



A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF NEXT-GENERATION 9-1-1 IN MONTANA.

WHEREAS, deployment of next-generation 9-1-1 communications systems will enhance emergency response and public safety in Montana and will establish the foundation for public safety services in an increasingly mobile society; and

WHEREAS, the demands and challenges associated with evolving next generation 9-1-1 networks and technologies will require statewide innovation and coordination.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

(1) assess the state and federal regulatory and statutory environment affecting next-generation 9-1-1; and

(2) study and make recommendations for the implementation, management, and operation and ongoing development of next-generation 9-1-1 emergency communications services.

BE IT FURTHER RESOLVED, that the development of a plan for advancing next-generation 9-1-1 in Montana must involve the participation of local, state, federal, and tribal stakeholders, including but not limited to a representative of the land information advisory council established in 90-1-405, a representative from the department of administration's public safety communications bureau, representatives of public safety emergency first responder groups, county government, law enforcement, disaster and emergency services, telecommunications service providers of emergency communications services serving urban and rural areas, and other stakeholders with an interest in next-generation 9-1-1.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2016.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 65th Legislature.

- END -

HJ 7 Next Generation 911 Implementation Plan
Draft report from the NG 911 Working Group
February 18, 2016

I. HJ 7

(1) assess the state and federal regulatory and statutory environment affecting next-generation 9-1-1;

- Federal statutory and regulatory environment is permissive. No mandates. Yet.
 - NG 911 implementation policies take the form of recommendations and industry standards (e.g., NENA, NARUC, APCO)
 - See 47 CFR 20.18 regarding provider and PSAP location accuracy obligations
- State Statutory environment (MCA 10-4-101, ff)
 - An arcane, complicated statute that needs updating, especially to accommodate NG 911. (see section below on Legislation)
- State Regulatory environment
 - PSSB
 - 911 Council

(2) study and make recommendations for the implementation, management, and operation and ongoing development of next-generation 9-1-1 emergency communications services.

II. Working Group

- members representing a broad spectrum of interested parties
- monthly meetings since October
- consensus-based discussions

III. Definition

- An IP-based system comprised of managed IP-based networks (ESInets), functional elements (applications) and databases...designed to provide access to emergency services from all connected communications sources... (USDOT/NHSTA)

IV. Entry Points

- *Intrado chart:*
 - ESInets,
 - IP-PSAPs,
 - GIS, Enhanced data

V. Technology

- *Vision Net PSAP map (attached)*
- Today's landscape (Where we are today)
 - IP network backbone for 80% of PSAPs (calls) for more than 10 years.
 - One of first in the nation, putting MT ahead of most states

- TDM system for 20%
- 53 PSAPs
 - 15 “legacy” PSAPs on CenturyLink network; 60% of population
 - 41 on Vision Net, IP capable (80% of PSAPs can receive IP)
- 4 Selective Routers, none of which is IP ready
- **Recommendations**
 - Establish a statewide ESInet (statewide IP network backbone)
 - Upgrade/replace existing selective routers with IP routers
 - Upgrade all non-IP-capable PSAPs to IP capability
 - **Costs. Somewhere in the \$5 million neighborhood**

VI. Applications (GIS)

- **Recommendations**
 - Assess the status of GIS adoption/operation Counties
 - **Cost: \$80,000?**
 - The results of assessment will inform policymakers on how to proceed with standardization

VII. Operations

- Protocols, practices & procedures
- This is a wide-ranging discussion that’s taking place on the national level. Too early for state recommendations.

VIII. Funding

- Fee/assessment in an IP environment
 - How do we assess Skype, FaceBook, SnapChat, etc.?
 - Too soon to determine. National discussion
- No more than \$1.00
 - No interest politically in increasing the 911 fee (although there are many ideas regarding how to allocate the money raised)
 - Not enough data to determine if 911 fee is too little, or too much

IX. Migration Plan

- Coordination with other NG 911 platforms, jurisdictions
- National standards (still waiting)
- Measurement and testing
- Legal issues?
 - Privacy
 - Security
 - Liability
 - Cmr. Briggs particularly sensitive to PSAP/county liability if, for example, consumers expect a video 911 “call” to be received and processed when the PSAP county is not yet equipped.

- Need to define expectations, definition of “NG 911” so that counties can meet “baseline” requirements (e.g., text to 911, which most people do not consider “NG,” or some higher, but baseline standard).
- Counties/PSAPs may exceed baseline standard
- No quick resolution to question of how to manage consumer expectations, or how to maintain different capabilities among states, counties, PSAPs
- Wireless call data?
- **Recommendations**
 - Follow the Intrado “Entry Points,” starting with ESInet, IP PSAP upgrades, selective router replacement
 - Pilot project(s)?
 - Leverage Existing Infrastructure/investment
 - Cost efficiency, shared networks
 - Convergence of commercial, 911, public safety, FirstNet objectives and infrastructure
 - Can’t fund multiple, separate networks
 - Use Stranded Fund for initial infrastructure/capital upgrades, to enable compliance with baseline NG 911 deployment
 - e.g., fund ESInet, PSAP and router upgrades, subject to RFP, other sideboards (e.g. prohibition against using stranded funds to build networks)
 - Cannot us for non-911 purposes

X. Legislation

- Current statute is arcane, complicated
- **Recommendations (See 911 Advisory Council recommendations/concepts)**
 - Update statute to authorize Next Gen implementation
 - Establish baseline NG 911 standards
 - delegate implementation to local govt (Counties, PSAPs) to meet baseline expectations, with authority to exceed baseline on case-by-case option
 - Rulemaking: NG 911 principles (not standards)
 - Authorize sate (DoA, PSSB) to promulgate rules, subject to MAPA proceeding
 - Governance
 - Jurisdiction
 - State fund
 - Local authority
 - Distribution
 - 75/25?
 - Discussion (no consensus) on PSAP expectation that 75% of 911 funds raised should flow to PSAPs, and any additional funding necessary should be swept

- from the “wireless account” which comprises the other 25% of funds
- Need for predictability by both PSAPs and providers
 - Should total fund be managed like a grant process, whereby eligible recipients request funding on pre-approval basis, rather than automatic funding?
 - Should certain expenses (structures, personnel) be prohibited as eligible expenses?
- Need for prioritization of funding
 - Allowable costs/Capex
 - “surplus” funds
 - Consider a “minimum distribution” or Reserve fund that is created “off the top.”
 - E.g., 10% of Fund is set aside to fund administration (~3%) and remaining for CAPEX on on-going basis
 - PSAPs, however, reluctant to “fund” the “reserve” if it means reducing the 75% of funds which they receive currently
 - Discussion—no resolution—on administrative fee.
 - Current law allows for 2.74% of fund for DoA administrative expenses, but appropriations process (budget authority) can result in less
- Consolidation is elephant in the room, but should be optional, local decision.
 - General feeling that smaller PSAPs/Counties will recognize the financial necessity of consolidating facilities as compliance with NG 911 becomes more complex, and expensive.
- See recommendations of 911 Council

References

- NENA
- US DOT
- APCO
- NARUC
- Intrado
- GeoComm

Attachments/Appendices

- HJ 7
- Working Group Members
- Intrado Entry Points slide
- Vision Net PSAP map
- St. Library GIS demarcation/jurisdiction flow chart

Glossary (See NENA Master Glossary. 7/29/14)

- ESInet. Emergency Services IP Network. IP transport infrastructure upon which independent application platforms and core functional processes can be deployed.
- IP. Internet Protocol. The method by which data are sent on the Internet.
- PSAP. Public Service Answering Point (911 call center)
- TDM. Time Division Multiplexing. A digital transmission methodology.
- GIS. Geographic Information System. Allows for special reference.

9-1-1 Advisory Council Proposed Legislative Concepts

February 24, 2016

The 9-1-1 Advisory Council has been tasked by the Montana Legislature's, Energy and Telecommunications Interim Committee (ETIC) to provide the Committee with proposed legislative concepts to update the state 9-1-1 program to ensure the program supports current legacy 9-1-1 systems and services and the future deployment of Next Generation 9-1-1 (NG 9-1-1) systems and services. The following Council recommendations are organized by the following sections: Jurisdiction, Governance, Technology and Funding.

JURISDICTION

The "Jurisdiction" section includes recommendations regarding the division of authorities and responsibilities between state and local governments.

Continue to support local decision making and operations of primary PSAPs at the local level.

- Clarify in statute that any local government and 9-1-1 district can host a primary PSAP and provide 9-1-1 services including basic, enhanced and next generation 9-1-1 services;
- Clarify in statute and in administrative rule the definition of a primary PSAP;
- Clarify in statute that local governments and 9-1-1 districts that host a primary PSAP and which meet operational and technical standards that are established by the Department, are eligible recipients of state 9-1-1 program funding; and
- Clarify in statute that local governments may create 9-1-1 districts through an interlocal agreement. 9-1-1 districts are a legal entity that can host a primary PSAP and become an eligible recipient of state 9-1-1 program funding on behalf of local governments.

Continue state role of collecting the 9-1-1 fee from telecommunications providers and allocating and distributing the fees to eligible recipients (local governments, 9-1-1 districts and telecommunication providers).

- Clarify the Department of Administration's duties and powers to include:
 - reviewing and approving telecommunication provider eligibility and cost recovery requests;
 - reviewing and approving local government requests for eligibility to receive program funds;
 - distribution of program funds to telecommunication providers for approved cost recovery;
 - allocation and distribution of program funds to local governments and 9-1-1 districts; and
 - monitoring the expenditure of program funds for allowable uses by local governments and 9-1-1 districts;

Appendix B

- ***develop a statewide 9-1-1 system plan that describes the priorities for 9-1-1 service development and delivery. Develop and or coordinate with appropriate subject matter experts to develop studies and to conduct analyses and assessments to support a statewide plan. The 9-1-1 systems plan should have as a component a proposed budget designed to accomplish the goals and objectives of the plan (dependent on additional administrative funding that has not received consensus).***
- Clarify the Department of Administration’s rulemaking authority in statute specifically for:
 - establishing eligibility requirements for telecommunications providers and allowable costs for cost recovery;
 - establishing eligibility requirements for designating primary PSAPs that are hosted by a local government or 9-1-1 district and eligibility for receiving program funds;
 - establishing allowable uses of program funding by local governments and 9-1-1 districts
 - ***specific uses of program funds by local governments and 9-1-1 districts and the level of oversight by the Department requires additional vetting and discussion to reach a consensus.***

GOVERNANCE

The “Governance” section includes recommendations for engagement of state and local stakeholders in program management.

Continue the 9-1-1 Advisory Council

- Update the Council’s membership requirements and duties in statute.
 - Use the Governor’s Executive Order for reestablishing the advisory council as a model for the membership and duties.
- Recommended duties include participating in the development, review and implementation of the 9-1-1 system plan and advising the Department of Administration in the management of the state 9-1-1 program including the adoption of administrative rules for:
 - establishing eligibility requirements for telecommunications providers and allowable costs for cost recovery;
 - establishing eligibility requirements for designating primary PSAPs that are hosted by a local government or 9-1-1 district and eligibility for receiving program funds; and
 - establishing allowable uses of program funding by local governments and 9-1-1 districts.

TECHNOLOGY

The “Technology” section includes recommendations for maintaining current technologies and supporting the deployment of future next generation technologies.

- Continue to support local decision making in maintaining legacy technologies and deploying new technologies and services by providing for the flexible and or graduated adoption of technology standards, while ensuring primary PSAPs meet minimum service levels; and
- The Department may adopt administrative rules for technology standards for primary PSAPs (i.e. eligible recipients of program funding) that are based on industry standards (ex: National Emergency Number Association (NENA)) and with guidance from the 9-1-1 Advisory Council.

FUNDING

The “Funding” section includes recommendations for the allocation, distribution and expenditure of state 9-1-1 program funding.

The “funding” recommendations require additional vetting and discussion to reach a consensus.

**** Bill No. ****

Introduced By *****

By Request of the Energy and Telecommunications Interim Committee

A Bill for an Act entitled: "An Act revising the allocation of 9-1-1 fees; requiring that fees collected for wireless enhanced 9-1-1 services be reallocated under certain circumstances; establishing a reallocation process; establishing a next generation 9-1-1 infrastructure account; creating a next generation 9-1-1 infrastructure grant program; providing criteria to the department of administration for awarding next generation 9-1-1 infrastructure grants; granting the department rulemaking authority; establishing a GIS mapping account; requiring the state library to award a contract for a GIS assessment; establishing a statewide 9-1-1 planning account; requiring the department to award a contract to develop a statewide 9-1-1 plan; amending sections 10-4-301, and 10-4-313, MCA; providing an immediate effective date; and providing a termination date."

Be it enacted by the Legislature of the State of Montana:

NEW SECTION. Section 1. Next generation 9-1-1 infrastructure fund created -- source of funding -- use of fund.

(1) There is an account in the state special revenue fund established by 17-2-102 to be known as the next generation 9-1-1 infrastructure fund.

(2) There must be deposited in the account:

(a) money received from legislative allocations;

(b) a transfer of money in accordance with 10-4-313(4)(a)(i) for the purposes of [section 2]; and

(c) a gift, donation, grant, legacy, bequest, or devise made for the purposes of [section 2].

(3) Except as provided in subsection (4), the fund may be used only by the department to provide grants for next generation 9-1-1 infrastructure as provided in [section 2] to a local government working with a private telecommunications providers.

(5) At the end of fiscal year 2019, any unexpended balance in the fund shall revert to the account established in 10-4-301(1)(c)(ii).

NEW SECTION. Section 2. Next generation 9-1-1 infrastructure grants -- criteria -- rulemaking. (1) Money deposited in the next-generation 9-1-1 infrastructure grant account established in [section 1] may be expended by the department through grants to local governments working with private telecommunications providers for next generation 9-1-1 infrastructure.

(2) For the purposes of [section 1] and this section:

(a) "ESInet" means an emergency services IP network. It includes the IP infrastructure upon which independent application platforms and core functional processes are deployed.

(b) "IP" means internet protocol or the method by which data are sent on the internet or a communications protocol for computers connected to a network, especially the internet.

(c) "Next generation 9-1-1 infrastructure" means a statewide ESInet, upgrades and replacement of existing selective routers with IP routers, and upgrades to all non IP-capable public safety answering points as defined in 10-4-101 for IP capability.

(3) In making grant awards under this section, the department shall give preference to local governments working with private telecommunications providers that the local government determines can most effectively implement infrastructure improvements on the ground.

(4) The department shall consult with and consider recommendations by the advisory council established in 10-4-102(2) for awards made under this section.

(5) The department may adopt rules to administer the provisions of [section 1] and this section. The rules must ensure that all local governments are treated equitably and must include, but are not limited to, provisions regarding:

- (a) applications;
- (b) timelines;
- (c) eligibility, including proof of eligibility;
- (d) the procedure for establishing the priority of grant awards;
- (e) the appeal process for grant applications that are denied; and
- (f) disbursement of grant money to providers.

(7) Before September 1, 2018, the department shall update the energy and telecommunications interim committee provided for in 5-5-230 on efforts to distribute grants in accordance with

[section 1] and this section.

(8) Before September 1, 2019, the department shall produce a report summarizing the grants provided, how the grant money was spent, and the program data and information reported by grant recipients. The department shall provide the report to the energy and telecommunications interim committee provided for in 5-5-230.

NEW SECTION. Section 3. 9-1-1 GIS mapping fund created -- source of funding -- use of fund. (1) There is an account in the state special revenue fund established by 17-2-102 to be known as the 9-1-1 GIS mapping fund.

(2) There must be deposited in the account:

(a) money received from legislative allocations;

(b) a transfer of money by the department in accordance with 10-4-313(4)(a)(ii) for use in accordance with subsection (3); and

(c) a gift, donation, grant, legacy, bequest, or devise made for the purposes of subsection (3).

(3) The fund may be used only by the state library provided for in 22-1-102 in carrying out its land information and management duties to award a contract in accordance with 18-1-102 to assess the status of GIS adoption and operations in Montana as it pertains to next generation 9-1-1.

(4) Before September 1, 2018, the state library shall produce a report summarizing the status of GIS adoption and operations in Montana as it pertains to next generation 9-1-1, including policy and funding recommendations necessary to use GIS

to advance next generation 9-1-1. The state library shall provide the report to the energy and telecommunications interim committee provided for in 5-5-230.

(5) At the end of fiscal year 2019, any unexpended balance in the fund shall revert to the account established in 10-4-301(1)(c)(ii).

NEW SECTION. **Section 4. Statewide 9-1-1 planning fund created -- source of funding -- use of fund.** (1) There is an account in the state special revenue fund established by 17-2-102 to be known as the statewide 9-1-1 planning fund.

(2) There must be deposited in the account:

(a) money received from legislative allocations;

(b) a transfer of money in accordance with 10-4-313(4)(a)(iii) for use in accordance with subsections (3) through (5); and

(c) a gift, donation, grant, legacy, bequest, or devise made for the purposes of subsections (3) through (5).

(3) The fund may be used only by the department to award a contract in accordance with 18-1-102 and after consulting with the 9-1-1 advisory council established pursuant to 10-4-102(2) to develop a statewide 9-1-1 plan.

(4) A statewide 9-1-1 plan must include proposed:

(a) priorities for 9-1-1 systems in Montana and plans for next generation 9-1-1 technology;

(b) potential formulas and methods to distribute 9-1-1 money;

(c) uniform standards relating to technology, next generation 9-1-1 technology, and administration and operation of 9-1-1 systems in Montana;

(d) steps to promote collaboration among local governments and greater incentives for cooperation among local governments and public safety answering points to improve efficiency by developing interconnectivity of 9-1-1 systems through partnerships for enhancement, operation, and maintenance of the network;

(e) eligible uses for money received by local governments in accordance with this chapter;

(f) audits or other steps necessary to ensure program compliance from entities receiving disbursements in accordance with this chapter; and

(g) additional changes needed to this chapter to migrate legacy 9-1-1 systems and to accommodate evolving, future 9-1-1 technologies.

(5) Before September 1, 2018, the 9-1-1 advisory council shall review the proposals and make its recommendations to the department on implementing the recommendations.

(6) At the end of fiscal year 2019, any unexpended balance in the fund shall revert to the account established in 10-4-301(1)(c)(ii).

Section 5. Section 10-4-301, MCA, is amended to read:

"10-4-301. Establishment of emergency telecommunications accounts. (1) There are established in the state special revenue

fund in the state treasury:

(a) an account for all fees collected for basic 9-1-1 services pursuant to 10-4-201(1) (a);

(b) an account for all fees collected for enhanced 9-1-1 services pursuant to 10-4-201(1) (b); and

(c) an account for all fees collected for wireless enhanced 9-1-1 services pursuant to 10-4-201(1) (c). The money is allocated as follows:

(i) 50% of the account must be deposited in an account for distribution to the 9-1-1 jurisdictions; and

(ii) 50% of the account must be deposited in an account for distribution to wireless providers or must be deposited in accordance with 10-4-313(4).

(2) All money received by the department of revenue pursuant to 10-4-201 must be paid to the state treasurer for deposit in the appropriate account. An amount equal to 2.74% of the money received pursuant to 10-4-201 must be deposited in an account in the state special revenue fund to be used for the administration of this chapter. Any remaining funds at the end of a fiscal year must be equally distributed to each of the four accounts provided for in subsection (1).

(3) The accounts established in subsection (1) retain interest earned from the investment of money in the accounts.

(4) After payment of refunds pursuant to 10-4-205, the balance of the respective accounts must be used for the purposes described in part 1 of this chapter.

(5) The distribution of funds in the 9-1-1 emergency

telecommunications accounts described in subsection (1), as required by 10-4-302, 10-4-311, and 10-4-313, is statutorily appropriated, as provided in 17-7-502, to the department.

(6) Expenditures for actual and necessary expenses required for the efficient administration of the plan must be made from appropriations made for that purpose."

{ Internal References to 10-4-301:

10-4-101	10-4-101	10-4-101	10-4-313
10-4-313	10-4-313	10-4-313	17-7-502 }

Section 6. Section 10-4-313, MCA, is amended to read:

"10-4-313. Distribution of wireless enhanced 9-1-1 account by department. (1) Except as provided in ~~subsection (2)~~ subsections (2) and (4), the department shall make quarterly distribution of the portion of the wireless enhanced 9-1-1 account for allowable costs described in 10-4-301(1)(c)(ii) incurred by each wireless provider in each 9-1-1 jurisdiction as follows:

(a) For each fiscal year through the fiscal year ending June 30, 2019:

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

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

and

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

(b) For fiscal years beginning after June 30, 2019, 100% of the balance of the account must be allocated to the wireless providers providing wireless enhanced 9-1-1 in each county on a per capita basis. Each county must be allocated a minimum of 1% of the balance of the counties' share of the account.

(c) If the department is unable to fully reimburse a wireless provider under subsection (1)(a) in any quarter, the department shall in the subsequent quarter pay from the allocation under subsection (1)(a) to wireless providers any unpaid balances from the previous quarter. If the amount available is insufficient to pay all previous unpaid balances, the department shall repeat the process of paying unpaid balances that remain unpaid for as many quarters as necessary until all unpaid balances are fully paid. The department shall review all invoices for appropriateness of costs claimed by the wireless provider. If the wireless provider contests the review, payment may not be made until the amount owed to the wireless provider is determined.

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

(e) The department shall determine the percentage of

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

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

(2) (a) Except as provided in subsection (3) and after the distribution for the final quarter of each fiscal year is made pursuant to subsection (1), the department, within 45 days of the end of the final quarter of each fiscal year, shall:

(i) determine an amount equal to 50% of the total balance included in the account under 10-4-301(1)(c)(ii); and

(ii) except as provided in subsection (2)(b), distribute the amount determined in accordance with subsection (2)(a)(i) to wireless providers to reimburse the unpaid balances carried over

by wireless providers pursuant to subsection (1)(c).

(b) If the amount determined pursuant to subsection (2)(a)(i) is insufficient to reimburse all wireless providers in full in accordance with subsection (2)(a)(ii), the department shall proportionately, based on outstanding balances, distribute the money to each wireless provider that has an unpaid balance carried over pursuant to subsection (1)(c).

(3) Funds may not be reallocated in accordance with subsection (2) if the county contains less than 1% of the state population.

(4)(a) After the distributions for the final quarter of the 2017 fiscal year are made pursuant to subsections (1) and (2), the department shall transfer:

(i) \$5 million into the next generation 9-1-1 infrastructure account established in accordance with [section 1];

(ii) \$80,000 into the GIS-mapping account established in accordance with [section 3]; and

(iii) \$350,000 into the statewide 9-1-1 planning account established in accordance with [section 4].

(b) The allocations in subsection (4)(a) may only be used in accordance with [section 1 through 4].

~~(4)(5)~~ Any Except as provided in subsection (4) of this section, reallocated funds not distributed in accordance with subsection (2) must be returned to the account established under 10-4-301(1)(c).

~~(5)(6)~~ The department shall make quarterly distribution of the portion of the wireless enhanced 9-1-1 account described in

10-4-301(1)(c)(i) to each 9-1-1 jurisdiction as follows:

(a) for each fiscal year through the fiscal year ending June 30, 2019:

(i) 84% of the balance of the account must be allocated to cities and counties on a per capita basis. However, each county must be allocated a minimum of 1% of the balance of the counties' share of the account.

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

(iii) prior to distribution, the amounts allocated under subsections ~~(5)(a)(i) and (5)(a)(ii)~~ (6)(a)(i) and (6)(a)(ii) must be adjusted to ensure that a county does not receive less than the amount allocated to counties with 1% or less of the total population of the state; and

(b) for fiscal years beginning after June 30, 2019, 100% of the balance of the account must be allocated to cities and counties on a per capita basis. However, each county must be allocated a minimum of 1% of the balance of the counties' share of the account."

{ *Internal References to 10-4-313:*
10-4-301x }

NEW SECTION. Section 7. {standard} Codification

instruction. [Sections 1 through 4] are intended to be codified as an integral part of Title 10, chapter 4, part 3, and the provisions of Title 10, chapter 4, part 3, apply to [sections 1

through 4].

NEW SECTION. **Section 8. {standard} Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

NEW SECTION. **Section 9. {standard} Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. **Section 10. {standard} Effective date.** [This act] is effective on passage and approval.

NEW SECTION. **Section 11. {standard} Termination.** [This act] terminates October 1, 2019.

- END -

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Appendix C

**** Bill No. ****

Introduced By *****

By Request of the Energy and Telecommunications Interim Committee

A Bill for an Act entitled: "An Act generally revising 9-1-1 laws; establishing a 9-1-1 advisory council; establishing 9-1-1 advisory council and department of administration duties for 9-1-1 programs and systems; granting the department rulemaking authority; clarifying local government and 9-1-1 district roles and funding eligibility; providing definitions; updating terms to include next generation 9-1-1; amending sections 10-4-101, 10-4-103, 10-4-115, 10-4-302, 10-4-311, 10-4-312, and 10-4-313, MCA; repealing sections 10-4-102, 10-4-104, 10-4-111, 10-4-112, 10-4-113, 10-4-114, 10-4-121, 10-4-125, and 10-4-126, MCA; and providing an immediate effective date."

Be it enacted by the Legislature of the State of Montana:

NEW SECTION. **Section 1. 9-1-1 advisory council.** (1) There is a 9-1-1 advisory council.

(2) The council is composed of not less than 17 members appointed by the governor. The members are:

(a) the director of the department of administration provided for in 2-15-1001, or the director's designee who serves as presiding officer of the council;

(b) a representative of the department of justice, Montana highway patrol;

(c) a representative of the Montana emergency medical association;

(d) 3 representatives of Montana telecommunications providers;

(e) a representative of the Montana association of public safety communications officials;

(f) 2 public safety answering point managers: with one serving a population less than 30,000 and one serving a population greater than 30,000;

(g) a representative of the department of military affairs, disaster and emergency services;

(h) a representative of the Montana association of chiefs of police;

(i) a representative of the Montana sheriffs and peace officers association;

(j) a representative of the Montana fire chiefs association;

(k) a representative of the Montana state volunteer firefighters association;

(l) a representative of the Montana association of counties;

(m) a representative of the Montana league of cities and towns; and

(n) the state librarian or the state librarian's designee.

(3) The council is attached to the department for administrative purposes only, as provided in 2-15-121.

(4) The council shall, within its authorized budget, hold quarterly meetings.

(5) Council members shall serve without additional salary

but are entitled to reimbursement for travel expenses incurred while engaged in council activities as provided for in 2-18-501 through 2-18-503.

NEW SECTION. **Section 2. 9-1-1 advisory council duties -- consultation by department.** The council shall:

(1) advise the department in its duty to allocate and distribute 9-1-1 fees;

(2) provide recommendations to the department in determining allowable costs for wireless providers cost recovery and allowable costs for local governments that host public safety answering points;

(3) advise the department on significant matters concerning 9-1-1 systems development and 9-1-1 services in the state of Montana, including rulemaking.

NEW SECTION. **Section 3. Department of administration duties and powers -- 9-1-1 planning.** (1) There is a 9-1-1 program administered by the department.

(2) The department shall:

(a) allocate and distribute 9-1-1 fees;

(b) monitor the expenditure of program funds for 9-1-1 purposes;

(d) establish a statewide 9-1-1 plan. The plan should include 9-1-1 system standards and support efforts to migrate legacy technologies to next generation 9-1-1 technologies when appropriate, and provide for the implementation of future 9-1-1

technologies. Any standards adopted by the department for legacy 9-1-1 technologies or principles adopted for baseline next generation 9-1-1 technologies must be:

(i) flexible and graduated, while ensuring minimum service levels; and

(ii) based on industry standards;

(e) staff and fund the administrative costs of the 9-1-1 advisory council provided for in [section 1]; and

(f) accept federal funds granted by congress or by executive order and gifts, grants, and donations for the purposes of administering this chapter.

(3) The department, in fulfilling its duties pursuant to subsection (2), may request necessary information from local governments that host public safety answering points. If a local government does not comply with the request, the department may withhold funding distributions as provided for in 10-4-302(4).

NEW SECTION. Section 4. Rulemaking authority. (1) The department shall adopt rules to implement the provisions of this chapter. The rules shall include, but are not limited to:

(a) allocation and distribution procedures for 9-1-1 funding, including reimbursement for allowable costs to wireless providers;

(b) post-disbursement activities by the department to monitor the use of 9-1-1 funding including:

(i) reporting requirements; and

(ii) procedures for repayment of funds expended on

activities determined not to meet eligibility requirements.

(2) Before January 1, 2019, the department shall adopt rules including, but not limited to:

(a) technology standards, based on industry standards to ensure public safety answering points meet minimum 9-1-1 services levels; and

(b) baseline next generation 9-1-1 principles to facilitate the appropriate deployment of baseline next generation 9-1-1.

(3) The department shall adopt rules in accordance with the Montana Administrative Procedure Act provided for in Title 2, chapter 4, to implement the provisions of this section.

NEW SECTION. Section 5. Local government entities and funding-- department delegation. (1) After the department determines baseline next generation 9-1-1 principles in accordance with rules adopted pursuant to [section 4], the department shall delegate implementation to local government entities that host public safety answering points.

(2) Nothing in this chapter, prevents a local government entity that hosts a public safety answering point from exceeding legacy technology standards or baseline next generation 9-1-1 principles.

Section 6. Section 10-4-101, MCA, is amended to read:

"10-4-101. Definitions. As used in this chapter, unless the context requires otherwise, the following definitions apply:

(1) "Allowable costs" means the actual costs associated

with upgrading, purchasing, programming, installing, testing, operating, and maintaining data, hardware, and software necessary to comply with federal communications commission orders for the delivery of 9-1-1 calls and data as set forth in 47 CFR 20.18.

(2) "Basic 9-1-1 account" means the 9-1-1 emergency telecommunications account established in 10-4-301(1)(a).

(3) "Basic 9-1-1 service" means a telephone service meeting the standards established in 10-4-103 that automatically connects a person dialing the digits 9-1-1 to an established public safety answering point.

(4) "Basic 9-1-1 system" includes equipment for connecting and outswitching 9-1-1 calls within a telephone central office, trunking facilities from the central office to a public safety answering point, and equipment, as appropriate, that is used for transferring the call to another point, when appropriate, and that is capable of providing basic 9-1-1 service.

(5) "Commercial mobile radio service" means:

(a) a mobile service that is:

(i) provided for profit with the intent of receiving compensation or monetary gain;

(ii) an interconnected service; and

(iii) available to the public or to classes of eligible users so as to be effectively available to a substantial portion of the public; or

(b) a mobile service that is the functional equivalent of a mobile service described in subsection (5)(a).

(6) "Department" means the department of administration

provided for in Title 2, chapter 15, part 10.

~~(7) "Direct dispatch" means a 9-1-1 service in which a public safety answering point, upon receipt of a telephone request for emergency services, provides for a decision as to the proper action to be taken and for dispatch of appropriate emergency service units.~~

~~(8) "Emergency" means an event that requires dispatch of a public or private safety agency.~~

(7) A "9-1-1 district" means a special district, provided for in 7-11-1002, that is created by a combination of local governments acting together according to an interlocal agreement to plan, deploy, operate, and maintain emergency communications.

(8) "Emergency communications" means the transmission of voice, video, or electronic data involving the safety of human life and protection of property from one device to another.

(9) "Emergency services" means services provided by a public or private safety agency, including law enforcement, firefighting, ambulance or medical services, and civil defense services.

(10) "Enhanced 9-1-1 account" means the 9-1-1 emergency telecommunications account established in 10-4-301(1)(b).

(11) "Enhanced 9-1-1 service" means telephone service that meets the requirements for basic 9-1-1 service and that consists of selective routing with the capability of automatic number identification and automatic location identification at a public safety answering point enabling users of the public telecommunications system to request emergency services by

dialing the digits 9-1-1.

(12) "Enhanced 9-1-1 system" includes customer premises equipment that is directly related to the operation of an enhanced 9-1-1 system, including but not limited to automatic number identification or automatic location identification controllers and display units, printers, and software associated with call detail recording, and that is capable of providing enhanced 9-1-1 service.

(13) "Exchange access services" means:

(a) telephone exchange access lines or channels that provide local access from the premises of a subscriber in this state to the local telecommunications network to effect the transfer of information; and

(b) unless a separate tariff rate is charged for the exchange access lines or channels, any facility or service provided in connection with the services described in subsection (13) (a).

~~(14) A "9-1-1 jurisdiction" means a group of public or private safety agencies who operate within or are affected by one or more common central office boundaries and who have agreed in writing to jointly plan a 9-1-1 emergency telephone system.~~

~~(14) "Local government" has the meaning as defined in 7-11-1002.~~

~~(15) "Next generation 9-1-1" means a system comprised of hardware, software, data, and operational policies and procedures that provides standardized interfaces from call and message services, processes all types of emergency calls, including~~

non-voice or multi-media messages, acquires and integrates additional data useful to emergency communications, delivers the emergency communications, messages, or both, and data to the appropriate public safety answering point and other appropriate emergency entities, supports data and communications needs for coordinated incident response and management, and provides a secure environment for emergency communications.

~~(15)~~(16) "Per capita basis" means a calculation made to allocate a monetary amount for each person residing within the jurisdictional boundary of a local government or 9-1-1 district according to the most recent decennial census ~~or population estimate~~ compiled by the United States bureau of the census.

~~(16)~~(17) "Phase I wireless enhanced 9-1-1" means a 9-1-1 system that automatically delivers number information to the public safety answering point for wireless calls.

~~(17)~~(18) "Phase II wireless enhanced 9-1-1" means a 9-1-1 system that automatically delivers number information and location information to the public safety answering point for wireless calls.

~~(18)~~(19) "Place of primary use" means the primary business or residential street address location at which an end-use customer's use of the commercial mobile radio service primarily occurs.

~~(19)~~(20) "Private safety agency" means any entity, except a public safety agency, providing emergency fire, ambulance, or medical services.

~~(20)~~(21) "Provider" means a public utility, a cooperative

telephone company, or any other entity that provides ~~telephone exchange~~ telecommunications access services.

~~(21)~~(22) "Public safety agency" means ~~the state and any city, county, city-county consolidated government, municipal corporation, chartered organization, public district, or public authority located in whole or in part within this state that provides or has authority to provide emergency services~~ a functional division of a local government or the state that dispatches or provides law enforcement, firefighting, emergency medical services, or other emergency services.

~~(22)~~(23) "Public safety answering point" means a communications facility operated on a 24-hour basis that first receives ~~9-1-1 calls~~ emergency communications from persons ~~in a 9-1-1 service area~~ requesting emergency services and that may, as appropriate, directly dispatch ~~public or private safety~~ emergency services or transfer or relay ~~9-1-1 calls~~ the emergency communications to appropriate public safety agencies.

~~(23)~~(24) "Relay" means a ~~9-1-1 service in which a public safety answering point,~~ that upon receipt of a ~~telephone~~ request for emergency services, notes the pertinent information ~~from the caller~~ and relays the information to the appropriate public safety agency, other agencies, or other providers of emergency services ~~for~~ to dispatch of an emergency unit.

~~(24)~~(25) "Subscriber" means an end user who receives telephone exchange access services or who contracts with a wireless provider for commercial mobile radio services.

~~(25)~~(26) "9-1-1 systems" means any telecommunications

facilities, circuits, equipment, device, software, and associated contracted services for the transmission of emergency communications. 9-1-1 systems include the transmission of emergency communications from persons requesting emergency services to a primary public safety answering point and communications systems for the direct dispatch, relay, transfer of emergency communications and the transmission of emergency communications to and from a public safety answering point to and from emergency service units.

~~(25)~~(27) "Transfer" means a ~~9-1-1~~ service in which a public safety answering point, upon receipt of a telephone request for emergency services, directly transfers the request to an appropriate public safety agency or other ~~provider~~ of emergency services provider.

~~(26)~~(28) "Wireless enhanced 9-1-1" means either phase I wireless enhanced 9-1-1 or phase II wireless enhanced 9-1-1.

~~(27)~~(29) "Wireless enhanced 9-1-1 account" means the wireless enhanced 9-1-1 account established in 10-4-301.

~~(28)~~(30) "Wireless provider" means an entity, as defined in 35-1-113, that is authorized by the federal communications commission to provide facilities-based commercial mobile radio service within this state."

{ *Internal References to 10-4-101:*

2-17-506x 2-17-506x 7-31-201x 7-31-203x
53-19-306x }

Section 7. Section 10-4-103, MCA, is amended to read:

"10-4-103. Emergency telephone system requirements. (1)

Every public and private safety agency in this state may establish or participate in a basic or enhanced 9-1-1 system.

(2) A basic 9-1-1 system must include:

(a) a 24-hour communications facility automatically accessible anywhere in the 9-1-1 ~~jurisdiction's~~ district's service area by dialing 9-1-1;

(b) direct dispatch of public and private safety services in the 9-1-1 ~~jurisdiction~~ district or relay or transfer of 9-1-1 ~~calls~~ communications to an appropriate public or private safety agency; and

(c) a 24-hour communications facility equipped with at least two trunk-hunting local access circuits provided by the local telephone company's central office.

(3) An enhanced 9-1-1 system must include, in addition to the requirements for a basic 9-1-1 system:

(a) automatic number identification that automatically identifies and displays the calling telephone number at the public safety answering point; and

(b) automatic location identification that automatically identifies and displays the ~~address~~ location of the calling telephone at the public safety answering point.

(4) The primary emergency telephone number within the state is 9-1-1, but a public safety answering point shall maintain both a separate seven-digit secondary emergency number for use by the telephone company operator and a separate seven-digit nonemergency number."

{*Internal References to 10-4-103:*

10-4-101a	10-4-104r	10-4-111r	10-4-111r
10-4-112r	10-4-112r	10-4-112r	10-4-121r
10-4-126r	}		

Section 8. Section 10-4-115, MCA, is amended to read:

"10-4-115. Submission of phase I and phase II wireless notification by wireless provider. (1) A wireless provider must meet the following requirements to be eligible for wireless cost recovery:

(a) Within 30 days of receipt of a formal phase I and phase II request from a public safety answering point, the wireless provider shall submit to the department a notification stating the anticipated date of deployment and the number of subscribers, based on billing addresses, for the 9-1-1 ~~jurisdiction~~ district.

(b) The department shall first determine that the wireless provider is providing phase I and phase II functionality to the public safety answering point. The wireless provider is responsible for notifying the department of the date of deployment and proof of acceptance tests.

(2) A 9-1-1 ~~jurisdiction~~ district must be ready to provide phase I and phase II wireless service and have submitted a phase I and phase II wireless request to the wireless providers providing service in the ~~jurisdiction's~~ district's area."

{ *Internal References to 10-4-115:*
10-4-313x }

Section 9. Section 10-4-302, MCA, is amended to read:

"10-4-302. Distribution of basic 9-1-1 account by

department. (1) The department shall make quarterly distributions of the entire basic 9-1-1 account. The distributions must be made for the costs incurred during the preceding calendar quarter by each provider of telephone service in the state for:

(a) collection of the fees imposed by 10-4-201; and

(b) modification of central office switching and trunking equipment for emergency telephone service only; ~~and~~

~~(c) conversion of pay station telephones required by 10-4-121.~~

(2) Payments under subsection (1) may be made only after application by the provider to the department for costs incurred in subsection (1). The department shall review all applications relevant to subsection (1) for appropriateness of costs claimed by the provider. If the provider contests the review, payment may not be made until the amount owed the provider is made certain.

(3) After all amounts under subsections (1) and (2) have been paid, the balance of the account must be allocated to cities and counties on a per capita basis. However, each county must be allocated a minimum of 1% of the balance of the counties' share of the account. A 9-1-1 ~~jurisdiction~~ district whose 9-1-1 service area includes more than one city or county is eligible to receive operating funds from the allocation for each city or county involved. The department shall distribute to the accounting entity designated by a 9-1-1 ~~jurisdiction~~ district with an approved final plan the proportional amount for each city or county served by the 9-1-1 ~~jurisdiction~~ district. The department shall provide a report indicating the proportional share derived

from the individual city's or county's allocation with each distribution to a 9-1-1 jurisdiction district.

(4) If the department through its monitoring process determines that a 9-1-1 jurisdiction district is not adhering to an approved plan, is not using funds in the manner prescribed in 10-4-303, or has failed to provide information as provided in ~~10-4-102(3)~~ [section 3] and rules adopted by the department, the department may, after notice and hearing, suspend payment to the 9-1-1 jurisdiction district. The jurisdiction district is not eligible to receive funds until the department determines that the jurisdiction district is complying with the approved plan and fund usage limitations or has provided the requested information."

{*Internal References to 10-4-302:*
 10-4-102r 10-4-301x 10-4-303x}

Section 10. Section 10-4-311, MCA, is amended to read:

"10-4-311. Distribution of enhanced 9-1-1 account by department. (1) The department shall make quarterly distributions of the entire enhanced 9-1-1 account for costs incurred during the preceding calendar quarter by each provider of telephone service in the state for:

(a) collection of the fee imposed by 10-4-201(1)(b); and
 (b) modification of central office switching and trunking equipment necessary to provide service for an enhanced 9-1-1 system only.

(2) Payments under subsection (1) may be made only after

application by the provider to the department for costs described in subsection (1). The department shall review all applications relevant to subsection (1) for appropriateness of costs claimed by the provider. If the provider contests the review, payment may not be made until the amount owed the provider is made certain.

(3) After all amounts under subsections (1) and (2) have been paid, 100% of the balance of the account must be allocated to cities and counties on a per capita basis. However, each county must be allocated a minimum of 1% of the balance of the counties' share of the account.

(4) An enhanced 9-1-1 ~~jurisdiction~~ district whose enhanced 9-1-1 service area includes more than one city or county is eligible to receive operating funds from the allocation for each city or county involved. The department shall distribute to the accounting entity designated by an enhanced 9-1-1 ~~jurisdiction~~ district with an approved final plan for enhanced 9-1-1 service the proportional amount for each city or county served by the enhanced 9-1-1 ~~jurisdiction~~ district. The department shall, upon request, provide a report indicating the proportional share derived from the individual city's or county's allocation with each distribution to a 9-1-1 ~~jurisdiction~~ district.

(5) If the department determines that an enhanced 9-1-1 ~~jurisdiction~~ district is not adhering to an approved plan for enhanced 9-1-1 service or is not using funds in the manner prescribed in 10-4-312, the department may, after giving notice to the ~~jurisdiction~~ 9-1-1 district and providing an opportunity for a representative of the ~~jurisdiction~~ 9-1-1 district to

comment on the department's determination, suspend payment from the enhanced 9-1-1 account to the 9-1-1 jurisdiction district. The jurisdiction district is not eligible to receive funds from the enhanced 9-1-1 account until the department determines that the jurisdiction 9-1-1 district is complying with the approved plan for enhanced 9-1-1 and fund usage limitations."

{*Internal References to 10-4-311:*
 10-4-301x 10-4-312x 10-4-312x }

Section 11. Section 10-4-312, MCA, is amended to read:

"10-4-312. Limitation on use of enhanced 9-1-1 funds. (1) Money received under 10-4-311(3) or (4) may be used only to pay for installing enhanced 9-1-1 features or for operating and improving an emergency telephone system using 9-1-1 service once the plan for converting to enhanced 9-1-1 has been approved.

(2) With department approval, money received under 10-4-311(3) or (4) may be used to pay for basic 9-1-1 service. The 9-1-1 jurisdiction district shall submit a request for an exception under this subsection to the department based on a demonstrated hardship, including geographical constraints, funding limitations, or absence of technical capability or capacity.

(3) Money not necessary for immediate use may be invested by the city or county. The income from the investments may be used only for the purposes described in this section."

{*Internal References to 10-4-312:*
 10-4-311x }

Section 12. Section 10-4-313, MCA, is amended to read:

"10-4-313. Distribution of wireless enhanced 9-1-1 account by department. (1) Except as provided in subsection (2), the department shall make quarterly distribution of the portion of the wireless enhanced 9-1-1 account for allowable costs described in 10-4-301(1)(c)(ii) incurred by each wireless provider in each 9-1-1 ~~jurisdiction~~ district as follows:

(a) For each fiscal year through the fiscal year ending June 30, 2019:

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

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

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

(b) For fiscal years beginning after June 30, 2019, 100% of the balance of the account must be allocated to the wireless providers providing wireless enhanced 9-1-1 in each county on a per capita basis. Each county must be allocated a minimum of 1%

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

(c) If the department is unable to fully reimburse a wireless provider under subsection (1)(a) in any quarter, the department shall in the subsequent quarter pay from the allocation under subsection (1)(a) to wireless providers any unpaid balances from the previous quarter. If the amount available is insufficient to pay all previous unpaid balances, the department shall repeat the process of paying unpaid balances that remain unpaid for as many quarters as necessary until all unpaid balances are fully paid. The department shall review all invoices for appropriateness of costs claimed by the wireless provider. If the wireless provider contests the review, payment may not be made until the amount owed to the wireless provider is determined.

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

(e) The department shall determine the percentage of overall subscribers, based on billing addresses, within the 9-1-1 ~~jurisdiction district~~ for each wireless provider seeking cost recovery by dividing the wireless provider's subscribers by the total number of subscribers in that 9-1-1 ~~jurisdiction district~~. The percentage must be applied to the total wireless provider funds for that 9-1-1 ~~jurisdiction district~~, and each wireless provider shall receive distribution based on the provider's percentage. To receive cost recovery, wireless providers shall submit subscriber counts to the department on a quarterly basis. The subscriber count must be provided for each 9-1-1 ~~jurisdiction~~

district in which the wireless provider receives cost recovery within 30 calendar days following the end of each quarter. The department shall recalculate distribution percentages on a quarterly basis.

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

(2) (a) Except as provided in subsection (3) and after the distribution for the final quarter of each fiscal year is made pursuant to subsection (1), the department, within 45 days of the end of the final quarter of each fiscal year, shall:

(i) determine an amount equal to 50% of the total balance included in the account under 10-4-301(1)(c)(ii); and

(ii) except as provided in subsection (2)(b), distribute the amount determined in accordance with subsection (2)(a)(i) to wireless providers to reimburse the unpaid balances carried over by wireless providers pursuant to subsection (1)(c).

(b) If the amount determined pursuant to subsection (2)(a)(i) is insufficient to reimburse all wireless providers in full in accordance with subsection (2)(a)(ii), the department shall proportionately, based on outstanding balances, distribute the money to each wireless provider that has an unpaid balance carried over pursuant to subsection (1)(c).

(3) Funds may not be reallocated in accordance with subsection (2) if the county contains less than 1% of the state

population.

(4) Any reallocated funds not distributed in accordance with subsection (2) must be returned to the account established under 10-4-301(1)(c).

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

(a) for each fiscal year through the fiscal year ending June 30, 2019:

(i) 84% of the balance of the account must be allocated to cities and counties on a per capita basis. However, each county must be allocated a minimum of 1% of the balance of the counties' share of the account.

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

(iii) prior to distribution, the amounts allocated under subsections (5)(a)(i) and (5)(a)(ii) must be adjusted to ensure that a county does not receive less than the amount allocated to counties with 1% or less of the total population of the state; and

(b) for fiscal years beginning after June 30, 2019, 100% of the balance of the account must be allocated to cities and counties on a per capita basis. However, each county must be allocated a minimum of 1% of the balance of the counties' share of the account."

{*Internal References to 10-4-313:*

10-4-301x }

NEW SECTION. **Section 13. {standard} Repealer.** The following sections of the Montana Code Annotated are repealed:

10-4-102. Department of administration duties and powers.

10-4-104. Agreements among safety agencies for rendering emergency services.

10-4-111. Submission of preliminary plans for 9-1-1 jurisdictions -- review -- cost estimates.

10-4-112. Submission and approval of final plans -- exception.

10-4-113. Requirement for approval of final plan -- department to insure compliance.

10-4-114. Rulemaking authority.

10-4-121. Pay phones to be converted to allow emergency calls without charge.

10-4-125. Submission of revised plan for conversion from basic 9-1-1 to enhanced 9-1-1.

10-4-126. Dedicated 9-1-1 telephone facilities to be provided -- capabilities.

{ Internal References to 10-4-102: 10-4-111r 10-4-112r 10-4-125r
10-4-302a
Internal References to 10-4-104: None.
Internal References to 10-4-111: 10-4-126r
Internal References to 10-4-112: None.
Internal References to 10-4-113: 10-4-112r
Internal References to 10-4-114: None.
Internal References to 10-4-121: 10-4-302a
Internal References to 10-4-125: None.
Internal References to 10-4-126: None. }

NEW SECTION. **Section 14. {standard} Codification**

instruction. [Sections 1 through 5] are intended to be codified as an integral part of Title 10, chapter 4, part 1, and the provisions of Title 10, chapter 4, part 1, apply to [sections 1 through 5].

NEW SECTION. **Section 15. {standard} Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. **Section 16. {standard} Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

NEW SECTION. **Section 17. {standard} Effective date.** [This act] is effective on passage and approval.

- END -

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Appendix C

**** Bill No. ****

Introduced By *****

By Request of the Energy and Telecommunications Interim Committee

A Bill for an Act entitled: "An Act generally revising 9-1-1 funding collection and allocation laws; granting the department rulemaking authority; revising the allocation of 9-1-1 fees; establishing accounts for 9-1-1 distributions; establishing a local government 9-1-1 grant program; providing criteria and priority for the grant program; transferring funds; amending sections 10-4-101, 10-4-102, 10-4-103, 10-4-114, 10-4-201, and 17-7-502, MCA; repealing sections 10-4-104, 10-4-111, 10-4-112, 10-4-113, 10-4-114, 10-4-115, 10-4-121, 10-4-125, 10-4-126, 10-4-301, 10-4-302, 10-4-303, 10-4-311, 10-4-312, and 10-4-313, MCA; and providing effective dates."

Be it enacted by the Legislature of the State of Montana:

NEW SECTION. **Section 1. Local government entities and funding.** If the department through its monitoring process determines that a local government entity that hosts a public safety answering point is not using funds in the manner prescribed in this chapter, or has failed to provide information required by the department, the department may, after notice and hearing, suspend payment to the local government entity. The local government entity is not eligible to receive funds until the department determines that the local government is complying

with department requirements or has provided the requested information.

NEW SECTION. Section 2. Establishment of 9-1-1 accounts.

(1) There is established in the state special revenue fund in the state treasury an account for fees collected for 9-1-1 services pursuant to 10-4-201.

(2) Funds in the account are statutorily appropriated to the department, as provided in 17-7-502. Except as provided in subsection (3), beginning July 1, 2018, funds that are not used for the administration of this chapter by the department are allocated as follows:

(a) 75% of the account must be deposited in an account for distribution to local government entities that host public safety answering points in accordance with [section 3]; and

(b) 25% of the account must be deposited in an account for distribution in the form of grants to local governments in accordance with [section 4].

(3) All money received by the department of revenue pursuant to 10-4-201 must be paid to the state treasurer for deposit in the appropriate account.

(4) The accounts established in subsections (1) and (2) retain interest earned from the investment of money in the accounts.

NEW SECTION. Section 3. Distribution of 9-1-1 systems account by department. (1) For the first quarter of the 2019

fiscal year and for each quarter after that, the department shall make quarterly distributions of the account established for local government entities that host public safety answering points pursuant to [section 2(2)(a)], and each public safety answering point shall receive an allocation of the total quarterly balance of the account.

(2) The department shall allocate the total quarterly balance of the account provided for in [section 2(2)(a)] as follows:

(a) an amount equal to 1% of the total quarterly balance of the account to each local government entity that host a public safety answering point; and

(b) the remainder allocated on a per capita basis to each local government entity that hosts a public safety answering point.

NEW SECTION. Section 4. 9-1-1 grants. (1) The department shall, in consultation with the advisory council created pursuant to 10-4-102(2), award competitive grants annually using the account established for local governments pursuant to [section 2(2)(b)]. Beginning July 1, 2018, grants must be awarded to local governments in accordance with this section and rules adopted by the department in accordance with 10-4-114.

(2) Except as provided in subsection (3), grants may be awarded to local governments for:

- (a) emergency telecommunications systems plans;
- (b) project feasibility studies or project plans;

(c) the purchase of 9-1-1 systems, equipment, devices and data; and

(d) the purchase of services that support 9-1-1 systems.

(3) In awarding grants, the department shall give priority to grant requests that include participation and commitment by a private telecommunications provider for services to support 9-1-1 systems.

(4) Nothing in this section prevents a local government from:

(a) providing grant money received by the local government in accordance to this section to a private telecommunications provider for 9-1-1 purposes; or

(b) collaborating with another local government on a joint grant application.

Section 5. Section 10-4-101, MCA, is amended to read:

"10-4-101. Definitions. As used in this chapter, unless the context requires otherwise, the following definitions apply:

~~(1) "Allowable costs" means the actual costs associated with upgrading, purchasing, programming, installing, testing, operating, and maintaining data, hardware, and software necessary to comply with federal communications commission orders for the delivery of 9-1-1 calls and data as set forth in 47 CFR 20.18.~~

~~(2) "Basic 9-1-1 account" means the 9-1-1 emergency telecommunications account established in 10-4-301(1)(a).~~

~~(3) "Basic 9-1-1 service" means a telephone service meeting the standards established in 10-4-103 that automatically connects~~

~~a person dialing the digits 9-1-1 to an established public safety answering point.~~

~~(4) "Basic 9-1-1 system" includes equipment for connecting and outswitching 9-1-1 calls within a telephone central office, trunking facilities from the central office to a public safety answering point, and equipment, as appropriate, that is used for transferring the call to another point, when appropriate, and that is capable of providing basic 9-1-1 service.~~

~~(5)(1) "Commercial mobile radio service" means:~~

~~(a) a mobile service that is:~~

~~(i) provided for profit with the intent of receiving compensation or monetary gain;~~

~~(ii) an interconnected service; and~~

~~(iii) available to the public or to classes of eligible users so as to be effectively available to a substantial portion of the public; or~~

~~(b) a mobile service that is the functional equivalent of a mobile service described in subsection (5)(a) (1)(a).~~

~~(6)(2) "Department" means the department of administration provided for in Title 2, chapter 15, part 10.~~

~~(7) "Direct dispatch" means a 9-1-1 service in which a public safety answering point, upon receipt of a telephone request for emergency services, provides for a decision as to the proper action to be taken and for dispatch of appropriate emergency service units.~~

~~(8) "Emergency" means an event that requires dispatch of a public or private safety agency.~~

(3) "Emergency communications" means the transmission of voice, video, or electronic data involving the safety of human life and protection of property from one device to another.

~~(9)~~(4) "Emergency services" means services provided by a public or private safety agency, including law enforcement, firefighting, ambulance or medical services, and civil defense services.

~~(10) "Enhanced 9-1-1 account" means the 9-1-1 emergency telecommunications account established in 10-4-301(1)(b).~~

~~(11) "Enhanced 9-1-1 service" means telephone service that meets the requirements for basic 9-1-1 service and that consists of selective routing with the capability of automatic number identification and automatic location identification at a public safety answering point enabling users of the public telecommunications system to request emergency services by dialing the digits 9-1-1.~~

~~(12) "Enhanced 9-1-1 system" includes customer premises equipment that is directly related to the operation of an enhanced 9-1-1 system, including but not limited to automatic number identification or automatic location identification controllers and display units, printers, and software associated with call detail recording, and that is capable of providing enhanced 9-1-1 service.~~

~~(13)~~(5) "Exchange access services" means:

(a) telephone exchange access lines or channels that provide local access from the premises of a subscriber in this state to the local telecommunications network to effect the

transfer of information; and

(b) unless a separate tariff rate is charged for the exchange access lines or channels, any facility or service provided in connection with the services described in subsection ~~(13)(a)~~ (5)(a).

~~(14) A "9-1-1 jurisdiction" means a group of public or private safety agencies who operate within or are affected by one or more common central office boundaries and who have agreed in writing to jointly plan a 9-1-1 emergency telephone system.~~

(6) "Local government" has the meaning as defined in 7-11-1002.

~~(15)(7)~~ "Per capita basis" means a calculation made to allocate a monetary amount for each person residing within the jurisdictional boundary of a county according to the most recent decennial census or population estimate compiled by the United States bureau of the census.

~~(16) "Phase I wireless enhanced 9-1-1" means a 9-1-1 system that automatically delivers number information to the public safety answering point for wireless calls.~~

~~(17) "Phase II wireless enhanced 9-1-1" means a 9-1-1 system that automatically delivers number information and location information to the public safety answering point for wireless calls.~~

~~(18) "Place of primary use" means the primary business or residential street address location at which an end-use customer's use of the commercial mobile radio service primarily occurs.~~

~~(19)~~(8) "Private safety agency" means any entity, except a public safety agency, providing emergency fire, ambulance, or medical services.

~~(20)~~(9) "Provider" means a public utility, a cooperative telephone company, or any other entity that provides ~~telephone exchange~~ telecommunications access services.

~~(21)~~(10) "Public safety agency" means ~~the state and any city, county, city-county consolidated government, municipal corporation, chartered organization, public district, or public authority located in whole or in part within this state that provides or has authority to provide emergency services~~ a functional division of a local government or the state that dispatches or provides law enforcement, firefighting, emergency medical services, or other emergency services.

~~(22)~~(11) "Public safety answering point" means a communications facility operated on a 24-hour basis that first receives ~~9-1-1 calls~~ emergency communications from persons in ~~a 9-1-1 service area~~ requesting emergency services and that may, as appropriate, directly dispatch ~~public or private safety~~ emergency services or transfer or relay ~~9-1-1 calls~~ the emergency communications to appropriate public safety agencies.

~~(23)~~(12) "Relay" means a 9-1-1 service in which a public safety answering point, upon receipt of a telephone request for emergency services, notes the pertinent information from the caller and relays the information to the appropriate public safety agency, other agencies, or other providers of emergency services for dispatch of an emergency unit.

~~(24)~~(13) "Subscriber" means an end user who receives telephone exchange access services or who contracts with a wireless provider for commercial mobile radio services.

(14) "9-1-1 systems" means any telecommunications facilities, circuits, equipment, device, software, and associated contracted services for the transmission of emergency communications. 9-1-1 systems include the transmission of emergency communications from persons requesting emergency services to a primary public safety answering point and communications systems for the direct dispatch, relay, transfer of emergency communications and the transmission of emergency communications to and from a public safety answering point to and from emergency service units.

~~(25)~~(15) "Transfer" means a ~~9-1-1~~ service in which a public safety answering point, upon receipt of a telephone request for emergency services, directly transfers the request to an appropriate public safety agency or other ~~provider of emergency services~~ provider.

~~(26) "Wireless enhanced 9-1-1" means either phase I wireless enhanced 9-1-1 or phase II wireless enhanced 9-1-1.~~

~~(27) "Wireless enhanced 9-1-1 account" means the wireless enhanced 9-1-1 account established in 10-4-301.~~

~~(28)~~(16) "Wireless provider" means an entity, as defined in 35-1-113, that is authorized by the federal communications commission to provide facilities-based commercial mobile radio service within this state."

{ Internal References to 10-4-101:

2-17-506x 2-17-506x 7-31-201x 7-31-203x
 53-19-306x }

Section 6. Section 10-4-102, MCA, is amended to read:

"10-4-102. Department of administration duties and powers.

~~(1) The department shall assist in the development of basic and enhanced 9-1-1 systems in the state. The department shall:~~

~~— (a) establish procedures for determining and evaluating requests for variations from basic or enhanced 9-1-1 service;~~

~~— (b) upon request of a 9-1-1 jurisdiction, assist in planning a basic or enhanced 9-1-1 system;~~

~~— (c) establish criteria for evaluating basic and enhanced 9-1-1 system plans;~~

~~— (d) monitor implementation of approved basic and enhanced 9-1-1 system plans for compliance with the plan and use of funding; and~~

~~— (e) as it finds necessary, report to the legislature the progress made in implementing statewide basic and enhanced 9-1-1 systems and in implementing wireless enhanced 9-1-1 services.~~

~~There is a 9-1-1 program administered by the department.~~

(2) The department shall:

(a) allocate and distribute 9-1-1 fees;

(b) provide grants in accordance with [section 4] to local governments. In awarding the grants the department shall review and approve requests for funding in accordance with [section 4];

(c) monitor the expenditure of program funds for:

(i) 9-1-1 purposes by local government entities that host

public safety answering points; and

(ii) allowable uses of grant funds by local governments.

~~(2)(3)~~ The department shall obtain input from all 9-1-1 jurisdictions by creating an advisory council to participate in development and implementation of the 9-1-1 program in the state. The council must be established pursuant to 2-15-122. The highway patrol, emergency medical services organizations, telephone companies, the associated public safety communicators, the department of emergency services, police departments, sheriff's offices, local citizens, organizations, and other public safety organizations may submit recommendations for membership on the advisory council.

~~(3) The department may request information from a specific 9-1-1 jurisdiction as determined necessary for the department to fulfill its duties under this chapter. If a 9-1-1 jurisdiction does not comply with the request, the department may suspend distributions to the 9-1-1 jurisdiction as provided in 10-4-302(4).~~

(4) The department, in fulfilling its duties pursuant to subsection (2), may request necessary information from local governments. If a local government does not comply with the request, the department may withhold funding distributions as provided for in [section 1]"

{ Internal References to 10-4-102:

10-4-111 10-4-112 10-4-125 10-4-302 }

Section 7. Section 10-4-103, MCA, is amended to read:

"10-4-103. Emergency telephone system requirements. (1)

Every public and private safety agency in this state may establish or participate in a ~~basic or enhanced~~ 9-1-1 system.

(2) A ~~basic~~ 9-1-1 system must include:

(a) a 24-hour communications facility automatically accessible anywhere in the ~~9-1-1 jurisdiction's~~ public safety answering point's service area by dialing 9-1-1;

(b) direct dispatch of public and private safety services in the ~~9-1-1 jurisdiction~~ public safety answering point's service area or relay or transfer of 9-1-1 ~~calls~~ communications to an appropriate public or private safety agency; and

(c) a 24-hour communications facility equipped with at least two trunk-hunting local access circuits provided by the local telephone company's central office.

(3) ~~An enhanced~~ A 9-1-1 system must include, in addition to the requirements for a ~~basic 9-1-1 system~~ of subsection (2):

(a) automatic number identification that automatically identifies and displays the calling telephone number at the public safety answering point; and

(b) automatic location identification that automatically identifies and displays the ~~address~~ location of the calling telephone at the public safety answering point.

(4) The primary emergency telephone number within the state is 9-1-1, but a public safety answering point shall maintain both a separate seven-digit secondary emergency number for use by the telephone company operator and a separate seven-digit nonemergency number."

{ Internal References to 10-4-103:

10-4-101a 10-4-104r 10-4-111r 10-4-111r
 10-4-112r 10-4-112r 10-4-112r 10-4-121r
 10-4-126r }

Section 8. Section 10-4-114, MCA, is amended to read:

"10-4-114. Rulemaking authority. (1) The department may adopt rules to implement the provisions of this chapter. ~~The rules may include but are not limited to:~~

- ~~—— (1) establishing procedures to evaluate and make determinations on requests for a variation of the basic or enhanced 9-1-1 service;~~
- ~~—— (2) establishing evaluation criteria for basic and enhanced 9-1-1 systems plans;~~
- ~~—— (3) establishing requirements for program participation by public and private safety agencies;~~
- ~~—— (4) establishing guidelines for the distribution of funds;~~
and
- ~~—— (5) establishing requirements regarding applications for reimbursement for allowable costs to wireless providers for enabling wireless enhanced 9-1-1 services.~~

(2) Before July 1, 2018, the department shall adopt rules to implement the provisions of this chapter. The rules shall include, but are not limited to:

(a) allocation and distribution procedures for funding authorized in [section 2];

(b) procedures for grant funding authorized in [section 4].

The rules for grant funding must include, but are not limited to:

(i) eligibility requirements for entities applying for grants;

(ii) criteria for awarding grants; and

(iii) reporting procedures for grant recipients; and

(c) post-disbursement activities by the department to monitor the use of funding by local governments including:

(i) reporting requirements; and

(ii) procedures for repayment of funds expended on activities determined not to meet eligibility requirements.

(3) The department shall adopt rules in accordance with the Montana Administrative Procedure Act provided for in Title 2, chapter 4, to implement the provisions of this section."

{Internal References to 10-4-114: None.}

Section 9. Section 10-4-201, MCA, is amended to read:

"10-4-201. Fees imposed for 9-1-1 services. (1) Except as provided in 10-4-202:

(a) for ~~basic~~ 9-1-1 services, a fee of 25 75 cents a month per access line on each service subscriber in the state is imposed on the amount charged for telephone exchange access services, wireless telephone service, or other ~~9-1-1~~ emergency telecommunications accessible services for the administration of 9-1-1 programs in accordance with [section 3]; and

(b) ~~for enhanced 9-1-1 services, a fee of 25 cents a month per access line on each service subscriber in the state is imposed on the amount charged for telephone exchange access services, wireless telephone service, or other 9-1-1 accessible~~

~~services; and~~

~~(c) for wireless enhanced 9-1-1 services, a fee of 50 25 cents a month per access line or subscriber in the state is imposed on the amount charged for telephone exchange access services, wireless telephone service, or other 9-1-1 emergency telecommunications accessible services for grants provided in accordance with [section 4].~~

(2) The subscriber paying for exchange access line services is liable for the fees imposed by this section.

(3) The provider shall collect the fees. The amount of the fees collected by the provider is considered payment by the subscriber for that amount of fees.

(4) Any return made by the provider collecting the fees is prima facie evidence of payments by the subscribers of the amount of fees indicated on the return."

{ *Internal References to 10-4-201:*

10-4-202x	10-4-203x	10-4-204x	10-4-211x
10-4-301r	10-4-301r	10-4-301r	10-4-301r
10-4-301r	10-4-302r	10-4-311r	15-53-129x
15-53-129x	35-18-503x		

Section 10. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following

provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312; 10-3-314; ~~10-4-301~~ [section 2]; 15-1-121; 15-1-218; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-433; 15-70-601; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215; 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-517; 20-9-520; 20-9-534; 20-9-622; 20-9-905; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; 22-3-1004; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-213; 44-13-102; 50-1-115; 53-1-109; 53-6-1304; 53-9-113; 53-24-108; 53-24-206; 60-11-115; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-150; 76-13-416; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 81-1-112; 81-7-106; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; 85-25-102; 87-1-603; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the

principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 5, Ch. 442, L. 2009, the inclusion of 90-6-331 terminates June 30, 2019; pursuant to sec. 16, Ch. 58, L. 2011, the inclusion of 30-10-1004 terminates June 30, 2017; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of 76-13-416 terminates June 30, 2019; pursuant to sec. 13, Ch. 339, L. 2011, the inclusion of 81-1-112 and 81-7-106 terminates June 30, 2017; pursuant to sec. 11(2), Ch. 17, L. 2013, the inclusion of 17-3-112 terminates on occurrence of contingency; pursuant to sec. 5, Ch. 244, L. 2013, the inclusion of 22-1-327 terminates July 1, 2017; pursuant to

sec. 27, Ch. 285, L. 2015, and sec. 1, Ch. 292, L. 2015, the inclusion of 53-9-113 terminates June 30, 2021; pursuant to sec. 6, Ch. 291, L. 2015, the inclusion of 50-1-115 terminates June 30, 2021; pursuant to secs. 27 and 28, Ch. 368, L. 2015, the inclusion of 53-6-1304 is effective on occurrence of contingency and terminates June 30, 2019; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of contingency; pursuant to sec. 5, Ch. 422, L. 2015, the inclusion of 17-7-215 terminates June 30, 2021; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec. 10, Ch. 427, L. 2015, the inclusion of 37-50-209 terminates September 30, 2019; and pursuant to sec. 33, Ch. 457, L. 2015, the inclusion of 20-9-905 terminates December 31, 2023.)"

{ *Internal References to 17-7-502:*

2-17-105	5-11-120	5-11-407	5-13-403
7-4-2502	10-1-108	10-1-1202	10-1-1303
10-2-603	10-3-203	10-3-310	10-3-312
10-3-312	10-3-314	10-4-301	15-1-121
15-1-218	15-35-108	15-35-108	15-35-108
15-35-108	15-36-332	15-36-332	15-37-117
15-37-117	15-37-117	15-39-110	15-65-121
15-70-101	15-70-433	15-70-601	16-11-509
17-1-508	17-3-106	17-3-112	17-3-212
17-3-222	17-3-241	17-6-101	17-7-215
17-7-501	18-11-112	19-3-319	19-6-404
19-6-410	19-9-702	19-13-604	19-17-301
19-18-512	19-19-305	19-19-506	19-20-604
19-20-607	19-21-203	20-8-107	20-9-517
20-9-517	20-9-520	20-9-534	20-9-622
20-9-905	20-26-617	20-26-1503	22-1-327
22-3-116	22-3-117	22-3-1004	23-4-105
23-4-105	23-5-306	23-5-409	23-5-612
23-7-301	23-7-402	23-7-402	23-7-402
30-10-1004	37-43-204	37-50-209	37-51-501
39-71-503	41-5-2011	42-2-105	44-4-1101
44-12-213	44-13-102	50-1-115	53-1-109
53-6-1304	53-6-1304	53-9-113	53-24-108
53-24-108	53-24-206	60-11-115	61-3-415

69-3-870	75-1-1101	75-5-1108	75-6-214
75-11-313	76-13-150	76-13-416	77-1-108
77-2-362	80-2-222	80-4-416	80-11-518
81-1-112	81-7-106	81-10-103	82-11-161
82-11-161	85-20-1504	85-20-1505	85-25-102
87-1-603	90-1-115	90-1-115	90-1-205
90-1-504	90-3-1003	90-6-331	90-9-306 }

NEW SECTION. **Section 11. {standard} Repealer.** The following sections of the Montana Code Annotated are repealed:

10-4-104. Agreements among safety agencies for rendering emergency services.

10-4-111. Submission of preliminary plans for 9-1-1 jurisdictions -- review -- cost estimates.

10-4-112. Submission and approval of final plans -- exception.

10-4-113. Requirement for approval of final plan -- department to insure compliance.

10-4-114. Rulemaking authority.

10-4-115. Submission of phase I and phase II wireless notification by wireless provider.

10-4-121. Pay phones to be converted to allow emergency calls without charge.

10-4-125. Submission of revised plan for conversion from basic 9-1-1 to enhanced 9-1-1.

10-4-126. Dedicated 9-1-1 telephone facilities to be provided -- capabilities.

10-4-301. Establishment of emergency telecommunications accounts.

10-4-302. Distribution of basic 9-1-1 account by department.

10-4-303. Limitation on use of basic 9-1-1 funds.

10-4-311. Distribution of enhanced 9-1-1 account by department.

10-4-312. Limitation on use of enhanced 9-1-1 funds.

10-4-313. Distribution of wireless enhanced 9-1-1 account by department.

{ Internal References to 10-4-104: None.
 Internal References to 10-4-111: 10-4-126r
 Internal References to 10-4-112: None.
 Internal References to 10-4-113: 10-4-112r
 Internal References to 10-4-114: None.
 Internal References to 10-4-115: 10-4-313r
 Internal References to 10-4-121: 10-4-302r
 Internal References to 10-4-125: None.
 Internal References to 10-4-126: None.
 Internal References to 10-4-301: 10-4-101a 10-4-101a 10-4-101a
 10-4-313r
 10-4-313r 10-4-313r 10-4-313r 17-7-502a
 Internal References to 10-4-302: 10-4-102a 10-4-301r 10-4-303r
 Internal References to 10-4-303: 10-4-302r
 Internal References to 10-4-311: 10-4-301r 10-4-312r 10-4-312r
 Internal References to 10-4-312: 10-4-311r
 Internal References to 10-4-313: 10-4-301r }

NEW SECTION. **Section 12. Transfer of funds.** (1) After the distribution of 9-1-1 funds in accordance with Title 10, chapter 4, part 3 for the final quarter of the 2018 fiscal year, the department shall transfer any balance remaining in the accounts in 10-4-301(1)(a), 10-4-301(1)(b), and 10-4-301(1)(c)(i) into the account established in [section 2(2)(a)].

(2) After the distribution of 9-1-1 funds in accordance with Title 10, chapter 4, part 3 for the final quarter of the 2018 fiscal year, the department shall transfer any balance remaining in the account in 10-4-301(1)(c)(ii) into the account established in [section 2(2)(b)].

NEW SECTION. **Section 13. {standard} Codification instruction.** [Sections 1 through 4] are intended to be codified

as an integral part of Title 10, chapter 4, part 3, and the provisions of Title 10, chapter 4, part 3, apply to [sections 1 through 4].

NEW SECTION. **Section 14. {standard} Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

NEW SECTION. **Section 15. {standard} Effective dates.** (1) Except as provided in subsection (2), [this act] is effective July 1, 2018.

(2) [Section 8] is effective upon passage and approval.

- END -

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Appendix C

**** Bill No. ****

Introduced By *****

By Request of the Energy and Telecommunications Interim Committee

A Bill for an Act entitled: "An Act generally revising 9-1-1 laws; establishing a 9-1-1 advisory council; establishing 9-1-1 advisory council and department of administration duties for 9-1-1 systems and services; granting the department rulemaking authority; clarifying local government and 9-1-1 district roles; providing definitions; updating terms to include next generation 9-1-1; revising the allocation of 9-1-1 fees; establishing accounts for 9-1-1 distributions; requiring that certain fees collected for 9-1-1 services be reallocated under certain circumstances; establishing a reallocation process; establishing a next generation 9-1-1 infrastructure account; creating a next generation 9-1-1 infrastructure grant program; providing criteria to the department of administration for awarding next generation 9-1-1 infrastructure grants; establishing a 9-1-1 GIS mapping account; requiring the state library to award a contract for a GIS assessment; establishing a statewide 9-1-1 planning account; requiring the department to award a contract to develop a statewide 9-1-1 plan; establishing a local government 9-1-1 grant program; providing priorities and criteria for the 9-1-1 grant program; transferring funds; amending sections 10-4-101, 10-4-103, 10-4-201, 10-4-301, 10-4-302, 10-4-313, and 17-7-502, MCA; repealing sections 10-4-102, 10-4-104, 10-4-111, 10-4-112, 10-4-113, 10-4-114, 10-4-121, 10-4-125, and 10-4-126, MCA; repealing

sections 10-4-115, 10-4-301, 10-4-302, 10-4-303, 10-4-311, 10-4-312, and 10-4-313, MCA; providing effective dates; and providing a termination date."

Be it enacted by the Legislature of the State of Montana:

NEW SECTION. **Section 1. 9-1-1 advisory council.** (1) There is a 9-1-1 advisory council.

(2) The council is composed of not less than 17 members appointed by the governor. The members are:

(a) the director of the department of administration provided for in 2-15-1001, or the director's designee who serves as presiding officer of the council;

(b) a representative of the department of justice, Montana highway patrol;

(c) a representative of the Montana emergency medical association;

(d) 3 representatives of Montana telecommunications providers;

(e) a representative of the Montana association of public safety communications officials;

(f) 2 public safety answering point managers: with one serving a population less than 30,000 and one serving a population greater than 30,000;

(g) a representative of the department of military affairs, disaster and emergency services;

(h) a representative of the Montana association of chiefs of

police;

(i) a representative of the Montana sheriffs and peace officers association;

(j) a representative of the Montana fire chiefs association;

(k) a representative of the Montana state volunteer firefighters association;

(l) a representative of the Montana association of counties;

(m) a representative of the Montana league of cities and towns; and

(n) the state librarian or the state librarian's designee.

(3) The council is attached to the department for administrative purposes only, as provided in 2-15-121.

(4) The council shall, within its authorized budget, hold quarterly meetings.

(5) Council members shall serve without additional salary but are entitled to reimbursement for travel expenses incurred while engaged in council activities as provided for in 2-18-501 through 2-18-503.

NEW SECTION. Section 2. 9-1-1 advisory council duties -- consultation by department. The council shall:

(1) advise the department in its duty to allocate and distribute 9-1-1 fees in accordance with [section 7];

(2) provide recommendations to the department in determining grants awarded in accordance with [section 8];

(3) advise the department in the development of a statewide 9-1-1 plan; and

(4) advise the department on significant matters concerning 9-1-1 systems development and 9-1-1 services in the state of Montana, including rulemaking.

NEW SECTION. **Section 3. Department of administration duties and powers -- 9-1-1 planning.** (1) There is a 9-1-1 program administered by the department.

(2) The department shall:

(a) allocate and distribute 9-1-1 fees;

(b) provide grants in accordance with [section 8] to local governments. In awarding the grants the department shall review and approve requests for funding in accordance with [section 8];

(c) monitor the expenditure of program funds for:

(i) 9-1-1 purposes by local government entities that host public safety answering points; and

(ii) allowable uses of grant funds by local governments.

(d) establish a statewide 9-1-1 plan. The plan should include 9-1-1 system standards and support efforts to migrate legacy technologies to next generation 9-1-1 technologies when appropriate, and provide for the implementation of future 9-1-1 technologies. Any standards adopted by the department for legacy 9-1-1 technologies or principles adopted for baseline next generation 9-1-1 technologies must be:

(i) flexible and graduated, while ensuring minimum service levels; and

(ii) based on industry standards;

(e) staff and fund the administrative costs of the 9-1-1

advisory council provided for in [section 1]; and

(f) accept federal funds granted by congress or by executive order and gifts, grants, and donations for the purposes of administering this chapter.

(3) The department, in fulfilling its duties pursuant to subsection (2), may request necessary information from local governments. If a local government does not comply with the request, the department may withhold funding distributions as provided for in [section 5].

NEW SECTION. **Section 4. Rulemaking authority.** (1) Before July 1, 2018, the department shall adopt rules to implement the provisions of this chapter. The rules shall include, but are not limited to:

(a) allocation and distribution procedures for funding authorized in [section 7];

(b) procedures for grant funding authorized in [section 8].
The rules for grant funding must include, but are not limited to:

(i) eligibility requirements for entities applying for grants;

(ii) criteria for awarding grants; and

(iii) reporting procedures for grant recipients; and

(c) post-disbursement activities by the department to monitor the use of funding by local governments including:

(i) reporting requirements; and

(ii) procedures for repayment of funds expended on activities determined not to meet eligibility requirements.

(2) Before January 1, 2019, the department shall adopt rules including, but not limited to:

(a) technology standards, based on industry standards and a statewide 9-1-1 plan pursuant to [section 12], to ensure public safety answering points meet minimum 9-1-1 services levels; and

(b) baseline next generation 9-1-1 principles to facilitate the appropriate deployment of baseline next generation 9-1-1.

(3) The department shall adopt rules in accordance with the Montana Administrative Procedure Act provided for in Title 2, chapter 4, to implement the provisions of this section.

NEW SECTION. Section 5. Local government entities and funding-- department delegation. (1) After the department determines baseline next generation 9-1-1 principles in accordance with rules adopted pursuant to [section 4(2)] and a statewide 9-1-1 plan, the department shall delegate implementation to local government entities that host public safety answering points.

(2) If the department through its monitoring process determines that a local government entity that hosts a public safety answering point is not using funds in the manner prescribed in this chapter, or has failed to provide information required by the department, the department may, after notice and hearing, suspend payment to the local government entity. The local government entity is not eligible to receive funds until the department determines that the local government is complying with department requirements or has provided the requested

information.

(3) Nothing in this chapter, prevents a local government entity that hosts a public safety answering point from exceeding legacy technology standards or baseline next generation 9-1-1 principles.

NEW SECTION. Section 6. Establishment of 9-1-1 accounts.

(1) There is established in the state special revenue fund in the state treasury an account for fees collected for 9-1-1 services pursuant to 10-4-201.

(2) Funds in the account are statutorily appropriated to the department, as provided in 17-7-502. Except as provided in subsection (3), beginning July 1, 2018, funds that are not used for the administration of this chapter by the department are allocated as follows:

(a) 75% of the account must be deposited in an account for distribution to local government entities that host public safety answering points in accordance with [section 7]; and

(b) 25% of the account must be deposited in an account for distribution in the form of grants to local governments in accordance with [section 8].

(3) All money received by the department of revenue pursuant to 10-4-201 must be paid to the state treasurer for deposit in the appropriate account.

(4) The accounts established in subsections (1) and (2) retain interest earned from the investment of money in the accounts.

NEW SECTION. **Section 7. Distribution of 9-1-1 systems account by department.** (1) For the first quarter of the 2019 fiscal year and for each quarter after that, the department shall make quarterly distributions of the account established for local government entities that host public safety answering points pursuant to [section 6(2)(a)], and each public safety answering point shall receive an allocation of the total quarterly balance of the account.

(2) The department shall allocate the total quarterly balance of the account provided for in [section 6(2)(a)] as follows:

(a) an amount equal to 1% of the total quarterly balance of the account to each local government entity that host a public safety answering point; and

(b) the remainder allocated on a per capita basis to each local government entity that hosts a public safety answering point.

NEW SECTION. **Section 8. 9-1-1 grants.** (1) The department shall, in consultation with the advisory council created pursuant to [section 1], award competitive grants annually using the account established for local governments pursuant to [section 6(2)(b)]. Beginning July 1, 2018, grants must be awarded to local governments in accordance with this section and rules adopted by the department in accordance with [section 4].

(2) Except as provided in subsection (3), grants may be

awarded to local governments for:

- (a) emergency telecommunications systems plans;
- (b) project feasibility studies or project plans;
- (c) the purchase of 9-1-1 systems, equipment, devices and data; and
- (d) the purchase of services that support 9-1-1 systems.

(3) In awarding grants, the department shall give priority to grant requests that include participation and commitment by a private telecommunications provider for services to support 9-1-1 systems.

(4) Nothing in this section prevents a local government from:

(a) providing grant money received by the local government in accordance to this section to a private telecommunications provider for 9-1-1 purposes; or

(b) collaborating with another local government on a joint grant application.

NEW SECTION. Section 9. Baseline next generation 9-1-1 account transfers. (1) After the department makes distributions for the final quarter of the 2017 fiscal year from the wireless enhanced 9-1-1 account, the department shall transfer:

(a) \$5 million into the next generation 9-1-1 infrastructure account established in accordance with [section 10];

(b) \$80,000 into the 9-1-1 GIS-mapping account established in accordance with [section 12]; and

(c) \$350,000 into the statewide 9-1-1 planning account

established in accordance with [section 13].

(2) The allocations in subsection (1) may only be used in accordance with [sections 10 through 13].

NEW SECTION. Section 10. Next generation 9-1-1 infrastructure fund created -- source of funding -- use of fund.

(1) There is an account in the state special revenue fund established by 17-2-102 to be known as the next generation 9-1-1 infrastructure fund.

(2) There must be deposited in the account:

(a) money received from legislative allocations;

(b) a transfer of money in accordance with [section 9(1)(a)] for the purposes of [section 11]; and

(c) a gift, donation, grant, legacy, bequest, or devise made for the purposes of [section 11].

(3) Except as provided in subsection (4), the fund may be used only by the department to provide grants for next generation 9-1-1 infrastructure as provided in [section 11] to a local government working with a private telecommunications providers.

(5) At the end of fiscal year 2019, any unexpended balance in the fund shall revert to the account established by the department in accordance with [section 6(2)(b)].

NEW SECTION. Section 11. Next generation 9-1-1 infrastructure grants -- criteria -- rulemaking. (1) Money deposited in the next-generation 9-1-1 infrastructure grant account established in [section 10] may be expended by the

department through grants to local governments working with private telecommunications providers for next generation 9-1-1 infrastructure.

(2) For the purposes of [section 10] and this section:

(a) "ESInet" means an emergency services IP network. It includes the IP infrastructure upon which independent application platforms and core functional processes are deployed.

(b) "IP" means internet protocol or the method by which data are sent on the internet or a communications protocol for computers connected to a network, especially the internet.

(c) "Next generation 9-1-1 infrastructure" means a statewide ESInet, upgrades and replacement of existing selective routers with IP routers, and upgrades to all non IP-capable public safety answering points as defined in 10-4-101 for IP capability.

(3) In making grant awards under this section, the department shall give preference to local governments working with private telecommunications providers that the local government determines can most effectively implement infrastructure improvements on the ground.

(4) The department shall consult with and consider recommendations by the advisory council established in accordance with [section 1] for awards made under this section.

(5) The department may adopt rules to administer the provisions of [section 10] and this section. The rules must ensure that all local governments are treated equitably and must include, but are not limited to, provisions regarding:

(a) applications;

- (b) timelines;
- (c) eligibility, including proof of eligibility;
- (d) the procedure for establishing the priority of grant awards;
- (e) the appeal process for grant applications that are denied; and
- (f) disbursement of grant money to providers.

(7) Before September 1, 2018, the department shall update the energy and telecommunications interim committee provided for in 5-5-230 on efforts to distribute grants in accordance with [section 10] and this section.

(8) Before September 1, 2019, the department shall produce a report summarizing the grants provided, how the grant money was spent, and the program data and information reported by grant recipients. The department shall provide the report to the energy and telecommunications interim committee provided for in 5-5-230.

NEW SECTION. Section 12. 9-1-1 GIS mapping fund created -- source of funding -- use of fund. (1) There is an account in the state special revenue fund established by 17-2-102 to be known as the 9-1-1 GIS mapping fund.

- (2) There must be deposited in the account:
 - (a) money received from legislative allocations;
 - (b) a transfer of money by the department in accordance with [section 9(1)(b)] for use in accordance with subsection (3); and
 - (c) a gift, donation, grant, legacy, bequest, or devise

made for the purposes of subsection (3).

(3) The fund may be used only by the state library provided for in 22-1-102 in carrying out its land information and management duties to award a contract in accordance with 18-1-102 to assess the status of GIS adoption and operations in Montana as it pertains to next generation 9-1-1.

(4) Before September 1, 2018, the state library shall produce a report summarizing the status of GIS adoption and operations in Montana as it pertains to next generation 9-1-1, including policy and funding recommendations necessary to use GIS to advance next generation 9-1-1. The state library shall provide the report to the energy and telecommunications interim committee provided for in 5-5-230.

(5) At the end of fiscal year 2019, any unexpended balance in the fund shall revert to the account established by the department in accordance with [section 6(2)(b)].

NEW SECTION. Section 13. Statewide 9-1-1 planning fund created -- source of funding -- use of fund. (1) There is an account in the state special revenue fund established by 17-2-102 to be known as the statewide 9-1-1 planning fund.

(2) There must be deposited in the account:

(a) money received from legislative allocations;

(b) a transfer of money in accordance with [section 9(1)(c)] for use in accordance with subsections (3) through (5); and

(c) a gift, donation, grant, legacy, bequest, or devise

made for the purposes of subsections (3) through (5).

(3) The fund may be used only by the department to award a contract in accordance with 18-1-102 and after consulting with the 9-1-1 advisory council created in accordance with [section 1] to develop a statewide 9-1-1 plan.

(4) A statewide 9-1-1 plan must include proposed:

(a) priorities for 9-1-1 systems in Montana and plans for next generation 9-1-1 technology;

(b) potential formulas and methods to distribute 9-1-1 money;

(c) uniform standards relating to technology, next generation 9-1-1 technology, and administration and operation of 9-1-1 systems in Montana;

(d) steps to promote collaboration among local governments and greater incentives for cooperation among local governments and public safety answering points to improve efficiency by developing interconnectivity of 9-1-1 systems through partnerships for enhancement, operation, and maintenance of the network;

(e) eligible uses for money received by local governments in accordance with this chapter;

(f) audits or other steps necessary to ensure program compliance from entities receiving disbursements in accordance with this chapter; and

(g) additional changes needed to this chapter to migrate legacy 9-1-1 systems and to accommodate evolving, future 9-1-1 technologies.

(5) Before September 1, 2018, the 9-1-1 advisory council shall review the proposals and make its recommendations to the department on implementing the recommendations.

(6) At the end of fiscal year 2019, any unexpended balance shall revert to the account established by the department in accordance with [section 6(2)(b)].

Section 14. Section 10-4-101, MCA, is amended to read:

"10-4-101. Definitions. As used in this chapter, unless the context requires otherwise, the following definitions apply:

~~(1) "Allowable costs" means the actual costs associated with upgrading, purchasing, programming, installing, testing, operating, and maintaining data, hardware, and software necessary to comply with federal communications commission orders for the delivery of 9-1-1 calls and data as set forth in 47 CFR 20.18.~~

~~(2) "Basic 9-1-1 account" means the 9-1-1 emergency telecommunications account established in 10-4-301(1)(a).~~

~~(3) "Basic 9-1-1 service" means a telephone service meeting the standards established in 10-4-103 that automatically connects a person dialing the digits 9-1-1 to an established public safety answering point.~~

~~(4) "Basic 9-1-1 system" includes equipment for connecting and outswitching 9-1-1 calls within a telephone central office, trunking facilities from the central office to a public safety answering point, and equipment, as appropriate, that is used for transferring the call to another point, when appropriate, and that is capable of providing basic 9-1-1 service.~~

~~(5)~~(1) "Commercial mobile radio service" means:

(a) a mobile service that is:

(i) provided for profit with the intent of receiving compensation or monetary gain;

(ii) an interconnected service; and

(iii) available to the public or to classes of eligible users so as to be effectively available to a substantial portion of the public; or

(b) a mobile service that is the functional equivalent of a mobile service described in subsection ~~(5)~~(a) (1)(a).

~~(6)~~(2) "Department" means the department of administration provided for in Title 2, chapter 15, part 10.

~~(7)~~ "Direct dispatch" means a 9-1-1 service in which a public safety answering point, upon receipt of a telephone request for emergency services, provides for a decision as to the proper action to be taken and for dispatch of appropriate emergency service units.

~~(8)~~ "Emergency" means an event that requires dispatch of a public or private safety agency.

(3) "Emergency communications" means the transmission of voice, video, or electronic data involving the safety of human life and protection of property from one device to another.

~~(9)~~(4) "Emergency services" means services provided by a public or private safety agency, including law enforcement, firefighting, ambulance or medical services, and civil defense services.

~~(10)~~ "Enhanced 9-1-1 account" means the 9-1-1 emergency

~~telecommunications account established in 10-4-301(1)(b).~~

~~(11) "Enhanced 9-1-1 service" means telephone service that meets the requirements for basic 9-1-1 service and that consists of selective routing with the capability of automatic number identification and automatic location identification at a public safety answering point enabling users of the public telecommunications system to request emergency services by dialing the digits 9-1-1.~~

~~(12) "Enhanced 9-1-1 system" includes customer premises equipment that is directly related to the operation of an enhanced 9-1-1 system, including but not limited to automatic number identification or automatic location identification controllers and display units, printers, and software associated with call detail recording, and that is capable of providing enhanced 9-1-1 service.~~

~~(13)~~ (5) "Exchange access services" means:

(a) telephone exchange access lines or channels that provide local access from the premises of a subscriber in this state to the local telecommunications network to effect the transfer of information; and

(b) unless a separate tariff rate is charged for the exchange access lines or channels, any facility or service provided in connection with the services described in subsection ~~(13)(a)~~ (5)(a).

~~(14) A "9-1-1 jurisdiction" means a group of public or private safety agencies who operate within or are affected by one or more common central office boundaries and who have agreed in~~

~~writing to jointly plan a 9-1-1 emergency telephone system.~~

~~(6) "Local government" has the meaning as defined in 7-11-1002.~~

~~(7) "Next generation 9-1-1" means a system comprised of hardware, software, data, and operational policies and procedures that provides standardized interfaces from call and message services, processes all types of emergency calls, including non-voice or multi-media messages, acquires and integrates additional data useful to emergency communications, delivers the emergency communications, messages, or both, and data to the appropriate public safety answering point and other appropriate emergency entities, supports data and communications needs for coordinated incident response and management, and provides a secure environment for emergency communications.~~

~~(15)(8) "Per capita basis" means a calculation made to allocate a monetary amount for each person residing within the jurisdictional boundary of a county according to the most recent decennial census or population estimate compiled by the United States bureau of the census.~~

~~(16) "Phase I wireless enhanced 9-1-1" means a 9-1-1 system that automatically delivers number information to the public safety answering point for wireless calls.~~

~~(17) "Phase II wireless enhanced 9-1-1" means a 9-1-1 system that automatically delivers number information and location information to the public safety answering point for wireless calls.~~

~~(18) "Place of primary use" means the primary business or~~

~~residential street address location at which an end-use customer's use of the commercial mobile radio service primarily occurs.~~

~~(19)~~(9) "Private safety agency" means any entity, except a public safety agency, providing emergency fire, ambulance, or medical services.

~~(20)~~(10) "Provider" means a public utility, a cooperative telephone company, or any other entity that provides ~~telephone exchange~~ telecommunications access services.

~~(21)~~(11) "Public safety agency" means ~~the state and any city, county, city-county consolidated government, municipal corporation, chartered organization, public district, or public authority located in whole or in part within this state that provides or has authority to provide emergency services~~ a functional division of a local government or the state that dispatches or provides law enforcement, firefighting, emergency medical services, or other emergency services.

~~(22)~~(12) "Public safety answering point" means a communications facility operated on a 24-hour basis that first receives ~~9-1-1 calls~~ emergency communications from persons in a ~~9-1-1 service area~~ requesting emergency services and that may, as appropriate, directly dispatch ~~public or private safety~~ emergency services or transfer or relay ~~9-1-1 calls~~ the emergency communications to appropriate public safety agencies.

~~(23)~~(13) "Relay" means a 9-1-1 service in which a public safety answering point, upon receipt of a telephone request for emergency services, notes the pertinent information from the

caller and relays the information to the appropriate public safety agency, other agencies, or other providers of emergency services for dispatch of an emergency unit.

~~(24)~~(14) "Subscriber" means an end user who receives telephone exchange access services or who contracts with a wireless provider for commercial mobile radio services.

(15) "9-1-1 systems" means any telecommunications facilities, circuits, equipment, device, software, and associated contracted services for the transmission of emergency communications. 9-1-1 systems include the transmission of emergency communications from persons requesting emergency services to a primary public safety answering point and communications systems for the direct dispatch, relay, transfer of emergency communications and the transmission of emergency communications to and from a public safety answering point to and from emergency service units.

~~(25)~~(16) "Transfer" means a ~~9-1-1~~ service in which a public safety answering point, upon receipt of a telephone request for emergency services, directly transfers the request to an appropriate public safety agency or other ~~provider of emergency services~~ provider.

~~(26) "Wireless enhanced 9-1-1" means either phase I wireless enhanced 9-1-1 or phase II wireless enhanced 9-1-1.~~

~~(27) "Wireless enhanced 9-1-1 account" means the wireless enhanced 9-1-1 account established in 10-4-301.~~

~~(28)~~(17) "Wireless provider" means an entity, as defined in 35-1-113, that is authorized by the federal communications

commission to provide facilities-based commercial mobile radio service within this state."

{ *Internal References to 10-4-101:*

2-17-506x 2-17-506x 7-31-201x 7-31-203x
53-19-306x }

Section 15. Section 10-4-103, MCA, is amended to read:

"10-4-103. Emergency telephone system requirements. (1)

Every public and private safety agency in this state may establish or participate in a ~~basic or enhanced~~ 9-1-1 system.

(2) A ~~basic~~ 9-1-1 system must include:

(a) a 24-hour communications facility automatically accessible anywhere in the ~~9-1-1 jurisdiction's~~ public safety answering point's service area by dialing 9-1-1;

(b) direct dispatch of public and private safety services in the ~~9-1-1 jurisdiction~~ public safety answering point's service area or relay or transfer of 9-1-1 ~~calls~~ communications to an appropriate public or private safety agency; and

(c) a 24-hour communications facility equipped with at least two trunk-hunting local access circuits provided by the local telephone company's central office.

(3) ~~An enhanced~~ A 9-1-1 system must include, in addition to the requirements for a ~~basic 9-1-1 system~~ of subsection (2):

(a) automatic number identification that automatically identifies and displays the calling telephone number at the public safety answering point; and

(b) automatic location identification that automatically identifies and displays the ~~address~~ location of the calling

telephone at the public safety answering point.

(4) The primary emergency telephone number within the state is 9-1-1, but a public safety answering point shall maintain both a separate seven-digit secondary emergency number for use by the telephone company operator and a separate seven-digit nonemergency number."

{ *Internal References to 10-4-103:*

10-4-101a	10-4-104r	10-4-111r	10-4-111r
10-4-112r	10-4-112r	10-4-112r	10-4-121r
10-4-126r}			

Section 16. Section 10-4-201, MCA, is amended to read:

"10-4-201. Fees imposed for 9-1-1 services. (1) Except as provided in 10-4-202:

(a) for ~~basic~~ 9-1-1 services, a fee of 25 75 cents a month per access line on each service subscriber in the state is imposed on the amount charged for telephone exchange access services, wireless telephone service, or other ~~9-1-1~~ emergency telecommunications accessible services for the administration of 9-1-1 programs in accordance with [section 7]; and

~~(b) for enhanced 9-1-1 services, a fee of 25 cents a month per access line on each service subscriber in the state is imposed on the amount charged for telephone exchange access services, wireless telephone service, or other 9-1-1 accessible services; and~~

~~(c) for wireless enhanced 9-1-1 services, a fee of 50 25 cents a month per access line or subscriber in the state is imposed on the amount charged for telephone exchange access~~

services, wireless telephone service, or other ~~9-1-1~~ emergency telecommunications accessible services for grants provided in accordance with [section 8].

(2) The subscriber paying for exchange access line services is liable for the fees imposed by this section.

(3) The provider shall collect the fees. The amount of the fees collected by the provider is considered payment by the subscriber for that amount of fees.

(4) Any return made by the provider collecting the fees is prima facie evidence of payments by the subscribers of the amount of fees indicated on the return."

{ *Internal References to 10-4-201:*

10-4-202x	10-4-203x	10-4-204x	10-4-211x
10-4-301r	10-4-301r	10-4-301r	10-4-301r
10-4-301r	10-4-302r	10-4-311r	15-53-129x
15-53-129x	35-18-503x		

Section 17. Section 10-4-301, MCA, is amended to read:

"10-4-301. Establishment of emergency telecommunications accounts. (1) There are established in the state special revenue fund in the state treasury:

(a) an account for all fees collected for basic 9-1-1 services pursuant to 10-4-201(1) (a);

(b) an account for all fees collected for enhanced 9-1-1 services pursuant to 10-4-201(1) (b); and

(c) an account for all fees collected for wireless enhanced 9-1-1 services pursuant to 10-4-201(1) (c). The money is allocated as follows:

(i) 50% of the account must be deposited in an account for

distribution to the 9-1-1 jurisdictions; and

(ii) 50% of the account must be deposited in an account for distribution to wireless providers or must be deposited in accordance with [section 9].

(2) All money received by the department of revenue pursuant to 10-4-201 must be paid to the state treasurer for deposit in the appropriate account. An amount equal to 2.74% of the money received pursuant to 10-4-201 must be deposited in an account in the state special revenue fund to be used for the administration of this chapter. Any remaining funds at the end of a fiscal year must be equally distributed to each of the four accounts provided for in subsection (1).

(3) The accounts established in subsection (1) retain interest earned from the investment of money in the accounts.

(4) After payment of refunds pursuant to 10-4-205, the balance of the respective accounts must be used for the purposes described in part 1 of this chapter.

(5) The distribution of funds in the 9-1-1 emergency telecommunications accounts described in subsection (1), as required by 10-4-302, 10-4-311, and 10-4-313, is statutorily appropriated, as provided in 17-7-502, to the department.

(6) Expenditures for actual and necessary expenses required for the efficient administration of the plan must be made from appropriations made for that purpose."

{ *Internal References to 10-4-301:*

10-4-101	10-4-101	10-4-101	10-4-313
10-4-313	10-4-313	10-4-313	17-7-502 }

Section 18. Section 10-4-302, MCA, is amended to read:

"10-4-302. Distribution of basic 9-1-1 account by department. (1) The department shall make quarterly distributions of the entire basic 9-1-1 account. The distributions must be made for the costs incurred during the preceding calendar quarter by each provider of telephone service in the state for:

(a) collection of the fees imposed by 10-4-201; and

(b) modification of central office switching and trunking equipment for emergency telephone service only; ~~and~~

~~———— (c) conversion of pay station telephones required by 10-4-121.~~

(2) Payments under subsection (1) may be made only after application by the provider to the department for costs incurred in subsection (1). The department shall review all applications relevant to subsection (1) for appropriateness of costs claimed by the provider. If the provider contests the review, payment may not be made until the amount owed the provider is made certain.

(3) After all amounts under subsections (1) and (2) have been paid, the balance of the account must be allocated to cities and counties on a per capita basis. However, each county must be allocated a minimum of 1% of the balance of the counties' share of the account. A 9-1-1 jurisdiction whose 9-1-1 service area includes more than one city or county is eligible to receive operating funds from the allocation for each city or county involved. The department shall distribute to the accounting entity designated by a 9-1-1 jurisdiction with an approved final plan the proportional amount for each city or county served by

the 9-1-1 jurisdiction. The department shall provide a report indicating the proportional share derived from the individual city's or county's allocation with each distribution to a 9-1-1 jurisdiction.

(4) If the department through its monitoring process determines that a 9-1-1 jurisdiction is not adhering to an approved plan, is not using funds in the manner prescribed in 10-4-303, or has failed to provide information as provided in 10-4-102(3), the department may, after notice and hearing, suspend payment to the 9-1-1 jurisdiction. The jurisdiction is not eligible to receive funds until the department determines that the jurisdiction is complying with the approved plan and fund usage limitations or has provided the requested information."

{ *Internal References to 10-4-302:*
 10-4-102 10-4-301 10-4-303 }

Section 19. Section 10-4-313, MCA, is amended to read:

"10-4-313. Distribution of wireless enhanced 9-1-1 account by department. (1) Except as provided in subsection (2) of this section and [section 9], the department shall make quarterly distribution of the portion of the wireless enhanced 9-1-1 account for allowable costs described in 10-4-301(1)(c)(ii) incurred by each wireless provider in each 9-1-1 jurisdiction as follows:

(a) For each fiscal year through the fiscal year ending June 30, 2019:

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

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

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

(b) For fiscal years beginning after June 30, 2019, 100% of the balance of the account must be allocated to the wireless providers providing wireless enhanced 9-1-1 in each county on a per capita basis. Each county must be allocated a minimum of 1% of the balance of the counties' share of the account.

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

unpaid balances are fully paid. The department shall review all invoices for appropriateness of costs claimed by the wireless provider. If the wireless provider contests the review, payment may not be made until the amount owed to the wireless provider is determined.

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

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

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

(2) (a) Except as provided in subsection (3) and after the

distribution for the final quarter of each fiscal year is made pursuant to subsection (1), the department, within 45 days of the end of the final quarter of each fiscal year, shall:

(i) determine an amount equal to 50% of the total balance included in the account under 10-4-301(1)(c)(ii); and

(ii) except as provided in subsection (2)(b), distribute the amount determined in accordance with subsection (2)(a)(i) to wireless providers to reimburse the unpaid balances carried over by wireless providers pursuant to subsection (1)(c).

(b) If the amount determined pursuant to subsection (2)(a)(i) is insufficient to reimburse all wireless providers in full in accordance with subsection (2)(a)(ii), the department shall proportionately, based on outstanding balances, distribute the money to each wireless provider that has an unpaid balance carried over pursuant to subsection (1)(c).

(3) Funds may not be reallocated in accordance with subsection (2) if the county contains less than 1% of the state population.

(4) ~~Any~~ Except as provided in [section 9], any reallocated funds not distributed in accordance with subsection (2) must be returned to the account established under 10-4-301(1)(c).

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

(a) for each fiscal year through the fiscal year ending June 30, 2019:

(i) 84% of the balance of the account must be allocated to

cities and counties on a per capita basis. However, each county must be allocated a minimum of 1% of the balance of the counties' share of the account.

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

(iii) prior to distribution, the amounts allocated under subsections (5)(a)(i) and (5)(a)(ii) must be adjusted to ensure that a county does not receive less than the amount allocated to counties with 1% or less of the total population of the state; and

(b) for fiscal years beginning after June 30, 2019, 100% of the balance of the account must be allocated to cities and counties on a per capita basis. However, each county must be allocated a minimum of 1% of the balance of the counties' share of the account."

{ *Internal References to 10-4-313:*
10-4-301 }

Section 20. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following

provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312; 10-3-314; ~~10-4-301~~ [section 6]; 15-1-121; 15-1-218; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-433; 15-70-601; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215; 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-517; 20-9-520; 20-9-534; 20-9-622; 20-9-905; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; 22-3-1004; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-213; 44-13-102; 50-1-115; 53-1-109; 53-6-1304; 53-9-113; 53-24-108; 53-24-206; 60-11-115; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-150; 76-13-416; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 81-1-112; 81-7-106; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; 85-25-102; 87-1-603; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the

principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 5, Ch. 442, L. 2009, the inclusion of 90-6-331 terminates June 30, 2019; pursuant to sec. 16, Ch. 58, L. 2011, the inclusion of 30-10-1004 terminates June 30, 2017; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of 76-13-416 terminates June 30, 2019; pursuant to sec. 13, Ch. 339, L. 2011, the inclusion of 81-1-112 and 81-7-106 terminates June 30, 2017; pursuant to sec. 11(2), Ch. 17, L. 2013, the inclusion of 17-3-112 terminates on occurrence of contingency; pursuant to sec. 5, Ch. 244, L. 2013, the inclusion of 22-1-327 terminates July 1, 2017; pursuant to

sec. 27, Ch. 285, L. 2015, and sec. 1, Ch. 292, L. 2015, the inclusion of 53-9-113 terminates June 30, 2021; pursuant to sec. 6, Ch. 291, L. 2015, the inclusion of 50-1-115 terminates June 30, 2021; pursuant to secs. 27 and 28, Ch. 368, L. 2015, the inclusion of 53-6-1304 is effective on occurrence of contingency and terminates June 30, 2019; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of contingency; pursuant to sec. 5, Ch. 422, L. 2015, the inclusion of 17-7-215 terminates June 30, 2021; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec. 10, Ch. 427, L. 2015, the inclusion of 37-50-209 terminates September 30, 2019; and pursuant to sec. 33, Ch. 457, L. 2015, the inclusion of 20-9-905 terminates December 31, 2023.)"

{ *Internal References to 17-7-502:*

2-17-105	5-11-120	5-11-407	5-13-403
7-4-2502	10-1-108	10-1-1202	10-1-1303
10-2-603	10-3-203	10-3-310	10-3-312
10-3-312	10-3-314	10-4-301	15-1-121
15-1-218	15-35-108	15-35-108	15-35-108
15-35-108	15-36-332	15-36-332	15-37-117
15-37-117	15-37-117	15-39-110	15-65-121
15-70-101	15-70-433	15-70-601	16-11-509
17-1-508	17-3-106	17-3-112	17-3-212
17-3-222	17-3-241	17-6-101	17-7-215
17-7-501	18-11-112	19-3-319	19-6-404
19-6-410	19-9-702	19-13-604	19-17-301
19-18-512	19-19-305	19-19-506	19-20-604
19-20-607	19-21-203	20-8-107	20-9-517
20-9-517	20-9-520	20-9-534	20-9-622
20-9-905	20-26-617	20-26-1503	22-1-327
22-3-116	22-3-117	22-3-1004	23-4-105
23-4-105	23-5-306	23-5-409	23-5-612
23-7-301	23-7-402	23-7-402	23-7-402
30-10-1004	37-43-204	37-50-209	37-51-501
39-71-503	41-5-2011	42-2-105	44-4-1101
44-12-213	44-13-102	50-1-115	53-1-109
53-6-1304	53-6-1304	53-9-113	53-24-108
53-24-108	53-24-206	60-11-115	61-3-415

69-3-870	75-1-1101	75-5-1108	75-6-214
75-11-313	76-13-150	76-13-416	77-1-108
77-2-362	80-2-222	80-4-416	80-11-518
81-1-112	81-7-106	81-10-103	82-11-161
82-11-161	85-20-1504	85-20-1505	85-25-102
87-1-603	90-1-115	90-1-115	90-1-205
90-1-504	90-3-1003	90-6-331	90-9-306 }

NEW SECTION. **Section 21. {standard} Repealer.** The following sections of the Montana Code Annotated are repealed:

10-4-102. Department of administration duties and powers.

10-4-104. Agreements among safety agencies for rendering emergency services.

10-4-111. Submission of preliminary plans for 9-1-1 jurisdictions -- review -- cost estimates.

10-4-112. Submission and approval of final plans -- exception.

10-4-113. Requirement for approval of final plan -- department to insure compliance.

10-4-114. Rulemaking authority.

10-4-121. Pay phones to be converted to allow emergency calls without charge.

10-4-125. Submission of revised plan for conversion from basic 9-1-1 to enhanced 9-1-1.

10-4-126. Dedicated 9-1-1 telephone facilities to be provided -- capabilities.

{ Internal References to 10-4-102: 10-4-111r 10-4-112r 10-4-125r
10-4-302a
Internal References to 10-4-104: None.
Internal References to 10-4-111: 10-4-126r
Internal References to 10-4-112: None.
Internal References to 10-4-113: 10-4-112r
Internal References to 10-4-114: None.
Internal References to 10-4-121: 10-4-302r
Internal References to 10-4-125: None.

Internal References to 10-4-126: None. }

NEW SECTION. Section 22. {standard} Repealer. The following sections of the Montana Code Annotated are repealed:

10-4-115. Submission of phase I and phase II wireless notification by wireless provider.

10-4-301. Establishment of emergency telecommunications accounts.

10-4-302. Distribution of basic 9-1-1 account by department.

10-4-303. Limitation on use of basic 9-1-1 funds.

10-4-311. Distribution of enhanced 9-1-1 account by department.

10-4-312. Limitation on use of enhanced 9-1-1 funds.

10-4-313. Distribution of wireless enhanced 9-1-1 account by department.

<i>{ Internal References to 10-4-115:</i>	<i>10-4-313r</i>		
<i>Internal References to 10-4-301:</i>	<i>10-4-101a</i>	<i>10-4-101a</i>	<i>10-4-101a</i>
<i>10-4-313r</i>			
<i>10-4-313r</i>	<i>10-4-313r</i>	<i>10-4-313r</i>	<i>17-7-502a</i>
<i>Internal References to 10-4-302:</i>	<i>10-4-102r</i>	<i>10-4-301r</i>	<i>10-4-303r</i>
<i>Internal References to 10-4-303:</i>	<i>10-4-302r</i>		
<i>Internal References to 10-4-311:</i>	<i>10-4-301r</i>	<i>10-4-312r</i>	<i>10-4-312r</i>
<i>Internal References to 10-4-312:</i>	<i>10-4-311r</i>		
<i>Internal References to 10-4-313:</i>	<i>10-4-301r</i>	<i>}</i>	

NEW SECTION. Section 23. Transfer of funds. (1) After the distribution of 9-1-1 funds in accordance with Title 10, chapter 4, part 3 for the final quarter of the 2018 fiscal year, the department shall transfer any balance remaining in the accounts in 10-4-301(1)(a), 10-4-301(1)(b), and 10-4-301(1)(c)(i) into the account established in [section 6(2)(a)].

(2) After the distribution of 9-1-1 funds in accordance with Title 10, chapter 4, part 3 for the final quarter of the 2018

fiscal year, the department shall transfer any balance remaining in the account in 10-4-301(1)(c)(ii) into the account established in [section 6(2)(b)].

NEW SECTION. **Section 24. {standard} Codification**

instruction. (1) [Sections 1 through 5] are intended to be codified as an integral part of Title 10, chapter 4, part 1, and the provisions of Title 10, chapter 4, part 1, apply to [sections 1 through 5].

(2) [Sections 6 through 13] are intended to be codified as an integral part of Title 10, chapter 4, part 3, and the provisions of Title 10, chapter 4, part 3, apply to [sections 6 through 12].

NEW SECTION. **Section 25. {standard} Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

NEW SECTION. **Section 26. {standard} Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. **Section 27. {standard} Effective dates.** (1)

Except as provided in subsection (2), [this act] is effective upon passage and approval.

(2) [Sections 6 through 8, 14 through 16, 20, and 22] are effective July 1, 2018.

NEW SECTION. **Section 28. {standard} Termination.** [Sections 9 through 13] terminate October 1, 2019.

- END -

{Name : Sonja E. Nowakowski
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Agency : LSD LEPO
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Appendix D

HJ 7/911 Working Group (2015-16) Roster

Legislature			
Rep. Keith Regier	ETIC	756-6141	keithregier@gmail.com
Rep. Tom Steenberg	ETIC	721-5869	mtsteenbergbresnan.net
Rep. Dan Zolnikov	ETIC	861-5210	daniel.zolnikov@gmail.com
Rep. Chris Pope	ETIC	581-8739	Rep.christopher.pope@mt.gov
Sen. Cliff Larsen	ETIC	544-6263	cliff@larsenusa.com
Sen. Duane Ankney	ETIC	740-0629	Goodwind1.duane@gmail.com
Sen. Pat Connell	ETIC	370-8682	Connell4sd43@yahoo.com
Sen. Robyn Driscoll	ETIC	272-2403	Sen.robyn.driscoll@mt.gov
Sonja Nowakowski	ETIC	444-3078	snowakowski@mt.gov
Counties			
Cmr. Joe Briggs	Cascade Co./MACo	454-6815	ibriggs@cascadecountymt.gov
Harold Blattie	MACo	449-4360	hblattie@mtcounties.org
Shantil Siaperas	MACo	449-4360	macoleg@mtcounties.org
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Chris Lounsbury	Missoula Co.	258-3263	clounsbury@co.missoula.mt.us
State of Montana			
Quinn Ness	ITSD/Pub. Safety Div	444-6134	qness@mt.gov
Rhonda Sullivan	ITSD	444-2420	rsullivan@mt.gov
Delila Bruno	MTDES	329-4766	dbruno@mt.gov
Evan Hammer	MT State Library	444-5355	ehammer@mt.gov
Industry			
Bonnie Lorang		594-9662	bonlorangmt@gmail.com
Sandra Barrows	Nemont/Triangle	202-4203	barrowsconsulting@gmail.com
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Erin Lutts	Mid-Rivers Tel. Co-op	377-7438	Erin.lutts@midrivers.coop
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Aidan Myhre	AT&T/Charter	449-3118	aidanmyhre@gmail.com
Tara Thue	AT&T	801-231-4225	Tt4387@att.com
Mark Staples	Verizon	443-4345	staplesmt@gmail.com
Lisa Kelly	CenturyLink	758-1502	Lisa.kelly@centurylink.com
Gary Underwood	Charter	469-735-9992	Gary.underwood@charter.com
911/PSAPs			
Curt Stinson	Helena/L&C 911	447-8284	cstinson@helenamt.gov
Adriane Beck	Missoula Co OEM/911	258-3632	abeck@co.missoula.mt.us
Bill Hunter	Cascade 911/APCO	455-8555	bhunter@greatfallsmt.net
Kim Burdick	Chouteau Co. 911	622-5451	kburdick53@icloud.com
Brian Chernish	Flathead 911	758-2483	Brian.chernish@flatheadoes.mt.gov
Liz Brooks	Flathead 911	758-2494	ebrooks@flathead.mt.gov
Scott O'Connell	Helena 911	447-8220	soconnell@helenamt.gov

OFFICE OF THE GOVERNOR
STATE OF MONTANA

Steve Bullock
GOVERNOR



Angela McLean
LT. GOVERNOR

November 13, 2015

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary of State McCulloch:

The following Advisory Council is renewed and submitted according to Montana Code Annotated 2-15-122 guiding the creation of Advisory Councils by Agency Directors.

Council's Name and Agency

9-1-1 Advisory Council in the Department of Administration.

Council's Composition

Seventeen (17) members appointed by the Director as follows:

- Montana Department of Administration Director or Director's designee, who will serve as Chair;
- a representative of the Department of Justice, Montana Highway Patrol;
- a representative of the Montana Emergency Medical Association;
- three representatives of Montana telephone companies;
- a representative of the Montana Association of Public Safety Communications Officials;
- two Public Safety Answering Point Managers: 1 serving a population < 30,000 and 1 serving a population > 30,000;
- a representative of the Department of Military Affairs, Disaster and Emergency Services;
- a representative of the Montana Association of Chiefs of Police;
- a representative of the Montana Sheriffs and Peace Officers Association;
- a representative of the Montana Fire Chiefs Association;
- a representative of the Montana State Volunteer Firefighters Association;
- a representative of the Montana Association of Counties;
- representative of the Montana League of Cities and Towns; and
- the State Librarian.

Appendix E

Appointed Members with name and address

Mr. Ron Baldwin, Department of Administration Designee, Chair
State ITSD
PO Box 200113
Helena, MT 59620

Mr. Kevin Box, Montana Emergency Medical Services Association
Montana Emergency Medical Services Association
5490 McHugh
Helena, MT 59602

Ms. Delila Bruno, Representative of the Department of Military Affairs, Disaster and Emergency Services
Montana DES
PO Box 4789
Fort Harrison, MT 59636

Ms. Kimberly Burdick, Representative of the Montana Association of Public Safety Communications Officials
PO Box 459
Fort Benton, MT 59442

Col. (Mr.) Tom Butler, Department of Justice, Montana Highway Patrol
Montana Highway Patrol
2550 Prospect Ave
Helena, MT 59620

Mr. Geoff Feiss, Montana Telephone Company
Montana Telecommunications Association
208 N. Montana Ave
Helena, MT 59601

Mr. Terry Ferestad, Montana Telephone Company
AT&T
2000 Coburn Road
Billings, MT 59101

Sheriff (Mr.) Chris Hoffman, Representative of the Montana Sheriffs and Peace Officers Association
Ravalli County Sheriff
205 Bedford Street, Suite H
Hamilton, MT 59840

Appendix E

Mr. Bill Hunter, Public Safety Answering Point Manager serving a population > 30,000
City of Great Falls
3015 Airport Dr
Great Falls, MT 59404

Ms. Lisa Kelly, Montana Telephone Company
CenturyLink
290 N. Main
Kalispell, MT 59901

Chief (Mr.) Leonard Lundby, Representative of the Montana State Volunteer Firefighters Association
Great Falls Volunteer Fire
15 Loch Lane
Great Falls, MT 59404

Commissioner (Mr.) Gary McDonald, Representative of the Montana Association of Counties
Roosevelt County Commission
400 2nd Ave, South
Wolf Point, MT 59201

Deputy Chief (Mr.) Greg Megaard, Representative of the Montana Fire Chiefs Association
Bozeman Fire Department
34 N. Rouse Ave
Bozeman, MT 59771

Chief (Mr.) Rick Musson representative of the Montana Association of Chiefs of Police
Laurel Police Department
215 West 1 St
Laurel, MT 59044

Ms. Jennie Stapp, State Librarian
Montana State Library
1515 E. Sixth Ave
Helena, MT 59620

Mr. Chuck Winn, Representative of the Montana League of Cities and Towns
City of Bozeman
PO Box 1230
Bozeman, MT 59771

Public Safety Answering Point Manager serving a population < 30,000
VACANT

Appendix E

Council's Purpose

Under 10-4-102(2) MCA, the Council's purpose is to provide representatives of 9-1-1 jurisdictions with the opportunity to participate in the development, implementation and management of the State of Montana's 9-1-1 Program described in Title 10, Chapter 4, MCA.

The Council shall gather information, furnish advice and make recommendations to the Department of Administration on the development, implementation and management of the State of Montana's 9-1-1 Program described in Title 10, Chapter 4, MCA.

Council's Compensation

Council members who are state or political subdivision employees may not receive any compensation, as provided in 2-15-122(5), MCA. All members are entitled to be reimbursed for travel, meal and lodging expenses, as provided in 2-15-122(5) and 2-18-501 through 2-18-503, MCA.

Council's Term of Existence

The council will expire or be renewed by September 1, 2017.

If you need additional information, please call Stacey Otterstrom, Boards and Appointments Advisor at extension 4405.

Sincerely,



STEVE BULLOCK
Governor

CC: Director Sheila Hogan, Department of Administration

