

April 5, 2016

Advisory Council members,

Attached are preliminary bill drafts as well as a draft report for review by the Advisory Council and Stakeholder's Group. The bill drafts are based on the recommendations that the groups presented to the Energy and Telecommunications Interim Committee in March, as well as from the discussions at the later March Advisory Council meeting. The drafts and reports are a work in progress, and I have listed some potential questions for discussion.

In addition, a bill draft has been developed by the Department of Administration for council discussion about how to potentially address some of the bigger questions about the distribution and allocation of 9-1-1 funding. Mr. Ness will present that draft for the council's review. It also incorporates the drafts included below. If possible, by the close of the April 21 meeting, I would like direction on how best to proceed with both the report and the bill drafts. The information will be presented to the ETIC at their May 12-13 meeting in Kalispell.

Thanks for all your time and work on this issue.

Sonja Nowakowski
Energy and Telecommunications Interim Committee staff

LC ET01 (Bill to transfer a portion of the wireless enhanced 9-1-1 account to various other accounts. Draft Report Findings and Recommendations 1-3)

- It wasn't clear how to get the money to entities for the next-generation 9-1-1 router and/or ESInet upgrades. Is a grant program OK? Or is there a better way to do it?
- Are the proper recipients local governments working with providers?
- Should it be grants and/or contracts or simply grants?
- Does the department need money to administer the grant program? If so, how much?
- From an accounting standpoint is it appropriate for the department to transfer the money to the state library for the GIS study or is there a better way to do it?
- I was unsure what to include in the criteria for a statewide 9-1-1 plan. Legislation from Nebraska was used as an example.
- Is the end of the second quarter the right timeframe for transferring the money into other accounts? I was trying to assume that if the bill has a July 1 effective date then the transfer would occur right after the second quarter transfers (June 30th or July 1)?
- Are the reporting timelines appropriate for the grant awards, statewide plan, and GIS study? Or is that too short of a turnaround?
- I swept all the money into the general fund at the end of FY 2019 with the notion that it was an incentive to make sure it is spent? Is that an appropriate timeline? Or should the money just be returned to the wireless enhanced account?
- The entire bill terminates Dec. 31, 2019, is that appropriate?

LC ET02 (Bill to update and modernize 9-1-1 statutes – excluding the funding aspect, which has not been agreed to yet by the Council. Draft Report Findings and Recommendations 4-8.)

- Does the change in the definition of “public safety” in 10-4-101 impact the use of the term in 2-7-506 concerning the board of information technology?
- I wasn’t sure how to address potential changes to the “allowable costs” definition, so the “and” was included to address future rulemaking?
- Should 10-4-312 be repealed as well to coordinate better with the repeal of 10-4-125? Both address enhanced 9-1-1 plans, and I wasn’t sure if that needed to be retained in statute or not?
- Is the repeal section appropriate? Should any of the repealed sections be retained?
- Is the use of the terms 9-1-1 service and 9-1-1 system appropriate and necessary?
- Are there are additional references to telephone service that should be changed to telecommunications service in Title 10, chapter 4? If so, should telecommunications service be defined?
- Do the new duties of the department and of the advisory council appropriately capture everything necessary?
- If the advisory council is unable to reach a consensus on how to revise the funding statutes at the April meeting, should the council be assigned that duty in the next interim, requiring a recommendation to the Legislature in 2019? It could be incorporated into [section 2] of the bill.
- I based the advisory council membership on the executive order, but are there any changes in participation in the future?
- Is the grant of rulemaking specific enough but also broad enough to capture what was included in 10-4-114?
- I was a little uncertain about the use of local governments and/or 9-1-1 districts in instances where 9-1-1 jurisdiction was used in the past? Should the only term used for funding (part 3) be a 9-1-1 district? Is there still uncertainty about PSAPs vs. primary PSAPs and who receives funding?
- I struggled with the next-generation 9-1-1 stakeholder recommendation that the statute be updated to include next-generation 9-1-1 standards, but there was no indication what the standards should be? Also it was noted in their recommendations that the department should not adopt standards but perhaps principles? I’m not sure I know the difference.
- Are additional changes needed to “update” the statute to include references to next-generation 9-1-1?
- Is the effective date OK, or should it be different?

**** Bill No. ****

Introduced By *****

By Request of the Energy and Telecommunications Interim Committee

A Bill for an Act entitled: "An Act revising the allocation of 9-1-1 fees; requiring that fees collected for wireless enhanced 9-1-1 services be reallocated under certain circumstances; establishing a reallocation process; establishing a next generation 9-1-1 infrastructure account; creating a next generation 9-1-1 infrastructure grant program; providing criteria to the department of administration for awarding next generation 9-1-1 infrastructure grants; granting the department rulemaking authority; establishing a 9-1-1 GIS mapping account; requiring the state library to award a contract for a GIS assessment; establishing a statewide 9-1-1 planning account; requiring the department to award a contract to develop a statewide 9-1-1 plan; amending sections 10-4-301, and 10-4-313, MCA; providing an immediate effective date; and providing a termination date."

Be it enacted by the Legislature of the State of Montana:

NEW SECTION. Section 1. Next generation 9-1-1 infrastructure fund created -- source of funding -- use of fund.

(1) There is an account in the state special revenue fund established by 17-2-102 to be known as the next generation 9-1-1 infrastructure fund.

(2) There must be deposited in the account:

(a) money received from legislative allocations;

(b) a transfer of money in accordance with 10-4-301(4)(a)(i) for the purposes of [section 2]; and

(c) a gift, donation, grant, legacy, bequest, or devise made for the purposes of [section 2].

(3) Except as provided in subsection (4), the fund may be used only by the department to provide grants for next generation 9-1-1 infrastructure as provided in [section 2] to local governments working with a private telecommunications provider as defined in 10-4-101.

(4) Up to x% or \$x of the money in the account may be used by the department for administrative expenses.

(5) At the end of fiscal year 2019, any unexpended balance in the fund shall revert to the general fund.

NEW SECTION. Section 2. Next generation 9-1-1 infrastructure grants -- criteria -- rulemaking. (1) Money deposited in the next-generation 9-1-1 infrastructure grant account established in [section 1] may be expended by the department through grants to local governments working with private telecommunications providers for next generation 9-1-1 infrastructure.

(2) For the purposes of [sections 1 and 2]:

(a) "ESInet" means an emergency services IP network. It includes the IP infrastructure upon which independent application platforms and core functional processes are deployed.

(b) "IP" means internet protocol or the method by which data are sent on the internet or a communications protocol for computers connected to a network, especially the internet.

(c) "Next generation 9-1-1 infrastructure" means a statewide ESInet, upgrades and replacement of existing selective routers with IP routers, and upgrades to all non IP-capable public safety answering points as defined in 10-4-101 for IP capability.

(3) In making grant awards under this section, the department shall give preference to local governments working with private telecommunications providers that the local government determines can most effectively implement infrastructure improvements on the ground.

(4) The department shall consult with and consider recommendations by the advisory council established in accordance with 10-4-102(2) for awards made under this section.

(5) The department may adopt rules to administer the provisions of [sections 1 and 2]. The rules must ensure that all providers are treated equitably and must include, but are not limited to, provisions regarding:

- (a) applications;
- (b) timelines;
- (c) eligibility, including proof of eligibility;
- (d) the procedure for establishing the priority of grant awards;
- (e) the appeal process for grant applications that are denied; and
- (f) disbursement of grant money to local governments.

(7) Before September 1, 2018, the department shall produce a report summarizing the grants provided, how the grant money was spent, and the program data and information reported by grant recipients. The department shall provide the report to the energy and telecommunications interim committee provided for in 5-5-230.

NEW SECTION. **Section 3. 9-1-1 GIS mapping fund created -- source of funding -- use of fund.** (1) There is an account in the state special revenue fund established by 17-2-102 to be known as the 9-1-1 GIS mapping fund.

(2) There must be deposited in the account:

(a) money received from legislative allocations;

(b) a transfer of money by the department in accordance with 10-4-301(4)(a)(i) for use in accordance with subsection (3); and

(c) a gift, donation, grant, legacy, bequest, or devise made for the purposes of subsection (3).

(3) The fund may be used only by the state library provided for in 22-1-102 in carrying out its land information and management duties to award a contract in accordance with 18-1-102 to assess the status of GIS adoption and operations at Montana 9-1-1 jurisdictions as defined in 10-4-101.

(4) Before September 1, 2018, the state library shall produce a report summarizing the status of GIS adoption and operations in Montana, including policy and funding recommendations necessary for 9-1-1 jurisdictions to use GIS to advance next generation 9-1-1. The state library shall provide

the report to the energy and telecommunications interim committee provided for in 5-5-230.

(5) At the end of fiscal year 2019, any unexpended balance in the fund shall revert to the general fund.

NEW SECTION. **Section 4. Statewide 9-1-1 planning fund created -- source of funding -- use of fund.**(1) There is an account in the state special revenue fund established by 17-2-102 to be known as the statewide 9-1-1 planning fund.

(2) There must be deposited in the account:

(a) money received from legislative allocations;

(b) a transfer of money in accordance with 10-4-301(4)(a)(i) for use in accordance with subsections (3) through (5); and

(c) a gift, donation, grant, legacy, bequest, or devise made for the purposes of subsections (3) through (5).

(3) The fund may be used only by the department to award a contract in accordance with 18-1-102 and after consulting with the 9-1-1 advisory council created in accordance with 10-4-102(2) to develop a statewide 9-1-1 plan.

(4) A statewide 9-1-1 plan must include proposed:

(a) priorities for 9-1-1 systems in Montana and plans for next generation 9-1-1 technology;

(b) potential formulas and methods to distribute 9-1-1 money;

(c) uniform standards relating to technology, next generation 9-1-1 technology, and administration and operation of 9-1-1 systems in Montana;

(d) steps to promote cooperation among 9-1-1 jurisdictions and public safety answering points to develop interconnectivity of 9-1-1 systems through enhancement, operation, and maintenance of the network:

(e) eligible uses for money received by wireless providers and public safety answering points in accordance with this chapter;

(f) audits or other steps necessary to ensure program compliance from entities receiving disbursements in accordance with this chapter; and

(g) additional changes needed to this chapter to preserve legacy 9-1-1 systems and to accommodate evolving, future 9-1-1 technologies.

(5) Before September 1, 2018, the 9-1-1 advisory council shall review the proposals and make its recommendations to the department on implementing the recommendations.

(6) At the end of fiscal year 2019, any unexpended balance shall revert to the general fund.

Section 5. Section 10-4-301, MCA, is amended to read:

"10-4-301. Establishment of emergency telecommunications accounts. (1) There are established in the state special revenue fund in the state treasury:

(a) an account for all fees collected for basic 9-1-1 services pursuant to 10-4-201(1) (a);

(b) an account for all fees collected for enhanced 9-1-1 services pursuant to 10-4-201(1) (b); and

(c) an account for all fees collected for wireless enhanced 9-1-1 services pursuant to 10-4-201(1) (c). The money is allocated as follows:

(i) 50% of the account must be deposited in an account for distribution to the 9-1-1 jurisdictions; and

(ii) 50% of the account must be deposited in an account for distribution to wireless providers or must be deposited in accordance with 10-4-313(4).

(2) All money received by the department of revenue pursuant to 10-4-201 must be paid to the state treasurer for deposit in the appropriate account. An amount equal to 2.74% of the money received pursuant to 10-4-201 must be deposited in an account in the state special revenue fund to be used for the administration of this chapter. Any remaining funds at the end of a fiscal year must be equally distributed to each of the four accounts provided for in subsection (1).

(3) The accounts established in subsection (1) retain interest earned from the investment of money in the accounts.

(4) After payment of refunds pursuant to 10-4-205, the balance of the respective accounts must be used for the purposes described in part 1 of this chapter.

(5) The distribution of funds in the 9-1-1 emergency telecommunications accounts described in subsection (1), as

required by 10-4-302, 10-4-311, and 10-4-313, is statutorily appropriated, as provided in 17-7-502, to the department.

(6) Expenditures for actual and necessary expenses required for the efficient administration of the plan must be made from appropriations made for that purpose."

{ *Internal References to 10-4-301:*

10-4-101 10-4-101 10-4-101 10-4-313

10-4-313 10-4-313 10-4-313 17-7-502 }

Section 6. Section 10-4-313, MCA, is amended to read:

"10-4-313. Distribution of wireless enhanced 9-1-1 account by department. (1) Except as provided in ~~subsection (2)~~ subsections (2) and (4), the department shall make quarterly distribution of the portion of the wireless enhanced 9-1-1 account for allowable costs described in 10-4-301(1)(c)(ii) incurred by each wireless provider in each 9-1-1 jurisdiction as follows:

(a) For each fiscal year through the fiscal year ending June 30, 2019:

(i) 84% of the balance of the account must be allocated to the wireless providers providing wireless enhanced 9-1-1 in each county on a per capita basis. The wireless provider in each county must be allocated a minimum of 1% of the balance of the counties' share of the account.

(ii) the balance of the account must be allocated evenly to the wireless providers providing wireless enhanced 9-1-1 in counties with 1% or less of the total population of the state; and

(iii) prior to distribution, the amounts allocated under subsections (1)(a)(i) and (1)(a)(ii) must be adjusted to ensure that a wireless provider does not receive less than the amount allocated to wireless providers providing wireless enhanced 9-1-1 in counties with 1% or less of the total population of the state.

(b) For fiscal years beginning after June 30, 2019, 100% of the balance of the account must be allocated to the wireless providers providing wireless enhanced 9-1-1 in each county on a per capita basis. Each county must be allocated a minimum of 1% of the balance of the counties' share of the account.

(c) If the department is unable to fully reimburse a wireless provider under subsection (1)(a) in any quarter, the department shall in the subsequent quarter pay from the allocation under subsection (1)(a) to wireless providers any unpaid balances from the previous quarter. If the amount available is insufficient to pay all previous unpaid balances, the department shall repeat the process of paying unpaid balances that remain unpaid for as many quarters as necessary until all unpaid balances are fully paid. The department shall review all invoices for appropriateness of costs claimed by the wireless provider. If the wireless provider contests the review, payment may not be made until the amount owed to the wireless provider is determined.

(d) A wireless provider shall submit an invoice for cost recovery according to the allowable costs.

(e) The department shall determine the percentage of overall subscribers, based on billing addresses, within the 9-1-1

jurisdiction for each wireless provider seeking cost recovery by dividing the wireless provider's subscribers by the total number of subscribers in that 9-1-1 jurisdiction. The percentage must be applied to the total wireless provider funds for that 9-1-1 jurisdiction, and each wireless provider shall receive distribution based on the provider's percentage. To receive cost recovery, wireless providers shall submit subscriber counts to the department on a quarterly basis. The subscriber count must be provided for each 9-1-1 jurisdiction in which the wireless provider receives cost recovery within 30 calendar days following the end of each quarter. The department shall recalculate distribution percentages on a quarterly basis.

(f) If the department determines that a wireless provider has submitted costs that exceed allowable costs or are not submitted in the manner prescribed in 10-4-115, the department may, after giving notice to the wireless provider, suspend or withhold payment from the wireless enhanced 9-1-1 account.

(2) (a) Except as provided in subsection (3) and after the distribution for the final quarter of each fiscal year is made pursuant to subsection (1), the department, within 45 days of the end of the final quarter of each fiscal year, shall:

(i) determine an amount equal to 50% of the total balance included in the account under 10-4-301(1)(c)(ii); and

(ii) except as provided in subsection (2)(b), distribute the amount determined in accordance with subsection (2)(a)(i) to wireless providers to reimburse the unpaid balances carried over by wireless providers pursuant to subsection (1)(c).

(b) If the amount determined pursuant to subsection (2)(a)(i) is insufficient to reimburse all wireless providers in full in accordance with subsection (2)(a)(ii), the department shall proportionately, based on outstanding balances, distribute the money to each wireless provider that has an unpaid balance carried over pursuant to subsection (1)(c).

(3) Funds may not be reallocated in accordance with subsection (2) if the county contains less than 1% of the state population.

(4)(a) Beginning July 1, 2017 after the distributions for the second quarter are made pursuant to subsections (1) through (4) and if the department determines the total balance included in the account under 10-4-301(1)(c)(ii) is greater than \$5.5 million, within 30 days of the quarterly distribution, the department shall transfer:

(i) \$5 million into the next generation 9-1-1 infrastructure account established in accordance with [section 1];

(ii) \$80,000 into the 9-1-1 GIS-mapping account established in accordance with [section 3]; and

(iii) \$350,000 into the statewide 9-1-1 planning account established in accordance with [section 4].

(b) The allocations in subsection (4)(a) may only be used in accordance with [section 1 through 4].

(4)(5) Any Except as provided in [sections 1 through 4] and subsection (4) of this section, reallocated funds not distributed in accordance with subsection (2) must be returned to the account established under 10-4-301(1)(c).

~~(5)(6)~~ The department shall make quarterly distribution of the portion of the wireless enhanced 9-1-1 account described in 10-4-301(1)(c)(i) to each 9-1-1 jurisdiction as follows:

(a) for each fiscal year through the fiscal year ending June 30, 2019:

(i) 84% of the balance of the account must be allocated to cities and counties on a per capita basis. However, each county must be allocated a minimum of 1% of the balance of the counties' share of the account.

(ii) the balance of the account must be allocated evenly to the counties with 1% or less than 1% of the total population of the state; and

(iii) prior to distribution, the amounts allocated under subsections ~~(5)(a)(i) and (5)(a)(ii)~~ (6)(a)(i) and (6)(a)(ii) must be adjusted to ensure that a county does not receive less than the amount allocated to counties with 1% or less of the total population of the state; and

(b) for fiscal years beginning after June 30, 2019, 100% of the balance of the account must be allocated to cities and counties on a per capita basis. However, each county must be allocated a minimum of 1% of the balance of the counties' share of the account."

{*Internal References to 10-4-313:*

10-4-301x }

NEW SECTION. Section 7. {standard} Codification

instruction. [Sections 1 through 4] are intended to be codified

as an integral part of Title 10, chapter 4, part 3, and the provisions of Title 10, chapter 4, part 3, apply to [sections 1 through 4].

NEW SECTION. **Section 8. {standard} Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

NEW SECTION. **Section 9. {standard} Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. **Section 10. {standard} Effective date.** [This act] is effective on passage and approval.

NEW SECTION. **Section 11. {standard} Termination.** [This act] terminates December 31, 2019.

- END -

**** Bill No. ****

Introduced By *****

By Request of the Energy and Telecommunications Interim Committee

A Bill for an Act entitled: "An Act generally revising 9-1-1 laws; establishing a 9-1-1 advisory council; establishing 9-1-1 advisory council and department of administration duties for 9-1-1 systems and services; granting the department rulemaking authority; clarifying local government and 9-1-1 district roles; providing definitions; updating terms to include next generation 9-1-1; amending sections 10-4-101, 10-4-115, 10-4-302, 10-4-311, 10-4-312, and 10-4-313, MCA; repealing sections 10-4-102, 10-4-104, 10-4-111, 10-4-112, 10-4-113, 10-4-114, 10-4-121, 10-4-125, and 10-4-126, MCA; and providing an immediate effective date."

Be it enacted by the Legislature of the State of Montana:

NEW SECTION. **Section 1. 9-1-1 advisory council.** (1) There is a 9-1-1 advisory council.

(2) The council is composed of not less than 17 members appointed by the governor. The members are:

(a) the director of the department of administration provided for in 2-15-1001, or the director's designee who serves as presiding officer of the council;

(b) a representative of the department of justice, Montana highway patrol;

(c) a representative of the Montana emergency medical association;

(d) 3 representatives of Montana telephone companies;

(e) a representative of the Montana association of public safety communications officials;

(f) 2 public safety answering point managers: with one serving a population less than 30,000 and one serving a population greater than 30,000;

(g) a representative of the department of military affairs, disaster and emergency services;

(h) a representative of the Montana association of chiefs of police;

(i) a representative of the Montana sheriffs and peace officers association;

(j) a representative of the Montana fire chiefs association;

(k) a representative of the Montana state volunteer firefighters association;

(l) a representative of the Montana association of counties;

(m) a representative of the Montana league of cities and towns; and

(n) the state librarian or the state librarian's designee.

(3) Members shall serve staggered 3-year terms and must be appointed so that no more than three appointments expire in any 1 year.

(4) The council is attached to the department for administrative purposes only, as provided in 2-15-121.

(5) The council shall, within its authorized budget, hold quarterly meetings.

(6) Council members shall serve without additional salary but are entitled to reimbursement for travel expenses incurred while engaged in council activities as provided for in 2-18-501 through 2-18-503.

NEW SECTION. Section 2. 9-1-1 advisory council duties -- consultation by department. (1) The council shall:

(a) advise the department in its duty to administer 9-1-1 systems and services in accordance with [section 3];

(b) advise the department regarding the allocation and distribution of 9-1-1 fees provided for in 10-4-301; and

(c) advise the governor and the department on significant matters concerning 9-1-1 systems development and 9-1-1 services in the state of Montana.

(2) The department shall consult with the council when adopting rules in accordance with [section 4(2)].

NEW SECTION. Section 3. Department of administration duties and powers -- 9-1-1 planning. (1) There is a 9-1-1 program administered by the department.

(2) The department shall allocate and distribute 9-1-1 fees provided for in 10-4-301 to local governments, 9-1-1 districts, and wireless providers. To properly allocate and distribute funds, the department shall:

(a) review and approve wireless provider eligibility and allowable costs for cost recovery requests;

(b) review and approve local government and 9-1-1 district requests for eligibility to receive program funds;

(c) distribute program funds to wireless providers for approved cost recovery;

(d) allocate and distribute program funds to local governments and 9-1-1 districts; and

(e) monitor the expenditure of program funds for allowable uses by local governments and 9-1-1 districts.

(3) The department shall:

(a) establish statewide 9-1-1 services and systems standards and support local government and 9-1-1 district efforts to maintain legacy technologies and, when appropriate, implement next generation 9-1-1 technologies. Any standards adopted by the department for legacy 9-1-1 technologies or principles adopted for baseline next generation 9-1-1 technologies must be:

(i) flexible and graduated, while ensuring minimum service levels; and

(ii) based on industry standards;

(b) staff and fund the administrative costs of the 9-1-1 advisory council provided for in [section 1]; and

(c) accept federal funds granted by congress or by executive order and gifts, grants, and donations for the purposes of administering this chapter.

(4) The department, in fulfilling its duties pursuant to subsection (2), may request necessary information from a specific

local government or 9-1-1 district. If a local government or 9-1-1 district does not comply with the request, the department may withhold funding distributions to the local government or 9-1-1 district as provided for in 10-4-302(4).

NEW SECTION. **Section 4. Rulemaking authority.** (1) The department shall adopt rules to implement the provisions of this chapter. The rules shall include:

(a) eligibility, allocation, and distribution procedures for funding authorized in 10-4-102 to local governments, 9-1-1 districts, and wireless providers for cost recovery;

(b) post-disbursement activities by the department to monitor the use of funding by local governments, 9-1-1 districts, and (wireless providers??) including:

(i) reporting requirements; and

(ii) procedures for repayment of funds expended on activities determined not to meet eligibility requirements.

(2) Before December 31, 2018, the department, in consultation with the advisory council, shall adopt rules establishing:

(a) eligibility requirements for wireless providers and allowable costs for cost recovery;

(b) eligibility requirements for designating public safety answering points that are hosted by a local government or 9-1-1 districts, including eligibility for receiving program funds in accordance with [section 5];

(c) allowable uses of program funding by local government and 9-1-1 districts for:

(i) emergency telecommunications systems plans;

(ii) project feasibility studies or project plans;

(iii) the purchase of 9-1-1 systems, equipment, devices and data; and

(iv) the purchase of services that support 9-1-1 systems;

(d) **technology standards**, based on industry standards, to ensure public safety answering points meet minimum 9-1-1 services levels; and

(e) baseline next generation 9-1-1 **principles** to facilitate the appropriate deployment of baseline next generation 9-1-1.

NEW SECTION. Section 5. Local government and 9-1-1 districts -- department delegation. (1) Any local government or 9-1-1 district can host a public safety answering point and provide 9-1-1 services.

(2) (a) Local governments and 9-1-1 districts that host a public safety answering point and meet operational and technical standards established by the department in accordance with [section 3] may receive 9-1-1 funding in accordance with this chapter.

(b) Local governments may sign interlocal agreements to form a 9-1-1 district, and if that 9-1-1 district hosts a public safety answering point, the 9-1-1 district may receive program funding in accordance with rules adopted by the department and this chapter.

(3) (a) After the department determines baseline next generation 9-1-1 principles in accordance with rules adopted pursuant to [section 4(2)], the department shall delegate implementation to local governments and 9-1-1 districts.

(b) Nothing in this chapter, prevents a local government or 9-1-1 district from exceeding legacy technology standards or baseline next generation 9-1-1 principles.

Section 6. Section 10-4-101, MCA, is amended to read:

"10-4-101. Definitions. As used in this chapter, unless the context requires otherwise, the following definitions apply:

(1) "Allowable costs" means:

_____ (a) the actual costs associated with upgrading, purchasing, programming, installing, testing, operating, and maintaining data, hardware, and software necessary to comply with federal communications commission orders for the delivery of 9-1-1 calls and data as set forth in 47 CFR 20.18; and

_____ (b) actual costs designated by rule of the department in accordance with [section 4].

(2) "Basic 9-1-1 account" means the 9-1-1 emergency telecommunications account established in 10-4-301(1)(a).

(3) "Basic 9-1-1 service" means a telephone service meeting the standards established in 10-4-103 that automatically connects a person dialing the digits 9-1-1 to an established public safety answering point.

(4) "Basic 9-1-1 system" includes equipment for connecting and outswitching 9-1-1 calls within a telephone central office,

trunking facilities from the central office to a public safety answering point, and equipment, as appropriate, that is used for transferring the call to another point, when appropriate, and that is capable of providing basic 9-1-1 service.

(5) "Commercial mobile radio service" means:

(a) a mobile service that is:

(i) provided for profit with the intent of receiving compensation or monetary gain;

(ii) an interconnected service; and

(iii) available to the public or to classes of eligible users so as to be effectively available to a substantial portion of the public; or

(b) a mobile service that is the functional equivalent of a mobile service described in subsection (5) (a).

(6) "Department" means the department of administration provided for in Title 2, chapter 15, part 10.

~~(7) "Direct dispatch" means a 9 1 1 service in which a public safety answering point, upon receipt of a telephone request for emergency services, provides for a decision as to the proper action to be taken and for dispatch of appropriate emergency service units.~~

~~(8) "Emergency" means an event that requires dispatch of a public or private safety agency.~~

(8) A "9-1-1 district" means a special district, provided for in 7-11-1002, that is created by a combination of local governments acting together according to an interlocal agreement to plan, deploy, operate, and maintain emergency communications.

(9) "Emergency communications" means the transmission of voice, video, or electronic data involving the safety of human life and protection of property from one device to another.

~~(9)~~(10) "Emergency services" means services provided by a public or private safety agency, including law enforcement, firefighting, ambulance or medical services, and civil defense services.

~~(10)~~(11) "Enhanced 9-1-1 account" means the 9-1-1 emergency telecommunications account established in 10-4-301(1)(b).

~~(11)~~(12) "Enhanced 9-1-1 service" means telephone service that meets the requirements for basic 9-1-1 service and that consists of selective routing with the capability of automatic number identification and automatic location identification at a public safety answering point enabling users of the public telecommunications system to request emergency services by dialing the digits 9-1-1.

~~(12)~~(13) "Enhanced 9-1-1 system" includes customer premises equipment that is directly related to the operation of an enhanced 9-1-1 system, including but not limited to automatic number identification or automatic location identification controllers and display units, printers, and software associated with call detail recording, and that is capable of providing enhanced 9-1-1 service.

~~(13)~~(14) "Exchange access services" means:

(a) telephone exchange access lines or channels that provide local access from the premises of a subscriber in this

state to the local telecommunications network to effect the transfer of information; and

(b) unless a separate tariff rate is charged for the exchange access lines or channels, any facility or service provided in connection with the services described in subsection ~~(13)(a)~~ (14)(a).

~~(14) A "9 1 1 jurisdiction" means a group of public or private safety agencies who operate within or are affected by one or more common central office boundaries and who have agreed in writing to jointly plan a 9 1 1 emergency telephone system.~~

(15) "Local government" has the meaning as defined in 7-11-1002.

(16) "Next generation 9-1-1" means a system comprised of hardware, software, data, and operational policies and procedures that provides standardized interfaces from call and message services, processes all types of emergency calls, including non-voice or multi-media messages, acquires and integrates additional data useful to call routing and handling, delivers the calls, messages, or both, and data to the appropriate public safety answering point and other appropriate emergency entities, supports data and communications needs for coordinated incident response and management, and provides a secure environment for emergency communications.

~~(15)~~(17) "Per capita basis" means a calculation made to allocate a monetary amount for each person residing within the jurisdictional boundary of a local government or 9-1-1 district

according to the most recent decennial census ~~or population~~
~~estimate~~ compiled by the United States bureau of the census.

~~(16)~~(18) "Phase I wireless enhanced 9-1-1" means a 9-1-1 system that automatically delivers number information to the public safety answering point for wireless calls.

~~(17)~~(19) "Phase II wireless enhanced 9-1-1" means a 9-1-1 system that automatically delivers number information and location information to the public safety answering point for wireless calls.

~~(18)~~(20) "Place of primary use" means the primary business or residential street address location at which an end-use customer's use of the commercial mobile radio service primarily occurs.

~~(19)~~(21) "Private safety agency" means any entity, except a public safety agency, providing emergency fire, ambulance, or medical services.

~~(20)~~(22) "Provider" means a public utility, a cooperative telephone company, or any other entity that provides ~~telephone~~
~~exchange~~ telecommunications access services.

~~(21)~~(23) "Public safety agency" means ~~the state and any city, county, city county consolidated government, municipal corporation, chartered organization, public district, or public authority located in whole or in part within this state that provides or has authority to provide emergency services~~ a functional division of a local government or the state that dispatches or provides law enforcement, firefighting, emergency medical services, or other emergency services.

~~(22)~~(24) "Public safety answering point" means a communications facility operated on a 24-hour basis that first receives ~~9-1-1 calls~~ emergency communications from persons ~~in a 9-1-1 service area~~ requesting emergency services and that may, as appropriate, directly dispatch ~~public or private safety~~ emergency services or transfer or relay ~~9-1-1 calls~~ the emergency communications to appropriate public safety agencies.

~~(23)~~(25) "Relay" means a ~~9-1-1 service in which a public safety answering point,~~ that upon receipt of a ~~telephone~~ request for emergency services, notes the pertinent information ~~from the caller~~ and relays the information to the appropriate public safety agency, other agencies, or other providers of emergency services ~~for to~~ dispatch of an emergency unit.

~~(24)~~(26) "Subscriber" means an end user who receives telephone exchange access services or who contracts with a wireless provider for commercial mobile radio services.

~~(25)~~(27) "9-1-1 services" means basic, enhanced, and next generation 9-1-1 services.

(28) "9-1-1 systems" means any telecommunications facilities, circuits, equipment, device, software, and associated contracted services for the transmission of emergency communications. 9-1-1 systems include the transmission of emergency communications from persons requesting emergency services to a primary public safety answering point and communications systems for the direct dispatch, relay, transfer of emergency communications and the transmission of emergency

communications to and from a public safety answering point to and from emergency service units.

~~(25)~~(29) "Transfer" means a ~~9-1-1~~ service in which a public safety answering point, upon receipt of a telephone request for emergency services, directly transfers the request to an appropriate public safety agency or other ~~provider of~~ emergency services provider.

~~(26)~~(30) "Wireless enhanced 9-1-1" means either phase I wireless enhanced 9-1-1 or phase II wireless enhanced 9-1-1.

~~(27)~~(31) "Wireless enhanced 9-1-1 account" means the wireless enhanced 9-1-1 account established in 10-4-301.

~~(28)~~(32) "Wireless provider" means an entity, as defined in 35-1-113, that is authorized by the federal communications commission to provide facilities-based commercial mobile radio service within this state."

{ *Internal References to 10-4-101:*

2-17-506x 2-17-506x 7-31-201x 7-31-203x

53-19-306x }

Section 7. Section 10-4-115, MCA, is amended to read:

"10-4-115. Submission of phase I and phase II wireless notification by wireless provider. (1) A wireless provider must meet the following requirements to be eligible for wireless cost recovery:

(a) Within 30 days of receipt of a formal phase I and phase II request from a public safety answering point, the wireless provider shall submit to the department a notification stating the anticipated date of deployment and the number of subscribers,

based on billing addresses, for the 9-1-1 jurisdiction district
or local government.

(b) The department shall first determine that the wireless provider is providing phase I and phase II functionality to the public safety answering point. The wireless provider is responsible for notifying the department of the date of deployment and proof of acceptance tests.

(2) A 9-1-1 jurisdiction district or local government must be ready to provide phase I and phase II wireless service and have submitted a phase I and phase II wireless request to the wireless providers providing service in the jurisdiction's district's or local government's area."

{*Internal References to 10-4-115:*

10-4-313x }

Section 8. Section 10-4-302, MCA, is amended to read:

"10-4-302. Distribution of basic 9-1-1 account by department. (1) The department shall make quarterly distributions of the entire basic 9-1-1 account. The distributions must be made for the costs incurred during the preceding calendar quarter by each provider of telephone service in the state for:

(a) collection of the fees imposed by 10-4-201; and

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

~~(c) conversion of pay station telephones required by 10-4-~~

~~121.~~

(2) Payments under subsection (1) may be made only after application by the provider to the department for costs incurred in subsection (1). The department shall review all applications relevant to subsection (1) 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 allocated to cities and counties on a per capita basis. However, each county must be allocated a minimum of 1% of the balance of the counties' share of the account. A 9-1-1 ~~jurisdiction~~ district whose 9-1-1 service area includes more than one city or county is eligible to receive operating funds from the allocation for each city or county involved. The department shall distribute to the accounting entity designated by a 9-1-1 ~~jurisdiction~~ district with an approved final plan the proportional amount for each city or county served by the 9-1-1 ~~jurisdiction~~ district. The department shall provide a report indicating the proportional share derived from the individual city's or county's allocation with each distribution to a 9-1-1 ~~jurisdiction~~ district.

(4) If the department through its monitoring process determines that a 9-1-1 ~~jurisdiction~~ district or local government is not adhering to an approved plan, is not using funds in the manner prescribed in 10-4-303, or has failed to provide information as provided in ~~10-4-102(3)~~ [section 3] and rules adopted by the department, the department may, after notice and hearing, suspend payment to the 9-1-1 ~~jurisdiction~~ district or

local government. The jurisdiction district or local government is not eligible to receive funds until the department determines that the jurisdiction district or local government is complying with the approved plan and fund usage limitations or has provided the requested information."

{*Internal References to 10-4-302:*
10-4-102r 10-4-301x 10-4-303x
}

Section 9. Section 10-4-311, MCA, is amended to read:

"10-4-311. Distribution of enhanced 9-1-1 account by department. (1) The department shall make quarterly distributions of the entire enhanced 9-1-1 account for costs incurred during the preceding calendar quarter by each provider of telephone service in the state for:

(a) collection of the fee imposed by 10-4-201(1)(b); and
(b) modification of central office switching and trunking equipment necessary to provide service for an enhanced 9-1-1 system only.

(2) Payments under subsection (1) may be made only after application by the provider to the department for costs described in subsection (1). The department shall review all applications relevant to subsection (1) 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, 100% of the balance of the account must be allocated to cities and counties on a per capita basis. However, each

county must be allocated a minimum of 1% of the balance of the counties' share of the account.

(4) An enhanced 9-1-1 ~~jurisdiction~~ district whose enhanced 9-1-1 service area includes more than one city or county is eligible to receive operating funds from the allocation for each city or county involved. The department shall distribute to the accounting entity designated by an enhanced 9-1-1 ~~jurisdiction~~ district with an approved final plan for enhanced 9-1-1 service the proportional amount for each city or county served by the enhanced 9-1-1 ~~jurisdiction~~ district. The department shall, upon request, provide a report indicating the proportional share derived from the individual city's or county's allocation with each distribution to a 9-1-1 ~~jurisdiction~~ district.

(5) If the department determines that an enhanced 9-1-1 ~~jurisdiction~~ district or local government is not adhering to an approved plan for enhanced 9-1-1 service or is not using funds in the manner prescribed in 10-4-312, the department may, after giving notice to the ~~jurisdiction~~ 9-1-1 district or local government and providing an opportunity for a representative of the ~~jurisdiction~~ 9-1-1 district or local government to comment on the department's determination, suspend payment from the enhanced 9-1-1 account to the 9-1-1 ~~jurisdiction~~ district or local government. The ~~jurisdiction~~ district or local government is not eligible to receive funds from the enhanced 9-1-1 account until the department determines that the ~~jurisdiction~~ 9-1-1 district or local government is complying with the approved plan for enhanced 9-1-1 and fund usage limitations."

{ Internal References to 10-4-311:

10-4-301x 10-4-312x 10-4-312x }

Section 10. Section 10-4-312, MCA, is amended to read:

"10-4-312. Limitation on use of enhanced 9-1-1 funds. (1) Money received under 10-4-311(3) or (4) may be used only to pay for installing enhanced 9-1-1 features or for operating and improving an emergency telephone system using 9-1-1 service once the plan for converting to enhanced 9-1-1 has been approved.

(2) With department approval, money received under 10-4-311(3) or (4) may be used to pay for basic 9-1-1 service. The 9-1-1 ~~jurisdiction~~ district or local government shall submit a request for an exception under this subsection to the department based on a demonstrated hardship, including geographical constraints, funding limitations, or absence of technical capability or capacity.

(3) Money not necessary for immediate use may be invested by the city or county. The income from the investments may be used only for the purposes described in this section."

{ Internal References to 10-4-312:

10-4-311x }

Section 11. Section 10-4-313, MCA, is amended to read:

"10-4-313. Distribution of wireless enhanced 9-1-1 account by department. (1) Except as provided in subsection (2), the department shall make quarterly distribution of the portion of the wireless enhanced 9-1-1 account for allowable costs described

in 10-4-301(1)(c)(ii) incurred by each wireless provider in each 9-1-1 jurisdiction district or local government as follows:

(a) For each fiscal year through the fiscal year ending June 30, 2019:

(i) 84% of the balance of the account must be allocated to the wireless providers providing wireless enhanced 9-1-1 in each county on a per capita basis. The wireless provider in each county must be allocated a minimum of 1% of the balance of the counties' share of the account.

(ii) the balance of the account must be allocated evenly to the wireless providers providing wireless enhanced 9-1-1 in counties with 1% or less of the total population of the state; and

(iii) prior to distribution, the amounts allocated under subsections (1)(a)(i) and (1)(a)(ii) must be adjusted to ensure that a wireless provider does not receive less than the amount allocated to wireless providers providing wireless enhanced 9-1-1 in counties with 1% or less of the total population of the state.

(b) For fiscal years beginning after June 30, 2019, 100% of the balance of the account must be allocated to the wireless providers providing wireless enhanced 9-1-1 in each county on a per capita basis. Each county must be allocated a minimum of 1% of the balance of the counties' share of the account.

(c) If the department is unable to fully reimburse a wireless provider under subsection (1)(a) in any quarter, the department shall in the subsequent quarter pay from the allocation under subsection (1)(a) to wireless providers any

unpaid balances from the previous quarter. If the amount available is insufficient to pay all previous unpaid balances, the department shall repeat the process of paying unpaid balances that remain unpaid for as many quarters as necessary until all unpaid balances are fully paid. The department shall review all invoices for appropriateness of costs claimed by the wireless provider. If the wireless provider contests the review, payment may not be made until the amount owed to the wireless provider is determined.

(d) A wireless provider shall submit an invoice for cost recovery according to the allowable costs.

(e) The department shall determine the percentage of overall subscribers, based on billing addresses, within the 9-1-1 ~~jurisdiction~~ district or local government for each wireless provider seeking cost recovery by dividing the wireless provider's subscribers by the total number of subscribers in that 9-1-1 ~~jurisdiction~~ district or local government. The percentage must be applied to the total wireless provider funds for that 9-1-1 ~~jurisdiction~~ district or local government, and each wireless provider shall receive distribution based on the provider's percentage. To receive cost recovery, wireless providers shall submit subscriber counts to the department on a quarterly basis. The subscriber count must be provided for each 9-1-1 ~~jurisdiction~~ district or local government in which the wireless provider receives cost recovery within 30 calendar days following the end of each quarter. The department shall recalculate distribution percentages on a quarterly basis.

(f) If the department determines that a wireless provider has submitted costs that exceed allowable costs or are not submitted in the manner prescribed in 10-4-115, the department may, after giving notice to the wireless provider, suspend or withhold payment from the wireless enhanced 9-1-1 account.

(2) (a) Except as provided in subsection (3) and after the distribution for the final quarter of each fiscal year is made pursuant to subsection (1), the department, within 45 days of the end of the final quarter of each fiscal year, shall:

(i) determine an amount equal to 50% of the total balance included in the account under 10-4-301(1)(c)(ii); and

(ii) except as provided in subsection (2)(b), distribute the amount determined in accordance with subsection (2)(a)(i) to wireless providers to reimburse the unpaid balances carried over by wireless providers pursuant to subsection (1)(c).

(b) If the amount determined pursuant to subsection (2)(a)(i) is insufficient to reimburse all wireless providers in full in accordance with subsection (2)(a)(ii), the department shall proportionately, based on outstanding balances, distribute the money to each wireless provider that has an unpaid balance carried over pursuant to subsection (1)(c).

(3) Funds may not be reallocated in accordance with subsection (2) if the county contains less than 1% of the state population.

(4) Any reallocated funds not distributed in accordance with subsection (2) must be returned to the account established under 10-4-301(1)(c).

(5) The department shall make quarterly distribution of the portion of the wireless enhanced 9-1-1 account described in 10-4-301(1)(c)(i) to each 9-1-1 jurisdiction district or local government as follows:

(a) for each fiscal year through the fiscal year ending June 30, 2019:

(i) 84% of the balance of the account must be allocated to cities and counties on a per capita basis. However, each county must be allocated a minimum of 1% of the balance of the counties' share of the account.

(ii) the balance of the account must be allocated evenly to the counties with 1% or less than 1% of the total population of the state; and

(iii) prior to distribution, the amounts allocated under subsections (5)(a)(i) and (5)(a)(ii) must be adjusted to ensure that a county does not receive less than the amount allocated to counties with 1% or less of the total population of the state; and

(b) for fiscal years beginning after June 30, 2019, 100% of the balance of the account must be allocated to cities and counties on a per capita basis. However, each county must be allocated a minimum of 1% of the balance of the counties' share of the account."

{*Internal References to 10-4-313:*

10-4-301x }

NEW SECTION. **Section 12. {standard} Repealer.** The

following sections of the Montana Code Annotated are repealed:

10-4-102. Department of administration duties and powers.

10-4-104. Agreements among safety agencies for rendering emergency services.

10-4-111. Submission of preliminary plans for 9-1-1 jurisdictions -- review -- cost estimates.

10-4-112. Submission and approval of final plans -- exception.

10-4-113. Requirement for approval of final plan -- department to insure compliance.

10-4-114. Rulemaking authority.

10-4-121. Pay phones to be converted to allow emergency calls without charge.

10-4-125. Submission of revised plan for conversion from basic 9-1-1 to enhanced 9-1-1.

10-4-126. Dedicated 9-1-1 telephone facilities to be provided -- capabilities.

{ *Internal References to 10-4-102:* 10-4-111r 10-4-112r 10-4-125r
10-4-302a

Internal References to 10-4-104: None.

Internal References to 10-4-111: 10-4-126r

Internal References to 10-4-112: None.

Internal References to 10-4-113: 10-4-112r

Internal References to 10-4-114: None.

Internal References to 10-4-121: 10-4-302a

Internal References to 10-4-125: None.

Internal References to 10-4-126: None. }

NEW SECTION. **Section 13. {standard} Codification**

instruction. [Sections 1 through 5] are intended to be codified as an integral part of Title 10, chapter 4, part 1, and the

provisions of Title 10, chapter 4, part 1, apply to [sections 1 through 5].

NEW SECTION. **Section 14. {standard} Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. **Section 15. {standard} Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

NEW SECTION. **Section 16. {standard} Effective date.** [This act] is effective on passage and approval.

- END -

Draft

Next Generation 9-1-1

Montana's Efforts to Move Forward

A Report to the 65th Legislature

May 2016

Energy and Telecommunications Interim Committee Members

Before the close of each legislative session, the House and Senate leadership appoint lawmakers to interim committees. The members of the ETIC, like most other interim committees, serve one 20-month term. Members who are reelected to the Legislature, subject to overall term limits and if appointed, may serve again on an interim committee. This information is included in order to comply with 2-15-155, MCA.

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This report is a summary of the work of the Energy and Telecommunications Interim Committee, specific to the ETIC's 2015-2016 next-generation 9-1-1 review as outlined in the ETIC's 2015-16 work plan and House Joint Resolution No. 7. Members received additional information and public testimony on the subject, and this report is an effort to highlight key information and the processes followed by the ETIC in reaching its conclusions. To review additional information, including written minutes, exhibits, and audio minutes, visit the ETIC

website:

www.leg.mt.gov/etic

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Glossary

ESInet: An emergency services IP network. It includes the IP infrastructure upon which independent application platforms and core functional processes are deployed.

GIS: Geographic Information System displays information in layers that allows the analysis and interpretation of data to determine relationships, trends, and patterns. GIS can be fully integrated and required for NG911. It can be one of the central data stores.

IP: Internet Protocol. The method by which data are sent on the Internet or a communications protocol for computers connected to a network, especially the Internet.

NG911: Next generation 9-1-1. A system comprised of hardware, software, data, and operational policies and procedures that provides standardized interfaces from call and message services, processes all types of emergency calls including non-voice (multi-media) messages, acquires and integrates additional data useful to call routing and handling, delivers the calls/messages and data to the appropriate PSAPs and other appropriate emergency entities, supports data and communications needs for coordinated incident response and management, and provides a secure environment for emergency communications.

PSAP: Public Service Answering Point. A call center responsible for answering calls to an emergency telephone number for police, firefighting, and ambulance services. Often called a 9-1-1 jurisdiction.

Introduction

As the Energy and Telecommunications Interim Committee (ETIC), guided by House Joint Resolution No. 7, began its review of next generation 9-1-1 (NG911) in Montana, legislators quickly found that NG911 was a technical issue that would require far more than a policy discussion. In addition, the committee found that Montana's existing 9-1-1 statutes are arcane, complicated and in need of updating – particularly if those statutes are to support deployment of NG911. The discussion also would require a candid and at-times contentious discussion about 9-1-1 funding in Montana. HJ 7, which guided the study of NG911, is included in **Appendix A**.

Legislators in the fall of 2015 asked stakeholders, including wireless providers, Public Service Answer Points (PSAPs), county officials, and others, to work together on NG911 and to provide the ETIC with recommendations on planning for and implementing NG911. Since September 2015, 9-1-1 stakeholders met monthly to discuss NG911 as well as Montana's 9-1-1 statutes. The stakeholders, along with an advisory council formed by the Governor, presented a set of recommendations to the committee in March. The recommendations from both groups are included in **Appendix B**.

The recommendations address jurisdiction, governance, technology, and funding of Montana's 9-1-1 program. They also devote money to advancing NG911. The stakeholders and advisory council recommendations deal specifically with NG911 and updating Montana's statutes to address evolving technology. The recommendations also offer an update to 9-1-1 statutes in Montana. One of the most critical aspects of a potential update relates to the funding of 9-1-1 in Montana and use of about \$10 million in 9-1-1 funding that has been collecting in the state coffers. Stakeholders agreed to use a portion of the stranded fund and continue to work toward an agreement on a complete overhaul of the 9-1-1 funding statutes.

In Montana there are three 9-1-1 funds, a basic fund, an enhanced fund, and the wireless enhanced fund. Money from all three accounts is distributed to a variety of entities including cities, counties, 9-1-1 jurisdictions, telephone providers, and wireless providers.

For wireless enhanced 9-1-1 services, each wireless subscriber in the state pays a fee of 50 cents a month. Half of that amount, or 25 cents, is available to wireless providers for certain costs and 25 cents goes to 9-1-1 jurisdictions (also referred to as PSAPs).

Neither the stakeholder group nor the 9-1-1 advisory council was interested in increasing the fee beyond the \$1 that is currently collected. The funding recommendations that continue to be discussed by stakeholders address the allocation, distribution, and expenditure of 9-1-1 funding.

In terms of advancing NG911, there was consensus among stakeholders to use a portion of the "stranded funds" discussed later in this report to fund initial infrastructure and capital upgrades to enable compliance with baseline NG911 deployment and to fund a statewide 9-1-1 plan.

The recommendations in the form of a bill drafts are included in **Appendix C**.

ETIC Findings and Recommendations

*Based on March 11 ETIC meeting, direction to ETIC staff, and stakeholder recommendations.

1. Establish a statewide ESInet (statewide IP network backbone), include an upgrade and/or replace existing selective routers with IP routers. This upgrade will bring all non-IP-capable PSAPs to IP capability and cost about \$5 million. Stranded funds should be diverted from the current account to facilitate the upgrade. (LC ETC1)
2. An overall assessment of the status of GIS operations in Montana counties should be completed at a cost of \$80,000. The Montana State Library should take the lead in formalizing the assessment. Stranded funds should be diverted from the current account to facilitate the upgrade. (LC ETC1)
3. Montana's 9-1-1 statutes should be revised to include planning for a statewide 9-1-1 system plan that describes the priorities for 9-1-1 service development and delivery. The 9-1-1 systems plan goals and objectives should include continued use of legacy 9-1-1 systems and additional changes necessary (liability, confidentiality, statewide standards, etc.) in the future to accommodate NG911. The DOA should hire a third-party to complete the plan at a cost no more than \$350,000. Stranded funds should be diverted from the current account to pay for planning. (LC ETC1)
4. Montana's 9-1-1 statutes should continue to maintain and support existing technologies and be updated to incorporate and authorize NG911 in Montana. The Department of Administration (DOA) should be granted the authority to implement some flexible standards. Rules should include technology standards for primary PSAPs and principles for NG911 that are based on industry standards and with guidance from the 9-1-1 Advisory Council. (LC ETC2)
5. Montana's 9-1-1 statutes should continue to support local decision making and operations of primary PSAPs at the local level. (LC ETC2)
 - o Clarify in statute that any local government and 9-1-1 district can host a primary PSAP and provide 9-1-1 services including basic, enhanced, and NG911 services;
 - o Clarify in statute and in administrative rule the definition of a primary PSAP;
 - o Clarify in statute that local governments and 9-1-1 districts that host a primary PSAP and which meet operational and technical standards that are established by the DOA, are eligible recipients of state 9-1-1 program funding;
 - o Clarify in statute that local governments may create 9-1-1 districts through an interlocal agreement. 9-1-1 districts are a legal entity that can host a primary PSAP and become an eligible recipient of state 9-1-1 program funding on behalf of local governments.
6. Continue the DOA's role of collecting the 9-1-1 fee from telecommunications providers and allocating and distributing the fees to eligible recipients. (LC ETC2)

- o Clarify the Department of Administration's duties and powers to include: reviewing and approving telecommunication provider eligibility and cost recovery requests; reviewing and approving local government requests for eligibility to receive program funds; distribution of program funds to telecommunication providers for approved cost recovery; allocation and distribution of program funds to local governments and 9-1-1 districts; and monitoring the expenditure of program funds for allowable uses by local government and 9-1-1 districts.
7. Clarify the DOA's rulemaking authority in statute specifically for establishing eligibility requirements for telecommunications providers and allowable costs for cost recovery; eligibility requirements for designating primary PSAPs that are hosted by a local government or 9-1-1 district and eligibility for receiving program funds; and allowable uses of program funding by local governments and 9-1-1 districts. (LC ETC2)
 8. The 9-1-1 Advisory Council should continue to meet in order to engage state and local stakeholders in program management. (LC ETC2)
 - a. Existing statutes should update the council membership requirements and duties, based on the Governor's 2015 Executive Order reestablishing the council.
 - b. Duties should include participation in the development, review, and implementation of the 9-1-1 system plan and advising the DOA in the management of the state 9-1-1 program.
 - c. Duties should also include advising the DOA on rulemaking for the establishment of eligibility requirements for telecommunications providers and allowable costs for cost recovery, eligibility requirements for designating primary PSAPs that are hosted by a local government or 9-1-1 district and eligibility for receiving program funds, and allowable uses of program funding by local governments and 9-1-1 districts.

How should NG911 be defined for Montana and who are the stakeholders?

Definition

NG911 will continue to evolve with technology. It also will be different state-to-state. “While the key underpinnings of the legacy 9-1-1 framework are virtually the same as they were in 1968, NG911 will be an on-going state of progression as technologies continue to evolve and the industry’s understanding of what is possible expands.”¹

There is no universally agreed on definition for NG911. The National Emergency Numbers Association (NENA), in an effort to provide an industry-wide guide, defines NG911 as “an Internet Protocol (IP)-based system comprised of managed Emergency Services IP networks (ESInets), functional elements (applications), and databases that replicate traditional E9-1-1 features and functions and provides additional capabilities. NG911 is designed to provide access to emergency services from all connected communications sources, and provide multimedia data capabilities for PSAPs and other emergency service organizations.” NENA is a nonprofit organization that works with 9-1-1 professionals nationwide, public policy leaders, emergency services and telecommunications industry partners, and other stakeholder groups to develop and carry out initiatives to facilitate the creation of an IP-based NG911 system. Montana stakeholders used this definition as the starting point of their work.

Stakeholders

Montana stakeholders found that planning and implementing NG911 will likely require coordination and partnerships among government, private entities, and multiple public safety stakeholders. Implementation of NG911 also may require an in-depth review of budgetary considerations, governance structures, and regulations needed to address emerging technologies. The stakeholders group represented a wide spectrum of interested parties. Their recommendations were consensus-based. A list of the stakeholders involved in the discussion and development of recommendations is included in **Appendix D**.

In its discussion of the potential implementation of NG911, Montana incorporated a discussion of existing statutes and the process for transition from the existing system, a review of coordination efforts needed to move forward, and an evaluation of the current 9-1-1 surcharge assessed on telecommunications devices. In October, the Governor reestablished a 9-1-1 Advisory Council within the DOA. The council is established pursuant to 10-4-102, MCA, to advise the DOA on 9-1-1 matters. It includes 17 members representing a variety of stakeholders ranging from PSAPs to the Montana Fire Chiefs Association. It is charged with providing input in the development, implementation, and management of Montana’s 9-1-1 program. The council advised the department in developing the attached draft legislation to modernize the 9-1-1 program statutes in Montana and to enable and support the deployment of current and future technologies. A list of its members, which overlapped with NG911 stakeholders, is included in **Appendix E**. The work of the stakeholder’s group and DOA’s Advisory Council dovetailed to form the current recommendations.

¹ http://www.intrado.com/sites/default/files/documents/Volume%203%20IP-Enabled%20PSAP_0.pdf

How does Montana begin the process of establishing an evolving, fully-functional, NG911 system that can be accessed by anyone from any device anywhere at any time?

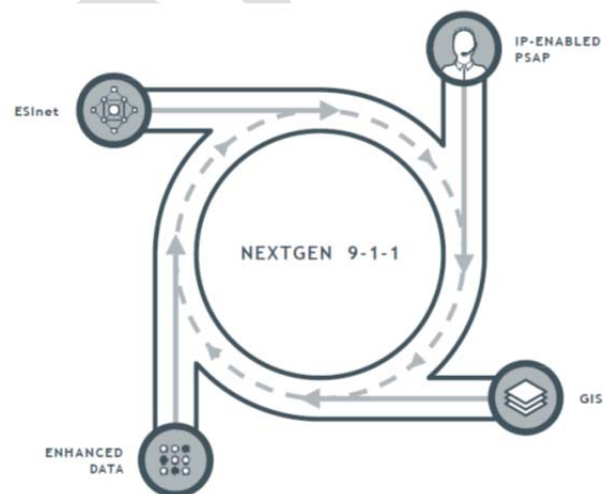
The Council for Emergency Response Technologies reports that most states have not yet started to transition to a new system of 9-1-1 or NG911. However, many states have begun a planning process, which is estimated to take from five to 10 years. Other states have moved planning efforts forward with pilot programs. Both Kansas and Connecticut, for example, are working on pilot programs or pilot studies. The National 9-1-1 program, which is part of the Office of Emergency Medical Services at the U.S. Department of Transportation's National Highway Traffic Safety Administration, offers a set of guidelines, based on input from a wide variety of stakeholders, to assist legislators and others in coordinating and implementing NG911. "There are multiple statutory and regulatory changes necessary to facilitate the implementation of NG911, and they are complex and multifaceted."²

The National 9-1-1 program has identified five critical components to guide policymakers in their discussion of NG911. For successful migration to NG911 they recommend a review of:

- Statewide 9-1-1 governance structure;
- 9-1-1 funding and resources;
- Confidentiality, privacy, and security;
- Liability; and
- Rulemaking and regulatory environment.

There currently aren't federal mandates for NG911. Implementation policies across the country have been based on recommendations and industry standards from entities like NENA and the Association of Public-Safety Communications Officials. The Federal Communications Commission, however, does have rules related to text-to-9-1-1 "bounce-back" requirements that apply to Commercial Mobile Radio Service (CMRS) providers

when consumers are roaming. CMRS providers and providers of interconnected text messaging services, for example, must provide an automatic "bounce-back" text message in situations where a consumer attempts to send a text message to 9-1-1 in a location where text-to-9-1-1 is



Source: Intrado. NG 911. The Essential Guide to Getting Started. 2013.

² "Guidelines for State NG9-1-1 Legislative Language," U.S. Department of Transportation, National Highway Traffic Safety Administration, National 9-1-1 program.

not available.³ The FCC also has adopted measures that require PSAPs to begin planning to accurately identify the location of wireless 9-1-1 callers when the caller is indoors. The federal rules also strengthen existing E911 location accuracy rules to improve location determination for outdoor as well as indoor calls.⁴

To move Montana toward NG911, the stakeholders group recommended beginning baseline technology advancements. They recommend the establishment of a statewide ESInet (statewide IP network backbone) and the upgrade or replacement of existing selective routers with IP routers. In Montana, about 80% of the PSAPs in Montana have an IP network backbone; however, this does not represent 80% of the people in Montana. There are 15 “legacy” PSAPs on CenturyLink’s network in Montana, which represents about 60% of the population. To upgrade all non-IP capable PSAPs in Montana, the stakeholders estimate the cost to be about \$5 million. A map showing Montana’s IP network is included in **Appendix F**.

North Dakota

North Dakota provides an example of planning and implementation processes and the timelines involved in NG911. The state has approached NG911 in two ways – with the state playing a role and the North Dakota Association of Counties playing a role. North Dakota has a “joint powers” contractual arrangement between local 9-1-1 authorities and the state’s Association of Counties. The Association provides the statewide coordination and planning involved. In 2008, the joint power entity contracted with L.R. Kimball, a company that provides professional services related to architecture, engineering, and communications technology, to work with stakeholders across the state to develop a NG911 master plan for North Dakota. The plan looked at a six-year deployment effort. A year later the North Dakota Legislature directed an Emergency Services Communications Coordinating Council, created by the Legislature in 2001, to coordinate planning for NG911. In that same year, the council, through the North Dakota Information Technology Department received a federal grant of \$912,722 to begin implementing NG911. As those steps were being taken, the North Dakota Legislature also made decisions about how its 9-1-1 fees were collected and used in order to plan for NG911 and also took steps to address overall coverage.



State Radio is established as a division of the Department of Emergency Services under the administration of the Adjutant General in North Dakota, and State Radio provides 9-1-1 services to the public through a network of 23 PSAPs. During the 2007-08 interim, State Radio identified coverage gaps in the broadcast system, and the 2009 Legislature provided \$500,000 for a study of NG911 (\$100,000), establishment of alternatives to constructing new State Radio towers (\$75,000), and implementation of a new tower site (\$325,000). The 2011 Legislature provided \$1.5 million for the construction of new towers to address some of the coverage gaps, and the 2013 Legislature provided \$1,175,000 for more radio towers.

³ 47 C.F.R. § 20.18.

⁴ 47 C.F.R. § 20.18(i)(3)(i))

In 2014 North Dakota PSAPs announced plans to roll out NG911 technologies. The Association of Counties has an active role with the initiative. The county association has a NG911 program manager position to coordinate with the Emergency Services Communications Coordinating Council. North Dakota will become one of the first states to plan and then implement a statewide NG911 system. North Dakota also expects to spend about \$1.2 million on the initial rollout of the technology upgrade.⁵ However, it has been noted that text-to-9-1-1, for example, is still not available in North Dakota. This distinction is also important in terms of how a state chooses to define NG911. The information provided in this report is limited to the work of Montana stakeholders in beginning implementation planning for Montana.

Other States

The National Conference of State Legislatures (NCSL) keeps a 9-1-1 database. They annually track legislation related to 9-1-1 and state efforts to promote NG911. The information below was taken directly from the NCSL database. It also shows the various planning stages for NG911 across the country and the role of legislation in that process.⁶ In 2014, at least three states—California, Kansas and Tennessee—passed legislation related to NG911, and in 2015 four additional states, Illinois, North Carolina, Texas, and Pennsylvania, passed legislation related to NG911.

2015		
State	Link	Overview
Illinois	S 96	Creates a single statewide 9-1-1 system, with a statewide 9-1-1 administrator and a statewide 9-1-1 advisory board. Requires collection of fees on the sale of prepaid wireless telecommunications services. Requires the implementation of NG911 in every 9-1-1 system in Illinois by July 1, 2020. Requires the development of uniform technical and operational standards for all 911 systems in the state. Specifies that the administrator and board must develop and implement a plan for a statewide NG911 network. Consolidates the number of PSAPs in a county depending on the size of the population. Provides grants to assist in the consolidation process.
North Carolina	H 730	Creates a NG911 reserve fund to implement NG911. Requires PSAPs to implement NG911. Authorizes a 9-1-1 board to establish purchasing agreements for statewide procurement. Allows a PSAP grant account to be used for expenses used to enhance 9-1-1 service. Amends the limitation of liability for the 9-1-1 system.
Pennsylvania	H911	Requires the development of a statewide 9-1-1 plan that includes plans for NG911 technology. Establishes a 9-1-1 board to advise on matters related to the administration and operation of 9-1-1 systems, including measures to promote NG911 technology, cost-saving measures and training standards for dispatchers.
Texas	H 479	Relates to transfer of regional emergency dispatch centers program to a Commission on State Emergency Communications and a pilot project to provide NG911 telemedicine medical services in rural areas.

⁵ http://www.ndaco.org/programs_and_services/911/

⁶ <http://www.ncsl.org/research/telecommunications-and-information-technology/2015-key-enacted-9-1-1-legislation.aspx>

2014		
State	Link	Overview
California	S 1211	Requires the Office of Emergency Services to develop a plan and timeline for testing, implementing, and operating a NG911 emergency communication system, including text to 9-1-1 services, throughout the state. Requires the office in determining a surcharge rate, to include costs it expects to incur to plan, test, implement, and operate the system and services, including text to 911service. Requires providing the Legislature with rate calculations and posting information on its website.
Kansas	S 284	Amends the Kansas 9-1-1 Act, relates to 9-1-1 emergency services, the 911 coordinating council and a PSAP, provides that a provider may also be a 911 systems operator, relates to electronic requests for emergency response, by wireline, wireless, VoIP or telecommunications device for the deaf (TDD) technology, text message or any other technology by which a service user initiates an immediate information interchange or conversation with a PSAP.
Tennessee	H 2255	Relates to Emergency Communications Districts, enacts a 9-1-1 Funding Modernization and IP Transition Act, creates a 9-1-1 surcharge, provides a surcharge for prepaid services collected at the point of sale, and provides that emergency communications districts are immune from suit or liability for civil claims from the actions or omission of emergency communications district personnel in processing emergency calls.

2013		
State	Link	Overview
Nebraska	NE L 595	Provides for a study of NG911, provides for the use of the Enhanced Wireless 9-1-1 Fund, requires the Public Service Commission to use the fund to conduct a study to examine issues surrounding the statewide implementation of NG911 and to contract with an independent third party to assist with the study.
North Dakota	ND H 1202	Relates to use of wide area network services. Provides that for the purposes of enhanced 9-1-1 and NG911 communications services, governmental entities are exempt from department service requirements. Provides that in selecting enhanced 9-1-1 and NG911 communication network providers, governmental entities select providers that are cost-effective, demonstrably reliable, and follow interoperable standards set by the emergency services communications coordinating committee.

2012		
State	Link	Overview
Delaware	DE S 196	Clarifies that the limitation of liability applies to the provision of NG911 service, provides that the bill does not expand the current scope of the limitation but rather updates the language to account for change in the technology used to deliver 9-1-1 service.
Maryland	MD H 1235	Alters the responsibilities of the Emergency Number Systems Board to include establishing planning guidelines for NG911 service plans and deployment of NG911 services, defines NG911 services.
Ohio	OH H 509	Creates a statewide emergency services internet protocol network steering committee to generally advise the state on the implementation, operation, and maintenance of a statewide emergency services internet protocol network that would support state and local government NG911 and the dispatch of emergency service providers.

The Role of GIS

NG911 systems can rely on GIS data to locate emergency callers. Currently, GIS data often assists dispatchers in locating callers, but with NG911, GIS data often is used as the source to route calls to the correct 9-1-1 call center and to dispatch the correct responders. "GIS may serve a minor role in legacy 9-1-1 systems, but it will be an integral part of next-generation system. The sooner 9-1-1 professionals realize this and start preparing, the smoother their transition to next-generation 9-1-1 will be, according to panelists at the recent Association of Public-Safety Communications Officials conference."⁷

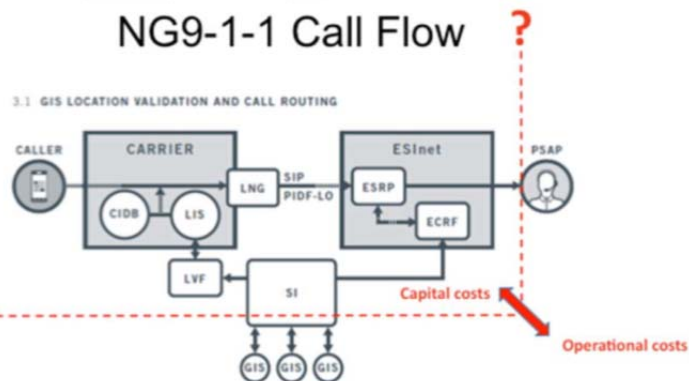
Various GIS map data layers can be developed and integrated into a system, the key layers for 9-1-1 include:

- Road Centerlines
- Address Points
- PSAP Service Area Boundaries
- Other Service Area Boundaries such as law, fire, medical, coast guard, etc.
- Community Boundaries⁸

The Montana State Library is charged with GIS coordination in Montana.⁹ PSAPs manage GIS data individually, usually at the county-level. However, some PSAPs coordinate with neighbors to expand mapping data beyond their boundaries. Counties that have GIS staff usually maintain their 9-1-1 GIS data, but counties without GIS staff rely on 9-1-1/GIS services providers to do mapping.

As NG911 advances in Montana, PSAPs and counties still will be responsible for maintaining GIS data, but will no longer be able to work in isolation. GIS data will need to be shared and updates will need to occur in real-time, according to stakeholders in Montana.

NG9-1-1 Call Flow



To prepare for the NG911 transition, Montana will need to first work with individual counties to assess the current use of GIS data and determine what data assessments, or layers, are being used. NG911 stakeholders recommend an assessment of the status of GIS adoption and operations in Montana counties. The estimated cost is about \$80,000. The results of the assessment would be used to assist policymakers on how best to proceed with standardization.

⁷ <http://urgentcomm.com/ng-911/gis-will-become-hero-911-says-apco-panelist>

⁸ <http://www.geo-comm.com/map-data-development-services/>

⁹ 90-1-404, MCA.

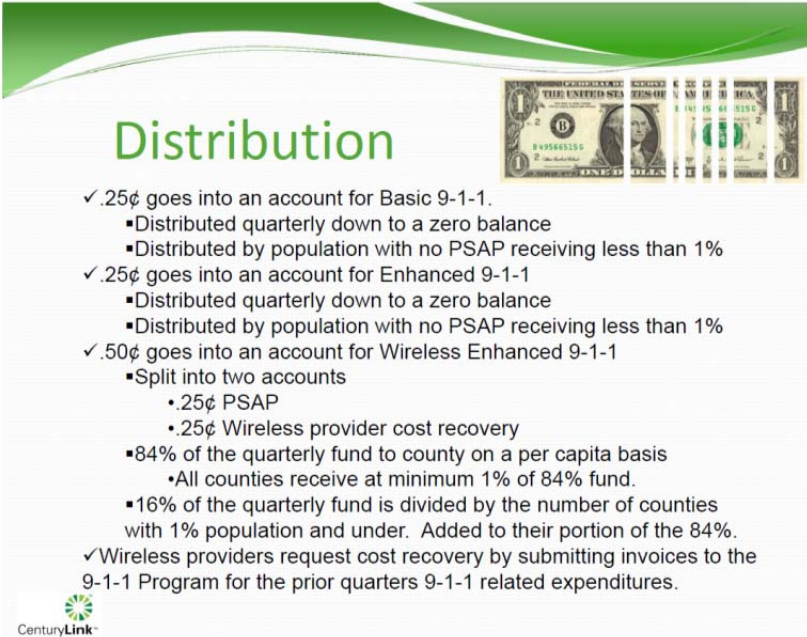
Existing 9-1-1 Statutes and Funding

The Montana 9-1-1 Program, part of DOA, assists local and tribal governments in the development of 9-1-1 emergency telephone systems throughout the state. The program also manages the quarterly allocation and distribution of state 9-1-1 revenues and monitors the use of the funding by local and tribal governments and wireless service providers. The DOA is charged with monitoring “implementation of approved basic and enhanced 9-1-1 system plans for compliance with the plan and the use of funding.”

There are three 9-1-1 funds, a basic fund, an enhanced fund, and the wireless enhanced fund. Money from all three accounts is distributed to a variety of entities included cities, counties, 9-1-1 jurisdictions, telephone providers, and wireless providers.

Wireless Fund

Based on state law, currently in the wireless account 50% goes to 9-1-1 jurisdictions (PSAPs) and 50% goes to wireless providers for allowable costs.¹⁰ Allowable costs associated with upgrading, purchasing, programming, installing, testing, operating, and maintaining data, hardware, and software necessary to comply with federal communications commission orders for the delivery of 9-1-1 calls and data. As background, for wireless enhanced 9-1-1 services, each subscriber in the state pays a fee of 50 cents a month. Half of that amount, or 25 cents, is available to wireless providers. The wireless enhanced 9-1-1 services fee and distribution process was established by the 2007 Legislature.¹¹



Distribution

- ✓ .25¢ goes into an account for Basic 9-1-1.
 - Distributed quarterly down to a zero balance
 - Distributed by population with no PSAP receiving less than 1%
- ✓ .25¢ goes into an account for Enhanced 9-1-1
 - Distributed quarterly down to a zero balance
 - Distributed by population with no PSAP receiving less than 1%
- ✓ .50¢ goes into an account for Wireless Enhanced 9-1-1
 - Split into two accounts
 - .25¢ PSAP
 - .25¢ Wireless provider cost recovery
 - 84% of the quarterly fund to county on a per capita basis
 - All counties receive at minimum 1% of 84% fund.
 - 16% of the quarterly fund is divided by the number of counties with 1% population and under. Added to their portion of the 84%.
- ✓ Wireless providers request cost recovery by submitting invoices to the 9-1-1 Program for the prior quarters 9-1-1 related expenditures.

CenturyLink

Basic Federal Communications Commission (FCC) 9-1-1 rules require wireless service providers to transmit all 9-1-1 calls to a PSAP, regardless of whether the caller subscribes to the provider's service or not. Enhanced 9-1-1 rules require wireless service providers to provide the PSAP with the telephone number of the originator of a wireless 9-1-1 call and the location of the cell site or base station transmitting the call. Wireless service providers are also required to provide location information to PSAPs; specifically, the latitude and longitude of the caller.

¹⁰ 10-4-301, MCA.

¹¹ Chapter 304, Laws of 2007.

Wireless providers that do not meet the FCC rules are out of compliance and can face federal fines.¹² Regardless of any type of reimbursement, the requirements must be met.

“Stranded” Funds

Over the last two interims, the ETIC tracked and discussed the use of 9-1-1 funds and specifically the wireless enhanced fund directed to wireless providers. Within that account, 84% of the balance of the account is allocated to wireless providers providing wireless enhanced 9-1-1 in each county on a per capita basis. The balance of the account is to be allocated evenly to the wireless providers providing wireless enhanced 9-1-1 in counties with 1% or less of the total population of the state. A wireless provider submits an invoice for cost recovery to seek its portion of the money. However, all providers have not sought money from the account for reimbursements. Smaller providers in the state generally seek the reimbursements, but larger providers, or more specifically providers in areas of the state with a larger population, have been unwilling to provide the information required to access the money in the fund. For example, service providers must include the total number of wireless subscribers within each 9-1-1 jurisdiction for which they are seeking cost recovery.

Concerns have been raised about providing potentially proprietary information in a public forum. Any reallocated funds not distributed by the Department of Administration remain in the fund. Over the last 5 years, money in that fund has not been fully accessed by wireless providers and has grown to about \$10 million. The fund is often called the “stranded” fund.

In an effort to address the stranded funds, the 2013 Legislature passed and approved legislation requiring fees collected for wireless enhanced 9-1-1 services be reallocated to wireless 9-1-1 jurisdictions and wireless providers under certain circumstances. The bill set an annual reallocation process to redistribute the wireless enhanced 9-1-1 fund statutorily purposed for wireless provider cost recovery. The bill allows 50% of the account balances to be used to pay wireless providers for obligated unreimbursed balances carried over due to insufficient funding in past years or to pay outstanding invoices. While the reallocation has helped to better distribute money, there continues to be about \$10 million stranded in the 9-1-1 fund.

During the 2015 legislative session, however, multiple efforts were made to “sweep” or use the fund for a variety of different purposes related to emergency services and 9-1-1. Those efforts did not come to fruition. However, the “stranded fund” was a critical part of the discussion before both the 9-1-1 Advisory Council and the NG911 stakeholders. Both groups agreed to use a portion of the money to advance NG911 and to develop a statewide 9-1-1 plan.

¹² <https://www.fcc.gov/guides/wireless-911-services>

Statewide Solution

A statewide solution or update to how to allocate, distribute, and ultimately spend 9-1-1 program funding proved to be the most difficult area for stakeholders to reach consensus. The advisory council.....

Montana has 53 PSAPs operated by county, tribal, or city governments. PSAPs are staffed 24 hours a day, seven days a week by dispatchers. To help local governments implement, operate, and maintain 9-1-1 services, Montana’s 9-1-1 law allows for surcharges on each telephone access line at \$1 per access line per month. That dollar, however, as discussed above, is divided into four, 25 cent funds. DOA reviews PSAP expenditure records, and monitors the deployment status of PSAPs. However, there are no statutory guidelines for PSAP allowable costs for expenditures. The department has developed PSAP funding guidelines, but with no statutory guidance, questions are often raised about “allowable costs” and use of money by PSAPs.

While the “stranded” fund or balance in the wireless enhanced 9-1-1 provider account has been a large part of the conversation about NG911 and Montana’s 9-1-1 program, the overall funding of and distribution of funding also has proved to be a major point of discussion. The chart below provides information about the four funds and shows the balance or “stranded” funds.

	Basic 9-1-1 PSAP Account	Enhanced 9-1-1 PSAP Account	Wireless Enhanced 9-1-1 PSAP Account	Wireless Enhanced 9-1-1 Provider Account	Wireless Enhanced 9-1-1 Provider Account Total Balance (Stranded Fund)
Q1-2 2016	\$1.6 million	\$1.6 million	\$1.6 million	\$1.6 million	\$9.7 million
2015	\$3.4 million	\$3.4 million	\$3.4 million	\$3.4 million	\$10.4 million
2014	\$3.2 million	\$3.2 million	\$3.2 million	\$3.2 million	\$8.7 million
2013	\$2.9 million	\$2.9 million	\$2.9 million	\$2.9 million	\$9 million

The basic 9-1-1 fund (25 cents) and the enhanced 9-1-1 fund (25 cents), the second and third column in the chart, are distributed to Montana counties, with the account cleared quarterly. The 50 cent distribution of funds to the 9-1-1 jurisdictions, however, also has raised some questions. Some jurisdictions, for example, save the money for large capital expenditures. In Yellowstone County, for example, in 2015 the ending cash balance for the 9-1-1 program was about \$6 million. The reserve will be used to build a new city and county 9-1-1 communications center. For the last nine years, Billings and Yellowstone County have been setting aside their share of the fees to save for construction of a new facility.

The advisory council discussed whether saving money and having significant reserves is appropriate. The combined cash balance for all 9-1-1 jurisdictions in Montana in early 2016 was about \$24 million.

9-1-1 jurisdictions provided the advisory council with information on use of the account and savings. Missoula County, for example, uses the local government general fund money (local

mill levy) to pay for about 90% of salary and fringe costs, including items not allowed to be funded using the quarter fund. The quarter fund or 9-1-1 dollars are used to pay operational costs, including \$160,000 for 9-1-1 service lines and other capital expenditures. Missoula County has about \$223,271 in contracted services. Missoula County keeps a reserve or a “trust” using its quarter fund to cover primarily capital expenditures, which can be significant. In 2012 an equipment fire damaged equipment and about \$325,000 replacement was needed. The trust account was used for those costs.

Much of the discussion by the advisory council focused on what percentage of annual funding should be kept in a reserve and what expenses should be covered. Missoula, for example, keeps a one-year balance. Yellowstone County as discussed above saved over nine years and kept about \$6 million. A 2007 audit by the Legislative Audit Division found that PSAPs have accumulated large reserves. However, statute is unclear on “allowable costs” or how PSAPs may use the funds. The audit recommended revisions to state law to ensure that all 9-1-1 revenues are used for 9-1-1 system development and operations. To-date the revisions have not been completed.

The same audit recommended changes be made to Montana law to establish the intent and priorities for use of program funds by PSAPs. The audit recommended that as a second step, the state should clarify its expectations of 9-1-1 services to be provided in Montana, “including the minimal levels of service as new technologies become available.”¹³ Advisory council members recommended a statewide 9-1-1 plan, using up to \$350,000, to address the issue – in part.

PSAPs voiced strong support for keeping a trust account, noting a decreased appetite for increased local property taxes, growing capital equipment costs, decreasing federal funding for technology, increased call volumes to 9-1-1 centers, and ongoing efforts to keep 9-1-1 dispatchers, who have low starting salaries. Other council members raised concerns about how reserves are used and actual 9-1-1 PSAP needs.

The council ultimately...

Allocation

Distribution

Expenditure

¹³ <http://leg.mt.gov/content/Publications/Audit/Report/07P-12.pdf>



A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF NEXT-GENERATION 9-1-1 IN MONTANA.

WHEREAS, deployment of next-generation 9-1-1 communications systems will enhance emergency response and public safety in Montana and will establish the foundation for public safety services in an increasingly mobile society; and

WHEREAS, the demands and challenges associated with evolving next generation 9-1-1 networks and technologies will require statewide innovation and coordination.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

- (1) assess the state and federal regulatory and statutory environment affecting next-generation 9-1-1;
- and
- (2) study and make recommendations for the implementation, management, and operation and ongoing development of next-generation 9-1-1 emergency communications services.

BE IT FURTHER RESOLVED, that the development of a plan for advancing next-generation 9-1-1 in Montana must involve the participation of local, state, federal, and tribal stakeholders, including but not limited to a representative of the land information advisory council established in 90-1-405, a representative from the department of administration's public safety communications bureau, representatives of public safety emergency first responder groups, county government, law enforcement, disaster and emergency services, telecommunications service providers of emergency communications services serving urban and rural areas, and other stakeholders with an interest in next-generation 9-1-1.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2016.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 65th Legislature.

- END -

DRAFT

HJ 7 Next Generation 911 Implementation Plan
Draft report from the NG 911 Working Group
February 18, 2016

I. HJ 7

(1) assess the state and federal regulatory and statutory environment affecting next-generation 9-1-1;

- Federal statutory and regulatory environment is permissive. No mandates. Yet.
 - NG 911 implementation policies take the form of recommendations and industry standards (e.g., NENA, NARUC, APCO)
 - See 47 CFR 20.18 regarding provider and PSAP location accuracy obligations
- State Statutory environment (MCA 10-4-101, ff)
 - An arcane, complicated statute that needs updating, especially to accommodate NG 911. (see section below on Legislation)
- State Regulatory environment
 - PSSB
 - 911 Council

(2) study and make recommendations for the implementation, management, and operation and ongoing development of next-generation 9-1-1 emergency communications services.

II. Working Group

- members representing a broad spectrum of interested parties
- monthly meetings since October
- consensus-based discussions

III. Definition

- An IP-based system comprised of managed IP-based networks (ESInets), functional elements (applications) and databases...designed to provide access to emergency services from all connected communications sources... (USDOT/NHSTA)

IV. Entry Points

- *Intrado chart:*
 - ESInets,
 - IP-PSAPs,
 - GIS, Enhanced data

V. Technology

- *Vision Net PSAP map (attached)*
- Today's landscape (Where we are today)
 - IP network backbone for 80% of PSAPs (calls) for more than 10 years.
 - One of first in the nation, putting MT ahead of most states

- TDM system for 20%
- 53 PSAPs
 - 15 “legacy” PSAPs on CenturyLink network; 60% of population
 - 41 on Vision Net, IP capable (80% of PSAPs can receive IP)
- 4 Selective Routers, none of which is IP ready
- **Recommendations**
 - Establish a statewide ESInet (statewide IP network backbone)
 - Upgrade/replace existing selective routers with IP routers
 - Upgrade all non-IP-capable PSAPs to IP capability
 - **Costs. Somewhere in the \$5 million neighborhood**

VI. Applications (GIS)

- **Recommendations**
 - Assess the status of GIS adoption/operation Counties
 - **Cost: \$80,000?**
 - The results of assessment will inform policymakers on how to proceed with standardization

VII. Operations

- Protocols, practices & procedures
- This is a wide-ranging discussion that’s taking place on the national level. Too early for state recommendations.

VIII. Funding

- Fee/assessment in an IP environment
 - How do we assess Skype, FaceBook, SnapChat, etc.?
 - Too soon to determine. National discussion
- No more than \$1.00
 - No interest politically in increasing the 911 fee (although there are many ideas regarding how to allocate the money raised)
 - Not enough data to determine if 911 fee is too little, or too much

IX. Migration Plan

- Coordination with other NG 911 platforms, jurisdictions
- National standards (still waiting)
- Measurement and testing
- Legal issues?
 - Privacy
 - Security
 - Liability
 - Cmr. Briggs particularly sensitive to PSAP/county liability if, for example, consumers expect a video 911 “call” to be received and processed when the PSAP county is not yet equipped.

- Need to define expectations, definition of “NG 911” so that counties can meet “baseline” requirements (e.g., text to 911, which most people do not consider “NG,” or some higher, but baseline standard).
- Counties/PSAPs may exceed baseline standard
- No quick resolution to question of how to manage consumer expectations, or how to maintain different capabilities among states, counties, PSAPs
- Wireless call data?
- **Recommendations**
 - Follow the Intrado “Entry Points,” starting with ESInet, IP PSAP upgrades, selective router replacement
 - Pilot project(s)?
 - Leverage Existing Infrastructure/investment
 - Cost efficiency, shared networks
 - Convergence of commercial, 911, public safety, FirstNet objectives and infrastructure
 - Can’t fund multiple, separate networks
 - Use Stranded Fund for initial infrastructure/capital upgrades, to enable compliance with baseline NG 911 deployment
 - e.g., fund ESInet, PSAP and router upgrades, subject to RFP, other sideboards (e.g. prohibition against using stranded funds to build networks)
 - Cannot us for non-911 purposes

X. Legislation

- Current statute is arcane, complicated
- **Recommendations (See 911 Advisory Council recommendations/concepts)**
 - Update statute to authorize Next Gen implementation
 - Establish baseline NG 911 standards
 - delegate implementation to local govt (Counties, PSAPs) to meet baseline expectations, with authority to exceed baseline on case-by-case option
 - Rulemaking: NG 911 principles (not standards)
 - Authorize sate (DoA, PSSB) to promulgate rules, subject to MAPA proceeding
 - Governance
 - Jurisdiction
 - State fund
 - Local authority
 - Distribution
 - 75/25?
 - Discussion (no consensus) on PSAP expectation that 75% of 911 funds raised should flow to PSAPs, and any additional funding necessary should be swept

- from the “wireless account” which comprises the other 25% of funds
- Need for predictability by both PSAPs and providers
 - Should total fund be managed like a grant process, whereby eligible recipients request funding on pre-approval basis, rather than automatic funding?
 - Should certain expenses (structures, personnel) be prohibited as eligible expenses?
- Need for prioritization of funding
- Allowable costs/Capex
- “surplus” funds
- Consider a “minimum distribution” or Reserve fund that is created “off the top.”
 - E.g., 10% of Fund is set aside to fund administration (~3%) and remaining for CAPEX on on-going basis
 - PSAPs, however, reluctant to “fund” the “reserve” if it means reducing the 75% of funds which they receive currently
- Discussion—no resolution—on administrative fee.
 - Current law allows for 2.74% of fund for DoA administrative expenses, but appropriations process (budget authority) can result in less
- Consolidation is elephant in the room, but should be optional, local decision.
 - General feeling that smaller PSAPs/Counties will recognize the financial necessity of consolidating facilities as compliance with NG 911 becomes more complex, and expensive.
- See recommendations of 911 Council

References

- NENA
- US DOT
- APCO
- NARUC
- Intrado
- GeoComm

Attachments/Appendices

- HJ 7
- Working Group Members
- Intrado Entry Points slide
- Vision Net PSAP map
- St. Library GIS demarcation/jurisdiction flow chart

Glossary (See NENA Master Glossary. 7/29/14)

- ESInet. Emergency Services IP Network. IP transport infrastructure upon which independent application platforms and core functional processes can be deployed.
- IP. Internet Protocol. The method by which data are sent on the Internet.
- PSAP. Public Service Answering Point (911 call center)
- TDM. Time Division Multiplexing. A digital transmission methodology.
- GIS. Geographic Information System. Allows for special reference.

DRAFT

9-1-1 Advisory Council Proposed Legislative Concepts February 24, 2016

The 9-1-1 Advisory Council has been tasked by the Montana Legislature's, Energy and Telecommunications Interim Committee (ETIC) to provide the Committee with proposed legislative concepts to update the state 9-1-1 program to ensure the program supports current legacy 9-1-1 systems and services and the future deployment of Next Generation 9-1-1 (NG 9-1-1) systems and services. The following Council recommendations are organized by the following sections: Jurisdiction, Governance, Technology and Funding.

JURISDICTION

The "Jurisdiction" section includes recommendations regarding the division of authorities and responsibilities between state and local governments.

Continue to support local decision making and operations of primary PSAPs at the local level.

- Clarify in statute that any local government and 9-1-1 district can host a primary PSAP and provide 9-1-1 services including basic, enhanced and next generation 9-1-1 services;
- Clarify in statute and in administrative rule the definition of a primary PSAP;
- Clarify in statute that local governments and 9-1-1 districts that host a primary PSAP and which meet operational and technical standards that are established by the Department, are eligible recipients of state 9-1-1 program funding; and
- Clarify in statute that local governments may create 9-1-1 districts through an interlocal agreement. 9-1-1 districts are a legal entity that can host a primary PSAP and become an eligible recipient of state 9-1-1 program funding on behalf of local governments.

Continue state role of collecting the 9-1-1 fee from telecommunications providers and allocating and distributing the fees to eligible recipients (local governments, 9-1-1 districts and telecommunication providers).

- Clarify the Department of Administration's duties and powers to include:
 - reviewing and approving telecommunication provider eligibility and cost recovery requests;
 - reviewing and approving local government requests for eligibility to receive program funds;
 - distribution of program funds to telecommunication providers for approved cost recovery;
 - allocation and distribution of program funds to local governments and 9-1-1 districts; and
 - monitoring the expenditure of program funds for allowable uses by local governments and 9-1-1 districts;

- ***develop a statewide 9-1-1 system plan that describes the priorities for 9-1-1 service development and delivery. Develop and or coordinate with appropriate subject matter experts to develop studies and to conduct analyses and assessments to support a statewide plan. The 9-1-1 systems plan should have as a component a proposed budget designed to accomplish the goals and objectives of the plan (dependent on additional administrative funding that has not received consensus).***
- Clarify the Department of Administration’s rulemaking authority in statute specifically for:
 - establishing eligibility requirements for telecommunications providers and allowable costs for cost recovery;
 - establishing eligibility requirements for designating primary PSAPs that are hosted by a local government or 9-1-1 district and eligibility for receiving program funds;
 - establishing allowable uses of program funding by local governments and 9-1-1 districts
 - ***specific uses of program funds by local governments and 9-1-1 districts and the level of oversight by the Department requires additional vetting and discussion to reach a consensus.***

GOVERNANCE

The “Governance” section includes recommendations for engagement of state and local stakeholders in program management.

Continue the 9-1-1 Advisory Council

- Update the Council’s membership requirements and duties in statute.
 - Use the Governor’s Executive Order for reestablishing the advisory council as a model for the membership and duties.
- Recommended duties include participating in the development, review and implementation of the 9-1-1 system plan and advising the Department of Administration in the management of the state 9-1-1 program including the adoption of administrative rules for:
 - establishing eligibility requirements for telecommunications providers and allowable costs for cost recovery;
 - establishing eligibility requirements for designating primary PSAPs that are hosted by a local government or 9-1-1 district and eligibility for receiving program funds; and
 - establishing allowable uses of program funding by local governments and 9-1-1 districts.

TECHNOLOGY

The “Technology” section includes recommendations for maintaining current technologies and supporting the deployment of future next generation technologies.

- Continue to support local decision making in maintaining legacy technologies and deploying new technologies and services by providing for the flexible and or graduated adoption of technology standards, while ensuring primary PSAPs meet minimum service levels; and
- The Department may adopt administrative rules for technology standards for primary PSAPs (i.e. eligible recipients of program funding) that are based on industry standards (ex: National Emergency Number Association (NENA)) and with guidance from the 9-1-1 Advisory Council.

FUNDING

The “Funding” section includes recommendations for the allocation, distribution and expenditure of state 9-1-1 program funding.

The “funding” recommendations require additional vetting and discussion to reach a consensus.

DRAFT

Appendix D

HJ 7/911 Working Group (2015-16) Roster

Legislature			
Rep. Keith Regier	ETIC	756-6141	keithregier@gmail.com
Rep. Tom Steenberg	ETIC	721-5869	mtsteenbergbresnan.net
Rep. Dan Zolnikov	ETIC	861-5210	daniel.zolnikov@gmail.com
Rep. Chris Pope	ETIC	581-8739	Rep.christopher.pope@mt.gov
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Sen. Pat Connell	ETIC	370-8682	Connell4sd43@yahoo.com
Sen. Robyn Driscoll	ETIC	272-2403	Sen.robyn.driscoll@mt.gov
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State of Montana			
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Bill Hunter	Cascade 911/APCO	455-8555	bhunter@greatfallsmt.net
Kim Burdick	Chouteau Co. 911	622-5451	kburdick53@icloud.com
Brian Chernish	Flathead 911	758-2483	Brian.chernish@flatheadoes.mt.gov
Liz Brooks	Flathead 911	758-2494	ebrooks@flathead.mt.gov
Scott O'Connell	Helena 911	447-8220	soconnell@helenamt.gov

OFFICE OF THE GOVERNOR
STATE OF MONTANA

Steve Bullock
GOVERNOR



Angela McLean
LT. GOVERNOR

November 13, 2015

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary of State McCulloch:

The following Advisory Council is renewed and submitted according to Montana Code Annotated 2-15-122 guiding the creation of Advisory Councils by Agency Directors.

Council's Name and Agency

9-1-1 Advisory Council in the Department of Administration.

Council's Composition

Seventeen (17) members appointed by the Director as follows:

- Montana Department of Administration Director or Director's designee, who will serve as Chair;
- a representative of the Department of Justice, Montana Highway Patrol;
- a representative of the Montana Emergency Medical Association;
- three representatives of Montana telephone companies;
- a representative of the Montana Association of Public Safety Communications Officials;
- two Public Safety Answering Point Managers: 1 serving a population < 30,000 and 1 serving a population > 30,000;
- a representative of the Department of Military Affairs, Disaster and Emergency Services;
- a representative of the Montana Association of Chiefs of Police;
- a representative of the Montana Sheriffs and Peace Officers Association;
- a representative of the Montana Fire Chiefs Association;
- a representative of the Montana State Volunteer Firefighters Association;
- a representative of the Montana Association of Counties;
- representative of the Montana League of Cities and Towns; and
- the State Librarian.

Appendix E

Appointed Members with name and address

Mr. Ron Baldwin, Department of Administration Designee, Chair
State ITSD
PO Box 200113
Helena, MT 59620

Mr. Kevin Box, Montana Emergency Medical Services Association
Montana Emergency Medical Services Association
5490 McHugh
Helena, MT 59602

Ms. Delila Bruno, Representative of the Department of Military Affairs, Disaster and Emergency Services
Montana DES
PO Box 4789
Fort Harrison, MT 59636

Ms. Kimberly Burdick, Representative of the Montana Association of Public Safety Communications Officials
PO Box 459
Fort Benton, MT 59442

Col. (Mr.) Tom Butler, Department of Justice, Montana Highway Patrol
Montana Highway Patrol
2550 Prospect Ave
Helena, MT 59620

Mr. Geoff Feiss, Montana Telephone Company
Montana Telecommunications Association
208 N. Montana Ave
Helena, MT 59601

Mr. Terry Ferestad, Montana Telephone Company
AT&T
2000 Coburn Road
Billings, MT 59101

Sheriff (Mr.) Chris Hoffman, Representative of the Montana Sheriffs and Peace Officers Association
Ravalli County Sheriff
205 Bedford Street, Suite H
Hamilton, MT 59840

Appendix E

Mr. Bill Hunter, Public Safety Answering Point Manager serving a population > 30,000
City of Great Falls
3015 Airport Dr
Great Falls, MT 59404

Ms. Lisa Kelly, Montana Telephone Company
CenturyLink
290 N. Main
Kalispell, MT 59901

Chief (Mr.) Leonard Lundby, Representative of the Montana State Volunteer Firefighters Association
Great Falls Volunteer Fire
15 Loch Lane
Great Falls, MT 59404

Commissioner (Mr.) Gary McDonald, Representative of the Montana Association of Counties
Roosevelt County Commission
400 2nd Ave, South
Wolf Point, MT 59201

Deputy Chief (Mr.) Greg Megaard, Representative of the Montana Fire Chiefs Association
Bozeman Fire Department
34 N. Rouse Ave
Bozeman, MT 59771

Chief (Mr.) Rick Musson representative of the Montana Association of Chiefs of Police
Laurel Police Department
215 West 1 St
Laurel, MT 59044

Ms. Jennie Stapp, State Librarian
Montana State Library
1515 E. Sixth Ave
Helena, MT 59620

Mr. Chuck Winn, Representative of the Montana League of Cities and Towns
City of Bozeman
PO Box 1230
Bozeman, MT 59771

Public Safety Answering Point Manager serving a population < 30,000
VACANT

Council's Purpose

Under 10-4-102(2) MCA, the Council's purpose is to provide representatives of 9-1-1 jurisdictions with the opportunity to participate in the development, implementation and management of the State of Montana's 9-1-1 Program described in Title 10, Chapter 4, MCA.

The Council shall gather information, furnish advice and make recommendations to the Department of Administration on the development, implementation and management of the State of Montana's 9-1-1 Program described in Title 10, Chapter 4, MCA.

Council's Compensation

Council members who are state or political subdivision employees may not receive any compensation, as provided in 2-15-122(5), MCA. All members are entitled to be reimbursed for travel, meal and lodging expenses, as provided in 2-15-122(5) and 2-18-501 through 2-18-503, MCA.

Council's Term of Existence

The council will expire or be renewed by September 1, 2017.

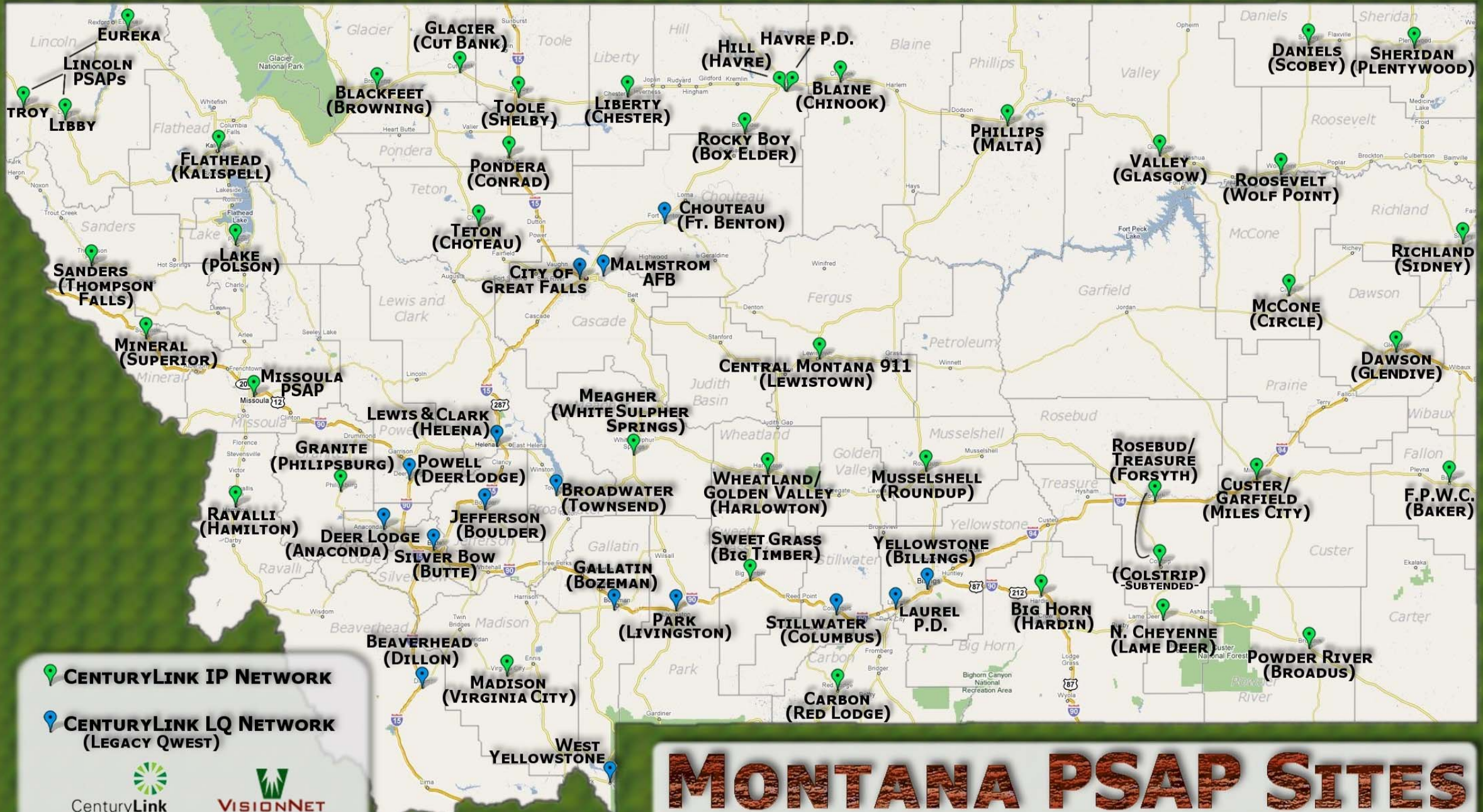
If you need additional information, please call Stacey Otterstrom, Boards and Appointments Advisor at extension 4405.

Sincerely,



STEVE BULLOCK
Governor

CC: Director Sheila Hogan, Department of Administration



MONTANA PSAP SITES

 **CENTURYLINK IP NETWORK**
 **CENTURYLINK LQ NETWORK (LEGACY QWEST)**
 
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