

STATE OF WISCONSIN

DEPARTMENT OF MILITARY AFFAIRS

Competitive Grants for Public Safety Answering Points

Chapter DMA 2

The Wisconsin Department of Military Affairs proposes to create Chapter DMA 2, relating to eligibility criteria and appropriate purposes for competitive grants to public safety answering points.

Analysis Prepared by the Department of Military Affairs

1. Statutes Interpreted:

Sections 256.35 (3s) (bm) and (d) 4., Stats.

2. Statutory Authority:

Section 256.35 (3s) (bm), Stats.

3. Explanation of Agency Authority:

Section 256.35 (3s) (bm), Stats., provides that the department shall promulgate rules that identify appropriate grant purposes and eligibility criteria for grants to public safety answering points based on recommendations of the 911 subcommittee under Section 256.35 (3s) (d) 4, Stats.

Section 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. The grant purposes are restricted from including general public safety answering point overhead costs or staffing costs or costs for providing emergency services or emergency services equipment.

Section 256.35 (3s) (d) 4, Stats., requires that the 911 subcommittee's recommended eligibility criteria include basic training and service standards that grant applicants must satisfy.

4. Related Statutes or Rules: Not applicable.

5. Plain Language Analysis:

The department is required under s. 256.35 (3s) (bm), Stats., to establish rules that identify appropriate grant purposes and eligibility criteria for grants to public safety answering points based on recommendations of the 911 subcommittee under Section 256.35 (3s) (d) 4, Stats.

Section 256.35 (3s) (bm) 1, Stats., requires the department to award grants to public safety answering points for purposes and criteria identified in the proposed rules.

Section 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. The grant purposes are restricted from including general public safety answering point overhead costs or staffing costs or costs for providing emergency services or emergency services equipment.

Section 256.35 (3s) (bm) 4, Stats., specifies that the department may not award a grant to more than one PSAP per county.

Section 256.35 (3s) (d) 4, Stats., requires that the 911 subcommittee's recommended eligibility criteria include basic training and service standards that grant applicants must satisfy.

The department proposed rules will be used by the department to administer grants and for PSAPs to apply for grants. Specifically, the rules outline the process for identifying one PSAP per county that would be eligible to apply for grant

funds, minimum eligibility criteria, including basic level of telecommunicator training and PSAP service standards, appropriate purposes and ineligible uses of grant funds, and a process for reconsideration of grant funding decisions made by the department.

In order to be eligible for grant funding under the proposed rule, a PSAP must be designated as the single PSAP to receive grants in a given county for the life of the grant program. This designation is made through a county board resolution, except in first class cities where the determination is made by a majority vote of an intergovernmental cooperation council established under s. 66.0301, Stats.

A PSAP must also have established a basic training program that covers the areas outlined in the proposed s. DMA 2.02 (1). The basic training program may be developed in-house or through a commercially available training program. Newly hired telecommunicators must have started the training prior to the submission of an application and be trained within 12 months of hiring in order to maintain eligibility.

In addition, the following service standards must be met in order to maintain eligibility:

- The PSAP answers both wireline and wireless 911 calls.
- The PSAP operates 24/7 and has a minimum of two telecommunicators on duty and available to receive requests for emergency assistance.
- The PSAP has established, implemented, and provide annual training on a continuity of operations plan (COOP).
- 90% of requests for emergency assistance are answered within 10 seconds and 95% of requests for emergency assistance are answered within 20 seconds.
- Within three years of their first grant application, a PSAP must provide emergency medical dispatching (EMD) with pre-arrival instruction either by transferring the call to another PSAP or third party that provides EMD, or by certifying in-house telecommunicators in EMD.

Under the proposed rule, grants may be awarded for the following purposes:

- Advanced telecommunicator training.
- PSAP equipment and software for enabling Next Generation 911 services.
- Activities to consolidate some or all functions of 2 or more PSAPs.
- Enhanced continuity of operations planning and equipment.

Grants are strictly prohibited from being used on:

- General PSAP overhead and staffing costs.
- Costs for providing emergency services or emergency services equipment.
- Costs related to facility construction.

When awarding grants, the department will work in consultation with the 911 subcommittee under s. 256.35 (3s) (d) 4, Stats., to determine the local rate of matching funds (not to exceed 25% of the total award amount) and set the maximum award amount under each grant period, as that phrase is defined in proposed s. DMA 2.02 (6). For activities related to PSAP consolidation, the department may reduce or waive local match and maximum award amount requirements.

An applicant may challenge a grant award decision made by the department within 30 days after receipt of the notice of a decision by submitting a request in writing that provides rationale for overturning the decision. The department has 14 days to respond with a final determination.

6. Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations:

The proposed rule, in addition to state law, would regulate the administration of a state grant program for PSAPs. Any federal grant program for Next Generation 911 implementation would complement rather than regulate the state grant program.

Public Law 112-96, under the Next Generation 9-1-1 Advancement Act of 2012, includes one-time Next Generation 911 Implementation Grants to state and tribal entities, with funds ending March 31, 2022. The Act funds could be used for: (a) the implementation and operation of 911 services, E911 services, migration to an IP-enabled emergency network, and adoption and operation of Next Generation 911 services and applications; (b) the implementation of IP-enabled emergency services and applications enabled by Next Generation 911 services, including the establishment of IP backbone networks and the application layer software infrastructure needed to interconnect the multitude of emergency response organizations, and; (c) training public safety personnel, including call-takers, first responders, and other individuals and organizations who are part of the emergency response chain in 911 services. This law does not regulate activities performed under a competitive state grant program. In August 2019, Wisconsin was awarded \$2.9 million in federal funds that has been awarded to 36 public safety answering points for purchasing Next Generation 911-capable equipment hardware, software, and training. Eligibility criteria and other applicant requirements were outlined in the applicable regulations, 47 CFR Part 400, and a subsequent Notice of Funding Opportunity. In order to maintain eligibility, applicants must annually certify that 911 fees within the applicant's jurisdiction are not being diverted to non-911 purposes. <https://www.911.gov/pdf/911-Grant-Program-Awards-Press-Release-Aug-2019.pdf>

The proposed Next Generation 911 Act of 2021 was introduced as part of H.R. 1848, LIFT America Act and would authorize a one-time \$15 billion federal grant program to state and tribal organizations. The proposed language in the Act would provide grants to eligible entities for: (a) implementation of Next Generation 911; (b) establishing and maintaining Next Generation 911; (c) training directly related to Next Generation 911; (d) public outreach and education on how best to use Next Generation 911; (e) administrative costs associated with planning and implementation of Next Generation 911, including costs to apply and administer the federal grant program. This bill was introduced in March 2021 and was referred to several House of Representative committees. This proposed federal regulation has not passed and would not regulate activities performed under a competitive state grant program.

7. If Held, Summary of Comments Received During Preliminary Comment Period and at Public Hearing on the Statement of Scope:

No preliminary public hearing was held.

8. Comparison with Similar Rules in Adjacent States:

Illinois -

Rules established by the Illinois Department of State Police provide guidance on the public safety answering point grant process and criteria for issuing grants to offset nonrecurring costs associated with 911 system consolidation for jurisdictions with a population of less than 500,000 (Illinois Administrative Code, Title 83, Chapter IV, Part 1327 - 9-1-1 Emergency Systems Consolidation Grants).

Iowa -

Rules established by the Iowa Department of Homeland Security & Emergency Management govern the distribution of their 911 emergency communications fund which is funded through the Iowa wireline 911 service surcharge and emergency communications service surcharge. The 911 emergency communications fund is allocated to public safety answering points based on square mileage of the 911 service area and based on the number of wireless 911 calls. If any funds are remaining in the overall 911 emergency communications fund, they may be distributed through grants to public safety answering points "for the purpose of developing and maintaining GIS [Geographical Information System] data to be used in support of the next generation 911 network" and for non-recurring costs associated with voluntary public safety answering point consolidation.

(Chapter 34A of the Iowa Statutes and Iowa Administrative Code Section, Homeland Security and Emergency Management [605], ch. 10.)

Michigan -

No state-funded public safety answering point competitive grant program or similar rules found. Public safety answering points are funded directly from a state 911 fee, local surcharges, and training fund under section 484.1101-484.1717 of the Michigan Statutes.

Minnesota -

No state-funded public safety answering point competitive grant program or similar rules found. Public safety answering points are funded directly from a state 911 fee for eligible expenses identified in section 403.113 (3) of the Minnesota Statutes.

9. Summary of Factual Data and Analytical Methodologies Used and How Any Related Findings Support the Regulatory Approach Chosen:

Administrative rules that outline eligibility criteria and funding purposes to govern a grant program are a common mechanism to ensure a grant process is transparent and consistent. As described above, Iowa and Illinois both use rules to govern the distribution of their 911 grant funding. Similar rules typically outline eligibility criteria, grant purposes, and standards that must be met to maintain eligibility for grant funding.

A significant portion of the proposed rule was modeled after the State of Ohio's Emergency Services IP-based Network (ESInet) Steering Committee 2016 rules for Public Safety Answering Point Operations used to administer funding disbursements under section 128.55 of the Ohio Statutes, as well as definitions and standards set by the National Emergency Number Association (NENA). The Ohio PSAP Operations rules outline requirements that PSAPs must satisfy to be eligible for state grant disbursements, including minimum staffing levels, initial and ongoing training standards, service standards, and statistical reporting requirements.

10. Analysis and Supporting Documents Used to Determine the Effect on Small Business or in Preparation of an Economic Impact Report:

The department will conduct an economic impact analysis and comment period to determine if any individuals, businesses, local governments, or other entities will be affected economically.

11. Effect on Small Business (initial regulatory flexibility analysis):

The department expects no economic impact on small businesses directly related to these proposed rules. The proposed rule does not impose any compliance, service standards, or reporting requirements on small businesses.

12. Agency Contact Person:

Erik Viel, Director, Office of Emergency Communications, Department of Military Affairs, (608) 888-5500, interop@wisconsin.gov.

13. Place where comments are to be submitted and deadline for submission:

Written comments may be submitted at the public hearings, by regular mail, or email to:

Department of Military Affairs
ATTN: Office of Emergency Communications
2400 Wright Street
Madison, WI 53704

Comments may be submitted to the department office listed above or to interop@wisconsin.gov until the deadline given in the upcoming notice of public hearing. The notice of public hearing and deadline for submitting comments will be published on the department's website: <https://oec.wi.gov/event-calendar/>

RULE TEXT

SECTION 1. Chapter DMA 2 is created to read:

DMA 2.01 Authority and purpose. This chapter is promulgated under the authority of s. 256.35, Stats., to establish the eligibility criteria and appropriate purposes for awarding competitive grants to local public safety answering points for Next Generation 911.

DMA 2.02 Definitions. In this chapter:

(1) “Basic training” means the minimum level of training for telecommunicators who perform 911 call taking or emergency services dispatching. A basic training program provides instruction in the following areas:

(a) General Knowledge

1. Knowledge and awareness of population and demographics served
2. Knowledge and awareness of geography
3. Knowledge and awareness of emergency services agencies and their jurisdictions
4. Knowledge and awareness of the incident command system, national incident management system, interoperable communication plans, and emergency operations plans

(b) General Skills

1. Ability to process information and make logical decisions
2. Stress management
3. Provide good customer service
4. Multi-task in a fast-paced environment
5. Work effectively with others to solve problems
6. Appropriate use of agency terminology
7. Communicate clearly in written and oral form, especially when relaying emergency information to emergency services or communicating with the public requesting emergency assistance
8. Ability to operate and respond to emergency alerts
9. Ability to achieve and maintain certification and operate applications and databases necessary to perform assigned duties

(c) Agency Skills

1. Ability to operate agency radio communication equipment
2. Ability to operate agency computer equipment

3. Ability to operate agency telecommunication equipment
4. Ability to operate agency computer applications and systems
5. Ability to process and document agency records and operate records system

(d) Policy and Procedures

1. Ability to read, comprehend and apply agency policies and procedures
2. Ability to apply policy and procedures to situations encountered while on duty
3. Ability to recognize gaps in agency policy and procedure and recommend change

(e) Call Taking Skills

1. Ability to answer and process calls in accordance with established procedures
2. Ability to obtain complete information
3. Ability to properly classify and prioritize the request for emergency service
4. Ability to process available information to identify conditions that may affect safety
5. Ability to document call details accurately
6. Ability to accurately verify, document, and relay initial dispatch information
7. Ability to control hostile, hysterical, or difficult callers to obtain information

(2) "Department" means the Wisconsin department of military affairs.

(3) "Emergency services" means public or private organizations that at the request of a public safety answering point or dispatch center, respond to and manage emergencies, calls for service or critical incidents when they occur, including but not limited to, agencies that provide law enforcement, emergency medical, and firefighting services.

(4) "Equipment and software expenses" means the expenses incurred to purchase and maintain technology and data required for a public safety answering point and telecommunicator to communicate, locate, and dispatch emergency services to a 911 caller.

(5) "First class cities" are those cities that meet the criteria set forth in s. 62.05, Stats.

(6) "Grant period" means the period of time, as established by the department, in which grant funds can be spent by a public safety answering point. Each grant period shall not exceed 18 months.

(7) "Grants" means competitive public safety answering point grants authorized by s. 256.35, Stats.

(8) "Public safety answering point" has the meaning given in s. 256.35, Stats.

(9) “Telecommunicator” means an emergency response coordination professional trained to receive, assess, and prioritize emergency requests for assistance, including, but not limited to:

- (a) Determining the location of the emergency being reported.
- (b) Determining the appropriate law enforcement, fire, emergency medical, or combination of those emergency services to respond to the emergency.
- (c) Coordinating the implementation of that emergency response to the location of the emergency.
- (d) Processing requests for assistance from emergency services.

DMA 2.03 Eligibility. A public safety answering point must meet all of the following criteria to be eligible for a grant under this Chapter:

(1) DESIGNATED PUBLIC SAFETY ANSWERING POINT

(a) The public safety answering point is a designated public safety answering point. Grants may only be awarded to one public safety answering point per county. The single public safety answering point to receive grants in a given county shall be determined by resolution of its county board, except that, in counties with first class cities, the single public safety answering point shall be determined by majority vote of an intergovernmental cooperation council established pursuant to s. 66.0301, Stats.

(b) Once a public safety answering point has been so selected by the county board or intergovernmental cooperation council under par. (a), no other public safety answering point for that county may be awarded a grant in the then-current grant period or any subsequent grant period.

(2) BASIC TRAINING STANDARDS.

(a) The designated public safety answering point has established and implemented a basic training program for telecommunicators and requires that all newly hired telecommunicators finish basic training within 12 months of hire.

(b) Public safety answering points may utilize a commercially available program or develop a basic training program that contains the standard criteria.

(c) The basic training program shall consist of a minimum of 40 hours of instruction for the telecommunicator prior to handling any requests for emergency services without direct supervision.

(d) Telecommunicators employed by the public safety answering point prior to the submission of an application for a grant must have started the basic training program before the date of the application and be scheduled to complete the program within 12 months of the hiring date.

(e) Based on recommendations from the 911 subcommittee, the department shall establish a process for determining a designated public safety answering point has a basic training program.

(3) BASIC SERVICE STANDARDS. The designated public safety answering point provides the following basic service standards:

(a) The public safety answering point receives wireline and wireless 911 calls.

(b) The public safety answering point is in operation 24 hours per day, 7 days per week and has a minimum of 2 telecommunicators on duty and available to receive and process requests for emergency assistance while the public safety answering point is in operation.

(c) The public safety answering point has established and implemented continuity of operations plans to maintain operations in the event of catastrophic failure. Telecommunicators shall be trained in the continuity of operations plans on at least an annual basis. At a minimum, the continuity of operations plans must address the following topics:

1. Operational processes
2. Recovery processes
3. Communications response team
4. Employee training exercises
5. Communications leader training
6. Contact lists including staff and service providers
7. Priority services
8. Alternate operations site

(d) Ninety percent of requests for emergency assistance are answered within 10 seconds and 95 percent of requests for emergency assistance are answered within 20 seconds.

(e) Within 3 years of the first grant application of a public safety answering point, the public safety answering point shall, in appropriate circumstances, provide emergency medical dispatching by doing any of the following:

1. Establishing an emergency medical dispatch protocol, that provides pre-arrival instruction, through a recognized training provider that meets the standards set by the 911 subcommittee and includes certified emergency medical telecommunicators.
2. Establishing an agreement with another public safety answering point or third-party emergency medical dispatch provider that can be conferenced on and provide the caller with assistance on administering emergency medical protocol. If a public safety answering point transfers callers under this subsection, the transferring public safety answering point shall do all of the following:

- a. Use an evidence-based protocol for the identification of a person in need of emergency medical protocol.
- b. Provide appropriate training and continuing education, as determined by the department, on the protocol for identification of a person in need of emergency medical protocol.
- c. Ensure that any dedicated third-party emergency medical dispatch provider or public safety answering point to which calls are transferred under this subsection uses telecommunicators that meet the requirements under par (1), to provide assistance on administering emergency medical protocol.

(f) Based on recommendations from the 911 subcommittee, the department shall establish a process for determining a designated public safety answering point has met the criteria contained under this section.

DMA 2.04 Grant purposes.

(1) ELIGIBLE COSTS. In this chapter the following costs are eligible for grants:

- (a) Advanced telecommunicator training, including but not limited to, emergency medical dispatch protocol certification training from an emergency medical dispatch protocol training organization as approved by the 911 subcommittee.
- (b) Public safety answering point equipment and software expenses for enabling Next Generation 911 services, including but not limited to hosted equipment and software services.
- (c) Activities to consolidate some or all functions of 2 or more public safety answering points.
- (d) Enhanced continuity of operations planning and equipment.

(2) INELIGIBLE COSTS. In this chapter the following costs are ineligible for grants:

- (a) General public safety answering point overhead and staffing.
- (b) Costs for providing emergency services or emergency services equipment.
- (c) Costs for facility construction.

DMA 2.05 Applications. To be considered for a grant, an eligible public safety answering point must, by the deadline set by the department, submit to the department:

- (1) an application on a form prescribed by the department; and
- (2) a copy of the county board resolution selecting the public safety answering point or a letter from the chair of the intergovernmental cooperation council affirming that the public safety answering point was selected by majority vote of the council, as applicable.

DMA 2.06 Awards. In consultation with the 911 subcommittee, the department shall do all of the following when awarding grants to eligible public safety answering points under this chapter:

(1) Determine the maximum rate of funds that must be derived from local funding sources for all eligible public safety answering points. The rate shall not exceed 25 percent of the total award amount.

(2) Set the maximum award amount that an eligible public safety answering point may apply for under each grant period based on the amount of funding available in the appropriation s. 20.465 (3) (qm) and the local funding source rate identified in sub (1).

(3) For applications received for activities to consolidate some or all functions of 2 or more public safety answering points, the required local funding source rate and maximum award amount identified in subs. (1) and (2) may be reduced or waived by the department.

DMA 2.07 Reconsideration.

(1) Applicant shall have 30 days after receipt of notice that a determination has been made to not award it a grant to request reconsideration of the determination. The request must be accompanied by written, detailed rationale for overturning the determination. The applicant will be given notice of the final determination within 14 days after receipt of the request for reconsideration.

(2) If the initial determination is upheld, an applicant may request within 30 days of a decision under sub. (1), an administrative hearing under 227, Stats.

SECTION 2. EFFECTIVE DATE. This rule takes effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.