

Emergency Communications Modifications

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David Shallenberger

Senate Sponsor: Wayne A. Harper

LONG TITLE

General Description:

This bill modifies provisions related to public safety answering point qualifications for proportionate share funding.

Highlighted Provisions:

This bill:

- prohibits nonvoting board members from attending closed portions of board meetings;
- changes the comprehensive strategic plan review cycle from annual to every three years;
- requires periodic review and updates of the statewide CAD-to-CAD protocol;
- removes the requirement that all public safety answering points in a county must qualify for a proportionate share of remaining funds for any public safety answering point in that county to receive funds; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63H-7a-203, as last amended by Laws of Utah 2024, Chapter 357

63H-7a-206, as last amended by Laws of Utah 2024, Chapter 357

63H-7a-208, as last amended by Laws of Utah 2024, Chapter 21

63H-7a-304.5, as last amended by Laws of Utah 2024, Chapter 357

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

Section 1. Section **63H-7a-203** is amended to read:

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

- (1) There is created the Utah Communications Authority Board.
- (2) The board shall consist of nine voting board members and two nonvoting board members as follows:
 - (a) as voting members:
 - (i) three individuals appointed by the governor with the advice and consent of the Senate;
 - (ii) one individual who is not a legislator appointed by the speaker of the House of Representatives;
 - (iii) one individual who is not a legislator appointed by the president of the Senate;
 - (iv) two individuals nominated by an association that represents cities and towns in the state and appointed by the governor with the advice and consent of the Senate; and
 - (v) two individuals nominated by an association that represents counties in the state and appointed by the governor with the advice and consent of the Senate; and
 - (b) as nonvoting members, the chairs of the public safety advisory committee created in Section 63H-7a-207 and the PSAP advisory committee created in Section 63H-7a-208.
- (3) Subject to this section, an individual is eligible for appointment under Subsection (2) if the individual has knowledge of at least one of the following:
 - (a) law enforcement;
 - (b) public safety;
 - (c) fire service;
 - (d) telecommunications;
 - (e) finance;
 - (f) management; and
 - (g) government.
- (4) An individual may not serve as a voting board member if the individual is a current public safety communications network:
 - (a) user; or
 - (b) vendor.
- (5)(a)(i) Five of the board members appointed under Subsection (2)(a) shall serve an initial term of two years and four of the board members appointed under Subsection (2)(a) shall serve an initial term of four years.

- 62 (ii) Successor board members shall each serve a term of four years.
- 63 (b)(i) The governor may remove a board member with cause.
- 64 (ii) If the governor removes a board member the entity that appointed the board
- 65 member under Subsection (2)(a) shall appoint a replacement board member in the
- 66 same manner as described in Subsection (2)(a).
- 67 (6)(a) The governor shall, after consultation with the board, appoint a voting board
- 68 member as chair of the board.
- 69 (b) The chair shall serve a two-year term.
- 70 (7) The board shall meet on an as-needed basis and as provided in the bylaws.
- 71 (8)(a) The board shall elect one of the board members to serve as vice chair.
- 72 (b)(i) The board may elect a secretary and treasurer who are not members of the
- 73 board.
- 74 (ii) If the board elects a secretary or treasurer who is not a member of the board, the
- 75 secretary or treasurer does not have voting power.
- 76 (c) A separate individual shall hold the offices of chair, vice chair, secretary, and
- 77 treasurer.
- 78 (9) Except for the nonvoting members described in Subsection (2)(b), each board member,
- 79 including the chair, has one vote.
- 80 (10) A nonvoting member described in Subsection (2)(b) may not attend closed portions of
- 81 board meetings.
- 82 ~~[(10)]~~ (11) A vote of a majority of the board members is necessary to take action on behalf
- 83 of the board.
- 84 ~~[(11)]~~ (12) A board member may not receive compensation for the member's service on the
- 85 board, but may, in accordance with rules adopted by the board in accordance with Title
- 86 63G, Chapter 3, Utah Administrative Rulemaking Act, receive:
- 87 (a) a per diem at the rate established under Section 63A-3-106; and
- 88 (b) travel expenses at the rate established under Section 63A-3-107.
- 89 Section 2. Section **63H-7a-206** is amended to read:
- 90 **63H-7a-206 . Required annual reporting and strategic plan.**
- 91 (1) The authority shall create, maintain, and review ~~[annually]~~ a statewide, comprehensive
- 92 multiyear strategic plan, in consultation with state and local stakeholders, the PSAP
- 93 advisory committee, and the public safety advisory committee, that:
- 94 (a) coordinates the authority's activities and duties in the:
- 95 (i) 911 Division;

- 96 (ii) Radio Network Division;
97 (iii) Interoperability Division; and
98 (iv) Administrative Services Division; and
99 (b) includes:
100 (i) a plan for maintaining, upgrading, and expanding the public safety
101 communications network, including microwave and fiber optics based systems;
102 (ii) a plan for statewide interoperability;
103 (iii) a plan for statewide coordination;
104 (iv) radio network coverage maps; and
105 (v) FirstNet standards.
- 106 (2) The executive director shall update the strategic plan described in Subsection (1) every
107 three years before July 1 [~~of each year~~] beginning July 1, 2025.
- 108 (3) The executive director shall, before December 1 of each year, report on the strategic
109 plan described in Subsection (1) to:
110 (a) the board;
111 (b) the Executive Offices and Criminal Justice Appropriations Subcommittee;
112 (c) the Legislative Management Committee; and
113 (d) the Retirement and Independent Entities Interim Committee.
- 114 (4) Each report described in Subsection (3) shall include a description of the authority's
115 goals for implementation of the strategic plan and a progress report of accomplishments
116 and updates to the strategic plan.
- 117 (5) The authority shall consider the strategic plan described in Subsection (1) before
118 spending funds in the restricted accounts created by this chapter.
- 119 (6)(a) Following the close of each fiscal year, the executive director shall submit and
120 make available to the public an annual report of the authority's activities for the
121 preceding year to the governor, the board, the Executive Offices and Criminal Justice
122 Appropriations Subcommittee, the Legislative Management Committee, and the
123 Retirement and Independent Entities Interim Committee.
- 124 (b) Each report described in Subsection (6)(a) shall include:
125 (i) the agency's complete operating and financial statement for the preceding fiscal
126 year;
127 (ii) the total aggregate surcharge collected by the state in the last fiscal year under
128 Title 69, Chapter 2, Part 4, Prepaid Wireless Telecommunications Service
129 Charges;

- (iii) the amount of each disbursement from the restricted accounts described in:
- (A) Section 63H-7a-304; and
 - (B) Section 63H-7a-403;
- (iv) the recipient of each disbursement, the goods and services received, and a description of the project funded by the disbursement;
- (v) any conditions the authority placed on the disbursements from a restricted account;
- (vi) the anticipated expenditures from the restricted accounts described in this chapter for the next fiscal year;
- (vii) the amount of any unexpended funds carried forward; and
- (viii) other relevant justification for ongoing support from the restricted accounts created by:
- (A) Section 63H-7a-304; and
 - (B) Section 63H-7a-403.

Section 3. Section **63H-7a-208** is amended to read:

63H-7a-208 . PSAP advisory committee.

- (1) There is established a PSAP advisory committee composed of nine members appointed by the board as follows:
- (a) one representative from a PSAP managed by a city;
 - (b) one representative from a PSAP managed by a county;
 - (c) one representative from a PSAP managed by a special service district;
 - (d) one representative from a PSAP managed by the Department of Public Safety;
 - (e) one representative from a PSAP from a county of the first class;
 - (f) one representative from a PSAP from a county of the second class;
 - (g) one representative from a PSAP from a county of the third or fourth class;
 - (h) one representative from a PSAP from a county of the fifth or sixth class; and
 - (i) one member from the telecommunications industry.
- (2)(a) Except as provided in Subsection (2)(b), each member shall be appointed to a four-year term beginning July 1, 2019.
- (b) Notwithstanding Subsection (2)(a), the board shall:
- (i) at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of committee members are staggered so that the terms of approximately half of the committee end every two years; and
 - (ii) not reappoint a member for more than two consecutive terms.

- (3) If a vacancy occurs in the membership for any reason, the replacement shall be appointed by the board for the unexpired term.
- (4)(a) Each January, the committee shall organize and select one of its members as chair and one member as vice chair.
- (b) The committee may organize standing or ad hoc subcommittees, which shall operate in accordance with guidelines established by the committee.
- (5)(a) The chair shall convene a minimum of four meetings per year.
- (b) The chair may call special meetings.
- (c) The chair shall call a meeting upon request of five or more members of the committee.
- (6) Five members of the committee constitute a quorum for the transaction of business, and the action of a majority of the members present is the action of the committee.
- (7) A member may not receive compensation or benefits for the member's service.
- (8) The PSAP advisory committee shall, on behalf of stakeholders, make recommendations to the director and the board regarding:
- (a) the authority operations and policies;
- (b) the 911 division and interoperability division strategic plans;
- (c) the operation, maintenance, and capital development of the public safety communications network;
- (d) the authority's administrative rules relative to the 911 division and the interoperability division; and
- (e) the development of minimum standards and best practices as described in Subsection 63H-7a-302(1)(a).
- (9) ~~[No later than September 30, 2020, the]~~ The PSAP advisory committee shall ~~[propose to the board a statewide CAD-to-CAD call handling and 911 call transfer protocol.] :~~
- (a) review and propose updates to the board regarding the statewide CAD-to-CAD call handling and 911 call transfer protocol at least every three years; and
- (b) propose updates to the protocol as needed to address technological changes or operational needs.
- (10) The chair of the PSAP advisory committee is a nonvoting member of the board.
- (11)(a) The committee is not subject to Title 52, Chapter 4, Open and Public Meetings Act.
- (b) The committee shall:
- (i) at least 24 hours before a committee meeting, post a notice of the meeting, with a

- 198 meeting agenda, on the authority's website;
- 199 (ii) within 10 days after a committee meeting, post to the authority's website the
- 200 audio and draft minutes of the meeting; and
- 201 (iii) within three days after the committee approves minutes of a committee meeting,
- 202 post the approved minutes to the authority's website.
- 203 (c) The committee's vice chair is responsible for preparing minutes of committee
- 204 meetings.
- 205 (12) On or before December 31, 2024, the PSAP advisory committee shall coordinate with
- 206 the State Bureau of Investigation to use the intelligence system described in Subsections
- 207 53-10-302(7) and (8) to:
- 208 (a) establish the information a PSAP is required to submit to the intelligence system; and
- 209 (b) create a format for submitting information.
- 210 Section 4. Section **63H-7a-304.5** is amended to read:
- 211 **63H-7a-304.5 . Distributions from 911 account to qualifying PSAPs.**
- 212 (1) As used in this section:
- 213 (a) "Certified statement" means a statement signed by a PSAP's director or other
- 214 authorized administrator certifying the PSAP's compliance with the requirements of
- 215 Subsection (2)(a).
- 216 (b) "Fiscal year" means the period from July 1 of one year to June 30 of the following
- 217 year.
- 218 (c) "Proportionate share" means a percentage derived by dividing a PSAP's average 911
- 219 call volume, as reported to the State Tax Commission under Section 69-2-302, for the
- 220 preceding three years by the total of the average 911 call volume for the same
- 221 three-year period for all PSAPs that have submitted a certified statement seeking a
- 222 distribution of the applicable remaining funds.
- 223 (d) "Qualifying PSAP" means a PSAP that:
- 224 (i) meets the requirements of Subsection (2)(a) for the period for which remaining
- 225 funds are sought; and
- 226 (ii) submits a timely certified statement to the authority.
- 227 (e) "Remaining funds" means the money remaining in the 911 account after deducting:
- 228 (i) disbursements under Subsections 63H-7a-304(2)(a), (3), and (4);
- 229 (ii) authority expenditures or disbursements in accordance with the authority's
- 230 strategic plan, including expenditures or disbursements to pay for:
- 231 (A) implementing, maintaining, or upgrading the public safety communications

- 232 network or statewide 911 phone system; and
- 233 (B) authority overhead for managing the 911 portion of the public safety
- 234 communications network; and
- 235 (iii) money that the board determines should remain in the 911 account for future use.
- 236 (f) "Required transfer rate" ~~[means]~~ means a transfer rate of no more than 2%.
- 237 (g) "Transfer rate" means the same as that term is defined in Section 69-2-204.
- 238 (2)(a) To qualify for a proportionate share of remaining funds, a PSAP shall, for the
- 239 period for which remaining funds are sought:
- 240 (i) have answered:
- 241 (A) 90% of all 911 calls arriving at the PSAP within 15 seconds; and
- 242 (B) 95% of all 911 calls arriving at the PSAP within 20 seconds;
- 243 (ii) have adopted and be using the statewide CAD-to-CAD call handling and 911 call
- 244 transfer protocol adopted by the board under Subsection 63H-7a-204(17);
- 245 (iii) have participated in the authority's annual interoperability exercise;
- 246 (iv) have complied with the required transfer rate; and
- 247 (v) be designated as an emergency medical service dispatch center according to
- 248 Section ~~[26B-4-117]~~ 53-2d-403.
- 249 (b) A PSAP that seeks a proportionate share of remaining funds shall submit a certified
- 250 statement to the authority no later than July 31 following the end of the fiscal year for
- 251 which remaining funds are sought.
- 252 (c) Notwithstanding Subsection (2)(a) ~~[:]~~ ,
- 253 ~~[(i) a qualifying PSAP in a county with multiple PSAPs does not qualify for a~~
- 254 ~~proportionate share of remaining funds for a period beginning after June 30, 2023,~~
- 255 ~~unless every PSAP in that county is a qualifying PSAP; and]~~
- 256 ~~[(ii)]~~ a PSAP described in Subsection 69-2-203(5) does not qualify for remaining
- 257 funds.
- 258 (3)(a) Subject to Subsection (3)(b), for PSAPs that have become qualifying PSAPs for
- 259 the previous fiscal year the authority shall distribute to each qualifying PSAP that
- 260 PSAP's proportionate share of the remaining funds.
- 261 (b) The authority may not distribute more than 20% of remaining funds to any single
- 262 PSAP.
- 263 (4) All money that a PSAP receives under this section is subject to Section 69-2-301.

264 **Section 5. Effective Date.**

265 This bill takes effect on May 7, 2025.