

SB0130S01 compared with SB0130

~~text~~ shows text that was in SB0130 but was deleted in SB0130S01.

text shows text that was not in SB0130 but was inserted into SB0130S01.

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Senator Wayne A. Harper proposes the following substitute bill:

911 COMMUNICATIONS AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions relating to emergency communications systems.

Highlighted Provisions:

This bill:

- ▶ modifies the powers of the Utah Communications Authority;
- ▶ ~~provides requirements if~~ modifies provisions relating to the Utah Communications Authority ~~sells~~ sales, leases, or trades of public safety communications network capacity ~~to a private person~~;
- ▶ requires the PSAP advisory committee to recommend, the Utah Communications Authority Board to adopt, and public safety answering points to adopt a statewide CAD-to-CAD call handling and 911 call transfer protocol;
- ▶ modifies provisions relating to the Utah Communications Authority's strategic plan;

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- ▶ requires the Utah Communications Authority to report to legislative committees on the authority's plan for and progress in implementing audit recommendations;
- ▶ modifies provisions relating to Utah Communications Authority divisions and advisory committees;
- ▶ provides for distributions from the Unified Statewide 911 Emergency Service Account to PSAPs who meet certain criteria;
- ▶ eliminates language relating to required meetings involving the authority's executive director, the Radio Network Division, and stakeholders, and relating to a required comprehensive plan;
- ▶ modifies the Utah Communications Authority's authority to charge fees;
- ▶ requires the Department of Public Safety to enter into an agreement with a single public safety answering point serving within a county;
- ▶ modifies provisions relating to a required audit for certain counties;
- ▶ requires public safety answering points to comply with specified 911 call transfer rates; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63H-7a-103, as last amended by Laws of Utah 2019, Chapter 509

63H-7a-202, as last amended by Laws of Utah 2019, Chapter 509

63H-7a-204, as last amended by Laws of Utah 2019, Chapter 509

63H-7a-206, as last amended by Laws of Utah 2019, Chapter 509

63H-7a-207, as repealed and reenacted by Laws of Utah 2019, Chapter 509

63H-7a-208, as repealed and reenacted by Laws of Utah 2019, Chapter 509

63H-7a-302, as last amended by Laws of Utah 2017, Chapter 430

63H-7a-303, as last amended by Laws of Utah 2019, Chapter 509

63H-7a-304, as last amended by Laws of Utah 2019, Chapter 509

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63H-7a-404, as last amended by Laws of Utah 2017, Chapter 430

63H-7a-502, as last amended by Laws of Utah 2017, Chapter 430

63I-2-263, as last amended by Laws of Utah 2019, Chapters 182, 240, 246, 325, 370,
and 483

69-2-201, as last amended by Laws of Utah 2019, Chapter 509

69-2-202, as enacted by Laws of Utah 2017, Chapter 430

69-2-203, as last amended by Laws of Utah 2019, Chapter 509

ENACTS:

63H-7a-206.5, Utah Code Annotated 1953

63H-7a-304.5, Utah Code Annotated 1953

69-2-204, Utah Code Annotated 1953

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

Section 1. Section **63H-7a-103** is amended to read:

63H-7a-103. Definitions.

As used in this chapter:

(1) "911 account" means the Unified Statewide 911 Emergency Service Account, created in Subsection 63H-7a-304(1).

(2) "911 call transfer" means the redirection of a 911 call from the person who initially receives the call to another person within the state.

~~(3)~~ (3) "Association of governments" means an association of political subdivisions of the state, established pursuant to an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act.

~~(4)~~ (4) "Authority" means the Utah Communications Authority created in Section 63H-7a-201.

(5) "Backhaul network" means the portion of a public safety communications network that consists primarily of microwave paths, fiber lines, or ethernet circuits.

~~(5)~~ (6) "Board" means the Utah Communications Authority Board created in Section 63H-7a-203.

(7) "CAD" means a computer-based system that aids PSAP dispatchers by automating selected dispatching and record-keeping activities.

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(8) "CAD-to-CAD" means standardized connectivity between PSAPs or between a PSAP and a dispatch center for the transmission of data between CADs.

~~[(4)]~~ (9) "Dispatch center" means an entity that receives and responds to an emergency or nonemergency communication transferred to the entity from a public safety answering point.

~~[(5)]~~ (10) "FirstNet" means the federal First Responder Network Authority established in 47 U.S.C. Sec. 1424.

~~[(6)]~~ (11) "Lease" means any lease, lease purchase, sublease, operating, management, or similar agreement.

~~[(7)]~~ (12) "Public agency" means any political subdivision of the state dispatched by a public safety answering point.

~~[(8)]~~ (13) "Public safety agency" means the same as that term defined in Section 69-2-102.

~~[(9)]~~ (14) "Public safety answering point" or "PSAP" means an entity in this state that:

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

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

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

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

~~[(10)]~~ (15) "Public safety communications network" means:

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

(b) 911 emergency services, including radio communications, connectivity, and 911 call processing equipment.

Section 2. Section **63H-7a-202** is amended to read:

63H-7a-202. Powers and duties of the authority.

(1) The authority has the power to:

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

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

(c) make and execute contracts and all other instruments necessary or convenient for the performance of the authority's duties and the exercise of the authority's powers and

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functions under this chapter, including contracts with public and private providers;

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

(e) borrow money and incur indebtedness;

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

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

~~[(h) except as provided in Subsection (3), sell public safety communications network capacity to a state agency, a political subdivision of the state, an agency of the federal government, or a private entity engaged in a public safety purpose, if the sale is:]~~

~~[(i) for a public safety purpose;]~~

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

~~[(iii) pursuant to:]~~

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

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

(h) sell, lease, or trade public safety communications network capacity, except backhaul network capacity, to a state agency, a political subdivision of the state, or an agency of the federal government;

(i) sell, lease, or trade backhaul network capacity to a state agency, a political subdivision of the state, or an agency of the federal government for a public safety purpose;

(j) sell, lease, or trade backhaul network capacity to a state agency, a political subdivision of the state, or an agency of the federal government for a purpose other than a public safety purpose, subject to a maximum of 50 megabytes per second in the aggregate at any one location;

(k) subject to Subsection (2) ~~f, f~~;

(A) sell, lease, or trade ~~f public safety communications network capacity, except~~

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~~backhaul capacity, to a private person for any purpose:~~

~~— (j) sell; backhaul network capacity to a private person for a public safety purpose, subject to a maximum of 50 megabytes per second in the aggregate at any one location; f~~

~~— (i) (k) or~~

(B) sell, lease, or trade public safety communications network capacity, except backhaul network capacity, to a private person for any purpose;

(1) sell, lease, or trade public safety communications network capacity, if the sale, lease, or trade is under an agreement the authority entered into before June 30, 2020;

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

(f) (n) perform all other duties authorized by this chapter.

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

~~[(3) Notwithstanding Subsection (1)(h), the authority may not sell public safety communications network capacity to any telecommunication carrier.]~~

(2) (a) ~~{If the authority sells, leases, or trades public safety communications network capacity}~~ For a sale, lease, or trade to a private person under Subsection (1)(~~f~~k), the authority shall require compensation from the private person that is:

(i) fair and reasonable;

(ii) competitively neutral;

(iii) nondiscriminatory;

(iv) open to public inspection;

(v) established to promote access by multiple telecommunication facility providers;

and

(vi) set after the authority conducts a market analysis to determine the fair and reasonable value of public safety communications network capacity.

(b) The authority shall conduct the market analysis required under Subsection

(2)(a)(vi):

(i) before ~~{selling}~~ a sale, ~~{leasing}~~ lease, or ~~{trading public safety communications network capacity}~~ trade to a private person under Subsection (1)(~~f~~k); and

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(ii) thereafter no less frequently than every five years.

(c) (i) Compensation charged under Subsection (2)(a) may be cash, in-kind, or a combination of cash and in-kind.

(ii) In-kind compensation may not be charged without the agreement of the authority and the private person who will pay the in-kind compensation.

(iii) The authority shall determine the present value of any in-kind compensation based on the incremental cost to the private person.

(iv) The authority shall require the value of any in-kind compensation or combination of cash and in-kind compensation to be at least the amount of cash that would be paid if compensation were cash only.

(3) The authority shall work with PSAPs to identify and address deficiencies relating to PSAP staffing and training.

Section 3. Section **63H-7a-204** is amended to read:

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

The board shall:

- (1) manage the affairs and business of the authority consistent with this chapter;
- (2) adopt bylaws;
- (3) appoint an executive director to administer the authority;
- (4) receive and act upon reports covering the operations of the public safety communications network and funds administered by the authority;
- (5) receive and act upon reports from the Radio Network Division prepared pursuant to Subsection 63H-7a-402(1)(b) that identify the benefits, costs, and economic feasibility of using existing public or private facilities, equipment, or services consistent with Subsections 63H-7a-402(1)(a)[;] and 63H-7a-404(2)(c), [~~and 63H-7a-404(3)~~] prior to issuing or approving a request for proposal;
- (6) ensure that the public safety communications network and funds are administered according to law;
- (7) examine and approve an annual operating budget for the authority;
- (8) receive and act upon recommendations of the director;
- (9) recommend to the governor and Legislature legislation involving the public safety communications network;

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

(11) authorize the executive director to enter into agreements on behalf of the authority;

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

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

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

(15) provide for audits of the authority; ~~and~~

(16) establish the following divisions within the authority:

(a) 911 Division;

(b) Radio Network Division;

(c) Interoperability Division; and

(d) Administrative Services Division~~[-]; and~~

(17) on or before November 30, 2020, adopt a statewide CAD-to-CAD call handling and 911 call transfer protocol, after receiving the PSAP advisory committee's proposal under Subsection 63H-7a-208(9).

Section 4. Section **63H-7a-206** is amended to read:

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

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

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

(i) 911 Division;

(ii) Radio Network Division;

(iii) Interoperability Division; and

(iv) Administrative Services Division; and

(b) includes ~~a plan for~~:

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(i) a plan for maintaining, upgrading, and expanding the public safety communications network[; ~~(ii) developing new systems; (iii) expanding existing systems~~], including microwave and fiber optics based systems;

~~[(iv)]~~ (ii) a plan for statewide interoperability;

~~[(v)]~~ (iii) a plan for statewide coordination; ~~[and]~~

(iv) radio network coverage maps; and

~~[(vi)]~~ (v) FirstNet standards.

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

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

(a) the board;

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

(c) the Legislative Management Committee.

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

Section 5. Section **63H-7a-206.5** is enacted to read:

63H-7a-206.5. Report on implementing audit recommendations.

By October 1, 2020, and again the following year by October 1, 2021, the authority shall report to the Public Utilities, Energy, and Technology Interim Committee and Retirement and Independent Entities Interim Committee of the Legislature on the authority's plan for and progress in implementing the recommendations of the December 2019 performance audit by the Office of the Legislative Auditor General, audit number 2019-15.

Section 6. Section **63H-7a-207** is amended to read:

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

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

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

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

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

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- (c) one representative from an association that represents sheriffs in the state;
 - (d) one representative from an association that represents emergency medical service personnel in the state;
 - (e) one member of law enforcement from a county of the first or second class;
 - (f) one member of law enforcement from a county of the third or fourth class;
 - (g) one member of law enforcement from a county of the fifth or sixth class;
 - (h) one individual from a fire department within a county of the first or second class;
 - (i) one individual from a fire department within a county of the third or fourth class;
 - (j) one individual from a fire department within a county of the fifth or sixth class; and
 - (k) one individual from the public safety communications industry.
- (3) The following shall serve on the public safety advisory committee:
- (a) the commissioner of public safety or the commissioner's designee;
 - (b) the executive director of the Department of Transportation or the executive director's designee;
 - (c) the chair of the public safety answering point advisory committee created in Section 63H-7a-208; and
 - (d) an individual nominated by the representatives of tribal governments elected under Section 9-9-104.5.
- (4) (a) Subject to Subsection (4)(b), each member appointed pursuant to Subsection (2) shall be appointed to a four-year term beginning July 1, 2019.
- (b) Notwithstanding Subsection (2)(a), the board shall:
- (i) at the time of appointment or reappointment of individuals described in Subsection (2), adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the those appointed pursuant to Subsection (2) are appointed every two years; and
 - (ii) not reappoint a member for more than two consecutive terms.
- (5) When a vacancy occurs in the membership for any reason, the replacement shall be appointed as described in Subsection (2) or (3), as applicable, for the unexpired term.
- (6) (a) Each January, the committee shall organize and select one of the committee's members as chair and one member as vice chair.
- (b) The committee may organize standing or ad hoc subcommittees, which shall

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operate in accordance with guidelines established by the committee.

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

(b) The chair may call special meetings.

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

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

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

(10) The public safety advisory committee shall, on behalf of stakeholders, make recommendations to the director and the board regarding:

(a) the authority operations and policies;

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

(c) the operation, maintenance, and capital development of and access to the public safety communications network; [~~and~~]

(d) the authority's administrative rules relative to the radio network division and interoperability division[-]; and

(e) how to solve stakeholder interoperability problems.

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

(12) (a) The committee is not subject to Title 52, Chapter 4, Open and Public Meetings Act.

(b) The committee shall:

(i) at least 24 hours before a committee meeting, post a notice of the meeting, with a meeting agenda, on the authority's website;

(ii) within 10 days after a committee meeting, post to the authority's website the audio and draft minutes of the meeting; and

(iii) within three days after the committee approves minutes of a committee meeting, post the approved minutes to the authority's website.

(c) The committee's vice chair is responsible for preparing minutes of committee meetings.

Section 7. Section **63H-7a-208** is amended to read:

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

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

- (a) one representative from a PSAP managed by a city;
- (b) one representative from a PSAP managed by a county;
- (c) one representative from a PSAP managed by a special service district;
- (d) one representative from a PSAP managed by the Department of Public Safety;
- (e) one representative from a PSAP from a county of the first class;
- (f) one representative from a PSAP from a county of the second class;
- (g) one representative from a PSAP from a county of the third or fourth class;
- (h) one representative from a PSAP from a county of the fifth or sixth class; and
- (i) one member from the telecommunications industry.

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

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

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

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

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

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

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

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

(b) The chair may call special meetings.

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

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

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

(8) The PSAP advisory committee shall, on behalf of stakeholders, make recommendations to the director and the board regarding:

(a) the authority operations and policies;

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

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

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

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

(9) No later than September 30, 2020, the PSAP advisory committee shall propose to the board a statewide CAD-to-CAD call handling and 911 call transfer protocol.

~~(9)~~ (10) The chair of the PSAP advisory committee is a nonvoting member of the board.

~~(10)~~ (11) (a) The committee is not subject to Title 52, Chapter 4, Open and Public Meetings Act.

(b) The committee shall:

(i) at least 24 hours before a committee meeting, post a notice of the meeting, with a meeting agenda, on the authority's website;

(ii) within 10 days after a committee meeting, post to the authority's website the audio and draft minutes of the meeting; and

(iii) within three days after the committee approves minutes of a committee meeting, post the approved minutes to the authority's website.

(c) The committee's vice chair is responsible for preparing minutes of committee meetings.

Section 8. Section **63H-7a-302** is amended to read:

63H-7a-302. 911 Division duties and powers.

(1) The 911 Division shall:

(a) in conjunction with the PSAP advisory committee:

(i) develop and report to the director minimum standards and best practices;

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(A) for public safety answering points in the state, including minimum technical, administrative, fiscal, network, and operational standards for public safety answering points and dispatch centers [~~in the state~~]; and

(B) that will result in rapid, efficient, and interoperable 911 services throughout the state;

(b) annually prepare and publish a report of how well PSAPs statewide are complying with the standards and best practices developed under Subsection (1)(a);

~~(b)~~ (c) investigate and report to the director on emerging technology;

~~(c)~~ (d) monitor and coordinate the implementation of the unified statewide 911 emergency services network;

~~(d)~~ (e) investigate and recommend to the director mapping systems and technology necessary to implement the unified statewide 911 emergency services network;

~~(e)~~ (f) prepare and submit to the executive director for approval by the board:

(i) an annual budget for the 911 Division;

(ii) an annual plan for the projects funded by the Computer Aided Dispatch Restricted Account created in Section 63H-7a-303 and the [~~Unified Statewide 911 Emergency Service Account created in Section 63H-7a-304~~] 911 account; and

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

~~(f)~~ (g) assist public safety answering points implementing and coordinating the unified statewide 911 emergency services network; and

~~(g)~~ (h) coordinate the development of an interoperable computer aided dispatch platform:

(i) for public safety answering points; and

(ii) where needed, to assist public safety answering points with the creation or integration of the interoperable computer aided dispatch system.

(2) The 911 Division may recommend to the executive director to sell, lease, or otherwise dispose of equipment or personal property purchased, leased, or belonging to the authority that is related to funds expended from the Computer Aided Dispatch Restricted Account created in Section 63H-7a-303 or the [~~Unified Statewide 911 Emergency Service Account created in Section 63H-7a-304~~] 911 account, the proceeds from which shall return to

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the respective restricted accounts.

(3) The 911 Division may make recommendations to the executive director for the use of the funds expended from the Computer Aided Dispatch Restricted Account created in Section 63H-7a-303.

(4) (a) The 911 Division shall review information regarding:

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

(ii) network costs;

(iii) public safety answering point costs;

(iv) system engineering information; and

(v) connectivity between public safety answering point computer aided dispatch systems.

(b) In accordance with Subsection (4)(a) the 911 Division may request:

(i) information as described in Subsection (4)(a)(i) from the State Tax Commission;

and

(ii) information from public safety answering points related to the computer aided dispatch system.

(c) The information requested by and provided to the 911 Division under Subsection (4) is a protected record in accordance with Section 63G-2-305.

(5) The 911 Division shall recommend to the executive director, for approval by the board, rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to ~~[-(a) administer the program funded by the Unified Statewide 911 Emergency Service restricted account created in Section 63H-7a-304, including rules that establish the criteria, standards, technology, and equipment that a public safety answering point is required to adopt in order to qualify for goods or services that are funded from the restricted account; and (b)]~~ administer the Computer Aided Dispatch Restricted Account created in Section 63H-7a-303, including rules that establish the criteria, standards, technology, and equipment that a public safety answering point is required to adopt in order to qualify as a recipient of goods or services that are funded from the restricted account.

(6) The board may authorize the 911 Division to employ an outside consultant to study and advise the division on matters related to the 911 Division duties regarding the public safety

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communications network.

(7) The 911 Division shall administer the program funded by the 911 account in accordance with Sections 63H-7a-304 and 63H-7a-304.5.

~~[(7)]~~ (8) This section does not expand the authority of the State Tax Commission to request additional information from a telecommunication service provider.

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

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

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

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

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

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

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

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

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

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

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

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

(4) On July 1, ~~[2022]~~ 2024, all funds in the Computer Aided Dispatch Restricted

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Account shall automatically transfer to the [~~Unified Statewide 911 Emergency Service Account created in Section 63H-7a-304~~] 911 account.

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

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

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

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

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

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

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

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

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

- (i) public safety communications network; and

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

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

(i) public safety communications network; and

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

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

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

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

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

(i) enhance and upgrade digital mapping standards; and

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

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

Section 11. Section **63H-7a-304.5** is enacted to read:

63H-7a-304.5. Distributions from 911 account to qualifying PSAPs.

(1) As used in this section:

(a) "Certified statement" means a statement signed by a PSAP's director or other

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authorized administrator certifying the PSAP's compliance with the requirements of Subsection (2)(a).

(b) "Fiscal year" means the period from July 1 of one year to June 30 of the following year.

(~~fb~~c) "Proportionate share" means a percentage derived by dividing a PSAP's average 911 call volume, as reported to the State Tax Commission under Section 69-2-302, for the preceding three years by the total of the average 911 call volume for the same three-year period for all PSAPs that have submitted a certified statement seeking a distribution of the applicable remaining funds.

(~~fc~~d) "Qualifying PSAP" means a PSAP that:

(i) meets the requirements of Subsection (2)(a) for the period for which remaining funds are sought; and

(ii) submits a timely certified statement to the authority.

(~~fd~~e) "Remaining funds" means the money remaining in the 911 account after deducting:

(i) disbursements under Subsections 63H-7a-304(2)(a), (3), and (4);

(ii) authority expenditures or disbursements in accordance with the authority's strategic plan, including expenditures or disbursements to pay for:

(A) implementing, maintaining, or upgrading the public safety communications network or statewide 911 phone system; and

(B) authority overhead for managing the 911 portion of the public safety communications network; and

(iii) money that the board determines should remain in the 911 account for future use.

(~~fe~~f) "Required transfer rate" means:

(i) a transfer rate of no more than 2%; or

(ii) for a PSAP with a transfer rate for the ~~{12-month period}~~ fiscal year ending June 30, 2020 that is greater than 2%, and until June 30, 2023, the transfer rate that meets the requirement for the applicable period under Subsection 69-2-204(3)(a), (b), or (c).

(~~ff~~g) "Transfer rate" means the same as that term is defined in Section 69-2-204.

(2) (a) To qualify for a proportionate share of remaining funds, a PSAP shall, for the period for which remaining funds are sought:

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(i) have answered:

(A) 90% of all 911 calls arriving at the PSAP within 15 seconds; and

(B) 95% of all 911 calls arriving at the PSAP within 20 seconds;

(ii) have adopted and be using the statewide CAD-to-CAD call handling and 911 call transfer protocol adopted by the board under Subsection 63H-7a-204(17);

(iii) have participated in the authority's annual interoperability exercise; and

(iv) have complied with the required transfer rate.

(b) A PSAP that seeks a proportionate share of remaining funds shall submit a certified statement to the authority no later than July 31 following the end of the ~~{period}~~ fiscal year for which remaining funds are sought.

(c) Notwithstanding Subsection (2)(a):

(i) a qualifying PSAP in a county with multiple PSAPs does not qualify for a proportionate share of remaining funds for a period beginning after June 30, 2023 unless every PSAP in that county is a qualifying PSAP; and

(ii) a PSAP described in Subsection 69-2-203(5) does not qualify for remaining funds.

(3) (a) Subject to Subsection (3)(b) and beginning after July 2021 for PSAPs that have become qualifying PSAPs for the ~~{period from July 1, 2020 to June 30, 2021,}~~ previous fiscal year the authority shall distribute to each qualifying PSAP that PSAP's proportionate share of the remaining funds.

(b) The authority may not distribute more than 15% of remaining funds to any single PSAP.

(4) All money that a PSAP receives under this section is subject to Section 69-2-301.

Section 12. Section **63H-7a-404** is amended to read:

63H-7a-404. Public safety communications network -- Maintenance -- Upgrade -- Fees.

(1) The Radio Network Division shall administer the development, installation, implementation, and maintenance of the public safety communications network for the authority, for the benefit of state government entities and political subdivisions of the state that use the public safety communications network.

(2) In developing and maintaining the public safety communications network as described in Subsection (1), the Radio Network Division shall:

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- (a) maintain and upgrade existing VHF and 800 ~~{MHz}~~MHZ radio networks;
- (b) coordinate with state government entities, political subdivisions of the state, and public and private providers; and
- (c) contract for facilities, equipment, and services for the public safety communications network in a manner that:

- (i) complies with Title 63G, Chapter 6a, Utah Procurement Code;
- (ii) promotes high-quality, cost-effective services for public safety communications network users;
- (iii) evaluates the costs and benefits of using existing public or private facilities, equipment, or services or developing or establishing new facilities, equipment, or services; and
- (iv) where economically beneficial without compromising quality or reliability of service, avoids duplicating existing private or public facilities, equipment, or services[; and].

~~[(v) considers the plan developed under Subsection (3).]~~

~~[(3) The Radio Network Division and the executive director shall, before January 15, 2018, meet with all public safety communications network stakeholders, including public and private providers in the state, to:]~~

~~[(a) identify the locations and functional capabilities of existing public and private communications facilities in the state; and]~~

~~[(b) develop a detailed, comprehensive plan for:]~~

~~[(i) repairing and maintaining the existing public safety communications network; and]~~

~~[(ii) upgrading the public safety communications network.]~~

~~[(4) The plan described in Subsection (3) shall include:]~~

~~[(a) a statewide system design;]~~

~~[(b) anticipated coverage maps;]~~

~~[(c) any public and private communications facilities that can be integrated with the public safety communications network; and]~~

~~[(d) a detailed cost estimate for maintaining or upgrading the public safety communications network.]~~

~~[(5) In addition to meeting with stakeholders under Subsection (3), the authority shall issue a request for information for maintaining or upgrading the public safety communications network such that the authority receives all request for information responses before January~~

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~~15, 2018.]~~

~~[(6) Any radio user fee that the authority assessed on a user of the public safety communications network before July 1, 2017, is repealed.]~~

(3) (a) The authority may not charge a state government entity or political subdivision of the state a radio user fee ~~{ or other fee to access the public safety communications network }.~~

(b) Subsection (3)(a) may not be construed to prevent the authority from charging a state government entity or political subdivision of the state for other services associated with the public safety communications network.

(c) The authority may charge a person other than a PSAP a fee for connecting a radio console to the public safety communications network.

Section 13. Section **63H-7a-502** is amended to read:

63H-7a-502. Interoperability Division duties.

(1) The Interoperability Division shall:

(a) review and make recommendations to the executive director, for approval by the board, regarding:

(i) statewide interoperability coordination and FirstNet standards;

(ii) technical, administrative, fiscal, technological, network, and operational issues for the implementation of statewide interoperability, coordination, and FirstNet;

(iii) assisting public agencies with the implementation and coordination of the Interoperability Division responsibilities; and

(iv) training for the public safety communications network and unified statewide 911 emergency services;

(b) review information and records regarding:

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

(ii) matters related to statewide interoperability coordination;

(iii) matters related to FirstNet including advising the governor regarding FirstNet; and

(iv) training needs;

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

(i) an annual plan for the Interoperability Division; and

(ii) information required by the director to contribute to the comprehensive strategic

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plan described in Section 63H-7a-206; ~~and~~

(d) prepare and conduct annual training exercises:

(i) for public safety agencies; and

(ii) designed to enhance interoperability and the effectiveness and efficiency of public safety agencies; and

~~(d)~~ (e) fulfill all other duties imposed on the Interoperability Division by this chapter.

(2) The Interoperability Division may:

(a) recommend to the executive director to own, operate, or enter into contracts related to statewide interoperability, FirstNet, and training;

(b) request information needed under Subsection (1)(b)(i) from:

(i) the State Tax Commission; and

(ii) public safety agencies; and

(c) employ an outside consultant to study and advise the Interoperability Division on:

(i) issues of statewide interoperability;

(ii) FirstNet; and

(iii) training.

(3) The information requested by and provided to the Interoperability Division under Subsection (1)(b)(i) is a protected record in accordance with Section 63G-2-305.

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

Section 14. Section **63I-2-263** is amended to read:

63I-2-263. Repeal dates, Title 63A to Title 63N.

(1) On July 1, 2020:

(a) Subsection 63A-1-203(5)(a)(i) is repealed; and

(b) in Subsection 63A-1-203(5)(a)(ii), the language that states "appointed on or after May 8, 2018," is repealed.

(2) Sections 63C-4a-307 and 63C-4a-309 are repealed January 1, 2020.

(3) Title 63C, Chapter 19, Higher Education Strategic Planning Commission is repealed July 1, 2020.

(4) The following sections regarding the World War II Memorial Commission are repealed on July 1, 2020:

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- (a) Section 63G-1-801;
- (b) Section 63G-1-802;
- (c) Section 63G-1-803; and
- (d) Section 63G-1-804.
- (5) In relation to the State Fair Park Committee, on January 1, 2021:
 - (a) Section 63H-6-104.5 is repealed; and
 - (b) Subsections 63H-6-104(8) and (9) are repealed.
- (6) Section 63H-7a-303 is repealed on July 1, [~~2022~~] 2024.
- (7) In relation to the Employability to Careers Program Board, on July 1, 2022:
 - (a) Subsection 63J-1-602.1(52) is repealed;
 - (b) Subsection 63J-4-301(1)(h), related to the review of data and metrics, is repealed;

and

- (c) Title 63J, Chapter 4, Part 7, Employability to Careers Program, is repealed.
- (8) Section 63J-4-708 is repealed January 1, 2023.

Section 15. Section **69-2-201** is amended to read:

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

Consolidation.

- (1) (a) A public agency may:
 - (i) operate a public safety answering point to provide 911 emergency service to any part of the geographic area within the public agency's jurisdiction;
 - (ii) subject to Subsection (1)(b), operate a public safety answering point with any other contiguous public agency to provide 911 emergency service to any part of the geographic area within the public agencies' jurisdictions; or
 - (iii) operate a public safety answering point under an agreement with another public agency that existed before January 1, 2017, to provide 911 emergency service to any part of the geographic area within the public agencies' jurisdictions.
- (b) A public agency that operates a public safety answering point in connection with a contiguous public agency shall:
 - (i) provide for the operation of the public safety answering point by interlocal agreement between the public agencies; and
 - (ii) submit a copy of the interlocal agreement to the director of the Utah

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Communications Authority.

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

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

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

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

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

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

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

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

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

(5) Each dispatch center in the state shall enter into an interlocal agreement with the governing authority of a public safety answering point that serves the county where the dispatch center is located that provides for:

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

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

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

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

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

(a) shall administer the public safety answering point or dispatch center in accordance

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with Title 17D, Chapter 1, Special Service District Act; and

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

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

(8) No later than January 1, 2021, a public safety answering point shall adopt the statewide CAD-to-CAD call handling and 911 call transfer protocol adopted by the Utah Communications Authority board under Subsection 63H-7a-204(17).

Section 16. Section **69-2-202** is amended to read:

69-2-202. Dispatch services -- Public safety answering point -- Department of Public Safety.

(1) A public safety answering point shall, before providing dispatch services to the Department of Public Safety:

(a) enter into a written agreement with the Department of Public Safety for providing dispatch services that specifies:

- (i) the scope of the services that the public safety answering point will provide; and
- (ii) the rate that the public safety answering point will charge the Department of Public Safety for dispatch services; and

(b) submit a copy of the agreement to:

- (i) the director of the Utah Communications Authority; and
- (ii) the commissioner of the Department of Public Safety.

(2) The Department of Public Safety shall, before providing dispatch services to a public agency as a public safety answering point:

(a) enter into a written agreement with the public agency for providing dispatch services that specifies:

- (i) the scope of the services that the Department of Public Safety will provide; and
- (ii) the rate that the Department of Public Safety will charge the public agency for

dispatch services; and

(b) submit a copy of the agreement to:

- (i) the director of the Utah Communications Authority; and
- (ii) the commissioner of the Department of Public Safety.

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(3) (a) As used in this Subsection (3), "single answering point" means a public safety answering point that is the single public safety answering point serving within a county.

(b) No later than December 31, 2020, the Department of Public Safety and a single answering point shall enter into an agreement:

(i) to reduce or eliminate 911 call transfers, reduce 911 call response time, implement a successful CAD-to-CAD call handling system, and increase the efficiency of the dispatch services, within the geographical area served by the single answering point; or

(ii) providing for the single answering point to provide dispatch services to the Department of Public Safety within the geographical area served by the single answering point.

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

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

(1) ~~[Before July 1, 2021, and before July 1 of every fourth year beginning in 2025, each county that is not served by a single, physically consolidated public safety answering point shall]~~ A county that by June 30, 2024 has not achieved a transfer rate, as defined in Section 69-2-204, of 2% or less shall:

(a) utilize a qualified third party to conduct an audit of each public safety answering point within the county[-]; and

(b) require the audit to be completed no later than January 1, 2025.

(2) ~~[(a)]~~ The audit described in Subsection (1) shall evaluate:

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

(b) what needs to happen for the PSAPs within the county to achieve a transfer rate, as defined in Section 69-2-204, of 2% or less; and

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

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

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

(b) A public safety answering point that fails to participate and cooperate in the audit

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as described in Subsection (1) is ineligible for funding or services provided by the Unified Statewide 911 Emergency Services Account described in Section 63H-7a-304.

(4) No later than February 28, 2025, a county required to have an audit conducted under Subsection (1) shall submit to the Utah Communications Authority:

(a) a copy of the audit report; and

(b) a written plan of how and when the county will implement the audit recommendations.

(5) A PSAP in a county that fails to comply with the requirements of this section does not qualify for a distribution of funds under Section 63H-7a-304.5.

Section 18. Section **69-2-204** is enacted to read:

69-2-204. Public safety answering point 911 call transfer rate.

(1) As used in this section:

(a) "Fiscal year" means the period from July 1 of one year to June 30 of the following year.

(b) "Transfer rate" means the percentage of 911 calls that are:

(i) received by a public safety answering point during a fiscal year; and

(ii) transferred to another location in the state.

(2) Subject to Subsection (3), a public safety answering point shall maintain a transfer rate that is no more than 2%.

(3) A public safety answering point with a transfer rate for the fiscal year ending June 30, 2020 that is greater than 2% shall:

(a) for the fiscal year ending June 30, 2021, reduce the public safety answering point's transfer rate to at least 5% less than the transfer rate for the fiscal year ending June 30, 2020;

(b) for the fiscal year ending June 30, 2022, reduce the public safety answering point's transfer rate:

(i) to at least 15% less than the transfer rate for the fiscal year ending June 30, 2020; or

(ii) to at least 10% less than the transfer rate for the fiscal year ending June 30, 2021;

and

(c) for the fiscal year ending June 30, 2023, reduce the public safety answering point's transfer rate to no more than 5%.