

2019 DRAFTING REQUEST

Assembly Amendment (AA-AB56)

For: Legislative Fiscal Bureau 266-3847 Drafter: mjohns
 By: Miller Secondary Drafters:
 Date: 5/21/2019 May Contact:

Same as LRB:

Submit via email: YES
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Pre Topic:

LFB:.....Miller -

Topic:

Office of Emergency Communications

Instructions:

See attached - Paper #500, Motion #70

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mjohns 5/21/2019	kfollett 5/21/2019			
/P1			lparisi 5/21/2019		

FE Sent For: <END>

Johns, Melinda

From: Miller, Angela
Sent: Thursday, May 16, 2019 4:49 PM
To: Johns, Melinda
Subject: Drafting Instructions for Department of Military Affairs
Attachments: 500 - Military Affairs OEC.pdf; 501 - Military Affairs WDF.pdf

Melinda,

Below are the provisions from today's exec that have language attached. The corresponding papers are attached. Please let me know if you have any questions as you work on drafting the edits.

Thank you,

Angela Miller

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Office of Emergency Communications

Paper #500, Motion #70

LRB-2113/p3:

Yank all language exempt the following sections, which should be modified as written below:

Section 1986. 323.29 (3) (a) 2. of the statutes is repealed.

Section 9144(3) Statewide Public Safety Interoperable Communications System. No later than June 30, 2020, the department of transportation, in collaboration with the department of military affairs, shall issue a request for proposals for a statewide public safety interoperable communications system to be deployed on existing tower sites. ~~Notwithstanding s. 16.75 (1) and (2m), from the appropriation under s. 20.395 (5) (d),~~ the department of transportation may expend not more than \$500,000 to enter into a contract with an organization to provide professional consulting services related to development of bidder qualifications and technical requirements for the request for proposals issued under this subsection.

Disaster Assistance Fund

Paper #500, Alternatives 1 and 2b

LRB- 1998/p1: Add the following (to reflect Alternative 2b)

s. 323.31. State disaster assistance. From the appropriations under s. 20.465 (3) (b) and (s), the adjutant general shall make payments to retail electric cooperatives, as defined in s. 16.957(1)(t), to local governmental units, as defined in s. 19.42 (7u), and to federally recognized American Indian tribes and bands in this state for the damages and costs incurred as the result of a disaster if federal disaster assistance is not available for that disaster because the governor's request that the president declare the disaster a major disaster under 42 USC 5170 has been denied or because the disaster, as determined by the department of military affairs, does not meet the statewide or countywide per capita impact indicator under the public assistance program that is issued by the federal emergency management agency. To be

eligible for a payment under this section, the retail electric cooperative, local governmental unit or tribe or band shall pay 30 percent of the amount of the damages and costs resulting from the disaster. The department of military affairs shall promulgate rules establishing the application process and the criteria for determining eligibility for payments under this section.

Emergency Management Compact

LFB Summary Item #4 on page 287

LRB-1216/p1: yank language

Emergency Management Compact for Provinces

LFB Summary Item #5 on page 287

LRB-0536/p1: yank language



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May, 2019

Joint Committee on Finance

Paper #500

Office of Emergency Communications Transfer to DOT (Military Affairs)

[LFB 2019-21 Budget Summary: Page 284, #2, and Page 432, #1]

CURRENT LAW

The Office of Emergency Communications (OEC) was created under the Department of Military Affairs (DMA) in October, 2017, to oversee the Interoperability Council and its four subcommittees (Wisconsin Interoperability System for Communications, 911, Land Mobile Radio, and Nationwide Public Safety Broadband Network). The stated goal of the OEC is to support and promote the ability of emergency responders and government officials to continuously communicate in the event of natural disasters, acts of terrorism, or other man-made disasters. The Interoperability Council has been administered by a number of agencies since it was created in March, 2008. Under 2017 Act 59, the Interoperability Council was transferred from the Department of Justice (DOJ) to DMA.

GOVERNOR

Modify current law related to the OEC as follows:

Transfer functions associated with the OEC from DMA to the Department of Transportation (DOT). Transfer the Interoperability Council, the Wisconsin Interoperable System for Communications (WISCOM), the 911 Subcommittee, Next Generation 911 (NG911), the Public Safety Broadband program, and the Land Mobile Radio Program from DMA to DOT. The bill would transfer all assets and liabilities, tangible personal property, pending matters, and contracts from DMA to DOT, as determined by the Secretary of the Department of Administration. The bill would also transfer the authority to appoint a director of emergency communications from the Adjutant General (the head of DMA) to the Secretary of DOT.

Transfer appropriations associated with the OEC from DMA to DOT. Transfer the following

annual appropriations, as well as funding and position authority, from DMA to DOT's motor vehicle services and enforcement program: (a) DMA's interoperable communications system [\$1,262,400 PR and 4.0 PR positions annually]; (b) DMA's Interoperability Council [\$240,900 SEG in 2019-20 and \$244,300 SEG in 2020-21 and 3.0 SEG positions annually]; (c) DMA's public safety interoperable communication system, general usage fees [no funding or position authority]; and (d) DMA's public safety interoperable communication system, state fees [no funding or position authority]. While the bill transfers position authority and funding for 4.0 PR and 3.0 SEG positions, the bill inadvertently does not include the transfer of incumbent employees. In addition, the bill transfers the NG911 appropriation [base funding of \$6,700,000 SEG] from DMA to DOT. However, while the bill as introduced deletes funding in DMA, funding was inadvertently not provided for NG911 under DOT.

Increase funding and position authority for emergency communications by \$44,400 and 0.8 positions in 2019-20 [-\$16,000 FED and -0.2 FED positions, and \$60,400 SEG and 1.0 SEG position], and \$47,800 and 0.8 positions in 2020-21 [-\$16,000 FED and -0.2 FED positions, and \$63,800 SEG and 1.0 SEG position]. This newly created position is one of the three SEG positions transferred to DOT above.

Interoperability Council. Provide that DOT, instead of DMA, provide staff support to the Council. The bill would not modify the funding source for the Council.

WISCOM. Transfer oversight of the development and operation of a statewide public safety interoperability communication system (more commonly referred to as WISCOM) from DMA to DOT. Provide that the Interoperability Council assist and advise DOT (rather than DMA) in identifying, obtaining, and allocating funding to implement WISCOM. Further, provide that the Council make recommendations to DOT (rather than DMA) on various current law aspects of the administration of public safety interoperable communication systems.

In addition, the bill as introduced would inadvertently modify the funding source for the public safety interoperable communication system's general usage and state fees appropriations from PR funding from WISCOM usage fees to SEG funding from the transportation fund. Neither appropriation contains base funding or funding under the bill. The bill would inadvertently eliminate language specifying that revenue from fees charged for the use of WISCOM be deposited to the public safety interoperable communication system's appropriations. Instead, any fee revenue would be deposited to the transportation fund and SEG monies appropriated for the stated purposes.

Repeal the statutory requirement that DMA conduct a request for proposals regarding WISCOM. Under the bill, DOT would instead be required to issue a request for proposals for WISCOM by June 30, 2020. The bill would also authorize DOT to spend up to \$500,000 for professional consulting services related to the request for proposals.

Next Generation 911. Transfer the authority to appoint one member of the 19-member 911 Subcommittee from the Adjutant General to the Secretary of Transportation. The bill as introduced would also inadvertently eliminate funding for the creation, operation, and maintenance of an emergency services IP network to facilitate the implementation of NG911, a nationwide initiative

aimed at updating the 9-1-1 service infrastructure.

DISCUSSION POINTS

This paper addresses items included in the 2019-21 biennial budget bill related to the transfer of the functions of the Office of Emergency Communications from DMA to DOT. The paper first addresses the items included under the bill. Subsequent sections of the paper address other issues related to the OEC. If the Committee selects an alternative under the first section of the paper (A. Office of Emergency Communications), no further action is required. However, DMA has indicated that additional resources may be needed to support program operations. Therefore, the Committee may wish to address these additional provisions related to interoperability initiatives, which are detailed in later sections of the paper (Sections B through D).

A. Office of Emergency Communications

1. The Office of Emergency Communications was created in response to requirements under 2017 Act 59 that DMA oversee the Interoperability Council. Under Act 59, two SEG-funded staff positions were provided to support the Council: a director of emergency communications (an unclassified employee appointed by the Adjutant General) and a classified administrative support assistant. Under current law, the OEC operates as a non-statutory office within DMA's Division of Emergency Management. Adjusted base funding for the OEC is \$8,196,800 and 6.0 positions (\$1,277,400 PR and 4.0 PR positions and \$6,919,400 SEG and 2.0 SEG positions).

2. The Office is currently authorized 6.0 positions (4.0 PR and 2.0 SEG). Positions include: (a) 1.0 program and policy analyst; (b) 2.0 program and policy analysts - advanced; (c) 1.0 program and policy analyst supervisor; (d) 1.0 executive staff secretary; and (e) 1.0 director. The four program and policy analyst positions are funded by the interoperable communications system PR appropriation, and the executive staff secretary and director are funded by the Interoperability Council SEG appropriation. The 6.0 positions are all currently filled.

3. The primary responsibility of the OEC is to administer the Interoperability Council. The 15-member Council consists of: (a) 10 members appointed by the Governor to staggered four-year terms, including a chief of police, a sheriff, a chief of a fire department, a director of emergency medical services, a local government elected official, a local emergency management director, a representative of a federally recognized American Indian tribe or band in Wisconsin, a hospital representative, a local health department representative, and one other person with relevant experience or expertise in interoperable communications; (b) the Attorney General; (c) the Adjutant General; (d) the Secretary of the Department of Natural Resources; (e) the Secretary of DOT; and (f) a representative from the DOA with knowledge of information technology. The Council has been administered by a number of agencies since it was created in 2008. Under 2017 Act 59, the Council was transferred from DOJ to DMA.

4. The Interoperability Council makes recommendations to DMA regarding: (a) technical and operational standards for public safety interoperable communication systems; (b) guidelines and procedures for using public safety interoperable communication systems; (c) minimum standards for

public safety interoperable communication systems, facilities, and equipment used by dispatch centers; and (d) certification criteria for persons who operate public safety interoperable communication systems for dispatch centers. The Council has four subcommittees that would be transferred under the bill: Wisconsin Interoperable System for Communications, 911, National Public Safety Broadband, and Land Mobile Radio.

5. In addition to transferring current programs and position authority, the bill would provide 1.0 additional position, to be utilized as the Wisconsin Public Safety Broadband/FirstNet subject matter expert. The bill would provide \$60,400 SEG in 2019-20 and \$63,800 SEG in 2020-21 and 1.0 SEG position annually to DMA's Interoperability Council appropriation. In addition, the provision would delete \$16,000 FED and 0.2 FED position annually from DMA's federal aid for state operations appropriation. When the program was transferred from DOJ to DMA, 0.2 FED position and associated funds were transferred to DMA's federal aid appropriation. However, there has not been federal revenue to support the position and it has not been filled under DMA. The net effect of the provision would increase position authority and associated funding for emergency communications by \$44,400 in 2019-20 and \$47,800 in 2020-21 and 0.8 position annually. This new position is one of the three SEG positions transferred to DOT under the bill.

6. The administration indicates that the position would be utilized as the Wisconsin Public Safety Broadband/FirstNet subject matter expert and would provide information about public safety broadband and interoperability, monitor the implementation of the FirstNet system, identify ways to assist public safety agencies with evaluating broadband service offerings, and establish policies and standard operating procedures to ensure interoperable use of public safety broadband across public safety disciplines. This newly created position is one of the three SEG positions transferred to DOT under the bill.

7. In an errata letter dated May 1, 2019, the administration indicated three corrections with the provision as introduced: (a) the bill would not transfer the OEC's 6.0 incumbent employees, but the administration intended to provide for the transfer of current employees with incumbency status; (b) the bill would not transfer funding for the NG911 SEG appropriation from DMA to DOT, but the administration intended to provide base-level funding of \$6.7 million for the appropriation; and (c) the bill would deposit fees to the transportation fund; however, the administration intended for fees to be deposited the PR appropriation for interoperable communications, as under current law.

8. Under current law, the State Patrol, administered by DOT, is responsible for maintenance of the infrastructure utilized by WISCOM. The administration indicates that transferring the Interoperability Council to DOT could enhance the Council's ability to coordinate and collaborate with those that are responsible for the support and maintenance of WISCOM. The administration's stated intent is to enhance the efficiency of the program by having it in the agency that maintains the infrastructure for the system.

9. Given the potential for increased coordination between the Interoperability Council and the State Patrol on WISCOM, the Committee could decide to approve the Governor's recommendations, as corrected by the errata, to: (a) transfer administrative responsibilities and appropriations associated with the Interoperability Council and its programs from DMA to DOT; (b) transfer the authority to appoint a director of emergency communications from the Adjutant General

to the Secretary of DOT; (c) increase funding and position authority for emergency communications by \$44,400 and 0.8 positions in 2019-20 and \$47,800 and 0.8 positions in 2020-21; (d) repeal the statutory requirement that DMA conduct a RFP regarding WISCOM; and (e) require that DOT issue a RFP by June 30, 2020 and authorize DOT to spend up to \$500,000 for related consulting services. [Alternative A1]

10. It should be noted that the Interoperability Council and public safety organizations have indicated concerns about the proposed transfer of the OEC. Kewaunee County Sheriff Matt Joski, Chairperson of the Interoperability Council, sent a letter to the Governor on behalf of the Council on March 14, 2019. The letter indicated three primary reasons why DMA is the appropriate agency to oversee interoperability initiatives, rather than DOT: (a) the need for multidisciplinary and interdisciplinary collaboration and oversight; (b) the need for continuity of leadership and program administration; and (c) the separation of policy and administration from interoperability system usage. The letter indicated that programs have made "monumental strides" under DMA, in part because the agency serves as a neutral department that maintains "objectivity and impartiality in policy development and administration" because it is not a daily user of the WISCOM system. As the State Patrol "constitutes one of the largest statewide interoperable radio communications system users, it is conceivable that system administration, planning, etc. could start to favor the interests of the DOT." The letter further indicated, "delays associated with the movement of the Interoperability initiative from DMA to another department at this critical time in each program's timeline could have a lasting impact."

11. In addition, Racine Fire Chief Steve Hansen, Fire Service Representative to the Interoperability Council, sent a letter to the Legislature on April 26, 2019 opposing the proposed transfer. He wrote, "On behalf of our public safety organizations, including Wisconsin State Fire Chiefs, MABAS Wisconsin, Wisconsin Police Chiefs, Badger Sheriffs, Wisconsin Emergency Management Association, Wisconsin EMS Association, Wisconsin Tribal Partners and others, we are respectfully requesting" that the budget provision transferring the OEC be removed from consideration. The letter further indicated, "The programs have moved every two years for the last six years. With each administrative move, there have been long periods of time, many months, where reorganization had to take place, and various Radio Interoperability and WISCOM projects were placed on hold pending reviews while departments got up to speed. Please believe us when we state that is extremely frustrating when we are attempting to better prepare public safety first responders to deal with natural and man-made disasters in communities and regions across the state only to have our efforts be repeatedly placed on hold."

12. Kenneth Korten Hof, the Chairperson of the North East Wisconsin Public Safety Communications Group sent a letter to the Committee on April 15, 2019. The letter indicated that the association of 16 counties believes "it is in the best interest of the public and emergency responders to fund the OEC within the Department of Military Affairs, support knowledgeable staff, and move forward with the critical work they have planned."

13. Mark Podoll, the President of the Badger State Sheriffs' Association, also sent a letter to Committee on April 24, 2019. The letter requested that the Committee "leave the Office of Emergency Communications under the jurisdiction of the DMA" because "law enforcement has developed a very

good rapport with the DMA" and the "plan (for WISCOM) is moving forward in a positive direction."

14. Given testimony from Interoperability Council members and public safety organizations recommending that DMA continue to administer the Council and its programs, the Committee could take no action with regard to the proposal to transfer the functions of the OEC from DMA to DOT. [Alternative A2]

15. As discussed previously, DMA has indicated that additional resources may be necessary to support the Department's interoperability initiatives. Therefore, the Committee may wish to provide additional support for program operations. Sections below discuss and present alternatives on interoperability initiatives, including WISCOM, NG911, and the Public Safety Broadband program. Discussion points address the agency's current request for resources to proceed with system development and program operations.

B. Wisconsin Interoperable System for Communications (WISCOM)

16. Under current law, DMA and the Interoperability Council are required to oversee the development and operation of a statewide public safety interoperable communication system, known as WISCOM. The system was developed in 2012 to permit first responders from across the state to communicate during a major disaster or incident. The system was installed by the Wisconsin State Patrol with equipment procured from EF Johnson.

17. Adjusted base funding for WISCOM is \$1,277,400 PR, funded from justice information systems (JIS) fee receipts. Receipts for JIS are generated from a \$21.50 fee which is assessed with a circuit court fee for the commencement or filing of certain court proceedings, including: civil, small claims, forfeiture, wage earner or garnishment actions; appeals from municipal court; a third party complaint in a civil action; or a counterclaim or cross complaint in a small claims case. In recent years, the JIS surcharge fund has operated in deficit. As indicated in the December, 2018, unsupported overdraft review, the JIS surcharge fund concluded the fiscal year with a cumulative deficit of \$4,500,100 in 2017-18. The administration indicates that the deficit is expected to increase over the 2019-21 biennium, and any additional funding of WISCOM supported by the JIS fee would potentially increase the deficit further.

18. In total, the WISCOM system is used by 930 local, state, federal, tribal, and non-governmental agencies (15 federal agencies, 16 state agencies, 862 local and tribal agencies, 12 out-of-state agencies, and 25 non-governmental agencies). The Department currently charges agencies for the use of WISCOM, and DMA collected \$49,300 in fee revenue in 2017-18. Under current law, fees are deposited to the PR appropriation for interoperable communications. Under the bill as introduced, fees would instead be deposited to the transportation fund. However, in the errata letter, the administration indicated that it did not intend to modify the appropriation to which WISCOM fees are deposited.

WISCOM Maintenance

19. In April, 2018, under s. 13.10 of the statutes, the Joint Committee on Finance provided \$464,000 GPR annually to support WISCOM information technology maintenance services

negotiated through a February, 2018, contract between DMA and EF Johnson. Funds were only appropriated for the 2017-19 biennium and are not included in the base budget for 2019-21. Further, the Governor's recommendations do not include funding for WISCOM maintenance.

20. On March 28, 2019, the Adjutant General, Major General Donald P. Dunbar, sent two letters to the Joint Committee on Finance related to WISCOM. General Dunbar indicated that DMA is currently negotiating a contract renewal with EF Johnson for WISCOM equipment and maintenance services, to begin July 1, 2019, at an annual cost of \$678,200. The increased cost of the contract is due to aged equipment, which requires additional maintenance work. In addition, General Dunbar indicated that maintenance of the STARGATE system, used by hospital emergency rooms to access WISCOM, is expected to total \$144,900 in 2019-20 and \$40,000 in 2020-21. Table 1 shows WISCOM's base budget and additional funding identified for the 2019-21 biennium, as reported by DMA.

TABLE 1

WISCOM Funding Request from DMA

	<u>2019-20</u>	<u>2020-21</u>
Military Affairs: Personnel and Supply Costs	\$656,600	\$656,600
State Patrol: Personnel and Supply Costs	761,000	761,000
WISCOM Maintenance Contract	678,200	678,200
STARGATE Maintenance	144,900	40,000
Training Costs	<u>23,200</u>	<u>23,200</u>
Total Estimated Expenditures	\$2,263,900	\$2,159,000
Current Funding Available	\$1,277,400	\$1,277,400
Additional Funding Requested	\$986,500	\$881,600

21. Given DMA's indication that additional funds are required to maintain the current WISCOM system, and since the Justice Information Fee appropriation is in deficit, the Committee could provide \$1,868,100 GPR (\$986,500 in 2019-20 and \$881,600 in 2020-21) for estimated WISCOM expenditures greater than the amounts available in the base budget. Funds would be provided to DMA's general program operations appropriation under the emergency management program [Alternative B1]

WISCOM Request for Proposals

22. Under 2017 Act 59, DMA was required to conduct a RFP to replace or enhance the current WISCOM system. The Department issued a RFP in October, 2018. On November 27, 2018, DOA requested that state agencies suspend RFP solicitations that were within the scope of the state's procurement statutes (Chapter 16, subchapter IV). As a result, the RFP for WISCOM was cancelled.

23. One of the letters sent by General Dunbar provided an update on the RFP. According to General Dunbar, the Department intends to refine the RFP to allow DMA to more closely follow the

National Protection and Program Directorate's Office of Cybersecurity and Communications System Life Cycle Planning to design, implement, support, and maintain the system. General Dunbar indicated that the "gathering of additional information for inclusion in the RFP could lead to an overall reduction in cost to the state and improve the quality and reliability of vendor proposals." The Department plans to post the updated RFP no later than February 28, 2020.

24. Further, General Dunbar indicated that the contract award and implementation of a new interoperable radio network system will require an overlap of funding for the existing WISCOM system and the new system. The existing WISCOM system will need to be maintained while the new interoperable radio network system is designed, built, and implemented. The Department anticipates a contract to create the new system would begin in 2020-21 and would require estimated one-time expenditures of \$7.5 million for the design phase of the project.

25. Given DMA's plan to repost the RFP for WISCOM in 2019-20, the Committee could modify statute to specify that DMA must solicit a RFP during the 2019-21 biennium, rather than the 2017-19 biennium. Further, the Department estimates that the design phase of the awarded contract would require one-time funding of \$7.5 million. Therefore, the Committee could provide \$7.5 million GPR in 2020-21 to support the estimated cost of the design phase of the replacement WISCOM system. [Alternative B2]

26. However, the Department does not currently have information to provide a detailed estimate of the cost of the project, since RFP responses have not yet been received. Therefore, the Committee could reserve \$7.5 million GPR in the Joint Committee on Finance's supplemental GPR appropriation to support the cost of the design phase of the replacement WISCOM system. The Department could request the release of reserve funds through s. 13.10 of the statutes with additional information on how much the awarded contract would cost. [Alternative B3]

27. On the other hand, it could be argued that DMA does not need legislative approval to repost the RFP and that the current request does not include sufficient information regarding the cost of the replacement radio network system. Therefore, the Committee could take no action at this time with regard to WISCOM. [Alternative B4]

C. Next Generation 911 (NG911)

28. Under 2017 Act 59, a 19-member 911 subcommittee was created under the Interoperability Council to advise and make recommendations regarding NG911, a nationwide initiative to update the 911 service infrastructure. In addition to 911 voice capabilities, NG911 intends to enable the public to transmit text, images, video, and data to 911 call centers. The base budget for NG911 is \$6,700,000 SEG, funded by the police and fire protection fund.

29. The current 911 system was built on fractured infrastructure that is unable to support technologies such as text and video communication. The Department indicates that the NG911 system would provide more accurate location information to call takers, better access to 911 for persons with disabilities, and the ability to re-route calls in the event of a disaster. Wisconsin is currently in the planning phase of NG911, overseen by DMA and the 911 subcommittee.

30. The bill would transfer the authority to appoint one member of the 911 subcommittee from the Adjutant General to the Secretary of DOT. In addition, the bill as introduced inadvertently deleted \$6,700,000 SEG in base funding for NG911 from DMA but did not provide corresponding funds to DOT. In the errata letter, the administration indicated that it intended to transfer base funding of \$6,700,000 SEG annually to DOT. The bill would not provide additional funding for NG911 beyond the amount included in the base budget.

31. There are three components required to enable NG911: (a) an emergency services internet protocol network (ESInet) system, a series of broadband networks that are used by public safety agencies to share data during an emergency; (b) public safety answering point (PSAP) equipment that routes calls and messages from PSAPs to emergency responders; and (c) geographical information system (GIS) data that support the routing of calls and messages to the correct PSAP.

32. Under Act 59, DMA was required to invite bids to create, operate, and maintain an ESInet, the first step in implementing NG911. The ESInet is an internet protocol-based network of networks that can be shared by all public safety agencies involved in an emergency. To estimate the cost of purchasing and implementing a statewide ESInet, DMA completed a request for information and received 12 vendor responses in August, 2018. The Department indicates its next step is to issue a RFP to develop NG911 in 2019-20.

33. On February 4, 2019, DMA sent a budget consideration paper to the administration estimating the costs to implement the ESInet system. The Department estimates that ongoing costs associated with ESInet operations (such as network services and cyber security) will total \$9,079,700 in 2019-20 and \$9,106,300 in 2020-21. The Department indicates that the cost to operate the system is influenced by the need to address cyber security concerns. As 911 networks transition to IP-based architecture, the networks could potentially face increasing exposure to cyber threats and vulnerabilities that do not exist within the current 911 system. In addition, the ESInet would need to have a high level of resiliency and redundancy such that the network would be able to deliver 911 calls even if some of the circuits or end points no longer work.

34. The Department further requests position authority to hire 1.0 program and policy analyst and associated annual expenditure authority of \$89,700 in 2019-20 and \$106,300 in 2020-21. The requested employee would: (a) assist current staff in implementing the ESInet contract; (b) manage contractors for the GIS gap analysis and PSAP consolidation analysis; (c) oversee participation in the federal 911 grant program; (d) provide public outreach and management as it relates to the NG911 program; and (e) provide other research and support as needed.

35. The Department has contracted with 911 Authority, LLC, to provide quality assurance and verification of the NG911 system design, implementation and management. The contract also provides for assistance applying for federal 911 grants, issuing the RFP, and conducting the PSAP consolidation analysis. The contract is for four years at a total cost of \$999,800.

36. Under Act 59, DMA is required to promote, facilitate, and coordinate the consolidation of PSAP (911 call center) functions where consolidation would provide improved service, increased efficiency, or cost savings. Currently, the state has approximately 109 primary PSAPs. The Department plans to assess PSAPs to identify potential consolidations at a one-time cost of \$150,000

in 2019-20. According to the Department, consolidating PSAPs before upgrading equipment at each center could reduce the cost of connecting to the NG911 system. The Department also plans to conduct a GIS gap analysis, at a one-time cost of \$200,000, to identify data elements needed to facilitate geospatial call routing and location validation functions through GIS data.

37. The Department has requested \$1,359,800 for one-time costs and \$9,079,700 in 2019-20 and \$9,106,300 for ongoing costs associated with NG911 implementation, as shown in Table 2.

TABLE 2

NG911 Funding Request from DMA

	<u>2019-20</u>	<u>2020-21</u>
ESInet system operations	\$15,700,000	\$15,700,000
NG911 additional personnel	89,700	106,300
Quality assurance contract - one time	999,800	0
PSAP consolidation analysis - one time	150,000	0
GIS gap study - one time	<u>200,000</u>	<u>0</u>
Total Estimated Expenditures	\$17,139,500	\$15,806,300
Current appropriation, NG911	\$6,700,000	\$6,700,000
DMA Funding Request	\$10,439,500	\$9,106,300

38. The Department's budget consideration paper did not designate a funding source for requested increases to NG911. However, the program is currently funded from segregated revenue from the police and fire protection fund. Revenues for the police and fire protection fund are generated by a phone service surcharge imposed on two types of transactions: (a) a fee of \$0.38 on each retail transaction for prepaid wireless telecommunications plans; and (b) a monthly fee of \$0.75 on each voice communications connection with an assigned telephone number. Proceeds from the police and fire protection fund support the state's shared revenue program, which provides general, unrestricted aid to counties and municipalities. Payments to the shared revenue program from the police and fire protection fund were estimated to be \$45.9 million in 2018-19.

39. Given the need to update 911 infrastructure and the precedent of supporting NG911 through the police and fire protection fund, the Committee could decide to approve DMA's request, as stated in the agency's budget consideration paper. This would provide an additional \$10,439,500 SEG in 2019-20 and \$9,106,300 SEG in 2020-21 to the NG911 appropriation for ESInet development. This would lower the amounts available from the police and fire protection fund to support shared revenue in the biennium by a corresponding amount and result in a GPR increase to fund shared revenue. [Alternative C1]

40. It should be noted that the bill as introduced does not include any of the recommendations made by DMA in the budget consideration paper. The administration indicates that it decided not to include DMA's recommendations because "with the proposal to transfer the program

to DOT, it would be more prudent to wait for DOT to provide its input and guide the discussion."

41. The budget consideration paper estimates that costs to implement the two other components of NG911 (related to replacing PSAP equipment and developing GIS data systems) would total \$32 million. The Department indicates that funding to implement these components would be requested during a future biennial budget. Further, DMA has submitted an application for the federal 911 grant program, which would provide grants to local PSAPs to transition to NG911 services. The Department expects to receive notice of the federal grant award in June, 2019. The state would receive approximately \$3.0 million from the federal government for 911 grants, with a 40% non-federal match requirement over the four-year grant period (\$1.9 million provided from local funds and \$119,000 provided from state funds).

42. It should be noted that any additional funds provided to NG911 from the police and fire protection fund in the biennium would increase the amount of GPR needed to fund shared revenue. Given the impact on shared revenue programs, the Committee could take no action with regard to NG911. The initiative would continue to operate under base-level funding of \$6,700,000 SEG annually. [Alternative C2]

D. Nationwide Public Safety Broadband Network (NPSBN)

43. The goal of the Public Safety Broadband program is to create a nation-wide interoperable high speed wireless broadband network for police, fire, emergency medical, and other public safety officials. FirstNet, an independent authority within the U.S. Department of Commerce, is authorized to develop, build, and operate the network nationwide.

44. The Nationwide Public Safety Broadband Network subcommittee is directed to: (a) advise and make recommendations to the Council in all areas related to the nationwide Public Safety Broadband project; and (b) develop and implement a plan to collect and assess information related to the project within Wisconsin. The NPSBN subcommittee consists of 15 members, all of whom are appointed by the Interoperability Council. The subcommittee does not have any position authority.

45. The bill would provide \$60,400 SEG in 2019-20 and \$63,800 SEG in 2020-21, and 1.0 SEG position annually to DMA's Interoperability Council appropriation. In addition, the bill would delete \$16,000 FED and 0.2 FED positions annually. The net effect would increase position authority and associated funding by \$44,400 in 2019-20 and \$47,800 in 2020-21 and 0.8 positions annually. This new position is one of the three SEG positions transferred to DOT under the bill.

46. The administration indicates that the position would be utilized as the Public Safety Broadband/FirstNet subject matter expert and would provide information about public safety broadband and interoperability, monitor the implementation of FirstNet, assist public safety agencies with evaluating broadband service offerings, and establish policies and standard operating procedures to ensure interoperable use of public safety broadband across public safety disciplines.

47. Under s. 13.10 of the statutes, on April 18, 2018, DMA requested 1.0 FTE to serve as an interoperability subject matter expert. The request was denied, in part because the position would have been funded by the JIS appropriation, which has had an unsupported cash deficit. The

Department reiterated the request for 1.0 FTE in its 2019-21 agency budget request, indicating, "with limited staffing, complex programs that impact public safety, and overall communications throughout the state, another position to focus on interoperability is needed." The funding amounts under the bill are equal to those in the agency budget request, although DMA had requested that the position be funded by GPR rather than SEG. Given DMA's reiteration that an additional position is necessary, the Committee may wish to provide 1.0 SEG position without transferring the position to DOT. [Alternative D2]

48. However, it should be noted that any monies allocated to DMA from the police and fire protection fund would reduce the amount of SEG available for shared revenue programs and would result in a GPR cost increase to shared revenue. Therefore, the Committee may wish to fund the position with GPR and specify that the position remain under DMA, as proposed under the agency budget request. [Alternative D3]

49. Alternatively, given the impact of approving the provision on shared revenue programs or the general fund, the Committee could decide to take no action with regard to providing an additional position for the Public Safety Broadband program. [Alternative D4]

ALTERNATIVES

A. Office of Emergency Communications

1. Approve the Governor's recommendations, as corrected by the errata, to modify current law related to the OEC as follows: (a) transfer functions associated with the OEC from DMA to DOT, including the Interoperability Council, the Wisconsin Interoperable System for Communications, the 911 Subcommittee, Next Generation 911, the Public Safety Broadband program, and the Land Mobile Radio Program; (b) transfer all incumbent employees, assets and liabilities, tangible personal property, pending matters, and contracts from DMA to DOT; (c) transfer the authority to appoint a director of emergency communications from the Adjutant General to the Secretary of DOT; (d) transfer the following annual appropriations, as well as funding and position authority, from DMA to DOT: the interoperable communications system [\$1,262,400 PR and 4.0 PR positions annually]; the interoperability Council [\$240,900 SEG in 2019-20 and \$244,300 SEG in 2020-21 and 3.0 SEG positions annually]; the public safety interoperable communication system, general usage fees [no funding or position authority]; the public safety interoperable communication system, state fees [no funding or position authority]; and Next Generation 911 [\$6,700,000 SEG annually]; (e) specify that WISCOM fees be deposited to the PR appropriation for interoperable communications; (f) increase funding and position authority for emergency communications by \$44,400 and 0.8 positions in 2019-20 [-\$16,000 FED and -0.2 FED positions, and \$60,400 SEG and 1.0 SEG position], and \$47,800 and 0.8 positions in 2020-21 [-\$16,000 FED and -0.2 FED positions, and \$63,800 SEG and 1.0 SEG position]; (g) provide that DOT, instead of DMA, provide staff support to the Interoperability Council; (h) transfer oversight of the development and operation of WISCOM from DMA to DOT; (i) repeal the requirement that DMA conduct a request for proposals regarding WISCOM; (j) instead require DOT to issue a request for proposals for WISCOM by June 30, 2020 and authorize DOT to spend up to \$500,000 for related professional consulting services; and (k) transfer the authority to appoint one member of the 911 subcommittee from the Adjutant General to the Secretary of DOT.

ALT A1	Change to Base		Change to Bill	
	Funding	Positions	Funding	Positions
DMA				
FED	- \$32,000	- 0.20	\$0	0.00
PR	- 2,524,800	- 4.00	0	0.00
SEG	<u>- 13,761,000</u>	<u>- 2.00</u>	<u>0</u>	<u>0.00</u>
Total	- \$16,317,800	- 6.20	\$0	0.00
DOT				
PR	\$2,524,800	4.00	\$0	0.00
SEG	<u>13,885,200</u>	<u>3.00</u>	<u>13,400,000</u>	<u>0.00</u>
Total	\$16,410,000	7.00	\$13,400,000	0.00

2. Take no action with regard to transferring the functions of the OEC from DMA to DOT.

B. WISCOM

The Committee may select more than one alternative from this section.

1. Provide \$1,868,100 GPR (\$986,500 in 2019-20 and \$881,600 in 2020-21) to DMA's general program operations appropriation under the emergency management program for estimated WISCOM maintenance expenditures greater than the amounts available in the base budget. [This alternative may be selected in addition to Alternative B2 or B3.]

ALT B2	Change to	
	Base	Bill
GPR	\$1,868,100	\$1,868,100

2. Provide \$7,500,000 GPR in 2020-21 to DMA's general program operations appropriation under the emergency management program to support the estimated cost of the design phase of the replacement statewide public safety interoperable communication system. [This alternative may be selected in addition to Alternative B1, but not B3.]

ALT B2	Change to	
	Base	Bill
GPR	\$7,500,000	\$7,500,000

3. Provide \$7,500,000 GPR in 2019-20 to the Joint Committee on Finance's supplemental GPR appropriation to support the estimated cost of the design phase of the replacement statewide public safety interoperable communication system. The Department of Military Affairs would be authorized to request the transfer of these funds for such a purpose under s. 13.10 of the statutes. [This alternative may be selected in addition to Alternative B1, but not B2.]

ALT B3	Change to	
	Base	Bill
GPR	\$7,500,000	\$7,500,000

4. Take no action with regard to WISCOM.

C. Next Generation 911

1. Increase funding for NG911 by \$10,439,500 SEG in 2019-20 and \$9,106,300 SEG in 2020-21 and 1.0 SEG position annually. This would also make the following modifications to shared revenue funding: (a) decrease SEG funding from the police and fire fund by \$10,439,500 in 2019-20 and \$9,106,300 in 2020-21; and (b) increase GPR funding by \$10,439,500 in 2019-20 and \$9,106,300 in 2020-21 to reflect the increased share of GPR needed to fund shared revenue.

ALT C1	Change to Base		Change to Bill	
	Funding	Positions	Funding	Positions
DMA				
SEG	\$19,545,800	1.00	\$19,545,800	1.00
Shared Revenue				
GPR	\$19,545,800	0.00	\$19,545,800	0.00
SEG	<u>- 19,545,800</u>	<u>0.00</u>	<u>- 19,545,800</u>	<u>0.00</u>
Total	\$0	0.00	\$0	0.00

2. Take no action with regard to NG911.

D. Nationwide Public Safety Broadband Network

1. Approve the Governor's recommendations, as corrected by the errata, to: (a) delete \$16,000 FED and 0.2 FED positions annually from DMA's federal aid for state operations appropriation; (b) provide \$60,400 SEG in 2019-20 and \$63,800 SEG in 2020-21 and 1.0 SEG position annually to the Interoperability Council appropriation from the police and fire protection fund; and (c) transfer the position to DOT.

ALT D1	Change to Base		Change to Bill	
	Funding	Positions	Funding	Positions
DMA				
FED	-\$32,000	- 0.20	\$0	0.00
SEG	<u>124,200</u>	<u>1.00</u>	<u>0</u>	<u>0.00</u>
Total	\$92,200	0.80	\$0	0.00
Shared Revenue				
GPR	\$124,200	0.00	\$124,200	0.00
SEG	<u>- 124,200</u>	<u>0.00</u>	<u>- 124,200</u>	<u>0.00</u>
Total	\$0	0.00	\$0	0.00

2. Modify the provision to specify that the position remain under DMA.

3. Modify the provision to: (a) provide \$60,400 GPR in 2019-20 and \$63,800 GPR in 2020-21 and 1.0 GPR position annually to DMA's general program operations appropriation under the emergency management program; and (b) specify that the position remain under DMA.

ALT D3	Change to Base		Change to Bill	
	Funding	Positions	Funding	Positions
GPR	\$124,200	1.00	\$124,200	1.00
FED	- 32,000	- 0.20	0	0.00
SEG	<u>0</u>	<u>0.00</u>	<u>- 124,200</u>	<u>- 1.00</u>
Total	\$92,200	0.80	\$0	0.00

4. Take no action with regard to the Nationwide Public Safety Broadband Network.

Prepared by: Angela Miller



State of Wisconsin
2019 - 2020 LEGISLATURE

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MLJ: S

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P1

LFB:.....Miller - Office of Emergency Communications

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 56

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 126, line 3: delete lines 3 to 14.
- 3 **2.** Page 401, line 8: delete the material beginning with that line and ending
- 4 with page 402, line 11.
- 5 **3.** Page 405, line 11: delete lines 11 to 13.
- 6 **4.** Page 409, line 15: delete lines 15 to 20.
- 7 **5.** Page 980, line 3: delete the material beginning with that line and ending
- 8 with page 981, line 10.
- 9 **6.** Page 989, line 7: delete lines 7 to 17.
- 10 **7.** Page 989, line 19: delete "85.127" and substitute "323.29".



State of Wisconsin
2019 - 2020 LEGISLATURE

LRBb0204/P1
MLJ:kjf

LFB:.....Miller - Office of Emergency Communications

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