

1452 ~~[(3)]~~ ~~§→ [(4)]~~ ~~"Bonds" means bonds, notes, certificates, debentures, contracts, lease purchase~~
 1453 ~~agreements, or other evidences of indebtedness or borrowing issued or incurred by the~~
 1454 ~~authority pursuant to this chapter.~~

1455 ~~—(5)~~ ~~(4)~~ ~~←§~~ "Dispatch center" means an entity that receives and responds to an emergency or
 1456 nonemergency communication transferred to the entity from a public safety answering point.

1457 ~~[(4)]~~ ~~§→ [(6)]~~ ~~(5)~~ ~~←§~~ "FirstNet" means the federal First Responder Network Authority
 1457a [created by
 1458 Congress in the Middle Class Tax Relief and Job Creation Act of 2012] established in 47
 1459 U.S.C. Sec. 1424.

1460 ~~[(5)]~~ ~~§→ [(7)]~~ ~~(6)~~ ~~←§~~ "Lease" means any lease, lease purchase, sublease, operating,
 1460a management, or
 1461 similar agreement.

1462 ~~[(6)]~~ ~~"Local entity" means a county, city, town, local district, special service district, or~~
 1463 ~~interlocal entity created under Title 11, Chapter 13, Interlocal Cooperation Act.]~~

1464 ~~[(7)]~~ ~~"Member" means a public agency which:]~~

1465 ~~[(a)]~~ ~~adopts a membership resolution to be included within the authority; and]~~

1466 ~~[(b)]~~ ~~submits an originally executed copy of an authorizing resolution to the authority's~~
 1467 ~~office.]~~

1468 ~~[(8)]~~ ~~"Member representative" means a person or that person's designee appointed by~~
 1469 ~~the governing body of each member:]~~

1470 ~~[(9)]~~ ~~§→ [(8)]~~ ~~(7)~~ ~~←§~~ "Public agency" means any political subdivision of the state[;
 1470a including cities,
 1471 towns, counties, school districts, local districts, and special service districts,] dispatched by a
 1472 public safety answering point.

1473 ~~[(10)]~~ ~~§→ [(9)]~~ ~~(8)~~ ~~←§~~ "Public safety answering point" or "PSAP" means an entity that:

1474 (a) receives, as a first point of contact, direct 911 emergency and nonemergency
 1475 communications requesting a public safety service;

1476 (b) has a facility with the equipment and staff necessary to receive the communication;

1477 (c) assesses, classifies, and prioritizes the communication; and

1478 (d) ~~[transfers]~~ dispatches the communication to the proper responding agency.

1479 ~~[(11)]~~ ~~§→ [(10)]~~ ~~(9)~~ ~~←§~~ "Public safety communications network" means:

1480 (a) a regional or statewide public safety governmental communications network and
 1481 related facilities, including real property, improvements, and equipment necessary for the
 1482 acquisition, construction, and operation of the services and facilities; and

1483 (b) 911 emergency services, including radio communications, connectivity, and
1484 computer aided dispatch systems.

1485 ~~[(12) "State" means the state of Utah.]~~

1486 ~~[(13) "State representative" means the six appointees of the governor or their designees
1487 and the Utah State Treasurer or his designee.]~~

1488 Section 11. Section **63H-7a-201** is amended to read:

1489 **Part 2. Utah Communications Authority Governance**

1490 **63H-7a-201. Establishment of Utah Communications Authority.**

1491 (1) This part is known as ~~[the]~~ "Utah Communications Authority ~~[and the Board]~~
1492 Governance."

1493 (2) There is established the Utah Communications Authority~~[- formerly known as the
1494 Utah Communications Agency Network, which shall assume the operations of the Utah
1495 Communications Agency Network and shall perform the functions as provided in this chapter.~~

1496 ~~(3) The Utah Communications Authority is]~~ as an independent state agency and not a division
1497 within any other department of the state.

1498 ~~[(4) The initial offices of the]~~ (3) (a) The authority shall ~~[be]~~ maintain an office in Salt
1499 Lake County~~[- but branches of the office may be established in other areas of the state upon
1500 approval of the board].~~

1501 (b) The authority may establish additional branch offices outside of Salt Lake County
1502 with the approval of the board.

1503 Section 12. Section **63H-7a-202** is amended to read:

1504 **63H-7a-202. Powers of the authority.**

1505 ~~Ĥ→~~ (1) ~~←Ĥ~~ The authority ~~[shall have]~~ has the power to:

1506 ~~Ĥ→~~ [(1)] (a) ~~←Ĥ~~ sue and be sued in ~~[its]~~ the authority's own name;

1507 ~~Ĥ→~~ [(2)] (b) ~~←Ĥ~~ have an official seal and power to alter that seal at will;

1508 ~~Ĥ→~~ [(3)] (c) ~~←Ĥ~~ make and execute contracts and all other instruments necessary or
1508a convenient for

1509 the performance of ~~[its]~~ the authority's duties and the exercise of ~~[its]~~ the authority's powers
1510 and functions under this chapter, including contracts with ~~[private companies licensed under
1511 Title 26, Chapter 8a, Utah Emergency Medical Services System Act]~~ public and private
1512 providers;

1513 ~~Ĥ→~~ [(4)] (d) ~~←Ĥ~~ own, acquire, design, construct, operate, maintain, repair, and
1513a dispose of any

1514 portion of a public safety communications network utilizing technology that is fiscally prudent,
 1515 upgradable, technologically advanced, redundant, and secure;

1516 ~~Ĥ→ [(5)] (e) ←Ĥ~~ borrow money and incur indebtedness;
 1517 ~~[(6) issue bonds as provided in this chapter;]~~

1518 ~~[(7)] Ĥ→ [(6)] (f) ←Ĥ~~ enter into agreements with public agencies, private entities,
 1518a the state, and
 1519 federal government to provide public safety communications network services on terms and
 1520 conditions [it] the authority considers to be in the best interest of [~~its members~~] the authority;

1521 ~~[(8)] Ĥ→ [(7)] (g) ←Ĥ~~ acquire, by gift, grant, purchase, or by exercise of eminent domain,
 1521a any real
 1522 property or personal property in connection with the acquisition and construction of a public
 1523 safety communications network and all related facilities and rights-of-way [~~which it~~] that the
 1524 authority owns, operates, and maintains;

1525 ~~Ĥ→ [(8)] (h) ←Ĥ~~ sell public safety communications network capacity to a state agency
 1525a or a political
 1526 subdivision of the state if the sale is:

1527 ~~Ĥ→ [(a)] (i) ←Ĥ~~ for a public safety purpose; Ĥ→ [and]
 1528 ~~[(b)] (ii) ←Ĥ~~ consistent with the authority's duties under this chapter; Ĥ→ or
 1528a (iii) pursuant to:
 1528b (A) an agreement entered into by the authority before January 1, 2017; or
 1528c (B) a renewal of an agreement described in Subsection (1)(h)(iii)(A); ←Ĥ

1529 ~~[(9) contract with other public agencies, the state, or federal government to provide~~
 1530 ~~public safety communications network services in excess of those required to meet the needs or~~
 1531 ~~requirements of its members and the state and federal government if:]~~

1532 ~~[(a) it is determined by the board to be necessary to accomplish the purposes and~~
 1533 ~~realize the benefits of this chapter; and]~~

1534 ~~[(b) any excess is sold to other public agencies, the state, or federal government and is~~
 1535 ~~sold on terms that assure:]~~

1536 ~~[(i) that the excess services will be used only for the purposes and benefits authorized~~
 1537 ~~by the authority under Section 63H-7a-102; and]~~

1538 ~~[(ii) that the cost of providing the excess service will be received by the authority;]~~

1539 ~~[(10) provide and maintain the public safety communications network for all state and~~
 1540 ~~local governmental agencies:]~~

1541 ~~[(a) within the current authority network for the state and local governmental agencies~~
 1542 ~~that currently subscribe to the authority; and]~~

1543 ~~[(b) in a manner that:]~~

1544 ~~[(i) promotes high quality, cost effective services; and]~~

1545 ~~[(ii) evaluates the benefits, costs, existing facilities and equipment, and services of~~
 1546 ~~public and private providers;]~~

1547 ~~[(iii) where economically feasible, utilizes existing infrastructure to avoid duplication~~
 1548 ~~of facilities, equipment, and services of providers of communication services.]~~

1549 ~~[(11) maintain the current VHF and 800 MHz radio networks;]~~

1550 ~~[(12) ~~H~~→ ~~(9)~~ (i) ←~~H~~ review, approve, disapprove, or revise recommendations~~
 1550a regarding the
 1551 expenditure of funds ~~[under Sections 69-2-5.5 and 69-2-5.6 that are made by:]~~ disbursed by the
 1552 authority under this chapter; and

1553 ~~[(a) the 911 Division;]~~

1554 ~~[(b) the Radio Network Division; and]~~

1555 ~~[(c) the Interoperability Division; and]~~

1556 ~~[(13) ~~H~~→ ~~(10)~~ (j) ←~~H~~ perform all other duties authorized by this chapter.~~

1556a ~~H~~→ (2) **The authority may not intentionally overbuild the public safety communications**
 1556b **network for the purpose of competing with a public or private provider of a**
 1556c **telecommunications service.** ←~~H~~

1557 Section 13. Section **63H-7a-203** is amended to read:

1558 **63H-7a-203. Board established -- Terms -- Vacancies.**

1559 (1) There is created the ["]Utah Communications Authority Board.["]

1560 (2) The board shall consist of ~~[the following individuals, who may not be employed by~~
 1561 ~~the authority or any office or division of the authority:]~~ nine board members as follows:

1562 ~~[(a) the member representatives elected as follows:]~~

1563 ~~[(i) one representative elected from each county of the first and second class, who:]~~

1564 ~~[(A) is in law enforcement, fire service, or a public safety answering point; and]~~

1565 ~~[(B) has a leadership position with public safety communication experience;]~~

1566 ~~[(ii) one representative elected from each of the seven associations of government~~

1567 ~~who:]~~

1568 ~~[(A) is in law enforcement, fire service, or a public safety answering point; and]~~

1569 ~~[(B) has a leadership position with public safety communication experience;]~~

1570 ~~[(iii) one representative of the Native American tribes elected by the representative of~~
 1571 ~~tribal governments listed in Subsection 9-9-104.5(2);]~~

1572 ~~[(iv) one representative elected by the Utah National Guard;]~~

1573 ~~[(v) one representative elected by an association that represents fire chiefs;]~~

1574 ~~[(vi) one representative elected by an association that represents sheriffs;]~~

1575 ~~[(vii) one representative elected by an association that represents chiefs of police; and]~~

1700 ~~[(10)]~~ ~~§→ [(11)] authorize the borrowing of money, the incurring of indebtedness, and the~~
 1701 ~~issuance of bonds as provided in this chapter;~~

1702 ~~— [] ←§ (11) §→ [(12)] ←§ [adopt rules consistent with this chapter and] provide for the~~
 1702a ~~management~~

1703 ~~and administration of the public safety communications network by rule made in accordance~~
 1704 ~~with Title 63G, Chapter 3, Utah Administrative Rulemaking Act[, for the management of the~~
 1705 ~~public safety communications network in order to carry out the purposes of this chapter, and~~
 1706 ~~perform all other acts necessary for the administration of the public safety communications~~
 1707 ~~network];~~

1708 ~~§→ [] ←§ (12) §→ [(13)] ←§~~ exercise the powers and perform the duties conferred on
 1708a ~~[it] the board~~ by
 1709 this chapter;

1710 ~~§→ [] ←§ (13) §→ [(14)] ←§~~ provide for audits of the authority; and

1711 ~~§→ [] ←§ (14) §→ [(15)] ←§~~ establish the following divisions within the authority:

1712 (a) 911 Division;

1713 (b) Radio Network Division;

1714 (c) Interoperability Division; and

1715 (d) Administrative Services Division[;].

1716 ~~[(15) establish a 911 advisory committee to the 911 Division in accordance with~~
 1717 ~~Section 63H-7a-307;]~~

1718 ~~[(16) establish one or more advisory committees to the Radio Network Division in~~
 1719 ~~accordance with Section 63H-7a-405;]~~

1720 ~~[(17) establish one or more advisory committees to the Interoperability Division in~~
 1721 ~~accordance with Section 63H-7a-504;]~~

1722 ~~[(18) create, maintain and review annually a statewide, comprehensive multi-year~~
 1723 ~~strategic plan in consultation with state and local stakeholders, the 911 Advisory Committee~~
 1724 ~~created under Section 63H-7a-307, the Radio Network Advisory Committee created under~~
 1725 ~~Section 63H-7a-405, and the Interoperability Advisory Committee created under Section~~
 1726 ~~63H-7a-504 that:]~~

1727 ~~[(a) coordinates the authority's activities and duties in the:]~~

1728 ~~[(i) 911 Division;]~~

1729 ~~[(ii) Radio Network Division;]~~

1730 ~~[(iii) Interoperability Division; and]~~

2196 (ii) promotes high-quality, cost-effective services for public safety communications
2197 network users;

2198 (iii) evaluates the costs and benefits of using existing public or private facilities,
2199 equipment, or services or developing or establishing new facilities, equipment, or services;

2200 (iv) where economically beneficial without compromising quality or reliability of
2201 service, avoids duplicating existing private or public facilities, equipment, or services; and

2202 (v) considers the plan developed under Subsection (3).

2203 (3) The Radio Network Division and the executive director shall, before January 15,
2204 2018, meet with all public safety communications network stakeholders, including public and
2205 private providers in the state, to:

2206 (a) identify the locations and functional capabilities of existing public and private
2207 communications facilities in the state; and

2208 (b) develop a detailed, comprehensive plan for:

2209 (i) repairing and maintaining the existing public safety communications network; and

2210 (ii) upgrading the public safety communications network.

2211 (4) The plan described in Subsection (3) shall include:

2212 (a) a statewide system design;

2213 (b) anticipated coverage maps;

2214 (c) any public and private communications facilities that can be integrated with the
2215 public safety communications network; and

2216 (d) a detailed cost estimate for maintaining or upgrading the public safety
2217 communications network.

2218 (5) In addition to meeting with stakeholders under Subsection (3), the authority shall
2219 issue a request for information for maintaining or upgrading the public safety communications
2220 network such that the authority receives all request for information responses before January
2221 15, 2018.

2221a **§→ (6) Any radio user fee that the authority assessed on a user of the public safety**
2221b **communications network before July 1, 2017 is repealed. ←§**

2222 Section 24. Section **63H-7a-502** is amended to read:

2223 **63H-7a-502. Interoperability Division duties.**

2224 (1) The Interoperability Division shall:

2225 (a) review and make recommendations to the executive director, for approval by the
2226 board, regarding:

- 2878 (A) to a customer on a recurring basis; and
- 2879 (B) in a manner that includes the [~~emergency services telecommunications charges,~~
2880 ~~described in~~ charges levied under Sections [~~69-2-5, 69-2-5.5, and 69-2-5.6~~] 69-2-402,
2881 69-2-403, and 69-2-404, for each radio communication access line assigned to the customer.
- 2882 (d) "Seller" means a person that sells prepaid wireless telecommunications service to a
2883 consumer.
- 2884 (e) "Transaction" means each purchase of prepaid wireless telecommunications service
2885 from a seller.
- 2886 (f) "Wireless telecommunications service" means commercial mobile radio service as
2887 defined by 47 C.F.R. Sec. 20.3, as amended.
- 2888 (2) There is imposed a prepaid wireless 911 service charge of [~~1.9%~~]:
2889 (a) before January 1, 2018, 2.45% of the sales price per transaction; and
2890 (b) on and after January 1, 2018, ~~\$~~→ [3.4] 3.30 ←~~\$~~ % of the sales price per transaction.
- 2891 (3) (a) The prepaid wireless 911 service charge shall be collected by the seller from the
2892 consumer for each transaction occurring in this state.
- 2893 (b) (i) Except as provided in Subsections (3)(b)(ii) and (iii), if a user of a service
2894 subject to a charge described in Subsection (2) is not the consumer, the seller shall collect the
2895 charge from the consumer for the service.
- 2896 (ii) The charge described in Subsection (2) is not imposed on a seller or a consumer of
2897 federal wireless lifeline service if the consumer does not pay the seller for the service.
- 2898 (iii) A consumer of federal wireless lifeline service shall pay, and the seller of the
2899 service shall collect and remit, the charge described in Subsection (2) when the consumer
2900 purchases from the seller optional services in addition to the federally funded lifeline benefit.
- 2901 (4) The prepaid wireless 911 service charge shall be separately stated on an invoice,
2902 receipt, or similar document that is provided by the seller to the consumer.
- 2903 (5) For purposes of Subsection (3), the location of a transaction is determined in
2904 accordance with Sections 59-12-211 through 59-12-215.
- 2905 (6) When prepaid wireless telecommunications service is sold with one or more other
2906 products or services for a single non-itemized price, then the percentage specified in Section
2907 (2) shall apply to the entire non-itemized price.
- 2908 (7) A seller may retain 3% of prepaid wireless 911 service charges that are collected by

2940 ~~[(10) A charge under this section is subject to Section 69-2-5.8.]~~

2941 (9) The commission shall distribute:

2942 (a) on and after July 1, 2017, and before January 1, 2018:

2943 (i) 72.4% of the prepaid wireless 911 service charge revenue to a public safety

2944 answering point in accordance with Section 69-2-302;

2945 (ii) 9.2% of the prepaid wireless 911 service charge revenue to the Unified Statewide

2946 911 Emergency Service Account created in Section 63H-7a-304; and

2947 (iii) 18.4% of the revenue to the Utah Statewide Radio System Restricted Account; and

2948 (b) on and after January 1, 2018:

2949 (i) ~~54.8%~~ 53.8% ~~←\$~~ of the prepaid wireless 911 service charge revenue to a public

2949a safety

2950 answering point in accordance with Section 69-2-302;

2951 (ii) ~~6.89%~~ 6.8% ~~←\$~~ of the prepaid wireless 911 service charge revenue to the Unified

2951a Statewide

2952 911 Emergency Service Account created in Section 63H-7a-304; and

2953 (iii) 39.4% of the revenue to the Utah Statewide Radio System Restricted Account.

2954 Section 46. Section **69-2-501**, which is renumbered from Section 69-2-6 is renumbered

2955 and amended to read:

2956 **Part 5. Liability and Immunity**

2957 ~~[69-2-6].~~ **69-2-501. Jurisdiction and employee immunity.**

2958 (1) In implementing [a] 911 emergency [telephone] service, [the] any public agency
 2959 and public safety [agencies and their employees] agency shall cooperate in establishing [the
 2960 service and in its day-to-day provision] and providing 911 emergency service.

2961 (2) Any employee of any public safety agency which is a participant in [a] 911
 2962 emergency [telephone] service may respond and take any action to any call whether within or
 2963 without the authorized territorial jurisdiction of the public safety agency.

2964 (3) In response to [emergency calls, employees of public safety agencies] an emergency
 2965 communication, an employee of a public safety agency shall have the same immunity for any
 2966 acts performed in the line of duty outside [their] the public safety agency's authorized
 2967 [jurisdictions as they enjoy within their authorized jurisdictions] jurisdiction as the public
 2968 safety agency employee has within the public safety agency's authorized jurisdiction.

2969 (4) No cause of action is created by any incorrect dispatch or response by any system or
 2970 any public safety agency or by reason of elapsed response time.