

Senator Wayne A. Harper proposes the following substitute bill:

UTAH COMMUNICATIONS AUTHORITY AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Bradley G. Last

LONG TITLE

General Description:

This bill modifies provisions related to the Utah Communications Authority.

Highlighted Provisions:

This bill:

- ▶ clarifies purposes of the Utah Communications Authority and the authority's Radio Network Division;
- ▶ clarifies the definition of a public safety answering point in the state of Utah;
- ▶ amends provisions related to the Utah Communications Authority board;
- ▶ repeals the operations advisory committee and creates the public safety advisory committee;
- ▶ repeals regional advisory committees and creates the PSAP advisory committee;
- ▶ provides duties of the advisory committees in relation to the Utah Communications Authority board, including nonvoting board membership of the chair of each committee;
- ▶ modifies provisions in the determination of asset distribution in the event of the Utah Communications Authority's dissolution;
- ▶ prohibits any public entity from causing or allowing a 911 or emergency call box communication to be redirected to anywhere other than the 911 emergency service



- 26 network;
- 27 ▶ updates provisions related to the Computer Aided Dispatch Restricted Account;
- 28 ▶ authorizes the Utah Communications Authority to not expend funds from the
- 29 Unified Statewide 911 Emergency Service Account and the Utah Statewide Radio
- 30 System Restricted Account in certain circumstances;
- 31 ▶ exempts the Utah Communications Authority from certain provisions of Title 63J,
- 32 Chapter 1, Budgetary Procedures Act, in certain circumstances;
- 33 ▶ clarifies audit reporting requirements for counties not serviced by a single,
- 34 physically consolidated public safety answering point to the Utah Communications
- 35 Authority;
- 36 ▶ extends to July 1, 2028, the sunset of the emergency services telecommunication
- 37 charge to fund unified statewide 911 emergency service;
- 38 ▶ raises the Unified Statewide 911 emergency service charge for each access line in
- 39 the state;
- 40 ▶ changes percentage rates distributed from the prepaid wireless 911 service charge
- 41 revenue to a public safety answering point, the Unified Statewide 911 Emergency
- 42 Service Account, and the Utah Statewide Radio System Restricted Account; and
- 43 ▶ makes technical changes.

44 **Money Appropriated in this Bill:**

45 None

46 **Other Special Clauses:**

47 This bill provides a special effective date.

48 **Utah Code Sections Affected:**

49 AMENDS:

50 **63H-7a-102**, as last amended by Laws of Utah 2017, Chapter 430

51 **63H-7a-103**, as last amended by Laws of Utah 2017, Chapter 430

52 **63H-7a-203**, as last amended by Laws of Utah 2017, Chapter 430

53 **63H-7a-204**, as last amended by Laws of Utah 2017, Chapter 430

54 **63H-7a-303**, as last amended by Laws of Utah 2017, Chapter 430

55 **63H-7a-304**, as last amended by Laws of Utah 2017, Chapter 430

56 **63H-7a-402**, as last amended by Laws of Utah 2016, Chapters 123 and 179

- 57 **63H-7a-403**, as last amended by Laws of Utah 2017, Chapter 430
- 58 **63H-7a-802**, as renumbered and amended by Laws of Utah 2015, Chapter 411
- 59 **63H-7a-803**, as last amended by Laws of Utah 2017, Chapters 221 and 430
- 60 **63I-1-269**, as last amended by Laws of Utah 2017, Chapter 430
- 61 **69-2-201**, as renumbered and amended by Laws of Utah 2017, Chapter 430
- 62 **69-2-203**, as enacted by Laws of Utah 2017, Chapter 430
- 63 **69-2-403**, as renumbered and amended by Laws of Utah 2017, Chapter 430
- 64 **69-2-405**, as renumbered and amended by Laws of Utah 2017, Chapter 430

65 REPEALS AND REENACTS:

- 66 **63H-7a-207**, as enacted by Laws of Utah 2017, Chapter 430
- 67 **63H-7a-208**, as enacted by Laws of Utah 2017, Chapter 430



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

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

71 **63H-7a-102. Utah Communications Authority -- Purpose.**

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

74 (2) The Utah Communications Authority shall:

75 (a) provide administrative and financial support for statewide 911 emergency services;
76 and

77 (b) establish and maintain a statewide public safety communications network for state
78 agencies, public safety agencies, and public safety answering points.

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

80 **63H-7a-103. Definitions.**

81 As used in this chapter:

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

85 (2) "Authority" means the Utah Communications Authority created in Section
86 **63H-7a-201**.

87 (3) "Board" means the Utah Communications Authority Board created in Section

88 [63H-7a-203](#).

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

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

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

95 (7) "Public agency" means any political subdivision of the state dispatched by a public
96 safety answering point.

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

98 ~~[(8)]~~ (9) "Public safety answering point" or "PSAP" means an entity in this state that:

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

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

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

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

105 ~~[(9)]~~ (10) "Public safety communications network" means:

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

109 (b) 911 emergency services, including radio communications, connectivity, and
110 ~~[computer aided dispatch systems]~~ 911 call processing equipment.

111 Section 3. Section **63H-7a-203** is amended to read:

112 **63H-7a-203. Board established -- Terms -- Vacancies.**

113 (1) There is created the Utah Communications Authority Board.

114 (2) The board shall consist of nine voting board members and two nonvoting board
115 members as follows:

116 (a) as voting members:

117 (i) three individuals appointed by the governor with the advice and consent of the
118 Senate;

119 ~~[(b)]~~ (ii) one individual appointed by the speaker of the House of Representatives;
120 ~~[(c)]~~ (iii) one individual appointed by the president of the Senate;
121 ~~[(d)]~~ (iv) two individuals nominated by an association that represents cities and towns
122 in the state and appointed by the governor with the advice and consent of the Senate; and
123 ~~[(e)]~~ (v) two individuals nominated by an association that represents counties in the
124 state and appointed by the governor with the advice and consent of the Senate~~[-]; and~~
125 (b) as nonvoting members, the chairs of the public safety advisory committee created
126 in Section 63H-7a-207 and the PSAP advisory committee created in Section 63H-7a-208.

127 (3) Subject to this section, an individual is eligible for appointment under Subsection
128 (2) if the individual has knowledge of at least one of the following:

- 129 (a) law enforcement;
- 130 (b) public safety;
- 131 (c) fire service;
- 132 (d) telecommunications;
- 133 (e) finance;
- 134 (f) management; and
- 135 (g) government.

136 (4) An individual may not serve as a voting board member if the individual is a current
137 public safety communications network:

- 138 (a) user; or
- 139 (b) vendor.

140 (5) (a) (i) Five of the board members appointed under Subsection (2)(a) shall serve an
141 initial term of two years and four of the board members appointed under Subsection (2)(a) shall
142 serve an initial term of four years.

143 (ii) Successor board members shall each serve a term of four years.

144 (b) (i) The governor may remove a board member with cause.

145 (ii) If the governor removes a board member the entity that appointed the board
146 member under Subsection (2)(a) shall appoint a replacement board member in the same manner
147 as described in Subsection (2)(a).

148 (6) (a) The governor shall, after consultation with the board, appoint a voting board
149 member as chair of the board with the advice and consent of the Senate.

- 150 (b) The chair shall serve a two-year term.
- 151 (7) The board shall meet on an as-needed basis and as provided in the bylaws.
- 152 (8) (a) The board shall elect one of the board members to serve as vice chair.
- 153 (b) (i) The board may elect a secretary and treasurer who are not members of the board.
- 154 (ii) If the board elects a secretary or treasurer who is not a member of the board, the
- 155 secretary or treasurer does not have voting power.
- 156 (c) A separate individual shall hold the offices of chair, vice chair, secretary, and
- 157 treasurer.
- 158 (9) ~~[Each]~~ Except for the nonvoting members described in Subsection (2)(b), each
- 159 board member, including the chair, has one vote.
- 160 (10) A vote of a majority of the board members is necessary to take action on behalf of
- 161 the board.
- 162 (11) A board member may not receive compensation for the member's service on the
- 163 board, but may, in accordance with rules adopted by the board in accordance with Title 63G,
- 164 Chapter 3, Utah Administrative Rulemaking Act, receive:
- 165 (a) a per diem at the rate established under Section [63A-3-106](#); and
- 166 (b) travel expenses at the rate established under Section [63A-3-107](#).
- 167 Section 4. Section **63H-7a-204** is amended to read:
- 168 **63H-7a-204. Board -- Powers and duties.**
- 169 The board shall:
- 170 (1) manage the affairs and business of the authority consistent with this chapter;
- 171 (2) adopt bylaws;
- 172 (3) appoint an executive director to administer the authority;
- 173 (4) receive and act upon reports covering the operations of the public safety
- 174 communications network and funds administered by the authority;
- 175 (5) ensure that the public safety communications network and funds are administered
- 176 according to law;
- 177 (6) examine and approve an annual operating budget for the authority;
- 178 (7) receive and act upon recommendations of the director;
- 179 (8) recommend to the governor and Legislature legislation involving the public safety
- 180 communications network;

181 (9) develop policies for the long-term operation of the authority and the performance of
182 the authority's functions;

183 (10) authorize the executive director to enter into agreements on behalf of the
184 authority;

185 (11) provide for the management and administration of the public safety
186 communications network by rule made in accordance with Title 63G, Chapter 3, Utah
187 Administrative Rulemaking Act;

188 (12) exercise the powers and perform the duties conferred on the board by this chapter;

189 (13) consider issues and information received from the public safety advisory
190 committee and the PSAP advisory committee;

191 ~~[(13)]~~ (14) provide for audits of the authority; and

192 ~~[(14)]~~ (15) establish the following divisions within the authority:

193 (a) 911 Division;

194 (b) Radio Network Division;

195 (c) Interoperability Division; and

196 (d) Administrative Services Division.

197 Section 5. Section **63H-7a-207** is repealed and reenacted to read:

198 **63H-7a-207. Public safety advisory committee.**

199 (1) There is established the public safety advisory committee composed of 15 members
200 as described in Subsections (2) and (3).

201 (2) The board shall appoint members to the public safety advisory committee as
202 follows:

203 (a) one representative from an association that represents fire chiefs in the state;

204 (b) one representative from an association that represents police chiefs in the state;

205 (c) one representative from an association that represents sheriffs in the state;

206 (d) one representative from an association that represents emergency medical service
207 personnel in the state;

208 (e) one member of law enforcement from a county of the first or second class;

209 (f) one member of law enforcement from a county of the third or fourth class;

210 (g) one member of law enforcement from a county of the fifth or sixth class;

211 (h) one individual from a fire department within a county of the first or second class;

- 212 (i) one individual from a fire department within a county of the third or fourth class;
213 (j) one individual from a fire department within a county of the fifth or sixth class; and
214 (k) one individual from the public safety communications industry.
215 (3) The following shall serve on the public safety advisory committee:
216 (a) the commissioner of public safety or the commissioner's designee;
217 (b) the executive director of the Department of Transportation or the executive
218 director's designee;
219 (c) the chair of the public safety answering point advisory committee created in Section
220 63H-7a-208; and
221 (d) an individual nominated by the representatives of tribal governments elected under
222 Section 9-9-104.5.
223 (4) (a) Subject to Subsection (4)(b), each member appointed pursuant to Subsection (2)
224 shall be appointed to a four-year term beginning July 1, 2019.
225 (b) Notwithstanding Subsection (2)(a), the board shall:
226 (i) at the time of appointment or reappointment of individuals described in Subsection
227 (2), adjust the length of terms to ensure that the terms of committee members are staggered so
228 that approximately half of the those appointed pursuant to Subsection (2) are appointed every
229 two years; and
230 (ii) not reappoint a member for more than two consecutive terms.
231 (5) When a vacancy occurs in the membership for any reason, the replacement shall be
232 appointed as described in Subsection (2) or (3), as applicable, for the unexpired term.
233 (6) (a) Each January, the committee shall organize and select one of the committee's
234 members as chair and one member as vice chair.
235 (b) The committee may organize standing or ad hoc subcommittees, which shall
236 operate in accordance with guidelines established by the committee.
237 (7) (a) The chair shall convene a minimum of four meetings per year.
238 (b) The chair may call special meetings.
239 (c) The chair shall call a meeting upon request of eight or more members of the
240 committee.
241 (8) Eight members of the committee constitute a quorum for the transaction of
242 business, and the action of a majority of the members present is the action of the committee.

243 (9) A member may not receive compensation or benefits for the member's service.

244 (10) The public safety advisory committee shall make recommendations to the director
245 regarding:

246 (a) the authority operations and policies;

247 (b) the radio network division and interoperability division strategic plans;

248 (c) the operation, maintenance, and capital development of the public safety
249 communications network; and

250 (d) the authority's administrative rules relative to the radio network division and
251 interoperability division.

252 (11) The chair of the public safety advisory committee is a nonvoting member of the
253 board.

254 (12) The committee is subject to Title 52, Chapter 4, Open and Public Meetings Act.
255 Section 6. Section 63H-7a-208 is repealed and reenacted to read:

256 **63H-7a-208. PSAP advisory committee.**

257 (1) There is established a PSAP advisory committee composed of nine members
258 appointed by the board as follows:

259 (a) one representative from a PSAP managed by a city;

260 (b) one representative from a PSAP managed by a county;

261 (c) one representative from a PSAP managed by a special service district;

262 (d) one representative from a PSAP managed by the Department of Public Safety;

263 (e) one representative from a PSAP from a county of the first class;

264 (f) one representative from a PSAP from a county of the second class;

265 (g) one representative from a PSAP from a county of the third or fourth class;

266 (h) one representative from a PSAP from a county of the fifth or sixth class; and

267 (i) one member from the telecommunications industry.

268 (2) (a) Except as provided in Subsection (2)(b), each member shall be appointed to a
269 four-year term beginning July 1, 2019.

270 (b) Notwithstanding Subsection (2)(a), the board shall:

271 (i) at the time of appointment or reappointment, adjust the length of terms to ensure
272 that the terms of committee members are staggered so that the terms of approximately half of
273 the committee end every two years; and

- 274 (ii) not reappoint a member for more than two consecutive terms.
- 275 (3) If a vacancy occurs in the membership for any reason, the replacement shall be
- 276 appointed by the board for the unexpired term.
- 277 (4) (a) Each January, the committee shall organize and select one of its members as
- 278 chair and one member as vice chair.
- 279 (b) The committee may organize standing or ad hoc subcommittees, which shall
- 280 operate in accordance with guidelines established by the committee.
- 281 (5) (a) The chair shall convene a minimum of four meetings per year.
- 282 (b) The chair may call special meetings.
- 283 (c) The chair shall call a meeting upon request of five or more members of the
- 284 committee.
- 285 (6) Five members of the committee constitute a quorum for the transaction of business,
- 286 and the action of a majority of the members present is the action of the committee.
- 287 (7) A member may not receive compensation or benefits for the member's service.
- 288 (8) The PSAP advisory committee shall make recommendations to the director and the
- 289 board regarding:
- 290 (a) the authority operations and policies;
- 291 (b) the 911 division and interoperability division strategic plans;
- 292 (c) the operation, maintenance, and capital development of the public safety
- 293 communications network;
- 294 (d) the authority's administrative rules relative to the 911 division and the
- 295 interoperability division; and
- 296 (e) the development of minimum standards and best practices as described in
- 297 Subsection [63H-7a-302\(1\)\(a\)](#).
- 298 (9) The chair of the PSAP advisory committee is a nonvoting member of the board.
- 299 (10) The committee is subject to Title 52, Chapter 4, Open and Public Meetings Act.
- 300 Section 7. Section **63H-7a-303** is amended to read:
- 301 **63H-7a-303. Computer Aided Dispatch Restricted Account -- Creation --**
- 302 **Administration -- Permitted uses.**
- 303 (1) There is created a restricted account within the General Fund known as the
- 304 "Computer Aided Dispatch Restricted Account," consisting of~~[(a)]~~ money appropriated or

305 otherwise made available by the Legislature[~~;~~ and].

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

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

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

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

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

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

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

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

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

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

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

330 Section 8. Section **63H-7a-304** is amended to read:

331 **63H-7a-304. Unified Statewide 911 Emergency Service Account -- Creation --**
332 **Administration -- Permitted uses.**

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

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

336 (b) money appropriated or otherwise made available by the Legislature; and
337 (c) contributions of money, property, or equipment from federal agencies, political
338 subdivisions of the state, persons, or corporations.

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

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

- 346 (i) best promotes statewide public safety;
- 347 (ii) best promotes interoperability;
- 348 (iii) impacts the largest service territory;
- 349 (iv) impacts a densely populated area; or
- 350 (v) impacts an underserved area.

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

353 (d) The authority may not expend funds from the Unified Statewide 911 Emergency
354 Service Account collected through the 911 emergency service charge imposed in Section
355 [69-2-403](#) on behalf of a PSAP that chooses not to participate in the:

- 356 (i) public safety communications network; and
- 357 (ii) the 911 emergency service defined in Section [69-2-102](#).

358 (e) The authority may not expend funds from the Unified Statewide 911 Emergency
359 Service Account collected through the prepaid wireless 911 service charge revenue distributed
360 in Subsection [69-2-405](#)(9)(b)(ii) on behalf of a PSAP that chooses not to participate in the:

- 361 (i) public safety communications network; and
- 362 (ii) 911 emergency service defined in Section [69-2-102](#).

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

366 (3) Subject to an appropriation by the Legislature and approval by the board, the

367 Administrative Services Division may use funds in the Unified Statewide 911 Emergency
368 Service Account to cover the Administrative Services Division's administrative costs related to
369 the Unified Statewide 911 Emergency Service Account.

370 (4) (a) The authority shall reimburse from the Unified Statewide 911 Emergency
371 Service Account to the Automated Geographic Reference Center created in Section 63F-1-506
372 an amount equal to up to 1 cent of each unified statewide 911 emergency service charge
373 deposited into the Unified Statewide 911 Emergency Service Account under Section 69-2-403.

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

376 (i) enhance and upgrade digital mapping standards; and

377 (ii) maintain a statewide geospatial database for unified statewide 911 emergency
378 service.

379 Section 9. Section 63H-7a-402 is amended to read:

380 **63H-7a-402. Radio Network Division duties.**

381 (1) The Radio Network Division shall:

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

385 (i) promotes high quality, cost effective service;

386 (ii) evaluates the benefits, cost, existing facilities, equipment, and services of public
387 and private providers; and

388 (iii) where economically feasible, utilizes existing infrastructure to avoid duplication of
389 facilities, equipment, and services of providers of communication services;

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

391 (i) an annual budget for the Radio Network Division;

392 (ii) an annual plan for the program funded by the Utah Statewide Radio System

393 Restricted Account created in Section 63H-7a-403; and

394 (iii) information required by the director to contribute to the comprehensive strategic
395 plan described in [~~Subsection 63H-7a-204(18)~~] Section 63H-7a-206;

396 (c) recommend to the executive director administrative rules for approval by the board
397 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer

398 the program funded by the restricted account created in Section [63H-7a-403](#), including rules
399 that establish the criteria, standards, technology, equipment, and services that will qualify for
400 goods or services that are funded from the restricted accounts; and

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

402 (2) The Radio Network Division may:

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

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

408 (c) review information regarding:

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

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

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

413 (i) local and state entities; and

414 (ii) public safety agencies; and

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

416 (i) the public safety communications network;

417 (ii) radio technologies and services;

418 (iii) microwave connectivity;

419 (iv) fiber connectivity; and

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

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

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

425 Section 10. Section [63H-7a-403](#) is amended to read:

426 **63H-7a-403. Utah Statewide Radio System Restricted Account -- Creation --**
427 **Administration.**

428 (1) There is created a restricted account within the General Fund known as the "Utah

429 Statewide Radio System Restricted Account," consisting of:

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

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

433 (2) (a) Subject to appropriations by the Legislature and subject to this Subsection (2),
434 the authority may expend funds in the Utah Statewide Radio System Restricted Account for the
435 purpose of acquiring, constructing, operating, maintaining, and repairing a statewide radio
436 system public safety communications network as authorized in Section [63H-7a-202](#), including:

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

440 (ii) installation, implementation, and maintenance of the public safety communications
441 network;

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

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

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

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

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

451 (B) radio console network connectivity;

452 (C) funding a statewide interoperability coordinator; and

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

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

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

- 460 (i) best promotes statewide public safety;
461 (ii) best promotes interoperability;
462 (iii) impacts the largest service territory;
463 (iv) impacts a densely populated area; or
464 (v) impacts an underserved area.

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

467 (e) The authority may not expend funds from the Utah Statewide Radio System
468 Restricted Account collected through the radio network charge imposed in Section [69-2-404](#) on
469 behalf of a public agency or PSAP if the public agency or PSAP chooses not to participate in
470 the:

- 471 (i) public safety communications network; and
472 (ii) radio communications service defined in Section [69-2-102](#).

473 (f) The authority may not expend funds from the Utah Statewide Radio System
474 Restricted Account collected through the prepaid wireless 911 service charge revenue
475 distributed in Subsection [69-2-405\(9\)\(b\)\(iii\)](#) on behalf of a public agency or PSAP if the public
476 agency or PSAP chooses not to participate in the:

- 477 (i) public safety communications network; and
478 (ii) radio communications service defined in Section [69-2-102](#).

479 ~~[(e)]~~ (g) The executive director shall recommend to the board expenditures for the
480 authority to make from the Utah Statewide Radio System Restricted Account in accordance
481 with this Subsection (2).

482 (3) Subject to appropriations by the Legislature, the Administrative Services Division
483 may expend funds in the Utah Statewide Radio System Restricted Account for administrative
484 costs that the Administrative Services Division incurs related to the Utah Statewide Radio
485 System Restricted Account.

486 Section 11. Section **63H-7a-802** is amended to read:

487 **63H-7a-802. Term of the authority -- Dissolution -- Withdrawal.**

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

489 ~~[(b)]~~ (2) Title to all assets of the authority upon its dissolution shall revert to the
490 ~~[members and the state pro rata, based upon the total amount of money paid to the authority by~~

491 ~~each member or the~~] state for services provided [~~to each~~] by the public safety communications
492 network.

493 ~~[(c)]~~ (3) The board is authorized to:

494 ~~[(i)]~~ (a) take any necessary action to dissolve the authority; and

495 ~~[(ii)]~~ (b) dispose of the property of the authority upon its dissolution as provided in
496 Subsection [~~(1)(b)]~~ (2).

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

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

506 Section 12. Section **63H-7a-803** is amended to read:

507 **63H-7a-803. Relation to certain acts -- Participation in Risk Management Fund.**

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

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

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

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

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

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

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

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

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

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

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

526 Section 13. Section 63I-1-269 is amended to read:

527 **63I-1-269. Repeal dates, Title 69.**

528 Section 69-2-403, emergency services telecommunications charge to fund unified
529 statewide 911 emergency service, is repealed July 1, [~~2021~~] 2028.

530 Section 14. Section 69-2-201 is amended to read:

531 **69-2-201. Public safety answering point -- Establishment -- Administration --**
532 **Consolidation.**

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

534 (i) operate a public safety answering point to provide 911 emergency service to any
535 part of the geographic area within the public agency's jurisdiction;

536 (ii) subject to Subsection (1)(b), operate a public safety answering point with any other
537 contiguous public agency to provide 911 emergency service to any part of the geographic area
538 within the public agencies' jurisdictions; or

539 (iii) operate a public safety answering point under an agreement with another public
540 agency that existed before January 1, 2017, to provide 911 emergency service to any part of the
541 geographic area within the public agencies' jurisdictions.

542 (b) A public agency that operates a public safety answering point in connection with a
543 contiguous public agency shall:

544 (i) provide for the operation of the public safety answering point by interlocal
545 agreement between the public agencies; and

546 (ii) submit a copy of the interlocal agreement to the director of the Utah
547 Communications Authority.

548 (2) Except as provided in Subsection (3), a public agency may not establish a dispatch
549 center or a public safety answering point after January 1, 2017.

550 (3) (a) A public agency that operates a public safety answering point established before
551 January 1, 2017, may:

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

553 (ii) physically consolidate the public safety answering point with another public safety
554 answering point operated by another contiguous public agency.

555 (b) A county may establish a public safety answering point on or after January 1, 2017,
556 if no public safety answering point exists in the county.

557 (4) A public agency may, in order to provide funding for operating a public safety
558 answering point:

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

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

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

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

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

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

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

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

575 ~~[(6)]~~ (7) A special service district that operates a public safety answering point or a
576 dispatch center:

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

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

581 (i) Section 17D-1-105; and

582 (ii) Section 17D-1-103.

583 Section 15. Section 69-2-203 is amended to read:

584 **69-2-203. Audit to assess emergency services -- County.**

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

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

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

590 (1) Before July 1, 2021, and before July 1 of every fourth year beginning in 2025, each
591 county that is not served by a single, physically consolidated public safety answering point
592 shall utilize a qualified third party to conduct an audit of each public safety answering point
593 within the county.

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

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

596 (b) whether establishing a single, physically consolidated public safety answering point
597 in the respective county could provide more efficient 911 services and improve public safety.

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

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

603 Section 16. Section **69-2-403** is amended to read:

604 **69-2-403. Unified statewide 911 emergency service charge to fund Unified**
605 **Statewide 911 Emergency Service Account.**

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

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

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

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

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

614 (i) for the purposes of sales and use taxes under Title 59, Chapter 12, Sales and Use

615 Tax Act; and

616 (ii) as determined in accordance with Section 59-12-215.

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

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

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

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

625 (B) the person is not required to file a sales and use tax return under Title 59, Chapter
626 12, Sales and Use Tax Act; or

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

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

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

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

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

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

643 (4) The commission shall deposit any unified 911 emergency service charge remitted to
644 the commission into the Unified Statewide 911 Emergency Service Account created in Section
645 63H-7a-304.

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

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

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

652 Section 17. Section 69-2-405 is amended to read:

653 **69-2-405. Prepaid wireless 911 service charge to fund 911 emergency service.**

654 (1) As used in this section:

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

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

659 (c) (i) "Prepaid wireless telecommunications service" means a wireless
660 telecommunications service that:

661 (A) is paid for in advance;

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

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

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

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

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

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

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

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

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

- 677 (a) before January 1, 2018, 2.45% of the sales price per transaction; [~~and~~]
678 (b) on [~~and after~~] January 1, 2018, and until June 30, 2019, 3.30% of the sales price per
679 transaction[~~;~~]; and
680 (c) beginning July 1, 2019, 3.7% of the sales price per transaction.
- 681 (3) (a) The prepaid wireless 911 service charge shall be collected by the seller from the
682 consumer for each transaction occurring in this state.
- 683 (b) (i) Except as provided in Subsections (3)(b)(ii) and (iii), if a user of a service
684 subject to a charge described in Subsection (2) is not the consumer, the seller shall collect the
685 charge from the consumer for the service.
- 686 (ii) The charge described in Subsection (2) is not imposed on a seller or a consumer of
687 federal wireless lifeline service if the consumer does not pay the seller for the service.
- 688 (iii) A consumer of federal wireless lifeline service shall pay, and the seller of the
689 service shall collect and remit, the charge described in Subsection (2) when the consumer
690 purchases from the seller optional services in addition to the federally funded lifeline benefit.
- 691 (4) The prepaid wireless 911 service charge shall be separately stated on an invoice,
692 receipt, or similar document that is provided by the seller to the consumer.
- 693 (5) For purposes of Subsection (3), the location of a transaction is determined in
694 accordance with Sections [59-12-211](#) through [59-12-215](#).
- 695 (6) When prepaid wireless telecommunications service is sold with one or more other
696 products or services for a single non-itemized price, then the percentage specified in [~~Section~~]
697 Subsection (2) shall apply to the entire non-itemized price.
- 698 (7) A seller may retain 3% of prepaid wireless 911 service charges that are collected by
699 the seller from consumers as reimbursement for the cost of billing, collecting, and remitting the
700 charge.
- 701 (8) A person that collects a prepaid wireless 911 service charge, except as retained
702 under Subsection (7), shall remit the prepaid wireless 911 service charge to the commission at
703 the same time that the seller remits to the commission money collected by the person under
704 Title 59, Chapter 12, Sales and Use Tax Act.
- 705 (9) The commission shall distribute:
706 [~~(a) on and after July 1, 2017, and before January 1, 2018;~~]
707 [~~(i) 72.4% of the prepaid wireless 911 service charge revenue to a public safety~~]

708 ~~answering point in accordance with Section 69-2-302;]~~
709 ~~[(ii) 9.2% of the prepaid wireless 911 service charge revenue to the Unified Statewide~~
710 ~~911 Emergency Service Account created in Section 63H-7a-304; and]~~
711 ~~[(iii) 18.4% of the revenue to the Utah Statewide Radio System Restricted Account;~~
712 ~~and]~~
713 ~~[(b) on and after January 1, 2018:]~~
714 (a) for revenues collected under this section for a filing period ending on or before June
715 30, 2019:
716 (i) 53.8% of the prepaid wireless 911 service charge revenue to a public safety
717 answering point in accordance with Section 69-2-302;
718 (ii) 6.8% of the prepaid wireless 911 service charge revenue to the Unified Statewide
719 911 Emergency Service Account created in Section 63H-7a-304; and
720 (iii) 39.4% of the prepaid wireless 911 service charge revenue to the Utah Statewide
721 Radio System Restricted Account~~[-]~~ created in Section 63H-7a-403; and
722 (b) for revenues collected under this section for a filing period beginning July 1, 2019:
723 (i) 47.97% of the prepaid wireless 911 service charge revenue to a public safety
724 answering point in accordance with Section 69-2-302;
725 (ii) 16.89% of the prepaid wireless 911 service charge revenue to the Unified Statewide
726 911 Emergency Service Account created in Section 63H-7a-304; and
727 (iii) 35.14% of the prepaid wireless 911 service charge revenue to the Utah Statewide
728 Radio System Restricted Account created in Section 63H-7a-403.
729 Section 18. **Effective date.**
730 This bill takes effect on July 1, 2019.