

1 HOUSE BILL NO. 540

2 INTRODUCED BY S. LAVIN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE STATE EMERGENCY TELEPHONE SYSTEM LAWS
5 TO REQUIRE THAT FUNDS UNRECOVERED BY WIRELESS PROVIDERS BE DISTRIBUTED TO 9-1-1
6 JURISDICTIONS; AMENDING SECTION 10-4-313, MCA; AND PROVIDING AN EFFECTIVE DATE."

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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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10 **Section 1.** Section 10-4-313, MCA, is amended to read:

11 **"10-4-313. Distribution of wireless enhanced 9-1-1 account by department.** (1) The department shall
12 make quarterly distribution of the portion of the wireless enhanced 9-1-1 account for allowable costs described
13 in 10-4-301(1)(c)(ii) incurred by each wireless provider in each 9-1-1 jurisdiction as follows:

14 (a) For each fiscal year through the fiscal year ending June 30, 2015:

15 (i) 84% of the balance of the account must be allocated to the wireless providers providing wireless
16 enhanced 9-1-1 in each county on a per capita basis. The wireless provider in each county must be allocated a
17 minimum of 1% of the balance of the counties' share of the account.

18 (ii) the balance of the account must be allocated evenly to the wireless providers providing wireless
19 enhanced 9-1-1 in counties with 1% or less of the total population of the state; and

20 (iii) prior to distribution, the amounts allocated under subsections (1)(a)(i) and (1)(a)(ii) must be adjusted
21 to ensure that a wireless provider does not receive less than the amount allocated to wireless providers providing
22 wireless enhanced 9-1-1 in counties with 1% or less of the total population of the state.

23 (b) For fiscal years beginning after June 30, 2015, 100% of the balance of the account must be allocated
24 to the wireless providers providing wireless enhanced 9-1-1 in each county on a per capita basis. Each county
25 must be allocated a minimum of 1% of the balance of the counties' share of the account.

26 (c) If the department is unable to fully reimburse a wireless provider under subsection (1)(a) in any
27 quarter, the department shall in the subsequent quarter pay from the allocation under subsection (1)(a) to wireless
28 providers any unpaid balances from the previous quarter. If the amount available is insufficient to pay all previous
29 unpaid balances, the department shall repeat the process of paying unpaid balances that remain unpaid for as
30 many quarters as necessary until all unpaid balances are fully paid. The department shall review all invoices for

1 appropriateness of costs claimed by the wireless provider. If the wireless provider contests the review, payment
2 may not be made until the amount owed to the wireless provider is determined.

3 (d) A wireless provider shall submit an invoice for cost recovery according to the allowable costs.

4 (e) The department shall determine the percentage of overall subscribers, based on billing addresses,
5 within the 9-1-1 jurisdiction for each wireless provider seeking cost recovery by dividing the wireless provider's
6 subscribers by the total number of subscribers in that 9-1-1 jurisdiction. The percentage must be applied to the
7 total wireless provider funds for that 9-1-1 jurisdiction, and each wireless provider shall receive distribution based
8 on the provider's percentage. To receive cost recovery, wireless providers shall submit subscriber counts to the
9 department on a quarterly basis. The subscriber count must be provided for each 9-1-1 jurisdiction in which the
10 wireless provider receives cost recovery within 30 calendar days following the end of each quarter. The
11 department shall recalculate distribution percentages on a quarterly basis.

12 (f) If the department determines that a wireless provider has submitted costs that exceed allowable costs
13 or are not submitted in the manner prescribed in 10-4-115, the department may, after giving notice to the wireless
14 provider, suspend or withhold payment from the wireless enhanced 9-1-1 account.

15 (g) If in any quarter a remaining balance exists after the department has reimbursed each wireless
16 provider in accordance with subsection (1)(e), the department shall in the subsequent quarter transfer the
17 remaining balance to the account provided for in 10-4-301(1)(c)(i) for distribution in accordance with subsection
18 (2).

19 (2) The department shall make quarterly distribution of the portion of the wireless enhanced 9-1-1
20 account described in 10-4-301(1)(c)(i) to each 9-1-1 jurisdiction as follows:

21 (a) for each fiscal year through the fiscal year ending June 30, 2015:

22 (i) 84% of the balance of the account must be allocated to cities and counties on a per capita basis.

23 However, each county must be allocated a minimum of 1% of the balance of the counties' share of the account.

24 (ii) the balance of the account must be allocated evenly to the counties with 1% or less than 1% of the
25 total population of the state; and

26 (iii) prior to distribution, the amounts allocated under subsections (2)(a)(i) and (2)(a)(ii) must be adjusted
27 to ensure that a county does not receive less than the amount allocated to counties with 1% or less of the total
28 population of the state; and

29 (b) for fiscal years beginning after June 30, 2015, 100% of the balance of the account must be allocated
30 to cities and counties on a per capita basis. However, each county must be allocated a minimum of 1% of the

1 balance of the counties' share of the account."

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3 NEW SECTION. **Section 2. Effective date.** [This act] is effective July 1, 2013.

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