

DISPATCHER TRAINING AND 911 PHONE

CHARGE AMENDMENTS

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Blake D. Chard

AN ACT RELATING TO PUBLIC SAFETY; INCREASING TELEPHONE CHARGES AND APPLYING THE FUNDS TO POST TRAINING OF CERTIFIED DISPATCHERS; AMENDING TRAINING PROVISIONS FOR DISPATCHERS; AND PROVIDING AN EFFECTIVE DATE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

§ 53-6-305, as enacted by Chapter 134, Laws of Utah 1995

53-6-310, as enacted by Chapter 134, Laws of Utah 1995

69-2-5, as last amended by Chapter 354, Laws of Utah 1998

ENACTS:

69-2-5.6, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 53-6-305 is amended to read:

53-6-305. Local governments -- Higher minimum standards.

~~[(1) Participation in dispatcher training and certification under this part is at the option of the legislative body of each county or municipality that employs dispatchers.]~~

~~[(2) The minimum standards in this part concerning dispatcher qualifications and training do not preclude counties or municipalities from establishing standards higher than the minimum standards contained in this part.]~~

Section ~~1~~ **2** . Section **53-6-310** is amended to read:

53-6-310. Responsibility for training -- Certification.

(1) (a) The division ~~[is not responsible for providing]~~ shall provide basic ~~[or in-service]~~ training for certified dispatchers ~~[except for]~~, including approval of the training instructors and content of training where required by this chapter or division rules.

(b) The division is not responsible for providing in-service training for certified

22 dispatchers, except for providing approval of the training instructors and content of the training
23 as required by this chapter or division rules.

24 (2) Where this chapter requires an agency head to certify that a member has completed
25 required training, the division shall rely on the certification, as provided, to be accurate.

26 Section ~~h [2] 3 h~~ . Section **69-2-5** is amended to read:

27 **69-2-5. Funding for 911 emergency telephone service.**

28 (1) In providing funding of 911 emergency telephone service, any public agency
29 establishing a 911 emergency telephone service may:

30 (a) seek assistance from the federal or state government, to the extent constitutionally
31 permissible, in the form of loans, advances, grants, subsidies, and otherwise, directly or indirectly;

32 (b) seek funds appropriated by local governmental taxing authorities for the funding of
33 public safety agencies; and

34 (c) seek gifts, donations, or grants from individuals, corporations, or other private entities.

35 (2) For purposes of providing funding of 911 emergency telephone service, special service
36 districts may raise funds as provided in Section 17A-2-1322 and may borrow money and incur
37 indebtedness as provided in Section 17A-2-1316.

38 (3) (a) The governing authority of any public agency providing 911 emergency telephone
39 service may levy monthly an emergency services telephone charge on each local exchange service
40 switched access line and each revenue producing radio communications access line with a billing
41 address within the boundaries of the area served by the public agency, except as provided in
42 Subsection (3)(b).

43 (b) Access lines provided for public coin telephone service are exempt from emergency
44 telephone charges.

45 (c) The amount of the charge levied under this section may not exceed [~~53~~] 58 cents per
46 month for each local exchange service switched access line and [~~53~~] 58 cents per month for each
47 radio communications access line.

48 (d) Notification of intent to levy the charge shall be given to the Public Service
49 Commission at least 30 days prior to the effective date.

50 (e) An emergency services telephone charge levied under this section shall be billed and
51 collected by the corporation, person, or entity that provides the local exchange service switched
52 access line services or radio communications access line services and remitted to the public agency
53 providing 911 emergency telephone service in the billed customer location area as directed by the
54 public agency.

55 (4) (a) Any money received by the public agency for the provision of 911 emergency
56 telephone service shall be deposited in a special emergency telephone service fund.

57 (b) (i) The money in the emergency telephone service fund shall be expended by the public
58 agency to pay the costs of establishing, installing, maintaining, and operating a 911 emergency

59 telephone system or integrating a 911 system into an established public safety dispatch center,
 60 including contracting with the providers of local exchange service, radio communications service,
 61 and vendors of appropriate terminal equipment as necessary to implement the 911 emergency
 62 telephone service.

63 (ii) Revenues derived for the funding of 911 emergency telephone service may only be
 64 used for that portion of costs related to the operation of the 911 emergency telephone system when
 65 such a system is integrated with any public safety dispatch system.

66 Section ~~h~~ [3] 4 ~~h~~ . Section 69-2-5.6 is enacted to read:

67 **69-2-5.6. Emergency service telephone charge to fund POST certification training for**
 68 **dispatchers.**

69 (1) As used in this section:

70 (a) "Commission" means the Utah State Tax Commission.

71 (b) "POST" means Peace Officer Standards and Training.

72 (c) "Provider" means a provider of local exchange service switched access line services
 73 or radio communications access line services.

74 (2) An emergency services telephone charge of five cents per month is imposed on each
 75 local exchange service switched access line and each revenue producing radio communications
 76 access line that is subject to an emergency services telephone charge levied by a public agency
 77 under Section 69-2-5.

78 (3) The emergency services telephone charge imposed under this section shall be:

79 (a) billed and collected by the corporation, person, or entity that is a provider;

80 (b) remitted monthly to the commission on a form prescribed by the commission; and

81 (c) deposited into the General Fund as dedicated credits ~~h~~ [, which are nonlapsing] ~~h~~ .

82 (4) ~~h~~ (a) ~~h~~ The dedicated credits under Subsection (2) shall be applied ~~h~~ [to] ~~h~~ :

83 ~~h~~ [(a) fund the costs of establishing, maintaining, and operating a POST program for
 84 dispatchers; and

85 ~~(b) the expenses of] (i) FIRST, TO ~~h~~ the commission ~~h~~ FOR THE NECESSARY COSTS ~~h~~ to
 85a administer and enforce the collection of the~~

86 emergency services telephone charges under this section ~~h~~ [;] ; AND

86a (ii) SECOND, TO FUND THE COSTS OF ESTABLISHING, MAINTAINING, AND OPERATING A
 86b POST PROGRAM FOR DISPATCHERS.

86c (b) ALL FUNDING FOR POST DISPATCHER TRAINING IS NONLAPSING. ~~h~~

87 (5) (a) The commission may make rules to administer and enforce the collection of
 88 emergency services telephone charges imposed under this section.

89 (b) The commission shall create a form to be used by providers to remit the charge to the

90 commission.

91 (6) A provider who fails to comply with this section is subject to penalties and interest as
92 provided in Sections 59-1-401 and 59-1-402.

93 (7) (a) Except as provided in Subsections (8) through (11), the commission shall assess
94 a charge imposed under this section within three years after a provider files a tax return.

95 (b) Except as provided in Subsections (8) through (11), if the commission does not assess
96 a charge imposed under this section within the three-year period provided in Subsection (7)(a), the
97 commission may not commence a proceeding to collect the charge.

98 (8) The commission may assess a charge at any time, notwithstanding Subsection (7), if
99 a provider:

100 (a) files a false or fraudulent tax return with intent to evade; or

101 (b) does not file a tax return.

102 (9) On and after July 1, 2000, and notwithstanding Subsection (7), the commission may
103 extend the period for making an assessment or commencing a proceeding to collect the charge
104 imposed under this section if:

105 (a) the three-year period under Subsection (7) has not expired; and

106 (b) the commission and the provider sign a written agreement:

107 (i) authorizing the extension; and

108 (ii) stating the length of the extension.

109 (10) If the commission delays an audit at the request of a provider, the commission may
110 make an assessment as provided in Subsection (11) if:

111 (a) the provider subsequently refuses to agree to an extension request by the commission;
112 and

113 (b) the three-year period under Subsection (7) expires before the commission completes
114 the audit.

115 (11) An assessment by the commission under Subsection (10) shall be:

116 (a) for the time period for which the commission could not make an assessment because
117 of the expiration of the three-year period; and

118 (b) in an amount equal to the difference between:

119 (i) the commission's estimate of the amount of the charge the provider would have been
120 assessed for the time period in Subsection (11)(a); and

121 (ii) the amount of the charge the provider actually paid for the time period described in
122 Subsection (11)(a).
123 (12) (a) Except under Subsection (12)(b), the commission may not make a credit or refund
124 unless the provider files a claim with the commission within three years of the date of
125 overpayment.
126 (b) On and after July 1, 2000, and notwithstanding Subsection (12)(a), the commission
127 shall extend the period for a provider to file a claim under Subsection (12)(a) if:
128 (i) the three-year period under Subsection (12)(a) has not expired; and
129 (ii) the commission and the provider sign a written agreement:
130 (A) authorizing the extension; and
131 (B) stating the length of the extension.
132 Section 4. **Effective date.**
133 This act takes effect on July 1, 2000.

Legislative Review Note
as of 2-2-00 1:33 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel