



**Montana Legislative Services Division**  
**Legal Services Office**

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**TO:** State Administration and Veterans' Affairs Interim Committee

**FROM:** K. Virginia Aldrich

**DATE:** February 23, 2018

**RE:** Legislative Administrative Rule Review Report

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Pursuant to 5-5-228, MCA, the State Administration and Veterans' Affairs Interim Committee is responsible for reviewing administrative rules within its jurisdiction. Staff for the State Administration and Veterans' Affairs Interim Committee has prepared this report for informational purposes only. This report does not represent any action or opinion of the State Administration and Veterans' Affairs Interim Committee and does not preclude additional action that may be taken by the State Administration and Veterans' Affairs Interim Committee pursuant to its authority under the Montana Administrative Procedure Act (Title 2, chapter 4, MCA).

**MAR NOTICE NUMBER:** 2-13-574

**AGENCY/BOARD:** Department of Administration

**RULE CLASSIFICATION:** (e.g. substantive/interpretive/emergency/temporary): Substantive

**SUBJECT:** Public Safety Answering Point Allowable Uses of Funds

**NOTICE DESCRIPTION:** (e.g. proposal notice/adoption notice): Notice of Public Hearing on Proposed Adoption

**SUMMARY OF RULE(S):**

The Department of Administration (DOA) is proposing to adopt one rule pertaining to Public Safety Answering Points (PSAP).

DOA proposes to adopt New Rule I which outlines the allowable use of funds for the 9-1-1 systems account. Section 10-4-107, MCA, states that DOA shall "allocate and distribute" the fees as well as "monitor the expenditure of program funds for . . . 9-1-1 purposes . . ." Although the statutes do not explicitly require DOA to "ensure" the funds are used for any particular allowable use, section 10-4-108, MCA, requires DOA to adopt "procedures for repayment of funds expended on activities determined not to meet eligibility requirements"; therefore under its broad rule-making power in this chapter, DOA can likely determine the eligibility requirements, including the particular allowable uses of the 9-1-1 funds.

The allowable uses are adopted in the rule by reference. In a previous notice, MAR Notice No. 2-13-566, DOA proposed a substantially similar rule; however, because the list of allowable uses was not available directly on the website listed, DOA segregated the rule into this proposal to allow the public additional time to review and comment on the material being adopted by reference.

The only change between the original proposal and the new proposal is the elimination of a provision that would have allowed DOA to approve additional allowable uses on a case-by-case basis.

**NOTES:** A public hearing is scheduled for March 26, 2018, at 1:00 p.m. in Room 7, Mitchell Building, 125 N. Roberts Street, Helena, Montana. The public comment period ends on April 2, 2018.

**FULL TEXT OF NOTICE:** The full text of the notice proposal may be found at [http://www.mtrules.org/gateway/Cycle\\_Home.asp?CID=2667](http://www.mtrules.org/gateway/Cycle_Home.asp?CID=2667).

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