

1                                   **MANAGEMENT, ENHANCEMENT, AND**  
2                                   **FUNDING OF 911 SYSTEM**

3                                   2003 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Sponsor: Brad L. Dee**

6    Ty McCartney

7    **This act amends the Emergency Telephone Services Law and the Public Safety Code.**  
8    **The act creates a 19 cent per month state fee on telephone services for unified statewide**  
9    **911 emergency services. The act provides for the administration, collection, and**  
10   **enforcement of telephone 911 emergency fees by the State Tax Commission. The act**  
11   **deposits the telephone fees into a restricted account in the General Fund for unified**  
12   **statewide 911 emergency services. The act repeals the advisory Utah 911 Committee in**  
13   **the Bureau of Communications in the Department of Public Safety. The act creates a**  
14   **new state Utah 911 Committee in the Department of Public Safety to develop state**  
15   **standards for the unified 911 emergency system and to administer the fund. The act**  
16   **establishes criteria for the use of the fund. The act requires the Utah 911 Committee to**  
17   **report annually to Legislative Appropriations. The act authorizes local governments to**  
18   **increase the local levy on telephone services for 911 emergency services from a maximum**  
19   **of 53 cents per month to a maximum of 75 cents per month. The act makes technical**  
20   **amendments. The act has an effective date. This act has a coordination clause.**

21   This act affects sections of Utah Code Annotated 1953 as follows:

22   AMENDS:

23               **69-2-5**, as last amended by Chapter 320, Laws of Utah 2002

24   ENACTS:

25               **53-10-601**, Utah Code Annotated 1953

26               **53-10-602**, Utah Code Annotated 1953

27               **53-10-603**, Utah Code Annotated 1953



- 28           **53-10-604**, Utah Code Annotated 1953
- 29           **53-10-605**, Utah Code Annotated 1953
- 30           **53-10-606**, Utah Code Annotated 1953
- 31           **69-2-5.6**, Utah Code Annotated 1953

32 REPEALS:

33           **53-10-503**, as enacted by Chapter 269, Laws of Utah 2002

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

35           Section 1. Section **53-10-601** is enacted to read:

36                   **Part 6. Coordination of Statewide 911 Emergency Communications**

37           **53-10-601. Utah 911 Committee.**

38           (1) There is created within the division the Utah 911 Committee, consisting of the  
39 following ~~h [14] 15 h~~ members:

40           (a) the following representatives from Emergency Public Safety Answering Points:

41           (i) two from Salt Lake County;

42           (ii) one from Davis County;

43           (iii) one from Utah County; and

44           (iv) one from Weber County;

45           (b) one representative from an Emergency Public Safety Answering Point for each of  
46 the following associations of governments:

47           (i) Bear River Association;

48           (ii) Uintah Basin Association;

49           (iii) South East Association;

50           (iv) Six County Association; and

51           (v) Five County Association;

52           (c) the following people with knowledge of technology and equipment that might be  
53 needed for an emergency public safety answering system:

54           (i) a representative from a regulated local exchange carrier;

54a           ~~h~~ (ii) **A REPRESENTATIVE FROM A TELEPHONE COOPERATIVE HAVING LESS THAN 300**

54b **SUBSCRIBER ACCESS LINES IN THE STATE;** ~~h~~

55           ~~h [(iii)] (iii) h~~ a representative from a competitive local exchange carrier; and

56           ~~h [(iii)] (iv) h~~ a representative from a radio communications access line; and

57           (d) a representative from the Department of Public Safety.

58           (2) (a) Each committee member shall be appointed by the governor with the consent of

59 the Senate.

60 (b) The term of office of each member is four years, except that the governor shall  
61 appoint two representatives each from Subsections (1)(a), (b), and (c) to an initial two-year  
62 term.

63 (c) No member of the committee may serve more than two consecutive four-year terms.

64 (d) Each mid-term vacancy shall be filled for the unexpired term in the same manner as  
65 an appointment under Subsection (2)(a).

66 (3) (a) Committee members shall elect a chair from their number and establish rules for  
67 the organization and operation of the committee.

68 (b) Staff services to the committee:

69 (i) shall be provided by the division; and

70 (ii) may be provided by local entities through the Utah Association of Counties and the  
71 Utah League of Cities and Towns, with funds approved by the committee from those identified  
72 as available to local entities under Section 53-10-605.

73 (4) (a) No member may receive compensation or benefits for the member's service on  
74 the committee.

75 (b) (i) A member who is not a government officer or employee may be reimbursed for  
76 reasonable expenses incurred in the performance of the member's official duties at the rates  
77 established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

78 (ii) A member who is a government officer or employee and who does not receive  
79 expenses from the member's agency may be reimbursed for reasonable expenses incurred in the  
80 performance of the member's official duties at the rates established by the Division of Finance  
81 under Sections 63A-3-106 and 63A-3-107.

82 (c) A member may decline to be reimbursed for reasonable expenses incurred in the  
83 performance of the member's official duties.

84 (d) A member is not required to give bond for the performance of official duties.

85 Section 2. Section **53-10-602** is enacted to read:

86 **53-10-602. Committee's duties and powers.**

87 (1) The committee shall:

88 (a) review and make recommendations to the division, the Bureau of Communications,  
89 public safety answering points, and the Legislature on:

90 (i) technical and operational issues for the implementation of a unified statewide  
91 wireless and land-based 911 emergency system;

92 (ii) specific technology and standards for the implementation of a unified statewide  
93 wireless and land-based 911 emergency system; and

94 (iii) mapping systems and technology necessary to implement the unified statewide  
95 wireless and land-based 911 emergency system;

96 (b) administer the fund as provided in this part;

97 (c) assist as many local entities as possible, at their request, to implement the  
98 recommendations of the committee; and

99 (d) fulfill all other duties imposed on the committee by the Legislature by this part.

100 (2) The committee may sell, lease, or otherwise dispose of equipment or personal  
101 property belonging to the committee, the proceeds from which shall return to the fund.

102 (3) The committee shall adopt rules in accordance with Title 63, Chapter 46a, Utah  
103 Administrative Rulemaking Act, to administer the fund created in Section 53-10-603 including  
104 rules that establish the criteria, standards, technology, and equipment that a local entity or state  
105 agency must adopt in order to qualify for loans or grants from the fund.

106 Section 3. Section **53-10-603** is enacted to read:

107 **53-10-603. Creation of Statewide Unified 911 Emergency Service Fund.**

108 There is created a restricted account in the General Fund entitled the "Statewide Unified  
109 911 Emergency Service Fund," consisting of:

110 (1) proceeds from the fee imposed in Section 62-2-5.6;

111 (2) money appropriated or otherwise made available by the Legislature;

112 (3) repayments of any loan from the fund and interest paid on the loan; and

113 (4) contributions of money, property, or equipment from federal agencies, political  
114 subdivisions of the state, persons, or corporations.

115 Section 4. Section **53-10-604** is enacted to read:

116 **53-10-604. Committee expenses -- Tax Commission expenses -- Division of**  
117 **Finance responsibilities.**

118 (1) Committee expenses and the costs of administering loans or grants from the fund,  
119 as provided in Subsection (3) shall be paid from the fund.

120 (2) (a) The expenses and costs of the State Tax Commission to administer and enforce

121 the collection of the telephone levy imposed by Section 69-2-5.6 shall be paid from the fund.

122 (b) The State Tax Commission may charge the fund the administrative costs incurred  
123 in discharging the responsibilities imposed by Section 69-2-5.6.

124 (3) (a) The Division of Finance shall be responsible for the care, custody, safekeeping,  
125 collection, and accounting for loans or grants issued by the committee under the provisions of  
126 Section 53-10-605.

127 (b) The Division of Finance may charge the fund the administrative costs incurred in  
128 discharging the responsibilities imposed by Subsection (3)(a).

129 Section 5. Section **53-10-605** is enacted to read:

130 **53-10-605. Use of money in fund -- Criteria -- Administration.**

131 Subject to appropriation from the fund to:

132 (1) the committee, the committee may:

133 (a) authorize the use of the money in the fund, by grant or loan to a local entity or state  
134 agency in accordance with this Subsection (1):

135 (b) grant or loan to state agencies and local entities an amount not to exceed 15 cents  
136 per month levied on telephone services under Section 69-2-5.6 for installation, implementation  
137 and maintenance of unified, statewide 911 emergency services and technology; and

138 (c) grant or loan to counties of the third through sixth class an amount not to exceed 3  
139 cents per month levied on telephone services under Section 69-2-5.6 to enhance the 911  
140 emergency services and integrate wireless systems and location technology in rural areas of the  
141 state; and

142 (2) the state's Automated Geographic Reference Center in the Division of Information  
143 Technology Services, an amount equal to .01 cent per month levied on telephone services  
144 under Section 69-2-5.6 shall be used to enhance and upgrade statewide digital mapping  
145 standards.

146 Section 6. Section **53-10-606** is enacted to read:

147 **53-10-606. Committee to report annually.**

148 The committee shall submit an annual report to the Executive Appropriations  
149 Committee of the Legislature:

150 (1) specifying the amount of each disbursement from the fund, whether by loan or  
151 grant;

152 (2) identifying the recipient of each disbursement and describing the project for which  
153 money was disbursed; and

154 (3) detailing the conditions, if any, placed by the committee on disbursements from the  
155 fund.

156 Section 7. Section **69-2-5** is amended to read:

157 **69-2-5. Funding for 911 emergency telephone service.**

158 (1) In providing funding of 911 emergency telephone service, any public agency  
159 establishing a 911 emergency telephone service may:

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

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

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

167 (2) For purposes of providing funding of 911 emergency telephone service, special  
168 service districts may raise funds as provided in Section 17A-2-1322 and may borrow money  
169 and incur indebtedness as provided in Section 17A-2-1316.

170 (3) (a) Except as provided in Subsection (3)(b)[;] and subject to [~~Subsection (3)(f), the~~  
171 ~~governing authority of any public agency providing]~~ the other provisions of this Subsection (3)  
172 a county, city, or town within which 911 emergency telephone service is provided may levy  
173 monthly an emergency services telephone charge on:

174 (i) each local exchange service switched access line within the boundaries of the  
175 county, city, or town; and

176 (ii) each revenue producing radio communications access line with a billing address  
177 within the boundaries of the [~~area served by the public agency]~~ county, city, or town.

178 (b) Notwithstanding Subsection (3)(a), an access [~~lines~~] line provided for public coin  
179 telephone service [~~are~~] is exempt from emergency telephone charges.

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

181 (i) [~~53~~] 75 cents per month for each local exchange service switched access line; and

182 (ii) [~~53~~] 75 cents per month for each radio communications access line.

183 (d) ~~[Notification of intent to levy the charge shall be given to]~~ A county, city, or town  
184 shall notify:

185 (i) the Public Service Commission of the intent to levy the charge under this  
186 Subsection (3) at least 30 days prior to the effective date[-] of the charge being levied; and

187 (ii) the State Tax Commission in a manner consistent with Subsection 59-12-208.1(2).

188 (e) Subject to Subsection (3)(f), an emergency services telephone charge levied under  
189 this section shall:

190 (i) be billed and collected by the ~~[corporation,] person[, or entity]~~ that provides the:

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

192 (B) radio communications access line services; and

193 (ii) remitted to the [public agency providing 911 emergency telephone service in the  
194 billed customer location area as directed by the public agency] State Tax Commission.

195 (f) An emergency services telephone charge on a mobile telecommunications service  
196 may be levied, billed, and collected only to the extent permitted by the Mobile  
197 Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.

198 (g) The State Tax Commission shall:

199 (i) collect, enforce, and administer the charge imposed under this Subsection (3)  
200 pursuant to the same procedures used in the administration, collection, and enforcement of the  
201 state sales and use taxes under:

202 (A) Title 59, Chapter 1, General Taxation Policies; and

203 (B) Title 59, Chapter 12, Part 1, Tax Collection, excluding Section 59-12-104;

204 (ii) transmit monies collected under this Subsection (3):

205 (A) monthly; and

206 (B) by electronic funds transfer by the commission to the county, city, or town that  
207 imposes the charge; and

208 (iii) charge the county, city, or town for the State Tax Commission's services under this  
209 Subsection (3) in an amount:

210 (A) sufficient to reimburse the State Tax Commission for the cost to the State Tax  
211 Commission in rendering the services; and

212 (B) that may not exceed an amount equal to 1.5% of the charges imposed under this  
213 Subsection (3).

214 (4) (a) Any money received by ~~the~~ a public agency for the provision of 911  
215 emergency telephone service shall be deposited in a special emergency telephone service fund.

216 (b) (i) The money in the emergency telephone service fund described in Subsection  
217 (4)(a) shall be expended by the public agency to pay the costs of establishing, installing,  
218 maintaining, and operating a 911 emergency telephone system or integrating a 911 system into  
219 an established public safety dispatch center, including contracting with the providers of local  
220 exchange service, radio communications service, and vendors of appropriate terminal  
221 equipment as necessary to implement the 911 emergency telephone service.

222 (ii) Revenues derived for the funding of 911 emergency telephone service may only be  
223 used for that portion of costs related to the operation of the 911 emergency telephone system  
224 when such a system is integrated with any public safety dispatch system.

225 Section 8. Section **69-2-5.6** is enacted to read:

226 **69-2-5.6. Emergency services telephone charge to fund statewide unified 911**  
227 **emergency service.**

228 (1) Subject to Subsection 69-2-5(3)(f), there is imposed a statewide unified 911  
229 emergency service charge of 19 cents per month on each local exchange service switched  
230 access line and each revenue producing radio communications access line that is subject to an  
231 emergency services telephone charge levied by a county, city, or town under Section 69-2-5 or  
232 69-2-5.5.

233 (2) The emergency services telephone charge imposed under this section shall be:

234 (a) subject to Subsection 69-2-5(3)(f), billed and collected by the person that provides:

235 (i) local exchange service switched access line services; or

236 (ii) radio communications access line services;

237 (b) remitted to the State Tax Commission at the same time as the person remits to the  
238 State Tax Commission monies collected by the person under Title 59, Chapter 12, Sales and  
239 Use Tax Act; and

240 (c) deposited into the Statewide Unified 911 Emergency Service Fund restricted  
241 account in the General Fund created by Section 53-10-603.

242 (3) The State Tax Commission shall collect, enforce, and administer the charges  
243 imposed under Subsection (1) pursuant to the same procedures used in the administration,  
244 collection, and enforcement of the emergency services telephone charge to fund the Poison



245 Control Center under Section 62-2-5.5.

246 Section 9. **Repealer.**

247 This act repeals:

248 Section **53-10-503, Utah 911 Committee.**

249 Section 10. **Effective date.**

250 This act takes effect on May 5, 2003, except that the following sections take effect on  
251 July 1, 2003:

252 (1) Section 69-2-5; and

253 (2) Section 69-2-5.6.

254 Section 11. **Coordination clause.**

255 If this bill and S.B. 23, State and Local Taxes, Fees, and Charges Related to  
256 Telecommunications, both pass, it is the intent of the Legislature that the Office of Legislative  
257 Research and General Counsel make the following changes in preparing the database for  
258 publication, the amendments in Section 69-2-5 from S.B. 23 supercede the amendments to  
259 Section 69-2-5 in this bill, except Subsection 69-2-5(3)(c) shall read as follows:

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

261 (i) [53] 75 cents per month for each local exchange service switched access line; and

262 (ii) [53] 75 cents per month for each radio communications access line.

**Legislative Review Note**  
**as of 1-20-03 8:52 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

**State Impact**

It is estimated that provisions of this bill will increase State Funds Revenues \$4.8 million in FY 2004 and \$4.9 million annually thereafter. These revenues will be deposited in the General Fund Restricted Account entitled "Statewide Unified 911 Emergency Service Fund" created by the bill.

	<u>FY 04 Approp.</u>	<u>FY 05 Approp.</u>	<u>FY 04 Revenue</u>	<u>FY 05 Revenue</u>
GF Restricted	\$0	\$0	\$4,800,000	\$4,900,000
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$4,800,000</b>	<b>\$4,900,000</b>

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**Individual and Business Impact**

Local governments may fiscally benefit from the fees increases; users of telephone services will pay an additional State fee of 19 cents and a local fee of up to 22 cents monthly.

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**Office of the Legislative Fiscal Analyst**