

BEFORE THE DEPARTMENT OF ADMINISTRATION
OF THE STATE OF MONTANA

In the matter of the repeal of ARM)	NOTICE OF PROPOSED REPEAL
2.13.202, 2.13.204, and 2.13.207)	
pertaining to the statewide emergency)	NO PUBLIC HEARING
telephone system)	CONTEMPLATED

TO: All Concerned Persons

1. On November 27, 2018, the Department of Administration proposes to repeal the above-stated rules.

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 5, 2018, 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 department proposes to repeal the following rules:

2.13.202 DEFINITIONS, found on ARM page 2-391.

AUTH: 10-4-102, 10-4-114, MCA
IMP: 10-4-101, MCA

2.13.204 PARTICIPATION BY PUBLIC AND PRIVATE SAFETY AGENCIES, found on ARM page 2-391.

AUTH: 10-4-102, MCA
IMP: 10-4-104, 10-4-113, MCA

2.13.207 WIRELESS ENHANCED 911 DISTRIBUTION FOR WIRELESS PROVIDERS, found on ARM page 2-392.

AUTH: 10-4-102, 10-4-114, MCA
IMP: 10-4-301, 10-4-313, MCA

STATEMENT OF REASONABLE NECESSITY: The department finds it necessary to repeal these rules because 2017 HB 61 reformed the public safety communications program and funding mechanisms. As a result of the legislation, 10-4-102, 10-4-104, 10-4-113, 10-4-114, 10-4-301, and 10-4-313, MCA, were repealed and the definitions in 10-4-101, MCA, were amended. The department completed distribution of funds under the programs eliminated by 2017 HB 61 and

has begun distribution under the new statutes and rules that resulted from the legislation. Therefore, the rules being repealed are no longer necessary.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action 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, and must be received no later than 5:00 p.m., November 16, 2018.

5. The division maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this division. 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 in 4 above or may be made by completing a request form at any rules hearing held by the department.

6. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to the person listed in 4 above no later than 5:00 p.m., November 16, 2018.

7. If the department receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 5 of the 53 9-1-1 jurisdictions (local and tribal governments) or 1 of the 4 wireless providers defined under the statutes that predated 2017 HB 61.

8. An electronic copy of this proposal notice is available through the department's website at <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.

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

10. The department has determined that under 2-4-111, MCA, the proposed repeals will not significantly and directly affect small businesses.

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 October 9, 2018.