SENATE BILL NO. 160

INTRODUCED BY KENNEDY, WILLIAMS, VAN VALKENBURG BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

	IN THE SENATE
JANUARY 22, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
	FIRST READING.
FEBRUARY 6, 1991	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 7, 1991	PRINTING REPORT.
FEBRUARY 8, 1991	SECOND READING, DO PASS.
FEBRUARY 9, 1991	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 47; NOES, 0.
	TRANSMITTED TO HOUSE.
	IN THE HOUSE
FEBRUARY 11, 191	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
	FIRST READING.
MARCH 12, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
	POSTED ON CONSENT CALENDAR.
MARCH 13, 1991	CONSENT CALENDAR, QUESTIONS AND ANSWERS.
MARCH 14, 1991	THIRD READING, CONCURRED IN. AYES, 100; NOES, 0.
	RETURNED TO SENATE.
	IN THE SENATE

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

MARCH 15, 1991

REPORTED CORRECTLY ENROLLED.

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2	INTRODUCED BY Kanely, Walle Va Volkeling
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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING HOW THE DEPARTMENT OF ADMINISTRATION DISTRIBUTES THE 9-1-1 EMERGENCY TELECOMMUNICATIONS ACCOUNT TO CITIES, COUNTIES, AND 9-1-1 JURISDICTIONS: AMENDING SECTION 10-4-302, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 10-4-302, MCA, is amended to read:

*10-4-302. Distribution of account by department. (1) The department shall make quarterly distributions of the entire account beginning on April 1, 1987. The distributions must be made for the following:

- (a) administrative costs incurred during the preceding calendar quarter by the department of revenue in carrying out this chapter. The amount paid may not exceed 1% of the account on the date of distribution or actual expenses incurred, whichever is less.
- (b) administrative costs incurred during the preceding calendar quarter by the department in carrying out its duties under this chapter. The amount-paid-to-the-department department's annual recovery of costs may not exceed 7% of

the account--on-the-date-of-distribution-or-actual-expenses

incurred, -whichever-is-less amount collected by the account

during the fiscal year.

(c) costs incurred during the preceding calendar quarter by each provider of telephone service in the state for:

(i) collection of the fee imposed by 10-4-201;

(ii) modification of central office switching and trunking equipment for emergency telephone service only; and

10 (iii) conversion of pay station telephones required by

11 10-4-121.

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(2) Payments under subsection (1)(c) may be made only 12 after application by the provider to the department for costs incurred in subsection (1)(c). The department shall review all applications relevant to subsection (1)(c) for 16 appropriateness of costs claimed by the provider. If the 17 provider contests the review, payment may not be made until the amount owed the provider is made certain.

(3) After all amounts under subsections (1) and (2) have been paid, the balance of the account must be distributed allocated to cities and counties within-a-9-1-1 jurisdiction--that--have--an--approved--final--plan--and--to counties-within-a-9-1-1-jurisdiction-that-have--an--approved final -- plan on a per capita basis. However, each county must

receive be allocated a minimum of 1% of the balance of the

- counties' share of the account. Cities-and-counties-shall 1 distribute-amounts-received-to--9-1-1--jurisdictions--within 2 their-jurisdiction. A 9-1-1 jurisdiction whose 9-1-1 service 4 area includes more than one city or county is eliqible to 5 receive operating funds from the allocation for each city or county involved. The department shall distribute to the 6 7 accounting entity designated by a 9-1-1 jurisdiction with an approved final plan the proportional amount for each city or В 9 county served by the 9-1-1 jurisdiction, based on the number 10 of telephone subscribers served. The department shall 11 provide a report indicating the proportional share derived 12 from the individual city's or county's allocation, based on 13 telephone subscribers served, with each distribution to a 14 9-1-1 jurisdiction.
 - (4) If the department through its monitoring process determines that a 9-1-1 jurisdiction is not adhering to an approved plan or is not using funds in the manner prescribed in 10-4-303, the department may, after notice and hearing, suspend payment to the 9-1-1 jurisdiction. The jurisdiction is not eligible to receive funds until such time as the department determines that the jurisdiction is complying with the approved plan and fund usage limitations."

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NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 1991.

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3	BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION
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5	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING HOW THE
6	DEPARTMENT OF ADMINISTRATION DISTRIBUTES THE 9-1-1 EMERGENCY
7	TELECOMMUNICATIONS ACCOUNT TO CITIES, COUNTIES, AND 9-1-1
В	JURISDICTIONS; AMENDING SECTION 10-4-302, MCA; AND PROVIDING
9	AN EFFECTIVE DATE."
10	
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	Section 1. Section 10-4-302, MCA, is amended to read:
13	*10-4-302. Distribution of account by department. (1)
14	The department shall make quarterly distributions of the
15	entire account beginning on April 1, 1987. The distributions
16	must be made for the following:
17	(a) administrative costs incurred during the preceding
18	calendar quarter by the department of revenue in carrying
19	out this chapter. The amount paid may not exceed 1% of the
20	account on the date of distribution or actual expenses
21	incurred, whichever is less.
22	(b) administrative costs incurred during the preceding
23	calendar quarter by the department in carrying out its
24	duties under this chapter. The amount-paid-to-the-department
25	department's annual recovery of costs may not exceed 7% of

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- 3 during the fiscal year OR ACTUAL EXPENSES INCURRED,
- 4 WHICHEVER IS LESS.
- 5 (c) costs incurred during the preceding calendar 6 quarter by each provider of telephone service in the state 7 for:
- 8 (i) collection of the fee imposed by 10-4-201;
- 9 (ii) modification of central office switching and 10 trunking equipment for emergency telephone service only; and
- 11 (iii) conversion of pay station telephones required by
- 12 10-4-121.
- 13 (2) Payments under subsection (1)(c) may be made only
 14 after application by the provider to the department for
 15 costs incurred in subsection (1)(c). The department shall
 16 review all applications relevant to subsection (1)(c) for
 17 appropriateness of costs claimed by the provider. If the
 18 provider contests the review, payment may not be made until
- 19 the amount owed the provider is made certain.
- 20 (3) After all amounts under subsections (1) and (2)
 21 have been paid, the balance of the account must be
- 22 distributed allocated to cities and counties within-a--9-1-1
- 23 jurisdiction-that-have-en-approved-final--plan-and--to
- 24 counties--within--a-9-1-1-jurisdiction-that-have-an-approved
- 25 final-plan on a per capita basis. However, each county must

SECOND READING

- receive be allocated a minimum of 1% of the balance of the 2 counties' share of the account. Gities--and--counties--shall 3 distribute--amounts--received--to-9-1-1-jurisdictions-within their-jurisdiction: A 9-1-1 jurisdiction whose 9-1-1 service 5 area includes more than one city or county is leligible to receive operating funds from the allocation for each city or 7 county involved. The department shall distribute to the 8 accounting entity designated by a 9-1-1 jurisdiction with an 9 approved final plan the proportional amount for each city or 10 county served by the 9-1-1 jurisdiction,-based-on-the-number 11 of--telephone--subscribers--served. The department shall 12 provide a report indicating the proportional share derived from the individual city's or county's allocation; -based -- on 13 14 telephone--subscribers--served; with each distribution to a 15 9-1-1 jurisdiction.
 - (4) If the department through its monitoring process determines that a 9-1-1 jurisdiction is not adhering to an approved plan or is not using funds in the manner prescribed in 10-4-303, the department may, after notice and hearing, suspend payment to the 9-1-1 jurisdiction. The jurisdiction is not eligible to receive funds until such time as the department determines that the jurisdiction is complying with the approved plan and fund usage limitations."

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	(c)	costs	incur	ed durin	ng the	preceding	calendar
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for	:						
	(i)	colle	ction of	the fee	imposed	by 10-4-201	;
	(ii)	modif	ication	of cent	tral off	ice switc	hing and
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- (4) If the department through its monitoring process determines that a 9-1-1 jurisdiction is not adhering to an approved plan or is not using funds in the manner prescribed in 10-4-303, the department may, after notice and hearing, suspend payment to the 9-1-1 jurisdiction. The jurisdiction is not eligible to receive funds until such time as the department determines that the jurisdiction is complying with the approved plan and fund usage limitations."
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