

## SB0154S01 compared with SB0154

~~deleted text~~ shows text that was in SB0154 but was deleted in SB0154S01.

Inserted text shows text that was not in SB0154 but was inserted into SB0154S01.

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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: \_\_\_\_\_

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#### 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

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### 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 network;
- ~~{ → removes the Utah Communications Authority's limitation to sell public safety communications network capacity to only a state agency or a political subdivision of the state;~~
- ‡ ▶ updates provisions related to the Computer Aided Dispatch Restricted Account;
- ~~{ → authorizes the Utah Communications Authority to require a public safety answering point to compensate the authority for funds expended on products and services on the public safety answering point's behalf if the authority determines that the public safety answering point is out of compliance with Title 63H, Chapter 7a, Utah Communications Authority Act, or Title 69, Chapter 2, 911 Emergency Service;~~
- ‡ ▶ authorizes the Utah Communications Authority to not expend funds from the Unified Statewide 911 Emergency Service Account and the Utah Statewide Radio System Restricted Account in certain circumstances;
- ▶ exempts the Utah Communications Authority from certain provisions of Title 63J, Chapter 1, Budgetary Procedures Act, in certain circumstances;
- ▶ clarifies audit reporting requirements for counties not serviced by a single, physically consolidated public safety answering point to the Utah Communications Authority;
- ▶ extends to July 1, 2028, the sunset of the emergency services telecommunication charge to fund unified statewide 911 emergency service;
- ▶ raises the Unified Statewide 911 emergency service charge for each access line in the state;
- ▶ changes percentage rates distributed from the prepaid wireless 911 service charge revenue to a public safety answering point, the Unified Statewide 911 Emergency Service Account, and the Utah Statewide Radio System Restricted Account; and

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- ▶ makes technical changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

This bill provides a special effective date.

### Utah Code Sections Affected:

#### AMENDS:

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

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

~~**63H-7a-202**~~**63H-7a-203**, as last amended by Laws of Utah 2017, Chapter 430

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

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

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

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

**63H-7a-403**, as last amended by Laws of Utah 2017, Chapter 430

**63H-7a-802**, as renumbered and amended by Laws of Utah 2015, Chapter 411

**63H-7a-803**, as last amended by Laws of Utah 2017, Chapters 221 and 430

**63I-1-269**, as last amended by Laws of Utah 2017, Chapter 430

**69-2-201**, as renumbered and amended by Laws of Utah 2017, Chapter 430

**69-2-203**, as enacted by Laws of Utah 2017, Chapter 430

**69-2-403**, as renumbered and amended by Laws of Utah 2017, Chapter 430

**69-2-405**, as renumbered and amended by Laws of Utah 2017, Chapter 430

#### REPEALS AND REENACTS:

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

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

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

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

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

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

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(2) The Utah Communications Authority shall:

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

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

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

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

As used in this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 3. Section ~~{63H-7a-202}~~ 63H-7a-203 is amended to read:

~~{~~ ~~63H-7a-202. Powers of the authority.~~

~~\_\_\_\_\_ (1) The authority has the power to:~~

~~\_\_\_\_\_ (a) sue and be sued in the authority's own name;~~

~~\_\_\_\_\_ (b) have an official seal and power to alter that seal at will;~~

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

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

~~\_\_\_\_\_ (e) borrow money and incur indebtedness;~~

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

~~\_\_\_\_\_ (g) acquire, by gift, grant, purchase, or by exercise of eminent domain, any real property or personal property in connection with the acquisition and construction of a public safety communications network and all related facilities and rights-of-way that the authority owns, operates, and maintains;~~

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

~~\_\_\_\_\_ (i) for a public safety purpose;~~

~~\_\_\_\_\_ (ii) consistent with the authority's duties under this chapter; or~~

~~\_\_\_\_\_ (iii) pursuant to:~~

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

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- ~~— (B) a renewal of an agreement described in Subsection (1)(h)(iii)(A);~~
- ~~— (i) review, approve, disapprove, or revise recommendations regarding the expenditure of funds disbursed by the authority under this chapter; and~~
- ~~— (j) perform all other duties authorized by this chapter.~~
- ~~— (2) The authority may not intentionally overbuild the public safety communications network for the purpose of competing with a public or private provider of a telecommunications service.~~

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

- (1) There is created the Utah Communications Authority Board.
- (2) The board shall consist of nine voting board members and two nonvoting board members as follows:
  - (a) as voting members:
    - (i) three individuals appointed by the governor with the advice and consent of the Senate;
    - (ii) one individual appointed by the speaker of the House of Representatives;
    - (iii) one individual appointed by the president of the Senate;
    - (iv) two individuals nominated by an association that represents cities and towns in the state and appointed by the governor with the advice and consent of the Senate; and
    - (v) two individuals nominated by an association that represents counties in the state and appointed by the governor with the advice and consent of the Senate~~[-];~~ and  
(b) as nonvoting members, the chairs of the public safety advisory committee created in Section 63H-7a-207 and the PSAP advisory committee created in Section 63H-7a-208.
- (3) Subject to this section, an individual is eligible for appointment under Subsection (2) if the individual has knowledge of at least one of the following:
  - (a) law enforcement;
  - (b) public safety;
  - (c) fire service;
  - (d) telecommunications;
  - (e) finance;
  - (f) management; and
  - (g) government.

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

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

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

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

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

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

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

(b) The chair shall serve a two-year term.

(7) The board shall meet on an as-needed basis and as provided in the bylaws.

(8) (a) The board shall elect one of the board members to serve as vice chair.

(b) (i) The board may elect a secretary and treasurer who are not members of the board.

(ii) If the board elects a secretary or treasurer who is not a member of the board, the secretary or treasurer does not have voting power.

(c) A separate individual shall hold the offices of chair, vice chair, secretary, and treasurer.

(9) ~~Each~~ Except for the nonvoting members described in Subsection (2)(b), each board member, including the chair, has one vote.

(10) A vote of a majority of the board members is necessary to take action on behalf of the board.

(11) A board member may not receive compensation for the member's service on the board, but may, in accordance with rules adopted by the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, receive:

- (a) a per diem at the rate established under Section 63A-3-106; and
- (b) travel expenses at the rate established under Section 63A-3-107.

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### Section 4. Section 63H-7a-204 is amended to read:

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

The board shall:

- (1) manage the affairs and business of the authority consistent with this chapter;
  - (2) adopt bylaws;
  - (3) appoint an executive director to administer the authority;
  - (4) receive and act upon reports covering the operations of the public safety communications network and funds administered by the authority;
  - (5) ensure that the public safety communications network and funds are administered according to law;
  - (6) examine and approve an annual operating budget for the authority;
  - (7) receive and act upon recommendations of the director;
  - (8) recommend to the governor and Legislature legislation involving the public safety communications network;
  - (9) develop policies for the long-term operation of the authority and the performance of the authority's functions;
  - (10) authorize the executive director to enter into agreements on behalf of the authority;
  - (11) provide for the management and administration of the public safety communications network by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
  - (12) exercise the powers and perform the duties conferred on the board by this chapter;
  - (13) consider issues and information received from the public safety advisory committee and the PSAP advisory committee;
- ~~[(13)]~~ (14) provide for audits of the authority; and
- ~~[(14)]~~ (15) establish the following divisions within the authority:
- (a) 911 Division;
  - (b) Radio Network Division;
  - (c) Interoperability Division; and
  - (d) Administrative Services Division.

### Section ~~(4)~~ 5. Section 63H-7a-207 is repealed and reenacted to read:

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### 63H-7a-207. Public safety advisory committee.

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

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

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

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

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

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

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

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

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

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

(i) one individual from a fire department within a county of the third or fourth class;

(j) one individual from a fire department within a county of the fifth or sixth class; and

(k) one individual from the public safety communications industry.

(3) The following shall serve on the public safety advisory committee:

(a) the commissioner of public safety or the commissioner's designee;

(b) the executive director of the Department of Transportation or the executive director's designee;

(c) the chair of the public safety answering point advisory committee created in Section 63H-7a-208; and

(d) an individual nominated by the representatives of tribal governments elected under Section 9-9-104.5.

(4) (a) Subject to Subsection (4)(b), each member appointed pursuant to Subsection (2) shall be appointed to a four-year term beginning July 1, 2019.

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

(i) at the time of appointment or reappointment of individuals described in Subsection (2), adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the those appointed pursuant to Subsection (2) are appointed every

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two years; and

(ii) not reappoint a member for more than two consecutive terms.

(5) When a vacancy occurs in the membership for any reason, the replacement shall be appointed as described in Subsection (2) or (3), as applicable, for the unexpired term.

(6) (a) Each January, the committee shall organize and select one of the committee's members as chair and one member as vice chair.

(b) The committee may organize standing or ad hoc subcommittees, which shall operate in accordance with guidelines established by the committee.

(7) (a) The chair shall convene a minimum of four meetings per year.

(b) The chair may call special meetings.

(c) The chair shall call a meeting upon request of eight or more members of the committee.

(8) Eight members of the committee constitute a quorum for the transaction of business, and the action of a majority of the members present is the action of the committee.

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

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

(a) the authority operations and policies;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) one member from the telecommunications industry.

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

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

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

(ii) not reappoint a member for more than two consecutive terms.

(3) If a vacancy occurs in the membership for any reason, the replacement shall be appointed by the board for the unexpired term.

(4) (a) Each January, the committee shall organize and select one of its members as chair and one member as vice chair.

(b) The committee may organize standing or ad hoc subcommittees, which shall operate in accordance with guidelines established by the committee.

(5) (a) The chair shall convene a minimum of four meetings per year.

(b) The chair may call special meetings.

(c) The chair shall call a meeting upon request of five or more members of the committee.

(6) Five members of the committee constitute a quorum for the transaction of business, and the action of a majority of the members present is the action of the committee.

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

(8) The PSAP advisory committee shall make recommendations to the director and the board regarding:

(a) the authority operations and policies;

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(b) the 911 division and interoperability division strategic plans;

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

(d) the authority's administrative rules relative to the 911 division and the interoperability division; and

(e) the development of minimum standards and best practices as described in Subsection 63H-7a-302(1)(a).

(9) The chair of the PSAP advisory committee is a nonvoting member of the board.

(10) The committee is subject to Title 52, Chapter 4, Open and Public Meetings Act.

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

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

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

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

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

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

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

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

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

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

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

(iii) a statewide computer aided dispatch system data sharing platform to provide

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interoperability of systems.

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

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

Section ~~5~~8. Section **63H-7a-304** is amended to read:

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

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

- (a) proceeds from the fee imposed in Section 69-2-403;
- (b) money appropriated or otherwise made available by the Legislature; and
- (c) contributions of money, property, or equipment from federal agencies, political subdivisions of the state, persons, or corporations.

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

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

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

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

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

† ~~(f)d~~ The authority may not expend funds from the Unified Statewide 911 Emergency Service Account collected through the 911 emergency service charge imposed in Section 69-2-403 ~~{to}~~ on behalf of a {person if the person} PSAP that chooses not to participate in the:

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

~~(ff)e~~ The authority may not expend funds from the Unified Statewide 911 Emergency Service Account collected through the prepaid wireless 911 service charge revenue distributed in Subsection 69-2-405(9)(b)(ii) ~~{to}~~ on behalf of a {person if the person} PSAP that chooses not to participate in the:

- (i) public safety communications network; and
- (ii) ~~{the }~~ 911 emergency service defined in Section 69-2-102{; and
- ~~(iii) the radio communications service defined in Section 69-2-102{.~~

~~(d)~~ ~~(fgf)~~ The executive director shall recommend to the board expenditures for the authority to make from the Unified Statewide 911 Emergency Service Account in accordance with this Subsection (2).

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

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

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

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

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service.

Section ~~63H-7a-402~~<sup>9</sup>. Section **63H-7a-402** is amended to read:

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

(1) The Radio Network Division shall:

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

(i) promotes high quality, cost effective service;

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

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

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

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

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

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

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

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

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

(2) The Radio Network Division may:

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

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

(c) review information regarding:

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

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

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

(i) local and state entities; and

(ii) public safety agencies; and

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

(i) the public safety communications network;

(ii) radio technologies and services;

(iii) microwave connectivity;

(iv) fiber connectivity; and

(v) public safety communication network connectivity and usage.

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

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

Section ~~7~~10. Section **63H-7a-403** is amended to read:

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

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

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

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

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

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

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

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

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

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

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

(A) the 800 MHz and VHF radio networks;

(B) radio console network connectivity;

(C) funding a statewide interoperability coordinator; and

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

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

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

(i) best promotes statewide public safety;

(ii) best promotes interoperability;

(iii) impacts the largest service territory;

(iv) impacts a densely populated area; or

(v) impacts an underserved area.

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

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

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(i) public safety communications network; and

(ii) ~~{the }~~radio communications service defined in Section 69-2-102.

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

(i) public safety communications network; and

~~{iii}~~ii) ~~{the }~~radio communications service defined in Section 69-2-102.

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

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

Section ~~{8}~~11. Section **63H-7a-802** is amended to read:

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

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

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

~~{e}~~ (3) The board is authorized to:

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

~~{ii}~~ (b) dispose of the property of the authority upon its dissolution as provided in Subsection ~~{1}~~~~{b}~~ (2).

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

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

Section ~~{9}~~12. Section **63H-7a-803** is amended to read:

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

(1) The Utah Communications Authority is exempt from:

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

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

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

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

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

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

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

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

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

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

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

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

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

Section ~~{10}~~14. Section **69-2-201** is amended to read:

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

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(1) (a) A public agency may:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) [~~Before July 1, 2017, each~~] Each dispatch center in the state shall enter into an

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interlocal agreement with the governing authority of a public safety answering point that serves the county where the dispatch center is located that provides for:

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

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

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

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

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

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

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

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

(ii) Section 17D-1-103.

Section ~~{11}~~ 15. Section **69-2-203** is amended to read:

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

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

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

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

(1) Before July ~~{2}~~1, 2021, and before July 1 of every fourth year beginning in 2025, ~~{a county's governing body}~~ **each county that is not served by a single, physically consolidated public safety answering point** shall utilize a qualified third party to conduct an audit of each ~~{of the county's public safety answering points, including each }~~ public safety answering point ~~{that is:~~

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

~~(b) not a single, physically consolidated public safety answering point} within the county.~~

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

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

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

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

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

Section ~~{12}~~16. Section **69-2-403** is amended to read:

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

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

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

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

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

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

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

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

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

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

(i) monthly on or before the last day of the month immediately following the last day of

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the previous month if:

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

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

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

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

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

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

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

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

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

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

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

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

Section ~~63-1-17~~17. Section **69-2-405** is amended to read:

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

(1) As used in this section:

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

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

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

(A) is paid for in advance;

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

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

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

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

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

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

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

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

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

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

(b) ~~on~~ ~~and after~~ January 1, 2018, ~~3.30%~~ and until June 30, 2019, 3.30% of the sales price per transaction[-]; and

(c) beginning July 1, 2019, 3.7% of the sales price per transaction.

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

(b) (i) Except as provided in Subsections (3)(b)(ii) and (iii), if a user of a service

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subject to a charge described in Subsection (2) is not the consumer, the seller shall collect the charge from the consumer for the service.

(ii) The charge described in Subsection (2) is not imposed on a seller or a consumer of federal wireless lifeline service if the consumer does not pay the seller for the service.

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

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

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

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

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

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

(9) The commission shall distribute:

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

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

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

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

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

(a) for revenues collected under this section for a filing period ending **on or before** June

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

(ii) 6.8% of the prepaid wireless 911 service charge revenue to the Unified Statewide 911 Emergency Service Account created in Section 63H-7a-304; and

(iii) 39.4% of the prepaid wireless 911 service charge revenue to the Utah Statewide Radio System Restricted Account[-] created in Section 63H-7a-403; and

(b) for revenues collected under this section for a filing period beginning July 1, 2019:

(i) 47.97% of the prepaid wireless 911 service charge revenue to a public safety answering point in accordance with Section 69-2-302;

(ii) 16.89% of the prepaid wireless 911 service charge revenue to the Unified Statewide 911 Emergency Service Account created in Section 63H-7a-304; and

(iii) 35.14% of the prepaid wireless 911 service charge revenue to the Utah Statewide Radio System Restricted Account created in Section 63H-7a-403.

Section ~~{14}~~18. **Effective date.**

This bill takes effect on July 1, 2019.