

Representative Brad L. Dee proposes the following substitute bill:

911 AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brad L. Dee

Senate Sponsor: Jon J. Greiner

LONG TITLE

General Description:

This bill modifies code provisions regarding 911 emergency communications and uses of funding, and creates a 911 coordination committee.

Highlighted Provisions:

This bill:

- ▶ provides a definition of a public safety answering point; and
- ▶ provides additional uses for the 911 surcharge funds; and
- ▶ creates a 911 Coordination Committee that is to evaluate public safety answering point plans in Salt Lake County and report to the Legislature; and
- ▶ provides that the committee will exist through December 2011.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-10-602, as last amended by Laws of Utah 2009, Chapter 64

53-10-603, as last amended by Laws of Utah 2007, Chapter 241



26 **69-2-2**, as last amended by Laws of Utah 2002, Chapter 320

27 **69-2-5**, as last amended by Laws of Utah 2009, Chapter 203

28 ENACTS:

29 **53-10-607**, Utah Code Annotated 1953



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

32 Section 1. Section **53-10-602** is amended to read:

33 **53-10-602. Committee's duties and powers.**

34 (1) The committee shall:

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

37 (i) technical, administrative, fiscal, and operational issues for the implementation of a
38 unified statewide wireless and land-based E-911 emergency system;

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

41 (iii) emerging technological upgrades;

42 (iv) expenditures by local public service answering points to assure implementation of
43 a unified statewide wireless and land-based E-911 emergency system and standards of
44 operation; and

45 (v) mapping systems and technology necessary to implement the unified statewide
46 wireless and land-based E-911 emergency system;

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

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

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

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

53 (3) (a) The committee shall review information regarding:

54 (i) in aggregate, the number of telecommunication service subscribers by
55 telecommunication service type in a political subdivision;

56 (ii) 911 call delivery network costs;

57 (iii) public safety answering point costs; and

58 (iv) system engineering information.

59 (b) In accordance with Subsection (3)(a) the committee may request:

60 (i) information as described in Subsection (3)(a)(i) from the Utah State Tax

61 Commission; and

62 (ii) information from public safety answering points connected to the 911 call delivery
63 system.

64 (c) The information requested by and provided to the committee under Subsection (3)
65 is a protected record in accordance with Section 63G-2-305.

66 (4) The committee shall issue the reimbursement allowed under Subsection
67 53-10-605(1)(b) provided that:

68 (a) the reimbursement is based on aggregated cost studies submitted to the committee
69 by the wireless carriers seeking reimbursement; and

70 (b) the reimbursement to any one carrier does not exceed 125% of the wireless carrier's
71 contribution to the fund.

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

76 (6) The committee may employ an outside consultant to study and advise on the issue
77 of public safety answering points.

78 [~~(6)~~] (7) This section does not expand the authority of the Utah State Tax Commission
79 to request additional information from a telecommunication service provider.

80 Section 2. Section **53-10-603** is amended to read:

81 **53-10-603. Statewide Unified E-911 Emergency Service Fund -- Fund uses.**

82 (1) There is created a restricted account in the General Fund entitled the "Statewide
83 Unified E-911 Emergency Service Fund," or "fund" consisting of:

84 (a) proceeds from the fee imposed in Section 69-2-5.6;

85 (b) money appropriated or otherwise made available by the Legislature; and

86 (c) contributions of money, property, or equipment from federal agencies, political
87 subdivisions of the state, persons, or corporations.

88 (2) The monies in this fund shall be used exclusively for the following statewide public
89 purposes:

90 (a) enhancing public safety as provided in this chapter;

91 (b) providing a statewide, unified, wireless E-911 service available to public [service]
92 safety answering points; [and]

93 (c) providing reimbursement to providers for certain costs associated with Phase II
94 wireless E-911 service[-]; and

95 (d) paying for an outside consultant hired by the Utah 911 Committee to study and
96 advise the committee regarding public safety answering points.

97 Section 3. Section **53-10-607** is enacted to read:

98 **53-10-607. 911 Coordination Committee -- Membership -- Function --**
99 **Termination.**

100 (1) (a) There is created within the division the 911 Coordination Committee.

101 (b) As used in this section, "committee" means the 911 Coordination Committee.

102 (2) (a) The members of the committee are:

103 (i) a member of the Salt Lake City Council, appointed by the council;

104 (ii) the chair of the Utah 911 Committee created under Section 53-10-601;

105 (iii) the chair of the board of trustees of the Valley Emergency Communication Center;

106 (iv) a member of the Salt Lake County Commission, appointed by the commission;

107 (v) a member of the board of directors of the Unified Police Department or the county
108 sheriff who serves as the chief executive officer of the department, as designated by the board
109 of the department; and

110 (vi) the president of the Salt Lake County Council of Governments.

111 (b) Each vacancy shall be filled in the same manner as an appointment under

112 Subsection (2)(a).

113 (c) No member may receive compensation or benefits for the member's service on the
114 committee.

115 (3) The committee shall meet monthly and also at the call of the committee chair.

116 (4) (a) The committee members shall elect a chair from their number and establish
117 rules for the organization and operation of the committee.

118 (b) The committee shall elect a new chair one calendar year after the committee's first

119 meeting.

120 (c) Staff services for the committee shall be provided by the Utah 911 Committee.

121 (5) The committee shall evaluate the current plan regarding public safety answering

122 points in Salt Lake County and make recommendations for public safety answering point

123 operational efficiencies for public agencies within Salt Lake County.

124 (6) The committee shall report its recommendations under Subsection (5), including a

125 written report, to the November 2010 meeting of the legislative Government Operations and

126 Political Subdivisions Interim Committee.

127 (7) The committee shall function through December 31, 2011.

128 Section 4. Section **69-2-2** is amended to read:

129 **69-2-2. Definitions.**

130 As used in this chapter:

131 (1) "911 emergency telephone service" means a communication system which provides
132 citizens with rapid direct access to public emergency operation centers by dialing the telephone
133 number "911" with the objective of reducing the response time to situations requiring law
134 enforcement, fire, medical, rescue, and other emergency services.

135 (2) "Local exchange service" means the provision of public telecommunications
136 services by a wireline common carrier to customers within a geographic area encompassing one
137 or more local communities as described in the carrier's service territory maps, tariffs, price
138 lists, or rate schedules filed with and approved by the Public Service Commission.

139 (3) "Local exchange service switched access line" means the transmission facility and
140 local switching equipment used by a wireline common carrier to connect a customer location to
141 a carrier's local exchange switching network for providing two-way interactive voice, or voice
142 capable, services.

143 (4) "Mobile telecommunications service" is as defined in Section 54-8b-2.

144 (5) "Public agency" means any county, city, town, special service district, or public
145 authority located within the state which provides or has authority to provide fire fighting, law
146 enforcement, ambulance, medical, or other emergency services.

147 (6) "Public safety agency" means a functional division of a public agency which
148 provides fire fighting, law enforcement, medical, or other emergency services.

149 (7) "Public safety answering point" means a facility that:

150 (a) is equipped and staffed under the authority of a political subdivision; and
151 (b) receives 911 calls, other calls for emergency services, and asynchronous event
152 notifications for a defined geographic area.

153 [~~7~~] (8) "Radio communications access line" means the radio equipment and assigned
154 customer identification number used to connect a mobile or fixed radio customer in Utah to a
155 radio communication service provider's network for two-way interactive voice, or voice
156 capable, services.

157 [~~8~~] (9) "Radio communications service" means a public telecommunications service
158 providing the capability of two-way interactive telecommunications between mobile and fixed
159 radio customers, and between mobile or fixed radio customers and the local exchange service
160 network customers of a wireline common carrier. Radio communications service providers
161 include corporations, persons or entities offering cellular telephone service, enhanced
162 specialized mobile radio service, rural radio service, radio common carrier services, personal
163 communications services, and any equivalent wireless public telecommunications service, as
164 defined in 47 CFR, parts 20, 21, 22, 24, and 90.

165 [~~9~~] (10) "Wireline common carrier" means a public telecommunications service
166 provider that primarily uses metallic or nonmetallic cables and wires for connecting customers
167 to its local exchange service networks.

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

169 **69-2-5. Funding for 911 emergency telecommunications service.**

170 (1) In providing funding of 911 emergency telecommunications service, any public
171 agency establishing a 911 emergency telecommunications service may:

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

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

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

179 (2) For purposes of providing funding of 911 emergency telecommunications service,
180 special service districts may raise funds as provided in Section 17D-1-105 and may borrow

181 money and incur indebtedness as provided in Section 17D-1-103.

182 (3) (a) Except as provided in Subsection (3)(b) and subject to the other provisions of
183 this Subsection (3) a county, city, or town within which 911 emergency telecommunications
184 service is provided may levy monthly an emergency services telecommunications charge on:

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

187 (ii) each revenue producing radio communications access line with a billing address
188 within the boundaries of the county, city, or town; and

189 (iii) any other service, including voice over Internet protocol, provided to a user within
190 the boundaries of the county, city, or town that allows the user to make calls to and receive
191 calls from the public switched telecommunications network, including commercial mobile
192 radio service networks.

193 (b) Notwithstanding Subsection (3)(a), an access line provided for public coin
194 telecommunications service is exempt from emergency telecommunications charges.

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

196 (i) 61 cents per month for each local exchange service switched access line;

197 (ii) 61 cents per month for each radio communications access line; and

198 (iii) 61 cents per month for each service under Subsection (3)(a)(iii).

199 (d) (i) For purposes of this Subsection (3)(d) the following terms shall be defined as
200 provided in Section 59-12-102 or 59-12-215:

201 (A) "mobile telecommunications service";

202 (B) " place of primary use";

203 (C) "service address"; and

204 (D) "telecommunications service."

205 (ii) An access line described in Subsection (3)(a) is considered to be within the
206 boundaries of a county, city, or town if the telecommunications services provided over the
207 access line are located within the county, city, or town:

208 (A) for purposes of sales and use taxes under Title 59, Chapter 12, Sales and Use Tax
209 Act; and

210 (B) determined in accordance with Section 59-12-215.

211 (iii) The rate imposed on an access line under this section shall be determined in

212 accordance with Subsection (3)(d)(iv) if the location of an access line described in Subsection
213 (3)(a) is determined under Subsection (3)(d)(ii) to be a county, city, or town other than county,
214 city, or town in which is located:

215 (A) for a telecommunications service, the purchaser's service address; or

216 (B) for mobile telecommunications service, the purchaser's place of primary use.

217 (iv) The rate imposed on an access line under this section shall be the lower of:

218 (A) the rate imposed by the county, city, or town in which the access line is located
219 under Subsection (3)(d)(ii); or

220 (B) the rate imposed by the county, city, or town in which it is located:

221 (I) for telecommunications service, the purchaser's service address; or

222 (II) for mobile telecommunications service, the purchaser's place of primary use.

223 (e) (i) A county, city, or town shall notify the Public Service Commission of the intent
224 to levy the charge under this Subsection (3) at least 30 days before the effective date of the
225 charge being levied.

226 (ii) For purposes of this Subsection (3)(e):

227 (A) "Annexation" means an annexation to:

228 (I) a city or town under Title 10, Chapter 2, Part 4, Annexation; or

229 (II) a county under Title 17, Chapter 2, [~~Annexation to County~~] County Consolidations
230 and Annexations.

231 (B) "Annexing area" means an area that is annexed into a county, city, or town.

232 (iii) (A) Except as provided in Subsection (3)(e)(iii)(C) or (D), if on or after July 1,
233 2003, a county, city, or town enacts or repeals a charge or changes the amount of the charge
234 under this section, the enactment, repeal, or change shall take effect:

235 (I) on the first day of a calendar quarter; and

236 (II) after a 90-day period beginning on the date the State Tax Commission receives
237 notice meeting the requirements of Subsection (3)(e)(iii)(B) from the county, city, or town.

238 (B) The notice described in Subsection (3)(e)(iii)(A) shall state:

239 (I) that the county, city, or town will enact or repeal a charge or change the amount of
240 the charge under this section;

241 (II) the statutory authority for the charge described in Subsection (3)(e)(iii)(B)(I);

242 (III) the effective date of the charge described in Subsection (3)(e)(iii)(B)(I); and

243 (IV) if the county, city, or town enacts the charge or changes the amount of the charge
244 described in Subsection (3)(e)(iii)(B)(I), the amount of the charge.

245 (C) Notwithstanding Subsection (3)(e)(iii)(A), the enactment of a charge or a charge
246 increase under this section shall take effect on the first day of the first billing period:

247 (I) that begins after the effective date of the enactment of the charge or the charge
248 increase; and

249 (II) if the billing period for the charge begins before the effective date of the enactment
250 of the charge or the charge increase imposed under this section.

251 (D) Notwithstanding Subsection (3)(e)(iii)(A), the repeal of a charge or a charge
252 decrease under this section shall take effect on the first day of the last billing period:

253 (I) that began before the effective date of the repeal of the charge or the charge
254 decrease; and

255 (II) if the billing period for the charge begins before the effective date of the repeal of
256 the charge or the charge decrease imposed under this section.

257 (iv) (A) Except as provided in Subsection (3)(e)(iv)(C) or (D), if for an annexation that
258 occurs on or after July 1, 2003, the annexation will result in the enactment, repeal, or a change
259 in the amount of a charge imposed under this section for an annexing area, the enactment,
260 repeal, or change shall take effect:

261 (I) on the first day of a calendar quarter; and

262 (II) after a 90-day period beginning on the date the State Tax Commission receives
263 notice meeting the requirements of Subsection (3)(e)(iv)(B) from the county, city, or town that
264 annexes the annexing area.

265 (B) The notice described in Subsection (3)(e)(iv)(A) shall state:

266 (I) that the annexation described in Subsection (3)(e)(iv)(A) will result in an
267 enactment, repeal, or a change in the charge being imposed under this section for the annexing
268 area;

269 (II) the statutory authority for the charge described in Subsection (3)(e)(iv)(B)(I);

270 (III) the effective date of the charge described in Subsection (3)(e)(iv)(B)(I); and

271 (IV) if the county, city, or town enacts the charge or changes the amount of the charge
272 described in Subsection (3)(e)(iv)(B)(I), the amount of the charge.

273 (C) Notwithstanding Subsection (3)(e)(iv)(A), the enactment of a charge or a charge

274 increase under this section shall take effect on the first day of the first billing period:

275 (I) that begins after the effective date of the enactment of the charge or the charge
276 increase; and

277 (II) if the billing period for the charge begins before the effective date of the enactment
278 of the charge or the charge increase imposed under this section.

279 (D) Notwithstanding Subsection (3)(e)(iv)(A), the repeal of a charge or a charge
280 decrease under this section shall take effect on the first day of the last billing period:

281 (I) that began before the effective date of the repeal of the charge or the charge
282 decrease; and

283 (II) if the billing period for the charge begins before the effective date of the repeal of
284 the charge or the charge decrease imposed under this section.

285 (f) Subject to Subsection (3)(g), an emergency services telecommunications charge
286 levied under this section shall:

287 (i) be billed and collected by the person that provides the:

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

289 (B) radio communications access line services; and

290 (ii) except for costs retained under Subsection (3)(h), remitted to the State Tax
291 Commission.

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

295 (h) The person that bills and collects the charges levied under Subsection (3)(f) may:

296 (i) bill the charge imposed by this section in combination with the charge levied under
297 Section 69-2-5.6 as one line item charge; and

298 (ii) retain an amount not to exceed 1.5% of the levy collected under this section as
299 reimbursement for the cost of billing, collecting, and remitting the levy.

300 (i) The State Tax Commission shall:

301 (i) collect, enforce, and administer the charge imposed under this Subsection (3) using
302 the same procedures used in the administration, collection, and enforcement of the state sales
303 and use taxes under:

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

305 (B) Title 59, Chapter 12, Part 1, Tax Collection, except for:
306 (I) Section 59-12-104;
307 (II) Section 59-12-104.1;
308 (III) Section 59-12-104.2;
309 (IV) Section 59-12-107.1; and
310 (V) Section 59-12-123;
311 (ii) transmit monies collected under this Subsection (3):
312 (A) monthly; and
313 (B) by electronic funds transfer by the commission to the county, city, or town that
314 imposes the charge; and
315 (iii) charge the county, city, or town for the State Tax Commission's services under this
316 Subsection (3) in an amount:
317 (A) sufficient to reimburse the State Tax Commission for the cost to the State Tax
318 Commission in rendering the services; and
319 (B) that may not exceed an amount equal to 1.5% of the charges imposed under this
320 Subsection (3).
321 (4) (a) Any money received by a public agency for the provision of 911 emergency
322 telecommunications service shall be deposited in a special emergency telecommunications
323 service fund.
324 (b) (i) Except as provided in Subsection (5)(b), the money in the emergency
325 telecommunications service fund shall be expended by the public agency to pay the costs of:
326 (A) establishing, installing, maintaining, and operating a 911 emergency
327 telecommunications system [~~or~~];
328 (B) receiving and processing emergency calls from the 911 system or other calls or
329 requests for emergency services;
330 (C) integrating a 911 system into an established public safety dispatch center, including
331 contracting with the providers of local exchange service, radio communications service, and
332 vendors of appropriate terminal equipment as necessary to implement the 911 emergency
333 telecommunications service; or
334 (D) indirect costs associated with the maintaining and operating of a 911 emergency
335 telecommunications system.

336 (ii) Revenues derived for the funding of 911 emergency telecommunications service
337 may ~~[only]~~ be used ~~[for that portion of costs related to the operation of the 911 emergency~~
338 ~~telecommunications system]~~ by the public agency for personnel costs associated with receiving
339 and processing calls and deploying emergency response resources when ~~[such a]~~ the system is
340 integrated with any public safety dispatch system.

341 (c) Any unexpended money in the emergency telecommunications service fund at the
342 end of a fiscal year does not lapse, and must be carried forward to be used for the purposes
343 described in this section.

344 (5) (a) Revenue received by a local entity from an increase in the levy imposed under
345 Subsection (3) after the 2004 Annual General Session~~[, or from grants from the Utah 911~~
346 ~~Committee pursuant to Section 53-10-605]:~~

347 (i) may be used by the primary public safety answering point for the purposes under
348 Subsection (4)(b); and

349 ~~[(i)]~~ (ii) shall be deposited into the special emergency telecommunications service fund
350 described in Subsection (4)(a)~~[- and].~~

351 (b) Revenue received by a local entity from grants from the Utah 911 Committee under
352 Section 53-10-605:

353 (i) shall be deposited into the special emergency telecommunications service fund
354 under Subsection (4)(a); and

355 (ii) shall only be used for that portion of the costs related to the development and
356 operation of wireless and land-based enhanced 911 emergency telecommunications service and
357 the implementation of wireless E-911 Phase I and Phase II services as provided in Subsection
358 ~~(5)(b)]~~(c).

359 ~~[(b)]~~ (c) The costs allowed under Subsection (5)~~[(a)]~~(b)(ii) ~~[shall]~~ include the primary
360 public [service] safety answering point's or local entity's costs for:

361 (i) acquisition, upgrade, modification, maintenance, and operation of public service
362 answering point equipment capable of receiving E-911 information;

363 (ii) database development, operation, and maintenance; and

364 (iii) personnel costs associated with establishing, installing, maintaining, and operating
365 wireless E-911 Phase I and Phase II services, including training emergency service personnel
366 regarding receipt and use of E-911 wireless service information and educating consumers

367 regarding the appropriate and responsible use of E-911 wireless service.

368 (6) A local entity that increases the levy it imposes under Subsection (3)(c) after the
369 2004 Annual General Session shall increase the levy to the maximum amount permitted by
370 Subsection (3)©.

H.B. 173 1st Sub. (Buff) - 911 Amendments

Fiscal Note

2010 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments. Local government entities may benefit from additional restricted fund uses authorized by this bill.
