

1 **UTAH COMMUNICATIONS AUTHORITY AMENDMENTS**

2 2019 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Wayne A. Harper**

5 House Sponsor: _____

6

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions related to the Utah Communications Authority.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ clarifies purposes of the Utah Communications Authority and the authority's Radio
13 Network Division;

14 ▶ clarifies the definition of a public safety answering point in the state of Utah;

15 ▶ modifies provisions in the determination of asset distribution in the event of the
16 Utah Communications Authority's dissolution;

17 ▶ prohibits any public entity from causing or allowing a 911 or emergency call box
18 communication to be redirected to anywhere other than the 911 emergency service
19 network;

20 ▶ removes the Utah Communications Authority's limitation to sell public safety
21 communications network capacity to only a state agency or a political subdivision of
22 the state;

23 ▶ updates provisions related to the Computer Aided Dispatch Restricted Account;

24 ▶ authorizes the Utah Communications Authority to require a public safety answering
25 point to compensate the authority for funds expended on products and services on
26 the public safety answering point's behalf if the authority determines that the public
27 safety answering point is out of compliance with Title 63H, Chapter 7a, Utah



- 28 Communications Authority Act, or Title 69, Chapter 2, 911 Emergency Service;
- 29 ▶ authorizes the Utah Communications Authority to not expend funds from the
- 30 Unified Statewide 911 Emergency Service Account and the Utah Statewide Radio
- 31 System Restricted Account in certain circumstances;
- 32 ▶ exempts the Utah Communications Authority from certain provisions of Title 63J,
- 33 Chapter 1, Budgetary Procedures Act, in certain circumstances;
- 34 ▶ clarifies audit reporting requirements for counties not serviced by a single,
- 35 physically consolidated public safety answering point to the Utah Communications
- 36 Authority;
- 37 ▶ raises the Unified Statewide 911 emergency service charge for each access line in
- 38 the state;
- 39 ▶ changes percentage rates distributed from the prepaid wireless 911 service charge
- 40 revenue to a public safety answering point, the Unified Statewide 911 Emergency
- 41 Service Account, and the Utah Statewide Radio System Restricted Account; and
- 42 ▶ makes technical changes.

43 **Money Appropriated in this Bill:**

44 None

45 **Other Special Clauses:**

46 This bill provides a special effective date.

47 **Utah Code Sections Affected:**

48 AMENDS:

- 49 **63H-7a-102**, as last amended by Laws of Utah 2017, Chapter 430
- 50 **63H-7a-103**, as last amended by Laws of Utah 2017, Chapter 430
- 51 **63H-7a-202**, as last amended by Laws of Utah 2017, Chapter 430
- 52 **63H-7a-303**, as last amended by Laws of Utah 2017, Chapter 430
- 53 **63H-7a-304**, as last amended by Laws of Utah 2017, Chapter 430
- 54 **63H-7a-402**, as last amended by Laws of Utah 2016, Chapters 123 and 179
- 55 **63H-7a-403**, as last amended by Laws of Utah 2017, Chapter 430
- 56 **63H-7a-802**, as renumbered and amended by Laws of Utah 2015, Chapter 411
- 57 **63H-7a-803**, as last amended by Laws of Utah 2017, Chapters 221 and 430
- 58 **69-2-201**, as renumbered and amended by Laws of Utah 2017, Chapter 430

59 [69-2-203](#), as enacted by Laws of Utah 2017, Chapter 430

60 [69-2-403](#), as renumbered and amended by Laws of Utah 2017, Chapter 430

61 [69-2-405](#), as renumbered and amended by Laws of Utah 2017, Chapter 430



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

64 Section 1. Section **63H-7a-102** is amended to read:

65 **63H-7a-102. Utah Communications Authority -- Purpose.**

66 (1) This chapter establishes the Utah Communications Authority as an independent
67 state agency.

68 (2) The Utah Communications Authority shall:

69 (a) provide administrative and financial support for statewide 911 emergency services;
70 and

71 (b) establish and maintain a statewide public safety communications network for state
72 agencies and public safety agencies.

73 Section 2. Section **63H-7a-103** is amended to read:

74 **63H-7a-103. Definitions.**

75 As used in this chapter:

76 (1) "Association of governments" means an association of political subdivisions of the
77 state, established pursuant to an interlocal agreement under Title 11, Chapter 13, Interlocal
78 Cooperation Act.

79 (2) "Authority" means the Utah Communications Authority created in Section
80 [63H-7a-201](#).

81 (3) "Board" means the Utah Communications Authority Board created in Section
82 [63H-7a-203](#).

83 (4) "Dispatch center" means an entity that receives and responds to an emergency or
84 nonemergency communication transferred to the entity from a public safety answering point.

85 (5) "FirstNet" means the federal First Responder Network Authority established in 47
86 U.S.C. Sec. 1424.

87 (6) "Lease" means any lease, lease purchase, sublease, operating, management, or
88 similar agreement.

89 (7) "Public agency" means any political subdivision of the state dispatched by a public

90 safety answering point.

91 (8) "Public safety agency" means the same as that term defined in Section 69-2-102.

92 ~~[(8)]~~ (9) "Public safety answering point" or "PSAP" means an entity in this state that:

93 (a) receives, as a first point of contact, direct 911 emergency ~~[and nonemergency~~
94 ~~communications requesting a public safety service]~~ communications from the 911 emergency
95 service network requesting a public safety service;

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

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

98 (d) dispatches the communication to the proper responding agency.

99 ~~[(9)]~~ (10) "Public safety communications network" means:

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

103 (b) 911 emergency services, including radio communications, connectivity, and
104 ~~[computer-aided dispatch]~~ phone systems.

105 Section 3. Section **63H-7a-202** is amended to read:

106 **63H-7a-202. Powers of the authority.**

107 (1) The authority has the power to:

108 (a) sue and be sued in the authority's own name;

109 (b) have an official seal and power to alter that seal at will;

110 (c) make and execute contracts and all other instruments necessary or convenient for
111 the performance of the authority's duties and the exercise of the authority's powers and
112 functions under this chapter, including contracts with public and private providers;

113 (d) own, acquire, design, construct, operate, maintain, repair, and dispose of any
114 portion of a public safety communications network utilizing technology that is fiscally prudent,
115 upgradable, technologically advanced, redundant, and secure;

116 (e) borrow money and incur indebtedness;

117 (f) enter into agreements with public agencies, private entities, the state, and federal
118 government to provide public safety communications network services on terms and conditions
119 the authority considers to be in the best interest of the authority;

120 (g) acquire, by gift, grant, purchase, or by exercise of eminent domain, any real

121 property or personal property in connection with the acquisition and construction of a public
 122 safety communications network and all related facilities and rights-of-way that the authority
 123 owns, operates, and maintains;

124 (h) sell public safety communications network capacity [~~to a state agency or a political~~
 125 ~~subdivision of the state~~] if the sale is:

126 (i) for a public safety purpose;

127 (ii) consistent with the authority's duties under this chapter; or

128 (iii) pursuant to:

129 (A) an agreement entered into by the authority before January 1, 2017; or

130 (B) a renewal of an agreement described in Subsection (1)(h)(iii)(A);

131 (i) review, approve, disapprove, or revise recommendations regarding the expenditure
 132 of funds disbursed by the authority under this chapter; and

133 (j) perform all other duties authorized by this chapter.

134 (2) The authority may not intentionally overbuild the public safety communications
 135 network for the purpose of competing with a public or private provider of a
 136 telecommunications service.

137 Section 4. Section **63H-7a-303** is amended to read:

138 **63H-7a-303. Computer Aided Dispatch Restricted Account -- Creation --**
 139 **Administration -- Permitted uses.**

140 (1) There is created a restricted account within the General Fund known as the
 141 "Computer Aided Dispatch Restricted Account," consisting of[~~:(a)~~] money appropriated or
 142 otherwise made available by the Legislature[~~;~~and].

143 [~~(b) contributions of money from federal agencies, political subdivisions of the state,~~
 144 ~~persons, or corporations.]~~

145 (2) Subject to this Subsection (2) and appropriations by the Legislature, the authority
 146 may expend funds in the Computer Aided Dispatch Restricted Account for the following
 147 purposes:

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

149 (b) creating a shared computer aided dispatch system including:

150 (i) an interoperable computer aided dispatch platform that will be selected, shared, or
 151 hosted on a statewide or regional basis;

152 (ii) an interoperable computer aided dispatch platform selected by a county of the first
153 class, when:

154 (A) authorized through an interlocal agreement between the county's two primary
155 public safety answering points; and

156 (B) the county's computer aided dispatch platform is capable of interfacing with the
157 platform described in Subsection (2)(b)(i); and

158 (iii) a statewide computer aided dispatch system data sharing platform to provide
159 interoperability of systems.

160 (3) Subject to an appropriation by the Legislature and approval by the board, the
161 Administrative Services Division may expend funds from the Computer Aided Dispatch
162 Restricted Account to cover the Administrative Services Division's administrative costs related
163 to the Computer Aided Dispatch Restricted Account.

164 (4) On July 1, 2022, all funds in the Computer Aided Dispatch Restricted Account
165 shall automatically transfer to the Unified Statewide 911 Emergency Service Account created
166 in Section [63H-7a-304](#).

167 Section 5. Section [63H-7a-304](#) is amended to read:

168 **[63H-7a-304. Unified Statewide 911 Emergency Service Account -- Creation --](#)**
169 **Administration -- Permitted uses.**

170 (1) There is created a restricted account within the General Fund known as the "Unified
171 Statewide 911 Emergency Service Account," consisting of:

172 (a) proceeds from the fee imposed in Section [69-2-403](#);

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

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

176 (2) (a) Except as provided in Subsection (4) and subject to Subsection (3) and
177 appropriations by the Legislature, the authority [~~may~~] shall disburse funds in the Unified
178 Statewide 911 Emergency Service Account for the purpose of enhancing and maintaining the
179 statewide public safety communications network and call processing equipment in order to
180 rapidly and efficiently deliver 911 services in the state.

181 (b) In expending funds in the Unified Statewide 911 Emergency Service Account, the
182 authority shall give a higher priority to an expenditure that:

183 (i) best promotes statewide public safety;

184 (ii) best promotes interoperability;

185 (iii) impacts the largest service territory;

186 (iv) impacts a densely populated area; or

187 (v) impacts an underserved area.

188 (c) The authority shall expend funds in the Unified Statewide 911 Emergency Service
189 Account in accordance with the authority strategic plan described in Section 63H-7a-206.

190 (d) If the authority determines that a PSAP is out of compliance with the provisions of
191 this chapter or Title 69, Chapter 2, 911 Emergency Service, the authority shall require the
192 PSAP to compensate the authority for funds expended on products and services on the PSAP's
193 behalf during the period in which the PSAP is out of compliance.

194 (e) The authority may not expend funds from the Unified Statewide 911 Emergency
195 Service Account collected through the 911 emergency service charge imposed in Section
196 69-2-403 to a person if the person chooses not to participate in the:

197 (i) public safety communications network; and

198 (ii) the 911 emergency service defined in Section 69-2-102.

199 (f) The authority may not expend funds from the Unified Statewide 911 Emergency
200 Service Account collected through the prepaid wireless 911 service charge revenue distributed
201 in Subsection 69-2-405(9)(b)(ii) to a person if the person chooses not to participate in the:

202 (i) public safety communications network;

203 (ii) the 911 emergency service defined in Section 69-2-102; and

204 (iii) the radio communications service defined in Section 69-2-102.

205 [~~(f)~~] (g) The executive director shall recommend to the board expenditures for the
206 authority to make from the Unified Statewide 911 Emergency Service Account in accordance
207 with this Subsection (2).

208 (3) Subject to an appropriation by the Legislature and approval by the board, the
209 Administrative Services Division may use funds in the Unified Statewide 911 Emergency
210 Service Account to cover the Administrative Services Division's administrative costs related to
211 the Unified Statewide 911 Emergency Service Account.

212 (4) (a) The authority shall reimburse from the Unified Statewide 911 Emergency
213 Service Account to the Automated Geographic Reference Center created in Section 63F-1-506

214 an amount equal to up to 1 cent of each unified statewide 911 emergency service charge
215 deposited into the Unified Statewide 911 Emergency Service Account under Section 69-2-403.

216 (b) The Automated Geographic Reference Center shall use the funds reimbursed to the
217 Automated Geographic Reference Center under Subsection (4)(a) to:

- 218 (i) enhance and upgrade digital mapping standards; and
- 219 (ii) maintain a statewide geospatial database for unified statewide 911 emergency
220 service.

221 Section 6. Section 63H-7a-402 is amended to read:

222 **63H-7a-402. Radio Network Division duties.**

223 (1) The Radio Network Division shall:

224 (a) provide and maintain the public safety communications network for state agencies
225 and local government public safety agencies within the authority network, including the
226 existing VHF and 800 MHz networks, in a manner that:

- 227 (i) promotes high quality, cost effective service;
- 228 (ii) evaluates the benefits, cost, existing facilities, equipment, and services of public
229 and private providers; and
- 230 (iii) where economically feasible, utilizes existing infrastructure to avoid duplication of
231 facilities, equipment, and services of providers of communication services;

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

- 233 (i) an annual budget for the Radio Network Division;
- 234 (ii) an annual plan for the program funded by the Utah Statewide Radio System
235 Restricted Account created in Section 63H-7a-403; and
- 236 (iii) information required by the director to contribute to the comprehensive strategic
237 plan described in Subsection 63H-7a-204(18);

238 (c) recommend to the executive director administrative rules for approval by the board
239 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer
240 the program funded by the restricted account created in Section 63H-7a-403, including rules
241 that establish the criteria, standards, technology, equipment, and services that will qualify for
242 goods or services that are funded from the restricted accounts; and

243 (d) fulfill other duties assigned to the Radio Network Division under this chapter.

244 (2) The Radio Network Division may:

245 (a) recommend to the executive director to sell, lease, or otherwise dispose of
246 equipment or personal property purchased, leased, or belonging to the authority that is related
247 to the public safety communications network;

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

250 (c) review information regarding:

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

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

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

255 (i) local and state entities; and

256 (ii) public safety agencies; and

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

258 (i) the public safety communications network;

259 (ii) radio technologies and services;

260 (iii) microwave connectivity;

261 (iv) fiber connectivity; and

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

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

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

267 Section 7. Section **63H-7a-403** is amended to read:

268 **63H-7a-403. Utah Statewide Radio System Restricted Account -- Creation --**
269 **Administration.**

270 (1) There is created a restricted account within the General Fund known as the "Utah
271 Statewide Radio System Restricted Account," consisting of:

272 (a) money appropriated or otherwise made available by the Legislature; and

273 (b) contributions of money from federal agencies, political subdivisions of the state,
274 persons, or corporations.

275 (2) (a) Subject to appropriations by the Legislature and subject to this Subsection (2),

276 the authority may expend funds in the Utah Statewide Radio System Restricted Account for the
277 purpose of acquiring, constructing, operating, maintaining, and repairing a statewide radio
278 system public safety communications network as authorized in Section 63H-7a-202, including:

279 (i) public safety communications network and related facilities, real property,
280 improvements, and equipment necessary for the acquisition, construction, and operation of
281 services and facilities;

282 (ii) installation, implementation, and maintenance of the public safety communications
283 network;

284 (iii) maintaining and upgrading VHF and 800 MHz radio networks; and

285 (iv) an operating budget to include personnel costs not otherwise covered by funds
286 from another account.

287 (b) For each radio network charge that is deposited into the Utah Statewide Radio
288 System Restricted Account under Section 69-2-404, the authority shall spend, subject to an
289 appropriation by the Legislature and this Subsection (2):

290 (i) on and after July 1, 2017, 18 cents of each total radio network charge to maintain
291 the public safety communications network, including:

292 (A) the 800 MHz and VHF radio networks;

293 (B) radio console network connectivity;

294 (C) funding a statewide interoperability coordinator; and

295 (D) supplementing costs formerly offset by public safety communications network user
296 fees assessed by the authority before July 1, 2017; and

297 (ii) on and after January 1, 2018, 34 cents of each total radio network charge to acquire,
298 construct, equip, and install property for, and to make improvements to, the 800 MHz radio
299 system, including debt service costs.

300 (c) In expending funds in the Utah Statewide Radio System Restricted Account, the
301 authority shall give a higher priority to an expenditure that:

302 (i) best promotes statewide public safety;

303 (ii) best promotes interoperability;

304 (iii) impacts the largest service territory;

305 (iv) impacts a densely populated area; or

306 (v) impacts an underserved area.

307 (d) The authority shall expend funds in the Utah Statewide Radio System Restricted
308 Account in accordance with the authority strategic plan described in Section [63H-7a-206](#).

309 (e) The authority may not expend funds from the Utah Statewide Radio System
310 Restricted Account collected through the radio network charge imposed in Section [69-2-404](#) to
311 a person if the person chooses not to participate in the:

312 (i) public safety communications network; and

313 (ii) the radio communications service defined in Section [69-2-102](#).

314 (f) The authority may not expend funds from the Utah Statewide Radio System
315 Restricted Account collected through the prepaid wireless 911 service charge revenue
316 distributed in Subsection [69-2-405\(9\)\(b\)\(iii\)](#) to a person if the person chooses not to participate
317 in the:

318 (i) public safety communications network; and

319 (iii) the radio communications service defined in Section [69-2-102](#).

320 ~~(e)~~ (g) The executive director shall recommend to the board expenditures for the
321 authority to make from the Utah Statewide Radio System Restricted Account in accordance
322 with this Subsection (2).

323 (3) Subject to appropriations by the Legislature, the Administrative Services Division
324 may expend funds in the Utah Statewide Radio System Restricted Account for administrative
325 costs that the Administrative Services Division incurs related to the Utah Statewide Radio
326 System Restricted Account.

327 Section 8. Section **63H-7a-802** is amended to read:

328 **63H-7a-802. Term of the authority -- Dissolution -- Withdrawal.**

329 (1) ~~(a)~~ The authority may be dissolved by an act of the Legislature.

330 ~~(b)~~ (2) Title to all assets of the authority upon its dissolution shall revert to the
331 ~~[members and the state pro rata, based upon the total amount of money paid to the authority by~~
332 ~~each member or the]~~ state for services provided ~~[to each]~~ by the public safety communications
333 network.

334 ~~(e)~~ (3) The board is authorized to:

335 ~~(i)~~ (a) take any necessary action to dissolve the authority; and

336 ~~(ii)~~ (b) dispose of the property of the authority upon its dissolution as provided in
337 Subsection ~~(+)(b)~~ (2).

338 ~~[(2) (a) Each member may, at any time, withdraw as a member of the authority by~~
339 ~~delivering to the board a written notice of withdrawal which has been approved by the~~
340 ~~governing body of the member, except that a member may not withdraw from the authority at~~
341 ~~any time during which it has an outstanding payment obligation to the authority as a result of~~
342 ~~having entered into a service contract, lease, or other financial obligation.]~~

343 ~~[(b) Except as provided in Subsection (2)(a), the board shall delete the petitioning~~
344 ~~member from the membership of the authority as of the date of the board's receipt of the~~
345 ~~member's notice of withdrawal. The board may not include a member who has given notice of~~
346 ~~withdrawal in any future obligation of the authority.]~~

347 Section 9. Section **63H-7a-803** is amended to read:

348 **63H-7a-803. Relation to certain acts -- Participation in Risk Management Fund.**

349 (1) The Utah Communications Authority is exempt from:

350 (a) except as provided in Subsection (3), Title 63A, Utah Administrative Services
351 Code;

352 (b) Title 63G, Chapter 4, Administrative Procedures Act; and

353 (c) Title 67, Chapter 19, Utah State Personnel Management Act.

354 (2) (a) The board shall adopt budgetary procedures, accounting, and personnel and
355 human resource policies substantially similar to those from which they have been exempted in
356 Subsection (1).

357 (b) The authority, the board, and the committee members are subject to Title 67,
358 Chapter 16, Utah Public Officers' and Employees' Ethics Act.

359 (c) The authority is subject to Title 52, Chapter 4, Open and Public Meetings Act.

360 (d) The authority is subject to Title 63G, Chapter 6a, Utah Procurement Code.

361 (e) The authority is subject to Title 63J, Chapter 1, Budgetary Procedures Act, only
362 with respect to money appropriated to the authority by the Legislature.

363 (3) (a) Subject to the requirements of Subsection **63E-1-304**(2), the administration may
364 participate in coverage under the Risk Management Fund created by Section **63A-4-201**.

365 (b) The authority is subject to Title 63A, Chapter 3, Part 4, Utah Public Finance
366 Website.

367 Section 10. Section **69-2-201** is amended to read:

368 **69-2-201. Public safety answering point -- Establishment -- Administration --**

369 **Consolidation.**

370 (1) (a) A public agency may:

371 (i) operate a public safety answering point to provide 911 emergency service to any
372 part of the geographic area within the public agency's jurisdiction;373 (ii) subject to Subsection (1)(b), operate a public safety answering point with any other
374 contiguous public agency to provide 911 emergency service to any part of the geographic area
375 within the public agencies' jurisdictions; or376 (iii) operate a public safety answering point under an agreement with another public
377 agency that existed before January 1, 2017, to provide 911 emergency service to any part of the
378 geographic area within the public agencies' jurisdictions.379 (b) A public agency that operates a public safety answering point in connection with a
380 contiguous public agency shall:381 (i) provide for the operation of the public safety answering point by interlocal
382 agreement between the public agencies; and383 (ii) submit a copy of the interlocal agreement to the director of the Utah
384 Communications Authority.385 (2) Except as provided in Subsection (3), a public agency may not establish a dispatch
386 center or a public safety answering point after January 1, 2017.387 (3) (a) A public agency that operates a public safety answering point established before
388 January 1, 2017, may:

389 (i) continue to operate the public safety answering point; or

390 (ii) physically consolidate the public safety answering point with another public safety
391 answering point operated by another contiguous public agency.392 (b) A county may establish a public safety answering point on or after January 1, 2017,
393 if no public safety answering point exists in the county.394 (4) A public agency may, in order to provide funding for operating a public safety
395 answering point:

396 (a) seek funds from the federal or state government;

397 (b) seek funds appropriated by local governmental taxing authorities to fund a public
398 safety agency; or

399 (c) seek gifts, donations, or grants from a private entity.

400 (5) ~~[Before July 1, 2017, each]~~ Each dispatch center in the state shall enter into an
401 interlocal agreement with the governing authority of a public safety answering point that serves
402 the county where the dispatch center is located that provides for:

403 (a) functional consolidation of the dispatch center with the public safety answering
404 point; and

405 (b) a plan for the public safety answering point to provide 911 emergency service to the
406 geographic area served by the dispatch center.

407 (6) (a) No public entity may cause or allow a 911 or emergency call box
408 communication to be redirected to any network other than to the 911 emergency service
409 network.

410 (b) Each public entity shall comply with Subsection (6)(a) on or before July 1, 2019,
411 and thereafter.

412 ~~[(6)]~~ (7) A special service district that operates a public safety answering point or a
413 dispatch center:

414 (a) shall administer the public safety answering point or dispatch center in accordance
415 with Title 17D, Chapter 1, Special Service District Act; and

416 (b) may raise funds, borrow money, or incur indebtedness for the purpose of
417 maintaining the public safety answering point or the dispatch center in accordance with:

- 418 (i) Section 17D-1-105; and
- 419 (ii) Section 17D-1-103.

420 Section 11. Section 69-2-203 is amended to read:

421 **69-2-203. Audit to assess emergency services -- County.**

422 ~~[Before January 1, 2018, each county in the state that is not served by a single,~~
423 ~~consolidated public safety answering point shall conduct an audit to determine:]~~

424 ~~[(1) how best to provide emergency services within the county; and]~~

425 ~~[(2) whether the county could provide more cost efficient emergency service or~~
426 ~~improve public safety by establishing a single public safety answering point for the county.]~~

427 (1) Before July 2, 2021, and before July 1 of every fourth year beginning in 2025, a
428 county's governing body shall utilize a qualified third party to conduct an audit of each of the
429 county's public safety answering points, including each public safety answering point that is:

430 (a) a single, physically consolidated public safety answering point; or

431 (b) not a single, physically consolidated public safety answering point.

432 (2) The audit described in Subsection (1) shall evaluate:

433 (a) how best to provide 911 emergency services within the respective county; and

434 (b) whether establishing a single, physically consolidated public safety answering point

435 in the respective county could provide more efficient 911 services and improve public safety.

436 (3) (a) Each public safety answering point shall participate and cooperate in the audit
437 described in Subsection (1).

438 (b) A public safety answering point that fails to participate and cooperate in the audit
439 as described in Subsection (1) is ineligible for funding or services provided by the Unified
440 Statewide 911 Emergency Services Account described in Section [63H-7a-304](#).

441 Section 12. Section **69-2-403** is amended to read:

442 **69-2-403. Unified statewide 911 emergency service charge to fund Unified**
443 **Statewide 911 Emergency Service Account.**

444 (1) As used in this section, "unified statewide 911 emergency service charge" means
445 the unified statewide 911 emergency service charge imposed under Subsection (2).

446 (2) (a) Subject to Subsection (6), there is imposed on each access line in the state a
447 unified statewide 911 emergency service charge of [~~9 cents per month~~]:

448 (i) until June 30, 2019, 9 cents per month; and

449 (ii) beginning July 1, 2019, 25 cents per month.

450 (b) An access line is within the state for the purposes of Subsection (2)(a) if the
451 telecommunications services provided over the access line are located within the state:

452 (i) for the purposes of sales and use taxes under Title 59, Chapter 12, Sales and Use
453 Tax Act; and

454 (ii) as determined in accordance with Section [59-12-215](#).

455 (3) (a) The person that provides service to an access line shall bill and collect the
456 unified statewide 911 emergency service charge.

457 (b) A person that bills and collects the unified statewide 911 emergency service charge
458 shall pay the unified statewide 911 emergency service charge to the commission:

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

461 (A) the person is required to file a sales and use tax return with the commission

462 monthly under Section 59-12-108; or

463 (B) the person is not required to file a sales and use tax return under Title 59, Chapter
464 12, Sales and Use Tax Act; or

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

468 (c) If an access line user is not required to pay for the access line, the access line
469 provider shall collect the unified statewide 911 emergency service charge from the person that
470 is required to pay for the access line.

471 (d) The person that bills and collects the unified statewide 911 emergency service
472 charge:

473 (i) shall remit the unified statewide 911 emergency service charge along with a form
474 prescribed by the commission;

475 (ii) may bill the unified statewide 911 emergency service charge in combination with
476 the charges levied under Sections 69-2-402 and 69-2-404 as one line item charge for 911
477 emergency service; and

478 (iii) may retain an amount not to exceed 1.5% of the unified statewide 911 emergency
479 service charge collected under this section as reimbursement for the cost of billing, collecting,
480 and remitting the unified statewide 911 emergency service charge.

481 (4) The commission shall deposit any unified 911 emergency service charge remitted to
482 the commission into the Unified Statewide 911 Emergency Service Account created in Section
483 63H-7a-304.

484 (5) An access line provider that fails to comply with this section is subject to penalties
485 and interest as provided in Sections 59-1-401 and 59-1-402.

486 (6) The state may impose, bill, and collect an emergency services telecommunications
487 charge under this section on a mobile telecommunications service only to the extent permitted
488 by the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.

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

490 Section 13. Section 69-2-405 is amended to read:

491 **69-2-405. Prepaid wireless 911 service charge to fund 911 emergency service.**

492 (1) As used in this section:

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

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

497 (c) (i) "Prepaid wireless telecommunications service" means a wireless
498 telecommunications service that:

499 (A) is paid for in advance;

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

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

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

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

506 (B) in a manner that includes the charges levied under Sections 69-2-402, 69-2-403,
507 and 69-2-404, for each radio communication access line assigned to the customer.

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

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

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

514 (2) There is imposed a prepaid wireless 911 service charge of:

515 (a) before January 1, 2018, 2.45% of the sales price per transaction; and

516 (b) [~~on and after January 1, 2018, 3.30%~~] beginning July 1, 2019, 3.7% of the sales
517 price per transaction.

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

520 (b) (i) Except as provided in Subsections (3)(b)(ii) and (iii), if a user of a service
521 subject to a charge described in Subsection (2) is not the consumer, the seller shall collect the
522 charge from the consumer for the service.

523 (ii) The charge described in Subsection (2) is not imposed on a seller or a consumer of

524 federal wireless lifeline service if the consumer does not pay the seller for the service.

525 (iii) A consumer of federal wireless lifeline service shall pay, and the seller of the
526 service shall collect and remit, the charge described in Subsection (2) when the consumer
527 purchases from the seller optional services in addition to the federally funded lifeline benefit.

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

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

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

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

538 (8) A person that collects a prepaid wireless 911 service charge, except as retained
539 under Subsection (7), shall remit the prepaid wireless 911 service charge to the commission at
540 the same time that the seller remits to the commission money collected by the person under
541 Title 59, Chapter 12, Sales and Use Tax Act.

542 (9) The commission shall distribute:

543 [~~(a) on and after July 1, 2017, and before January 1, 2018:~~]

544 [~~(i) 72.4% of the prepaid wireless 911 service charge revenue to a public safety
545 answering point in accordance with Section 69-2-302;~~]

546 [~~(ii) 9.2% of the prepaid wireless 911 service charge revenue to the Unified Statewide
547 911 Emergency Service Account created in Section 63H-7a-304; and]~~]

548 [~~(iii) 18.4% of the revenue to the Utah Statewide Radio System Restricted Account;
549 and]~~]

550 [~~(b) on and after January 1, 2018:~~]

551 (a) for revenues collected under this section for a filing period ending June 30, 2019:

552 (i) 53.8% of the prepaid wireless 911 service charge revenue to a public safety
553 answering point in accordance with Section 69-2-302;

554 (ii) 6.8% of the prepaid wireless 911 service charge revenue to the Unified Statewide

555 911 Emergency Service Account created in Section [63H-7a-304](#); and
556 (iii) 39.4% of the prepaid wireless 911 service charge revenue to the Utah Statewide
557 Radio System Restricted Account[-] created in Section [63H-7a-403](#); and
558 (b) for revenues collected under this section for a filing period beginning July 1, 2019:
559 (i) 47.97% of the prepaid wireless 911 service charge revenue to a public safety
560 answering point in accordance with Section [69-2-302](#);
561 (ii) 16.89% of the prepaid wireless 911 service charge revenue to the Unified Statewide
562 911 Emergency Service Account created in Section [63H-7a-304](#); and
563 (iii) 35.14% of the prepaid wireless 911 service charge revenue to the Utah Statewide
564 Radio System Restricted Account created in Section [63H-7a-403](#).
565 Section 14. **Effective date.**
566 This bill takes effect on July 1, 2019.