

REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. *160*
 2 INTRODUCED BY *Kandy, Walter Va Volkering*
 3 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

4
 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
 8 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

1 the ~~account--on-the-date-of-distribution-or-actual-expenses~~
 2 ~~incurred,--whichever-is-less~~ amount collected by the account
 3 during the fiscal year.

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

- 7 (i) collection of the fee imposed by 10-4-201;
- 8 (ii) modification of central office switching and
- 9 trunking equipment for emergency telephone service only; and
- 10 (iii) conversion of pay station telephones required by
- 11 10-4-121.

12 (2) Payments under subsection (1)(c) may be made only
 13 after application by the provider to the department for
 14 costs incurred in subsection (1)(c). The department shall
 15 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
 18 the amount owed the provider is made certain.

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



LC 1162/01

1 counties' share of the account. ~~Cities-and-counties-shall~~
2 ~~distribute-amounts-received-to--9-1-1--jurisdictions--within~~
3 ~~their-jurisdiction.~~ A 9-1-1 jurisdiction whose 9-1-1 service
4 area includes more than one city or county is eligible to
5 receive operating funds from the allocation for each city or
6 county involved. The department shall distribute to the
7 accounting entity designated by a 9-1-1 jurisdiction with an
8 approved final plan the proportional amount for each city or
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.

15 (4) If the department through its monitoring process
16 determines that a 9-1-1 jurisdiction is not adhering to an
17 approved plan or is not using funds in the manner prescribed
18 in 10-4-303, the department may, after notice and hearing,
19 suspend payment to the 9-1-1 jurisdiction. The jurisdiction
20 is not eligible to receive funds until such time as the
21 department determines that the jurisdiction is complying
22 with the approved plan and fund usage limitations."

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

-End-

APPROVED BY COMM.
ON LOCAL GOVERNMENT

SENATE BILL NO. 160

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

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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(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 OR ACTUAL EXPENSES INCURRED, WHICHEVER IS LESS.

(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
- (iii) conversion of pay station telephones required by 10-4-121.

(2) Payments under subsection (1)(c) may be made only 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 appropriateness of costs claimed by the provider. If the 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

SECOND READING



1 receive be allocated a minimum of 1% of the balance of the
2 counties' share of the account. ~~Cities--and--counties--shall~~
3 ~~distribute--amounts--received--to--9-1-1-jurisdictions--within~~
4 ~~their-jurisdiction.~~ A 9-1-1 jurisdiction whose 9-1-1 service
5 area includes more than one city or county is eligible to
6 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
13 from the individual city's or county's allocation, based on
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15 9-1-1 jurisdiction.

16 (4) If the department through its monitoring process
17 determines that a 9-1-1 jurisdiction is not adhering to an
18 approved plan or is not using funds in the manner prescribed
19 in 10-4-303, the department may, after notice and hearing,
20 suspend payment to the 9-1-1 jurisdiction. The jurisdiction
21 is not eligible to receive funds until such time as the
22 department determines that the jurisdiction is complying
23 with the approved plan and fund usage limitations."

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25 effective July 1, 1991.

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