

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING LAWS GOVERNING PUBLIC SAFETY  
5 COMMUNICATIONS; CREATING A PUBLIC SAFETY COMMUNICATIONS BOARD; ESTABLISHING THE  
6 DUTIES OF THE BOARD; ESTABLISHING DUTIES FOR THE DEPARTMENT OF ADMINISTRATION;  
7 ALLOWING FOR PUBLIC-PRIVATE CONTRACTS AND PARTNERSHIPS FOR PUBLIC SAFETY  
8 COMMUNICATIONS; REQUIRING DEVELOPMENT OF A STATEWIDE PUBLIC SAFETY COMMUNICATIONS  
9 PLAN AND A BIENNIAL REPORT; PROVIDING FOR PRELIMINARY AND FINAL PUBLIC SAFETY  
10 COMMUNICATIONS JURISDICTION PLANS; CREATING A PUBLIC SAFETY COMMUNICATIONS SYSTEM  
11 ACCOUNT; PROVIDING FOR THE DISTRIBUTION OF FUNDS IN THE ACCOUNT; PROVIDING THE  
12 DEPARTMENT WITH RULEMAKING AUTHORITY; AND PROVIDING AN EFFECTIVE DATE."

13  
14 WHEREAS, the public safety of citizens and public safety responders of Montana is of paramount  
15 importance; and

16 WHEREAS, interjurisdictional and intrajurisdictional, interoperable public safety communications are  
17 critical to the mission of protecting the safety of citizens and public safety responders in Montana; and

18 WHEREAS, the State of Montana and the federal government have invested large sums of public funds  
19 in an effort to develop, deploy, and administer statewide, interoperable public safety communications in Montana;  
20 and

21 WHEREAS, public safety communications systems are a critical component of facilities and services used  
22 by private and public agencies in providing public safety services to Montana citizens; and

23 WHEREAS, a permanent and stable governance structure and funding distribution method is necessary  
24 to ensure the long-term success of public safety communications systems in Montana; and

25 WHEREAS, the Legislature intends that the Department of Administration receive funds to be used for  
26 public safety communications systems.

27  
28 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

29  
30 NEW SECTION. **Section 1. Public safety communications board -- membership -- qualifications**



- 1 -- **vacancies -- compensation.** (1) There is a public safety communications board consisting of 21 members.
- 2 (2) Three of the members must be:
- 3 (a) the director of the department of administration, or a designee, who:
- 4 (i) serves as presiding officer of the board; or
- 5 (ii) appoints the presiding officer from among the other members of the board;
- 6 (b) the chief information officer, provided for in 2-17-511, or a designee; and
- 7 (c) the director of the office of budget and program planning or a designee.
- 8 (3) Fifteen members must be appointed by the governor, including:
- 9 (a) a representative of the governor's office;
- 10 (b) a representative of the department of transportation;
- 11 (c) a representative of the department of fish, wildlife, and parks;
- 12 (d) a representative of the department of military affairs;
- 13 (e) a person representing tribal government public safety interests;
- 14 (f) a person representing federal public safety interests;
- 15 (g) a police chief, who may be appointed based on recommendations from a state association of chiefs
- 16 of police;
- 17 (h) a sheriff, who may be appointed based on recommendations from a state association of sheriffs and
- 18 peace officers;
- 19 (i) a fire chief, who may be appointed based on recommendations from a state fire chiefs association;
- 20 (j) a volunteer firefighter, who may be appointed based on recommendations from a state volunteer
- 21 firefighters association;
- 22 (k) a person representing county government, who may be appointed based on recommendations from
- 23 a state association representing county governments;
- 24 (l) a person representing cities and towns, who may be appointed based on recommendations from a
- 25 state association representing cities and towns;
- 26 (m) a person representing emergency medical services providers, who may be appointed based on
- 27 recommendations from a state association representing emergency medical services providers;
- 28 (n) a person representing disaster and emergency services, who may be appointed based on
- 29 recommendations from a state association representing disaster and emergency services; and
- 30 (o) a person representing 9-1-1 services, who may be appointed based on recommendations from a

1 state association of public safety communications officials.

2 (4) One member representing the department of justice must be appointed by the attorney general.

3 (5) One member must be a state senator, and one member must be a state representative. The senate  
4 committee on committees and the speaker of the house of representatives shall appoint the legislative members  
5 of the board. The appointees must be from different political parties.

6 (6) Except as provided in subsection (5), appointments must be made without regard to political affiliation  
7 for the sole purpose of wisely managing public safety communications systems.

8 (7) Each member is appointed for a 2-year term that begins on July 1 of the odd-numbered year and  
9 ends on June 30 of the succeeding odd-numbered year. A member may be reappointed to the board.

10 (8) A vacancy occurring on the board must be filled by the appointing authority in the same manner as  
11 the original appointment.

12 (9) The board serves in an advisory capacity as defined in 2-15-102.

13 (10) Members of the board must be reimbursed and compensated in the same manner as members of  
14 quasi-judicial boards under 2-15-124(7), except that legislative members are reimbursed and compensated as  
15 provided in 5-2-302.

16

17 **NEW SECTION. Section 2. Short title.** [Sections 2 through 19] may be cited as the "Montana Public  
18 Safety Communications Act".

19

20 **NEW SECTION. Section 3. Policy.** (1) It is the policy of the state that public safety communications  
21 be used to protect the safety of Montana citizens by providing a statewide, interoperable, cost-effective, and  
22 reliable means of responding to emergencies.

23 (2) It is the policy of the state that public safety communications systems in the state must be deployed  
24 and operated in an organized, deliberative, and cost-effective manner.

25 (3) The following principles must guide the development of state public safety communications systems:

26 (a) there are statewide public safety communications policies and standards applicable to all users of  
27 public safety communications;

28 (b) public safety communications systems are developed in cooperation with federal, local, and tribal  
29 governments and with private safety agencies;

30 (c) public-private partnerships are used to deploy public safety communications systems when practical

1 and cost-effective; and

2 (d) the department is accountable to the governor, the legislature, and the citizens of Montana.

3

4 **NEW SECTION. Section 4. Definitions.** As used in [sections 2 through 19], unless the context requires  
5 otherwise, the following definitions apply:

6 (1) "Allowable expense" means an expense incurred by a public safety communications jurisdiction for  
7 an activity that benefits more than one public safety communications system and is required to comply with the  
8 policies identified in [section 3].

9 (2) "Board" means the public safety communications board established in [section 1].

10 (3) "Department" means the department of administration provided for in 2-15-1001.

11 (4) "Emergency" means an event that requires dispatch of a public safety agency or private safety  
12 agency.

13 (5) "Emergency services" means services provided by a public safety agency, including law enforcement,  
14 firefighting, ambulance or medical services, critical transportation services, and civil defense services.

15 (6) "Final plan" means the plan provided for in [section 14].

16 (7) "Interoperable" means the ability for public safety communications systems to communicate with each  
17 other and appear to the user as a single system.

18 (8) "Local agency" means a city, town, county, or city-county consolidated government.

19 (9) "Preliminary plan" means the plan provided for in [section 13].

20 (10) "Private safety agency" means any entity providing emergency fire, ambulance, or medical services  
21 that is not a public safety agency.

22 (11) "Public safety agency" means any state agency, local agency, tribal government, or federal agency  
23 that has authority to provide emergency services.

24 (12) "Public safety communications" means the ability of a public safety agency or private safety agencies  
25 to be interoperable and communicate when necessary with staff within its own agency and with other responding  
26 agencies.

27 (13) "Public safety communications jurisdiction" means one or more public safety agencies who have  
28 agreed in writing to jointly plan and operate a public safety communications system. A private safety agency may  
29 participate in a public safety communications jurisdiction in accordance with [section 7(1)(b)].

30 (14) "Public safety communications system" means a system that meets the criteria identified in [section

1 7(2)].

2 (15) "State agency" means a department, agency, commission, bureau, office, or other entity or authority  
3 of the executive branch of state government.

4 (16) "Tribal government" means the officially recognized government of any tribe or nation.

5 (17) "Tribe" means an Indian tribe that is recognized by federal law or formally acknowledged by the  
6 state.

7  
8 **NEW SECTION. Section 5. Powers and duties of department.** (1) The department shall coordinate  
9 with public safety agencies in the development of public safety communications systems in the state.

10 (2) The department shall:

11 (a) establish and enforce a statewide strategic plan for public safety communications and prepare a  
12 biennial report as required by [section 11];

13 (b) establish and enforce policies and standards for public safety communications;

14 (c) establish criteria for evaluating public safety communications jurisdiction plans provided for in  
15 [sections 13 and 14];

16 (d) review and approve public safety communications jurisdiction plans provided for in [sections 13 and  
17 14];

18 (e) upon request of a public safety communications jurisdiction, assist in planning a public safety  
19 communications system;

20 (f) establish procedures for determining and evaluating requests for variations from established policies  
21 and standards;

22 (g) monitor implementation of public safety communications systems plans approved pursuant to  
23 [sections 13 and 14] for compliance and use of funding provided pursuant to [section 17];

24 (h) determine if a reimbursement request by a public safety communications jurisdiction is an allowable  
25 expense;

26 (i) staff the board;

27 (j) fund the administrative costs of the board;

28 (k) accept funds from individuals, private companies, organizations, institutions, and federal, state,  
29 regional, and local agencies;

30 (l) accept, hold, administer, and utilize grants, gifts, donations, and bequests of property, both real and

- 1 personal, for the purpose of implementing [sections 2 through 19];  
2 (m) enter into public-private partnerships to implement [sections 2 through 19] whenever practical and  
3 cost-effective;  
4 (n) implement [sections 2 through 19] and all other laws for the use of public safety communications  
5 systems;  
6 (o) adopt rules in accordance with [section 19]; and  
7 (p) report to the appropriate interim committee on a regular basis and to the legislature as provided in  
8 5-11-210 on public safety communications activities.

9 (3) (a) The department may request information from a specific public safety communications jurisdiction  
10 necessary for the department to fulfill its duties under [sections 2 through 19].

11 (b) If a public safety communications jurisdiction does not comply with a request pursuant to subsection  
12 (3)(a), the department may suspend distribution of funds to the public safety communications jurisdiction pursuant  
13 to [section 17(4)].  
14

15 **NEW SECTION. Section 6. Duties of board.** The board shall:

16 (1) provide a forum to:

17 (a) guide public safety agencies using public safety communications systems in the development and  
18 deployment of these systems; and

19 (b) share information among state public safety agencies regarding public safety communications;

20 (2) advise the department on:

21 (a) the development of cooperative contracts for the purchase or lease of public safety communications  
22 systems;

23 (b) the appropriate use of public-private partnerships in implementing public safety communications  
24 systems when practical and cost-effective;

25 (3) review and advise the department on:

26 (a) statewide public safety communications policies and standards;

27 (b) the statewide strategic public safety communications plan and biennial report for public safety  
28 communications required pursuant to [section 11];

29 (c) major public safety communications systems financial needs;

30 (d) action taken by the department on preliminary and final plans provided pursuant to [sections 13 and

1 14];

2 (e) action taken by the department to suspend payments as provided in [section 17(4)] for an activity that  
3 is not in compliance with [sections 2 through 19];

4 (f) priorities for the use of funds received pursuant to [sections 2 through 19];

5 (g) action taken by the department in response to requests by public safety communications jurisdictions  
6 for reimbursement of an allowable expense; and

7 (h) the implementation of major projects for public safety communications and the need to advise public  
8 safety agencies or private safety agencies on issues or concerns related to implementation of those projects;

9 (4) study present and future public safety communications needs of public safety agencies that provide  
10 emergency services and advise the department on the use of emerging technology;

11 (5) request information and reports that it considers necessary from any public safety agency using or  
12 having access to public safety communications systems;

13 (6) advise the department on priorities for the use of funds in the account established pursuant to [section  
14 16]; and

15 (7) advise the department on policies established to monitor the distribution and use of funds pursuant  
16 to [section 17].

17

18 **NEW SECTION. Section 7. Public safety communications system requirements.** (1) (a) A public  
19 safety agency may establish or participate in a public safety communications system.

20 (b) A private safety agency may participate in a public safety communications system but may not  
21 independently plan or operate a public safety communications system.

22 (2) A public safety communications system must include:

23 (a) a single, statewide architecture that evolves with technological advancements;

24 (b) a core network based on commercial standards that provide connectivity across the network; and

25 (c) an access network that:

26 (i) consists of equipment and other assets based on commercial standards that enable wireless  
27 communications; and

28 (ii) is developed, constructed, managed, maintained, and operated taking into account the plans  
29 developed in [sections 11, 13, and 14].

30

1            **NEW SECTION. Section 8. Contracting with private entities.** A public safety agency may contract  
2 with qualified private organizations, foundations, or individuals to carry out the provisions of [sections 2 through  
3 19].

4  
5            **NEW SECTION. Section 9. Entering into public-private partnerships.** A public safety agency may  
6 enter into a public-private partnership with qualified private organizations, foundations, or individuals to carry out  
7 the purposes of [sections 2 through 19] when practical and cost-effective.

8  
9            **NEW SECTION. Section 10. Agreements among public safety agencies for rendering public  
10 safety communications services.** A public safety agency may enter into agreements that require a public safety  
11 agency or private safety agency responding to an emergency and communicating using equipment operated by  
12 a public safety communications jurisdiction to render emergency services without regard to jurisdictional  
13 boundaries.

14  
15            **NEW SECTION. Section 11. Statewide public safety communications strategic plan -- biennial  
16 report.** (1) The department shall prepare a statewide public safety communications strategic plan. The  
17 department shall seek the advice of the board in the development of the plan.

18            (2) The plan must:  
19            (a) reflect the policies provided in [section 3] and be in accordance with statewide policies and standards  
20 established by the department;

21            (b) establish the statewide mission, goals, and objectives for the use of public safety communications;  
22 and

23            (c) establish the strategy for how public safety communications jurisdictions develop and use public  
24 safety communications systems to support day-to-day operations and to provide emergency services.

25            (3) The department shall update the plan as necessary. The plan and any updates must be distributed  
26 as provided in [section 12].

27            (4) The department shall prepare a biennial report on public safety communications based on preliminary  
28 and final plans received pursuant to [sections 13 and 14] and other information considered appropriate by the  
29 department.

30            (5) The biennial report must include:

- 1 (a) an analysis of statewide infrastructure for public safety communications, including its value, condition,  
2 and capacity;
- 3 (b) an evaluation of performance related to providing emergency services;
- 4 (c) an assessment of progress made toward implementing the statewide public safety communications  
5 strategic plan;
- 6 (d) significant requests for funding for projects for public safety communications; and
- 7 (e) other information as determined by the department or requested by the governor or the legislature.  
8

9 **NEW SECTION. Section 12. Statewide public safety communications strategic plan -- distribution.**

- 10 (1) The department shall distribute the statewide public safety communications strategic plan and the biennial  
11 report to the governor and to the legislature as provided in 5-11-210.
- 12 (2) Updates to the statewide public safety communications strategic plan must be provided to the  
13 governor by March 1 of each even-numbered year and to the legislative finance committee after March 1 of that  
14 year.  
15

16 **NEW SECTION. Section 13. Submission of preliminary plans for public safety jurisdictions --**

- 17 **review.** (1) A public safety communications jurisdiction may submit a preliminary plan for establishing a public  
18 safety communications system provided for in [section 7] to public safety agencies and private safety agencies  
19 in the public safety communications jurisdiction and to the department.
- 20 (2) The department shall review the preliminary plan for compliance with policies and standards under  
21 [sections 7 and 15] and with rules adopted pursuant to [section 19] and shall report in writing its approval or  
22 disapproval to the public safety communications jurisdiction within 90 days of receipt of the plan.  
23

24 **NEW SECTION. Section 14. Submission and approval of final plans -- exception.** (1) A public safety

- 25 communications jurisdiction shall submit a proposed final plan for establishing a public safety communications  
26 system as provided in [section 7] within 1 year of receipt of the department's approval of its preliminary plan to  
27 public safety agencies and private safety agencies in the public safety communications jurisdiction and to the  
28 department.
- 29 (2) In addition to complying with the provisions of [sections 7 and 15], the final plan must include:
- 30 (a) a description of all capital and recurring costs for the proposed public safety communications system;

1 (b) the proposed schedule for implementation of the public safety communications system; and

2 (c) the proposed expenditures for equipment and software upgrades.

3 (3) (a) The department shall determine whether the final plan complies with policies and standards under  
4 [sections 7 and 15] and with rules adopted pursuant to [section 19].

5 (b) If the department determines that the plan is in compliance with the requirements, it shall approve  
6 the plan.

7 (c) The department shall inform the public safety communications jurisdiction in writing of its decision  
8 within 180 days of receipt of the plan.

9

10 **NEW SECTION. Section 15. Requirement for approval of final plan -- department to ensure**  
11 **compliance.** The department may not approve a preliminary plan or final plan for a public safety communications  
12 system within a public safety communications jurisdiction unless the plan is accompanied by a written approval  
13 from the governing bodies of all participating public safety agencies and private safety agencies included in the  
14 public safety communications jurisdiction.

15

16 **NEW SECTION. Section 16. Public safety communications systems account -- use of account.**

17 (1) There is an account in the state special revenue fund established by 17-2-102 to be known as the public  
18 safety communications systems account. The account is administered by the department.

19 (2) There must be deposited in the account:

20 (a) money received from legislative allocations;

21 (b) gifts, donations, grants, bequests, or devises made for the purposes of [sections 2 through 19]; and

22 (c) interest earned on the balance of the account.

23

24 **NEW SECTION. Section 17. Distribution of public safety communications funds by department.**

25 (1) Subject to limitations or conditions attached to allocations received pursuant to [section 16(2)(a)] and the  
26 limitations established in [section 18], the department shall make quarterly distributions of the funds available in  
27 the account established pursuant to [section 16] for the purposes enumerated in subsections (2) and (3) of this  
28 section.

29 (2) Prior to the distribution in subsection (3), distributions must be made to public safety communications  
30 system jurisdictions for allowable expenses.

1 (3) (a) After the distribution of funds pursuant to subsection (2), the balance of the account must be  
2 allocated to public safety communications jurisdictions on a per capita basis as follows for each fiscal year:

3 (i) 84% of the balance of the funds must be allocated to public safety communications jurisdictions on  
4 a per capita basis. However, each public safety communications jurisdiction must be allocated a minimum of 1%  
5 of the balance of their share of the funds.

6 (ii) the balance of the funds must be allocated evenly to the public safety communications jurisdictions  
7 serving 1% or less than 1% of the total population of the state.

8 (b) Prior to distribution, the amounts allocated under subsections (3)(a)(i) and (3)(a)(ii) must be adjusted  
9 to ensure that a public safety communications jurisdiction does not receive less than the amount allocated to  
10 public safety communications jurisdictions serving 1% or less of the total population of the state.

11 (4) (a) If the department through its monitoring process determines that a public safety communications  
12 jurisdiction is not adhering to a plan approved pursuant to [section 14], is not using funds within the limitations  
13 provided for in [section 18], or has failed to provide information required by the department pursuant to [section  
14 5(3)(a)], the department may, after notice and hearing, suspend payment to the public safety communications  
15 jurisdiction.

16 (b) The public safety communications jurisdiction is not eligible to receive funds until the department  
17 determines that the public safety communications jurisdiction complies with:

18 (i) the plan approved pursuant to [section 14];

19 (ii) the limitations provided in [section 18]; and

20 (iii) information requests by the department pursuant to [section 5(3)(a)].

21  
22 **NEW SECTION. Section 18. Limitation on use of public safety communications funds.** (1) (a)

23 Money received by a public safety communications jurisdiction pursuant to [section 17] may be used only to pay  
24 for planning, installing, operating, and improving public safety communications systems.

25 (b) Accounting procedures used by a public safety communications jurisdiction must conform to the  
26 methods and standards provided for in 2-7-504 and Title 7, chapter 6, part 6.

27 (c) In accordance with procedures required pursuant to subsection (1)(b), money not necessary for  
28 immediate use by a public safety communications jurisdiction may be invested by the public safety  
29 communications jurisdiction. The income from the investments may be used only for the purposes described in  
30 this section.

1 (2) Public safety communications funds may not be distributed to or used by a public safety  
2 communications jurisdiction until the public safety communications jurisdiction has an approved final plan.

3  
4 **NEW SECTION. Section 19. Rulemaking authority.** (1) The department shall adopt rules to implement  
5 [sections 2 through 19] in accordance with the Montana Administrative Procedure Act provided for in Title 2,  
6 chapter 4. The rules must:

7 (a) establish procedures to evaluate and make determinations on requests for a variation from policies,  
8 standards, and plans;

9 (b) establish criteria for determining which public safety agencies are eligible to plan, deploy, and operate  
10 public safety communications systems;

11 (c) establish evaluation criteria for preliminary plans and final plans;

12 (d) establish requirements for public safety communication system participation by public safety  
13 agencies;

14 (e) establish criteria for determining if expenses for operating components of public safety  
15 communications systems qualify for reimbursement; and

16 (f) establish criteria for the distribution of public safety communications funds.

17 (2) Adequate rules for the use of public safety communications systems must be adopted by the:

18 (a) supreme court for judicial branch agencies; and

19 (b) legislative council, with the concurrence of the legislative audit committee and the legislative finance  
20 committee, for the consolidated legislative branch, as provided for in 5-2-504.

21  
22 **NEW SECTION. Section 20. Codification instruction.** (1) [Section 1] is intended to be codified as  
23 an integral part of Title 2, chapter 15, part 10, and the provisions of Title 2, chapter 15, part 10, apply to [section  
24 1].

25 (2) [Sections 2 through 19] are intended to be codified as an integral part of Title 2, and the provisions  
26 of Title 2 apply to [sections 2 through 19].

27  
28 **NEW SECTION. Section 21. Notification to tribal governments.** The secretary of state shall send  
29 a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell  
30 Chippewa tribe.

