

Act No. 39
Public Acts of 1989
Approved by the Governor
May 31, 1989
Filed with the Secretary of State
June 1, 1989

**STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1989**

Introduced by Senators Ehlers, Kelly, Schwarz, Sederburg and Geo. Hart

ENROLLED SENATE BILL No. 18

AN ACT to amend the title and sections 401, 601, 602, 704, and 707 of Act No. 32 of the Public Acts of 1986, entitled "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 charges associated therewith; 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 acts and parts of acts on specific dates," being sections 484.1401, 484.1601, 484.1602, 484.1704, and 484.1707 of the Michigan Compiled Laws; to add section 319; and to repeal certain parts of the act.

The People of the State of Michigan enact:

Section 1. The title and sections 401, 601, 602, 704, and 707 of Act No. 32 of the Public Acts of 1986, being sections 484.1401, 484.1601, 484.1602, 484.1704, and 484.1707 of the Michigan Compiled Laws, are amended and section 319 is added to read as follows:

TITLE

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.

Sec. 319. A public agency that plans to establish a 9-1-1 system without using the financing method provided by section 401 shall do all of the following:

(a) Provide public notice of its intent to enter into a contract for 9-1-1 services. The public notice shall be provided in the same manner as required under section 308.

(b) Provide public notice of its intent to enter into a contract for 9-1-1 services to the county board of commissioners of the county within which the public agency is located and to all other public agencies that share wire centers with the contracting public agency. The public notice shall be provided in the same manner as required under section 308.

(c) Conduct a public hearing in the same manner as required under section 309.

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 charge from all service users of the service supplier within the 9-1-1 service district. The emergency telephone charge shall be uniform per each exchange access facility within the 9-1-1 service district. The portion of the emergency telephone charge which 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 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 such amounts are fully recouped by the service supplier. Recurring costs and charges included in the emergency telephone charge shall continue to be billed to the service user. Subject to the limitation provided by subsection (2), the amount of the emergency telephone charge to be billed to the service user shall be computed by dividing the total emergency telephone charge by the number of exchange access facilities within the 9-1-1 service district.

(2) The amount of emergency telephone charge payable monthly by a service user for recurring costs and charges shall not exceed 2% of the highest monthly base rate charged by the service supplier for 1-party unlimited calling within the 9-1-1 service district. The amount of emergency telephone charge payable monthly by a service user for nonrecurring costs and charges shall not exceed 5% of the highest monthly base rate charged by the service supplier for 1-party unlimited calling within the 9-1-1 service district. The difference, if any, between the amount of the emergency telephone charge computed under subsection (1) and the maximum permitted under this subsection 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.

(3) The emergency telephone charge shall be collected in accordance with the regular billings of the service supplier. The emergency telephone charge payable by service users pursuant to this act shall be added to and may be stated separately in the billings to service users.

Sec. 601. (1) The public service commission, the department of management and budget, and the emergency telephone service committee created in section 702, upon request by a service supplier, county, public agency, or public service agency, shall provide, to the extent possible, technical assistance regarding the formulation or implementation, or both, of a 9-1-1 service plan and assistance in resolving disputes between or among service suppliers, counties, public agencies, or public safety agencies regarding their respective rights and duties under this act.

(2) 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, the department of management and budget, and the emergency telephone service committee in resolving the dispute.

Sec. 602. (1) Subject to subsection (2), 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.

(2) If a dispute described in subsection (1) arises from the formulation or implementation of a 9-1-1 service plan, a contested case proceeding to resolve the dispute shall not be initiated unless the public service commission, the department of management and budget, and the emergency telephone service committee have provided assistance in resolving the dispute under section 601 and the dispute remains unresolved.

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) Assess the progress of implementing the 9-1-1 system statewide.
- (g) Develop a model 9-1-1 implementation plan.
- (h) Provide the technical and dispute resolution assistance required under section 602.
- (i) Perform other duties as necessary to promote successful development, implementation, and operation of 9-1-1 systems across the state.

(j) Assess, report, and make recommendations to the legislature, the department of management and budget, and the public service commission at least once every 2 years on the progress made in developing, implementing, and operating 9-1-1 systems and coordinating and establishing emergency telephone service statewide.

(2) The department of management and budget 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 March 31, 1998.

Section 2. Section 603 of Act No. 32 of the Public Acts of 1986, being section 484.1603 of the Michigan Compiled Laws, is repealed.

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.