***The following are the changes to previously proposed NEW RULE I, II and III that were approved by the subcommittee:***

NEW RULE I GRANT PROGRAM DEFINITIONS

(1) "Department's website" means the website address sitsd.mt.gov/publicsafetycommunications maintained by the department for the State Information Technology Services Division's Public Safety Communications Bureau.

(2) "Local government entity that hosts a certified public safety answering point" means a local government as defined in 7-11-1002(2), MCA, that hosts a public safety answering point certified by the Department pursuant to ARM 2.13.304.(3) “Private telecommunications provider” means a provider as defined in 10-4-101(15), MCA.

NEW RULE II ELIGIBILITY REQUIREMENTS FOR GRANTS (1) The following are eligible to apply for grants as provided for in10-4-306, MCA:

(a) private telecommunications providers; and

(b) local government entities that host a certified public safety answering point.

(2) For grant awards made during State Fiscal Year 2019, expenditures incurred by a grant recipient between July 1, 2018 and the grant award date are eligible for reimbursement with 9-1-1 grant program funding.

***The following is a “clean copy/accept changes” of NEW RULE I and II that were approved by the Subcommittee. Note: NEW RULE III was combined with II, so the rule numbering was adjusted from I, II and III to I and II.***

NEW RULE I GRANT PROGRAM DEFINITIONS

(1) "Department's website" means the website address sitsd.mt.gov/publicsafetycommunications maintained by the department for the State Information Technology Services Division's Public Safety Communications Bureau.

(2) "Local government entity that hosts a certified public safety answering point" means a local government as defined in 7-11-1002(2), MCA, that hosts a public safety answering point certified by the Department pursuant to ARM 2.13.304.

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

NEW RULE II ELIGIBILITY REQUIREMENTS FOR GRANTS (1) The following are eligible to apply for grants as provided for in 10-4-306, MCA:

(a) private telecommunications providers; and

(b) local government entities that host a certified public safety answering point.

(2) For grant awards made during State Fiscal Year 2019, expenditures incurred by a grant recipient between July 1, 2018 and the grant award date are eligible for reimbursement with 9-1-1 grant program funding.

***The following are the Department’s suggested changes to the previously proposed NEW RULE IV:***

NEW RULE III 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. Application forms may be found on the department's website. [SEE APPENDIX A] The form shall require the applicant to provide such information as the department deems necessary to process the application, including but not limited to:

(a) a description of the applicant's eligibility, per the definitions in NEW RULE I;

(b) the amount of 9-1-1 grant funds requested;

(c) an indication of the allowable uses, provided in 10-4-306(2), MCA, for which grant funds will be expended;

(d) the approximate dates on which the applicant anticipates it will begin using grant funds awarded and the approximate date when it anticipates it will complete the tasks for which the applicant has requested funds; and

(e) an indication of whether the grant is submitted by a private telecommunications provider, a local government entity that hosts a certified public safety answering point that is working with a private telecommunications provider or a local government entity that hosts a certified public safety answering point.

(2) The application must include declarations by the applicant that:

(a) the applicant is eligible to apply for and receive a grant as provided for in 10-4-306, MCA, and NEW RULE II;

(b) the applicant's request for grant funding is allowable as provided in 10-4-306(2), MCA;

(c) grant funds will be used in accordance with 10-4-306(2), MCA, and only for the purposes for which the applicant applied;

(d) the information in the application is true, complete, and accurately represents the proposed project;

(e) the applicant will fully comply with all applicable federal, state, and local laws, rules, regulations, and executive orders;

(f) if the applicant receives a 9-1-1 grant award, the applicant is liable for the full amount of the grant award advanced by the department if the grant recipient misrepresents itself or its claims as specified in the executed grant contract; and

(g) the completed application form, any information submitted to the department in support of the application, and any document prepared with 9-1-1 grant funding is subject to the public’s right to know as provided for in Article II, Section 9 of the Montana Constitution.

(3) Prior to submitting potential confidential information, an applicant may submit a trade secret confidentiality affidavit in the form found on the department's website.

(4) On or before September 30, the department will determine and provide public notice of the amount of funds available in the account established in 10-4-304(2)(b), MCA.

(5) Applications for grants must be received by the department annually within 60 days of posted notice that the department is accepting applications. Notice of the application deadline shall be posted on the department's website. After the application period ends, the department will review all submitted applications for completeness and eligibility.

(6) The department will make final grant awards within 60 days of receiving the 9-1-1 Advisory Council's recommendations regarding application eligibility, preference provided in 10-4-306(3) MCA, criteria scoring and grant awards.

***The following is a “clean copy/accept changes” of NEW RULE IV (III). Note: NEW RULE III was combined with II, so the rule numbering was adjusted from IV to III.***

NEW RULE III 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. Application forms may be found on the department's website. [SEE APPENDIX A] The form shall require the applicant to provide such information as the department deems necessary to process the application, including but not limited to:

(a) a description of the applicant's eligibility, per the definitions in NEW RULE I;

(b) the amount of 9-1-1 grant funds requested;

(c) an indication of the allowable uses, provided in 10-4-306(2), MCA, for which grant funds will be expended;

(d) the approximate dates on which the applicant anticipates it will begin using grant funds awarded and the approximate date when it anticipates it will complete the tasks for which the applicant has requested funds; and

(e) an indication of whether the grant is submitted by a private telecommunications provider, a local government entity that hosts a certified public safety answering point that is working with a private telecommunications provider or a local government entity that hosts a certified public safety answering point.

(2) The application must include declarations by the applicant that:

(a) the applicant is eligible to apply for and receive a grant as provided for in 10-4-306, MCA, and NEW RULE II;

(b) the applicant's request for grant funding is allowable as provided in 10-4-306(2), MCA;

(c) grant funds will be used in accordance with 10-4-306(2), MCA, and only for the purposes for which the applicant applied;

(d) the information in the application is true, complete, and accurately represents the proposed project;

(e) the applicant will fully comply with all applicable federal, state, and local laws, rules, regulations, and executive orders;

(f) if the applicant receives a 9-1-1 grant award, the applicant is liable for the full amount of the grant award advanced by the department if the grant recipient misrepresents itself or its claims as specified in the executed grant contract; and

(g) the completed application form, any information submitted to the department in support of the application, and any document prepared with 9-1-1 grant funding is subject to the public’s right to know as provided for in Article II, Section 9 of the Montana Constitution.

(3) Prior to submitting potential confidential information, an applicant may submit a trade secret confidentiality affidavit in the form found on the department's website.

(4) On or before September 30, the department will determine and provide public notice of the amount of funds available in the account established in 10-4-304(2)(b), MCA.

(5) Applications for grants must be received by the department annually within 60 days of posted notice that the department is accepting applications. Notice of the application deadline shall be posted on the department's website. After the application period ends, the department will review all submitted applications for completeness and eligibility.

(6) The department will make final grant awards within 60 days of receiving the 9-1-1 Advisory Council's recommendations regarding application eligibility, preference provided in 10-4-306(3) MCA, criteria scoring and grant awards.

***The following are the Department’s suggested changes to the previously proposed NEW RULE V:***

NEW RULE IV APPLICANT PREFERENCE AND APPLICATION CRITERIA FOR AWARDING GRANTS (1) The department, in consultation with the 9-1-1 advisory council, shall apply the applicant preference provided in 10-4-306(3).

(2)

The department, in consultation with the 9-1-1 advisory council, shall score all eligible applications using the following criteria:

(i) quality of the application (10 points maximum)

(a) very good quality (8 to 10 points);

(b) good quality (5 to 7 points); and

(c) poor quality (2 to 4 points)

(d) very poor quality (0 to 1 points)

(ii) improving 9-1-1 systems: statewide, regional or local impact (30 points maximum);

(a) statewide impact on improving 9-1-1 systems (20 - 30 points)

(b) regional impact on improving 9-1-1 systems (10 - 19 points)

(c) local impact on improving 9-1-1 systems (1 - 9 points)

(d) no impact on improving 9-1-1 systems (0 points)

(iii) improving 9-1-1 services to the public: statewide, regional or local impact (30 points maximum);

(a) statewide impact on improving 9-1-1 services (20 - 30 points)

(b) regional impact on improving 9-1-1 services (10 - 19 points)

(c) local impact on improving 9-1-1 services (1 - 9 points)

(d) no impact on improving 9-1-1 services (0 points)

(iii) support for the project that is demonstrated with letters of support from private telecommunications providers, local governments, public safety answering points and emergency services agencies (30 points maximum).

(a) significant support (20 to 30 points);

(b) good support (10 to 19 points); and

(c) negligible support (1 to 9 points)

(d) no documented support (0 points)

(iv) The 9-1-1 advisory council shall provide grant award recommendations to the department utilizing the criteria provided in (2).

(v) The department, in consultation with the 9-1-1 advisory council, may make conditional or partial grant awards.

(3) The department will post on the department's website the 9-1-1 advisory council’s grant award recommendations and the department’s final grant awards.

***The following is a “clean copy/accept changes” of NEW RULE V (IV). Note: NEW RULE III was combined with II, so the rule numbering was adjusted from V to IV.***

NEW RULE IV APPLICANT PREFERENCE AND CRITERIA FOR AWARDING GRANTS

(1) The department, in consultation with the 9-1-1 advisory council, shall apply the applicant preference provided in 10-4-306(3).

(2) The department, in consultation with the 9-1-1 advisory council, shall score all eligible applications using the following criteria:

(i) quality of the application (10 points maximum)

(a) very good quality (8 to 10 points);

(b) good quality (5 to 7 points); and

(c) poor quality (2 to 4 points)

(d) very poor quality (0 to 1 points)

(ii) improving 9-1-1 systems: statewide, regional or local impact (30 points maximum);

1. statewide impact on improving 9-1-1 systems (20 - 30 points)
2. regional impact on improving 9-1-1 systems (10 - 19 points)
3. local impact on improving 9-1-1 systems (1 - 9 points)
4. no impact on improving 9-1-1 systems (0 points)

(iii) improving 9-1-1 services to the public: statewide, regional or local impact (30 points maximum);

1. statewide impact on improving 9-1-1 services (20 - 30 points)
2. regional impact on improving 9-1-1 services (10 - 19 points)
3. local impact on improving 9-1-1 services (1 - 9 points)
4. no impact on improving 9-1-1 services (0 points)

(iii) support for the project that is demonstrated with letters of support from private telecommunications providers, local governments, public safety answering points and emergency services agencies (30 points maximum).

(a) significant support (20 to 30 points);

(b) good support (10 to 19 points); and

(c) negligible support (1 to 9 points)

(d) no documented support (0 points)

(iv) The 9-1-1 advisory council shall provide grant award recommendations to the department utilizing the criteria provided in (2).

(v) The department, in consultation with the 9-1-1 advisory council, may make conditional or partial grant awards.

(3) The department will post on the department's website the 9-1-1 advisory council’s grant award recommendations and the department’s final grant awards.

***The following are the Department’s suggested changes to the previously proposed NEW RULE VI:***

NEW RULE V GRANT REPORTING MONITORING AND RECORDKEEPING (1) The department may request periodic progress reports to be provided by grant award recipients but not more frequently than quarterly.

(2) The department may audit transactions involving funding received from the 9-1-1 grant account established in 10-4-304(2)(b) MCA, and may request information and records, necessary to determine whether an expenditure is in compliance with these rules.

(3) A grant award recipient shall keep and maintain records regarding all transactions for which the recipient(s) received grant funding, including, at a minimum, supporting documentation (i.e., invoices) for each expenditure that verifies that an expenditure is allowable under the terms of the grant award and 10-4-306, MCA.

(4) A grant award recipient shall maintain the records described in (3) for a period of five years following the award of a grant or expenditure. The department may determine if a grant award recipient is not in compliance 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 Trade Secrets Act by submitting a trade secret confidentiality affidavit in the form found on the department's website.

***The following is a “clean copy/accept changes” of NEW RULE VI (V). Note: NEW RULE III was combined with II, so the rule numbering was adjusted from VI to V.***

NEW RULE V GRANT REPORTING MONITORING AND RECORDKEEPING

(1) The department may request periodic progress reports to be provided by grant award recipients but not more frequently than quarterly.

(2) The department may audit transactions involving funding received from the 9-1-1 grant account established in 10-4-304(2)(b) MCA, and may request information and records, necessary to determine whether an expenditure is in compliance with these rules.

(3) A grant award recipient shall keep and maintain records regarding all transactions for which the recipient(s) received grant funding, including, at a minimum, supporting documentation (i.e., invoices) for each expenditure that verifies that an expenditure is allowable under the terms of the grant award and 10-4-306, MCA.

(4) A grant award recipient shall maintain the records described in (3) for a period of five years following the award of a grant or expenditure. The department may determine if a grant award recipient is not in compliance 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 Trade Secrets Act by submitting a trade secret confidentiality affidavit in the form found on the department's website.

***The following are the Department’s suggested changes to the previously proposed NEW RULE VII:***

NEW RULE VI PROCEDURES FOR REPAYMENT OF GRANT FUNDS (1)  The department may determine a grant recipient is not in compliance 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 awarded grant application and 10-4-306, MCA; or

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

(2) If the department determines a grant recipient is not in compliance 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 shall have 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 or demonstrate compliance with the rules. The deadline to file the request shall be the 30th day after 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 denial 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 is not in compliance with these rules, the department may:

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

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

***The following is a “clean copy/accept changes” of NEW RULE VII (VI). Note: NEW RULE III was combined with II, so the rule numbering was adjusted from VII to VI.***

NEW RULE VI PROCEDURES FOR REPAYMENT OF GRANT FUNDS

(1) The department may determine a grant recipient is not in compliance 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 awarded grant application and 10-4-306, MCA; or

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

(2) If the department determines a grant recipient is not in compliance 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 shall have 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 or demonstrate compliance with the rules. The deadline to file the request shall be the 30th day after 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 denial 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 is not in compliance with these rules, the department may:

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

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