205 301 303 308 318 401 403 405 501 602 702 703 704 and 707 of Act No 32 of the Public Acts of 1986 entitled as amended An act to provide for the establishment of universal emergency telephone districts to provide for the installation operation modification and maintenance of universal emergency telephone systems to provide for the imposition and collection of certain charges to provide the powers and duties of certain state agencies local units of government public officers telephone service suppliers and others to create an emergency telephone service committee to provide remedies to provide penalties and to repeal certain parts of this act on specific dates sections 102 and 401 as amended by Act No 196 of the Public Acts of 1991 and sections 602 704 and 707 as amended by Act No 36 of the Public Acts of 1989 being sections 484 1102 484 1201 484 1205 484 1301 484 1303 484 1308 484 1318 484 1401 484 1403 484 1405 484 1501 484 1602 484 1702 484 1703 484 1704 and 484 1707 of the Michigan Compiled Laws to add sections 201a 201b 320 321 and 406 to repeal certain parts of the act and to repeal certain parts of the act on specific dates

The People of the State of Michigan enact

Section 1 The title and sections 102 201 205 301 303 308 318 401 403 405 501 602 702 703 704 and 707 of Act No 32 of the Public Acts of 1986 sections 102 and 401 as amended by Act No 196 of the Public Acts of 1991 and sections 602 704 and 707 as amended by Act No 36 of the Public Acts of 1989 being sections 484 1102 484 1201 484 1205 484 1301 484 1303 484 1308 484 1318 484 1401 484 1403 484 1405 484 1501 484 1602 484 1702 484 1703 484 1704 and 484 1707 of the Michigan Compiled Laws are amended and sections 201a 201b 320 321 and 406 are added to read as follows

TITLE

An act to provide for the establishment of emergency telephone districts to provide for the installation operation modification and maintenance of universal emergency number service systems to provide for the imposition and collection of certain charges to provide the powers and duties of certain state agencies local units of government public officers telephone service suppliers and others to create an emergency telephone service committee to provide remedies to provide penalties and to repeal certain parts of this act on specific dates

Sec 102 As used in this act

(a) Automatic location identification or ALI means a 9 1 1 service feature in which the service supplier automatically forwards the name or address or both associated with the calling party's telephone number as identified by automatic number identification to the public safety answering point

(b) Automatic number identification or ANI means a 9 1 1 service feature in which the service supplier automatically forwards the calling party's billing telephone number to the public safety answering point for display

(c) Consolidated dispatch means a countywide or regional emergency dispatch service that provides dispatch service for 75% or more of the law enforcement fire fighting emergency medical service and other emergency service agencies within the geographical area of a 9 1 1 service district or serves 75% or more of the population within a 9 1 1 service district

(d) Direct dispatch method means the method of responding to a telephone request for public safety service whereby the agency receiving the call at the public safety answering point decides on the proper action to be taken and dispatches the appropriate available public safety service unit located closest to the request for public safety service

(e) Emergency telephone charge means emergency telephone operational charge and emergency telephone technical charge

(f) Emergency telephone district or 9 1 1 service district means the area in which 9 1 1 service is provided or is planned to be provided to service users under a 9 1 1 system implemented pursuant to this act

(g) Emergency telephone district board means the governing body created by the board of commissioners of the county or counties with authority over an emergency telephone district as prescribed by the county or counties that created the board

(h) Emergency telephone operational charge means a charge for nonnetwork technical equipment and other costs directly related to the operation of 1 or more PSAPs including but not limited to dispatch personnel Costs associated with non PSAP operation such as response vehicles and personnel shall not be included in those assessments levied under this act

(i) Emergency telephone technical charge means a charge for the network start up costs customer notification costs billing costs including an allowance for uncollectibles for technical and operational charges and network nonrecurring and recurring installation maintenance service and equipment charges of a service supplier providing 9 1 1 service pursuant to this act

(j) Exchange access facility means the access from a particular service user's premises to the telephone system Exchange access facilities include service supplier provided access lines PBX trunks and centrex line trunk equivalents all as defined by tariffs of the service suppliers as approved by the public service commission Exchange access facilities do not include service supplier owned and operated telephone pay station lines or WATS FX or incoming only lines

(k) Final 9 1 1 service plan means a tentative 9 1 1 service plan that has been modified only to reflect necessary changes resulting from any exclusions of public agencies from the 9 1 1 service district of the tentative 9 1 1 service plan pursuant to section 306 and any failure of public safety agencies to be designated as PSAPs or secondary PSAPs pursuant to section 307

(l) Person means any individual firm partnership joint venture association cooperative organization corporation whether or not organized for profit municipal corporation state or other governmental entity agency body department commission board bureau fraternal organization nonprofit organization estate trust business or common law trust receiver assignee for the benefit of creditors trustee or trustee in bankruptcy

(m) Primary public safety answering point PSAP or primary PSAP means a communications facility operated or answered on a 24 hour basis assigned responsibility by a public agency or county to receive 9 1 1 calls and to dispatch public safety response services as appropriate by the direct dispatch method relay method or transfer method It is the first point of reception by a public safety agency of a 9 1 1 call and serves the jurisdictions in which it is located and other participating jurisdictions if any

(n) Prime rate means the average predominant prime rate quoted by not less than 3 commercial financial institutions as determined by the department of treasury

(o) Private safety entity means a nongovernmental organization that provides emergency fire ambulance or medical services

(p) Public agency mean any village township charter township or city within the state and any special purpose district located in whole or in part within the state

(q) Public safety agency means a functional division of a public agency county or the state of Michigan which provides fire fighting law enforcement ambulance medical or other emergency services

(r) Relay method means the method of responding to a telephone request for emergency service whereby a PSAP notes pertinent information and relays it by telephone radio or private line to the appropriate public safety agency or

other provider of emergency services that has an available emergency service unit located closest to the request for emergency service for dispatch of an emergency service unit

(s) Secondary public safety answering point or secondary PSAP means a communications facility of a public safety agency or private safety entity which receives 9 1 1 calls by the transfer method only and generally serves as a centralized location for a particular type of emergency call

(t) Service supplier means any person providing telephone services to a service user in this state

(u) Service user means any exchange access facility customer of a service supplier within a 9 1 1 system

(v) Tariff means the rate approved by the public service commission for 9 1 1 service provided by a particular service supplier

(w) Tentative 9 1 1 service plan means a plan prepared by 1 or more counties for implementing a 9 1 1 system in a specified 9 1 1 service district

(x) Transfer method means the method of responding to a telephone request for emergency service whereby a PSAP transfers the call directly to the appropriate public safety agency or other provider of emergency service that has an available emergency service unit located closest to the request for emergency service for dispatch of an emergency service unit

(y) Universal emergency number service or 9 1 1 service means public telephone service which provides service users with the ability to reach a public safety answering point by dialing the digits 9 1 1

(z) Universal emergency number service system or 9 1 1 system means a system for providing 9 1 1 service pursuant to this act

Sec 201 A Universal emergency number service system shall not be implemented pursuant to this act unless a tariff exists for each service supplier designated by the final 9 1 1 service plan to provide 9 1 1 service in the universal emergency number system

Sec 201a A county or group of counties may create a universal emergency number service system under this act

Sec 201b With the approval of the county board of commissioners of a county that has a population of 2 000 000 or more 4 or more cities within the county may create a universal emergency number service system under this act

Sec 205 (1) A 9 1 1 system established pursuant to this act shall be capable of transmitting requests for law enforcement fire fighting and emergency medical and ambulance services to 1 or more public safety agencies which provide the requested service to the place where the call originates

(2) A 9 1 1 system shall process all 9 1 1 calls originating from telephones within an exchange any part of which is within the emergency telephone district served by the system This requirement does not apply to any part of an exchange not located within the county or counties that established the 9 1 1 system if that part has been included in an implemented 9 1 1 system for the county within which that part is located

(3) A 9 1 1 system may provide for transmittal of requests for other emergency services such as poison control suicide prevention and civil defense Conferencing capability with counseling aid to handicapped and other services as considered necessary for emergency response determination may be provided by the 9 1 1 system

Sec 301 (1) The board of commissioners of a county may establish an emergency telephone district within all or part of the county and may cause 9 1 1 service to be implemented within such emergency telephone district pursuant to this act

(2) The board of commissioners of a county all or part of which is operating an existing emergency telephone service may modify the existing emergency telephone service or may alter the scope or method of financing of 9 1 1 service within all or part of the county by establishing an emergency telephone district and causing 9 1 1 service to be implemented within such emergency telephone district pursuant to this act

(3) The board of commissioners of a county may create an emergency telephone district board and delegate certain powers to the board

(4) If the board of commissioners of a county has created multiple emergency telephone districts prior to the effective date of this subsection the emergency telephone districts created shall receive all operational funds collected by the service supplier of the district and operate the systems as provided by this act

Sec 303 (1) To establish an emergency telephone district and to cause 9 1 1 service to be implemented within such emergency telephone district the board of commissioners of a county shall first adopt a tentative 9 1 1 service plan by resolution

(2) A tentative 9 1 1 service plan shall comply with chapter II and shall address at a minimum all of the following

(a) Technical considerations of the service supplier including but not limited to system equipment for facilities to be used in providing emergency telephone service

(b) Operational considerations including but not limited to the designation of PSAPs and secondary PSAPs the manner in which 9 1 1 calls will be processed the dispatch functions to be performed plans for documenting closest public safety service unit dispatching requirements the dispatch of Michigan state police personnel and identifying information systems to be utilized

(c) Managerial considerations including the organizational form and agreements that would control technical operational and fiscal aspects of the emergency telephone service

(d) Fiscal considerations including projected nonrecurring and recurring costs with a financial plan for implementing and operating the system

(3) The tentative 9 1 1 service plan shall require each public agency operating a PSAP under the 9 1 1 system to pay directly for all installation and recurring charges for terminal equipment including customer premises equipment associated with the public agency's PSAP and may require each public agency operating a PSAP under the 9 1 1 system to pay directly to the service supplier all installation and recurring charges for all 9 1 1 exchange and tie lines associated with the public agency's PSAP

Sec 308 The clerk of each county which has adopted a tentative 9 1 1 service plan pursuant to section 303 shall give notice by publication of the hearing on the final 9 1 1 service plan to be held pursuant to section 309 The notice shall be published twice in a newspaper of general circulation within the county the first publication of the notice occurring at least 30 days prior to the date of the hearing The notice shall state all of the following

(a) The time date and place of the hearing

(b) A description of the boundaries of the 9 1 1 service district of the final 9 1 1 service plan as determined at the expiration of the time for filing a notice of exclusion from 9 1 1 service district pursuant to section 306

(c) That if the board of commissioners of the county after a hearing adopts the final 9 1 1 service plan pursuant to this act an emergency telephone technical charge and if an emergency telephone operational charge has been approved an emergency telephone operational charge shall be collected on a uniform basis from all service users within the 9 1 1 service district

Sec 318 A public agency may enter into an agreement with a public safety agency of another public agency or of the state to serve as a PSAP or secondary PSAP for such public agency in a 9 1 1 system implemented pursuant to this act

Sec 320 (1) The county shall create an emergency telephone district board if a county creates a consolidated dispatch within an emergency telephone district after the effective date of the amendatory act that added this section

(2) The membership of the board and the board's powers and duties shall be determined by the county board of commissioners However the membership of the board shall include a representative of the county sheriff or his or her designated representative and a representative of the Michigan state police designated by the director of the Michigan state police If the emergency telephone district consists of more than 1 county the sheriff representative shall be appointed by the president of the Michigan sheriffs association

(3) A county or other public agency may make appropriations to the emergency telephone district board

(4) A public agency may contract with the emergency telephone district board and persons who are both members of the board and of the governing body of the public agency may vote both on the board and the body if approved by the contract

(5) The basis under which a consolidated dispatch meets the requirement for being a dispatch under section 102(c) shall determine the system to be used in dispatching participating service units

Sec 321 A consolidated dispatch shall provide full public safety dispatching services for service requests for the participating sheriff departments state police and other participating public safety agencies within the 9 1 1 service district

Sec 401 (1) Each service supplier within a 9 1 1 service district shall provide a billing and collection service for an emergency telephone technical charge and emergency telephone operational charge from all service users of the service supplier within the geographical boundaries of the emergency telephone or 9 1 1 service district The billing and collection of the emergency telephone operational charge and that portion of the technical charge used for billing cost shall begin as soon as feasible after the final 9 1 1 service plan has been approved The billing and collection of the emergency telephone technical charge not already collected for billing costs shall begin as soon as feasible after installation and operation of the 9 1 1 system The emergency telephone technical charge and emergency telephone operational charge shall be uniform per each exchange access facility within the 9 1 1 service district The portion of the

emergency telephone technical charge that represents start up costs nonrecurring billing installation service and equipment charges of the service supplier including the costs of updating equipment necessary for conversion to 9 1 1 service shall be amortized at the prime rate plus 1% over a period not to exceed 10 years and shall be billed and collected from all service users only until those amounts are fully recouped by the service supplier The prime rate to be used for amortization shall be set before the first assessment of nonrecurring charges and remain at that rate for 5 years at which time a new rate may be set for the remaining amortization period Recurring costs and charges included in the emergency telephone technical charge and emergency telephone operational charge shall continue to be billed to the service user

(2) Subject to the limitation provided by this section the amount of the emergency telephone technical charge and emergency telephone operational charge to be billed to the service user shall be computed by dividing the total emergency telephone technical charge and emergency telephone operational charge by the number of exchange access facilities within the 9 1 1 service district

(3) Except as provided in subsection (5) the amount of emergency telephone technical charge payable monthly by a service user for recurring costs and charges shall not exceed 2% of the highest monthly flat rate charged by a service supplier for a 1 party access line within the 9 1 1 service district The amount of emergency telephone technical charge payable monthly by a service user for nonrecurring costs and charges shall not exceed 5% of the highest monthly flat rate charged by the service supplier for a 1 party access line within the 9 1 1 service district With the approval of the county board of commissioners a county may assess an amount for recurring emergency telephone operational costs and charges that shall not exceed 4% of the highest monthly flat rate charged by a service supplier for a 1 party access line within the geographical boundaries of the assessing county The percentage to be set for the emergency telephone operational charge shall be established by the county board of commissioners pursuant to section 312 The difference if any between the amount of the emergency telephone technical charge computed under subsection (2) and the maximum permitted under this section shall be paid by the county from funds available to the county or through cooperative arrangements with public agencies within the 9 1 1 service district

(4) The emergency telephone technical charge and emergency telephone operational charge shall be collected in accordance with the regular billings of the service supplier The amount collected for emergency telephone operational charge shall be paid by the service supplier to the county that authorized the collection The emergency telephone technical charge and emergency telephone operational charge payable by service users pursuant to this act shall be added to and shall be stated separately in the billings to service users

(5) For a 9 1 1 service district created or enhanced after June 27 1991 the amount of emergency telephone technical charge payable monthly by a service user for recurring costs and charges shall not exceed 4% of the highest monthly flat rate charged by the service supplier for a 1 party access line within the 9 1 1 service district

(6) A county may with the approval of the voters in the county assess up to 16% of the highest monthly flat rate charged by a service supplier for a 1 party access line within the geographical boundaries of the assessing county or assess a millage or combination of the 2 to cover emergency telephone operational costs In a ballot question under this subsection the board of commissioners shall specifically identify how the collected money is to be distributed An affirmative vote on a ballot question under this subsection shall be considered an amendment to the 9 1 1 service plan pursuant to section 312 Not more than 1 ballot question under this subsection may be submitted to the voters within any 12 month period and an assessment approved under this subsection shall be for a period not greater than 5 years

(7) If the voters approve the charge to be assessed on the service user's telephone bill on a ballot question under subsection (6) the service provider's bill shall state the following

This amount is for your 9 1 1 service which has been approved by the voters on (DATE OF VOTER APPROVAL) This is not a charge assessed by your telephone carrier If you have questions concerning your 9 1 1 service you may call (INCLUDE APPROPRIATE TELEPHONE NUMBER)

(8) An annual accounting shall be made of the emergency telephone operational charge approved pursuant to this amendatory act in the same manner as the annual accounting required by section 405

(9) Except as otherwise provided in subsection (10) operational funds collected pursuant to this section shall be distributed by the county or the counties to the primary PSAPs by 1 of the following methods

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

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

(c) If distribution is not provided in the plan or by agreement then according to the distribution of access lines within the primary PSAPs

(10) If a county had multiple emergency telephone districts before the effective date of the amendatory act that added this subsection then the operational funds collected pursuant to this section shall be distributed in proportion to the amount of access lines within the primary PSAPs

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

Sec 403 Each service supplier shall be solely responsible for the billing for the emergency technical and operational telephone charge and the transmittal of funds collected from operational charges

Sec 405 (1) 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

(2) If an annual accounting made pursuant to subsection (1) discloses that the total emergency telephone 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 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(2) 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

Sec 406 (1) Operational charge funds collected and expended pursuant to this act shall be used exclusively for the operation of the 9 1 1 system

(2) Each PSAP or secondary PSAP shall assure that fund accounting auditing monitoring and evaluation procedures are provided The accounting procedures shall provide for accurate and timely recording of receipt and disbursement of funds by source

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

(4) An increase in 9 1 1 funds shall not be authorized or expended for the next fiscal year unless an annual audit has been performed for the previous fiscal year and expenditures are in compliance with this act Except as provided in subsection (5) the PSAP shall continue to operate at the same funding level as the previous fiscal year until an audit is performed as required by this section

(5) The recurring emergency telephone operating charges authorized under section 401 shall not be expended if an audit has not been performed as required by this section within 120 days of the end of the fiscal year

Sec 501 (1) After installation and commencement of operation of a 9 1 1 system implemented pursuant to this act a public safety agency serving a public agency or county within the 9 1 1 service district may be added to the 9 1 1 system as a PSAP or a secondary PSAP by giving written notice of intent to function as a PSAP or secondary PSAP as provided in section 307 to the county clerk Within 5 days of receipt of the notice the county clerk shall forward the written notice to the service supplier The public safety agency shall commence to function as a PSAP or secondary PSAP as soon as feasible after giving the written notice

(2) The costs of equipment installation or system modification or both necessary for a public safety agency to function as a secondary PSAP pursuant to subsection (1) shall be paid directly by the public safety agency and shall not be collected from service users in the 9 1 1 service district

Sec 602 A dispute between or among 1 or more service suppliers counties public agencies public service agencies or any combination of those entities regarding their respective rights and duties under this act shall be heard as a contested case before the public service commission as provided in the administrative procedures act of 1969 Act No 306 of the Public Acts of 1969 being sections 24 201 to 24 328 of the Michigan Compiled Laws

Sec 702 An emergency telephone service committee is created within the department of state police to develop statewide standards and model system considerations and make other recommendations for emergency telephone services

Sec 703 (1) The committee shall consist of 17 members as follows

- (a) The director of the department of state police or his or her designated representative
 - (b) The director of public health or his or her designated representative
 - (c) The chair of the Michigan public service commission or his or her designated representative
 - (d) The president of the Michigan sheriffs association or his or her designated representative
 - (e) The president of the Michigan association of chiefs of police or his or her designated representative
 - (f) The president of the Michigan fire chiefs association or his or her designated representative
 - (g) The executive director of the Michigan association of counties or his or her designated representative
 - (h) The executive director of the deputy sheriffs association of Michigan or his or her designated representative
 - (i) Three members of the general public 1 member to be appointed by the governor 1 member to be appointed by the speaker of the house of representatives and 1 member to be appointed by the majority leader of the senate The 3 members of the general public shall have expertise relating to emergency radio communications dispatching and services or to telephone systems The members of the general public shall serve for terms of 2 years One member appointed pursuant to this subdivision shall be a representative of the Michigan center of rural health
 - (j) The executive director of the Michigan fraternal order of police or his or her designated representative
 - (k) The president of the Michigan state police troopers association or his or her designated representative
 - (l) The president of the Michigan chapter of the associated public safety communications officers or his or her designated representative
 - (m) The president of the Michigan chapter of the national emergency number association or his or her designated representative
 - (n) The president of the telephone association of Michigan or his or her designated representative
 - (o) The executive director of the Upper Peninsula emergency medical services corporation or his or her designated representative
- (2) The committee shall elect 1 of its members to serve as chairperson The chairperson of the committee shall serve for a term of 1 year
- (3) The committee may adopt amend and rescind bylaws rules and regulations for the conduct of its business
- (4) Members of the committee shall serve without compensation but shall be entitled to actual and necessary expenses incurred in the performance of official duties under this chapter

Sec 704 (1) The committee shall do all of the following

- (a) Organize and adopt standards governing the committee s formal and informal procedures
 - (b) Meet not less than 4 times per year at a place and time specified by the chairperson
 - (c) Keep a record of the proceedings and activities of the committee
 - (d) Provide recommendations to public safety answering points and secondary public safety answering points on statewide technical and operational standards for PSAPs and secondary PSAPs
 - (e) Provide recommendations to public agencies concerning model systems to be considered in preparing a 9 1 1 service plan
 - (f) Perform other duties as necessary to promote successful development implementation and operation of 9 1 1 systems across the state
- (2) The department of state police and the public service commission shall provide staff assistance to the committee as necessary to carry out the committee s duties under this section

Sec 707 This chapter is repealed effective December 31 1995

Section 2 Section 601 of Act No 32 of the Public Acts of 1986 being section 484 1601 of the Michigan Compiled Laws is repealed

Section 3 Act No 32 of the Public Acts of 1986 being sections 484 1101 to 484 1707 of the Michigan Compiled Laws is repealed effective December 31 2002

This act is ordered to take immediate effect

Secretary of the Senate

Co Clerk of the House of Representatives

Approved

Governor