

STATE 911 COMMITTEE
Legislative Action Subcommittee

February 4, 2016
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. Patricia Coates
Mr. Bob Currier
Ms. Jennifer Greenburg
Sheriff Dale Gribler
Mr. Tim Smith
Mr. Jon Campbell
Lt. Mike Johnson
Mr. Jeff Troyer
Ms. Cherie Bartram
Ms. Jordyn Sellek

Representing:

Michigan State Police
Courts & Law Enforcement Management Information Systems
Public Member
Telecommunications Association of Michigan
Van Buren County Sheriff's Department
Michigan Communications Directors Association
Michigan Association of Counties
Michigan State Police
Appointee, Speaker of the House of Representatives
South East Regional Emergency Services Authority
Conf. of Western Wayne

Non-Voting Members Present:

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

Representing:

Office of the Attorney General
Michigan State Police
Michigan State Police

Voting Members Absent:

Ms. Yvette Collins
Mr. James Loeper
Mr. Robert Bradley
Mr. Dale Berry
Ms. April Heinze
Ms. Lisa Hall

Representing:

AT&T
Gogebic 911
Charlevoix, Cheboygan, Emmet
Huron Valley Ambulance
Eaton County Central Dispatch
Midland County Central Dispatch

B. Meeting Minutes Approval – December 7, 2015

A **MOTION** was made by Mr. Campbell, with support by Mr. Smith, to approve the meeting minutes of December 7, 2015, as presented. With no discussion, the **MOTION** carried.

C. Old Business

Update on SB444. The State 911 Committee voted to support the bill and sent a letter to members of the legislature.

D. New Business

1. MLTS Review Group

Ms. Miller-Brown stated she is receiving a number of questions that were not raised when creating the Multi-Line Telephone System (MLTS) guidelines. Questions received by Ms. Miller-Brown are forwarded to the Michigan Public Service Commission (MPSC) and the MLTS workgroup (which is now down to two people-Bob Currier and Pat Coates), who form an answer to the question and respond back. Some of the questions could become legal issues down the road dealing with penalties and compliance. Those questions are not answered by Ms. Miller-Brown. Ms. Miller-Brown proposed forming a review group that meets via conference call every two weeks to go over any questions that have come in, collectively forming a preliminary determination to give MLTS owners guidance.

Mr. Sible stated it would be important to have someone in the legal field on the review group, along with someone to post the questions and answers on the website.

Ms. Greenburg asked who would be on the review group, to which Ms. Miller-Brown stated it should be members of MPSC, LAS, and legal counsel. Ms. Greenburg volunteered someone from her office to be on the review group. Per Ms. Miller-Brown, someone at ShoreTel has offered to be on the group. ShoreTel is out of Minnesota and has done MLTS.

Ms. Greenburg had concerns of recommendations coming out of the review group and the legal standing from that. She had concerns of giving advice to people that is not clear within the rules. Ms. Miller-Brown stated she does not want to tell those asking questions to speak with their attorney for answers, as that is not helpful. Mr. Sible asked for some examples of questions Ms. Miller-Brown is receiving. Examples include:

- a. If we have a large building that exceeds 40,000 square feet and all the manufacturing is in the back with offices in the front, does MLTS apply?
- b. If we have a church over 10,000 square feet, but the sanctuary is 5,000 square feet of it, does it still apply to us?
- c. What do you want for addresses? Do you want cube or pillar numbers?
- d. At a school, we have trained our people to call the office from a classroom and the office calls 911.
- e. If we put in facility information through Smart911, is that a substitute for MLTS?

Mr. Sible stated while it is our job is to provide guidance, there is another side. For example, someone brings an issue forward, we provide a response, but they choose not to follow the recommendation given, and later there is legal action. What liability would that put upon those providing the guidance? If the group makes sure every communication clearly indicates it is our interpretation of the rules; however, we strongly suggest you seek opinion of legal counsel, would that mitigate liability?

Mr. Martin agreed that clarifying responses to assist is not legal advice. Putting together a group of people who consider the questions asked, and create an FAQ document seems reasonable and helpful and not legal advice. His primary concern is that nobody should interpret it as legal advice from the Attorney General or the State of Michigan.

Lieutenant Johnson stated it would be a good idea to get a legal interpretation for all the questions coming in to be safe. Ms. Greenburg voiced concerns that neither the SNC nor the LAS have legal standing regarding the rules. She stated the MPSC is the group that should handle the bulk of the questions, with input from the 911 community, to give the clarification of what was meant within the rules.

If anyone from LAS has interest in being on the review group, let Ms. Miller-Brown know. Mr. Sible asked Mr. Martin to work with Ms. Miller-Brown on a disclaimer statement.

2. PA 269 of 2015

Ms. Sellek stated the Conference of Western Wayne is not part of the lawsuit for a stay on the gag order of 269 of 2015, but they did file an amicus brief; the City of Detroit, Royal Oak, and Grand Rapids also filed this morning. Ms. Sellek's assistant director will provide updates as they are available. The hearing is on the motion for the temporary restraining order or any amount of injunctive relief, because anyone who has a ballot proposal up for the March election is already within the 60 days. Yesterday, in the elections committee, HB5219 removed the 60 day limit, stating, "Communication does not include factual and strictly neutral information concerning the direct impact of a local ballot question on a public body or the

electorate except if the communication can reasonably be interpreted as an attempt to influence the outcome of local ballot question.”

Ms. Sellek stated some committee members asked what the definition of strictly neutral is, which was not answered. Members were also questioning what does “direct impact” mean and who is the person that is reasonably interpreting as to whether or not there is attempt to influence.

Pre-PA269 states you cannot use public funds to oppose or support a ballot proposal. Since 2012, there have been 24 investigations by the Secretary of State for entities abusing the ability to use public funds to promote ballot proposals. Out of those, five have been municipal, and one of the five was a fax machine used inappropriately. As soon as Ms. Sellek is updated on the hearing today, she will update the group.

As the meeting went on, Ms. Sellek received an update on the hearing - there was no ruling on the injunctive relief. The judge will try and get one out overnight or in a couple of days.

Mr. Sible realizes some members of the SNC feel strongly about this bill. He asked the group what level of interaction they would prefer the SNC to have. Should LAS recommend the SNC provide suggestions as to clarifications or just express concern on its impact on 911?

Ms. Sellek stated they should know about the PA269 lawsuit by the March SNC meeting, but HB5219 could still be in play.

Ms. Sellek stated Senator Zorn introduced SB703 to repeal SB571. She suggested having the SNC support that bill. General discussion followed.

A **MOTION** was made by Mr. Campbell, with support by Ms. Sellek, to request the State 911 Committee support SB703 in the interest of 911. With no further discussion, the **MOTION** carried.

3. HB4459

Adding an item to the agenda, Ms. Sellek received an email regarding HB4459, which was signed into law the day before the LAS meeting. She was not aware of this bill and asked if anyone had any information. In reading the bill, it allows citizens to enter emergency contact information which would show up on a search of their driver’s license. It can be extracted through LEIN, either through an in-vehicle swipe device, or through an electronic search at the 911 center. The bill gives Secretary of State and Michigan State Police until next year to figure out how to get it done.

To keep the LAS informed, Mr. Smith stated he has written letters on behalf of Ottawa County Central Dispatch and MCDA regarding SB5111 to include recognizing 911 centers as a profession. Letters were also written about SB5161, which states you could not have any rules about medical marijuana cards. For example, Ottawa County Central Dispatch has a policy they do not hire people with the cards. He has heard back from all legislators in Ottawa County stating they would support the concept of exempting public safety.

E. Public Comment

Ms. Coates asked for any updates on the CLEAR progress. Ms. Miller-Brown stated people are waiting for legislation and understands the need to get something moving soon. She has conveyed this information to administration, and has also told administration’s counsel if there is no movement soon, the 911 community will likely initiate some kind of action. Ms. Miller-Brown requested if there is no movement soon, she would like the 911 community to see what can be salvaged from the draft during this legislative term. She received an email asking to wait a little bit longer. Mr. Sible stated counties are already moving forward, and the risk is if everyone does their

own thing, in a different way, on a system that is not sustainable, things will not tie together down the road. General discussion followed.

Mr. Sible stated there are many new responsibilities tasked to the State 911 Office staff, and it is almost to the point where more resources and revenues need to be provided. Ms. Miller-Brown stated her office oversees such things as the training program database, keeping track of nearly 2,000 telecommunicators and their training, the training fund distribution, the Auditor General's fees each year, keeping a record and providing notice to all service providers, the Annual Report to the Legislature and tracking the counties local surcharges, etc. There is technology needed for which there are no resources. Mr. Sible stated the office will continue to provide the same level of service as long as there is funding available. If that funding goes away with nothing else to replace it, or is not increased to meet the demand put on it, the office will have to scale back efforts to meet the available resources, which would affect the 911 community. General discussion followed.

F. Next Meeting

TBD

G. Adjourn

The meeting adjourned at 11:14 a.m.