

## HOUSE BILL NO. 744

INTRODUCED BY D. ZOLNIKOV

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING 9-1-1 FEES; REVISING THE  
5 DISTRIBUTION OF 9-1-1 FUNDS; TRANSFERRING MONEY INTO THE 9-1-1 GIS MAPPING ACCOUNT AND  
6 THE STATEWIDE 9-1-1 PLANNING ACCOUNT; EXTENDING DEADLINES FOR 9-1-1 GIS MAPPING AND  
7 STATEWIDE 9-1-1 PLANNING; REVISING PRIORITIES FOR THE DISTRIBUTION OF CERTAIN 9-1-1  
8 GRANTS; PROVIDING STATUTORY APPROPRIATIONS; AMENDING SECTIONS 10-4-201, 10-4-304,  
9 10-4-306, 10-4-314, 10-4-315, AND 17-7-502, MCA; AMENDING SECTION 32, CHAPTER 367, LAWS OF 2017;  
10 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

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

13  
14 **Section 1.** Section 10-4-201, MCA, is amended to read:  
15 **"10-4-201. Fees imposed for 9-1-1 services.** (1) Except as provided in 10-4-202:  
16 (a) for 9-1-1 services, a fee of 75 cents a month per access line on each subscriber in the state is  
17 imposed for the administration of 9-1-1 programs in accordance with 10-4-305; and  
18 (b) a fee of 25 cents a month per access line on each subscriber in the state is imposed for ~~the~~ transfers  
19 and for grants provided in accordance with 10-4-306.  
20 (2) The subscriber paying for an access line is liable for the fees imposed by this section.  
21 (3) The provider shall collect the fees. The amount of the fees collected by the provider is considered  
22 payment by the subscriber for that amount of fees.  
23 (4) Any return made by the provider collecting the fees is prima facie evidence of payments by the  
24 subscribers of the amount of fees indicated on the return."

25  
26 **Section 2.** Section 10-4-304, MCA, is amended to read:  
27 **"10-4-304. Establishment of 9-1-1 accounts.** (1) ~~Beginning July 1, 2018, there~~ There is established  
28 in the state special revenue fund an account for fees collected for 9-1-1 services pursuant to 10-4-201.  
29 (2) Funds in the account are statutorily appropriated to the department, as provided in 17-7-502. ~~Except~~  
30 ~~as provided in subsection (3), beginning July 1, 2018, funds~~ Funds that are not used for the administration of this

1 chapter by the department are allocated as follows:

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

5 (b) 25% of the account must be deposited in an account for transfers in accordance with subsection (5)  
6 and for distribution in the form of grants to private telecommunications providers, to local government entities that  
7 host public safety answering points, or to both in accordance with 10-4-306.

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

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

12 (5) Each fiscal year from July 1, 2019, through June 30, 2024, \$150,000 must be transferred from the  
13 account established in subsection (2)(b) to the 9-1-1 GIS mapping account established in 10-4-314."

14

15 **Section 3.** Section 10-4-306, MCA, is amended to read:

16 **"10-4-306. 9-1-1 grants.** (1) The department shall, in consultation with the 9-1-1 advisory council created  
17 pursuant to 10-4-105, award competitive grants annually using the account established pursuant to  
18 10-4-304(2)(b) for private telecommunications providers and for local government entities that host public safety  
19 answering points. Beginning July 1, 2018, grants must be awarded to private telecommunications providers, local  
20 government entities that host public safety answering points, or both in accordance with this section and with  
21 rules adopted by the department in accordance with 10-4-108.

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

24 (a) emergency telecommunications systems plans;

25 (b) project feasibility studies or project plans;

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

27 and

28 (d) the purchase of services that support 9-1-1 systems.

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

30 (a) requests by private telecommunications providers ~~or by local government entities that host public~~

1 ~~safety answering points by working with a private telecommunications provider; and~~

2 (b) requests by local government entities that host public safety answering points.

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

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

7 (b) collaborating with another local government entity on a joint grant application."  
8

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

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

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

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

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

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

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

17 (3) The account may be used only by the state library provided for in 22-1-102 in carrying out its land  
18 information and management duties to ~~award a contract in accordance with 18-1-102 to assess the status of GIS~~  
19 ~~adoption and operations in Montana as they pertain to~~ support public safety answering points on the ongoing  
20 assessment and improvement of next-generation 9-1-1 GIS data sets.

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

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

26 (5) At the end of fiscal year ~~2019~~ 2024, any unexpended balance in the account must be transferred to  
27 the account established by the department in accordance with 10-4-304(2)(b). (Terminates ~~October 1, 2019--sec.~~  
28 ~~32, Ch. 367, L. 2017~~ September 30, 2024.)"

29

30 **Section 5.** Section 10-4-315, MCA, is amended to read:

1           **"10-4-315. (Temporary) Statewide 9-1-1 planning account created -- source of funding -- use of**  
 2 **account.** (1) There is an account in the state special revenue fund to be known as the statewide 9-1-1 planning  
 3 account.

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

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

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

8 ~~——(e) any gift, donation, grant, legacy, bequest, or devise made for the purposes of subsections (3) through~~  
 9 ~~(5) (6).~~

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

12           (4) A statewide 9-1-1 plan must include proposed:

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

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

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

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

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

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

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

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

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

28           ~~(5)(6)~~ Before ~~September 1, 2018~~ October 1, 2024, the 9-1-1 advisory council shall review the proposals  
 29 and make its recommendations to the department on implementing the recommendations.

30           ~~(6)(7)~~ At the end of fiscal year ~~2019~~ 2024, any unexpended balance in the account must be transferred

1 to the account established by the department in accordance with 10-4-304(2)(b). (Terminates ~~October 1,~~  
2 ~~2019--sec. 32, Ch. 367, L. 2017~~ September 30, 2024.)"

3

4 **Section 6.** Section 17-7-502, MCA, is amended to read:

5 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory  
6 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the  
7 need for a biennial legislative appropriation or budget amendment.

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

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

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

13 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120;  
14 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;  
15 10-3-312; 10-3-314; 10-3-1304; 10-4-304; 10-4-314; 10-4-315; 15-1-121; 15-1-218; 15-35-108; 15-36-332;  
16 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;  
17 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;  
18 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;  
19 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;  
20 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;  
21 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;  
22 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;  
23 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;  
24 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;  
25 [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.

26 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,  
27 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued  
28 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana  
29 to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state  
30 treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory

1 appropriation authority for the payments.(In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion  
 2 of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded  
 3 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  
 4 sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 73, Ch. 44, L.  
 5 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under  
 6 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion  
 7 of 76-13-416 terminates June 30, 2019; pursuant to sec. 11(2), Ch. 17, L. 2013, the inclusion of 17-3-112  
 8 terminates on occurrence of contingency; pursuant to sec. 27, Ch. 285, L. 2015, and sec. 1, Ch. 292, L. 2015,  
 9 the inclusion of 53-9-113 terminates June 30, 2021; pursuant to sec. 6, Ch. 291, L. 2015, the inclusion of  
 10 50-1-115 terminates June 30, 2021; pursuant to sec. 28, Ch. 368, L. 2015, the inclusion of 53-6-1304 terminates  
 11 June 30, 2019; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of  
 12 contingency; pursuant to sec. 5, Ch. 422, L. 2015, the inclusion of 17-7-215 terminates June 30, 2021; pursuant  
 13 to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec.  
 14 10, Ch. 427, L. 2015, the inclusion of 37-50-209 terminates September 30, 2019; pursuant to sec. 33, Ch. 457,  
 15 L. 2015, the inclusion of 20-9-905 terminates December 31, 2023; pursuant to sec. 12, Ch. 55, L. 2017, the  
 16 inclusion of 37-54-113 terminates June 30, 2023; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304  
 17 terminates September 30, 2025; pursuant to sec. 55, Ch. 151, L. 2017, the inclusion of 30-10-1004 terminates  
 18 June 30, 2021; pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant  
 19 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;  
 20 pursuant to sec. 1, Ch. 340, L. 2017, the inclusion of 22-1-327 terminates July 1, 2023, and pursuant to sec. 2,  
 21 Ch. 340, L. 2017, and sec. 32, Ch. 429, L. 2017, is void for fiscal years 2018 and 2019; and pursuant to sec. 10,  
 22 Ch. 374, L. 2017, the inclusion of 76-17-103 terminates June 30, 2027.)"

23  
 24 **NEW SECTION. Section 7. Transfer of funds.** In fiscal year 2020, the department shall transfer  
 25 \$250,000 from the state special revenue account established in 10-4-304(2)(b) into the statewide 9-1-1 planning  
 26 account established in accordance with 10-4-315.

27  
 28 **Section 8.** Section 32, Chapter 367, Laws of 2017, is amended to read:  
 29 **"Section 32. Termination dates.** (1) [Sections 9 through ~~43~~ 11] terminate ~~October 4~~ September 30,  
 30 2019.

1            (2) [Sections 12 and 13] terminate September 30, 2024."

2

3            NEW SECTION. Section 9. Effective date. [This act] is effective on passage and approval.

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5            NEW SECTION. Section 10. Termination. [Sections 4, 5, and 6] terminate September 30, 2024.

6

- END -