

HOUSE BILL 16

Introduced by Cohen

1/09	Introduced
1/09	First Reading
1/09	Referred to Appropriations
1/09	Fiscal Note Requested
1/10	Hearing
1/10	Fiscal Note Received
1/10	Tabled in Committee

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2 INTRODUCED BY HOUSE BILL NO. 16

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING TO THE  
5 GENERAL FUND \$1,143,464 FROM THE 9-1-1 EMERGENCY  
6 TELECOMMUNICATIONS ACCOUNT; AMENDING SECTIONS 10-4-301 AND  
7 10-4-302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND  
8 A TERMINATION DATE."

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

11 **Section 1.** Section 10-4-301, MCA, is amended to read:

12 "10-4-301. Establishment of emergency  
13 telecommunications account. (1) A 9-1-1 emergency  
14 telecommunications account is established in the state  
15 special revenue fund in the state treasury. All money  
16 received by the department of revenue pursuant to 10-4-201  
17 must be paid to the state treasurer for deposit in the  
18 account. ~~After~~ Except as provided in subsection (2), after  
19 payment of refunds pursuant to 10-4-205, the balance of the  
20 account must be used for the purposes described in part 1 of  
21 this chapter. The distribution of the 9-1-1 emergency  
22 telecommunications account, according to the requirements of  
23 10-4-302, is statutorily appropriated. Expenditures for  
24 actual and necessary expenses required for the efficient  
25 administration of the plan must be made from temporary

1 appropriations, as described in 17-7-501(1) or (2), made for  
2 that purpose.

3 (2) On or before June 30, 1992, the state treasurer  
4 shall transfer to the general fund \$1,143,464 from the 9-1-1  
5 emergency telecommunications account."

6 **Section 2.** Section 10-4-302, MCA, is amended to read:

7 "10-4-302. Distribution of account by department. (1)  
8 The department shall make quarterly distributions of the  
9 entire account beginning on April 1, 1987. The distributions  
10 must be made for the following:

11 (a) administrative costs incurred during the preceding  
12 calendar quarter by the department of revenue in carrying  
13 out this chapter. The amount paid may not exceed 1% of the  
14 account on the date of distribution or actual expenses  
15 incurred, whichever is less.

16 (b) administrative costs incurred during the preceding  
17 calendar quarter by the department in carrying out its  
18 duties under this chapter. The department's annual recovery  
19 of costs may not exceed 7% of the amount collected by the  
20 account during the fiscal year or actual expenses incurred,  
21 whichever is less.

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

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



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

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

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

12 (3) After Except as provided in 10-4-301(2), after all  
13 amounts under subsections (1) and (2) have been paid, the  
14 balance of the account must be allocated to cities and  
15 counties on a per capita basis. However, each county must be  
16 allocated a minimum of 1% of the balance of the counties'  
17 share of the account. A 9-1-1 jurisdiction whose 9-1-1  
18 service area includes more than one city or county is  
19 eligible to receive operating funds from the allocation for  
20 each city or county involved. The department shall  
21 distribute to the accounting entity designated by a 9-1-1  
22 jurisdiction with an approved final plan the proportional  
23 amount for each city or county served by the 9-1-1  
24 jurisdiction. The department shall provide a report  
25 indicating the proportional share derived from the

1 individual city's or county's allocation with each  
2 distribution to a 9-1-1 jurisdiction.

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

11 NEW SECTION. Section 3. Effective date -- termination.  
12 [This act] is effective on passage and approval and  
13 terminates July 1, 1992.

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