

HOUSE BILL NO. 150

INTRODUCED BY F. GARNER, J. BACHMEIER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING 9-1-1 LAWS; PROVIDING FOR TRIBAL GOVERNMENT
5 PARTICIPATION IN THE 9-1-1 ADVISORY COUNCIL, 9-1-1 PLANNING ACTIVITIES, AND 9-1-1
6 DISTRIBUTIONS; REQUIRING THE DEPARTMENT OF ADMINISTRATION TO ESTABLISH ALLOWABLE
7 USES FOR CERTAIN DISTRIBUTIONS; ~~CLARIFYING DISTRIBUTIONS~~; PROVIDING THE DEPARTMENT
8 WITH RULEMAKING AUTHORITY; ~~ALLOWING GRANT DISTRIBUTIONS TO PAY FOR ADMINISTRATIVE
9 COSTS; TRANSFERRING MONEY INTO THE BASELINE NEXT-GENERATION 9-1-1 ACCOUNT; EXTENDING
10 DEADLINES FOR NEXT-GENERATION 9-1-1 PLANNING AND GRANT DISTRIBUTIONS; EXTENDING
11 DEADLINES FOR STATEWIDE 9-1-1 PLANNING; PROVIDING STATUTORY APPROPRIATIONS; AMENDING
12 SECTIONS 10-4-101, 10-4-103, 10-4-105, 10-4-107, 10-4-108, 10-4-109, 10-4-304, 10-4-305, 10-4-306,
13 10-4-308, 10-4-309, 10-4-314, AND 10-4-315, ~~AND 17-7-502~~; MCA; AMENDING SECTION 32, CHAPTER 367,
14 LAWS OF 2017; REPEALING SECTION 10-4-307, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE
15 AND A TERMINATION DATE."~~

16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

18
19 **Section 1.** Section 10-4-101, MCA, is amended to read:

20 **"10-4-101. Definitions.** As used in this chapter, unless the context requires otherwise, the following
21 definitions apply:

22 (1) "9-1-1 system" means telecommunications facilities, circuits, equipment, devices, software, and
23 associated contracted services for the transmission of emergency communications. A 9-1-1 system includes the
24 transmission of emergency communications:

25 (a) from persons requesting emergency services to a primary public safety answering point and
26 communications systems for the direct dispatch, relay, and transfer of emergency communications; and

27 (b) to or from a public safety answering point to or from emergency service units.

28 (2) "Access line" means a voice service of a provider of exchange access services, a wireless provider,
29 or a provider of interconnected voice over IP service that has enabled and activated service for its subscriber to
30 contact a public safety answering point via a 9-1-1 system by entering or dialing the digits 9-1-1. When the service

1 has the capacity, as enabled and activated by a provider, to make more than one simultaneous outbound 9-1-1
2 call, then each separate simultaneous outbound call, voice channel, or other capacity constitutes a separate
3 access line.

4 (3) "Commercial mobile radio service" means:

5 (a) a mobile service that is:

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

7 (ii) an interconnected service; and

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

10 (b) a mobile service that is the functional equivalent of a mobile service described in subsection (3)(a).

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

12 (5) "Emergency communications" means any form of communication requesting any type of emergency
13 services by contacting a public safety answering point through a 9-1-1 system, including voice, nonvoice, or video
14 communications, as well as transmission of any text message or analog digital data.

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

17 (7) "Exchange access services" means:

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

20 (b) unless a separate tariff rate is charged for the exchange access lines or channels, a facility or service
21 provided in connection with the services described in subsection (7)(a).

22 (8) "Interconnected voice over IP service" means a service that:

23 (a) enables real-time, two-way voice communications;

24 (b) requires a broadband connection from a user's location;

25 (c) requires IP-compatible customer premises equipment; and

26 (d) permits users generally to receive calls that originate on the public switched telephone network and
27 to terminate calls to the public switched telephone network.

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

30 (10) "Local government" has the meaning provided in 7-11-1002.

1 (11) "Next-generation 9-1-1" means a system composed of hardware, software, data, and operational
2 policies and procedures that:

3 (a) provides standardized interfaces from call and message services;

4 (b) processes all types of emergency calls, including nonvoice or multimedia messages;

5 (c) acquires and integrates additional data useful to emergency communications;

6 (d) delivers the emergency communications or messages, or both, and data to the appropriate public
7 safety answering point and other appropriate emergency entities;

8 (e) supports data and communications needs for coordinated incident response and management; and

9 (f) provides a secure environment for emergency communications.

10 (12) "Originating service provider" means an entity that provides capability for a retail customer to initiate
11 emergency communications.

12 (13) "Per capita basis" means a calculation made to allocate a monetary amount for each person residing
13 within the jurisdictional boundary of a county according to the most recent decennial census compiled by the
14 United States bureau of the census.

15 (14) "Private safety agency" means an entity, except a public safety agency, providing emergency fire,
16 ambulance, or medical services.

17 (15) "Provider" means a public utility, a cooperative telephone company, a wireless provider, a provider
18 of interconnected voice over IP service, a provider of exchange access services, or any other entity that provides
19 access lines.

20 (16) "Public safety agency" means a functional division of a local or tribal government or the state that
21 dispatches or provides law enforcement, firefighting, or emergency medical services or other emergency services.

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

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

30 (19) "Subscriber" means an end user who has an access line or who contracts with a wireless provider

1 for commercial mobile radio services.

2 (20) "Transfer" means a service in which a public safety answering point, upon receipt of a telephone
3 request for emergency services, directly transfers the request to an appropriate public safety agency or other
4 emergency services provider.

5 (21) "Tribal government" has the meaning provided in 2-15-141.

6 ~~(24)~~(22) "Wireless provider" means an entity, as defined in 35-1-113, that is authorized by the federal
7 communications commission to provide facilities-based commercial mobile radio service within this state."
8

9 **SECTION 2. SECTION 10-4-103, MCA, IS AMENDED TO READ:**

10 **"10-4-103. Emergency telephone system requirements.** (1) Every ~~public and private safety agency~~
11 local and tribal government in this state may establish or participate in a 9-1-1 system.

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

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

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

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

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

21 (e) automatic location identification that automatically identifies and displays the location of the calling
22 telephone at the public safety answering point.

23 (3) The primary emergency telephone number within the state is 9-1-1, but a public safety answering
24 point shall maintain both a separate seven-digit secondary emergency number for use by the telephone company
25 operator and a separate seven-digit nonemergency number."
26

27 **Section 3.** Section 10-4-105, MCA, is amended to read:

28 **"10-4-105. 9-1-1 advisory council.** (1) There is a 9-1-1 advisory council.

29 (2) The council consists of ~~47~~ 18 members appointed by the governor as follows:

30 (a) the director of the department or the director's designee, who serves as presiding officer of the

1 council;

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

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

4 (d) three representatives of Montana telecommunications providers, including at least one wireless
5 provider;

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

7 (f) two public safety answering point managers, one serving a population of less than 30,000 and one
8 serving a population of greater than 30,000;

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

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

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

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

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

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

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

16 (n) the state librarian or the state librarian's designee; and

17 (o) the state director of Indian affairs provided for in 2-15-217.

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

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

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

22

23 **Section 4.** Section 10-4-107, MCA, is amended to read:

24 **"10-4-107. Department duties and powers -- 9-1-1 planning.** (1) There is a 9-1-1 program
25 administered by the department.

26 (2) The department shall:

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

28 (b) update the allocation and distribution of 9-1-1 fees in accordance with 10-4-305 and rules adopted
29 pursuant to 10-4-108;

30 (c) provide grants in accordance with 10-4-306. In awarding the grants, the department shall review and

- 1 approve requests for funding in accordance with 10-4-306.
- 2 (d) monitor the expenditure of program funds for:
- 3 (i) 9-1-1 purposes by local and tribal governments that host public safety answering points; and
- 4 (ii) allowable uses of grant funds by entities;
- 5 (e) ~~plan for and~~ establish a statewide 9-1-1 plan in accordance with subsection (3) ~~and planning~~
- 6 ~~completed in accordance with 10-4-315~~ AND PLANNING COMPLETED IN ACCORDANCE WITH 10-4-315;
- 7 (f) staff and fund the administrative costs of the 9-1-1 advisory council established in 10-4-105; ~~and~~
- 8 (g) accept federal funds granted by congress or by executive order and gifts, grants, and donations for
- 9 the purposes of administering this chapter; and
- 10 (h) establish allowable uses of funds by local and tribal governments that host public safety answering
- 11 points that receive distributions pursuant to 10-4-305 and ensure that funds are expended only for allowable uses.
- 12 (3) A statewide 9-1-1 plan must include:
- 13 (a) to the maximum extent feasible the use of existing commercial communications infrastructure; and
- 14 (b) 9-1-1 system standards and support efforts to migrate legacy technologies to next-generation 9-1-1
- 15 technologies when appropriate and to provide for the implementation of future 9-1-1 technologies. Any standards
- 16 adopted by the department for legacy 9-1-1 technologies or principles adopted for baseline next-generation 9-1-1
- 17 technologies must be:
- 18 (i) flexible and graduated, while ensuring minimum service levels; and
- 19 (ii) based on industry standards.
- 20 (4) The department, in fulfilling its duties pursuant to subsection (2), may request necessary information
- 21 from local and tribal governments. If a local or tribal government does not comply with the request, the department
- 22 may withhold funding distributions as provided for in 10-4-109."

- 23
- 24 **Section 5.** Section 10-4-108, MCA, is amended to read:
- 25 **"10-4-108. Rulemaking authority.** (1) ~~Before July 1, 2018, the~~ The department shall adopt rules to
- 26 implement the provisions of this chapter. The rules must include but are not limited to:
- 27 (a) distribution procedures for funding authorized in 10-4-305(1);
- 28 (b) procedures for grant funding authorized in 10-4-306. The rules for grant funding must include but are
- 29 not limited to:
- 30 (i) eligibility requirements for entities applying for grants;

- 1 (ii) criteria for awarding grants; and
- 2 (iii) reporting procedures for grant recipients;_
- 3 (c) postdisbursement activities by the department to monitor the use of funding by entities, including:
- 4 (i) reporting requirements; and
- 5 (ii) procedures for repayment of funds expended on activities determined not to meet eligibility
- 6 requirements.
- 7 (2) ~~Before January 1, 2019-2023, the~~ THE department shall adopt rules including but not limited to:
- 8 (a) technology standards, based on industry standards and a statewide 9-1-1 plan established in
- 9 accordance with 10-4-107(3) PURSUANT TO 50 10-4-315 ~~pursuant to 10-4-315~~, to ensure that public safety
- 10 answering points meet minimum 9-1-1 services levels; and
- 11 (b) baseline next-generation 9-1-1 principles to facilitate the appropriate deployment of baseline
- 12 next-generation 9-1-1.
- 13 (3) (a) Before January 1, 2022, the department shall adopt rules for the allocation and distribution of
- 14 funds in the account provided for in 10-4-304(2)(a) in accordance with 10-4-305(2) and (3) to local and tribal
- 15 government entities that host public safety answering points.
- 16 (b) The rules adopted for allocation must be based on the official final decennial census figures and must
- 17 ensure that each local and tribal government entity that hosts a public safety answering point receives funding.
- 18 The allocation must account for:
- 19 (i) historic allocations provided to a local or tribal government entity that hosts a public safety answering
- 20 point;
- 21 (ii) the population of counties, cities, Indian reservations, or other government entities served by the public
- 22 safety answering point;
- 23 (iii) population trends; and
- 24 (iv) other factors determined by the department, in consultation with the 9-1-1 advisory council provided
- 25 for in 10-4-105, critical to the funding allocation.
- 26 (c) The department's allocation may not distribute funds in a manner that discourages public safety
- 27 answering points from consolidating or combining.
- 28 (4) The department shall adopt rules in accordance with the Montana Administrative Procedure Act
- 29 provided for in Title 2, chapter 4, to implement the provisions of this section."
- 30

1 **Section 6.** Section 10-4-109, MCA, is amended to read:

2 **"10-4-109. Local and tribal government entities and funding -- department delegation.** (1) After the
3 department determines baseline next-generation 9-1-1 principles in accordance with rules adopted pursuant to
4 10-4-108(2) and a statewide 9-1-1 plan, the department shall delegate implementation to local and tribal
5 government entities that host public safety answering points.

6 (2) If the department determines through its monitoring process that a local or tribal government entity
7 that hosts a public safety answering point is not using funds in the manner prescribed in this chapter or has failed
8 to provide information required by the department, the department may, after notice and hearing, suspend
9 payment to the local or tribal government entity. The local or tribal government entity is not eligible to receive
10 funds until the department determines that the local or tribal government is complying with department
11 requirements or has provided the requested information."
12

13 **Section 7.** Section 10-4-304, MCA, is amended to read:

14 **"10-4-304. Establishment of 9-1-1 accounts.** (1) Beginning July 1, 2018, there is established in the
15 state special revenue fund an account for fees collected for 9-1-1 services pursuant to 10-4-201.

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

19 (a) 75% of the account must be deposited in an account for distribution to local and tribal government
20 entities that host public safety answering points in accordance with 10-4-305 and with rules adopted by the
21 department in accordance with 10-4-108; and

22 (b) 25% of the account must be deposited in an account for distribution in the form of grants to private
23 telecommunications providers, local or tribal government entities that host public safety answering points, or both
24 in accordance with 10-4-306.

25 (3) Beginning July 1, 2018, all money received by the department of revenue pursuant to 10-4-201 must
26 be paid to the state treasurer for deposit in the appropriate account.

27 (4) The accounts established in subsections (1) and (2) retain interest earned from the investment of
28 money in the accounts."
29

30 **Section 8.** Section 10-4-305, MCA, is amended to read:

1 **"10-4-305. Distribution of 9-1-1 systems account by department.** (1) Beginning July 1, 2018, and
 2 for each quarter after that until the first quarter of the 2023 fiscal year, the department shall distribute the total
 3 quarterly balance of the account provided for in 10-4-304(2)(a) as follows:

4 (a) each local and tribal government entity that hosts a public safety answering point must receive an
 5 allocation of the total quarterly balance of the account equal in proportion to the quarterly share received by the
 6 local and tribal government entity that hosts the public safety answering point during the 2017 fiscal year;

7 (b) each local and tribal government entity that hosts a public safety answering point must receive an
 8 allocation in accordance with subsection (1)(a). The allocation may vary from the amount distributed during the
 9 2017 fiscal year based on the amount collected by the department of revenue in accordance with 10-4-201(1)(a).

10 (2) Beginning July 1, 2022, and in accordance with subsection (3), the department shall allocate and
 11 distribute the total quarterly balance of the account provided for in 10-4-304(2)(a) based on rules adopted by the
 12 department in accordance with 10-4-108(3).

13 (3) Within 1 year after the official final decennial census figures are available, the department shall
 14 update the rules establishing the quarterly allocation and distribution provided for in subsection (2) and allocate
 15 and distribute the quarterly balance for each quarter after that until the next update."

16

17 **Section 9.** Section 10-4-306, MCA, is amended to read:

18 **"10-4-306. 9-1-1 grants.** (1) The department shall, in consultation with the 9-1-1 advisory council created
 19 pursuant to 10-4-105, award competitive grants annually using the account established pursuant to
 20 10-4-304(2)(b) for private telecommunications providers and for local and tribal government entities that host
 21 public safety answering points. Beginning July 1, 2018, grants must be awarded to private telecommunications
 22 providers; or to local or tribal government entities that host public safety answering points; ~~or both to all~~ in
 23 accordance with this section and with rules adopted by the department in accordance with 10-4-108.

24 (2) In accordance with subsection (3), grants may be awarded to private telecommunications providers
 25 and to local or tribal government entities that host public safety answering points for:

26 (a) emergency telecommunications systems plans;

27 (b) project feasibility studies or project plans;

28 (c) the implementation, operation, and maintenance of 9-1-1 systems, equipment, devices, and data;

29 ~~and~~ AND

30 (d) the purchase of services that support 9-1-1 systems; ~~and~~

1 ~~_____ (e) grant administration.~~

2 (3) In awarding grants, preference must be given to applications in the following order of priority:

3 (a) requests by private telecommunications providers or by local or tribal government entities that host
4 public safety answering points by working with a private telecommunications provider; and

5 (b) requests by local or tribal government entities that host public safety answering points.

6 (4) Nothing in this section prevents a local or tribal government entity that hosts a public safety answering
7 point in accordance with this section from:

8 (a) providing grant money received by the local or tribal government entity to a private
9 telecommunications provider for 9-1-1 purposes; or

10 (b) collaborating with another local or tribal government entity on a joint grant application."
11

12 **Section 10.** Section 10-4-308, MCA, is amended to read:

13 **"10-4-308. (Temporary) Next-generation 9-1-1 infrastructure account created -- source of funding**
14 **-- use of account.** (1) There is an account in the state special revenue fund to be known as the next-generation
15 9-1-1 infrastructure account.

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

17 (a) money received from legislative allocations ~~and transfers~~;

18 ~~(b) a transfer of money in accordance with 10-4-307(1)(a) for the purposes of 10-4-309; and~~

19 ~~(c)~~(b) a gift, donation, grant, legacy, bequest, or devise made for the purposes of 10-4-309.

20 (3) Except as provided in subsection (4), the account may be used only by the department to provide
21 grants for next-generation 9-1-1 infrastructure as provided in 10-4-309 to a local or tribal government entity
22 working with a private telecommunications provider.

23 ~~(4) Funds in the account are statutorily appropriated to the department, as provided in 17-7-502.~~

24 ~~(4)~~(5)(4) At the end of fiscal year ~~2019~~ ~~2024~~ 2019, any unexpended balance in the account must be
25 transferred to the account established by the department in accordance with 10-4-304(2)(b). (Terminates ~~October~~
26 ~~1, 2019~~ ~~sec. 32, Ch. 367, L. 2017~~ September 30, 2024 2019.)"
27

28 **Section 11.** Section 10-4-309, MCA, is amended to read:

29 **"10-4-309. (Temporary) Next-generation 9-1-1 infrastructure grants -- criteria -- rulemaking.** (1)

30 Money deposited in the next-generation 9-1-1 infrastructure account established in 10-4-308 may be expended

1 by the department through a grant to a local or tribal government working with a private telecommunications
2 provider for next-generation 9-1-1 infrastructure.

3 (2) For the purposes of 10-4-308 and this section, the following definitions apply:

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

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

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

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

14 (4) The department shall consult with and consider recommendations by the 9-1-1 advisory council
15 established in 10-4-105 for awards made under this section.

16 (5) The department may adopt rules to administer the provisions of 10-4-308 and this section. The rules
17 must ensure that all local and tribal governments are treated equitably and must include but are not limited to
18 provisions regarding:

19 (a) applications;

20 (b) timelines;

21 (c) eligibility, including proof of eligibility;

22 (d) the procedure for establishing the priority of grant awards;

23 (e) the appeal process for grant applications that are denied; and

24 (f) disbursement of grant money to providers.

25 ~~(6) Before September 1, 2018, the department shall report to the energy and telecommunications interim~~
26 ~~committee provided for in 5-5-230 on efforts to distribute grants in accordance with 10-4-308 and this section.~~

27 ~~(7)(6)~~ Before ~~September 1, 2019~~ October 1, 2024 ~~2019~~, the department shall produce a report
28 summarizing the grants provided, how the grant money was spent, and the program data and information
29 reported by grant recipients. The department shall provide the report to the energy and telecommunications
30 interim committee, as provided in 5-11-210. ~~(Terminates October 1, 2019--sec. 32, Ch. 367, L. 2017~~ September

1 30, 2024 2019.)"

2

3 **Section 12.** Section 10-4-314, MCA, is amended to read:

4 **"10-4-314. (Temporary) 9-1-1 GIS mapping account created -- source of funding -- use of account.**

5 (1) There is an account in the state special revenue fund to be known as the 9-1-1 GIS mapping fund.

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

7 (a) money received from legislative allocations and transfers;

8 ~~(b) a transfer of money by the department in accordance with 10-4-307(1)(b) for use in accordance with~~
9 ~~subsection (3) of this section; and~~

10 ~~(c)(b)~~ any gift, donation, grant, legacy, bequest, or devise made for the purposes of subsection (3).

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

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

18 ~~(5)(4)~~ At the end of fiscal year 2019, any unexpended balance in the account must be transferred to the
19 account established by the department in accordance with 10-4-304(2)(b). (Terminates ~~October 1~~ September 30,
20 ~~2019--sec. 32, Ch. 367, L. 2017.)"~~

21

22 **Section 13.** Section 10-4-315, MCA, is amended to read:

23 **"10-4-315. (Temporary) Statewide 9-1-1 planning account created -- source of funding -- use of**

24 **account.** (1) There is an account in the state special revenue fund to be known as the statewide 9-1-1 planning
25 account.

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

27 (a) money received from legislative allocations and transfers;

28 ~~(b) a transfer of money by the department in accordance with 10-4-307(1)(c) for use in accordance with~~
29 ~~subsections (3) through (5) of this section; and~~

30 ~~(c)(b)~~ any gift, donation, grant, legacy, bequest, or devise made for the purposes of subsections (3)

1 through ~~(5)~~ (6).

2 (3) The account may be used only by the department to award a contract in accordance with ~~18-1-102~~
3 Title 18, chapter 4, and after consulting with the 9-1-1 advisory council created in 10-4-105 to develop a statewide
4 9-1-1 plan.

5 ~~(4) Funds in the account are statutorily appropriated to the department, as provided in 17-7-502.~~

6 ~~(4)(5)(4)~~ A statewide 9-1-1 plan must include proposed:

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

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

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

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

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

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

18 (g) necessary plans to include, to the maximum extent feasible, the use of existing commercial
19 communications infrastructure; and

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

22 ~~(5)(6) Before September 1, 2018 October 1, 2024, the 9-1-1 advisory council shall review the proposals~~
23 ~~and make its recommendations to the department on implementing the recommendations.~~

24 ~~(6)(7)~~ At the end of fiscal year ~~2019~~ 2024 ~~2019~~, any unexpended balance in the account must be
25 transferred to the account established by the department in accordance with 10-4-304(2)(b). (Terminates ~~October~~
26 ~~1, 2019~~ ~~sec. 32, Ch. 367, L. 2017~~ September 30, 2024 ~~2019~~.)"

27

28 ~~Section 13.~~ Section 17-7-502, MCA, is amended to read:

29 ~~"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory~~
30 ~~appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the~~

1 need for a biennial legislative appropriation or budget amendment.

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

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

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

7 ~~———— (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120;~~
8 ~~5-11-407; 5-13-403; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203; 10-3-310;~~
9 ~~10-3-312; 10-3-314; 10-3-1304; 10-4-304; 10-4-308; 10-4-315; 15-1-121; 15-1-218; 15-35-108; 15-36-332;~~
10 ~~15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-130; 15-70-433; 16-11-119; 16-11-509; 17-3-106; 17-3-112;~~
11 ~~17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215; 18-11-112; 19-3-319; 19-3-320; 19-6-404; 19-6-410;~~
12 ~~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;~~
13 ~~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;~~
14 ~~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; 37-54-113;~~
15 ~~39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-213; 44-13-102; 50-1-115; 53-1-109; 53-6-148; 53-6-1304;~~
16 ~~53-9-113; 53-24-108; 53-24-206; 60-11-115; 61-3-321; 61-3-415; 69-3-870; 69-4-527; 75-1-1101; 75-5-1108;~~
17 ~~75-6-214; 75-11-313; 75-26-308; 76-13-150; 76-13-416; 76-17-103; 76-22-109; 77-1-108; 77-2-362; 80-2-222;~~
18 ~~80-4-416; 80-11-518; 80-11-1006; 81-1-112; 81-1-113; 81-7-106; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505;~~
19 ~~[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.~~

20 ~~———— (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing;~~
21 ~~paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued~~
22 ~~pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana~~
23 ~~to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state~~
24 ~~treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory~~
25 ~~appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion~~
26 ~~of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded~~
27 ~~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~~
28 ~~sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 73, Ch. 44, L.~~
29 ~~2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under~~
30 ~~19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion~~

1 of ~~76-13-416~~ terminates June 30, 2019; pursuant to ~~sec. 11(2), Ch. 17, L. 2013~~, the inclusion of ~~17-3-112~~
 2 ~~terminates on occurrence of contingency; pursuant to sec. 27, Ch. 285, L. 2015, and sec. 1, Ch. 292, L. 2015,~~
 3 ~~the inclusion of 53-9-113 terminates June 30, 2021; pursuant to sec. 6, Ch. 291, L. 2015, the inclusion of~~
 4 ~~50-1-115 terminates June 30, 2021; pursuant to sec. 28, Ch. 368, L. 2015, the inclusion of 53-6-1304 terminates~~
 5 ~~June 30, 2019; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of~~
 6 ~~contingency; pursuant to sec. 5, Ch. 422, L. 2015, the inclusion of 17-7-215 terminates June 30, 2021; pursuant~~
 7 ~~to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec.~~
 8 ~~10, Ch. 427, L. 2015, the inclusion of 37-50-209 terminates September 30, 2019; pursuant to sec. 33, Ch. 457,~~
 9 ~~L. 2015, the inclusion of 20-9-905 terminates December 31, 2023; pursuant to sec. 12, Ch. 55, L. 2017, the~~
 10 ~~inclusion of 37-54-113 terminates June 30, 2023; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304~~
 11 ~~terminates September 30, 2025; pursuant to sec. 55, Ch. 151, L. 2017, the inclusion of 30-10-1004 terminates~~
 12 ~~June 30, 2021; pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant~~
 13 ~~to secs. 5, 8, Ch. 284, L. 2017, the inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2023;~~
 14 ~~pursuant to sec. 1, Ch. 340, L. 2017, the inclusion of 22-1-327 terminates July 1, 2023, and pursuant to sec. 2,~~
 15 ~~Ch. 340, L. 2017, and sec. 32, Ch. 429, L. 2017, is void for fiscal years 2018 and 2019; and pursuant to sec. 10,~~
 16 ~~Ch. 374, L. 2017, the inclusion of 76-17-103 terminates June 30, 2027.)"~~

17

18 **Section 14.** Section 32, Chapter 367, Laws of 2017, is amended to read:

19 **"Section 32. Termination dates.** ~~(1) [Sections 9 through 10, 11, and 9 THROUGH 13] terminate October~~
 20 ~~1, 2019~~ September 30, 2024 2019.

21 ~~(2) [Section 12] terminates September 30, 2019."~~

22

23 **NEW SECTION. Section 15. Repealer.** The following section of the Montana Code Annotated is
 24 repealed:

25 10-4-307. Baseline next-generation 9-1-1 account transfers.

26

27 ~~**NEW SECTION. Section 16. Transfer of funds.** In fiscal year 2020, the department shall transfer~~
 28 ~~\$150,000 from the state special revenue account established in 10-4-304(2)(b) into the statewide 9-1-1 planning~~
 29 ~~account established in accordance with 10-4-315.~~

30

1 NEW SECTION. **Section 16. Notification to tribal governments.** The secretary of state shall send
2 a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell
3 Chippewa tribe.

4

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

6

7 NEW SECTION. **Section 18. Termination.** [~~Section~~ SECTIONS 9 THROUGH 13 ~~terminates~~ TERMINATE
8 September 30, ~~2024~~ 2019].

9

- END -