

HOUSE BILL NO. 112

INTRODUCED BY K. REGIER

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A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING THE SUNSET ON WIRELESS 9-1-1 FUNDING FOR LESS-POPULATED COUNTIES; AMENDING SECTION 10-4-313, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. 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 as follows:

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



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

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

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

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

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

19 (i) determine an amount equal to 50% of the total balance included in the account under
20 10-4-301(1)(c)(ii); and

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

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

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

30 (4) Any reallocated funds not distributed in accordance with subsection (2) must be returned to the

1 account established under 10-4-301(1)(c).

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

4 (a) for each fiscal year through the fiscal year ending June 30, ~~2015~~ 2019:

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

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

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

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

12 (b) for fiscal years beginning after June 30, ~~2015~~ 2019, 100% of the balance of the account must be
13 allocated to cities and counties on a per capita basis. However, each county must be allocated a minimum of 1%
14 of the balance of the counties' share of the account."

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16 NEW SECTION. **Section 2. Effective date.** [This act] is effective July 1, 2015.

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