

**Senator Wayne A. Harper** proposes the following substitute bill:

**UTAH COMMUNICATIONS AUTHORITY ACT AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

House Sponsor: Brad L. Dee

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**LONG TITLE**

**General Description:**

This bill amends provisions related to the Utah Communications Authority.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ requires the Utah Communications Authority Board to create a comprehensive strategic plan that includes a plan for the authority's activities and duties in each of the authority's divisions;
- ▶ requires each division of the Utah Communications Authority to contribute to the comprehensive strategic plan;
- ▶ extends a restriction on the allocation of funds from the Unified Statewide 911 Emergency Service Account;
- ▶ extends a due date for a performance audit and study; and
- ▶ requires a county, city, or town that levies and receives money from a monthly 911 charge to remit the money directly to a public safety answering point.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**



26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **63H-7a-103**, as renumbered and amended by Laws of Utah 2015, Chapter 411

30 **63H-7a-204**, as renumbered and amended by Laws of Utah 2015, Chapter 411

31 **63H-7a-206**, as enacted by Laws of Utah 2015, Chapter 450 and last amended by  
32 Coordination Clause, Laws of Utah 2015, Chapter 450

33 **63H-7a-302**, as renumbered and amended by Laws of Utah 2015, Chapter 411

34 **63H-7a-402**, as enacted by Laws of Utah 2015, Chapter 411

35 **63H-7a-502**, as enacted by Laws of Utah 2015, Chapter 411

36 **69-2-2**, as last amended by Laws of Utah 2014, Chapters 36 and 320

37 **69-2-5**, as last amended by Laws of Utah 2015, Chapters 352 and 411

38 **69-2-5.5**, as last amended by Laws of Utah 2015, Chapters 352 and 411

39 **69-2-5.6**, as last amended by Laws of Utah 2015, Chapters 352 and 411

40 **69-2-5.7**, as last amended by Laws of Utah 2015, Chapters 352 and 411

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

43 Section 1. Section **63H-7a-103** is amended to read:

44 **63H-7a-103. Definitions.**

45 As used in this chapter:

46 (1) "Authority" means the Utah Communications Authority, an independent state  
47 agency created in Section **63H-7a-201**.

48 (2) "Board" means the Utah Communications Authority Board created in Section  
49 **63H-7a-203**.

50 (3) "Bonds" means bonds, notes, certificates, debentures, contracts, lease purchase  
51 agreements, or other evidences of indebtedness or borrowing issued or incurred by the  
52 authority pursuant to this chapter.

53 (4) "FirstNet" means the First Responder Network Authority created by Congress in  
54 the Middle Class Tax Relief and Job Creation Act of 2012.

55 (5) "Lease" means any lease, lease purchase, sublease, operating, management, or  
56 similar agreement.

57 (6) "Local entity" means a county, city, town, local district, special service district, or  
58 interlocal entity created under Title 11, Chapter 13, Interlocal Cooperation Act.

59 (7) "Member" means a public agency which:

60 (a) adopts a membership resolution to be included within the authority; and

61 (b) submits an originally executed copy of an authorizing resolution to the authority's  
62 office.

63 (8) "Member representative" means a person or that person's designee appointed by the  
64 governing body of each member.

65 (9) "Public agency" means any political subdivision of the state, including cities,  
66 towns, counties, school districts, local districts, and special service districts, dispatched by a  
67 public safety answering point.

68 (10) "Public safety answering point" or "PSAP" means ~~[an organization, entity, or  
69 combination of entities that have joined together to form a central answering point for the  
70 receipt, management, and dissemination to the proper responding agency, of emergency and  
71 nonemergency communications, including 911 communications, police, fire, emergency  
72 medical, transportation, parks, wildlife, corrections, and any other governmental  
73 communications.] an entity that:~~

74 (a) receives direct emergency and non-emergency communications requesting a public  
75 safety service;

76 (b) has a facility with the equipment and staff necessary to receive the communication;

77 (c) assesses, classifies, and prioritizes the communication; and

78 (d) transfers the communication to the proper responding agency.

79 (11) "Public safety communications network" means:

80 (a) a regional or statewide public safety governmental communications network and  
81 related facilities, including real property, improvements, and equipment necessary for the  
82 acquisition, construction, and operation of the services and facilities; and

83 (b) 911 emergency services, including radio communications, ~~[microwave]~~  
84 connectivity, ~~[FirstNet coordination,]~~ and computer aided dispatch ~~[system]~~ systems.

85 (12) "State" means the state of Utah.

86 (13) "State representative" means the six appointees of the governor or their designees  
87 and the Utah State Treasurer or his designee.

88 Section 2. Section **63H-7a-204** is amended to read:

89 **63H-7a-204. Board -- Powers and duties.**

90 The board shall:

- 91 (1) manage the affairs and business of the authority consistent with this chapter  
92 including adopting bylaws by a majority vote of its members;
- 93 (2) appoint an executive director to administer the authority;
- 94 (3) receive and act upon reports covering the operations of the public safety  
95 communications network and funds administered by the authority;
- 96 (4) ensure that the public safety communications network and funds are administered  
97 according to law;
- 98 (5) examine and approve an annual operating budget for the authority;
- 99 (6) receive and act upon recommendations of the chair;
- 100 (7) recommend to the governor and Legislature any necessary or desirable changes in  
101 the statutes governing the public safety communications network;
- 102 (8) develop broad policies for the long-term operation of the authority for the  
103 performance of its functions;
- 104 (9) make and execute contracts and other instruments on behalf of the authority,  
105 including agreements with members and other entities;
- 106 (10) authorize the borrowing of money, the incurring of indebtedness, and the issuance  
107 of bonds as provided in this chapter;
- 108 (11) adopt rules consistent with this chapter and in accordance with Title 63G, Chapter  
109 3, Utah Administrative Rulemaking Act, for the management of the public safety  
110 communications network in order to carry out the purposes of this chapter, and perform all  
111 other acts necessary for the administration of the public safety communications network;
- 112 (12) exercise the powers and perform the duties conferred on it by this chapter;
- 113 (13) provide for audits of the authority;
- 114 (14) establish the following divisions within the authority:
- 115 (a) 911 Division;
- 116 (b) Radio Network Division;
- 117 (c) Interoperability Division; and
- 118 (d) Administrative Services Division;

119 (15) establish a 911 advisory committee to the 911 Division in accordance with Section  
120 63H-7a-307;

121 (16) establish one or more advisory committees to the Radio Network Division in  
122 accordance with Section 63H-7a-405; [~~and~~]

123 (17) establish one or more advisory committees to the Interoperability Division in  
124 accordance with Section 63H-7a-504[-]; and

125 (18) create and maintain a statewide, comprehensive strategic plan that:

126 (a) coordinates the authority's activities and duties in the:

127 (i) 911 Division;

128 (ii) Radio Network Division;

129 (iii) Interoperability Division; and

130 (iv) Administrative Services Division; and

131 (b) the board updates before July 1 of each year.

132 Section 3. Section 63H-7a-206 is amended to read:

133 **63H-7a-206. Functional consolidation of PSAPs study.**

134 (1) As used in this section:

135 (a) "Exigent circumstance" means an unexpected or unforeseen circumstance that, if not  
136 addressed, will result in imminent injury or loss.

137 [~~(a)~~] (b) "Functional consolidation" means the process of ensuring that disparate public  
138 safety answering points and public safety dispatching centers work together in an efficient and  
139 effective way.

140 [~~(b)~~] (c) "PSAP operator":

141 (i) means a public agency that operates a PSAP; and

142 (ii) does not include an institution of higher education, a school district, or an airport  
143 authority that operates a PSAP.

144 (2) Beginning on or after July 1, 2015, the board shall commission and oversee a  
145 performance audit and study of the state's 911 emergency response system and related elements  
146 of the public safety communications network, which shall include:

147 (a) a review of statutory provisions and efforts of the authority, executive director,  
148 Utah 911 Division, and Interoperability Division regarding the assessment, planning, rules,  
149 technology review, and standardization of the state's 911 emergency response system and

150 related elements of the public safety communications network;

151 (b) working with state and local stakeholders to determine potential cost savings and  
152 increases in quality and efficiency that may be achieved by the functional consolidation of  
153 PSAPs and dispatch centers throughout the state, including recommendations regarding:

154 (i) an efficient and effective public safety communications management structure to  
155 ensure that high quality 911 emergency services are available to the state's citizens;

156 (ii) common standard operating procedures that ensure the least amount of call  
157 processing time;

158 (iii) efficient methods to transfer calls between PSAPs and from a PSAP to a first  
159 responder, regardless of jurisdiction;

160 (iv) uniformity of equipment and software protocols to accomplish seamless  
161 functionality between computer aided dispatch systems;

162 (v) interoperable telephonic and radio systems to ensure coordination between  
163 jurisdictions; and

164 (vi) how unnecessary duplication of services may be reduced or eliminated;

165 (c) making recommendations for inclusion in the strategic plan for the state's 911  
166 emergency response system and related elements of the public safety communications network,  
167 which recommendations may include:

168 (i) how PSAPs may benefit from functional consolidation;

169 (ii) how PSAPs within designated regions may accept calls and provide emergency  
170 communication services for first responders using interoperable equipment, software,  
171 protocols, and standard operating procedures; ~~and~~

172 (iii) how PSAPs, regardless of physical location, may operate on interoperable, shared,  
173 or hosted technology platforms and with common policies to reduce the need to transfer calls  
174 between PSAPs;

175 (iv) whether a PSAP should be required to meet minimum operational, technical, or  
176 financial standards;

177 (v) whether PSAP staff should be required to meet minimum training standards; and

178 (vi) how PSAPs can better use the available communications spectrum to reduce the  
179 number of devices that first responders are required to use;

180 (d) describing and recommending potential solutions to the biggest impediments to

181 functional consolidation of PSAPs; and

182 (e) making recommendations regarding necessary personnel and associated job duties  
183 within the authority.

184 (3) On or before [~~July 1, 2016,~~] September 30, 2016, the board shall complete and  
185 submit the performance audit and study described in Subsection (2) [~~shall be completed and~~  
186 ~~submitted by the board~~], in writing, to the Law Enforcement and Criminal Justice Interim  
187 Committee and the Retirement and Independent Entities Interim Committee.

188 (4) (a) Money from the Unified Statewide 911 Emergency Service Account created in  
189 Section ~~63H-7a-304~~ may not be used to fund a new local PSAP, call taking, or dispatching  
190 [~~project before the completion of the performance audit and study described in Subsection (2)]  
191 entity before June 30, 2017, unless the board determines that an exigent circumstance requires  
192 the allocation of funds.~~

193 (b) Money from the Unified Statewide 911 Emergency Service Account may be used to  
194 fund ongoing maintenance of existing equipment and projects approved before July 1, 2015.

195 (5) After July 1, [~~2016~~] 2017, money spent from the Unified Statewide 911 Emergency  
196 Service Account created in Section ~~63H-7a-304~~ for projects, including state and local PSAP  
197 and dispatching projects, shall be made after consideration of the:

198 (a) recommendations of the performance audit and study described in Subsection (2);  
199 and

200 (b) strategic plan for the state's network 911 emergency response system and related  
201 elements of the public safety communications network described in Subsection (2)(c).

202 Section 4. Section ~~63H-7a-302~~ is amended to read:

203 **~~63H-7a-302. 911 Division duties and powers.~~**

204 (1) The 911 Division shall:

205 (a) review and make recommendations to the executive director:

206 (i) regarding:

207 (A) technical, administrative, fiscal, network, and operational standards for the  
208 implementation of unified statewide 911 emergency services;

209 (B) emerging technology; and

210 (C) expenditures from the restricted accounts created in Section ~~69-2-5.6~~ by the 911

211 Division on behalf of local public safety answering points in the state, with an emphasis on

212 efficiencies and coordination in a regional manner;

213 (ii) to assure implementation of a unified statewide 911 emergency services network;

214 (iii) to establish standards of operation throughout the state; and

215 (iv) regarding mapping systems and technology necessary to implement the unified

216 statewide 911 emergency services;

217 (b) prepare and submit to the executive director for approval by the board:

218 (i) an annual budget for the 911 Division; ~~[and]~~

219 (ii) an annual plan for the programs funded by the Computer Aided Dispatch Restricted

220 Account created in Section [63H-7a-303](#) and the Unified Statewide 911 Emergency Service

221 Account created in Section [63H-7a-304](#); and

222 (iii) information required by the director to contribute to the comprehensive strategic

223 plan described in Subsection [63H-7-204\(18\)](#);

224 (c) assist local Utah public safety answering points with the implementation and

225 coordination of the 911 Division responsibilities as approved by the executive director and the

226 board;

227 (d) reimburse the state's Automated Geographic Reference Center in the Division of

228 Integrated Technology of the Department of Technology Services, an amount equal to 1 cent

229 per month levied on telecommunications service under Section [69-2-5.6](#) to enhance and

230 upgrade digital mapping standards for unified statewide 911 emergency service as required by

231 the division; and

232 (e) fulfill all other duties imposed on the 911 Division by this chapter.

233 (2) The 911 Division may recommend to the executive director to sell, lease, or

234 otherwise dispose of equipment or personal property purchased, leased, or belonging to the

235 authority that is related to funds expended from the restricted account created in Sections

236 [69-2-5.5](#) and [69-2-5.6](#), the proceeds from which shall return to the respective restricted

237 accounts.

238 (3) The 911 Division may make recommendations to the executive director to own,

239 operate, or enter into contracts for the use of the funds expended from the restricted account

240 created in Section [69-2-5.5](#).

241 (4) (a) The 911 Division shall review information regarding:

242 (i) in aggregate, the number of service subscribers by service type in a political



243 subdivision;

244 (ii) network costs;

245 (iii) public safety answering point costs;

246 (iv) system engineering information; and

247 (v) a computer aided dispatch system.

248 (b) In accordance with Subsection (4)(a) the 911 Division may request:

249 (i) information as described in Subsection (4)(a)(i) from the Utah State Tax

250 Commission; and

251 (ii) information from public safety answering points related to the computer aided  
252 dispatch system.

253 (c) The information requested by and provided to the 911 Division under Subsection  
254 (4) is a protected record in accordance with Section [63G-2-305](#).

255 (5) The 911 Division shall recommend to the executive director, for approval by the  
256 board, rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

257 (a) administer the program funded by the Unified Statewide 911 Emergency Service  
258 restricted account created in Section [63H-7a-304](#), including rules that establish the criteria,  
259 standards, technology, and equipment that a public safety answering point in Utah must adopt  
260 in order to qualify for goods or services that are funded from the restricted account; and

261 (b) administer the Computer Aided Dispatch Restricted Account created in Section  
262 [63H-7a-303](#), including rules that establish the criteria, standards, technology, and equipment  
263 that a public safety answering point must adopt in order to qualify as a recipient of goods or  
264 services that are funded from the restricted account.

265 (6) The board may authorize the 911 Division to employ an outside consultant to study  
266 and advise the division on matters related to the 911 Division duties regarding the public safety  
267 communications network.

268 (7) This section does not expand the authority of the Utah State Tax Commission to  
269 request additional information from a telecommunication service provider.

270 Section 5. Section [63H-7a-402](#) is amended to read:

271 **63H-7a-402. Radio Network Division duties.**

272 (1) The Radio Network Division shall:

273 (a) provide and maintain the public safety communications network for state and local

274 government agencies within the authority network, including the existing VHF and 800 MHz  
275 networks, in a manner that:

- 276 (i) promotes high quality, cost effective service;
- 277 (ii) evaluates the benefits, cost, existing facilities, equipment, and services of public  
278 and private providers; and
- 279 (iii) where economically feasible, utilizes existing infrastructure to avoid duplication of  
280 facilities, equipment, and services of providers of communication services;

281 (b) prepare and submit to the executive director for approval by the board:

- 282 (i) an annual budget for the Radio Network Division; [~~and~~]
- 283 (ii) an annual plan for the program funded by the Utah Statewide Radio System

284 Restricted Account created in Section [63H-7a-403](#); and

285 (iii) information required by the director to contribute to the comprehensive strategic  
286 plan described in Subsection [63H-7-204\(18\)](#);

287 (c) conduct bi-monthly meetings:

288 (i) including:

289 (A) if retained, a consultant assisting with the design and development of a public  
290 safety radio network;

291 (B) all private and public vendors; and

292 (C) all public safety radio users;

293 (ii) for the purpose of discussing public safety radio network emerging technologies;

294 and

295 (iii) for which minutes shall be made available to the public;

296 (d) recommend to the executive director administrative rules for approval by the board

297 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer

298 the program funded by the restricted account created in Section [63H-7a-403](#), including rules

299 that establish the criteria, standards, technology, equipment, and services that will qualify for

300 goods or services that are funded from the restricted accounts; and

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

302 (2) The Radio Network Division may:

303 (a) recommend to the executive director to sell, lease, or otherwise dispose of

304 equipment or personal property purchased, leased, or belonging to the authority that is related

305 to the public safety communications network;

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

308 (c) review information regarding:

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

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

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

313 (i) local and state entities; and

314 (ii) public safety agencies; and

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

316 (i) the public safety communications network;

317 (ii) radio technologies and services;

318 (iii) microwave connectivity;

319 (iv) fiber connectivity; and

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

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

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

325 Section 6. Section **63H-7a-502** is amended to read:

326 **63H-7a-502. Interoperability Division duties.**

327 (1) The Interoperability Division shall:

328 (a) review and make recommendations to the executive director, for approval by the  
329 board, regarding:

330 (i) statewide interoperability coordination and FirstNet standards;

331 (ii) technical, administrative, fiscal, technological, network, and operational issues for  
332 the implementation of statewide interoperability, coordination, and FirstNet;

333 (iii) assisting local agencies with the implementation and coordination of the  
334 Interoperability Division responsibilities; and

335 (iv) training for the public safety communications network and unified statewide 911

336 emergency services;

337 (b) review information and records regarding:

338 (i) aggregate information of the number of service subscribers by service type in a

339 political subdivision;

340 (ii) matters related to statewide interoperability coordination;

341 (iii) matters related to FirstNet including advising the governor regarding FirstNet; and

342 (iv) training needs;

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

344 (i) an annual plan for the Interoperability Division; and

345 (ii) information required by the director to contribute to the comprehensive strategic

346 plan described in Subsection 63H-7-204(18); and

347 (d) fulfill all other duties imposed on the Interoperability Division by this chapter.

348 (2) The Interoperability Division may:

349 (a) recommend to the executive director to own, operate, or enter into contracts related

350 to statewide interoperability, FirstNet, and training;

351 (b) request information needed under Subsection (1)(b)(i) from:

352 (i) the State Tax Commission; and

353 (ii) public safety agencies;

354 (c) employ an outside consultant to study and advise the Interoperability Division on:

355 (i) issues of statewide interoperability;

356 (ii) FirstNet; and

357 (iii) training; and

358 (d) request the board to appoint an advisory committee in accordance with Section

359 [63H-7a-504](#).

360 (3) The information requested by and provided to the Interoperability Division under

361 Subsection (1)(b)(i) is a protected record in accordance with Section [63G-2-305](#).

362 (4) This section does not expand the authority of the State Tax Commission to request

363 additional information from a telecommunication service provider.

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

365 **69-2-2. Definitions.**

366 As used in this chapter:

367 (1) "911 emergency service" means a unified statewide communication system which  
368 provides citizens with rapid direct access to public safety answering points by accessing "911"  
369 with the objective of reducing the response time to situations requiring law enforcement, fire,  
370 medical, rescue, and other emergency services.

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

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

379 (4) "Mobile telecommunications service" is as defined in Section [54-8b-2](#).

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

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

385 (7) "Public safety answering point" means ~~[a facility that:]~~ the same as that term is  
386 defined in Section [63H-7a-203](#).

387 ~~[(a) is equipped and staffed under the authority of a political subdivision; and]~~  
388 ~~[(b) receives 911 communications, other calls for emergency services, and~~  
389 ~~asynchronous event notifications for a defined geographic area.]~~

390 (8) "Public switched telecommunications network" means the network of equipment,  
391 lines, and controls assembled to establish communication paths between calling and called  
392 parties in North America.

393 ~~[(8)]~~ (9) "Radio communications access line" means the radio equipment and assigned  
394 customer identification number used to connect a mobile or fixed radio customer in Utah to a  
395 radio communication service provider's network for two-way interactive voice, or voice  
396 capable, services.

397 ~~[(9)]~~ (10) "Radio communications service" means a public telecommunications service

398 providing the capability of two-way interactive telecommunications between mobile and fixed  
399 radio customers, and between mobile or fixed radio customers and the local exchange service  
400 network customers of a wireline common carrier. Radio communications service providers  
401 include corporations, persons or entities offering cellular telephone service, enhanced  
402 specialized mobile radio service, rural radio service, radio common carrier services, personal  
403 communications services, and any equivalent wireless public telecommunications service, as  
404 defined in 47 CFR, parts 20, 22, 24, and 90.

405 ~~[(10)]~~ (11) "Voice over Internet protocol service" is as defined in Section 54-19-102.

406 ~~[(11)]~~ (12) "Wireline common carrier" means a public telecommunications service  
407 provider that primarily uses metallic or nonmetallic cables and wires for connecting customers  
408 to its local exchange service networks.

409 Section 8. Section 69-2-5 is amended to read:

410 **69-2-5. Funding for 911 emergency service -- Administrative charge.**

411 (1) In providing funding of 911 emergency service, any public agency establishing a  
412 911 emergency service may:

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

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

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

420 (2) For purposes of providing funding of 911 emergency service, special service  
421 districts may raise funds as provided in Section 17D-1-105 and may borrow money and incur  
422 indebtedness as provided in Section 17D-1-103.

423 (3) (a) (i) Except as provided in Subsection (3)(b) and subject to the other provisions of  
424 this Subsection (3), a county, city, town, or metro township within which 911 emergency  
425 service is provided may levy a monthly 911 emergency services charge on:

426 (A) each local exchange service switched access line within the boundaries of the  
427 county, city, town, or metro township;

428 (B) each revenue producing radio communications access line with a billing address

429 within the boundaries of the county, city, town, or metro township; and

430 (C) any other service, including voice over Internet protocol, provided to a user within  
431 the boundaries of the county, city, town, or metro township that allows the user to make calls to  
432 and receive calls from the public switched telecommunications network, including commercial  
433 mobile radio service networks.

434 (ii) ~~§~~ **(A) Except as provided in ~~§~~ [Subsection] Subsections ~~§~~ (3)(a)(ii)(B)**  
434a **~~§~~ and (C) ~~§~~, if [H] ~~§~~ a subscriber of a**  
434a **service subject to a levy described in Subsection (3)(a)(i) is not**  
435 **required to pay for the service, the provider of the service shall collect the levy from the person**  
436 **that is required to pay for the service.**

436a ~~§~~ **(B) A provider or consumer of federal wireless lifeline service is not subject**  
436b **to the levy described in Subsection (3)(a)(i) for the federally-funded lifeline portion of the**  
436c **consumer's wireless service.** ~~§~~

436d **(B) The levy described in Subsection (3)(a)(i) is not imposed on a provider or a**  
436e **consumer of federal wireless lifeline service if the consumer does not pay the provider for**  
436f **the service.**

436g **(C) A consumer of federal wireless lifeline service shall pay, and the provider of**  
436h **the service shall collect and remit, the levy described in Subsection (3)(a)(i) when the**  
436i **consumer purchases from a provider optional services in addition to the federally funded**  
436j **lifeline benefit.** ~~§~~

437 [(ii)] (iii) If a metro township levies a charge under this chapter, the metro township is  
438 subject to the same requirements a city is required to meet under this chapter.

439 [(iii)] (iv) Except as provided in Subsection (3)(a)[(iv)](v) and notwithstanding any  
440 other provision of this chapter, if a metro township levies a charge described in Subsection  
441 (3)(a)(i) under this chapter, the State Tax Commission shall distribute the revenue collected  
442 from the charge to the metro township.

443 [(iv)] (v) The State Tax Commission shall transfer the revenues collected within a  
444 metro township under this chapter to a municipal services district created under Title 17B,  
445 Chapter 2a, Part 11, Municipal Services District Act, if the metro township:

446 (A) provides written notice to the State Tax Commission requesting the transfer; and

447 (B) designates the municipal services district to which the metro township requests the  
448 State Tax Commission to transfer the revenues.

449 (b) Notwithstanding Subsection (3)(a), an access line provided for public coin  
450 telecommunications service is exempt from 911 emergency service charges.

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

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

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

454 (iii) 61 cents per month for each service under Subsection (3)(a)[~~(iii)~~](i)(C).

455 (d) (i) For purposes of this Subsection (3)(d) the following terms shall be defined as  
456 provided in Section [59-12-102](#) or [59-12-215](#):

457 (A) "mobile telecommunications service";

458 (B) "place of primary use";

459 (C) "service address"; and



- 460 (D) "telecommunications service."
- 461 (ii) An access line described in Subsection (3)(a) is considered to be within the
- 462 boundaries of a county, city, or town if the telecommunications services provided over the
- 463 access line are located within the county, city, or town:
- 464 (A) for purposes of sales and use taxes under Title 59, Chapter 12, Sales and Use Tax
- 465 Act; and
- 466 (B) determined in accordance with Section [59-12-215](#).
- 467 (iii) The rate imposed on an access line under this section shall be determined in
- 468 accordance with Subsection (3)(d)(iv) if the location of an access line described in Subsection
- 469 (3)(a) is determined under Subsection (3)(d)(ii) to be a county, city, or town other than county,
- 470 city, or town in which is located:
- 471 (A) for a telecommunications service, the purchaser's service address; or
- 472 (B) for mobile telecommunications service, the purchaser's place of primary use.
- 473 (iv) The rate imposed on an access line under this section shall be the lower of:
- 474 (A) the rate imposed by the county, city, or town in which the access line is located
- 475 under Subsection (3)(d)(ii); or
- 476 (B) the rate imposed by the county, city, or town in which it is located:
- 477 (I) for telecommunications service, the purchaser's service address; or
- 478 (II) for mobile telecommunications service, the purchaser's place of primary use.
- 479 (e) (i) A county, city, or town shall notify the Public Service Commission of the intent
- 480 to levy the charge under this Subsection (3) at least 30 days before the effective date of the
- 481 charge being levied.
- 482 (ii) For purposes of this Subsection (3)(e):
- 483 (A) "Annexation" means an annexation to:
- 484 (I) a city or town under Title 10, Chapter 2, Part 4, Annexation; or
- 485 (II) a county under Title 17, Chapter 2, County Consolidations and Annexations.
- 486 (B) "Annexing area" means an area that is annexed into a county, city, or town.
- 487 (iii) (A) Except as provided in Subsection (3)(e)(iii)(C) or (D), if a county, city, or
- 488 town enacts or repeals a charge or changes the amount of the charge under this section, the
- 489 enactment, repeal, or change shall take effect:
- 490 (I) on the first day of a calendar quarter; and

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

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

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

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

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

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

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

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

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

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

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

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

512 (iv) (A) Except as provided in Subsection (3)(e)(iv)(C) or (D), if the annexation will  
513 result in the enactment, repeal, or a change in the amount of a charge imposed under this  
514 section for an annexing area, the enactment, repeal, or change shall take effect:

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

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

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

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

522 area;

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

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

525 (IV) if the county, city, or town enacts the charge or changes the amount of the charge

526 described in Subsection (3)(e)(iv)(B)(I), the amount of the charge.

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

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

529 (I) that begins after the effective date of the enactment of the charge or the charge

530 increase; and

531 (II) if the billing period for the charge begins before the effective date of the enactment

532 of the charge or the charge increase imposed under this section.

533 (D) Notwithstanding Subsection (3)(e)(iv)(A), the repeal of a charge or a charge

534 decrease under this section shall take effect on the first day of the last billing period:

535 (I) that began before the effective date of the repeal of the charge or the charge

536 decrease; and

537 (II) if the billing period for the charge begins before the effective date of the repeal of

538 the charge or the charge decrease imposed under this section.

539 (f) Subject to Subsection (3)(g), a 911 emergency services charge levied under this

540 section shall:

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

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

543 (B) radio communications access line services; and

544 (ii) except for costs retained under Subsection (3)(h), remitted to the State Tax

545 Commission.

546 (g) A 911 emergency services charge on a mobile telecommunications service may be

547 levied, billed, and collected only to the extent permitted by the Mobile Telecommunications

548 Sourcing Act, 4 U.S.C. Sec. 116 et seq.

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

550 (i) bill the charge imposed by this section in combination with the charge levied under

551 Section [69-2-5.6](#) as one line item charge; and

552 (ii) retain an amount not to exceed 1.5% of the levy collected under this section as

553 reimbursement for the cost of billing, collecting, and remitting the levy.

554 (i) The State Tax Commission shall collect, enforce, and administer the charge  
555 imposed under this Subsection (3) using the same procedures used in the administration,  
556 collection, and enforcement of the state sales and use taxes under:

557 (i) Title 59, Chapter 1, General Taxation Policies; and

558 (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:

559 (A) Section 59-12-104;

560 (B) Section 59-12-104.1;

561 (C) Section 59-12-104.2;

562 (D) Section 59-12-104.6;

563 (E) Section 59-12-107.1; and

564 (F) Section 59-12-123.

565 (j) (i) The State Tax Commission shall transmit money collected under this Subsection  
566 (3) monthly by electronic funds transfer to the county, city, or town that imposes the charge.

567 (ii) A county, city, or town that receives money under Subsection (3)(j)(i):

568 (A) shall remit the money directly to a public safety answering point; and

569 (B) may not disburse the money to a local dispatch center that is not a public safety  
570 answering point.

571 (k) A person that pays a charge under this section shall pay the charge to the  
572 commission:

573 (i) monthly on or before the last day of the month immediately following the last day of  
574 the previous month if:

575 (A) the person is required to file a sales and use tax return with the commission  
576 monthly under Section 59-12-108; or

577 (B) the person is not required to file a sales and use tax return under Title 59, Chapter  
578 12, Sales and Use Tax Act; or

579 (ii) quarterly on or before the last day of the month immediately following the last day  
580 of the previous quarter if the person is required to file a sales and use tax return with the  
581 commission quarterly under Section 59-12-107.

582 (l) A charge a person pays under this section shall be paid using a form prescribed by  
583 the State Tax Commission.

584 (m) The State Tax Commission shall retain and deposit an administrative charge in  
585 accordance with Section 59-1-306 from the revenues the State Tax Commission collects from a  
586 charge under this section.

587 (n) A charge under this section is subject to Section 69-2-5.8.

588 (4) (a) Any money received by a public agency for the provision of 911 emergency  
589 service shall be deposited in a special emergency telecommunications service fund.

590 (b) (i) Except as provided in Subsection (5)(b), the money in the 911 emergency  
591 service fund shall be expended by the public agency to pay the costs of:

592 (A) establishing, installing, maintaining, and operating a 911 emergency service  
593 system;

594 (B) receiving and processing emergency communications from the 911 system or other  
595 communications or requests for emergency services;

596 (C) integrating a 911 emergency service system into an established public safety  
597 dispatch center, including contracting with the providers of local exchange service, radio  
598 communications service, and vendors of appropriate terminal equipment as necessary to  
599 implement the 911 emergency services; or

600 (D) indirect costs associated with the maintaining and operating of a 911 emergency  
601 services system.

602 (ii) Revenues derived for the funding of 911 emergency service may be used by the  
603 public agency for personnel costs associated with receiving and processing communications  
604 and deploying emergency response resources when the system is integrated with any public  
605 safety dispatch system.

606 (c) Any unexpended money in the 911 emergency service fund at the end of a fiscal  
607 year does not lapse, and must be carried forward to be used for the purposes described in this  
608 section.

609 (5) (a) Revenue received by a local entity from an increase in the levy imposed under  
610 Subsection (3) after the 2004 Annual General Session:

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

613 (ii) shall be deposited into the special 911 emergency service fund described in  
614 Subsection (4)(a).

615 (b) Revenue received by a local entity from disbursements from the 911 Division under  
616 Section [63H-7a-602](#):

617 (i) shall be deposited into the special 911 emergency service fund under Subsection  
618 (4)(a); and

619 (ii) shall only be used for that portion of the costs related to the development and  
620 operation of wireless and land-based enhanced 911 emergency telecommunications service and  
621 the implementation of 911 services as provided in Subsection (5)(c).

622 (c) The costs allowed under Subsection (5)(b)(ii) include the public safety answering  
623 point's costs for:

624 (i) acquisition, upgrade, modification, maintenance, and operation of public service  
625 answering point equipment capable of receiving 911 information;

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

627 (iii) personnel costs associated with establishing, installing, maintaining, and operating  
628 wireless 911 services, including training emergency service personnel regarding receipt and use  
629 of 911 wireless service information and educating consumers regarding the appropriate and  
630 responsible use of 911 wireless service.

631 (6) A local entity that increases the levy it imposes under Subsection (3)(c) after the  
632 2004 Annual General Session shall increase the levy to the maximum amount permitted by  
633 Subsection (3)(c).

634 Section 9. Section **69-2-5.5** is amended to read:

635 **69-2-5.5. Emergency services telecommunications charge to fund the Computer**  
636 **Aided Dispatch Restricted Account -- Administrative charge.**

637 (1) Subject to Subsection (6), there is imposed an emergency services  
638 telecommunications charge of 6 cents per month on a service that is subject to an emergency  
639 services telecommunications charge levied by a county, city, town, or metro township under  
640 Section [69-2-5](#), including:

641 (a) each local exchange service switched access line [~~and~~];

642 (b) each revenue producing radio communications access line [~~that is subject to an~~  
643 ~~emergency services telecommunications charge levied by a county, city, town, or metro~~  
644 ~~township under Section [69-2-5](#)]; and~~

645 (c) each other service line, including voice over Internet protocol, used to make calls to

646 and receive calls from the public switched telecommunications network, including a  
 647 commercial mobile radio service network.

648 (2) (a) Subject to Subsection (6), an emergency services telecommunications charge  
 649 imposed under this section shall be billed and collected by the person that provides:

650 (i) local exchange service switched access line services; [~~or~~]

651 (ii) radio communications access line services[~~;~~]; or

652 (iii) any other service ~~to~~ line ~~to~~, including voice over Internet protocol, that allows a  
 652a user to

653 make calls to and receive calls from the public switched telecommunications network,  
 654 including a commercial mobile radio service network.

655 (b) A person that pays an emergency services telecommunications charge under this  
 656 section shall pay the emergency services telecommunications charge to the commission:

657 (i) monthly on or before the last day of the month immediately following the last day of  
 658 the previous month if:

659 (A) the person is required to file a sales and use tax return with the commission  
 660 monthly under Section 59-12-108; or

661 (B) the person is not required to file a sales and use tax return under Title 59, Chapter  
 662 12, Sales and Use Tax Act; or

663 (ii) quarterly on or before the last day of the month immediately following the last day  
 664 of the previous quarter if the person is required to file a sales and use tax return with the  
 665 commission quarterly under Section 59-12-107.

666 (c) If a subscriber of a service subject to a charge described in Subsection (3)(a) is not  
 667 required to pay for the service, the provider of the service shall collect the charge from the  
 668 person that is required to pay for the service.

669 [~~(e)~~] (d) An emergency services telecommunications charge imposed under this section  
 670 shall be deposited into the Computer Aided Dispatch Restricted Account created in Section  
 671 63H-7a-303.

672 (3) Emergency services telecommunications charges remitted to the State Tax  
 673 Commission pursuant to Subsection (2) shall be accompanied by the form prescribed by the  
 674 State Tax Commission.

675 (4) (a) The State Tax Commission shall administer, collect, and enforce the charge  
 676 imposed under Subsection (1) according to the same procedures used in the administration,

677 collection, and enforcement of the state sales and use tax under:

- 678 (i) Title 59, Chapter 1, General Taxation Policies; and  
679 (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:  
680 (A) Section 59-12-104;  
681 (B) Section 59-12-104.1;  
682 (C) Section 59-12-104.2;  
683 (D) Section 59-12-104.6;  
684 (E) Section 59-12-107.1; and  
685 (F) Section 59-12-123.

686 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
687 State Tax Commission may make rules to administer, collect, and enforce the emergency  
688 services telecommunications charges imposed under this section.

689 (c) The State Tax Commission shall retain and deposit an administrative charge in  
690 accordance with Section 59-1-306 from the revenues the State Tax Commission collects from  
691 an emergency services telecommunications charge under this section.

692 (d) A charge under this section is subject to Section 69-2-5.8.

693 (5) A provider of local exchange service switched access line services or radio  
694 communications access line services who fails to comply with this section is subject to  
695 penalties and interest as provided in Sections 59-1-401 and 59-1-402.

696 (6) An emergency services telecommunications charge under this section on a mobile  
697 telecommunications service may be imposed, billed, and collected only to the extent permitted  
698 by the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.

699 Section 10. Section 69-2-5.6 is amended to read:

700 **69-2-5.6. 911 services charge to fund unified statewide 911 emergency service --**  
701 **Administrative charge.**

702 (1) Subject to Subsection 69-2-5(3)(g), there is imposed a unified statewide 911  
703 emergency service charge of 9 cents per month on each local exchange service switched access  
704 line and each revenue producing radio communications access line that is subject to a 911  
705 emergency services charge levied by a county, city, town, or metro township under Section  
706 69-2-5.

707 (2) (a) A 911 emergency services charge imposed under this section shall be:



- 708 (i) subject to Subsection 69-2-5(3)(g); and  
709 (ii) billed and collected by the person that provides:  
710 (A) local exchange service switched access line services;  
711 (B) radio communications access line services; or  
712 (C) service described in Subsection 69-2-5(3)(a)(i)(C).
- 713 (b) A person that pays a charge under this section shall pay the charge to the  
714 commission:
- 715 (i) monthly on or before the last day of the month immediately following the last day of  
716 the previous month if:
- 717 (A) the person is required to file a sales and use tax return with the commission  
718 monthly under Section 59-12-108; or  
719 (B) the person is not required to file a sales and use tax return under Title 59, Chapter  
720 12, Sales and Use Tax Act; or
- 721 (ii) quarterly on or before the last day of the month immediately following the last day  
722 of the previous quarter if the person is required to file a sales and use tax return with the  
723 commission quarterly under Section 59-12-107.
- 724 (c) A charge imposed under this section shall be deposited into the Unified Statewide  
725 911 Emergency Service Account created by Section 63H-7a-304.
- 726 (d) If a subscriber of a service subject to a charge described in Subsection (1) is not  
727 required to pay for the service, the provider of the service shall collect the charge from the  
728 person that is required to pay for the service.
- 729 (3) The person that bills and collects the charges levied by this section pursuant to  
730 Subsections (2)(b) and (c) may:
- 731 (a) bill the charge imposed by this section in combination with the charge levied under  
732 Section 69-2-5 as one line item charge; and  
733 (b) retain an amount not to exceed 1.5% of the charges collected under this section as  
734 reimbursement for the cost of billing, collecting, and remitting the levy.
- 735 (4) The State Tax Commission shall collect, enforce, and administer the charges  
736 imposed under Subsection (1) using the same procedures used in the administration, collection,  
737 and enforcement of the emergency services telecommunications charge to fund the Computer  
738 Aided Dispatch Restricted Account under Section 63H-7a-303.

739 (5) Notwithstanding Section 63H-7a-304, the State Tax Commission shall retain and  
740 deposit an administrative charge in accordance with Section 59-1-306 from the revenues the  
741 State Tax Commission collects from a charge under this section.

742 (6) A charge under this section is subject to Section 69-2-5.8.

743 (7) This section sunsets in accordance with Section 63I-1-269.

744 Section 11. Section 69-2-5.7 is amended to read:

745 **69-2-5.7. Prepaid wireless telecommunications charge to fund 911 service --**  
746 **Administrative charge.**

747 (1) As used in this section:

748 (a) "Consumer" means a person who purchases prepaid wireless telecommunications  
749 service in a transaction.

750 (b) "Prepaid wireless 911 service charge" means the charge that is required to be  
751 collected by a seller from a consumer in the amount established under Subsection (2).

752 (c) (i) "Prepaid wireless telecommunications service" means a wireless  
753 telecommunications service that:

754 (A) is paid for in advance;

755 (B) is sold in predetermined units of time or dollars that decline with use in a known  
756 amount or provides unlimited use of the service for a fixed amount or time; and

757 (C) allows a caller to access 911 emergency service.

758 (ii) "Prepaid wireless telecommunications service" does not include a wireless  
759 telecommunications service that is billed:

760 (A) to a customer on a recurring basis; and

761 (B) in a manner that includes the emergency services telecommunications charges,  
762 described in Sections 69-2-5, 69-2-5.5, and 69-2-5.6, for each radio communication access line  
763 assigned to the customer.

764 (d) "Seller" means a person that sells prepaid wireless telecommunications service to a  
765 consumer.

766 (e) "Transaction" means each purchase of prepaid wireless telecommunications service  
767 from a seller.

768 (f) "Wireless telecommunications service" means commercial mobile radio service as  
769 defined by 47 C.F.R. Sec. 20.3, as amended.

770 (2) There is imposed a prepaid wireless 911 service charge of 1.9% of the sales price  
771 per transaction.

772 (3) (a) The prepaid wireless 911 service charge shall be collected by the seller from the  
773 consumer for each transaction occurring in this state.

774 (b) If a user of a service subject to a charge described in Subsection (2) is not the  
775 consumer, the seller shall collect the charge from the consumer for the service.

776 (4) The prepaid wireless 911 service charge shall be separately stated on an invoice,  
777 receipt, or similar document that is provided by the seller to the consumer.

778 (5) For purposes of Subsection (3), the location of a transaction is determined in  
779 accordance with Sections 59-12-211 through 59-12-215.

780 (6) When prepaid wireless telecommunications service is sold with one or more other  
781 products or services for a single non-itemized price, then the percentage specified in Section  
782 (2) shall apply to the entire non-itemized price.

783 (7) A seller may retain 3% of prepaid wireless 911 service charges that are collected by  
784 the seller from consumers as reimbursement for the cost of billing, collecting, and remitting the  
785 charge.

786 (8) Prepaid wireless 911 service charges collected by a seller, except as retained under  
787 Subsection (7), shall be remitted to the State Tax Commission at the same time as the seller  
788 remits to the State Tax Commission money collected by the person under Title 59, Chapter 12,  
789 Sales and Use Tax Act.

790 (9) The State Tax Commission:

791 (a) shall collect, enforce, and administer the charge imposed under this section using  
792 the same procedures used in the administration, collection, and enforcement of the state sales  
793 and use taxes under:

794 (i) Title 59, Chapter 1, General Taxation Policies; and

795 (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:

796 (A) Section 59-12-104;

797 (B) Section 59-12-104.1;

798 (C) Section 59-12-104.2;

799 (D) Section 59-12-107.1; and

800 (E) Section 59-12-123;

801 (b) may retain up to 1.5% of the prepaid wireless 911 service charge revenue collected  
802 under Subsection (9)(a) as reimbursement for administering this section;

803 (c) shall distribute the prepaid wireless 911 service charge revenue, except as retained  
804 under Subsection (9)(b), as follows:

805 (i) 80.3% of the revenue shall be distributed to each county, city, town, or metro  
806 township in the same percentages and in the same manner as the entities receive money to fund  
807 911 emergency telecommunications services under Section 69-2-5;

808 (ii) 7.9% of the revenue shall be distributed to fund the Computer Aided Dispatch  
809 Restricted Account created in Section 63H-7a-303;

810 (iii) 11.8% of the revenue shall be distributed to fund the unified statewide 911  
811 emergency service as in Section 69-2-5.6; and

812 (d) may make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
813 Rulemaking Act, to administer, collect, and enforce the charges imposed under this section.

814 (10) A charge under this section is subject to Section 69-2-5.8.