



Montana Legislative Services Division
Legal Services Office

TO: State Administration and Veterans' Affairs Interim Committee

FROM: K. Virginia Aldrich

DATE: November 26, 2019

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: 2-13-593

AGENCY/BOARD: Department of Administration

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

SUBJECT: Notice of Public Hearing on Proposed Amendment - Applicant Priority and Criteria for Awarding 9-1-1 Grants.

NOTICE DESCRIPTION: (e.g. proposal notice/adoption notice): Notice of Public Hearing on Proposed Amendment - Applicant Priority and Criteria for Awarding 9-1-1 Grants.

SUMMARY OF RULE(S): The Department of Administration (department) proposes to amend one rule concerning the criteria for awarding competitive grants to private telecommunications providers and local government entities that host public safety answering points.

On October 18, 2019, the department proposed amendments to this rule. On October 29, 2019, the State Administration and Veterans' Affairs Interim Committee objected to the proposed changes. Subsequently, the department decided not to proceed with the previously proposed changes (*see* Notice of Decision on Proposed Amendment, MAR Notice No. 2-13-592, November 22, 2019). These amendments are proposed in lieu of the previous proposal.

In this proposal, the department proposes to amend the current rule that sets the criteria for awarding 9-1-1 grants. The proposal eliminates the point system allocated to existing grant criteria and makes the criteria discretionary rather than mandatory. In addition to the existing criteria (completeness and effectiveness of the application, extent to which the application supports planning, implementation, operation, or maintenance of 9-1-1 systems, 9-1-1 services, or both, and support for the project demonstrated by letters of support from private

telecommunications providers, local governments, public safety answering points, and emergency services agencies), the department proposes to adopt a number of additional discretionary criteria including project duration, number of applications submitted, amount of detail in the cost estimate and supporting paperwork, if the proposal provides for the replacement or support of equipment and systems at or near the end of their lifecycle, proportion of grant funding requested, and whether the proposal addresses needs identified in the statewide 9-1-1 plan. In addition, the proposed amendments clarify that grant determinations are made in the department's discretion in consultation with the 9-1-1 Advisory Council, grant determinations are subject to the statutory priority placed in section 10-4-306(3), and a "grant award may be made even if the applicant does not meet all of the criteria."

One of the criteria in the existing rule is "the extent to which the application supports planning, implementation, operation, or maintenance of 9-1-1 systems, 9-1-1 services, or both as provided by 10-4-306(2), MCA." Because, in part, this provision restates mandatory conditions for grant application requests as provided in 10-4-306(2) and because the rule, as proposed, will provide only discretionary grant criteria, staff requested that the proposal also explicitly refer to the mandatory statutory provisions. The Department has agreed to update the rule when it is adopted to clarify that a grant application must clearly request funds to support an allowable project or expense that is identified in 10-4-306(2).

NOTES: A public hearing will be held on December 23, 2019, at 11:30 a.m. in Room 7 of the Mitchell Building, 125 N. Roberts St., Helena, Montana. The public comment period ends on December 23, 2019.

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=3016.

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