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## State Administration and Veterans' Affairs Interim Committee

### 65th Montana Legislature

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**TO:** State Administration and Veterans' Affairs Interim Committee

**FROM:** K. Virginia Aldrich

**DATE:** July 31, 2018

**RE:** Legislative Administrative Rule Review Report

Pursuant to 5-5-228, MCA, the State Administration and Veterans' Affairs Interim Committee is responsible for reviewing administrative rules within its jurisdiction. Staff for the State Administration and Veterans' Affairs Interim Committee has prepared this report for informational purposes only. This report does not represent any action or opinion of the State Administration and Veterans' Affairs Interim Committee and does not preclude additional action that may be taken by the State Administration and Veterans' Affairs Interim Committee pursuant to its authority under the Montana Administrative Procedure Act (Title 2, chapter 4, MCA).

**MAR NOTICE NUMBER:** 2-13-577

**AGENCY/BOARD:** Department of Administration

**RULE CLASSIFICATION:** (e.g. substantive/interpretive/emergency/temporary): Substantive

**SUBJECT:** Notice of Public Hearing on Proposed Adoption - 9-1-1 Grants

**NOTICE DESCRIPTION:** (e.g. proposal notice/adoption notice): Notice of Proposed Adoption

**SUMMARY OF RULE(S):** Chapter 367, L. 2017, requires the Department of Administration (department) to adopt rules pertaining to 9-1-1 grants before July 1, 2018. In February, the department adopted rules relating to Public Safety Answering Point (PSAP) certification, the allocation of 9-1-1 fees, and the allowable uses of those funds. On July 20, 2018, the department proposed six new rules concerning the grants. The rules are based on the draft approved by the 9-1-1 Advisory Council on June 14, 2018.

The department proposes to adopt rules to provide definitions and allow private telecommunications providers and certified Public Safety Answer Points to apply for grants. Because Chapter 367 requires grants to be awarded "beginning July 1, 2018," the rules also specify that for grants awarded during fiscal year 2019, a grant recipient would be eligible for reimbursement for expenditures incurred between July 1, 2019, and the date of the grant award.

The department notes that grant awards will likely be awarded in the fourth calendar quarter of 2018. However, the department also notes that in fiscal year 2020 and thereafter, "grants will be awarded on a prospective basis."

The department proposes to adopt a rule requiring the department to give public notice of the amount of grant funds available each year on or before September 30. The rule requires applicants to use a grant application form available on the department's website, and it requires applicants to submit applications within 60 days of notice that the department is accepting grant applications. The department "did not fix a date for announcing the beginning of the application period because timing will depend on the quarterly meeting schedule of the 9-1-1 Advisory Council." The rule requires the department to make final grant awards within 90 days of receiving recommendations for grant recipients from the 9-1-1 Advisory Council.

The department proposes to adopt a weighted set of criteria for awarding grants, awarding ascending amounts of points for completeness of the application, public and private support for the project, and the extent to which the application "supports planning, implementation, operation, or maintenance of 9-1-1 systems, 9-1-1 services, or both." In addition, the rule allows the department to make conditional or partial grant awards, and it requires the department to post the 9-1-1 Advisory Council's recommendations and the department's final grant awards on its website.

The department proposes to adopt a rule that specifies how grant recipients must report their progress concerning grant funds. The rule allows the department to request periodic progress reports, but the department may request reports no more than once a quarter. Recipients must keep records concerning the funds five years following the grant's expiration. The rule allows the department to audit transactions involving 9-1-1 grant funds and request any information and records necessary to determine compliance with the grant rules. The rule also allows a recipient to request protection for information subject to trade secret confidentiality from public disclosure under the Uniform Trade Secrets Act.

Lastly, the department proposes a rule to outline the relevant procedure, timelines, contested case process, suspension, reduction, or repayment of funds if the department determines that a recipient has not complied with the rules. The rule outlines a notification process the department must follow, and it allows a grant recipient 60 days to correct deficiencies and demonstrate compliance unless it requests an additional 30 days. If all deficiencies have not been corrected within the requisite time, the department can appoint a hearing examiner and conduct a contested case. The department director makes the final determination as to whether a grant recipient does not comply with the rules, and after a final determination has been made that a grant recipient does not comply with the relevant statutory provisions, rules, or "has not timely provided information requested by the department," the department may suspend, reduce, or require repayment of grant funds.

**NOTES:** A public hearing is scheduled for August 9, 2018, at 1:30 p.m. in Room 7, Mitchell Building, 125 N. Roberts Street, Helena, Montana. The public comment period ends on August 17, 2018.

**FULL TEXT OF NOTICE:** The full text of the notice proposal may be found at [http://www.mtrules.org/gateway/Cycle\\_Home.asp?CID=2768](http://www.mtrules.org/gateway/Cycle_Home.asp?CID=2768).

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