

BEFORE THE DEPARTMENT OF ADMINISTRATION  
OF THE STATE OF MONTANA

In the matter of the amendment of ARM ) NOTICE OF PUBLIC HEARING ON  
2.13.407, pertaining to applicant priority ) PROPOSED AMENDMENT  
and criteria for awarding 9-1-1 grants )

TO: All Concerned Persons

1. On November 13, 2019, at 10:00 a.m., the Department of Administration will hold a public hearing in Room 7 of the Mitchell Building, at 125 N. Roberts St., Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Department of Administration will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Administration no later than 5:00 p.m. on November 4, 2019, to advise us of the nature of the accommodation that you need. Please contact Rhonda Sullivan, Department of Administration, 1400 8th Ave., P.O. Box 200113, Helena, Montana 59620; telephone (406) 444-2420; fax (406) 444-2701; Montana Relay Service 711; or e-mail rsullivan@mt.gov.

3. The rule proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

2.13.407 APPLICANT PRIORITY AND CRITERIA FOR AWARDING GRANTS (1) remains the same.

(2) ~~The department, in consultation with the 9-1-1 Advisory Council,~~ shall evaluate all eligible applications using the following criteria: criteria set by the department in consultation with the 9-1-1 Advisory Council. The department shall adopt the criteria annually, before providing notice that it is accepting applications. The criteria shall be posted on the department's website and made available with the grant applications.

~~(a) completeness and effectiveness of the application (20 points maximum). The application must be complete and fully address the requirements in the application form and clearly describe the fulfillment of grant award criteria;~~

~~(b) 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, (50 points maximum); and~~

~~(c) support for the project demonstrated by letters of support from private telecommunications providers, local governments, public safety answering points, and emergency services agencies (30 points maximum).~~

(3) The 9-1-1 Advisory Council shall provide grant award recommendations to the department utilizing the criteria developed as provided in (2). All grant determinations are made in the department's discretion, in consultation with the 9-1-1 Advisory Council, subject to the statutory priority in 10-4-306(3), MCA. A

particular grant award may not be supported by all of the criteria adopted by the department.

(4) and (5) remain the same.

AUTH: 10-4-108, MCA

IMP: 10-4-106, 10-4-306, MCA

STATEMENT OF REASONABLE NECESSITY: The department proposes amending this rule based on input from the 9-1-1 Advisory Council and stakeholders after completing the first annual grant cycle following implementation of the 9-1-1 grant program. During the first grant cycle, the department and 9-1-1 Advisory Council found it challenging to distinguish between applications using the current criteria. It was difficult to identify substantive reasons for reducing an applicant's point total based on the criteria, and therefore, many applications received the same number of points. The department and 9-1-1 Advisory Council also observed that some projects that may have been more effective in terms of meeting local and statewide 9-1-1 needs, received fewer points than other projects that happened to better fit the current application criteria. This led to concern that the existing criteria did not adequately address the legislative goal to use the grants to improve emergency telecommunications throughout the state.

It is necessary to amend the rule to ensure grant criteria are not overly rigid, which could lead to arbitrary decisions and reduce the effectiveness of the grant program. By allowing the department and 9-1-1 Advisory Council to set and announce the grant criteria annually, this amendment would ensure flexibility to allow the department to direct limited 9-1-1 grant funds to areas and projects where the grants will have the greatest impact during that particular grant cycle.

In addition, the department proposes to add flexibility by amending (3) to allow the department to make an award to a project that will have a significant impact although the project may not meet all the criteria adopted by the department. For example, if a major infrastructure improvement project would greatly enhance the 9-1-1 system but required more time than allowed by the criteria, the department could approve the application because it met other criteria and advanced the legislative goal of improving emergency telecommunications.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to Rhonda Sullivan, Department of Administration, 1400 8th Ave., P.O. Box 200113, Helena, Montana 59620; telephone (406) 444-2420; fax (406) 444-2701; or e-mail [rsullivan@mt.gov](mailto:rsullivan@mt.gov), and must be received no later than 5:00 p.m., November 18, 2019.

5. Don Harris, Department of Administration, has been designated to preside over and conduct this hearing.

6. The division maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the mailing list shall make a written request which includes the

name and mailing address or e-mail address of the person to receive notices and specifies that the person wishes to receive notices regarding Public Safety Communications Bureau rulemaking actions. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person listed in paragraph 4 or may be made by completing a request form at any rules hearing held by the department.

7. An electronic copy of this proposal notice is available through the department's website at [doa.mt.gov/administrativerules](http://doa.mt.gov/administrativerules). The department strives to make its online version of the notice conform to the official published version, but advises all concerned persons that if a discrepancy exists between the official version and the department's online version, only the official text will be considered. In addition, although the department works to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. The department has determined that under 2-4-111, MCA, the proposed amendment of ARM 2.13.407 will not significantly and directly affect small businesses.

By: /s/ John Lewis  
John Lewis, Director  
Department of Administration

By: /s/ Don Harris  
Don Harris, Rule Reviewer  
Department of Administration

Certified to the Secretary of State October 8, 2019.