



Montana Legislative Services Division
Legal Services Office

TO: State Administration and Veterans' Affairs Interim Committee

FROM: K. Virginia Aldrich

DATE: October 9, 2020

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: 2-13-605

AGENCY/BOARD: Department of Administration

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

SUBJECT: Next Generation 9-1-1 Technology Standards and Baseline Principles

NOTICE DESCRIPTION: (e.g. proposal notice/adoption notice): Notice of Public Hearing on Proposed Adoption - Next Generation 9-1-1 Technology Standards and Baseline Principles

SUMMARY OF RULE(S):

The Department of Administration proposes to adopt one new rule relating to next generation 9-1-1 technology standards and baseline principles. The proposed rule adopts two documents by reference.

Under section 2-4-307, MCA, a document may be adopted by reference if the publication adopted by reference (1) is in existence at the time the agency's notice of proposed rulemaking is published in the register; (2) is available to the public for comment "through either publication in the register or publication in an electronic format on the agency's web page, during the time that the rule adopting the model code, rule, or other publication is itself subject to public comment"; and (3) "may not be altered between the time of publication of the notice of proposed rulemaking and the publication of the notice of adoption by the agency proposing the rule unless the alteration is required in order to respond to comments in the rulemaking record of the adopting agency."

The first document proposed to be adopted by reference establishes standards to be used in the design and transition to next generation 9-1-1. This document does this by adopting standards and information documents issued by working groups through the National Emergency Number Association (NENA), including, in some cases, documents developed in collaboration with the Association of Public-Safety Communications Officials (APCO) International Standards Development Committee.

The second document proposed to be adopted by reference provides principles to help guide development and implementation of a next generation "core services system (NGCS) and a statewide emergency services Internet protocol (IP) network (ESInet) that is compliant with the National Emergency Numbers Association's (NENA) Detailed Functional and Interface Standards for the NENA i3 Solution."

Although both documents to be adopted by reference were available on the Department of Administration's website at the location listed in the notice, due to a technical IT error, users were unable to access the documents through the link provided in the notice. Due to this error, the Department of Administration has agreed to issue an amended notice. The amended notice will allow the public to access the documents and provide adequate time for public comment before the adoption of the notice.

Within one of the documents proposed to be adopted by reference were a number of embedded documents that contained NENA and APCO standards. Specifically, the first document proposed to be adopted by reference integrated the APCO/NENA Emergency Incident Data Document (APCO/NENA 2.105.1-2017 - NENA/APCO NG9-1-1). However, the link to this standard was no longer valid, and the document could not be located through NENA's website. Because documents adopted by reference must be in existence at the time they are proposed and available through publication in the Montana Administrative Register or in an electronic format on the agency's web page during the time that the rule is subject to public comment, the Department of Administration will correct the contents of the document proposed to be adopted by reference by providing the correct link to the Emergency Incident Data Document and allowing adequate time for the public to comment on the embedded document once the link is corrected.

NOTES: A public hearing will be held electronically on October 20, 2020, at 1:00 p.m. Please see the notice for details. The public comment period ends on October 23, 2020.

FULL TEXT OF NOTICE: The full text of the notice proposal and the amended proposal may be found online at http://www.mtrules.org/gateway/Cycle_Home.asp?CID=3161.