

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;
- ▶ amends provisions related to the duties of the Utah Communications Authority Board and the Radio Network Division;
- ▶ 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;



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

46 Money Appropriated in this Bill:

47 None

48 Other Special Clauses:

49 This bill provides a special effective date.

50 Utah Code Sections Affected:

51 AMENDS:

52 **63H-7a-102**, as last amended by Laws of Utah 2017, Chapter 430

53 **63H-7a-103**, as last amended by Laws of Utah 2017, Chapter 430

54 **63H-7a-203**, as last amended by Laws of Utah 2017, Chapter 430

55 **63H-7a-204**, as last amended by Laws of Utah 2017, Chapter 430

56 **63H-7a-206**, as repealed and reenacted by Laws of Utah 2017, Chapter 430

- 57 **63H-7a-303**, as last amended by Laws of Utah 2017, Chapter 430
- 58 **63H-7a-304**, as last amended by Laws of Utah 2017, Chapter 430
- 59 **63H-7a-402**, as last amended by Laws of Utah 2016, Chapters 123 and 179
- 60 **63H-7a-403**, as last amended by Laws of Utah 2017, Chapter 430
- 61 **63H-7a-802**, as renumbered and amended by Laws of Utah 2015, Chapter 411
- 62 **63H-7a-803**, as last amended by Laws of Utah 2017, Chapters 221 and 430
- 63 **63I-1-269**, as last amended by Laws of Utah 2017, Chapter 430
- 64 **69-2-201**, as renumbered and amended by Laws of Utah 2017, Chapter 430
- 65 **69-2-203**, as enacted by Laws of Utah 2017, Chapter 430
- 66 **69-2-403**, as renumbered and amended by Laws of Utah 2017, Chapter 430
- 67 **69-2-405**, as renumbered and amended by Laws of Utah 2017, Chapter 430

68 REPEALS AND REENACTS:

- 69 **63H-7a-207**, as enacted by Laws of Utah 2017, Chapter 430
- 70 **63H-7a-208**, as enacted by Laws of Utah 2017, Chapter 430



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

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

74 **63H-7a-102. Utah Communications Authority -- Purpose.**

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

77 (2) The Utah Communications Authority shall:

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

79 and

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

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

83 **63H-7a-103. Definitions.**

84 As used in this chapter:

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

88 (2) "Authority" means the Utah Communications Authority created in Section
89 63H-7a-201.

90 (3) "Board" means the Utah Communications Authority Board created in Section
91 63H-7a-203.

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

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

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

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

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

101 [~~8~~] (9) "Public safety answering point" or "PSAP" means an entity in this state that:

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

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

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

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

108 [~~9~~] (10) "Public safety communications network" means:

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

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

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

115 **63H-7a-203. Board established -- Terms -- Vacancies.**

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

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

- 119 (a) as voting members:
- 120 (i) three individuals appointed by the governor with the advice and consent of the
- 121 Senate;
- 122 ~~[(b)]~~ (ii) one individual appointed by the speaker of the House of Representatives;
- 123 ~~[(c)]~~ (iii) one individual appointed by the president of the Senate;
- 124 ~~[(d)]~~ (iv) two individuals nominated by an association that represents cities and towns
- 125 in the state and appointed by the governor with the advice and consent of the Senate; and
- 126 ~~[(e)]~~ (v) two individuals nominated by an association that represents counties in the
- 127 state and appointed by the governor with the advice and consent of the Senate[-]; and
- 128 (b) as nonvoting members, the chairs of the public safety advisory committee created
- 129 in Section 63H-7a-207 and the PSAP advisory committee created in Section 63H-7a-208.
- 130 (3) Subject to this section, an individual is eligible for appointment under Subsection
- 131 (2) if the individual has knowledge of at least one of the following:
- 132 (a) law enforcement;
- 133 (b) public safety;
- 134 (c) fire service;
- 135 (d) telecommunications;
- 136 (e) finance;
- 137 (f) management; and
- 138 (g) government.
- 139 (4) An individual may not serve as a voting board member if the individual is a current
- 140 public safety communications network:
- 141 (a) user; or
- 142 (b) vendor.
- 143 (5) (a) (i) Five of the board members appointed under Subsection (2)(a) shall serve an
- 144 initial term of two years and four of the board members appointed under Subsection (2)(a) shall
- 145 serve an initial term of four years.
- 146 (ii) Successor board members shall each serve a term of four years.
- 147 (b) (i) The governor may remove a board member with cause.
- 148 (ii) If the governor removes a board member the entity that appointed the board
- 149 member under Subsection (2)(a) shall appoint a replacement board member in the same manner

150 as described in Subsection (2)(a).

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

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

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

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

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

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

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

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

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

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

168 (a) a per diem at the rate established under Section [63A-3-106](#); and

169 (b) travel expenses at the rate established under Section [63A-3-107](#).

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

171 **63H-7a-204. Board -- Powers and duties.**

172 The board shall:

173 (1) manage the affairs and business of the authority consistent with this chapter;

174 (2) adopt bylaws;

175 (3) appoint an executive director to administer the authority;

176 (4) receive and act upon reports covering the operations of the public safety
177 communications network and funds administered by the authority;

178 (5) receive and act upon reports from the Radio Network Division prepared pursuant to
179 Subsection [63H-7a-402\(1\)\(b\)](#) that identify the benefits, costs, and economic feasibility of using
180 existing public or private facilities, equipment, or services consistent with Subsections

181 63H-7a-402(1)(a), 63H-7a-404(2)(c), and 63H-7a-404(3) prior to issuing or approving a
 182 request for proposal;

183 ~~[(5)]~~ (6) ensure that the public safety communications network and funds are
 184 administered according to law;

185 ~~[(6)]~~ (7) examine and approve an annual operating budget for the authority;

186 ~~[(7)]~~ (8) receive and act upon recommendations of the director;

187 ~~[(8)]~~ (9) recommend to the governor and Legislature legislation involving the public
 188 safety communications network;

189 ~~[(9)]~~ (10) develop policies for the long-term operation of the authority and the
 190 performance of the authority's functions;

191 ~~[(10)]~~ (11) authorize the executive director to enter into agreements on behalf of the
 192 authority;

193 ~~[(11)]~~ (12) provide for the management and administration of the public safety
 194 communications network by rule made in accordance with Title 63G, Chapter 3, Utah
 195 Administrative Rulemaking Act;

196 ~~[(12)]~~ (13) exercise the powers and perform the duties conferred on the board by this
 197 chapter;

198 (14) consider issues and information received from the public safety advisory
 199 committee and the PSAP advisory committee;

200 ~~[(13)]~~ (15) provide for audits of the authority; and

201 ~~[(14)]~~ (16) establish the following divisions within the authority:

202 (a) 911 Division;

203 (b) Radio Network Division;

204 (c) Interoperability Division; and

205 (d) Administrative Services Division.

206 Section 5. Section **63H-7a-206** is amended to read:

207 **63H-7a-206. Strategic plan -- Report.**

208 (1) The authority shall create, maintain and review annually a statewide,
 209 comprehensive multiyear strategic plan in consultation with state and local stakeholders and
 210 the ~~[regional advisory committees]~~ PSAP advisory committee created in Section 63H-7a-208
 211 that:

- 212 (a) coordinates the authority's activities and duties in the:
- 213 (i) 911 Division;
- 214 (ii) Radio Network Division;
- 215 (iii) Interoperability Division; and
- 216 (iv) Administrative Services Division; and
- 217 (b) includes a plan for:
- 218 (i) the public safety communications network;
- 219 (ii) developing new systems;
- 220 (iii) expanding existing systems, including microwave and fiber optics based systems;
- 221 (iv) statewide interoperability;
- 222 (v) statewide coordination; and
- 223 (vi) FirstNet standards.

224 (2) The executive director shall update the strategic plan described in Subsection (1)
225 before July 1 of each year.

226 (3) The executive director shall, before December 1 of each year, report on the strategic
227 plan described in Subsection (1) to:

- 228 (a) the board;
- 229 (b) the Executive Offices and Criminal Justice Appropriations Subcommittee; and
- 230 (c) the Legislative Management Committee.

231 (4) The authority shall consider the strategic plan described in Subsection (1) before
232 spending funds in the restricted accounts created by this chapter.

233 Section 6. Section **63H-7a-207** is repealed and reenacted to read:

234 **63H-7a-207. Public safety advisory committee.**

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

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

- 239 (a) one representative from an association that represents fire chiefs in the state;
- 240 (b) one representative from an association that represents police chiefs in the state;
- 241 (c) one representative from an association that represents sheriffs in the state;
- 242 (d) one representative from an association that represents emergency medical service

243 personnel in the state;

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

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

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

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

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

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

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

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

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

253 (b) the executive director of the Department of Transportation or the executive

254 director's designee;

255 (c) the chair of the public safety answering point advisory committee created in Section
256 [63H-7a-208](#); and

257 (d) an individual nominated by the representatives of tribal governments elected under
258 Section [9-9-104.5](#).

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

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

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

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

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

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

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

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

- 274 (b) The chair may call special meetings.
- 275 (c) The chair shall call a meeting upon request of eight or more members of the
276 committee.
- 277 (8) Eight members of the committee constitute a quorum for the transaction of
278 business, and the action of a majority of the members present is the action of the committee.
- 279 (9) A member may not receive compensation or benefits for the member's service.
- 280 (10) The public safety advisory committee shall make recommendations to the director
281 regarding:
- 282 (a) the authority operations and policies;
- 283 (b) the radio network division and interoperability division strategic plans;
- 284 (c) the operation, maintenance, and capital development of the public safety
285 communications network; and
- 286 (d) the authority's administrative rules relative to the radio network division and
287 interoperability division.
- 288 (11) The chair of the public safety advisory committee is a nonvoting member of the
289 board.
- 290 (12) The committee is subject to Title 52, Chapter 4, Open and Public Meetings Act.
291 Section 7. Section **63H-7a-208** is repealed and reenacted to read:
- 292 **63H-7a-208. PSAP advisory committee.**
- 293 (1) There is established a PSAP advisory committee composed of nine members
294 appointed by the board as follows:
- 295 (a) one representative from a PSAP managed by a city;
- 296 (b) one representative from a PSAP managed by a county;
- 297 (c) one representative from a PSAP managed by a special service district;
- 298 (d) one representative from a PSAP managed by the Department of Public Safety;
- 299 (e) one representative from a PSAP from a county of the first class;
- 300 (f) one representative from a PSAP from a county of the second class;
- 301 (g) one representative from a PSAP from a county of the third or fourth class;
- 302 (h) one representative from a PSAP from a county of the fifth or sixth class; and
- 303 (i) one member from the telecommunications industry.
- 304 (2) (a) Except as provided in Subsection (2)(b), each member shall be appointed to a

305 four-year term beginning July 1, 2019.

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

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

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

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

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

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

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

318 (b) The chair may call special meetings.

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

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

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

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

326 (a) the authority operations and policies;

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

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

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

332 (e) the development of minimum standards and best practices as described in
333 Subsection [63H-7a-302\(1\)\(a\)](#).

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

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

336 Section 8. Section **63H-7a-303** is amended to read:

337 **63H-7a-303. Computer Aided Dispatch Restricted Account -- Creation --**

338 **Administration -- Permitted uses.**

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

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

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

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

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

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

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

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

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

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

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

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

366 Section 9. Section **63H-7a-304** is amended to read:

367 **63H-7a-304. Unified Statewide 911 Emergency Service Account -- Creation --**
368 **Administration -- Permitted uses.**

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

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

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

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

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

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

389 (d) The authority may not expend funds from the Unified Statewide 911 Emergency
390 Service Account collected through the 911 emergency service charge imposed in Section
391 [69-2-403](#) on behalf of a PSAP that chooses not to participate in the:

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

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

- 397 (i) public safety communications network; and

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

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

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

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

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

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

413 (ii) maintain a statewide geospatial database for unified statewide 911 emergency
414 service.

415 Section 10. Section 63H-7a-402 is amended to read:

416 **63H-7a-402. Radio Network Division duties.**

417 (1) The Radio Network Division shall:

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

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

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

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

426 (b) prior to issuing one or more requests for proposal:

427 (i) prepare a report demonstrating the Radio Network Division has:

428 (A) identified the locations and functional capabilities of existing public and private

429 communications facilities in the state;
430 (B) specifically evaluated the benefits, costs, and economic feasibility of utilizing
431 existing facilities, equipment, and services of public and private providers; and
432 (C) identified the public and private communications facilities that may be integrated
433 with the public safety communications network; and
434 (ii) present the report to the board at an open and public board meeting;
435 ~~[(b)]~~ (c) prepare and submit to the executive director for approval by the board:
436 (i) an annual budget for the Radio Network Division;
437 (ii) an annual plan for the program funded by the Utah Statewide Radio System
438 Restricted Account created in Section 63H-7a-403; and
439 (iii) information required by the director to contribute to the comprehensive strategic
440 plan described in [Subsection 63H-7a-204(18)] Section 63H-7a-206;
441 ~~[(c)]~~ (d) recommend to the executive director administrative rules for approval by the
442 board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to
443 administer the program funded by the restricted account created in Section 63H-7a-403,
444 including rules that establish the criteria, standards, technology, equipment, and services that
445 will qualify for goods or services that are funded from the restricted accounts; and
446 ~~[(d)]~~ (e) fulfill other duties assigned to the Radio Network Division under this chapter.
447 (2) The Radio Network Division may:
448 (a) recommend to the executive director to sell, lease, or otherwise dispose of
449 equipment or personal property purchased, leased, or belonging to the authority that is related
450 to the public safety communications network;
451 (b) recommend to the executive director to own, operate, or enter into contracts for the
452 public safety communications network;
453 (c) review information regarding:
454 (i) in aggregate, the number of radio service subscribers by service type in a political
455 subdivision; and
456 (ii) matters related to the public safety communications network;
457 (d) in accordance with Subsection (2)(c), request information from:
458 (i) local and state entities; and
459 (ii) public safety agencies; and

- 460 (e) employ outside consultants to study and advise the division on issues related to:
- 461 (i) the public safety communications network;
- 462 (ii) radio technologies and services;
- 463 (iii) microwave connectivity;
- 464 (iv) fiber connectivity; and
- 465 (v) public safety communication network connectivity and usage.

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

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

470 Section 11. Section [63H-7a-403](#) is amended to read:

471 **63H-7a-403. Utah Statewide Radio System Restricted Account -- Creation --**
472 **Administration.**

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

- 475 (a) money appropriated or otherwise made available by the Legislature; and
- 476 (b) contributions of money from federal agencies, political subdivisions of the state,
477 persons, or corporations.

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

- 482 (i) public safety communications network and related facilities, real property,
483 improvements, and equipment necessary for the acquisition, construction, and operation of
484 services and facilities;
- 485 (ii) installation, implementation, and maintenance of the public safety communications
486 network;
- 487 (iii) maintaining and upgrading VHF and 800 MHz radio networks; and
- 488 (iv) an operating budget to include personnel costs not otherwise covered by funds
489 from another account.

490 (b) For each radio network charge that is deposited into the Utah Statewide Radio

491 System Restricted Account under Section [69-2-404](#), the authority shall spend, subject to an
492 appropriation by the Legislature and this Subsection (2):

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

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

496 (B) radio console network connectivity;

497 (C) funding a statewide interoperability coordinator; and

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

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

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

505 (i) best promotes statewide public safety;

506 (ii) best promotes interoperability;

507 (iii) impacts the largest service territory;

508 (iv) impacts a densely populated area; or

509 (v) impacts an underserved area.

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

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

516 (i) public safety communications network; and

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

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

- 522 (i) public safety communications network; and
523 (ii) radio communications service defined in Section 69-2-102.

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

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

531 Section 12. Section **63H-7a-802** is amended to read:

532 **63H-7a-802. Term of the authority -- Dissolution -- Withdrawal.**

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

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

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

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

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

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

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

551 Section 13. Section **63H-7a-803** is amended to read:

552 **63H-7a-803. Relation to certain acts -- Participation in Risk Management Fund.**

- 553 (1) The Utah Communications Authority is exempt from:
554 (a) except as provided in Subsection (3), Title 63A, Utah Administrative Services
555 Code;
556 (b) Title 63G, Chapter 4, Administrative Procedures Act; and
557 (c) Title 67, Chapter 19, Utah State Personnel Management Act.
558 (2) (a) The board shall adopt budgetary procedures, accounting, and personnel and
559 human resource policies substantially similar to those from which they have been exempted in
560 Subsection (1).
561 (b) The authority, the board, and the committee members are subject to Title 67,
562 Chapter 16, Utah Public Officers' and Employees' Ethics Act.
563 (c) The authority is subject to Title 52, Chapter 4, Open and Public Meetings Act.
564 (d) The authority is subject to Title 63G, Chapter 6a, Utah Procurement Code.
565 (e) The authority is subject to Title 63J, Chapter 1, Budgetary Procedures Act, only
566 with respect to money appropriated to the authority by the Legislature.
567 (3) (a) Subject to the requirements of Subsection [63E-1-304](#)(2), the administration may
568 participate in coverage under the Risk Management Fund created by Section [63A-4-201](#).
569 (b) The authority is subject to Title 63A, Chapter 3, Part 4, Utah Public Finance
570 Website.
571 Section 14. Section **63I-1-269** is amended to read:
572 **63I-1-269. Repeal dates, Title 69.**
573 Section [69-2-403](#), emergency services telecommunications charge to fund unified
574 statewide 911 emergency service, is repealed July 1, [~~2021~~] 2028.
575 Section 15. Section **69-2-201** is amended to read:
576 **69-2-201. Public safety answering point -- Establishment -- Administration --**
577 **Consolidation.**
578 (1) (a) A public agency may:
579 (i) operate a public safety answering point to provide 911 emergency service to any
580 part of the geographic area within the public agency's jurisdiction;
581 (ii) subject to Subsection (1)(b), operate a public safety answering point with any other
582 contiguous public agency to provide 911 emergency service to any part of the geographic area
583 within the public agencies' jurisdictions; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

620 ~~[(6)]~~ (7) A special service district that operates a public safety answering point or a
621 dispatch center:

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

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

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

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

628 Section 16. Section 69-2-203 is amended to read:

629 **69-2-203. Audit to assess emergency services -- County.**

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

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

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

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

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

640 (i) how best to provide the emergency services within the county; and

641 (ii) whether the county could provide more cost efficient emergency service or improve
642 public safety by establishing a single public safety answering point for the county.

643 (b) The county may request and the Utah Communications Authority Board created in
644 Section 63H-7a-203 may grant reimbursement for the costs of each audit described in
645 Subsection (1), up to \$60,000, distributed from the Unified Statewide 911 Emergency Services

646 Account described in Section [63H-7a-304](#).

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

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

652 Section 17. Section **69-2-403** is amended to read:

653 **69-2-403. Unified statewide 911 emergency service charge to fund Unified**
654 **Statewide 911 Emergency Service Account.**

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

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

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

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

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

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

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

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

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

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

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

674 (B) the person is not required to file a sales and use tax return under Title 59, Chapter
675 12, Sales and Use Tax Act; or

676 (ii) quarterly on or before the last day of the month immediately following the last day

677 of the previous quarter if the person is required to file a sales and use tax return with the
678 commission quarterly under Section 59-12-107.

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

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

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

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

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

692 (4) The commission shall deposit any unified 911 emergency service charge remitted to
693 the commission into the Unified Statewide 911 Emergency Service Account created in Section
694 63H-7a-304.

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

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

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

701 Section 18. Section 69-2-405 is amended to read:

702 **69-2-405. Prepaid wireless 911 service charge to fund 911 emergency service.**

703 (1) As used in this section:

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

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

- 708 (c) (i) "Prepaid wireless telecommunications service" means a wireless
709 telecommunications service that:
- 710 (A) is paid for in advance;
 - 711 (B) is sold in predetermined units of time or dollars that decline with use in a known
712 amount or provides unlimited use of the service for a fixed amount or time; and
 - 713 (C) allows a caller to access 911 emergency service.
- 714 (ii) "Prepaid wireless telecommunications service" does not include a wireless
715 telecommunications service that is billed:
- 716 (A) to a customer on a recurring basis; and
 - 717 (B) in a manner that includes the charges levied under Sections 69-2-402, 69-2-403,
718 and 69-2-404, for each radio communication access line assigned to the customer.
- 719 (d) "Seller" means a person that sells prepaid wireless telecommunications service to a
720 consumer.
- 721 (e) "Transaction" means each purchase of prepaid wireless telecommunications service
722 from a seller.
- 723 (f) "Wireless telecommunications service" means commercial mobile radio service as
724 defined by 47 C.F.R. Sec. 20.3, as amended.
- 725 (2) There is imposed a prepaid wireless 911 service charge of:
- 726 (a) before January 1, 2018, 2.45% of the sales price per transaction; [~~and~~]
 - 727 (b) on [~~and after~~] January 1, 2018, and until June 30, 2019, 3.30% of the sales price per
728 transaction[-]; and
 - 729 (c) beginning July 1, 2019, 3.7% of the sales price per transaction.
- 730 (3) (a) The prepaid wireless 911 service charge shall be collected by the seller from the
731 consumer for each transaction occurring in this state.
- 732 (b) (i) Except as provided in Subsections (3)(b)(ii) and (iii), if a user of a service
733 subject to a charge described in Subsection (2) is not the consumer, the seller shall collect the
734 charge from the consumer for the service.
 - 735 (ii) The charge described in Subsection (2) is not imposed on a seller or a consumer of
736 federal wireless lifeline service if the consumer does not pay the seller for the service.
 - 737 (iii) A consumer of federal wireless lifeline service shall pay, and the seller of the
738 service shall collect and remit, the charge described in Subsection (2) when the consumer

739 purchases from the seller optional services in addition to the federally funded lifeline benefit.

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

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

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

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

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

754 (9) The commission shall distribute:

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

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

758 ~~[(ii) 9.2% of the prepaid wireless 911 service charge revenue to the Unified Statewide
759 911 Emergency Service Account created in Section [63H-7a-304](#); and]~~

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

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

763 (a) for revenues collected under this section for a filing period ending on or before June
764 30, 2019:

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

767 (ii) 6.8% of the prepaid wireless 911 service charge revenue to the Unified Statewide
768 911 Emergency Service Account created in Section [63H-7a-304](#); and

769 (iii) 39.4% of the prepaid wireless 911 service charge revenue to the Utah Statewide

770 Radio System Restricted Account[-] created in Section [63H-7a-403](#); and
771 (b) for revenues collected under this section for a filing period beginning July 1, 2019:
772 (i) 47.97% of the prepaid wireless 911 service charge revenue to a public safety
773 answering point in accordance with Section [69-2-302](#);
774 (ii) 16.89% of the prepaid wireless 911 service charge revenue to the Unified Statewide
775 911 Emergency Service Account created in Section [63H-7a-304](#); and
776 (iii) 35.14% of the prepaid wireless 911 service charge revenue to the Utah Statewide
777 Radio System Restricted Account created in Section [63H-7a-403](#).
778 Section 19. **Effective date.**
779 This bill takes effect on July 1, 2019.