

UTAH COMMUNICATIONS AUTHORITY AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: _____

LONG TITLE

General Description:

This bill makes changes to the Utah Communications Authority Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ increases the amount of funds that can be distributed to a qualifying public safety answering point ("PSAP");
- ▶ requires a PSAP to be designated as an emergency medical service dispatch center to receive certain funds;
- ▶ clarifies how long funds will not be distributed to a non-qualifying PSAP;
- ▶ allows a public agency to create a PSAP to provide 911 service to non-contiguous areas in certain situations; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63H-7a-102, as last amended by Laws of Utah 2019, Chapter 509



- 28 **63H-7a-202**, as last amended by Laws of Utah 2020, Chapter 368
- 29 **63H-7a-304.5**, as enacted by Laws of Utah 2020, Chapter 368
- 30 **63H-7a-402**, as last amended by Laws of Utah 2019, Chapter 509
- 31 **69-2-201**, as last amended by Laws of Utah 2020, Chapter 368
- 32 **69-2-203**, as last amended by Laws of Utah 2020, Chapter 368
- 33 **69-2-204**, as enacted by Laws of Utah 2020, Chapter 368

34

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

36 Section 1. Section **63H-7a-102** is amended to read:

37 **63H-7a-102. Utah Communications Authority -- Purpose.**

38 (1) This chapter establishes the Utah Communications Authority as an independent
39 state agency.

40 (2) The Utah Communications Authority shall:

41 (a) provide administrative and financial support for statewide 911 emergency services;
42 and

43 (b) establish and maintain a statewide public safety communications network for [~~state
44 agencies, public safety agencies, and public safety answering points.~~] all state, city, county, and
45 local governmental entities.

46 Section 2. Section **63H-7a-202** is amended to read:

47 **63H-7a-202. Powers and duties of the Utah Communications Authority.**

48 (1) The authority has the power to:

49 (a) sue and be sued in the authority's own name;

50 (b) have an official seal and power to alter that seal at will;

51 (c) make and execute contracts and all other instruments necessary or convenient for
52 the performance of the authority's duties and the exercise of the authority's powers and
53 functions under this chapter, including contracts with public and private providers;

54 (d) own, acquire, design, construct, operate, maintain, repair, and dispose of any
55 portion of a public safety communications network utilizing technology that is fiscally prudent,
56 upgradable, technologically advanced, redundant, and secure;

57 (e) borrow money and incur indebtedness;

58 (f) enter into agreements with public agencies, private persons, the state, and federal

59 government to provide public safety communications network services on terms and conditions
60 the authority considers to be in the best interest of the authority;

61 (g) acquire, by gift, grant, purchase, or by exercise of eminent domain, any real
62 property or personal property in connection with the acquisition and construction of a public
63 safety communications network and all related facilities and rights-of-way that the authority
64 owns, operates, and maintains;

65 (h) sell, lease, or trade public safety communications network capacity, except
66 backhaul network capacity, to a state agency, a political subdivision of the state, or an agency
67 of the federal government;

68 (i) sell, lease, or trade backhaul network capacity to a state agency, a political
69 subdivision of the state, or an agency of the federal government for a public safety purpose;

70 (j) sell, lease, or trade backhaul network capacity to a state agency, a political
71 subdivision of the state, or an agency of the federal government for a purpose other than a
72 public safety purpose, subject to a maximum of 50 megabytes per second in the aggregate at
73 any one location;

74 (k) subject to Subsection (2):

75 (i) sell, lease, or trade backhaul network capacity to a private person for a public safety
76 purpose, subject to a maximum of 50 megabytes per second in the aggregate at any one
77 location; or

78 (ii) sell, lease, or trade public safety communications network capacity, except
79 backhaul network capacity, to a private person for any purpose;

80 (l) sell, lease, or trade public safety communications network capacity, if the sale,
81 lease, or trade is under an agreement the authority entered into before June 30, 2020, or under
82 an extension of an agreement that the authority entered into before June 30, 2020;

83 (m) review, approve, disapprove, or revise recommendations regarding the expenditure
84 of funds disbursed by the authority under this chapter; and

85 (n) perform all other duties authorized by this chapter.

86 (2) (a) For a sale, lease, or trade to a private person under Subsection (1)(k), the
87 authority shall require compensation from the private person that is:

88 (i) fair and reasonable;

89 (ii) competitively neutral;

- 90 (iii) nondiscriminatory;
- 91 (iv) open to public inspection; and
- 92 (v) established to promote access by multiple telecommunication facility providers[;
- 93 and].

94 [~~(vi) set after the authority conducts a market analysis to determine the fair and~~
 95 ~~reasonable value of public safety communications network capacity.]~~

96 [~~(b) The authority shall conduct the market analysis required under Subsection~~
 97 ~~(2)(a)(vi):]~~

- 98 [~~(i) before a sale, lease, or trade to a private person under Subsection (1)(k), and]~~
- 99 [~~(ii) thereafter no less frequently than every five years.]~~

100 [~~(e)~~] (b) (i) Compensation charged under Subsection (2)(a) may be cash, in-kind, or a
 101 combination of cash and in-kind.

102 (ii) In-kind compensation may not be charged without the agreement of the authority
 103 and the private person who will pay the in-kind compensation.

104 (iii) The authority shall determine the present value of any in-kind compensation based
 105 on the incremental cost to the private person.

106 (iv) The authority shall require the value of any in-kind compensation or combination
 107 of cash and in-kind compensation to be at least the amount of cash that would be paid if
 108 compensation were cash only.

109 (3) The authority shall work with PSAPs to identify and address deficiencies relating to
 110 PSAP staffing and training.

111 Section 3. Section **63H-7a-304.5** is amended to read:

112 **63H-7a-304.5. Distributions from 911 account to qualifying PSAPs.**

113 (1) As used in this section:

114 (a) "Certified statement" means a statement signed by a PSAP's director or other
 115 authorized administrator certifying the PSAP's compliance with the requirements of Subsection
 116 (2)(a).

117 (b) "Fiscal year" means the period from July 1 of one year to June 30 of the following
 118 year.

119 (c) "Proportionate share" means a percentage derived by dividing a PSAP's average
 120 911 call volume, as reported to the State Tax Commission under Section [69-2-302](#), for the

121 preceding three years by the total of the average 911 call volume for the same three-year period
122 for all PSAPs that have submitted a certified statement seeking a distribution of the applicable
123 remaining funds.

124 (d) "Qualifying PSAP" means a PSAP that:

125 (i) meets the requirements of Subsection (2)(a) for the period for which remaining
126 funds are sought; and

127 (ii) submits a timely certified statement to the authority.

128 (e) "Remaining funds" means the money remaining in the 911 account after deducting:

129 (i) disbursements under Subsections 63H-7a-304(2)(a), (3), and (4);

130 (ii) authority expenditures or disbursements in accordance with the authority's strategic
131 plan, including expenditures or disbursements to pay for:

132 (A) implementing, maintaining, or upgrading the public safety communications
133 network or statewide 911 phone system; and

134 (B) authority overhead for managing the 911 portion of the public safety
135 communications network; and

136 (iii) money that the board determines should remain in the 911 account for future use.

137 (f) "Required transfer rate" means:

138 (i) a transfer rate of no more than 2%; or

139 (ii) for a PSAP with a transfer rate for the fiscal year ending June 30, 2020, that is
140 greater than 2%, and until June 30, 2023, the transfer rate that meets the requirement for the
141 applicable period under Subsection 69-2-204(3)(a), (b), or (c).

142 (g) "Transfer rate" means the same as that term is defined in Section 69-2-204.

143 (2) (a) To qualify for a proportionate share of remaining funds, a PSAP shall, for the
144 period for which remaining funds are sought:

145 (i) have answered:

146 (A) 90% of all 911 calls arriving at the PSAP within 15 seconds; and

147 (B) 95% of all 911 calls arriving at the PSAP within 20 seconds;

148 (ii) have adopted and be using the statewide CAD-to-CAD call handling and 911 call
149 transfer protocol adopted by the board under Subsection 63H-7a-204(17);

150 (iii) have participated in the authority's annual interoperability exercise; ~~and~~

151 (iv) have complied with the required transfer rate[-]; and

152 (v) be designated as an emergency medical service dispatch center according to Section
153 26-8a-303.

154 (b) A PSAP that seeks a proportionate share of remaining funds shall submit a certified
155 statement to the authority no later than July 31 following the end of the fiscal year for which
156 remaining funds are sought.

157 (c) Notwithstanding Subsection (2)(a):

158 (i) a qualifying PSAP in a county with multiple PSAPs does not qualify for a
159 proportionate share of remaining funds for a period beginning after June 30, 2023, unless every
160 PSAP in that county is a qualifying PSAP; and

161 (ii) a PSAP described in Subsection 69-2-203(5) does not qualify for remaining funds.

162 (3) (a) Subject to Subsection (3)(b) [~~and beginning after July 2021~~], for PSAPs that
163 have become qualifying PSAPs for the previous fiscal year the authority shall distribute to each
164 qualifying PSAP that PSAP's proportionate share of the remaining funds.

165 (b) The authority may not distribute more than [~~+15%~~] 20% of remaining funds to any
166 single PSAP.

167 (4) All money that a PSAP receives under this section is subject to Section 69-2-301.

168 Section 4. Section **63H-7a-402** is amended to read:

169 **63H-7a-402. Radio Network Division duties.**

170 (1) The Radio Network Division shall:

171 (a) provide and maintain the public safety communications network for [~~state agencies~~
172 ~~and local government public safety agencies~~] all political subdivisions in the state within the
173 authority network, including the existing VHF and 700 and 800 MHz networks, in a manner
174 that:

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

176 (ii) evaluates the benefits, cost, existing facilities, equipment, and services of public
177 and private providers; and

178 (iii) where economically feasible, utilizes existing infrastructure to avoid duplication of
179 facilities, equipment, and services of providers of communication services;

180 (b) prior to issuing one or more requests for proposal:

181 (i) prepare a report demonstrating the Radio Network Division has:

182 (A) identified the locations and functional capabilities of existing public and private

183 communications facilities in the state;

184 (B) specifically evaluated the benefits, costs, and economic feasibility of utilizing
185 existing facilities, equipment, and services of public and private providers; and

186 (C) identified the public and private communications facilities that may be integrated
187 with the public safety communications network; and

188 (ii) present the report to the board at an open and public board meeting;

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

190 (i) an annual budget for the Radio Network Division;

191 (ii) an annual plan for the program funded by the Utah Statewide Radio System
192 Restricted Account created in Section [63H-7a-403](#); and

193 (iii) information required by the director to contribute to the comprehensive strategic
194 plan described in Section [63H-7a-206](#);

195 (d) recommend to the executive director administrative rules for approval by the board
196 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer
197 the program funded by the restricted account created in Section [63H-7a-403](#), including rules
198 that establish the criteria, standards, technology, equipment, and services that will qualify for
199 goods or services that are funded from the restricted accounts; and

200 (e) fulfill other duties assigned to the Radio Network Division under this chapter.

201 (2) The Radio Network Division may:

202 (a) recommend to the executive director to sell, lease, or otherwise dispose of
203 equipment or personal property purchased, leased, or belonging to the authority that is related
204 to the public safety communications network;

205 (b) recommend to the executive director to own, operate, or enter into contracts for the
206 public safety communications network;

207 (c) review information regarding:

208 (i) in aggregate, the number of radio service subscribers by service type in a political
209 subdivision; and

210 (ii) matters related to the public safety communications network;

211 (d) in accordance with Subsection (2)(c), request information from:

212 (i) local and state entities; and

213 (ii) public safety agencies; and

- 214 (e) employ outside consultants to study and advise the division on issues related to:
- 215 (i) the public safety communications network;
- 216 (ii) radio technologies and services;
- 217 (iii) microwave connectivity;
- 218 (iv) fiber connectivity; and
- 219 (v) public safety communication network connectivity and usage.

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

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

224 Section 5. Section 69-2-201 is amended to read:

225 **69-2-201. Public safety answering point -- Establishment -- Administration --**
 226 **Consolidation.**

227 (1) (a) A public agency may:

228 (i) operate a public safety answering point to provide 911 emergency service to any
 229 part of the geographic area within the public agency's jurisdiction;

230 (ii) subject to Subsection (1)(b), operate a public safety answering point with any other
 231 contiguous public agency to provide 911 emergency service to any part of the geographic area
 232 within the public agencies' jurisdictions; ~~[or]~~

233 (iii) operate a public safety answering point under an agreement with another public
 234 agency that existed before January 1, 2017, to provide 911 emergency service to any part of the
 235 geographic area within the public agencies' jurisdictions~~[-]; or~~

236 (iv) subject to Subsections (1)(b) and (c), operate a public safety answering point to
 237 provide 911 emergency service for all public safety agencies in a non-contiguous county of the
 238 fourth, fifth, or sixth class, if the public agency is located in a county of the fourth, fifth, or
 239 sixth class.

240 (b) A public agency that operates a public safety answering point in connection with ~~[a~~
 241 ~~contiguous]~~ another public agency shall:

242 (i) provide for the operation of the public safety answering point by interlocal
 243 agreement between the public agencies; and

244 (ii) submit a copy of the interlocal agreement each year to the director of the Utah

245 Communications Authority.

246 (c) A public agency that operates a public safety answering point described in

247 Subsection (1)(a)(iv) shall:

248 (i) promote interoperability among the public agencies served;

249 (ii) positively impact a large service territory;

250 (iii) annually qualify for disbursements as described in Section [63H-7a-304.5](#); and

251 (iv) maintain ta designation as an emergency medical service dispatch center as

252 described in Section [26-8a-303](#).

253 (2) Except as provided in Subsection (3), a public agency may not establish a dispatch
254 center or a public safety answering point after January 1, 2017.

255 (3) (a) A public agency that operates a public safety answering point established before
256 January 1, 2017, may:

257 (i) continue to operate the public safety answering point; or

258 (ii) physically consolidate the public safety answering point with another public safety
259 answering point operated by another contiguous public agency or consolidate with a
260 non-contiguous county in accordance with Subsection (1)(a)(iv).

261 (b) A county may establish a public safety answering point on or after January 1, 2017,
262 if no public safety answering point exists in the county.

263 (4) A public agency may, in order to provide funding for operating a public safety
264 answering point:

265 (a) seek funds from the federal or state government;

266 (b) seek funds appropriated by local governmental taxing authorities to fund a public
267 safety agency; or

268 (c) seek gifts, donations, or grants from a private person.

269 (5) (a) Each dispatch center in the state shall enter into an interlocal agreement with the
270 governing authority of a public safety answering point that serves the county [where] for which
271 the dispatch center [is located that provides for:] provides dispatch services.

272 (b) The agreement listed in Subsection (5)(a) shall provide for:

273 ~~[(a)]~~ (i) functional consolidation of the dispatch center with the public safety answering
274 point that allows for dispatching to occur without the caller being transferred; and

275 ~~[(b)]~~ (ii) a plan for the public safety answering point to provide 911 emergency service

276 to the geographic area served by the dispatch center that meets the requirements of Section
277 63H-7a-304.5.

278 (6) (a) No public entity may cause or allow a 911 or emergency call box
279 communication to be redirected to any network other than to the 911 emergency service
280 network.

281 (b) Each public entity shall comply with Subsection (6)(a) on or before July 1, 2019,
282 and thereafter.

283 (7) A special service district that operates a public safety answering point or a dispatch
284 center:

285 (a) shall administer the public safety answering point or dispatch center in accordance
286 with Title 17D, Chapter 1, Special Service District Act; and

287 (b) may raise funds, borrow money, or incur indebtedness for the purpose of
288 maintaining the public safety answering point or the dispatch center in accordance with:

289 (i) Section 17D-1-105; and

290 (ii) Section 17D-1-103.

291 (8) [~~No later than January 1, 2021, a~~] A public safety answering point and dispatch
292 center shall adopt the statewide CAD-to-CAD call handling and 911 call transfer protocol
293 adopted by the Utah Communications Authority board under Subsection 63H-7a-204(17).

294 Section 6. Section **69-2-203** is amended to read:

295 **69-2-203. Audit of public safety answering points within a county -- Reports --**

296 **Consequence of failure to comply.**

297 (1) A county that by June 30, 2024₂, has not achieved a transfer rate, as defined in
298 Section 69-2-204, of 2% or less shall:

299 (a) utilize a qualified third party to conduct an audit of each public safety answering
300 point within the county; and

301 (b) require the audit to be completed no later than January 1, 2025.

302 (2) The audit described in Subsection (1) shall evaluate:

303 (a) how best to provide the emergency services within the county;

304 (b) what needs to happen for the PSAPs within the county to achieve a transfer rate, as
305 defined in Section 69-2-204, of 2% or less; [~~and~~]

306 (c) whether the county could provide more cost efficient emergency service or improve

307 public safety by establishing a single public safety answering point for the county[-]; and
308 (d) the extent to which the dispatch center's policies, procedures, or interlocal
309 agreements cause a PSAP to experience difficulty in meeting the requirements of Section
310 63H-7a-304.5.

311 (3) (a) Each public safety answering point shall participate and cooperate in the audit
312 described in Subsection (1).

313 (b) A public safety answering point that fails to participate and cooperate in the audit
314 as described in Subsection (1) is ineligible for funding or services provided by the Unified
315 Statewide 911 Emergency Services Account described in Section 63H-7a-304.

316 (4) No later than February 28, 2025, a county required to have an audit conducted
317 under Subsection (1) shall submit to the Utah Communications Authority:

318 (a) a copy of the audit report; and

319 (b) a written plan of how and when the county will implement the audit
320 recommendations.

321 (5) A PSAP in a county that fails to comply with the requirements of this section does
322 not qualify for a distribution of funds under Section 63H-7a-304.5 for the entire calendar year
323 in which the PSAP does not qualify.

324 Section 7. Section 69-2-204 is amended to read:

325 **69-2-204. Public safety answering point 911 call transfer rate requirements.**

326 (1) As used in this section:

327 (a) "Fiscal year" means the period from July 1 of one year to June 30 of the following
328 year.

329 (b) (i) "Transfer rate" means the percentage of 911 calls that are:

330 [(†)] (A) received by a public safety answering point during a fiscal year; and

331 [(††)] (B) transferred to another location in the state.

332 (ii) "Transfer rate" does not include transfers from a public safety answering point to
333 988 services or poison control.

334 (2) Subject to Subsection (3), a public safety answering point shall maintain a transfer
335 rate that is no more than 2%.

336 (3) A public safety answering point with a transfer rate for the fiscal year ending June
337 30, 2020, that is greater than 2% shall:

338 (a) for the fiscal year ending June 30, 2021, reduce the public safety answering point's
339 transfer rate to at least 5% less than the transfer rate for the fiscal year ending June 30, 2020;

340 (b) for the fiscal year ending June 30, 2022, reduce the public safety answering point's
341 transfer rate:

342 (i) to at least 15% less than the transfer rate for the fiscal year ending June 30, 2020; or

343 (ii) to at least 10% less than the transfer rate for the fiscal year ending June 30, 2021;

344 and

345 (c) for the fiscal year ending June 30, 2023, reduce the public safety answering point's

346 transfer rate to no more than 5%.