**NEXT GENERATION 9-1-1 INFRASTRUCUTRE GRANT PROGRAM**

**DRAFT Administrative Rules**

NEW RULE I GRANT PROGRAM DEFINITIONS

(1) "NG9-1-1 infrastructure grant account" means the account established in 10-4-308, MCA.

(2) "Certified PSAP" means the same as ARM 2.13.301(1).

(3) "Department's website" means the website sitsd.mt.gov/Governance/Boards-Councils/9-1-1 maintained by the department for the State Information Technology Services Division's Public Safety Communications Bureau.

(4) "Private telecommunications provider" means a provider as defined in 10-4-101(15), MCA.

NEW RULE II ELIGIBILITY REQUIREMENTS FOR GRANTS

(1) The following may apply for grants as provided in 10-4-309, MCA:

(a) certified PSAPs.

NEW RULE III ELIGIBILE USES OF GRANT FUNDING

(1) The following are eligible uses of grant funding as provided in 10-4-309, MCA:

(a) statewide ESInet;

(b) hardware and software required to upgrade a non-IP-capable certified PSAP for IP capability;

(c) grant administration; and

(d) project management.

NEW RULE IV APPLICATION FOR GRANTS

(1) An applicant for grant funds shall submit an application on a form approved by the department in consultation with the 9-1-1 Advisory Council and adopted by reference in this rule. The application form is available on the department's website.

(2) The department shall provide notice on its website that it is accepting grant applications. Grant applications must be received by the department within 60 days of the posted notice. The department shall post notice of the application deadline on its website.

(3) The department shall make final grant awards within 90 days of receiving the 9-1-1 Advisory Council's grant award recommendations.

NEW RULE V APPLICANT PRIORITY AND CRITERIA FOR AWARDING GRANTS

(1) The department, in consultation with the 9-1-1 Advisory Council, shall apply the applicant priority in 10-4-309, MCA.

(2) The department, in consultation with the 9-1-1 Advisory Council, shall evaluate all eligible applications using the following criteria:

(a) completeness and effectiveness of the application (XX points maximum). The application must be complete and fully address the requirements in the application form and clearly describe the fulfillment of grant award criteria;

(b) the extent to which the application supports the deployment of a statewide ESInet (XX points maximum);

(b) the extent to which the application supports the upgrade of the hardware and software of a certified PSAP for IP capability (XX points maximum); and

(c) support for the project demonstrated by letters of support from private telecommunications providers, local governments, public safety answering points, and emergency services agencies (XX points maximum).

(3) The 9-1-1 Advisory Council shall provide grant award recommendations to the department utilizing the criteria provided in (2).

(4) The department, in consultation with the 9-1-1 Advisory Council, may make conditional or partial grant awards.

(5) The department shall post on its website the 9-1-1 Advisory Council’s grant award recommendations and the department’s final grant awards.

NEW RULE VI GRANT REPORTING, MONITORING, AND RECORDKEEPING

(1) The department may request periodic progress reports from grant award recipients, but not more frequently than quarterly.

(2) The department may audit transactions involving funds received from the NG9-1-1 infrastructure grant account and may request information and records necessary to determine whether an expenditure complies with these rules.

(3) A grant award recipient shall keep and maintain records regarding all transactions for which the recipient received grant funding, including, at a minimum, supporting documentation (e.g., invoices) for each expenditure that verifies an expenditure is allowable under the terms of the grant award and 10-4-309, MCA.

(4) A grant award recipient shall maintain the records described in (3) for a period of five years following grant expiration. The department may determine a grant award recipient does not comply with these rules if records are not kept and maintained as provided in this rule.

(5) A grant award recipient may request protection from public disclosure of information subject to trade secret confidentiality pursuant to Montana's Uniform Trade Secrets Act by submitting a trade secret confidentiality affidavit in the form found on the department's website.

NEW RULE VII PROCEDURES FOR REPAYMENT OF GRANT FUNDS

(1) The department may determine a grant recipient does not comply with these rules if the grant recipient:

(a) is not in compliance with any of the requirements of Title 10, chapter 4, MCA;

(b) uses or distributes funds for any purpose other than those identified in the grant agreement and 10-4-309, MCA; or

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

(2) If the department determines a grant recipient does not comply with these rules, the department shall send the entity a deficiency letter identifying the rule or requirement that is not met and the action needed to correct the deficiency. The entity has 60 days from the date of the deficiency letter to correct all deficiencies and demonstrate compliance.

(3) A grant recipient that has received a deficiency letter may request an additional 30 days to correct deficiencies and demonstrate compliance with the rules. The request must be filed within 30 days of the date of the deficiency letter referenced in (2).

(4) If a grant recipient disputes a department determination, the entity may ask the department to provide formal notice of agency action and an opportunity for hearing.

(5) Except as provided in (3) or (4), if an entity has not corrected all deficiencies and demonstrated compliance with these rules within 60 days of the deficiency letter, the department shall provide the entity notice and an opportunity for hearing under Title 2, chapter 4, part 6, MCA.

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

(7) The final determination in a contested case regarding a grant recipient's compliance with these rules is made by the department director.

(8) When the department makes a final determination that a grant recipient does not comply with these rules, the department may either:

(a) reduce or suspend payment to the grant recipient;

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

(c) both.

**10-4-309(5)** The department may adopt rules to administer the provisions of [10-4-308](https://leg.mt.gov/bills/mca/title_0100/chapter_0040/part_0030/section_0080/0100-0040-0030-0080.html) and this section. The rules must ensure that all local governments are treated equitably and must include but are not limited to provisions regarding:

(a) applications;

(b) timelines;

(c) eligibility, including proof of eligibility;

(d) the procedure for establishing the priority of grant awards;

**(e) the appeal process for grant applications that are denied; and**

**(f) disbursement of grant money to providers.**