

Act No. 196
Public Acts of 1991
Approved by the Governor
December 31, 1991
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January 2, 1992

**STATE OF MICHIGAN
86TH LEGISLATURE
REGULAR SESSION OF 1991**

Introduced by Senators Arthurhultz, Conroy, Dunaskiss, Cisky, Cherry, Emmons, N. Smith, Berryman, Dillingham, Pridnia and Barcia

ENROLLED SENATE BILL No. 617

AN ACT to amend sections 102, 311, and 401 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," section 401 as amended by Act No. 45 of the Public Acts of 1991, being sections 484.1102, 484.1311, and 484.1401 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Sections 102, 311, and 401 of Act No. 32 of the Public Acts of 1986, section 401 as amended by Act No. 45 of the Public Acts of 1991, being sections 484.1102, 484.1311, and 484.1401 of the Michigan Compiled Laws, are amended to read as follows:

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

(d) "Emergency telephone charge" means emergency telephone operational charge and emergency telephone technical charge.

(e) "Emergency telephone operational charge" means a charge for nonnetwork technical equipment and other costs directly related to the operation of a PSAP 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.

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

(g) "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.

(h) "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.

(i) "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.

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

(k) "Private safety entity" means a private entity which provides emergency fire, ambulance, or medical services.

(l) "Public agency" means any village, township, charter township, or city within the state, and any special purpose district located in whole or in part within the state, which provides or has authority to provide fire fighting, law enforcement, ambulance, medical, or other emergency services.

(m) "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.

(n) "Public safety answering point" or "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, as appropriate, to directly dispatch emergency response services, or to transfer or relay emergency 9-1-1 calls to other public safety agencies. 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.

(o) "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.

(p) "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.

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

(r) "Service user" means any exchange access facility customer of a service supplier within a 9-1-1 system.

(s) "Tariff rate" means the rate approved by the public service commission for 9-1-1 service provided by a particular service supplier.

(t) "Tentative 9-1-1 service plan" means a plan for implementing a 9-1-1 system in a specified 9-1-1 service district, after consultation with the director of the department of state police or his or her designated representative, which complies with chapter II, and which addresses the following system considerations:

(i) Technical considerations of the service supplier including system equipment for facilities that would be used in providing emergency telephone service.

(ii) Operational considerations including the designation of PSAPs and secondary PSAPs and the manner in which 9-1-1 calls would be processed, dispatch functions performed, and information systems utilized.

(iii) Managerial considerations including the organizational form and agreements which would control technical, operational, and fiscal aspects of the emergency telephone service.

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

(v) The tentative 9-1-1 service plan shall require each public agency and county 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 or the county's PSAP, and may require each public agency and county 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 or the county's PSAP.

(u) "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.

(v) "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".

(w) "Universal emergency number service 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.

(x) "Universal emergency number service system" or "9-1-1 system" means a system for providing 9-1-1 service pursuant to this act.

Sec. 311. (1) As soon as feasible after receipt of a written application from a county requesting 9-1-1 service within a 9-1-1 service district described in a final 9-1-1 service plan adopted pursuant to this act, each service supplier designated in the final 9-1-1 service plan shall implement 9-1-1 service within the 9-1-1 service district in accordance with the final 9-1-1 service plan.

(2) Upon implementation of 9-1-1 service in a 9-1-1 service district pursuant to subsection (1), each public safety agency designated as a PSAP or secondary PSAP in the final 9-1-1 service plan shall begin to function as a PSAP or secondary PSAP.

Sec. 401. (1) As soon as feasible after installation and commencement of operation of a 9-1-1 system in a 9-1-1 service district, the service supplier 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 9-1-1 service district. 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, as approved by the public service commission, 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 the 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. Any amounts collected by the service supplier for an emergency telephone technical charge and emergency telephone operational charge shall be used only for costs and charges directly attributable to providing the 9-1-1 service. Until January 1, 1996, a county with less than 500,000 population 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 the service supplier for a 1-party access line within the 9-1-1 service district. 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 and the emergency telephone operational 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) Until January 1, 1996, a county with less than 500,000 population may, with the approval of the voters in the county, assess up to 16% of the highest monthly flat rate charged by the service supplier for a 1-party access line within the 9-1-1 service district 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) Any money collected under this section shall not replace or reduce state contributions for emergency telephone service.

This act is ordered to take immediate effect.

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Secretary of the Senate.

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Clerk of the House of Representatives.

Approved.....

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Governor.