

Proposed 2007 Session Legislation

Agency Name & No: Administration/Information Technology Services Division/6101
Priority Number:
Filename: ITSD - 9-1-1 Program
Short Title: 9-1-1 Statutory Updates
Agency Contact Person/Phone: Jeff Brandt/3988

1. Purpose:

The purpose of this legislation is to update current 9-1-1 statutes in three areas: 1) Sunset Extension. Extend the sunset provision for enhanced 9-1-1 in 10-4-311, MCA for 4 years to sunset on June 30, 2011 to address the financial difficulty counties with small populations are having upgrading to enhanced 9-1-1; 2) Stranded 9-1-1 Funds. Amend 10-4-301, MCA to avoid 9-1-1 funds being "stranded" in the general fund. Current statute specified 3.74% of fees collected be deposited in the general fund. The general fund deposits have outpaced the budget appropriation established for the 9-1-1 program resulting in "stranded" 9-1-1 funds. Current federal legislation provides that any state or local jurisdiction that divert 911 fees would be ineligible for grants or federal funding, and; 3) Prepaid Cell Phones. Amend 10-4-201, MCA to clarify prepaid cell phones (cell phones purchased with no monthly billing required) are subject to the act and to provide a method to remit 9-1-1 surcharges.

2. Background:

The Montana 9-1-1 Advisory Council has reviewed these proposed changes to allow for clarification of the existing statute. The recent federal legislation that now prohibits "diverting" 9-1-1 funds is the Enhance 9-1-1 Act (HR 5419). TracFone, a provider of prepaid wireless services, has appealed to the State the current application of the statute for prepaid phones based on the fact they do not issue a bill. The departments legal position is that the statute does apply to prepaid cell phones under section 10-4-201, MCA (current statute states: "wireless telephone service or other 911 accessible services").

3. Fiscal Impact by Fund Type:

This impact should be as specific as possible.

There are no fiscal impacts of this proposed legislation because: 1) basic and enhanced 9-1-1 fees will not change, and 2) TracFone is currently required to submit fees under existing statute.

4. Summary Checklist [Check & complete all that apply]--

Housekeeping Only, Federal Requirement, Audit Recommendation (Audit No.), Major Legislation, Anticipated to be Controversial Legislation, Bill Draft has been included in Legislation Submittal (if available), Supports Submitted EPP Item Number, Local Government Fiscal Impact, Increases FTE, or Decreases FTE by, List FTE amount and program, Increases Existing Revenue (Tax, Fee, Penalty [amount in #3]), Decreases Existing Revenue (Tax, Fee, Penalty [amount in #3]), Establishes New Revenue (Tax, Fee, Penalty [amount in #3]), Leg. has been Submitted in Previous Legislative Sessions (list priority no, LC no, or bill no), Legislation would affect other state agencies (list), Special Interest Groups Affected (list): MACo, Other: