

STATE 911 COMMITTEE
Legislative Action Subcommittee

October 31, 2014

MSP-HQ

Meeting Minutes

A. Call to Order/Roll Call

The meeting was called to order by Chairperson Shawn Sible and roll call was taken.

Voting Members Present:

Mr. Shawn Sible (Chair)
Ms. Marsha Bianconi
Ms. Patricia Coates
Ms. Yvette Collins
Mr. Lloyd Fayling
Mr. James Loeper
Mr. David Vehslage
Mr. Tim Smith
Mr. Robert Bradley
Mr. Jon Campbell
Ms. Pam Matelski
Mr. Jeff Troyer
Ms. April Heinze

Representing:

Michigan State Police
Conference of Western Wayne
CLEMIS
AT&T
Genesee County 911 Authority
Gogebic 911
Verizon
Michigan Communications Directors Association
CCE
Michigan Association of Counties
Michigan State Police
Appointee, Speaker of the House of Representatives
Eaton County Central Dispatch

Non-Voting Members Present:

Ms. Harriet Miller-Brown
Ms. Stacie Hansel
Mr. Hal Martin

Representing:

Michigan State Police
Michigan State Police
Office of the Attorney General

Voting Members Absent:

Mr. Bob Currier
Ms. Jennifer Greenburg
Sheriff Dale Gribler
Mr. Dale Berry
Mr. John Hunt

Representing:

Intrado
Telecommunications Association of Michigan
Van Buren County Sheriff's Department
Huron Valley Ambulance
Telecommunications Systems

B. Meeting Minutes Approval – February 3, 2014

A **MOTION** was made by Mr. Campbell, with support by Ms. Coates, to approve the meeting minutes of February 3, 2014, as presented. With no discussion, the **MOTION** carried.

C. Old Business

MLTS Update

An informal memo was originally filed with the MPSC, which was rejected. At that point the SNC approved sending a formal memo to request formal rulemaking action under Sheriff Dale Gribler's signature. Mr. Martin received a call from MPSC legal counsel stating a request for proposed rulemaking was filed with the Office of Regulatory Reinvention (ORR), which is the first step after the MPSC accepts the formal request.

Mr. Sible believes the turnaround time to be short as the SNC is not asking for brand new rules, just clarification on existing rules. Mr. Martin stated the deadline is the end of 2016. Mr. Sible will keep the subcommittee updated.

D. New Business

1. SB1089 / HB5110

Ms. Miller-Brown stated the bill introduced in the House had no movement, and Senator Jones reintroduced in the Senate. Mr. Vehslage stated there was movement on the House floor as some tried to make amendments, such as requiring wireless providers to notify customers within 72 hours that their information was provided to law enforcement.

The main purpose of the bill is the liability for the wireless providers who have immunity when supplying location information. As far as supplying location information to law enforcement, it is something that is already being done and has been for many years.

Mr. Sible stated if the bill has not moved before the December SNC meeting, LAS will ask for support and share with the other subcommittees. A **MOTION** was made by Mr. Campbell, with support from Ms. Heinze, to ask the full SNC to support the bill. The subcommittee agreed as long as the suggested amendment is not included. With no further discussion, the **MOTION** carried.

2. NG911

Mr. Sible stated there has been no news about the proposed legislation, but had assumed something would be brought up during lame duck. If that happens, he wants to discuss how to keep the subcommittee apprised of updates without violating the open meetings act. Mr. Sible restated he has heard nothing; no amendments or new items proposed, other than what has been previously discussed with the subcommittee. Mr. Sible stated once legislation is introduced, everything is eligible for changes and, if introduced, the subcommittee should meet quickly to discuss and review. The subcommittee set a tentative meeting date of Monday, November 10, 2014, at 10:30 a.m.

The LAS had previously reviewed the current legislation and provided their suggestions to CLEAR. From those suggestions, outlines were given to Administration by CLEAR as to what should be included in proposed legislation. There has been no document yet created by the Legislative Services Bureau from the outlines and suggestions received by LAS and CLEAR.

As a refresher, Ms. Miller-Brown gave highlights of the proposed suggestions:

- Creation of a 13 member Michigan Emergency Communications Commission (MECC). This Commission would encompass Public Safety Broadband, 911, and Interoperability; each component would be served by three separate boards.
- The Commission would have the ability to set standards for networks and be a true Commission, much like MCOLES. It would sit within state government, but be independent.
- The Commission would have set standards and manage connections between the ESInets.
- The Commission would control the IEIN fund.
- The State 911 fee would go from \$.19 to current statutory cap of \$.25. The extra \$.06 would go into the IEIN fund for innovation, efficiencies, interoperability, and NG911. This would increase revenue approximately \$10 million per year.
- With the extra \$.06 the current technical surcharge would be phased out over five years.
- The current subcommittee system would stay in place.

Ms. Collins asked for an updated PowerPoint. Ms. Miller-Brown updated the PowerPoint for CLEAR's website in June and will forward it to the group.

Mr. Loeper inquired if the raise in the State fee is replacing the technical surcharge;

Ms. Miller-Brown stated that is the recommendation. It would be phased out over five years. It covers the common infrastructure, and part of the costs to deliver 911 to the common network will be carried by the landline telephone companies, which is the only body that can apply the technical surcharge at this time. Mr. Loeper stated the technical surcharge is what is currently funding the project in the Upper Peninsula, and inquired what the impact would be if it goes away. Peninsula Fiber Network would need to apply to the 911 Board to receive the money for the routing system. A separate subcommittee, similar to the CMRS reimbursement fund, who reviewed and approved bills, was suggested as a model for the MECC.

Ms. Miller-Brown stated the makeup of the Commission is all public sector stakeholders with no commercial representation due to potential conflict of interest. Commercial representation will be available on the Technical Advisory Committees. Members of the 911 board would be members of the 911 community, and the interoperability board would be members of public safety. As an example, Ms. Miller-Brown stated the Michigan Sheriff's Association would present three names of people interested in sitting on the Commission and the Governor would then choose the representative. As far as the subcommittees, for instance the 911 board, there are members who are specifically named such as APCO, MCDA, NENA, a member of a county and municipal dispatch. The subcommittees would be authoritative, so any recommendations made by the subcommittees would carry weight. Recommendation for the Commission was two year terms and staggered terms. The point of contact in Administration is Mr. Paul Smith.

Ms. Matelski stated it is important to remember the MECC would have oversight over the three boards, not specific to the 911 board; members would have a broader responsibility than just 911. Mr. Troyer stated his concern is members of the MECC having control over the 911 surcharge monies and having only one representative of 911 when dealing with the funds.

Subcommittee members voiced frustration that legislation may be introduced at some point, but no one has seen the actual draft legislation, only PowerPoint outlines of what was suggested. Mr. Sible asked subcommittee members who have areas of concern to prepare a document and then verify it against whatever comes out.

Mr. Sible restated he has heard nothing regarding the proposed legislation, and only brought the topic back up as a refresher on the chance that it is introduced during lame duck. Rather than have a discussion after the fact, the topic was brought as an agenda item so the LAS can act quickly, and decide to take a position at that time, in the event legislation is dropped.

3. Lame Duck

This agenda item was included with the discussions in the above agenda item.

4. Annual Surcharge Change of Deadline and Notices

When notice goes to the providers, the agreement through the Stable Funding Workgroup was, instead of 83 counties potentially changing their surcharge every month, there would be one annual date for changes. The date was set for July 1, with counties' notice provided to the SNC by May 15, which is the first Tuesday after the first Monday for the statutory date for an election. If a county adjusts the surcharge effective July 1, the county has either the February or May election cycle for their change.

There were two counties this year that waited until after the May deadline to have their elections, but provided notice based on their current ballots. The two counties were working from an assumption their ballots would pass; however, when notice was given to the providers, the counties did not have a valid ballot proposal carrying them from July 1, 2014, to July 1, 2015. For an example, Ms. Miller-Brown stated if Allegan County has a \$2 cap, but the ballot proposal ended on December 31, 2014, the county wanted her to give notice in May to

extend it to July 1, 2015. Ms. Miller-Brown, after working with Mr. Martin, told the county she would provide notice based on information received by the county, but would also let the providers know the ballot proposal is only good until the end of the year. If the ballot proposals passed, it would be the responsibility of the counties to provide the notice of the change. The statute says the SNC will provide notice annually.

Mr. Sible asked for a reason the two counties did not have their ballot proposals finalized by the deadline. Mr. Campbell, speaking for Allegan County, stated the expiration of the surcharge would always coincide with enough time to piggyback on the state election. Even if passed in 2014, the change may not “kick in” until 2015, with the assumption it would carry over. Ms. Miller-Brown suggested the county set a policy stating that, “When we provide notice under the statute, section 714(g), these are the terms under which we will provide notice to the service suppliers.”

Mr. Campbell stated the statute does not preclude local units of government from informing the carrier of a change. Ms. Miller-Brown stated it also does not preclude the carrier from saying they don’t have to do it. Mr. Campbell stated he would like the process simplified to avoid the potential for problems. Mr. Campbell inquired if local units of government are the ones sending out the notice, how does the SNC receive the notice? This could cause the providers to end up with two conflicting numbers if local surcharge notices are missed.

To clarify and remedy this issue, Ms. Miller-Brown is amending the guidelines to state when the counties give the State 911 Office their notice on May 15. If they are basing their July to July fee on a ballot proposal, the proposal has to be valid for the entire July to July period. It cannot be a pending ballot proposal.

When asked what drives the deadline dates, Ms. Miller-Brown stated it is driven by the technical surcharge, which gets changed on July 1. The providers stated they would like a 30 day notice, so when Ms. Miller-Brown’s office receives the information by May 15, there is time to review the information and notify the providers by June 1.

E. Public Comment

Mr. Bradley inquired if anything has been heard on HB4011 regarding exempting 911 audio from FOIA. Mr. Campbell stated he heard there is interest in amending the Open Meetings Act and if moving forward with HB4011, it would be rolled together. No one else has heard anything on the bill.

F. Next Meeting

November 10, 2014
10:30 a.m.
MSP HQ

G. Adjourn

The meeting adjourned at 10:10 a.m.