**STAFF COMMENTS ON ARM DRAFT FOR 11/1/2017 ARM SUBCOMMITTEE MEETING.**

NEW RULE I DEFINITIONS (1) "Certified PSAP" means a local government entity that hosts a public safety answering point that is certified by the department as provided in NEW RULE II.

 (2)"Department" means the Montana department of administration provided for in Title 2, chapter 15, part 10, MCA.

 (3) "PSAP" means a public safety answering point as defined in 10-4-101, MCA.

 (4) "PSAP certification requirements" means the requirements of Title 10, chapter 4, MCA, and the administrative rules adopted thereunder.

 (5) "Tribal government" means any one of the seven federally recognized tribal governments of Montana and the Little Shell band of Chippewa Indians.

NEW RULE II CERTIFICATION REQUIREMENTS (1) A local government entity that hosts a PSAP must be a certified PSAP in order to receive payments as provided in [HB 61 § 7].

 (2) To become a certified PSAP, a local government entity that operates a 9-1-1 system and hosts a PSAP must meet the PSAP certification requirements, apply for certification, and be approved by the department.

 (3) A local government entity that hosts a PSAP is qualified to become a certified PSAP if the local government entity that hosts a PSAP satisfies the PSAP certification requirements and:

 (a) is a local government entity, as provided in 7-11-1002, MCA, that is:

 (i) an incorporated city;

 (ii) an incorporated town;

 (iii) a county;

 (iv) a consolidated city-county government; or

 (v) a combination of any of the above local government entities, acting jointly; and

 (b) operates a 9-1-1 system that at a minimum meets the requirements for a 9-1-1 system as provided in 10-4-103 MCA (*See: HB61 Section 17*); and

 (c) first receives all emergency wireline and wireless voice calls from person requesting emergency services in the PSAPs service area.

NEW RULE III APPLICATION FOR CERTIFICATION (1) An applicant for certification must submit an application on a form prescribed by the department.

 (2) The application must be complete and must include the following:

 (a) a declaration, signed by an official who is authorized to act on behalf of the local government entity that has submitted an application for certification, that the applicant:

 (i) is authorized to establish and operate a 9-1-1 system;

 (ii) is eligible to become a certified PSAP pursuant to NEW RULE II;

 (iii) first receives all emergency wireline and wireless voice calls from persons requesting emergency services in the PSAP's service area; and

 (iv) will operate in accordance with the PSAP certification requirements; and

 (b) a copy of any agreement required under (3) or (4).

 (3) If more than one local government entity is participating in an application:

 (a) the local government entities must have entered into a valid interlocal agreement pursuant to 7-11-104, MCA, that describes and defines the terms of the parties' participation in the 9-1-1 system; and

 (b) the declaration required in (2)(a) must be signed by an official who is authorized to act on behalf of each local government entity that is participating in the application, and the declaration must include an acknowledgment that the participating local government entities have entered into a valid interlocal agreement pursuant to 7-11-104, MCA.

 (4) If a tribal government is participating in a 9-1-1 system and PSAP with a local government entity that hosts a PSAP and the tribal government will receive distributions from payments made pursuant to [HB 61 § 7]:

 (a) the local government entity that hosts a PSAP must have an agreement with the tribal government that describes and defines the terms of the parties' participation in the 9-1-1 system and PSAP; and

 (b) the declaration required in (2)(a) must be signed by an official who is authorized to act on behalf of the tribal government.

 (5) The applicant must be prepared to provide verification of statements made in its application and declaration upon request by the department.

 (6) In order to receive payments as provided in [HB 61 § 7] in state fiscal year 2019, a local government entity that hosts a PSAP must apply for certification on or before May 1, 2018. In order to receive payments as provided in [HB 61 § 7] in subsequent fiscal years, a local government entity that hosts a PSAP must apply for certification annually on or before April 1.

NEW RULE IV CERTIFICATION PROCESS (1) The department will review applications for certification to determine whether the applicant has met the PSAP certification requirements.

 (2) If an applicant has satisfied the PSAP certification requirements, the department will issue a certified PSAP determination in writing, and the certified PSAP may begin receiving payments as provided in [HB 61 § 7].

 (3) If an application for PSAP certification is not approved, the department shall send the applicant written notice of any application deficiencies and PSAP certification requirements that were not met. The applicant shall have 90 days from the date of the notice to correct deficiencies and demonstrate compliance. Except as provided in (4) or (5), if an applicant has not corrected deficiencies and demonstrated compliance with PSAP certification requirements within 90 days, the department will:

 (a) deny the application or grant conditional PSAP certification; and

 (b) provide the applicant notice and an opportunity for hearing.

 (4) An applicant that has received notice as provided in (3) may request an additional 90 day period to correct deficiencies or demonstrate compliance with PSAP certification requirements.

 (5) If an applicant wishes to immediately dispute a department determination that the application was deficient or did not demonstrate compliance with PSAP certification requirements, the applicant may ask the department to provide formal notice of denial and an opportunity for hearing.

 (6) The department may appoint a hearing examiner to conduct hearings pursuant to 2-4-611, MCA.

 (7) The final determination in a contested case regarding PSAP certification will be made by the department director.

The following proposed rules have not been previously considered by the ARM Subcommittee.

NEW RULE V DECERTIFICATION AND REDUCTION OF FUNDING (1) The department may determine a certified PSAP is not in compliance with PSAP certification requirements if a certified PSAP:

 (a) is not in compliance with any of the requirements of Title 10, chapter 4, MCA, or the administrative rules adopted thereunder;

 (b) uses or distributes funds for any purpose other than those identified in New Rule VI;

 (c) does not timely comply with department requirements; or

 (d) has not timely provided information requested by the department.

 (2) If the department determines a certified PSAP is not in compliance with a PSAP certification requirement, the department shall send the certified PSAP a deficiency letter identifying the PSAP certification requirement that is not met and the action needed to correct the deficiency. The certified PSAP shall have 30 days from the date of the deficiency letter to correct all deficiencies and demonstrate compliance.

 (3) A certified PSAP that has received a deficiency letter as provided in (1) may request an additional 30 day period to correct deficiencies or demonstrate compliance with PSAP certification requirements.

 (4) If a certified PSAP wishes to immediately dispute a department determination that the certified PSAP is not in compliance with PSAP certification requirements, the certified PSAP may ask the department to provide formal notice of denial and an opportunity for hearing.

 (5) Except as provided in (3) and (4), if a certified PSAP has not corrected all deficiencies and demonstrated compliance with PSAP certification requirements within 30 days of the deficiency letter, the department will provide the applicant notice and an opportunity for hearing in accordance with Title 2, chapter 4, part 6, MCA.

 (6) The department may appoint a hearing examiner to conduct hearings pursuant to 2-4-611, MCA.

 (7) The final determination in a contested case regarding PSAP certification will be made by the department director.

 (8) When the department makes a final determination that a certified PSAP is not in compliance with PSAP certification requirements, the department may:

 (a) reduce or suspend payment to the local government entity or entities involved in the PSAP;

 (b) require repayment of funds expended on activities determined not to meet eligibility requirements; and/or

 (c) decertify the local government entity or entities involved in the PSAP.

NEW RULE VI ALLOCATION OF FUNDS (1) Funds in the account for fees collected for 9-1-1 services pursuant to 10-4-201, MCA, must be allocated as provided in [HB 61 § 7].

 (2) With respect to funds deposited in the account for distribution to local government entities that host PSAPs pursuant to [HB 61 § 7], each certified PSAP must receive an allocation of the total quarterly balance of the account that is equal in proportion to the quarterly share received by the local government entity that hosted the PSAP during the state's 2017 fiscal year.

 (3) The department maintains a list of the quarterly share received by local government entities that hosted PSAPs during the state's 2017 fiscal year. The list can be obtained from the department's public safety communications bureau at [list contact information] or found on the department's website at [sitsd.mt.gov
/PublicSafetyCommunications](https://sitsd.mt.gov/PublicSafetyCommunications).

NEW RULE VII ALLOWABLE USES OF FUNDS (1) Funds distributed to a certified PSAP from the 9-1-1 systems account established by [HB 61 § 7] may be used by the certified PSAP for:

 (a) operation of the PSAP, including:

 (i) telephone system for the public safety answering point (PSAP) capable of handling the required 9-1-1 trunks and non-emergency lines, including network cards, etc.;

 (ii) installation and recurring phone costs for 9-1-1 trunks and non-emergency lines for the PSAP;

 (iii) Telephone Devices for the Deaf (TDDs) for each call-taker position;

 (iv) FAX line if located at the PSAP;

 (v) radio consoles installed in the PSAP;

 (vi) radio frequency coordination, licensing fees, dispatch paging, etc.;

 (vii) paging encoders and paging systems;

 (viii) special emergency notification paging systems and “reverse 9-1-1” systems;

 (ix) voice logging recorder capable of recording all incoming phone lines and radio channels, including recording media (the PSAP may choose to purchase a recorder with fewer channels and record 9-1-1 lines and selected non-emergency lines and/or radio channels);

 (x) instant recall playback recorders for each dispatch position;

 (xi) software and hardware for computer aided dispatch (CAD);

 (xii) the PSAP’s share (pro-rated) for records management system (RMS) software;

 (xiii) computer hardware and/or software used by call-takers and/or radio dispatchers in the PSAP, including printers, UPS units, cabling, etc.;

 (xiv) upgrades to PSAP computer hardware and software as required;

 (xv) costs for maintenance and repair of equipment located in the PSAP or equipment room;

 (xvi) headsets, headset cords and other small equipment for the PSAP;

 (xvii) maps (wall maps, map books, computer-based maps, etc.), including map racks and/or stands;

 (xviii) materials, such as paper and notebooks, required to develop written Standard Operating Guidelines (SOGs) for the PSAP;

 (xix) books and resource materials used in the PSAP such as reverse directories, local government and law enforcement agency directories;

 (xx) furniture for the PSAP, such as workstations, chairs, printer stands, etc.;

 (xxi) generator to provide power in case of power failure and battery backup to supply power to PSAP equipment (pro-rated if backup power also supplied to other areas of the building);

 (xxii) security camera and/or intercom system monitored or used by PSAP personnel;

 (xxiii) air conditioning and/or air filter system for PSAP and equipment room;

 (xxiv) miscellaneous supplies used in the PSAP; and

 (xxv) insurance costs;

 (b) development, installation, and operation of the jurisdiction’s enhanced 9-1-1 (E9-1-1) system, including:

 (i) telephone equipment capable of handling and displaying E9-1-1 database information;

 (ii) costs associated with developing the Master Street Address Guide (MSAG) and the E9-1-1 database;

 (iii) costs associated with maintaining the MSAG and E9-1-1 database;

 (iv) costs associated with hiring an E9-1-1 project manager or consultant to assist with planning and/or project management;

 (v) costs associated with providing Wireless E9-1-1 services; and

 (vi) costs associated with Criminal Justice Information Network (CJIN) services including equipment, usage fees and licensing;

 (c) direct dispatch, relay or transfer of calls for emergency service, including:

 (i) paging encoders and emergency paging systems in the PSAP;

 (ii) pagers for law enforcement, fire or emergency medical service (EMS) responders;

 (iii) two-way communications radios;

 (iv) mobile data systems;

 (v) repeater sites including buildings and/or towers and any equipment at the site used by the PSAP (costs must be pro-rated if the site is used by other entities);

 (vi) microwave sites including buildings and/or towers and any equipment at the site used by the PSAP; also microwave links (costs must be pro-rated if the site is used by other entities);

 (vii) utility costs for providing electricity to repeater or microwave sites;

 (viii) backup generator, battery backup, and alarm systems for repeater or microwave sites;

 (ix) the PSAP’s share of rental costs for repeater or microwave sites;

 (x) costs associated with maintenance, repair, or upgrades for PSAP or repeater/microwave site equipment; and

 (xi) maintenance and/or repair of the repeater or microwave site and any equipment at the site used by the PSAP;

 (d) call-taker, dispatcher, or supervisor public safety communications training, including:

 (i) tuition costs for a class, conference, workshop or seminar;

 (ii) costs for materials used in a training session;

 (iii) costs related to emergency medical dispatch, including flip cards for use in the PSAP;

 (iv) travel expenses for training, including meals and lodging;

 (v) salaries for dispatchers attending the training and for dispatchers to fill shifts at the PSAP while others attend the training;

 (vi) professional association dues and membership fees for dispatchers, supervisors, technical support staff and managers; and

 (vii) subscriptions to 9-1-1 or dispatch related publications;

 (e) expenses related to PSAP facility construction and remodeling, whether to provide additional work area or to ensure that the PSAP is located in a secure area. Funds may also be used for costs associated with moving the PSAP to another facility, including the cost of purchase or construction of a new building (pro-rated if other agencies are located in the facility);

 (f) rural or municipal addressing projects necessary for the successful implementation of enhanced 9-1-1 (E9-1-1), including:

 (i) GPS centerline road mapping within the 9-1-1 jurisdiction, including purchase of GPS equipment and salaries for the person doing the work;

 (ii) assignment of addresses to all structures within the 9-1-1 jurisdiction and address verification, including verification letters to residents;

 (iii) costs associated with coordinating addressing assignment with the United States Postal Service;

 (iv) GIS compilation of the data and final map output in both hardcopy and digital formats;

 (v) purchase of hardware and software necessary for the GIS work;

 (vi) costs associated with assigning addresses and producing paper maps without the use of GIS;

 (vii) cost of hiring a contractor to conduct the rural addressing project;

 (viii) training costs for employees who will assume maintenance of the addressing, MSAG and E9-1-1 databases; includes training in use of GPS equipment;

 (ix) costs associated with addressing, MSAG, and E9-1-1 database maintenance;

 (x) 9-1-1 pro-rated share of costs associated with web-based GIS maintenance, including set-up fee and website maintenance;

 (g) costs associated with developing a public education program and disseminating information to the general public, elected officials, and user agencies about proper use of 9-1-1, what the system provides, what the needs are, and any other information pertinent to the successful operation of 9-1-1 systems;

 (h) salaries for call-takers, dispatchers, PSAP shift supervisors, PSAP managers, 9-1-1 coordinators, technical support staff (pro-rated), addressing coordinators (pro-rated) and employees responsible for addressing, MSAG, or E9-1-1 database construction and/or maintenance (pro-rated); and

 (i) costs associated with development and operation of an alternate PSAP, including phone line and equipment costs, computer hardware and software, maps, furniture, and other miscellaneous materials necessary for successful operation of the alternate site.

 (2) The department may approve additional uses of funds on a case by case basis upon request by a certified PSAP, provided that the use would clearly support operation, maintenance, or enhancement of the 9-1-1 system.

 (3) A certified PSAP may further distribute funds to a local government entity or tribal government participating with the certified PSAP in the 9-1-1 system for any of the uses described in (1).