STATEMENT OF SCOPE

Department of Military Affairs

Rule No.:   Chapter DMA 2 (create)

Relating to: Competitive grant program for public safety answering point equipment

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to create a process for providing grants, establishing appropriate purposes for grants, and establishing eligibility criteria for grants under s. 256.35 (3s) (bm), Wis. Stats., as created by 2019 Wisconsin Act 26, based on recommendations of the 911 Subcommittee.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Section 256.35, Wis. Stats., requires the department to award grants to public safety answering points for purposes identified under s. 256.35(3s)(bm)2. using criteria established in s. 256.35(3s)(bm)3.

The legislature under s. 256.35(3s)(bm)2., Stats., provides that grant purposes may include advanced training of telecommunicators, equipment or software expenses, and incentives to consolidate some or all of the functions of 2 or more public safety answering points. Section 256.35 (3s)(bm)3., Stats., provides that grant purposes may not include general public safety answering point overhead or staffing costs or costs for providing emergency services or emergency services equipment. Section 256.35 (3s)(bm)4., Stats., further provides that the department may not award a grant to more than one public safety answering point per county.

The department is required under s. 256.35 (3s)(bm), Stats., to promulgate rules that identify appropriate purposes for grants and that contain eligibility criteria for grants based on the recommendations of the 911 Subcommittee. The department proposes to work with the 911 Subcommittee to establish, by rule, an application process, applicant eligibility criteria, and eligible uses for grant funds.

Section 256.35 (3s) (d)4., Stats., provides that the 911 Subcommittee shall advise the department or other state agency on awarding Next Generation 911 grants under s. 256.35(bm)1.

There are no reasonable alternatives to the proposed rulemaking. Section 256.35, Wis. Stats., requires the department to promulgate rules that identify appropriate purposes for grants and for eligibility criteria for grants based on recommendations of the 911 Subcommittee.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

<u>Section 256.35(3s)(bm), Wis. Stats., reads:</u>
(bm) *Competitive grant program.*
1. The department shall award grants to public safety answering points for the purposes identified under subd. 2. using the criteria in subd. 3.

2. The department shall promulgate rules that identify appropriate purposes for grants under subd. 1. based on the recommendations of the 911 subcommittee under par. (d) 4. Grant purposes may include advanced training of telecommunicators, equipment or software expenses, and incentives to consolidate some or all of the functions of 2 or more public safety answering points. Grant purposes may not include general public safety answering point overhead and staffing costs or costs for providing emergency services or emergency services equipment.

3. The department shall promulgate rules that contain eligibility criteria for grants under subd. 1. based on recommendations of the 911 subcommittee under par. (d) 4.

4. The department may not award a grant under subd 1. to more than one public safety answering point per county.

Section 227.11 (2) (a), Wis. Stats., reads: Rule-making authority is expressly conferred on an agency as follows:

(a) Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation. All of the following apply to the promulgation of a rule interpreting the provisions of a statute enforced or administered by an agency:

1. A statutory or nonstatutory provision containing a statement or declaration of legislative intent, purpose, findings, or policy does not confer rule-making authority on the agency or augment the agency's rule-making authority beyond the rule-making authority that is explicitly conferred on the agency by the legislative.

2. A statutory provision describing the agency's general powers or duties does not confer rule-making authority on the agency or augment the agency's rule-making authority beyond the rule-making authority that is explicitly conferred on the agency by the legislature.

3. A statutory provision containing a specific standard, requirement, or threshold does not confer on the agency the authority to promulgate, enforce, or administer a rule that contains a standard, requirement, or threshold that is more restrictive than the standard, requirement, or threshold contained in the statutory provision.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

The department estimates that it will take approximately 120 hours to develop the proposed rules. This includes the time required for research and analysis, coordinating 911 subcommittee meetings, rule drafting, preparing any related documents, scheduling and holding public hearings, and communicating with affected groups.

6. List with description of all entities that may be affected by the proposed rule:

The proposed rules will impact public safety answering points, county, and municipal governments in the state.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

A competitive state grant program for public safety answering points would be administered under the authority of state law. The grant program will complement any federal grant program for Next Generation 9-1-1 implementation for public safety answering points.

Public Law 112-96 includes one-time $119 million Next Generation 9-1-1 Implementation Grants to state and tribal entities. In August 2019, Wisconsin was awarded $2.9 million in federal funding for local Next Generation 9-1-1 equipment to be spent by March 2022. This law does not regulate activities performed under a competitive state grant program.

H.R. 2760 and S. 1479 appropriates one-time $12 billion Next Generation 9-1-1 funding for federal FY2019-23, establishes a one-time federal matching grant program for state and tribal entities, and grant recipients must develop a sustainable funding mechanism for Next Generation 9-1-1 no later than 3 years following the date on which the funds are distributed to the applicant. Funding under this bill would be distributed at least one year after passage. These bills were introduced in May 2019 and were referred to

their respective committee in both congressional houses. This proposed federal regulation has not passed and would not regulate activities performed under a competitive state grant program.

H.R. 2741 appropriates one-time $12 billion Next Generation 9-1-1 funding for federal FY2020-24, establishes a one-time federal matching grant program, and grant recipients must develop a sustainable funding mechanism for Next Generation 9-1-1 no later than 3 years following the date on which the funds are distributed to the applicant. This bill was introduced in May 2019 but was not assigned a committee. This proposed federal regulation has not passed and would not regulate activities performed under a competitive state grant program.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The proposed rules are anticipated to have little or no economic impact if promulgated.

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Date Submitted