

BEFORE THE DEPARTMENT OF ADMINISTRATION
OF THE STATE OF MONTANA

In the matter of the adoption of New) NOTICE OF ADOPTION
Rules I through VI pertaining to 9-1-1)
Grants)

TO: All Concerned Persons

1. On July 20, 2018, the Department of Administration published MAR Notice No. 2-13-577 pertaining to the public hearing on the proposed adoption of New Rules I through VI at page 1322 of the 2018 Montana Administrative Register, Issue Number 14.

2. The department has adopted New Rule II (ARM 2.13.404) and New Rule VI (ARM 2.13.411) exactly as proposed.

3. The department has adopted the following rules as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

NEW RULE I (2.13.401) GRANT PROGRAM DEFINITIONS (1) through (4) remain as proposed; however, the implementation citation is amended as follows:

AUTH: 10-4-108, MCA

IMP: 10-4-101, 10-4-304, 10-4-306, MCA

NEW RULE III (2.13.405) APPLICATION FOR GRANTS (1) An applicant for grant funds shall submit an application on a form approved by the department in consultation with the 9-1-1 Advisory Council ~~and adopted by reference in this rule.~~ The application form is available on the department's website. In fiscal year 2020 and thereafter, grants will be awarded on a prospective basis ~~to encourage expansion of 9-1-1 systems and services.~~

(2) through (4) remain as proposed.

NEW RULE IV (2.13.407) APPLICANT PRIORITY AND CRITERIA FOR AWARDING GRANTS (1) through (2)(a) remain as proposed.

(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) through (5) remain as proposed.

NEW RULE V (2.13.410) GRANT REPORTING, MONITORING, AND RECORDKEEPING (1) ~~The department may request periodic progress reports from grant award recipients, but not more frequently than quarterly. Grant award recipients shall provide the department quarterly progress reports. If a grant award~~

recipient provides the department progress reports more often than quarterly, the recipient need not provide the quarterly report.

(2) through (5) remain as proposed.

4. The department has thoroughly considered the comments and testimony received. A summary of the comments received, and the department's responses are as follows:

Comment #1: The department received a comment suggesting that 10-4-101, MCA, be listed as a statute implemented by New Rule I.

Response #1: The department agrees and has added the citation.

Comment #2: The department received a comment suggesting the phrase "and adopted by reference in the rule" be removed from NEW RULE III(1) because the application itself does not contain any additional substantive requirements, and the rule is simply advising interested persons that the application is available on the department's website.

Response #2: The department agrees with the comment and has removed the words "and adopted by reference in the rule" from NEW RULE III(1).

Comment #3: The department received a comment from the Montana Telecommunications Association requesting deletion of language in NEW RULE III(1) referring to "expansion of 9-1-1 systems" as inappropriate to the intent of 10-4-306, MCA, because the statute is not limited to encouraging expansion of 9-1-1 systems but allows grants for implementation, operation, and maintenance of 9-1-1 systems, equipment, devices, and data, as well as other statutorily authorized uses.

Response #3: The department agrees with the comment and is adopting the rule without the last part of the last sentence. Insertion of the sentence in NEW RULE III was a clerical error made during preparation of the rule notice. The department regrets the error and the resulting confusion and thanks the association for pointing out the error.

Comment #4: The department received a comment noting that a reference to 10-4-306(2), MCA, was needed in NEW RULE IV(2)(b), because the rule subsection incorporates all the allowable uses included in the statute.

Response #4: The department agrees and has added language referring to the allowable uses of grant funds found in 10-4-306(2), MCA.

Comment #5: A member of the State Administration and Veterans' Affairs Interim Committee asked the department to consider requiring grant recipients to provide periodic progress reports on a quarterly basis in NEW RULE V(1).

Response #5: The department agrees with the comment and has modified NEW RULE V(1) to require quarterly reports.

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

By: /s/ Michael P. Manion
Michael P. Manion, Rule Reviewer
Department of Administration

Certified to the Secretary of State August 28, 2018.