

1 **UTAH COMMUNICATIONS AUTHORITY ACT AMENDMENTS**

2 2016 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Wayne A. Harper**

5 House Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions related to the Utah Communications Authority.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms;
- 13 ▶ requires the Utah Communications Authority Board to create a comprehensive
- 14 strategic plan that includes a plan for the authority's activities and duties in each of
- 15 the authority's divisions;
- 16 ▶ requires each division of the Utah Communications Authority to contribute to the
- 17 comprehensive strategic plan;
- 18 ▶ extends a restriction on the allocation of funds from the Unified Statewide 911
- 19 Emergency Service Account;
- 20 ▶ extends a due date for a performance audit and study; and
- 21 ▶ requires a county, city, or town that levies and receives money from a monthly 911
- 22 charge to remit the money directly to a public safety answering point, without
- 23 requiring the public safety answering point to negotiate for the distribution of the
- 24 money.

25 **Money Appropriated in this Bill:**

26 None

27 **Other Special Clauses:**



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **26-8b-102**, as last amended by Laws of Utah 2015, Chapter 411

32 **63H-7a-103**, as renumbered and amended by Laws of Utah 2015, Chapter 411

33 **63H-7a-204**, as renumbered and amended by Laws of Utah 2015, Chapter 411

34 **63H-7a-206**, as enacted by Laws of Utah 2015, Chapter 450 and last amended by
35 Coordination Clause, Laws of Utah 2015, Chapter 450

36 **63H-7a-302**, as renumbered and amended by Laws of Utah 2015, Chapter 411

37 **63H-7a-402**, as enacted by Laws of Utah 2015, Chapter 411

38 **63H-7a-502**, as enacted by Laws of Utah 2015, Chapter 411

39 **69-2-2**, as last amended by Laws of Utah 2014, Chapters 36 and 320

40 **69-2-5**, as last amended by Laws of Utah 2015, Chapters 352 and 411

41 **69-2-5.5**, as last amended by Laws of Utah 2015, Chapters 352 and 411

42 **69-2-5.6**, as last amended by Laws of Utah 2015, Chapters 352 and 411

43 **69-2-5.7**, as last amended by Laws of Utah 2015, Chapters 352 and 411



44
45 *Be it enacted by the Legislature of the state of Utah:*

46 Section 1. Section **26-8b-102** is amended to read:

47 **26-8b-102. Definitions.**

48 As used in this chapter:

49 (1) "Account" means the Automatic External Defibrillator Restricted Account, created
50 in Section **26-8b-602**.

51 (2) "Automatic external defibrillator" or "AED" means an automated or automatic
52 computerized medical device that:

53 (a) has received pre-market notification approval from the United States Food and
54 Drug Administration, pursuant to 21 U.S.C. Sec. 360(k);

55 (b) is capable of recognizing the presence or absence of ventricular fibrillation or rapid
56 ventricular tachycardia;

57 (c) is capable of determining, without intervention by an operator, whether
58 defibrillation should be performed; and

59 (d) upon determining that defibrillation should be performed, automatically charges,
60 enabling delivery of, or automatically delivers, an electrical impulse through the chest wall and
61 to a person's heart.

62 (3) "Bureau" means the Bureau of Emergency Medical Services, within the department.

63 (4) "Cardiopulmonary resuscitation" or "CPR" means artificial ventilation or external
64 chest compression applied to a person who is unresponsive and not breathing.

65 (5) "Emergency medical dispatch center" means a [~~public safety answering point, as~~
66 ~~defined in Section 63H-7a-103;~~] dispatch center that is designated as an emergency medical
67 dispatch center by the bureau.

68 (6) "Sudden cardiac arrest" means a life-threatening condition that results when a
69 person's heart stops or fails to produce a pulse.

70 Section 2. Section **63H-7a-103** is amended to read:

71 **63H-7a-103. Definitions.**

72 As used in this chapter:

73 (1) "Authority" means the Utah Communications Authority, an independent state
74 agency created in Section [63H-7a-201](#).

75 (2) "Board" means the Utah Communications Authority Board created in Section
76 [63H-7a-203](#).

77 (3) "Bonds" means bonds, notes, certificates, debentures, contracts, lease purchase
78 agreements, or other evidences of indebtedness or borrowing issued or incurred by the
79 authority pursuant to this chapter.

80 (4) "FirstNet" means the First Responder Network Authority created by Congress in
81 the Middle Class Tax Relief and Job Creation Act of 2012.

82 (5) "Lease" means any lease, lease purchase, sublease, operating, management, or
83 similar agreement.

84 (6) "Local entity" means a county, city, town, local district, special service district, or
85 interlocal entity created under Title 11, Chapter 13, Interlocal Cooperation Act.

86 (7) "Member" means a public agency which:

87 (a) adopts a membership resolution to be included within the authority; and

88 (b) submits an originally executed copy of an authorizing resolution to the authority's
89 office.

90 (8) "Member representative" means a person or that person's designee appointed by the
91 governing body of each member.

92 (9) "Public agency" means any political subdivision of the state, including cities,
93 towns, counties, school districts, local districts, and special service districts, dispatched by a
94 public safety answering point.

95 (10) (a) "Public safety answering point" or "PSAP" means [an organization, entity, or
96 combination of entities that have joined together to form a central answering point for the
97 receipt, management, and dissemination to the proper responding agency, of emergency and
98 nonemergency communications, including 911 communications, police, fire, emergency
99 medical, transportation, parks, wildlife, corrections, and any other governmental
100 communications.] an entity that:

101 (i) receives a direct emergency or non-emergency communication requesting a public
102 safety service;

103 (ii) has a facility with the equipment and staff necessary to receive the communication;

104 (iii) assesses, classifies, and prioritizes the communication; and

105 (iv) transfers the communication to the proper responding agency.

106 (b) "Public safety answering point" or "PSAP" does not include an entity that receives
107 an emergency or non-emergency communication from a public safety answering point.

108 (11) "Public safety communications network" means:

109 (a) a regional or statewide public safety governmental communications network and
110 related facilities, including real property, improvements, and equipment necessary for the
111 acquisition, construction, and operation of the services and facilities; and

112 (b) 911 emergency services, including radio communications, [microwave]
113 connectivity, [FirstNet coordination,] and computer aided dispatch [system] systems.

114 (12) "State" means the state of Utah.

115 (13) "State representative" means the six appointees of the governor or their designees
116 and the Utah State Treasurer or his designee.

117 Section 3. Section **63H-7a-204** is amended to read:

118 **63H-7a-204. Board -- Powers and duties.**

119 The board shall:

120 (1) manage the affairs and business of the authority consistent with this chapter

- 121 including adopting bylaws by a majority vote of its members;
- 122 (2) appoint an executive director to administer the authority;
- 123 (3) receive and act upon reports covering the operations of the public safety
124 communications network and funds administered by the authority;
- 125 (4) ensure that the public safety communications network and funds are administered
126 according to law;
- 127 (5) examine and approve an annual operating budget for the authority;
- 128 (6) receive and act upon recommendations of the chair;
- 129 (7) recommend to the governor and Legislature any necessary or desirable changes in
130 the statutes governing the public safety communications network;
- 131 (8) develop broad policies for the long-term operation of the authority for the
132 performance of its functions;
- 133 (9) make and execute contracts and other instruments on behalf of the authority,
134 including agreements with members and other entities;
- 135 (10) authorize the borrowing of money, the incurring of indebtedness, and the issuance
136 of bonds as provided in this chapter;
- 137 (11) adopt rules consistent with this chapter and in accordance with Title 63G, Chapter
138 3, Utah Administrative Rulemaking Act, for the management of the public safety
139 communications network in order to carry out the purposes of this chapter, and perform all
140 other acts necessary for the administration of the public safety communications network;
- 141 (12) exercise the powers and perform the duties conferred on it by this chapter;
- 142 (13) provide for audits of the authority;
- 143 (14) establish the following divisions within the authority:
- 144 (a) 911 Division;
- 145 (b) Radio Network Division;
- 146 (c) Interoperability Division; and
- 147 (d) Administrative Services Division;
- 148 (15) establish a 911 advisory committee to the 911 Division in accordance with Section
149 [63H-7a-307](#);
- 150 (16) establish one or more advisory committees to the Radio Network Division in
151 accordance with Section [63H-7a-405](#); [~~and~~]

152 (17) establish one or more advisory committees to the Interoperability Division in
153 accordance with Section 63H-7a-504[-]; and

154 (18) create and maintain a statewide, comprehensive strategic plan that:

155 (a) coordinates the authority's activities and duties in the:

156 (i) 911 Division;

157 (ii) Radio Network Division;

158 (iii) Interoperability Division; and

159 (iv) Administrative Services Division; and

160 (b) the board updates before July 1 of each year.

161 Section 4. Section **63H-7a-206** is amended to read:

162 **63H-7a-206. Functional consolidation of PSAPs study.**

163 (1) As used in this section:

164 (a) "Exigent circumstance" means an unexpected or unforeseen circumstance that, if not
165 addressed, will result in imminent injury or loss.

166 ~~(a)~~ (b) "Functional consolidation" means the process of ensuring that disparate public
167 safety answering points and public safety dispatching centers work together in an efficient and
168 effective way.

169 ~~(b)~~ (c) "PSAP operator":

170 (i) means a public agency that operates a PSAP; and

171 (ii) does not include an institution of higher education, a school district, or an airport
172 authority that operates a PSAP.

173 (2) Beginning on or after July 1, 2015, the board shall commission and oversee a
174 performance audit and study of the state's 911 emergency response system and related elements
175 of the public safety communications network, which shall include:

176 (a) a review of statutory provisions and efforts of the authority, executive director,
177 Utah 911 Division, and Interoperability Division regarding the assessment, planning, rules,
178 technology review, and standardization of the state's 911 emergency response system and
179 related elements of the public safety communications network;

180 (b) working with state and local stakeholders to determine potential cost savings and
181 increases in quality and efficiency that may be achieved by the functional consolidation or
182 physical consolidation of PSAPs and dispatch centers throughout the state, including

183 recommendations regarding:

184 (i) an efficient and effective public safety communications management structure to
185 ensure that high quality 911 emergency services are available to the state's citizens;

186 (ii) common standard operating procedures that ensure the least amount of call
187 processing time;

188 (iii) efficient methods to transfer calls between PSAPs and from a PSAP to a first
189 responder, regardless of jurisdiction;

190 (iv) uniformity of equipment and software protocols to accomplish seamless
191 functionality between computer aided dispatch systems;

192 (v) interoperable telephonic and radio systems to ensure coordination between
193 jurisdictions; and

194 (vi) how unnecessary duplication of services may be reduced or eliminated;

195 (c) making recommendations for inclusion in the strategic plan for the state's 911
196 emergency response system and related elements of the public safety communications network,
197 which recommendations may include:

198 (i) how PSAPs may benefit from functional consolidation or physical consolidation;

199 (ii) how PSAPs within designated regions may accept calls and provide emergency
200 communication services for first responders using interoperable equipment, software,

201 protocols, and standard operating procedures; [~~and~~]

202 (iii) how PSAPs, regardless of physical location, may operate on interoperable, shared,
203 or hosted technology platforms and with common policies to reduce the need to transfer calls
204 between PSAPs;

205 (iv) whether a PSAP should be required to meet minimum operational, technical,
206 financial, or geographical standards;

207 (v) whether PSAP staff should be required to meet minimum training standards; and

208 (vi) how PSAPs can better use the available communications spectrum to reduce the
209 number of devices that first responders are required to use;

210 (d) describing and recommending potential solutions to the biggest impediments to
211 functional consolidation of PSAPs; and

212 (e) making recommendations regarding necessary personnel and associated job duties
213 within the authority.

214 (3) On or before [~~July 1, 2016,~~] September 30, 2016, the board shall complete and
215 submit the performance audit and study described in Subsection (2) [~~shall be completed and~~
216 ~~submitted by the board~~], in writing, to the Law Enforcement and Criminal Justice Interim
217 Committee and the Retirement and Independent Entities Interim Committee.

218 (4) (a) Money from the Unified Statewide 911 Emergency Service Account created in
219 Section 63H-7a-304 may not be used to fund a new local PSAP, call taking, or dispatching
220 [~~project before the completion of the performance audit and study described in Subsection (2)~~]
221 entity before June 30, 2017, unless the board determines that an exigent circumstance requires
222 the allocation of funds.

223 (b) Money from the Unified Statewide 911 Emergency Service Account may be used to
224 fund ongoing maintenance of existing equipment and projects approved before July 1, 2015.

225 (5) After July 1, [~~2016~~] 2017, money spent from the Unified Statewide 911 Emergency
226 Service Account created in Section 63H-7a-304 for projects, including state and local PSAP
227 and dispatching projects, shall be made after consideration of the:

228 (a) recommendations of the performance audit and study described in Subsection (2);
229 and

230 (b) strategic plan for the state's network 911 emergency response system and related
231 elements of the public safety communications network described in Subsection (2)(c).

232 Section 5. Section 63H-7a-302 is amended to read:

233 **63H-7a-302. 911 Division duties and powers.**

234 (1) The 911 Division shall:

235 (a) review and make recommendations to the executive director:

236 (i) regarding:

237 (A) technical, administrative, fiscal, network, and operational standards for the
238 implementation of unified statewide 911 emergency services;

239 (B) emerging technology; and

240 (C) expenditures from the restricted accounts created in Section 69-2-5.6 by the 911
241 Division on behalf of local public safety answering points in the state, with an emphasis on
242 efficiencies and coordination in a regional manner;

243 (ii) to assure implementation of a unified statewide 911 emergency services network;

244 (iii) to establish standards of operation throughout the state; and

- 245 (iv) regarding mapping systems and technology necessary to implement the unified
246 statewide 911 emergency services;
- 247 (b) prepare and submit to the executive director for approval by the board:
- 248 (i) an annual budget for the 911 Division; [~~and~~]
- 249 (ii) an annual plan for the programs funded by the Computer Aided Dispatch Restricted
250 Account created in Section [63H-7a-303](#) and the Unified Statewide 911 Emergency Service
251 Account created in Section [63H-7a-304](#); and
- 252 (iii) information required by the director to contribute to the comprehensive strategic
253 plan described in Subsection [63H-7-204\(18\)](#);
- 254 (c) assist local Utah public safety answering points with the implementation and
255 coordination of the 911 Division responsibilities as approved by the executive director and the
256 board;
- 257 (d) reimburse the state's Automated Geographic Reference Center in the Division of
258 Integrated Technology of the Department of Technology Services, an amount equal to 1 cent
259 per month levied on telecommunications service under Section [69-2-5.6](#) to enhance and
260 upgrade digital mapping standards for unified statewide 911 emergency service as required by
261 the division; and
- 262 (e) fulfill all other duties imposed on the 911 Division by this chapter.
- 263 (2) The 911 Division may recommend to the executive director to sell, lease, or
264 otherwise dispose of equipment or personal property purchased, leased, or belonging to the
265 authority that is related to funds expended from the restricted account created in Sections
266 [69-2-5.5](#) and [69-2-5.6](#), the proceeds from which shall return to the respective restricted
267 accounts.
- 268 (3) The 911 Division may make recommendations to the executive director to own,
269 operate, or enter into contracts for the use of the funds expended from the restricted account
270 created in Section [69-2-5.5](#).
- 271 (4) (a) The 911 Division shall review information regarding:
- 272 (i) in aggregate, the number of service subscribers by service type in a political
273 subdivision;
- 274 (ii) network costs;
- 275 (iii) public safety answering point costs;

276 (iv) system engineering information; and

277 (v) a computer aided dispatch system.

278 (b) In accordance with Subsection (4)(a) the 911 Division may request:

279 (i) information as described in Subsection (4)(a)(i) from the Utah State Tax

280 Commission; and

281 (ii) information from public safety answering points related to the computer aided
282 dispatch system.

283 (c) The information requested by and provided to the 911 Division under Subsection

284 (4) is a protected record in accordance with Section 63G-2-305.

285 (5) The 911 Division shall recommend to the executive director, for approval by the
286 board, rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

287 (a) administer the program funded by the Unified Statewide 911 Emergency Service
288 restricted account created in Section 63H-7a-304, including rules that establish the criteria,
289 standards, technology, and equipment that a public safety answering point in Utah must adopt
290 in order to qualify for goods or services that are funded from the restricted account; and

291 (b) administer the Computer Aided Dispatch Restricted Account created in Section
292 63H-7a-303, including rules that establish the criteria, standards, technology, and equipment
293 that a public safety answering point must adopt in order to qualify as a recipient of goods or
294 services that are funded from the restricted account.

295 (6) The board may authorize the 911 Division to employ an outside consultant to study
296 and advise the division on matters related to the 911 Division duties regarding the public safety
297 communications network.

298 (7) This section does not expand the authority of the Utah State Tax Commission to
299 request additional information from a telecommunication service provider.

300 Section 6. Section 63H-7a-402 is amended to read:

301 **63H-7a-402. Radio Network Division duties.**

302 (1) The Radio Network Division shall:

303 (a) provide and maintain the public safety communications network for state and local
304 government agencies within the authority network, including the existing VHF and 800 MHz
305 networks, in a manner that:

306 (i) promotes high quality, cost effective service;

- 307 (ii) evaluates the benefits, cost, existing facilities, equipment, and services of public
308 and private providers; and
- 309 (iii) where economically feasible, utilizes existing infrastructure to avoid duplication of
310 facilities, equipment, and services of providers of communication services;
- 311 (b) prepare and submit to the executive director for approval by the board:
- 312 (i) an annual budget for the Radio Network Division; [~~and~~]
- 313 (ii) an annual plan for the program funded by the Utah Statewide Radio System
314 Restricted Account created in Section [63H-7a-403](#); and
- 315 (iii) information required by the director to contribute to the comprehensive strategic
316 plan described in Subsection [63H-7-204\(18\)](#);
- 317 (c) conduct bi-monthly meetings:
- 318 (i) including:
- 319 (A) if retained, a consultant assisting with the design and development of a public
320 safety radio network;
- 321 (B) all private and public vendors; and
- 322 (C) all public safety radio users;
- 323 (ii) for the purpose of discussing public safety radio network emerging technologies;
324 and
- 325 (iii) for which minutes shall be made available to the public;
- 326 (d) recommend to the executive director administrative rules for approval by the board
327 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer
328 the program funded by the restricted account created in Section [63H-7a-403](#), including rules
329 that establish the criteria, standards, technology, equipment, and services that will qualify for
330 goods or services that are funded from the restricted accounts; and
- 331 (e) fulfill other duties assigned to the Radio Network Division under this chapter.
- 332 (2) The Radio Network Division may:
- 333 (a) recommend to the executive director to sell, lease, or otherwise dispose of
334 equipment or personal property purchased, leased, or belonging to the authority that is related
335 to the public safety communications network;
- 336 (b) recommend to the executive director to own, operate, or enter into contracts for the
337 public safety communications network;

- 338 (c) review information regarding:
- 339 (i) in aggregate, the number of radio service subscribers by service type in a political
- 340 subdivision; and
- 341 (ii) matters related to the public safety communications network;
- 342 (d) in accordance with Subsection (2)(c), request information from:
- 343 (i) local and state entities; and
- 344 (ii) public safety agencies; and
- 345 (e) employ outside consultants to study and advise the division on issues related to:
- 346 (i) the public safety communications network;
- 347 (ii) radio technologies and services;
- 348 (iii) microwave connectivity;
- 349 (iv) fiber connectivity; and
- 350 (v) public safety communication network connectivity and usage.

351 (3) The information requested by and provided to the Radio Network Division under
352 Subsections (2)(c) and (d) is a protected record in accordance with Section [63G-2-305](#).

353 (4) This section does not expand the authority of the State Tax Commission to request
354 additional information from a telecommunication service provider.

355 Section 7. Section **63H-7a-502** is amended to read:

356 **63H-7a-502. Interoperability Division duties.**

- 357 (1) The Interoperability Division shall:
- 358 (a) review and make recommendations to the executive director, for approval by the
- 359 board, regarding:
 - 360 (i) statewide interoperability coordination and FirstNet standards;
 - 361 (ii) technical, administrative, fiscal, technological, network, and operational issues for
 - 362 the implementation of statewide interoperability, coordination, and FirstNet;
 - 363 (iii) assisting local agencies with the implementation and coordination of the
 - 364 Interoperability Division responsibilities; and
 - 365 (iv) training for the public safety communications network and unified statewide 911
 - 366 emergency services;
- 367 (b) review information and records regarding:
 - 368 (i) aggregate information of the number of service subscribers by service type in a

369 political subdivision;

370 (ii) matters related to statewide interoperability coordination;

371 (iii) matters related to FirstNet including advising the governor regarding FirstNet; and

372 (iv) training needs;

373 (c) prepare and submit to the executive director for approval by the board:

374 (i) an annual plan for the Interoperability Division; and

375 (ii) information required by the director to contribute to the comprehensive strategic

376 plan described in Subsection 63H-7-204(18); and

377 (d) fulfill all other duties imposed on the Interoperability Division by this chapter.

378 (2) The Interoperability Division may:

379 (a) recommend to the executive director to own, operate, or enter into contracts related

380 to statewide interoperability, FirstNet, and training;

381 (b) request information needed under Subsection (1)(b)(i) from:

382 (i) the State Tax Commission; and

383 (ii) public safety agencies;

384 (c) employ an outside consultant to study and advise the Interoperability Division on:

385 (i) issues of statewide interoperability;

386 (ii) FirstNet; and

387 (iii) training; and

388 (d) request the board to appoint an advisory committee in accordance with Section

389 [63H-7a-504](#).

390 (3) The information requested by and provided to the Interoperability Division under

391 Subsection (1)(b)(i) is a protected record in accordance with Section [63G-2-305](#).

392 (4) This section does not expand the authority of the State Tax Commission to request

393 additional information from a telecommunication service provider.

394 Section 8. Section **69-2-2** is amended to read:

395 **69-2-2. Definitions.**

396 As used in this chapter:

397 (1) "911 emergency service" means a unified statewide communication system which

398 provides citizens with rapid direct access to public safety answering points by accessing "911"

399 with the objective of reducing the response time to situations requiring law enforcement, fire,

400 medical, rescue, and other emergency services.

401 (2) "Local exchange service" means the provision of public telecommunications
402 services by a wireline common carrier to customers within a geographic area encompassing one
403 or more local communities as described in the carrier's service territory maps, tariffs, price lists,
404 or rate schedules filed with and approved by the Public Service Commission.

405 (3) "Local exchange service switched access line" means the transmission facility and
406 local switching equipment used by a wireline common carrier to connect a customer location to
407 a carrier's local exchange switching network for providing two-way interactive voice, or voice
408 capable, services.

409 (4) "Mobile telecommunications service" is as defined in Section [54-8b-2](#).

410 (5) "Public agency" means any county, city, town, special service district, or public
411 authority located within the state which provides or has authority to provide fire fighting, law
412 enforcement, ambulance, medical, or other emergency services.

413 (6) "Public safety agency" means a functional division of a public agency which
414 provides fire fighting, law enforcement, medical, or other emergency services.

415 (7) "Public safety answering point" means ~~[a facility that:]~~ the same as that term is
416 defined in Section [63H-7a-203](#).

417 ~~[(a) is equipped and staffed under the authority of a political subdivision; and]~~

418 ~~[(b) receives 911 communications, other calls for emergency services, and~~
419 ~~asynchronous event notifications for a defined geographic area.]~~

420 (8) "Public switched telecommunications network" means the network of equipment,
421 lines, and controls assembled to establish communication paths between calling and called
422 parties in North America.

423 ~~[(8)]~~ (9) "Radio communications access line" means the radio equipment and assigned
424 customer identification number used to connect a mobile or fixed radio customer in Utah to a
425 radio communication service provider's network for two-way interactive voice, or voice
426 capable, services.

427 ~~[(9)]~~ (10) "Radio communications service" means a public telecommunications service
428 providing the capability of two-way interactive telecommunications between mobile and fixed
429 radio customers, and between mobile or fixed radio customers and the local exchange service
430 network customers of a wireline common carrier. Radio communications service providers

431 include corporations, persons or entities offering cellular telephone service, enhanced
432 specialized mobile radio service, rural radio service, radio common carrier services, personal
433 communications services, and any equivalent wireless public telecommunications service, as
434 defined in 47 CFR, parts 20, 22, 24, and 90.

435 ~~[(H)]~~ (11) "Voice over Internet protocol service" is as defined in Section 54-19-102.

436 ~~[(H)]~~ (12) "Wireline common carrier" means a public telecommunications service
437 provider that primarily uses metallic or nonmetallic cables and wires for connecting customers
438 to its local exchange service networks.

439 Section 9. Section 69-2-5 is amended to read:

440 **69-2-5. Funding for 911 emergency service -- Administrative charge.**

441 (1) In providing funding of 911 emergency service, any public agency establishing a
442 911 emergency service may:

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

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

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

450 (2) For purposes of providing funding of 911 emergency service, special service
451 districts may raise funds as provided in Section 17D-1-105 and may borrow money and incur
452 indebtedness as provided in Section 17D-1-103.

453 (3) (a) (i) Except as provided in Subsection (3)(b) and subject to the other provisions of
454 this Subsection (3), a county, city, town, or metro township within which 911 emergency
455 service is provided may levy a monthly 911 emergency services charge on:

456 (A) each local exchange service switched access line within the boundaries of the
457 county, city, town, or metro township;

458 (B) each revenue producing radio communications access line with a billing address
459 within the boundaries of the county, city, town, or metro township; and

460 (C) any other service, including voice over Internet protocol, provided to a user within
461 the boundaries of the county, city, town, or metro township that allows the user to make calls to

462 and receive calls from the public switched telecommunications network, including commercial
463 mobile radio service networks.

464 (ii) If a subscriber of a service subject to a levy described in Subsection (3)(a)(i) is not
465 required to pay for the service, the provider of the service shall collect the levy from the person
466 that is required to pay for the service.

467 [~~(ii)~~] (iii) If a metro township levies a charge under this chapter, the metro township is
468 subject to the same requirements a city is required to meet under this chapter.

469 [~~(iii)~~] (iv) Except as provided in Subsection (3)(a)[~~(iv)~~](v) and notwithstanding any
470 other provision of this chapter, if a metro township levies a charge described in Subsection
471 (3)(a)(i) under this chapter, the State Tax Commission shall distribute the revenue collected
472 from the charge to the metro township.

473 [~~(iv)~~] (v) The State Tax Commission shall transfer the revenues collected within a
474 metro township under this chapter to a municipal services district created under Title 17B,
475 Chapter 2a, Part 11, Municipal Services District Act, if the metro township:

476 (A) provides written notice to the State Tax Commission requesting the transfer; and
477 (B) designates the municipal services district to which the metro township requests the
478 State Tax Commission to transfer the revenues.

479 (b) Notwithstanding Subsection (3)(a), an access line provided for public coin
480 telecommunications service is exempt from 911 emergency service charges.

481 (c) The amount of the charge levied under this section may not exceed:

482 (i) 61 cents per month for each local exchange service switched access line;

483 (ii) 61 cents per month for each radio communications access line; and

484 (iii) 61 cents per month for each service under Subsection (3)(a)[~~(iii)~~](i)(C).

485 (d) (i) For purposes of this Subsection (3)(d) the following terms shall be defined as
486 provided in Section [59-12-102](#) or [59-12-215](#):

487 (A) "mobile telecommunications service";

488 (B) "place of primary use";

489 (C) "service address"; and

490 (D) "telecommunications service."

491 (ii) An access line described in Subsection (3)(a) is considered to be within the
492 boundaries of a county, city, or town if the telecommunications services provided over the

493 access line are located within the county, city, or town:

494 (A) for purposes of sales and use taxes under Title 59, Chapter 12, Sales and Use Tax
495 Act; and

496 (B) determined in accordance with Section 59-12-215.

497 (iii) The rate imposed on an access line under this section shall be determined in
498 accordance with Subsection (3)(d)(iv) if the location of an access line described in Subsection
499 (3)(a) is determined under Subsection (3)(d)(ii) to be a county, city, or town other than county,
500 city, or town in which is located:

501 (A) for a telecommunications service, the purchaser's service address; or

502 (B) for mobile telecommunications service, the purchaser's place of primary use.

503 (iv) The rate imposed on an access line under this section shall be the lower of:

504 (A) the rate imposed by the county, city, or town in which the access line is located
505 under Subsection (3)(d)(ii); or

506 (B) the rate imposed by the county, city, or town in which it is located:

507 (I) for telecommunications service, the purchaser's service address; or

508 (II) for mobile telecommunications service, the purchaser's place of primary use.

509 (e) (i) A county, city, or town shall notify the Public Service Commission of the intent
510 to levy the charge under this Subsection (3) at least 30 days before the effective date of the
511 charge being levied.

512 (ii) For purposes of this Subsection (3)(e):

513 (A) "Annexation" means an annexation to:

514 (I) a city or town under Title 10, Chapter 2, Part 4, Annexation; or

515 (II) a county under Title 17, Chapter 2, County Consolidations and Annexations.

516 (B) "Annexing area" means an area that is annexed into a county, city, or town.

517 (iii) (A) Except as provided in Subsection (3)(e)(iii)(C) or (D), if a county, city, or
518 town enacts or repeals a charge or changes the amount of the charge under this section, the
519 enactment, repeal, or change shall take effect:

520 (I) on the first day of a calendar quarter; and

521 (II) after a 90-day period beginning on the date the State Tax Commission receives
522 notice meeting the requirements of Subsection (3)(e)(iii)(B) from the county, city, or town.

523 (B) The notice described in Subsection (3)(e)(iii)(A) shall state:

524 (I) that the county, city, or town will enact or repeal a charge or change the amount of
525 the charge under this section;

526 (II) the statutory authority for the charge described in Subsection (3)(e)(iii)(B)(I);

527 (III) the effective date of the charge described in Subsection (3)(e)(iii)(B)(I); and

528 (IV) if the county, city, or town enacts the charge or changes the amount of the charge
529 described in Subsection (3)(e)(iii)(B)(I), the amount of the charge.

530 (C) Notwithstanding Subsection (3)(e)(iii)(A), the enactment of a charge or a charge
531 increase under this section shall take effect on the first day of the first billing period:

532 (I) that begins after the effective date of the enactment of the charge or the charge
533 increase; and

534 (II) if the billing period for the charge begins before the effective date of the enactment
535 of the charge or the charge increase imposed under this section.

536 (D) Notwithstanding Subsection (3)(e)(iii)(A), the repeal of a charge or a charge
537 decrease under this section shall take effect on the first day of the last billing period:

538 (I) that began before the effective date of the repeal of the charge or the charge
539 decrease; and

540 (II) if the billing period for the charge begins before the effective date of the repeal of
541 the charge or the charge decrease imposed under this section.

542 (iv) (A) Except as provided in Subsection (3)(e)(iv)(C) or (D), if the annexation will
543 result in the enactment, repeal, or a change in the amount of a charge imposed under this
544 section for an annexing area, the enactment, repeal, or change shall take effect:

545 (I) on the first day of a calendar quarter; and

546 (II) after a 90-day period beginning on the date the State Tax Commission receives
547 notice meeting the requirements of Subsection (3)(e)(iv)(B) from the county, city, or town that
548 annexes the annexing area.

549 (B) The notice described in Subsection (3)(e)(iv)(A) shall state:

550 (I) that the annexation described in Subsection (3)(e)(iv)(A) will result in an
551 enactment, repeal, or a change in the charge being imposed under this section for the annexing
552 area;

553 (II) the statutory authority for the charge described in Subsection (3)(e)(iv)(B)(I);

554 (III) the effective date of the charge described in Subsection (3)(e)(iv)(B)(I); and

555 (IV) if the county, city, or town enacts the charge or changes the amount of the charge
556 described in Subsection (3)(e)(iv)(B)(I), the amount of the charge.

557 (C) Notwithstanding Subsection (3)(e)(iv)(A), the enactment of a charge or a charge
558 increase under this section shall take effect on the first day of the first billing period:

559 (I) that begins after the effective date of the enactment of the charge or the charge
560 increase; and

561 (II) if the billing period for the charge begins before the effective date of the enactment
562 of the charge or the charge increase imposed under this section.

563 (D) Notwithstanding Subsection (3)(e)(iv)(A), the repeal of a charge or a charge
564 decrease under this section shall take effect on the first day of the last billing period:

565 (I) that began before the effective date of the repeal of the charge or the charge
566 decrease; and

567 (II) if the billing period for the charge begins before the effective date of the repeal of
568 the charge or the charge decrease imposed under this section.

569 (f) Subject to Subsection (3)(g), a 911 emergency services charge levied under this
570 section shall:

571 (i) be billed and collected by the person that provides the:

572 (A) local exchange service switched access line services; or

573 (B) radio communications access line services; and

574 (ii) except for costs retained under Subsection (3)(h), remitted to the State Tax
575 Commission.

576 (g) A 911 emergency services charge on a mobile telecommunications service may be
577 levied, billed, and collected only to the extent permitted by the Mobile Telecommunications
578 Sourcing Act, 4 U.S.C. Sec. 116 et seq.

579 (h) The person that bills and collects the charges levied under Subsection (3)(f) may:

580 (i) bill the charge imposed by this section in combination with the charge levied under
581 Section 69-2-5.6 as one line item charge; and

582 (ii) retain an amount not to exceed 1.5% of the levy collected under this section as
583 reimbursement for the cost of billing, collecting, and remitting the levy.

584 (i) The State Tax Commission shall collect, enforce, and administer the charge
585 imposed under this Subsection (3) using the same procedures used in the administration,

586 collection, and enforcement of the state sales and use taxes under:
587 (i) Title 59, Chapter 1, General Taxation Policies; and
588 (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:
589 (A) Section 59-12-104;
590 (B) Section 59-12-104.1;
591 (C) Section 59-12-104.2;
592 (D) Section 59-12-104.6;
593 (E) Section 59-12-107.1; and
594 (F) Section 59-12-123.
595 (j) (i) The State Tax Commission shall transmit money collected under this Subsection
596 (3) monthly by electronic funds transfer to the county, city, or town that imposes the charge.
597 (ii) A county, city, or town that receives money under Subsection (3)(j)(i):
598 (A) shall remit the money directly to a public safety answering point;
599 (B) may not disburse the money to a local dispatch center that is not a public safety
600 answering point; and
601 (C) may not require a public safety answering point to negotiate for the distribution of
602 the money to the public safety answering point.
603 (k) A person that pays a charge under this section shall pay the charge to the
604 commission:
605 (i) monthly on or before the last day of the month immediately following the last day of
606 the previous month if:
607 (A) the person is required to file a sales and use tax return with the commission
608 monthly under Section 59-12-108; or
609 (B) the person is not required to file a sales and use tax return under Title 59, Chapter
610 12, Sales and Use Tax Act; or
611 (ii) quarterly on or before the last day of the month immediately following the last day
612 of the previous quarter if the person is required to file a sales and use tax return with the
613 commission quarterly under Section 59-12-107.
614 (l) A charge a person pays under this section shall be paid using a form prescribed by
615 the State Tax Commission.
616 (m) The State Tax Commission shall retain and deposit an administrative charge in

617 accordance with Section 59-1-306 from the revenues the State Tax Commission collects from a
618 charge under this section.

619 (n) A charge under this section is subject to Section 69-2-5.8.

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

622 (b) (i) Except as provided in Subsection (5)(b), the money in the 911 emergency
623 service fund shall be expended by the public agency to pay the costs of:

624 (A) establishing, installing, maintaining, and operating a 911 emergency service
625 system;

626 (B) receiving and processing emergency communications from the 911 system or other
627 communications or requests for emergency services;

628 (C) integrating a 911 emergency service system into an established public safety
629 dispatch center, including contracting with the providers of local exchange service, radio
630 communications service, and vendors of appropriate terminal equipment as necessary to
631 implement the 911 emergency services; or

632 (D) indirect costs associated with the maintaining and operating of a 911 emergency
633 services system.

634 (ii) Revenues derived for the funding of 911 emergency service may be used by the
635 public agency for personnel costs associated with receiving and processing communications
636 and deploying emergency response resources when the system is integrated with any public
637 safety dispatch system.

638 (c) Any unexpended money in the 911 emergency service fund at the end of a fiscal
639 year does not lapse, and must be carried forward to be used for the purposes described in this
640 section.

641 (5) (a) Revenue received by a local entity from an increase in the levy imposed under
642 Subsection (3) after the 2004 Annual General Session:

643 (i) may be used by the public safety answering point for the purposes under Subsection
644 (4)(b); and

645 (ii) shall be deposited into the special 911 emergency service fund described in
646 Subsection (4)(a).

647 (b) Revenue received by a local entity from disbursements from the 911 Division under

648 Section [63H-7a-602](#):

649 (i) shall be deposited into the special 911 emergency service fund under Subsection
650 (4)(a); and

651 (ii) shall only be used for that portion of the costs related to the development and
652 operation of wireless and land-based enhanced 911 emergency telecommunications service and
653 the implementation of 911 services as provided in Subsection (5)(c).

654 (c) The costs allowed under Subsection (5)(b)(ii) include the public safety answering
655 point's costs for:

656 (i) acquisition, upgrade, modification, maintenance, and operation of public service
657 answering point equipment capable of receiving 911 information;

658 (ii) database development, operation, and maintenance; and

659 (iii) personnel costs associated with establishing, installing, maintaining, and operating
660 wireless 911 services, including training emergency service personnel regarding receipt and use
661 of 911 wireless service information and educating consumers regarding the appropriate and
662 responsible use of 911 wireless service.

663 (6) A local entity that increases the levy it imposes under Subsection (3)(c) after the
664 2004 Annual General Session shall increase the levy to the maximum amount permitted by
665 Subsection (3)(c).

666 Section 10. Section **69-2-5.5** is amended to read:

667 **69-2-5.5. Emergency services telecommunications charge to fund the Computer**
668 **Aided Dispatch Restricted Account -- Administrative charge.**

669 (1) Subject to Subsection (6), there is imposed an emergency services
670 telecommunications charge of 6 cents per month on a service that is subject to an emergency
671 services telecommunications charge levied by a county, city, town, or metro township under
672 Section [69-2-5](#), including:

673 (a) each local exchange service switched access line [~~and~~];

674 (b) each revenue producing radio communications access line [~~that is subject to an~~
675 ~~emergency services telecommunications charge levied by a county, city, town, or metro~~
676 ~~township under Section [69-2-5](#)]; and~~

677 (c) each other service line, including voice over Internet protocol, used to make calls to
678 and receive calls from the public switched telecommunications network, including a

679 commercial mobile radio service network.

680 (2) (a) Subject to Subsection (6), an emergency services telecommunications charge
681 imposed under this section shall be billed and collected by the person that provides:

682 (i) local exchange service switched access line services; [~~or~~]

683 (ii) radio communications access line services[~~;~~]; or

684 (iii) any other service, including voice over Internet protocol, that allows a user to
685 make calls to and receive calls from the public switched telecommunications network,
686 including a commercial mobile radio service network.

687 (b) A person that pays an emergency services telecommunications charge under this
688 section shall pay the emergency services telecommunications charge to the commission:

689 (i) monthly on or before the last day of the month immediately following the last day of
690 the previous month if:

691 (A) the person is required to file a sales and use tax return with the commission
692 monthly under Section 59-12-108; or

693 (B) the person is not required to file a sales and use tax return under Title 59, Chapter
694 12, Sales and Use Tax Act; or

695 (ii) quarterly on or before the last day of the month immediately following the last day
696 of the previous quarter if the person is required to file a sales and use tax return with the
697 commission quarterly under Section 59-12-107.

698 (c) If a subscriber of a service subject to a charge described in Subsection (3)(a) is not
699 required to pay for the service, the provider of the service shall collect the charge from the
700 person that is required to pay for the service.

701 [~~(c)~~] (d) An emergency services telecommunications charge imposed under this section
702 shall be deposited into the Computer Aided Dispatch Restricted Account created in Section
703 63H-7a-303.

704 (3) Emergency services telecommunications charges remitted to the State Tax
705 Commission pursuant to Subsection (2) shall be accompanied by the form prescribed by the
706 State Tax Commission.

707 (4) (a) The State Tax Commission shall administer, collect, and enforce the charge
708 imposed under Subsection (1) according to the same procedures used in the administration,
709 collection, and enforcement of the state sales and use tax under:

- 710 (i) Title 59, Chapter 1, General Taxation Policies; and
- 711 (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:
- 712 (A) Section 59-12-104;
- 713 (B) Section 59-12-104.1;
- 714 (C) Section 59-12-104.2;
- 715 (D) Section 59-12-104.6;
- 716 (E) Section 59-12-107.1; and
- 717 (F) Section 59-12-123.

718 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
719 State Tax Commission may make rules to administer, collect, and enforce the emergency
720 services telecommunications charges imposed under this section.

721 (c) The State Tax Commission shall retain and deposit an administrative charge in
722 accordance with Section 59-1-306 from the revenues the State Tax Commission collects from
723 an emergency services telecommunications charge under this section.

724 (d) A charge under this section is subject to Section 69-2-5.8.

725 (5) A provider of local exchange service switched access line services or radio
726 communications access line services who fails to comply with this section is subject to
727 penalties and interest as provided in Sections 59-1-401 and 59-1-402.

728 (6) An emergency services telecommunications charge under this section on a mobile
729 telecommunications service may be imposed, billed, and collected only to the extent permitted
730 by the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.

731 Section 11. Section 69-2-5.6 is amended to read:

732 **69-2-5.6. 911 services charge to fund unified statewide 911 emergency service --**
733 **Administrative charge.**

734 (1) Subject to Subsection 69-2-5(3)(g), there is imposed a unified statewide 911
735 emergency service charge of 9 cents per month on each local exchange service switched access
736 line and each revenue producing radio communications access line that is subject to a 911
737 emergency services charge levied by a county, city, town, or metro township under Section
738 69-2-5.

739 (2) (a) A 911 emergency services charge imposed under this section shall be:

- 740 (i) subject to Subsection 69-2-5(3)(g); and

- 741 (ii) billed and collected by the person that provides:
742 (A) local exchange service switched access line services;
743 (B) radio communications access line services; or
744 (C) service described in Subsection 69-2-5(3)(a)(i)(C).
745 (b) A person that pays a charge under this section shall pay the charge to the
746 commission:
747 (i) monthly on or before the last day of the month immediately following the last day of
748 the previous month if:
749 (A) the person is required to file a sales and use tax return with the commission
750 monthly under Section 59-12-108; or
751 (B) the person is not required to file a sales and use tax return under Title 59, Chapter
752 12, Sales and Use Tax Act; or
753 (ii) quarterly on or before the last day of the month immediately following the last day
754 of the previous quarter if the person is required to file a sales and use tax return with the
755 commission quarterly under Section 59-12-107.
756 (c) A charge imposed under this section shall be deposited into the Unified Statewide
757 911 Emergency Service Account created by Section 63H-7a-304.
758 (d) If a subscriber of a service subject to a charge described in Subsection (1) is not
759 required to pay for the service, the provider of the service shall collect the charge from the
760 person that is required to pay for the service.
761 (3) The person that bills and collects the charges levied by this section pursuant to
762 Subsections (2)(b) and (c) may:
763 (a) bill the charge imposed by this section in combination with the charge levied under
764 Section 69-2-5 as one line item charge; and
765 (b) retain an amount not to exceed 1.5% of the charges collected under this section as
766 reimbursement for the cost of billing, collecting, and remitting the levy.
767 (4) The State Tax Commission shall collect, enforce, and administer the charges
768 imposed under Subsection (1) using the same procedures used in the administration, collection,
769 and enforcement of the emergency services telecommunications charge to fund the Computer
770 Aided Dispatch Restricted Account under Section 63H-7a-303.
771 (5) Notwithstanding Section 63H-7a-304, the State Tax Commission shall retain and

772 deposit an administrative charge in accordance with Section 59-1-306 from the revenues the
773 State Tax Commission collects from a charge under this section.

774 (6) A charge under this section is subject to Section 69-2-5.8.

775 (7) This section sunsets in accordance with Section 63I-1-269.

776 Section 12. Section 69-2-5.7 is amended to read:

777 **69-2-5.7. Prepaid wireless telecommunications charge to fund 911 service --**
778 **Administrative charge.**

779 (1) As used in this section:

780 (a) "Consumer" means a person who purchases prepaid wireless telecommunications
781 service in a transaction.

782 (b) "Prepaid wireless 911 service charge" means the charge that is required to be
783 collected by a seller from a consumer in the amount established under Subsection (2).

784 (c) (i) "Prepaid wireless telecommunications service" means a wireless
785 telecommunications service that:

786 (A) is paid for in advance;

787 (B) is sold in predetermined units of time or dollars that decline with use in a known
788 amount or provides unlimited use of the service for a fixed amount or time; and

789 (C) allows a caller to access 911 emergency service.

790 (ii) "Prepaid wireless telecommunications service" does not include a wireless
791 telecommunications service that is billed:

792 (A) to a customer on a recurring basis; and

793 (B) in a manner that includes the emergency services telecommunications charges,
794 described in Sections 69-2-5, 69-2-5.5, and 69-2-5.6, for each radio communication access line
795 assigned to the customer.

796 (d) "Seller" means a person that sells prepaid wireless telecommunications service to a
797 consumer.

798 (e) "Transaction" means each purchase of prepaid wireless telecommunications service
799 from a seller.

800 (f) "Wireless telecommunications service" means commercial mobile radio service as
801 defined by 47 C.F.R. Sec. 20.3, as amended.

802 (2) There is imposed a prepaid wireless 911 service charge of 1.9% of the sales price

803 per transaction.

804 (3) (a) The prepaid wireless 911 service charge shall be collected by the seller from the
805 consumer for each transaction occurring in this state.

806 (b) If a user of a service subject to a charge described in Subsection (2) is not the
807 consumer, the seller shall collect the charge from the consumer for the service.

808 (4) The prepaid wireless 911 service charge shall be separately stated on an invoice,
809 receipt, or similar document that is provided by the seller to the consumer.

810 (5) For purposes of Subsection (3), the location of a transaction is determined in
811 accordance with Sections 59-12-211 through 59-12-215.

812 (6) When prepaid wireless telecommunications service is sold with one or more other
813 products or services for a single non-itemized price, then the percentage specified in Section
814 (2) shall apply to the entire non-itemized price.

815 (7) A seller may retain 3% of prepaid wireless 911 service charges that are collected by
816 the seller from consumers as reimbursement for the cost of billing, collecting, and remitting the
817 charge.

818 (8) Prepaid wireless 911 service charges collected by a seller, except as retained under
819 Subsection (7), shall be remitted to the State Tax Commission at the same time as the seller
820 remits to the State Tax Commission money collected by the person under Title 59, Chapter 12,
821 Sales and Use Tax Act.

822 (9) The State Tax Commission:

823 (a) shall collect, enforce, and administer the charge imposed under this section using
824 the same procedures used in the administration, collection, and enforcement of the state sales
825 and use taxes under:

826 (i) Title 59, Chapter 1, General Taxation Policies; and

827 (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:

828 (A) Section 59-12-104;

829 (B) Section 59-12-104.1;

830 (C) Section 59-12-104.2;

831 (D) Section 59-12-107.1; and

832 (E) Section 59-12-123;

833 (b) may retain up to 1.5% of the prepaid wireless 911 service charge revenue collected

834 under Subsection (9)(a) as reimbursement for administering this section;

835 (c) shall distribute the prepaid wireless 911 service charge revenue, except as retained
836 under Subsection (9)(b), as follows:

837 (i) 80.3% of the revenue shall be distributed to each county, city, town, or metro
838 township in the same percentages and in the same manner as the entities receive money to fund
839 911 emergency telecommunications services under Section 69-2-5;

840 (ii) 7.9% of the revenue shall be distributed to fund the Computer Aided Dispatch
841 Restricted Account created in Section 63H-7a-303;

842 (iii) 11.8% of the revenue shall be distributed to fund the unified statewide 911
843 emergency service as in Section 69-2-5.6; and

844 (d) may make rules in accordance with Title 63G, Chapter 3, Utah Administrative
845 Rulemaking Act, to administer, collect, and enforce the charges imposed under this section.

846 (10) A charge under this section is subject to Section 69-2-5.8.

Legislative Review Note
Office of Legislative Research and General Counsel