

BEFORE THE DEPARTMENT OF ADMINISTRATION  
OF THE STATE OF MONTANA

In the matter of the amendment of ARM	)	NOTICE OF PROPOSED
2.13.301, 2.13.304, 2.13.305, 2.13.310,	)	AMENDMENT
and 2.13.313, pertaining to public safety	)	
answering point (PSAP) certification and	)	NO PUBLIC HEARING
funding	)	CONTEMPLATED

TO: All Concerned Persons

1. On June 25, 2019, the Department of Administration proposes to amend 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 June 10, 2019, to advise us of the nature of the accommodation that you need. Please contact Rhonda Sullivan, Department of Administration, Public Safety Communications Bureau, 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 rules proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

2.13.301 DEFINITIONS (1) "Certified PSAP" means a local or tribal government entity that hosts a public safety answering point certified by the department as provided in ARM 2.13.304.

(2) through (5) remain the same.

AUTH: 10-4-108, MCA

IMP: 10-4-305, MCA

STATEMENT OF REASONABLE NECESSITY: Passage of 2019 House Bill 150 necessitates the amendment of these rules. The bill provides for tribal governments to host certified public safety answering points (PSAPs) and directly receive quarterly funding distributions. The amendments to ARM 2.13.301, 2.13.304, 2.13.305, 2.13.310, and 2.13.313 add necessary reference to tribal governments allowing the department to certify tribal government-hosted PSAPs and distribute funding to eligible tribal governments.

2.13.304 PSAP CERTIFICATION (1) A local or tribal government entity that hosts a PSAP qualifies as a certified PSAP when it:

(a) through (c) remain the same.

(2) A local or tribal government entity must host a certified PSAP to receive payments under 10-4-305, MCA.

AUTH: 10-4-108, MCA

IMP: 10-4-103, 10-4-107, 10-4-305, MCA

2.13.305 APPLICATION FOR CERTIFICATION (1) remains the same.

(2) The application must be complete and must include the following:

(a) a declaration signed by an official authorized to act on behalf of the local or tribal government entity submitting the application that the applicant meets the requirements of ARM 2.13.304(1) and will operate in accordance with the PSAP certification requirements; and

(b) through (3)(b) remain the same.

~~(4) If a tribal government is participating in a 9-1-1 system and PSAP with a local government entity that hosts a PSAP, and the tribal government will receive a distribution of funds for 9-1-1 purposes from the local government entity receiving payments made under 10-4-305, MCA:~~

~~(a) the local government entity that hosts a PSAP must have an agreement with the tribal government defining the terms of the parties' participation in the 9-1-1 system and PSAP; and~~

~~(b) the declaration required in (2)(a) must be signed by an official who is authorized to act on behalf of the tribal government.~~

(5) remains the same, but is renumbered (4).

~~(6)(5) To Following initial certification, to continue to receive payments under 10-4-305, MCA, in state fiscal year 2019, a local government entity shall apply for certification on or before May 1, 2018. To receive payments in subsequent fiscal years, a local or tribal government entity that hosts a PSAP shall apply for certification recertification on or before April 1, 2023, and every five years following. In the interim, a certified PSAP shall advise the department of any changes that may affect PSAP certification requirements.~~

AUTH: 10-4-108, MCA

IMP: 10-4-107, 10-4-305, MCA

STATEMENT OF REASONABLE NECESSITY: In addition to the reasons stated above, because tribal governments may now receive direct funding, (4) through (4)(b) are no longer necessary and must be removed from rule.

It is necessary to amend (6) to allow tribal PSAPs and new local PSAPs to obtain initial certification following the first wave of certification during implementation of 2017 HB 61. The amendments clarify that all certified PSAPs will apply for recertification at the same time, on or before April 1, 2023, regardless of when they initially received certification.

2.13.310 DECERTIFICATION AND FUNDING REDUCTION (1) through (7) remain the same.

(8) When the department makes a final determination that a certified PSAP is not in compliance with PSAP certification requirements, the department may:

- (a) reduce or suspend payment to the local or tribal government entity or entities involved in the PSAP;
- (b) and (c) remain the same.

AUTH: 10-4-108, MCA

IMP: 10-4-107, 10-4-108, 10-4-109, 10-4-305, MCA

2.13.313 ALLOCATION OF FUNDS (1) remains the same.

(2) Each certified PSAP must receive an allocation of the total quarterly balance of the 9-1-1 systems account equal in proportion to the quarterly share received by the local or tribal government entity that hosted the PSAP during state fiscal year 2017.

(3) The department maintains a list of the quarterly share received by local or tribal government entities that hosted PSAPs during the state's 2017 fiscal year. The list can be found on the department's website at [sitsd.mt.gov/PublicSafetyCommunications](http://sitsd.mt.gov/PublicSafetyCommunications).

AUTH: 10-4-108, MCA

IMP: 10-4-107, 10-4-201, 10-4-305, MCA

4. Concerned persons may submit their data, views, or arguments concerning the proposed action to Rhonda Sullivan, Department of Administration, Public Safety Communications Bureau, 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., June 21, 2019.

5. 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., June 21, 2019.

6. 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 greater than 25 based on the number of local and tribal governments in Montana.

7. 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.

8. The Public Safety Communications Bureau maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this bureau. 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.

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 amendments 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 May 14, 2019.