

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 authority's ability to sell network capacity;
- ▶ 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



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

47 **Money Appropriated in this Bill:**

48 None

49 **Other Special Clauses:**

50 This bill provides a special effective date.

51 **Utah Code Sections Affected:**

52 AMENDS:

53 **63H-7a-102**, as last amended by Laws of Utah 2017, Chapter 430

54 **63H-7a-103**, as last amended by Laws of Utah 2017, Chapter 430

55 **63H-7a-202**, as last amended by Laws of Utah 2017, Chapter 430

56 **63H-7a-203**, as last amended by Laws of Utah 2017, Chapter 430

- 57 **63H-7a-204**, as last amended by Laws of Utah 2017, Chapter 430
- 58 **63H-7a-206**, as repealed and reenacted by Laws of Utah 2017, Chapter 430
- 59 **63H-7a-303**, as last amended by Laws of Utah 2017, Chapter 430
- 60 **63H-7a-304**, as last amended by Laws of Utah 2017, Chapter 430
- 61 **63H-7a-402**, as last amended by Laws of Utah 2016, Chapters 123 and 179
- 62 **63H-7a-403**, as last amended by Laws of Utah 2017, Chapter 430
- 63 **63H-7a-802**, as renumbered and amended by Laws of Utah 2015, Chapter 411
- 64 **63H-7a-803**, as last amended by Laws of Utah 2017, Chapters 221 and 430
- 65 **63I-1-269**, as last amended by Laws of Utah 2017, Chapter 430
- 66 **69-2-201**, as renumbered and amended by Laws of Utah 2017, Chapter 430
- 67 **69-2-203**, as enacted by Laws of Utah 2017, Chapter 430
- 68 **69-2-403**, as renumbered and amended by Laws of Utah 2017, Chapter 430
- 69 **69-2-405**, as renumbered and amended by Laws of Utah 2017, Chapter 430

70 REPEALS AND REENACTS:

- 71 **63H-7a-207**, as enacted by Laws of Utah 2017, Chapter 430
- 72 **63H-7a-208**, as enacted by Laws of Utah 2017, Chapter 430



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

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

76 **63H-7a-102. Utah Communications Authority -- Purpose.**

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

79 (2) The Utah Communications Authority shall:

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

81 and

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

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

85 **63H-7a-103. Definitions.**

86 As used in this chapter:

87 (1) "Association of governments" means an association of political subdivisions of the

88 state, established pursuant to an interlocal agreement under Title 11, Chapter 13, Interlocal
89 Cooperation Act.

90 (2) "Authority" means the Utah Communications Authority created in Section
91 [63H-7a-201](#).

92 (3) "Board" means the Utah Communications Authority Board created in Section
93 [63H-7a-203](#).

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

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

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

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

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

103 ~~[(8)]~~ (9) "Public safety answering point" or "PSAP" means an entity in this state that:

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

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

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

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

110 ~~[(9)]~~ (10) "Public safety communications network" means:

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

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

116 Section 3. Section [63H-7a-202](#) is amended to read:

117 **63H-7a-202. Powers of the authority.**

118 (1) The authority has the power to:

- 119 (a) sue and be sued in the authority's own name;
- 120 (b) have an official seal and power to alter that seal at will;
- 121 (c) make and execute contracts and all other instruments necessary or convenient for
122 the performance of the authority's duties and the exercise of the authority's powers and
123 functions under this chapter, including contracts with public and private providers;
- 124 (d) own, acquire, design, construct, operate, maintain, repair, and dispose of any
125 portion of a public safety communications network utilizing technology that is fiscally prudent,
126 upgradable, technologically advanced, redundant, and secure;
- 127 (e) borrow money and incur indebtedness;
- 128 (f) enter into agreements with public agencies, private entities, the state, and federal
129 government to provide public safety communications network services on terms and conditions
130 the authority considers to be in the best interest of the authority;
- 131 (g) acquire, by gift, grant, purchase, or by exercise of eminent domain, any real
132 property or personal property in connection with the acquisition and construction of a public
133 safety communications network and all related facilities and rights-of-way that the authority
134 owns, operates, and maintains;
- 135 (h) except as provided in Subsection (3), sell public safety communications network
136 capacity to a state agency [or], a political subdivision of the state, an agency of the federal
137 government, or a private entity engaged in a public safety purpose, if the sale is:
- 138 (i) for a public safety purpose;
- 139 (ii) consistent with the authority's duties under this chapter; or
- 140 (iii) pursuant to:
- 141 (A) an agreement entered into by the authority before January 1, 2017; or
- 142 (B) a renewal of an agreement described in Subsection (1)(h)(iii)(A);
- 143 (i) review, approve, disapprove, or revise recommendations regarding the expenditure
144 of funds disbursed by the authority under this chapter; and
- 145 (j) perform all other duties authorized by this chapter.
- 146 (2) The authority may not intentionally overbuild the public safety communications
147 network for the purpose of competing with a public or private provider of a
148 telecommunications service.
- 149 (3) Notwithstanding Subsection (1)(h), the authority may not sell public safety

150 communications network capacity to any telecommunication carrier.

151 Section 4. Section **63H-7a-203** is amended to read:

152 **63H-7a-203. Board established -- Terms -- Vacancies.**

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

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

156 (a) as voting members:

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

159 ~~[(b)]~~ (ii) one individual appointed by the speaker of the House of Representatives;

160 ~~[(c)]~~ (iii) one individual appointed by the president of the Senate;

161 ~~[(d)]~~ (iv) two individuals nominated by an association that represents cities and towns
162 in the state and appointed by the governor with the advice and consent of the Senate; and

163 ~~[(e)]~~ (v) two individuals nominated by an association that represents counties in the
164 state and appointed by the governor with the advice and consent of the Senate[-]; and

165 (b) as nonvoting members, the chairs of the public safety advisory committee created
166 in Section 63H-7a-207 and the PSAP advisory committee created in Section 63H-7a-208.

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

169 (a) law enforcement;

170 (b) public safety;

171 (c) fire service;

172 (d) telecommunications;

173 (e) finance;

174 (f) management; and

175 (g) government.

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

178 (a) user; or

179 (b) vendor.

180 (5) (a) (i) Five of the board members appointed under Subsection (2)(a) shall serve an

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

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

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

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

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

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

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

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

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

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

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

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

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

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

205 (a) a per diem at the rate established under Section 63A-3-106; and

206 (b) travel expenses at the rate established under Section 63A-3-107.

207 Section 5. Section **63H-7a-204** is amended to read:

208 **63H-7a-204. Board -- Powers and duties.**

209 The board shall:

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

211 (2) adopt bylaws;

- 212 (3) appoint an executive director to administer the authority;
- 213 (4) receive and act upon reports covering the operations of the public safety
- 214 communications network and funds administered by the authority;
- 215 (5) receive and act upon reports from the Radio Network Division prepared pursuant to
- 216 Subsection 63H-7a-402(1)(b) that identify the benefits, costs, and economic feasibility of using
- 217 existing public or private facilities, equipment, or services consistent with Subsections
- 218 63H-7a-402(1)(a), 63H-7a-404(2)(c), and 63H-7a-404(3) prior to issuing or approving a
- 219 request for proposal;
- 220 [~~5~~] (6) ensure that the public safety communications network and funds are
- 221 administered according to law;
- 222 [~~6~~] (7) examine and approve an annual operating budget for the authority;
- 223 [~~7~~] (8) receive and act upon recommendations of the director;
- 224 [~~8~~] (9) recommend to the governor and Legislature legislation involving the public
- 225 safety communications network;
- 226 [~~9~~] (10) develop policies for the long-term operation of the authority and the
- 227 performance of the authority's functions;
- 228 [~~10~~] (11) authorize the executive director to enter into agreements on behalf of the
- 229 authority;
- 230 [~~11~~] (12) provide for the management and administration of the public safety
- 231 communications network by rule made in accordance with Title 63G, Chapter 3, Utah
- 232 Administrative Rulemaking Act;
- 233 [~~12~~] (13) exercise the powers and perform the duties conferred on the board by this
- 234 chapter;
- 235 (14) consider issues and information received from the public safety advisory
- 236 committee and the PSAP advisory committee;
- 237 [~~13~~] (15) provide for audits of the authority; and
- 238 [~~14~~] (16) establish the following divisions within the authority:
- 239 (a) 911 Division;
- 240 (b) Radio Network Division;
- 241 (c) Interoperability Division; and
- 242 (d) Administrative Services Division.

243 Section 6. Section **63H-7a-206** is amended to read:

244 **63H-7a-206. Strategic plan -- Report.**

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

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

250 (i) 911 Division;

251 (ii) Radio Network Division;

252 (iii) Interoperability Division; and

253 (iv) Administrative Services Division; and

254 (b) includes a plan for:

255 (i) the public safety communications network;

256 (ii) developing new systems;

257 (iii) expanding existing systems, including microwave and fiber optics based systems;

258 (iv) statewide interoperability;

259 (v) statewide coordination; and

260 (vi) FirstNet standards.

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

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

265 (a) the board;

266 (b) the Executive Offices and Criminal Justice Appropriations Subcommittee; and

267 (c) the Legislative Management Committee.

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

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

271 **63H-7a-207. Public safety advisory committee.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

292 (c) the chair of the public safety answering point advisory committee created in Section
293 [63H-7a-208](#); and

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

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

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

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

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

304 (5) When a vacancy occurs in the membership for any reason, the replacement shall be

305 appointed as described in Subsection (2) or (3), as applicable, for the unexpired term.

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

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

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

311 (b) The chair may call special meetings.

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

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

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

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

319 (a) the authority operations and policies;

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

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

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

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

327 (12) The committee is subject to Title 52, Chapter 4, Open and Public Meetings Act.
328 Section 8. Section 63H-7a-208 is repealed and reenacted to read:

329 **63H-7a-208. PSAP advisory committee.**

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

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

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

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

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

- 336 (e) one representative from a PSAP from a county of the first class;
- 337 (f) one representative from a PSAP from a county of the second class;
- 338 (g) one representative from a PSAP from a county of the third or fourth class;
- 339 (h) one representative from a PSAP from a county of the fifth or sixth class; and
- 340 (i) one member from the telecommunications industry.
- 341 (2) (a) Except as provided in Subsection (2)(b), each member shall be appointed to a
- 342 four-year term beginning July 1, 2019.
- 343 (b) Notwithstanding Subsection (2)(a), the board shall:
- 344 (i) at the time of appointment or reappointment, adjust the length of terms to ensure
- 345 that the terms of committee members are staggered so that the terms of approximately half of
- 346 the committee end every two years; and
- 347 (ii) not reappoint a member for more than two consecutive terms.
- 348 (3) If a vacancy occurs in the membership for any reason, the replacement shall be
- 349 appointed by the board for the unexpired term.
- 350 (4) (a) Each January, the committee shall organize and select one of its members as
- 351 chair and one member as vice chair.
- 352 (b) The committee may organize standing or ad hoc subcommittees, which shall
- 353 operate in accordance with guidelines established by the committee.
- 354 (5) (a) The chair shall convene a minimum of four meetings per year.
- 355 (b) The chair may call special meetings.
- 356 (c) The chair shall call a meeting upon request of five or more members of the
- 357 committee.
- 358 (6) Five members of the committee constitute a quorum for the transaction of business,
- 359 and the action of a majority of the members present is the action of the committee.
- 360 (7) A member may not receive compensation or benefits for the member's service.
- 361 (8) The PSAP advisory committee shall make recommendations to the director and the
- 362 board regarding:
- 363 (a) the authority operations and policies;
- 364 (b) the 911 division and interoperability division strategic plans;
- 365 (c) the operation, maintenance, and capital development of the public safety
- 366 communications network;

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

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

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

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

373 Section 9. Section **63H-7a-303** is amended to read:

374 **63H-7a-303. Computer Aided Dispatch Restricted Account -- Creation --**

375 **Administration -- Permitted uses.**

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

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

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

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

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

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

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

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

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

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

396 (3) Subject to an appropriation by the Legislature and approval by the board, the
 397 Administrative Services Division may expend funds from the Computer Aided Dispatch

398 Restricted Account to cover the Administrative Services Division's administrative costs related
399 to the Computer Aided Dispatch Restricted Account.

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

403 Section 10. Section **63H-7a-304** is amended to read:

404 **63H-7a-304. Unified Statewide 911 Emergency Service Account -- Creation --**
405 **Administration -- Permitted uses.**

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

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

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

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

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

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

426 (d) The authority may not expend funds from the Unified Statewide 911 Emergency
427 Service Account collected through the 911 emergency service charge imposed in Section
428 [69-2-403](#) on behalf of a PSAP that chooses not to participate in the:

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

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

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

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

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

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

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

449 (i) enhance and upgrade digital mapping standards; and
450 (ii) maintain a statewide geospatial database for unified statewide 911 emergency
451 service.

452 (c) Subject to an appropriation by the Legislature, the authority may expend funds from
453 the United Statewide 911 Emergency Service Account to reimburse a county for the costs, up
454 to \$60,000, of each audit described in Section 69-2-203.

455 Section 11. Section **63H-7a-402** is amended to read:

456 **63H-7a-402. Radio Network Division duties.**

457 (1) The Radio Network Division shall:

458 (a) provide and maintain the public safety communications network for state agencies
459 and local government public safety agencies within the authority network, including the

460 existing VHF and 800 MHz networks, in a manner that:

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

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

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

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

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

468 (A) identified the locations and functional capabilities of existing public and private
469 communications facilities in the state;

470 (B) specifically evaluated the benefits, costs, and economic feasibility of utilizing
471 existing facilities, equipment, and services of public and private providers; and

472 (C) identified the public and private communications facilities that may be integrated
473 with the public safety communications network; and

474 (ii) present the report to the board at an open and public board meeting;

475 ~~[(b)]~~ (c) prepare and submit to the executive director for approval by the board:

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

477 (ii) an annual plan for the program funded by the Utah Statewide Radio System
478 Restricted Account created in Section [63H-7a-403](#); and

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

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

486 ~~[(d)]~~ (e) fulfill other duties assigned to the Radio Network Division under this chapter.

487 (2) The Radio Network Division may:

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

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

493 (c) review information regarding:

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

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

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

498 (i) local and state entities; and

499 (ii) public safety agencies; and

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

501 (i) the public safety communications network;

502 (ii) radio technologies and services;

503 (iii) microwave connectivity;

504 (iv) fiber connectivity; and

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

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

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

510 Section 12. Section [63H-7a-403](#) is amended to read:

511 **63H-7a-403. Utah Statewide Radio System Restricted Account -- Creation --**
512 **Administration.**

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

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

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

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

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

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

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

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

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

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

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

536 (B) radio console network connectivity;

537 (C) funding a statewide interoperability coordinator; and

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

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

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

545 (i) best promotes statewide public safety;

546 (ii) best promotes interoperability;

547 (iii) impacts the largest service territory;

548 (iv) impacts a densely populated area; or

549 (v) impacts an underserved area.

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

552 (e) The authority may not expend funds from the Utah Statewide Radio System

553 Restricted Account collected through the radio network charge imposed in Section 69-2-404 on
 554 behalf of a public agency or PSAP if the public agency or PSAP chooses not to participate in
 555 the:

556 (i) public safety communications network; and

557 (ii) radio communications service defined in Section 69-2-102.

558 (f) The authority may not expend funds from the Utah Statewide Radio System

559 Restricted Account collected through the prepaid wireless 911 service charge revenue
 560 distributed in Subsection 69-2-405(9)(b)(iii) on behalf of a public agency or PSAP if the public
 561 agency or PSAP chooses not to participate in the:

562 (i) public safety communications network; and

563 (ii) radio communications service defined in Section 69-2-102.

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

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

571 Section 13. Section **63H-7a-802** is amended to read:

572 **63H-7a-802. Term of the authority -- Dissolution -- Withdrawal.**

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

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

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

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

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

582 ~~[(2) (a) Each member may, at any time, withdraw as a member of the authority by~~
 583 ~~delivering to the board a written notice of withdrawal which has been approved by the~~

584 governing body of the member, except that a member may not withdraw from the authority at
585 any time during which it has an outstanding payment obligation to the authority as a result of
586 having entered into a service contract, lease, or other financial obligation.]

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

591 Section 14. Section **63H-7a-803** is amended to read:

592 **63H-7a-803. Relation to certain acts -- Participation in Risk Management Fund.**

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

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

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

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

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

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

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

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

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

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

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

611 Section 15. Section **63I-1-269** is amended to read:

612 **63I-1-269. Repeal dates, Title 69.**

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

615 Section 16. Section **69-2-201** is amended to read:

616 **69-2-201. Public safety answering point -- Establishment -- Administration --**
617 **Consolidation.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

645 (b) seek funds appropriated by local governmental taxing authorities to fund a public

646 safety agency; or

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

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

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

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

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

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

660 [~~(6)~~] (7) A special service district that operates a public safety answering point or a
661 dispatch center:

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

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

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

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

668 Section 17. Section 69-2-203 is amended to read:

669 **69-2-203. Audit to assess emergency services -- County.**

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

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

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

675 (1) Before July 1, 2021, and before July 1 of every fourth year beginning in 2025, each
676 county that is not served by a single, physically consolidated public safety answering point

677 shall utilize a qualified third party to conduct an audit of each public safety answering point
678 within the county.

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

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

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

683 (b) The county may request and the Utah Communications Authority Board created in
684 Section [63H-7a-203](#) may grant reimbursement for the costs of each audit described in
685 Subsection (1), up to \$60,000, distributed from the Unified Statewide 911 Emergency Services
686 Account described in Section [63H-7a-304](#).

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

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

692 Section 18. Section **69-2-403** is amended to read:

693 **69-2-403. Unified statewide 911 emergency service charge to fund Unified**
694 **Statewide 911 Emergency Service Account.**

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

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

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

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

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

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

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

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

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

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

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

714 (B) the person is not required to file a sales and use tax return under Title 59, Chapter
715 12, Sales and Use Tax Act; or

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

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

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

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

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

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

732 (4) The commission shall deposit any unified 911 emergency service charge remitted to
733 the commission into the Unified Statewide 911 Emergency Service Account created in Section
734 63H-7a-304.

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

737 (6) The state may impose, bill, and collect an emergency services telecommunications
738 charge under this section on a mobile telecommunications service only to the extent permitted

739 by the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.

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

741 Section 19. Section **69-2-405** is amended to read:

742 **69-2-405. Prepaid wireless 911 service charge to fund 911 emergency service.**

743 (1) As used in this section:

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

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

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

750 (A) is paid for in advance;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

794 (9) The commission shall distribute:

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

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

798 ~~[(ii) 9.2% of the prepaid wireless 911 service charge revenue to the Unified Statewide
799 911 Emergency Service Account created in Section 63H-7a-304; and]~~

800 ~~[(iii) 18.4% of the revenue to the Utah Statewide Radio System Restricted Account;~~

801 and]

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

803 (a) for revenues collected under this section for a filing period ending on or before June
804 30, 2019:

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

807 (ii) 6.8% of the prepaid wireless 911 service charge revenue to the Unified Statewide
808 911 Emergency Service Account created in Section [63H-7a-304](#); and

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

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

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

814 (ii) 16.89% of the prepaid wireless 911 service charge revenue to the Unified Statewide
815 911 Emergency Service Account created in Section [63H-7a-304](#); and

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

818 Section 20. **Effective date.**

819 This bill takes effect on July 1, 2019.