

Representative Brad L. Dee proposes the following substitute bill:

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

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Brad L. Dee

Ty McCartney

This act amends the Emergency Telephone Services Law and the Public Safety Code.

The act creates an 18 cent per month state fee on telephone services for unified statewide

E-911 emergency services. The act provides for the administration, collection, and

enforcement of telephone E-911 emergency fees by the State Tax Commission. The act

deposits the telephone fees into a restricted account in the General Fund for unified

statewide E-911 emergency services. The act repeals the advisory Utah 911 Committee in

the Bureau of Communications in the Department of Public Safety. The act creates a

new state Utah 911 Committee in the Department of Public Safety to develop state

standards for the unified E-911 emergency system and to administer the fund. The act

establishes criteria for the use of the fund. The act requires the Utah 911 Committee to

report annually to Legislative Appropriations. The act authorizes local governments to

increase the local levy on telephone services for 911 emergency services from a maximum

of 53 cents per month to a maximum of 65 cents per month. The act makes technical

amendments. The act has an effective date. This act has a coordination clause.

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

AMENDS:

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

ENACTS:

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 16 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;

55 (ii) a representative from a rural incumbent local exchange carrier;

56 (iii) a representative from a competitive local exchange carrier; and

57 (iv) a representative from a radio communications access line;

58 (d) a representative from the Department of Public Safety; and

59 (e) a representative from the Utah Committee of Consumer Services.

60 (2) (a) Each committee member shall be appointed by the governor with the consent of
61 the Senate.

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

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

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

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

70 (b) Staff services to the committee:

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

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

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

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

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

79 **53-10-602. Committee's duties and powers.**

80 (1) The committee shall:

81 (a) review and make recommendations to the division, the Bureau of Communications,
82 public safety answering points, the Utah Committee of Consumer Services, and the Legislature
83 on:

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

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

88 (iii) expenditures by local public service answering points and standards of operation;
89 and

90 (iv) mapping systems and technology necessary to implement the unified statewide
91 wireless and land-based E-911 emergency system;

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

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

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

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

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

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

103 **53-10-603. Creation of Statewide Unified 911 Emergency Service Fund.**

104 There is created a restricted account in the General Fund entitled the "Statewide Unified
105 E-911 Emergency Service Fund," consisting of:

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

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

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

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

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

112 **53-10-604. Committee expenses -- Tax Commission expenses -- Division of**
113 **Finance responsibilities.**

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

116 (2) (a) The expenses and costs of the State Tax Commission to administer and enforce
117 the collection of the telephone levy imposed by Section 69-2-5.6 shall be paid from the fund.

118 (b) (i) The State Tax Commission may charge the fund the administrative costs

119 incurred in discharging the responsibilities imposed by Section 69-2-5.6.

120 (ii) The charges in Subsection (2)(b) may not exceed an amount equal to 1.5% of the
121 charges imposed under Section 69-2-5.6.

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

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

127 (c) The charges imposed under Subsection (3)(b) may not exceed an amount equal to
128 1.5% of the loans or grants issued under 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 the committee, the committee may:

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

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

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

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

142 **53-10-606. Committee to report annually.**

143 The committee shall submit an annual report to the Executive Appropriations
144 Committee of the Legislature:

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

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

149 (3) detailing the conditions, if any, placed by the committee on disbursements from the

150 fund.

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

152 **69-2-5. Funding for 911 emergency telephone service.**

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

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

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

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

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

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

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

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

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

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

176 (i) [~~53~~] 65 cents per month for each local exchange service switched access line; and

177 (ii) [~~53~~] 65 cents per month for each radio communications access line.

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

180 (i) the Public Service Commission of the intent to levy the charge under this

181 Subsection (3) at least 30 days prior to the effective date[-] of the charge being levied; and
 182 (ii) the State Tax Commission in a manner consistent with Subsection 59-12-208.1(2).
 183 (e) Subject to Subsection (3)(f), an emergency services telephone charge levied under
 184 this section shall:
 185 (i) be billed and collected by the [corporation,] person[-, or entity] that provides the:
 186 (A) local exchange service switched access line services; or
 187 (B) radio communications access line services; and
 188 (ii) remitted to the [public agency providing 911 emergency telephone service in the
 189 billed customer location area as directed by the public agency] State Tax Commission.
 190 (f) An emergency services telephone charge on a mobile telecommunications service
 191 may be levied, billed, and collected only to the extent permitted by the Mobile
 192 Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.
 193 (g) The State Tax Commission shall:
 194 (i) collect, enforce, and administer the charge imposed under this Subsection (3)
 195 pursuant to the same procedures used in the administration, collection, and enforcement of the
 196 state sales and use taxes under:
 197 (A) Title 59, Chapter 1, General Taxation Policies; and
 198 (B) Title 59, Chapter 12, Part 1, Tax Collection, excluding Section 59-12-104;
 199 (ii) transmit monies collected under this Subsection (3):
 200 (A) monthly; and
 201 (B) by electronic funds transfer by the commission to the county, city, or town that
 202 imposes the charge; and
 203 (iii) charge the county, city, or town for the State Tax Commission's services under this
 204 Subsection (3) in an amount:
 205 (A) sufficient to reimburse the State Tax Commission for the cost to the State Tax
 206 Commission in rendering the services; and
 207 (B) that may not exceed an amount equal to 1.5% of the charges imposed under this
 208 Subsection (3).
 209 (4) (a) Any money received by ~~the~~ a public agency for the provision of 911
 210 emergency telephone service shall be deposited in a special emergency telephone service fund.
 211 (b) (i) The money in the emergency telephone service fund described in Subsection

212 (4)(a) shall be expended by the public agency to pay the costs of establishing, installing,
213 maintaining, and operating a 911 emergency telephone system or integrating a 911 system into
214 an established public safety dispatch center, including contracting with the providers of local
215 exchange service, radio communications service, and vendors of appropriate terminal
216 equipment as necessary to implement the 911 emergency telephone service.

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

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

221 **69-2-5.6. Emergency services telephone charge to fund statewide unified E-911**
222 **emergency service.**

223 (1) Subject to Subsection 69-2-5(3)(f), there is imposed a statewide unified E-911
224 emergency service charge of 18 cents per month on each local exchange service switched
225 access line and each revenue producing radio communications access line that is subject to an
226 emergency services telephone charge levied by a county, city, or town under Section 69-2-5 or
227 69-2-5.5.

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

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

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

231 (ii) radio communications access line services;

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

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

237 (3) The State Tax Commission shall collect, enforce, and administer the charges
238 imposed under Subsection (1) pursuant to the same procedures used in the administration,
239 collection, and enforcement of the emergency services telephone charge to fund the Poison
240 Control Center under Section 62-2-5.5.

241 Section 9. **Repealer.**

242 This act repeals:

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

244 Section 10. **Effective date.**

245 This act takes effect on May 5, 2003, except that the following sections take effect on
246 July 1, 2004:

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

248 (2) Section 69-2-5.6.

249 Section 11. **Coordination clause.**

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

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

256 (i) [~~53~~] 65 cents per month for each local exchange service switched access line; and

257 (ii) [~~53~~] 65 cents per month for each radio communications access line.