

HOUSE BILL NO. 50

INTRODUCED BY F. GARNER

BY REQUEST OF THE LEGISLATIVE FINANCE COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT REDISTRIBUTING 9-1-1 FEES TO THE STATE LIBRARY; REQUIRING 9-1-1 FEES BE USED FOR GIS MAPPING RELATED TO NEXT-GENERATION 9-1-1; REQUIRING REPORTING TO AN INTERIM COMMITTEE; PROVIDING A STATUTORY APPROPRIATION; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 10-4-201, 10-4-304, AND 17-7-502, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

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

Section 1. 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 and for the purpose of 10-4-304(5):

(a) for 9-1-1 services, a fee of 75 cents a month per access line on each subscriber in the state is imposed for the administration of 9-1-1 programs in accordance with 10-4-305; and

(b) a fee of 25 cents a month per access line on each subscriber in the state is imposed for the grants provided in accordance with 10-4-306.

(2) The subscriber paying for an access line 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."

Section 2. Section 10-4-304, MCA, is amended to read:

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



1 (2) ~~Funds~~Except as provided in subsection (5), funds in the account are statutorily appropriated to the
2 department, as provided in 17-7-502. Except as provided in subsection (3), ~~beginning July 1, 2018,~~ funds that
3 are not used for the administration of this chapter by the department or transferred in accordance with
4 subsection (5) are allocated as follows:

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

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

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

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

15 (5) Each fiscal year from July 1, 2021, through June 30, 2030, the state treasurer shall transfer
16 \$450,000 from the account established in subsection (1) to the 9-1-1 GIS mapping account established in
17 [section 3] by August 15 of each fiscal year."

18
19 NEW SECTION. Section 3. 9-1-1 GIS mapping account created -- source of funding -- use of
20 account. (1) There is an account in the state special revenue fund to be known as the 9-1-1 GIS mapping fund.

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

22 (a) money received from legislative allocations and from transfers made in accordance with 10-4-
23 304(5); and

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

25 (3) The account may be used only by the state library provided for in 22-1-102 in carrying out its
26 coordination and management responsibilities to collect, maintain, and disseminate GIS land information in the
27 state as it pertains to supporting public safety answering points on the ongoing assessment and improvement
28 of next-generation 9-1-1 GIS data sets.

1 (4) Before September 1 of each even-numbered year, the state library shall produce a report
2 summarizing the status of GIS readiness in Montana as it pertains to next-generation 9-1-1 GIS, including
3 policy and funding recommendations necessary to advance next-generation 9-1-1 systems. The state library
4 shall provide the report in accordance with 5-11-210 to the energy and telecommunications interim committee
5 provided for in 5-5-230.

6 (5) Funds in the account are statutorily appropriated to the state library as provided in 17-7-502.

7 (6) At the end of fiscal year 2031, any unexpended balance in the account must be transferred to the
8 account established in accordance with 10-4-304(1).

9
10 **Section 4.** Section 17-7-502, MCA, is amended to read:

11 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory
12 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without
13 the need for a biennial legislative appropriation or budget amendment.

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

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

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

19 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-
20 407; 5-13-403; 5-13-404; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203; 10-3-310;
21 10-3-312; 10-3-314; 10-3-802; 10-3-1304; 10-4-304; [section 3]; 15-1-121; 15-1-218; 15-31-1004; 15-31-1005;
22 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-130; 15-70-433; 16-11-119; 16-11-
23 509; 17-3-106; 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;
24 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-
25 203; 20-8-107; 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-
26 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; 37-54-
27 113; 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; 53-9-
28 113; 53-24-108; 53-24-206; 60-11-115; 61-3-321; 61-3-415; 67-1-309; 69-3-870; 69-4-527; 75-1-1101; 75-5-

1 1108; 75-6-214; 75-11-313; 75-26-308; 76-13-151; 76-13-150; 76-17-103; 76-22-109; 77-1-108; 77-2-362; 80-
2 2-222; 80-4-416; 80-11-518; 80-11-1006; 81-1-112; 81-1-113; 81-7-106; 81-7-123; 81-10-103; 82-11-161; 85-2-
3 526; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 90-1-115; 90-1-205; 90-1-504; 90-6-331; and 90-9-306.

4 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
5 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
6 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of
7 Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined
8 by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have
9 statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the
10 inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement
11 system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410
12 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental
13 benefit provided by 19-6-709; pursuant to sec. 27, Ch. 285, L. 2015, and sec. 1, Ch. 292, L. 2015, the inclusion
14 of 53-9-113 terminates June 30, 2021; pursuant to sec. 6, Ch. 291, L. 2015, the inclusion of 50-1-115
15 terminates June 30, 2021; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on
16 occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117
17 terminates June 30, 2025; pursuant to sec. 33, Ch. 457, L. 2015, the inclusion of 20-9-905 terminates
18 December 31, 2023; pursuant to sec. 12, Ch. 55, L. 2017, the inclusion of 37-54-113 terminates June 30, 2023;
19 pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025; pursuant to
20 sec. 55, Ch. 151, L. 2017, the inclusion of 30-10-1004 terminates June 30, 2021; pursuant to sec. 1, Ch. 213, L.
21 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to secs. 5, 8, Ch. 284, L. 2017, the
22 inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2023; pursuant to sec. 1, Ch. 340, L. 2017,
23 the inclusion of 22-1-327 terminates July 1, 2023; pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of 76-17-
24 103 terminates June 30, 2027; pursuant to sec. 5, Ch. 50, L. 2019, the inclusion of 37-50-209 terminates
25 September 30, 2023; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates June 30, 2029;
26 pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June 30, 2027;
27 pursuant to sec. 7, Ch. 465, L. 2019, the inclusion of 85-2-526 terminates July 1, 2023; and pursuant to sec. 5,
28 Ch. 477, L. 2019, the inclusion of 10-3-802 terminates June 30, 2023.)"

