

STATE 911 COMMITTEE
Legislative Action Subcommittee

March 26, 2013

MSP-HQ

Meeting Minutes

A. 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. Pat Anderson
Ms. Marsha Bianconi
Ms. Patricia Coates
Ms. Yvette Collins
Mr. Lloyd Fayling
Ms. Jennifer Greenburg
Sheriff Dale Gribler
Mr. Steve Leese
Mr. James Loeper
Mr. David Piasecki
Mr. Tim Smith
Mr. Jon Campbell
Mr. John Hunt
Mr. Jeff Troyer

Representing:

Michigan State Police
AT&T
Conference of Western Wayne
CLEMIS
AT&T
Genesee County 911 Authority
Telecommunications Association of Michigan
Van Buren County Sheriff's Department
Eaton County Central Dispatch
Gogebic 911
AT&T
Michigan Communications Directors Association
Michigan Association of Counties
Telecommunications Systems
Appointee, Speaker of the House of Representatives

Non-Voting Members Present:

Ms. Stacie Hansel Michigan State Police

Absent:

Mr. Bob Currier	Intrado
Mr. David Vehslage	Verizon
Mr. Robert Bradley	CCE
Mr. Dale Berry	Huron Valley Ambulance
Ms. Pam Matelski	Michigan State Police

B. Meeting Minutes Approval

A **MOTION** was made by Mr. Smith to approve the meeting minutes of January 25, 2013. Supported by Ms. Bianconi, the **MOTION** carried.

C. Old Business

1. HB4011

As a reminder, this bill is regarding the exemption of the release of 911 recordings. This is not a change to the 911 statute, but a change to FOIA. At the last meeting, the subcommittee agreed, with the appropriate changes, they are supportive of this Bill. Mr. Currier was heading the workgroup and provided draft language to Ms. Miller-Brown, who will forward to LAS members. In summary, the draft language includes "other media" language to include photos, video, etc., for more generic language.

Ms. Bianconi stated one difference Representative Heise expressed was he does not want to prohibit the tapes, but delay the release of the tapes for at least 90 days. Mr. Sible asked for discussion, as the original intent was to protect families and delaying 90 days does not meet that requirement. It would protect from immediate news, but a family member or neighbor wanting to know who called, the question would still be there in 90 days. Ms. Bianconi did bring that point to the Representative. Mr. Smith stated he spoke with the Director in Connecticut, who has left everything under "ongoing investigation" because the media is still around in regard to the Newtown shootings. They are trying to figure out how to get around it; 90 days in that situation is not enough. Mr. Sible stated it is difficult because the public has

a right to know, but there is a desire to protect people. Mr. Sible stated as the bill goes forward, that will be the time to see if anything should be done about the time period.

Representative Heise is the only sponsor so far. A concern with that is the legislation could die in committee, but the group has expressed a desire to see legislation move forward. Ms. Bianconi stated an issue is the Freedom of Information Act; there have been meetings with members of the press who vehemently oppose this Bill. Mr. Leese asked how the Representative got the idea to introduce it. Ms. Bianconi stated it came from the Farmington Hills Police Chief from a case a couple years previous.

Mr. Sible stated, on the other side, if language is written in a certain way, it could look like trying to protect dispatchers who do not do their job correctly. That is not the intent, but the language needs to get that point across.

2. Statute Review

The LAS received a copy of the statute to review shortly after the last meeting. There will be NG911 legislation moving in the next year. If the statute will be opened, this is an opportunity to address any changes to other areas. Going around the table, each member discussed their proposed changes:

Mr. Lloyd Fayling – Nothing specific to address.

Ms. Patricia Coates –

- Adding definitions for NG911 to get ready for the ESInet, routing proxies, etc. to include the new terms.
- Look at definition of consolidated dispatch (Section 1102). Definition should be simpler to recognize the number of PSAPs that are consolidating, but will not get 75 percent, and do not dispatch for the State Police or the county sheriff; SERESA for example. Wording example, “...means a facility where one or more public safety agencies choose to operate a single 911 entity.”
- 484.1305/484.1308 - The County Clerk would like to look at mention of electronic mail or Web site posting being an alternative to certified mail and/or newspaper posting.
- Discussion:
 - Ms. Collins asked if Ms. Coates was making changes to the definitions as a CLEAR committee representative and if she supports the CLEAR recommendations. Ms. Coates stated the only item she added from CLEAR was the definition of the Emergency Communications Commission (ECC). She supports most of the recommendations from CLEAR, but believes there is still some work to be done. Oakland County is taking a wait and see approach to see what the legislation looks like. Most of it makes sense, for instance, a Commission who actually has rulemaking authority as opposed to dividing it among state departments. Mostly, her additions to the definitions are technical terms.
 - Ms. Greenburg asked if the group is starting from the existing 911 Act and not CLEAR. Mr. Sible stated the intent was outside of what is likely to be addressed through the process of moving NG911 forward, are there other things that should be dealt with. Ms. Greenburg asked if the LAS will be making recommendations to the CLEAR proposal. Mr. Sible stated he assumed it would go directly to the State 911 Committee (SNC) and asked for thoughts. The LAS has done most of the legwork on other legislation issues and there are some people who would like to have some input.

Ms. Coates, a member of the CLEAR workgroup, stated she would like to see the recommendations come to the LAS for review to get input from partners in the industry who are part of the LAS and may have technical

information, which makes sense to the CLEAR workgroup, but not as far as the industry is concerned. Mr. Sible stated he will make a request to have the recommendations come to the LAS for review and make recommendations to the SNC as a whole based on that review.

- 484.1320 Emergency 911 District Board – if change the definition of consolidated dispatch, may want to change this as well. Currently states, “*A county shall create an emergency 911 district board if they can create a consolidated dispatch.*” Ms. Coates stated in their case, the county is not the one creating the consolidated dispatches; the locals are getting together and doing it. Example, the Sheriff Department dispatches for 15 fire departments and have a committee of fire chiefs who work with that particular PSAP. It is a PSAP-created board, not a county board of commissioners and has no recognitions under the statute. If consolidated dispatch definition is changed, suggested wording is, “*The county or public safety agencies participating in a consolidated dispatch may create an emergency 911 district or PSAP board.*” It would give them authority to do what they need to do locally. Mr. Sible suggested, in order to keep the original intent of the legislation, keep the current wording, “*The county shall...*” include, “*If the county creates a consolidated dispatch...*” adding another sentence stating, “*If a consolidated dispatch is created through a consortium...*” and move forward with Ms. Coates’ wording. Wording keeps original intent, but allows the other options.
- Discussion:
 - Original proposal – If a consolidated PSAP is two or more public agencies or jurisdictions, they should be recognized as true consolidations. If they want to create workgroups that the county does not need to know about, the PSAPs may create those boards. Mr. Sible asked if the county decides to do a consolidation, it is required to create the board. If a small group of locals decide to do the same, would the wording be “may” or “shall.” After general discussion, the group agreed on “may.”
 - It was suggested not spending much time on this until the CLEAR recommendations are set. Mr. Smith stated CLEAR does not address anything at a county level.

Mr. Jon Campbell – Nothing specific to address.

Mr. Dave Piasecki –

- If CLEAR is working on an overhaul, it would be nice to anticipate getting a “red line” from the CLEAR group. Mr. Sible stated if the responsibility of the LAS is to review legislation and make recommendations prior, there is a good case to request the CLEAR recommendations come first to the LAS so they may inform the SNC of their decision. Mr. Smith stated he would put that request before Sheriff Rosema, who is the chair of CLEAR.

Ms. Yvette Collins –

- Agreed with Mr. Piasecki on reviewing CLEAR. She voiced concerns CLEAR will propose legislation eventually, and it makes sense to have that proposal in order to make changes to the statute. She stated the recommendations should be the legislation proposal and not the PowerPoint, as many have seen the presentation already; which sections in the statute will be changed because of it and what will it look like.

Ms. Pat Anderson –

- Consolidations of PSAPs
- Reduce number of expenses overall
- Landline technical county surcharges
- Discussion:
 - Mr. Sible asked if anything could be done in statute to help with costs related to consolidations. Ms. Anderson gave an example of having four trunk

groups that the PSAPs and counties themselves do not pay for; it is part of the technical charge, which is put on their landline customers. Wording suggested was to *“require PSAPs to seek technical review prior to consolidation.”*

Ms. Jennifer Greenburg –

- If talking about redoing the 911 Act, should also talk about changing the way 911 funding is done.
- Lower statewide service charge.
- Find another funding source.
- If there was no CLEAR happening, TAM would support leaving the law as is.
- Discussion:
 - Mr. Sible reiterated that if the statute is not going to be opened for any other reason, LAS will not pursue opening just for the points being reviewed today.

Ms. Marsha Bianconi –

- With the adjustment of the sunset date of 2021, she wanted to know about counties or PSAPs who have plans approved by resolution of the county commissioners. Mr. Sible and Ms. Miller-Brown sent Ms. Bianconi a document regarding local surcharge information. Ms. Bianconi created a document to include information such as identifying 14 counties that are 42 cents or below that are done through resolution of the commissioners, if they had mileage, the population based on the 2010 census, and the number of 911 calls from 2012. Since the legislation may or may not be opened, and since the funding is currently set at 2021, she does not believe the statute is worth opening for this one issue.
- Discussion:
 - When asked for background, Ms. Bianconi stated the local surcharge is maxed at 42 cents. The new legislation extends the sunset date to 2021. She was trying to find a way to include something regarding a need for additional funding.

Mr. Sible stated that in the previous meeting, Ms. Bianconi was looking to propose something tied to economics or inflation to allow an adjustment instead of locking into a set dollar amount.

- Mr. Fayling also brought up, if the legislation is opened, looking at Magic Jack and LifeLine. Mr. Sible stated there will be a time when the current funding model does not deal with the technologies that are coming.
- Ms. Bianconi asked for a refresher regarding prepaid calling card legislation ability to bond and asked if there was anything in the legislation stating how long you could bond for. Mr. Smith believed it was until the end of the sunset.

Mr. Steve Leese – Nothing specific to address.

Mr. Tim Smith – Nothing specific to address.

Mr. James Loeper –

- Asked if any discussion was needed regarding SNC membership. The committee is set by legislation and some members never show. In the U.P., they have developed a 911 authority consisting of 15 counties and asked if there should be a mechanism like that to join the SNC. Mr. Sible believed some of those issues will be coming out of the CLEAR recommendations.

Mr. Jeff Troyer –

- Issue regarding 60 cent local surcharge approved by the Public Service Commission. They have seen a consistent decrease in surcharge revenue since it was enacted. Service providers are required to submit the number of devices

remitting for; however, there is no way to verify that is the number of devices operating in the county.

- Discussion:

- Mr. Sible stated there have been discussions about other avenues possibly available to gather the information. He asked if an appropriate flow would be for a county to ask for information and if unable to receive it, they ask the 911 office for assistance, and if the Office cannot get, go through the Public Service Commission. Mr. Troyer stated he would have to file 50 plus separate cases just to verify the numbers. Mr. Sible stated conversations with the Commission were not to file formally, but an informal process that if counties were unable to gather the information, they would take the next step for information. Mr. Troyer stated he believes that might not be known because under the statute, it requires a case be opened.

Mr. Sible stated there was language drafted for enforcement for state level and examples for local level. He believes enforcement will also be coming out of CLEAR and suggested waiting to see what language looks like to determine if anything extra needs to be provided to make sure local issues are resolved. He will ask Ms. Miller-Brown what was done with enforcement, not just at a state level, but local level as well.

D. New Business

Ms. Anderson, referring to the handout by Ms. Bianconi, asked about the 911 calls totals not making sense. It looks as if using 911 for everything, or including non-emergency numbers in that final count. Mr. Smith stated all those numbers are self-reported.

Mr. Sible shared an implementation bill for next year's Treasury budget. They put in language that would continue to provide them with \$150,000 a year to oversee the collection and distribution of funds. Ms. Miller-Brown and Mr. Sible will be meeting to discuss. No other details at this time.

E. Public Comment

None

F. Next Meeting

TBD

G. Adjourn

A **MOTION** to adjourn was made by Mr. Campbell. Supported by Mr. Loeper, the **MOTION** carried.

The meeting adjourned at 11:58 a.m.