

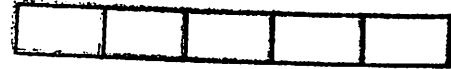
Glenda Wiles

From: Shantil Siaperas <shantil@mtcounties.org>
Sent: Friday, March 15, 2019 12:16 PM
To: Shantil Siaperas
Cc: Gilbertson, Nanette; Jackie Boyle (County Attorneys & Area Agencies on Aging)
Subject: 911 Bill(s) Update/"Progress"

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MAR 15 2019

Ravalli County Commissioners



Importance: High

Good morning Commissioners & Sheriffs,

Following up on last Friday's email regarding HB 539, Generally revise 9-1-1 laws (Rep. Zolnikov), new things have transpired this week. Zolnikov has withdrawn HB 539 and replaced it with a much simpler bill draft, LC 1885, Revise distribution of 9-1-1 funds. MACo was involved in negotiating the possible draft language for LC 1855. We were working under the impression that priority or no priority, a grant didn't have to be fully funded—that's how the rules were written—essentially meaning that the advisory council would have discretion/control as to how much a telco and/or a local government hosting a PSAP would/could be granted. (For example if a telco asked for something like a tower, then the Advisory Council could determine how much of that tower should be paid for with 911 dollars.)

The rationale behind this negotiation was because when HB 61 passed, all of the stakeholders had agreed (some begrudgingly) that the telcos should be given a little more consideration, because the money was originating from the 25-cent account that was created in 2009 from which they were receiving cost recovery. (The larger wireless providers (ATT & Verizon) were not seeking cost recovery, so the account grew into the millions and became known as the "stranded fund.") We all just wanted those stranded dollars to no longer be stranded, and some were just exhausted with the fight/discussions regarding this account and were glad to be done with it. During the drafting of HB 61 in the interim of 2015-2016 and then in 2017 with passage of HB 61, the Interim Committee and then the Legislature intended for the telcos and local gov's hosting PSAPS to receive funding from the grant account, because the bill as written had overwhelming support from all sides. HOWEVER, and I've told Geoff Feiss this a few times now, the legislature **did not** intend for the telcos to be the only recipient of the grants nor receive all of those millions of 911 taxpayer dollars for their sole purpose.

Since last Friday, I have spoken with an attorney who works for the State, who has let me know that their interpretation of the law is that if the telco priority were to be increased, then they would first receive **full funding** for their proposal and then on down the list, which is contrary to what our understanding was. We are absolutely **NOT** on board with this. I spoke with Feiss and let him know that given this new information, we if the bill were to be introduced we would likely be opposing it as would many other local government entities. I then called Representative Zolnikov and let him know the same. Zolnikov asked that I take the weekend and some of next week to do some brainstorming, as he would really like to fix this issue that has continued through every session for years. My optimism is waning that this issue can be fixed, given the lobbyist for the telcos is unwilling to compromise. I will continue to brainstorm and would like to get feedback from as many entities/people as possible.

In speaking with Feiss (and Zolnikov), I suggested that because the grant review process had just been successfully completed by the 911 Advisory Council, so we should take the interim to smooth out any wrinkles that the Council would like to address. The grant process seemed to work as it should, but as with everything, it can likely be improved. Feiss said that he will still likely try and bring a bill. As mentioned previously, I told him that we would definitely not support the bill and would instead likely oppose it.

We (PSAPS/Sheriffs/counties/etc.) definitely don't need to be dealing with these types of discussions anymore, as they have been occurring for about 10 years, and there are plenty of other topics in the realm of 911 where our energies

would be better spent, like NG 911. Unfortunately, it appears as if the fight for the 25-cent stranded account is continuing under the guise of a grant account. So there are two choices as we see it: 1.) Oppose the bill if it is introduced and work in the interim on legislation to fix this situation; or 2.) Propose a fix for Representative Zolnikov's bill (transmittal for revenue bills is April 1st, so two weeks from Monday, the bill must be written, introduced, heard in the House, and transmitted to the Senate).

Dilemma(s):

Rural Montana needs 911 service, which requires the small telcos, and the small telcos have very small subscriber rates (revenue), so how do we ensure that these small telcos remain/expand service in our most rural of areas? Meanwhile, Montana's PSAPS are struggling to make ends meet, so how do we help lift them up?

Possible Options:

- 1.) Cut the telcos out of the grant fund completely (this will be a hard sell to legislators for the dilemma mentioned above).
- 2.) Carve the telcos out into their own program and maybe even move them to the PSC instead of DOA. (We'd have to check with the PSC, because we can't just arbitrarily decide to dump a program on them without their feedback.)
- 3.) Carve a percentage out that roughly equates to the amount that they've been requesting for cost recovery (\$1 million), then have the excess funds sweep into the grant fund (removing the possibility of another stranded fund), where both telcos and local gov's hosting PSAPS could apply in a NO PRIORITY competitive grant program.

Extras:

- 1.) I heard that the Advisory Council discussed making the grant account for NG911 only, so we could address this, but we'd likely need a vote from the council.
- 2.) I also heard that the Council might want to open up the allowable uses if we get the priority issue ironed out.
- 3.) What about GIS?
- 4.) (Likely more to come, as 911 is never-ending and ever-expanding.)

Our suggestion is to do this potential legislation justice by doing it right over the Interim. We need a good, strong bill that is created with a small workgroup that the council can then review and adopt—with or without Fies's support—as opposed to trying and ram something through the second half of the legislative session. Then prior to the 2021 Legislative Session, the respective associations (MACo and MSPOA) can work with 911 Program Staff on getting and retaining a sponsor and shuttling it through the process (as opposed to the bill being hijacked and turned into two, maybe three other bills that we chase throughout the session).

Currently there is only ONE significant piece of 911 legislation introduced and going through the process unencumbered: HB 150, Generally revise 9-1-1 laws (Representative Garner), which is a clean-up bill that would release the tribal PSAP money that is tied up at DOA right now—HB 150 would release that money now and in the future. We will continue supporting this bill as written as well as watching it closely.

Several people have been contacting me for 911 legislation update/information, so I will continue keep everyone informed as we go through the session (Fridays seem to be my go-to day thus far, unless an emergency situation pops up).

We encourage everyone to let us know your thoughts and suggestions, and if anyone would like to discuss further, my cell number is 406-925-1134. I am available anytime between 7 a.m. and 9 p.m.

Please share this email with your PSAP Administrator. (I apologize for its wordiness.)

Sincerely,

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