

Senator Wayne A. Harper proposes the following substitute bill:

UTAH COMMUNICATIONS AUTHORITY AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Ryan D. Wilcox

LONG TITLE

General Description:

This bill makes changes to the Utah Communications Authority Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the Retirement and Independent Entities Committee to provide recommendations regarding the Utah Communications Authority (authority) to the Legislative Management Committee, including a plan to transition the authority to a division within the Department of Public Safety;
- ▶ requires the governor to appoint the executive director of the authority;
- ▶ 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.



26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 This bill provides a special effective date.

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **63E-1-202**, as last amended by Laws of Utah 2002, Chapter 250

33 **63H-7a-102**, as last amended by Laws of Utah 2019, Chapter 509

34 **63H-7a-202**, as last amended by Laws of Utah 2020, Chapter 368

35 **63H-7a-204**, as last amended by Laws of Utah 2020, Chapter 368

36 **63H-7a-205**, as last amended by Laws of Utah 2020, Chapter 294

37 **63H-7a-304.5**, as enacted by Laws of Utah 2020, Chapter 368

38 **63H-7a-402**, as last amended by Laws of Utah 2019, Chapter 509

39 **69-2-201**, as last amended by Laws of Utah 2020, Chapter 368

40 **69-2-203**, as last amended by Laws of Utah 2020, Chapter 368

41 **69-2-204**, as enacted by Laws of Utah 2020, Chapter 368



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

44 Section 1. Section **63E-1-202** is amended to read:

45 **63E-1-202. Duties of the committee.**

46 (1) The committee shall:

47 (a) study the scope of this title and determine what entities should be treated under this
48 title as independent entities;

49 (b) study the provisions of the Utah Code that govern each independent entity,
50 including whether or not there should be consistency in these provisions;

51 (c) study what provisions of the Utah Code, if any, from which each independent entity
52 should be exempted;

53 (d) study whether or not the state should receive services from or provide services to
54 each independent entity;

55 (e) request and hear reports from each independent entity;

56 (f) review the annual audit of each independent entity that is performed in accordance

57 with the statutes governing the independent entity;

58 (g) comply with Part 3, Creation of Independent Entities, in reviewing a proposal to
59 create a new independent entity;

60 (h) if the committee recommends a change in the organizational status of an
61 independent entity as provided in Subsection (2) and subject to Part 4, Privatization of
62 Independent Entities, recommend the appropriate method of changing the organizational status
63 of the independent entity;

64 (i) study the following concerning an entity created by local agreement under Title 11,
65 Chapter 13, Interlocal Cooperation Act, if the state is a party to the agreement creating the
66 entity:

67 (i) whether or not the entity should be subject to this chapter;

68 (ii) whether or not the state should receive services from or provide services to the
69 entity;

70 (iii) reporting and audit requirements for the entity; and

71 (iv) the need, if any, to modify statutes related to the entity;

72 (j) make a recommendation on the organizational status of each independent entity
73 prior to the 2002 General Session; and

74 (k) report annually to the Legislative Management Committee by no later than the
75 Legislative Management Committee's November meeting.

76 (2) The committee may:

77 (a) establish a form for any report required under Subsection (1);

78 (b) make recommendations to the Legislature concerning the organizational status of
79 an independent entity;

80 (c) advise the Legislature concerning issues involving independent entities; and

81 (d) study issues related to the implementation of Title 49, Utah State Retirement and
82 Insurance Benefit Act.

83 (3) (a) By the November 2023 Legislative Management Committee meeting, the
84 committee shall provide to the Legislative Management Committee specific recommendations
85 for the Utah Communications Authority.

86 (b) The report described in Subsection (3)(a) shall include recommendations regarding:

87 (i) the Utah Communication Authority's:

- 88 (A) administration;
- 89 (B) financial accountability;
- 90 (C) current and future needs;
- 91 (D) assets; and
- 92 (E) history;
- 93 (ii) any need to modify statutes related to the entity; and
- 94 (iii) a plan to transition the Utah Communication Authority to a division of the
- 95 Department of Public Safety.

96 Section 2. Section **63H-7a-102** is amended to read:

97 **63H-7a-102. Utah Communications Authority -- Purpose.**

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

100 (2) The Utah Communications Authority shall:

101 (a) provide administrative and financial support for statewide 911 emergency services;
102 and

103 (b) establish and maintain a statewide public safety communications network for [~~state~~
104 ~~agencies, public safety agencies, and public safety answering points.] all state, city, county, and~~

105 local governmental entities.

106 Section 3. Section **63H-7a-202** is amended to read:

107 **63H-7a-202. Powers and duties of the Utah Communications Authority.**

108 (1) The authority has the power to:

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

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

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

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

117 (e) borrow money and incur indebtedness;

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

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

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

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

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

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

134 (k) subject to Subsection (2):

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

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

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

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

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

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

148 (i) at fair market prices and reasonable;

149 (ii) competitively neutral;

- 150 (iii) nondiscriminatory;
- 151 (iv) open to public inspection; and
- 152 (v) established to promote access by multiple telecommunication facility providers[;
- 153 and].

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

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

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

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

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

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

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

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

171 Section 4. Section **63H-7a-204** is amended to read:

172 **63H-7a-204. Utah Communications Authority Board powers and duties.**

173 The board shall:

- 174 (1) manage the affairs and business of the authority consistent with this chapter;
- 175 (2) adopt bylaws;

176 [~~(3) appoint an executive director to administer the authority;]~~

177 [~~(4)~~] (3) receive and act upon reports covering the operations of the public safety
 178 communications network and funds administered by the authority;

179 [~~(5)~~] (4) receive and act upon reports from the Radio Network Division prepared
 180 pursuant to Subsection **63H-7a-402**(1)(b) that identify the benefits, costs, and economic

181 feasibility of using existing public or private facilities, equipment, or services consistent with
182 Subsections 63H-7a-402(1)(a) and 63H-7a-404(2)(c), prior to issuing or approving a request
183 for proposal;

184 ~~[(6)]~~ (5) ensure that the public safety communications network and funds are
185 administered according to law;

186 ~~[(7)]~~ (6) examine and approve an annual operating budget for the authority;

187 ~~[(8)]~~ (7) receive and act upon recommendations of the director;

188 ~~[(9)]~~ (8) recommend to the governor and Legislature legislation involving the public
189 safety communications network;

190 ~~[(10)]~~ (9) develop policies for the long-term operation of the authority and the
191 performance of the authority's functions;

192 ~~[(11)]~~ (10) authorize the executive director to enter into agreements on behalf of the
193 authority;

194 ~~[(12)]~~ (11) provide for the management and administration of the public safety
195 communications network by rule made in accordance with Title 63G, Chapter 3, Utah
196 Administrative Rulemaking Act;

197 ~~[(13)]~~ (12) exercise the powers and perform the duties conferred on the board by this
198 chapter;

199 ~~[(14)]~~ (13) consider issues and information received from the public safety advisory
200 committee and the PSAP advisory committee;

201 ~~[(15)]~~ (14) provide for audits of the authority;

202 ~~[(16)]~~ (15) establish the following divisions within the authority:

203 (a) 911 Division;

204 (b) Radio Network Division;

205 (c) Interoperability Division; and

206 (d) Administrative Services Division; and

207 ~~[(17)]~~ (16) on or before November 30, 2020, adopt a statewide CAD-to-CAD call
208 handling and 911 call transfer protocol, after receiving the PSAP advisory committee's
209 proposal under Subsection 63H-7a-208(9).

210 Section 5. Section 63H-7a-205 is amended to read:

211 **63H-7a-205. Executive director -- Appointment -- Powers and duties.**

212 (1) (a) The governor shall, with advice and consent of the Senate, appoint an executive
213 director.

214 (b) The governor shall appoint an executive director within 30 days of the effective
215 date, but no later than June 1, 2023.

216 (2) The executive director shall:

217 [~~(1)~~] (a) ~~serve at the pleasure of the board; and]~~

218 [~~(b)~~] (a) act as the executive officer of the authority;

219 [~~(2)~~] (b) administer the duties, programs, and functions assigned to the authority;

220 [~~(3)~~] (c) recommend administrative rules and policies to the board;

221 [~~(4)~~] (d) execute contracts on behalf of the authority;

222 [~~(5)~~] (e) recommend to the board any changes in statutes affecting the authority;

223 [~~(6)~~] (f) recommend to the board an annual administrative budget covering

224 administration, management, and operations of the authority;

225 [~~(7)~~] (g) with board approval, direct and control authority expenditures;

226 [~~(8)~~] (h) within the limitations of the budget, employ personnel, consultants, a financial

227 officer, and legal counsel to provide professional services and advice regarding the

228 administration of the authority; and

229 [~~(9)~~] (i) submit and make available to the public a report before December of each year

230 to the board, the Executive Offices and Criminal Justice Appropriations Subcommittee, and the

231 Legislative Management Committee that includes:

232 [~~(a)~~] (i) the total aggregate surcharge collected by the state in the last fiscal year under
233 Title 69, Chapter 2, Part 4, Prepaid Wireless Telecommunications Service Charges;

234 [~~(b)~~] (ii) the amount of each disbursement from the restricted accounts described in:

235 [~~(i)~~] (A) Section 63H-7a-303;

236 [~~(ii)~~] (B) Section 63H-7a-304; and

237 [~~(iii)~~] (C) Section 63H-7a-403;

238 [~~(e)~~] (iii) the recipient of each disbursement, the goods and services received, and a
239 description of the project funded by the disbursement;

240 [~~(d)~~] (iv) any conditions placed by the authority on the disbursements from a restricted
241 account;

242 [~~(e)~~] (v) the anticipated expenditures from the restricted accounts described in this

243 chapter for the next fiscal year;
244 [(f)] (vi) the amount of any unexpended funds carried forward;
245 [(g)] (vii) the goals for implementation of the authority strategic plan and the progress
246 report of accomplishments and updates to the plan; and
247 [(h)] (viii) other relevant justification for ongoing support from the restricted accounts
248 created by Sections [63H-7a-303](#), [63H-7a-304](#), and [63H-7a-403](#).

249 Section 6. Section **63H-7a-304.5** is amended to read:
250 **63H-7a-304.5. Distributions from 911 account to qualifying PSAPs.**

251 (1) As used in this section:
252 (a) "Certified statement" means a statement signed by a PSAP's director or other
253 authorized administrator certifying the PSAP's compliance with the requirements of Subsection
254 (2)(a).

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

257 (c) "Proportionate share" means a percentage derived by dividing a PSAP's average
258 911 call volume, as reported to the State Tax Commission under Section [69-2-302](#), for the
259 preceding three years by the total of the average 911 call volume for the same three-year period
260 for all PSAPs that have submitted a certified statement seeking a distribution of the applicable
261 remaining funds.

262 (d) "Qualifying PSAP" means a PSAP that:
263 (i) meets the requirements of Subsection (2)(a) for the period for which remaining
264 funds are sought; and
265 (ii) submits a timely certified statement to the authority.

266 (e) "Remaining funds" means the money remaining in the 911 account after deducting:
267 (i) disbursements under Subsections [63H-7a-304](#)(2)(a), (3), and (4);
268 (ii) authority expenditures or disbursements in accordance with the authority's strategic
269 plan, including expenditures or disbursements to pay for:

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

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

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

275 (f) "Required transfer rate" means:

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

277 (ii) for a PSAP with a transfer rate for the fiscal year ending June 30, 2020₂ that is
278 greater than 2%, and until June 30, 2023, the transfer rate that meets the requirement for the
279 applicable period under Subsection 69-2-204(3)(a), (b), or (c).

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

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

283 (i) have answered:

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

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

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

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

289 (iv) have complied with the required transfer rate~~[-:]; and~~

290 (v) be designated as an emergency medical service dispatch center according to Section
291 26-8a-303.

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

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

296 (i) a qualifying PSAP in a county with multiple PSAPs does not qualify for a
297 proportionate share of remaining funds for a period beginning after June 30, 2023₂ unless every
298 PSAP in that county is a qualifying PSAP; and

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

300 (3) (a) Subject to Subsection (3)(b) ~~[and beginning after July 2021]~~₂ for PSAPs that
301 have become qualifying PSAPs for the previous fiscal year the authority shall distribute to each
302 qualifying PSAP that PSAP's proportionate share of the remaining funds.

303 (b) The authority may not distribute more than ~~[+5%]~~ 20% of remaining funds to any
304 single PSAP.

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

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

307 **63H-7a-402. Radio Network Division duties.**

308 (1) The Radio Network Division shall:

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

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

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

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

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

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

320 (A) identified the locations and functional capabilities of existing public and private
321 communications facilities in the state;

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

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

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

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

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

329 (ii) an annual plan for the program funded by the Utah Statewide Radio System

330 Restricted Account created in Section 63H-7a-403; and

331 (iii) information required by the director to contribute to the comprehensive strategic
332 plan described in Section 63H-7a-206;

333 (d) recommend to the executive director administrative rules for approval by the board
334 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer
335 the program funded by the restricted account created in Section 63H-7a-403, including rules

336 that establish the criteria, standards, technology, equipment, and services that will qualify for
337 goods or services that are funded from the restricted accounts; and

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

339 (2) The Radio Network Division may:

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

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

345 (c) review information regarding:

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

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

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

350 (i) local and state entities; and

351 (ii) public safety agencies; and

352 (e) employ outside consultants to study and advise the division on issues related to:

353 (i) the public safety communications network;

354 (ii) radio technologies and services;

355 (iii) microwave connectivity;

356 (iv) fiber connectivity; and

357 (v) public safety communication network connectivity and usage.

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

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

362 Section 8. Section **69-2-201** is amended to read:

363 **69-2-201. Public safety answering point -- Establishment -- Administration --**

364 **Consolidation.**

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

366 (i) operate a public safety answering point to provide 911 emergency service to any

367 part of the geographic area within the public agency's jurisdiction;

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

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

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

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

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

382 (ii) submit a copy of the interlocal agreement each year to the director of the Utah
383 Communications Authority.

384 (c) A public agency that operates a public safety answering point described in
385 Subsection (1)(a)(iv) shall:

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

387 (ii) positively impact a large service territory;

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

389 (iv) maintain a designation as an emergency medical service dispatch center as
390 described in Section [26-8a-303](#).

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

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

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

396 (ii) physically consolidate the public safety answering point with another public safety
397 answering point operated by another contiguous public agency or consolidate with a

398 non-contiguous county in accordance with Subsection (1)(a)(iv).

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

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

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

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

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

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

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

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

413 ~~[(b)]~~ (ii) a plan for the public safety answering point to provide 911 emergency service
414 to the geographic area served by the dispatch center that meets the requirements of Section
415 [63H-7a-304.5](#).

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

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

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

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

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

427 (i) Section [17D-1-105](#); and

428 (ii) Section [17D-1-103](#).

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

432 Section 9. Section **69-2-203** is amended to read:

433 **69-2-203. Audit of public safety answering points within a county -- Reports --**
434 **Consequence of failure to comply.**

435 (1) A county that by June 30, 2024, has not achieved a transfer rate, as defined in
436 Section 69-2-204, of 2% or less shall:

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

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

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

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

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

444 (c) whether the county could provide more cost efficient emergency service or improve
445 public safety by establishing a single public safety answering point for the county~~[-]; and~~

446 (d) the extent to which the dispatch center's policies, procedures, or interlocal
447 agreements cause a PSAP to experience difficulty in meeting the requirements of Section
448 63H-7a-304.5.

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

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

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

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

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

459 (5) A PSAP in a county that fails to comply with the requirements of this section does

460 not qualify for a distribution of funds under Section 63H-7a-304.5 for the entire calendar year
461 in which the PSAP does not qualify.

462 Section 10. Section **69-2-204** is amended to read:

463 **69-2-204. Public safety answering point 911 call transfer rate requirements.**

464 (1) As used in this section:

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

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

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

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

470 (ii) "Transfer rate" does not include transfers from a public safety answering point to
471 988 services or poison control.

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

474 (3) A public safety answering point with a transfer rate for the fiscal year ending June
475 30, 2020, that is greater than 2% shall:

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

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

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

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

482 and

483 (c) for the fiscal year ending June 30, 2023, reduce the public safety answering point's
484 transfer rate to no more than 5%.

485 Section 11. **Effective date.**

486 If approved by two-thirds of all the members elected to each house, this bill takes effect
487 upon approval by the governor, or the day following the constitutional time limit of Utah
488 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
489 the date of veto override.