

SB0147S01 compared with SB0147

~~{deleted text}~~ shows text that was in SB0147 but was deleted in SB0147S01.

inserted text shows text that was not in SB0147 but was inserted into SB0147S01.

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Senator Wayne A. Harper proposes the following substitute bill:

UTAH COMMUNICATIONS AUTHORITY AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: _____

LONG TITLE

General Description:

This bill makes amendments related to the amount and collection of charges for the Utah Communications Authority.

Highlighted Provisions:

This bill:

~~{~~ → defines terms;

~~}~~ ▶ revokes the Utah Communications Authority's existing exemption from the Budgetary Procedures Act;

~~{~~ → ~~authorizes the State Tax Commission to contract with an auditor to ensure compliance with and collect fees for the 911 emergency services charges, including when collecting fees for the:~~

~~• Utah Statewide Radio System Restricted Account; and~~

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- ~~Unified Statewide 911 Emergency Service Account;~~
- ‡ ▶ adjusts the collection amount for:
 - the Utah Statewide Radio Restricted Account;
 - the public safety network; and
 - the 911 emergency service charge;
 - ▶ ~~{adjusts the collection amount}~~revokes a repeal date for the ~~{911}~~ emergency ~~{service}~~services telecommunications charge;
 - ▶ sets a future repeal ~~{dates for collection amounts for the Utah Statewide Radio System Restricted Account}~~date for charges to maintain the public safety communications network; and
 - ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2021:

- ▶ to the Utah Communications Authority -- Administrative Services Division -- as a one-time appropriation:
 - from the General Fund, One-time, \$17,500,000.

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

- ~~63H-7a-104~~, as last amended by Laws of Utah 2021, Chapters 84 and 345
- ~~63H-7a-304~~, as last amended by Laws of Utah 2021, Chapters 162 and 345
- ~~63H-7a-403~~, as last amended by Laws of Utah 2020, Chapter 294
- ~~63H-7a-803~~, as last amended by Laws of Utah 2021, Chapters 84 and 345
- ~~63I-1-269~~, as last amended by Laws of Utah 2019, Chapter 509
- ~~63I-2-263~~, as last amended by Laws of Utah 2021, First Special Session, Chapter 4
- ~~{~~ ~~69-2-102~~, as renumbered and amended by Laws of Utah 2017, Chapter 430
- ‡ ~~69-2-402~~, as enacted by Laws of Utah 2017, Chapter 430
- ~~69-2-403~~, as last amended by Laws of Utah 2019, Chapter 509
- ~~69-2-404~~, as enacted by Laws of Utah 2017, Chapter 430
- ~~69-2-405~~, as last amended by Laws of Utah 2020, Chapter 294

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

Section 1. Section **63H-7a-104** is amended to read:

63H-7a-104. Relation to certain acts.

(1) The authority is exempt from:

- (a) Title 51, Chapter 5, Funds Consolidation Act;
- (b) Title 63A, Utah Government Operations Code; and
- ~~[(c) Title 63J, Chapter 1, Budgetary Procedures Act; and]~~
- ~~[(d) (c) Title 63A, Chapter 17, Utah State Personnel Management Act.~~

(2) The authority is subject to:

- (a) Title 52, Chapter 4, Open and Public Meetings Act;
- (b) Section 67-3-12;
- (c) Title 63G, Chapter 2, Government Records Access and Management Act; and
- (d) Title 63G, Chapter 6a, Utah Procurement Code.

Section 2. 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 911 account for the purpose of enhancing and maintaining the statewide public safety communications network and 911 call processing equipment in order to rapidly, efficiently, effectively, and with greater interoperability deliver 911 services in the state.

(b) In expending funds in the 911 account, the authority shall give a higher priority to an expenditure that:

- (i) best promotes statewide public safety;

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- (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 911 account in accordance with the authority strategic plan described in Section 63H-7a-206.

(d) The authority may not expend funds from the 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
- (ii) the 911 emergency service defined in Section 69-2-102.

(e) The authority may not expend funds from the 911 account collected through the prepaid wireless 911 service charge revenue distributed in [~~Subsection 69-2-405(9)(c)~~] Subsections 69-2-405(9)(a)(iii) and 69-2-405(9)(b)(iii) 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 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 911 account to cover the Administrative Services Division's administrative costs related to the 911 account.

(4) (a) The authority shall reimburse from the 911 account to the Utah Geospatial Resource Center created in Section 63A-16-505 an amount equal to up to 1 cent of each unified statewide 911 emergency service charge deposited into the 911 account under Section 69-2-403.

(b) The Utah Geospatial Resource Center shall use the funds reimbursed to the Utah Geospatial Resource 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.

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~~{ (5) Subject to an appropriation by the Legislature and approval by the board, the State Tax Commission may use funds in the Unified Statewide 911 Emergency Service account to reimburse the State Tax Commission for costs related to the contracting with an auditor to recover funds collected under Sections 69-2-402 and 69-2-403.~~

‡ Section 3. Section **63H-7a-403** is amended to read:

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

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

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

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

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

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

- (i) on and after July 1, 2017, [~~18~~] and before July 1, ~~{2023}~~2022, ~~{21}~~18 cents of each total radio network charge to maintain the public safety communications network, including:
 - (A) the ~~{700 MHz, }~~800 MHz, and VHF radio networks;
 - (B) the authority's radio console network connectivity;

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(C) funding a statewide interoperability coordinator; and

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

(D) authority administration costs;

(ii) on and after July 1, 2022, and before July 1, 2023, ~~24~~21 cents of each total radio network charge to maintain the public safety communications network, including:

(A) the 700 MHz, 800 MHz, and VHF radio networks;

(B) the authority's radio console network connectivity;

(C) funding a statewide interoperability coordinator; and

(D) authority administration costs; ~~and~~

~~[(ii)] (iii)~~

(iii) on and after July 1, 2023, 24 cents of each total radio network charge to maintain the public safety communications network, including:

(A) the 700 MHz, 800 MHz, and VHF radio networks;

(B) the authority's radio console network connectivity;

(C) funding a statewide interoperability coordinator; and

(D) authority administration costs;

~~[(iii)] (iv) on and after January 1, 2018, [34] and before July 1, 2022, 34 cents of each total radio network charge to acquire, construct, equip, and install property for, and to make improvements to, the 800 MHz radio system, including debt service costs[-]; and~~

(v) on and after ~~January~~ July 1, ~~2018, [34]~~ 2022 and before July 1, 2023, 31 cents of each total radio network charge to acquire, construct, equip, and install property for, and to make improvements to, the ~~800~~ 700/800 MHz radio system, including debt service costs.

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

(i) best promotes statewide public safety;

(ii) best promotes interoperability;

(iii) impacts the largest service territory;

(iv) impacts a densely populated area; or

(v) impacts an underserved area.

(d) The authority shall expend funds in the Utah Statewide Radio System Restricted

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Account in accordance with the authority strategic plan described in Section 63H-7a-206.

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

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

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

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

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

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

~~{ (4) Subject to an appropriation by the Legislature and approval by the board, the State Tax Commission may use funds in the Utah Statewide Radio System Restricted account to reimburse the State Tax Commission for costs related to the contracting with an auditor to recover funds for the Utah Statewide Radio System Restricted Account.~~

‡ Section 4. Section **63H-7a-803** is amended to read:

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

- (1) The Utah Communications Authority is exempt from:
 - (a) except as provided in Subsection (3), Title 63A, Utah Government Operations

Code;

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

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(c) Title 63A, Chapter 17, Utah State Personnel Management Act.

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

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

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

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

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

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

(b) The authority is subject to Section 67-3-12.

Section 5. Section **63I-1-269** is amended to read:

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

~~[(1)] [Section 69-2-403, emergency services telecommunications charge to fund unified statewide 911 emergency service, is repealed July 1, 2025.]~~

~~[(2)] Subsection 69-2-402(2)(a), regarding 71 cent 911 emergency service charge, is repealed July 1, 2023.~~

† Section 6. Section **63I-2-263** is amended to read:

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

~~[(1)] Section 63A-3-111 is repealed June 30, 2021.]~~

~~[(2)] Title 63C, Chapter 19, Higher Education Strategic Planning Commission is repealed July 1, 2021.]~~

~~[(3)] (1) Title 63C, Chapter 22, Digital Wellness, Citizenship, and Safe Technology Commission is repealed July 1, 2023.~~

~~[(4)] (2) Section 63G-1-502 is repealed July 1, 2022.~~

~~[(5)] (3) The following sections regarding the World War II Memorial Commission are repealed on July 1, 2022:~~

~~(a) Section 63G-1-801;~~

~~(b) Section 63G-1-802;~~

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(c) Section 63G-1-803; and

(d) Section 63G-1-804.

~~[(6)]~~ (4) Section 63H-7a-303 is repealed July 1, 2024.

(5) Subsection 63H-7a-403 ~~[(1)]~~(2)(b) ~~[(iii)]~~, regarding the ~~31-cent allocation~~ charge to maintain the public safety communications network, is repealed July 1, ~~2024~~ 2032.

~~[(7)]~~ Subsection 63J-1-206(3)(c), relating to coronavirus, is repealed July 1, 2021.]

~~[(8)]~~ (6) Sections 63M-7-213 and 63M-7-213.5 are repealed on January 1, 2023.

~~[(9)]~~ (7) Section 63M-7-217 is repealed on July 1, 2022.

~~[(10)]~~ (8) Title 63N, Chapter 13, Part 3, Facilitating Public-private Partnerships Act, is repealed January 1, 2024.

~~[(11)]~~ Title 63N, Chapter 15, COVID-19 Economic Recovery Programs, is repealed December 31, 2021.]

Section 7. Section ~~{69-2-102}~~ 69-2-402 is amended to read:

~~{~~ **69-2-102. Definitions.**

~~_____~~ As used in this chapter:

~~_____~~ (1) "911 emergency communication" means a direct 911 communication received by a public safety answering point.

~~_____~~ (2) "911 emergency service" means a unified statewide communication system that provides a user with direct access to a public safety answering point by dialing or accessing 911.

~~_____~~ (3) (a) "Access line" means a circuit-switched connection, or the functional equivalent of a circuit-switched connection, from an end user to the public switched network.

~~_____~~ (b) "Access line" includes:

~~_____~~ (i) a local exchange service switched access line within the state;

~~_____~~ (ii) a revenue producing radio communications access line with a billing address within the state; and

~~_____~~ (iii) a line provided by a service, including voice over Internet protocol, to a user with an address within the state, that allows the user to receive a call that originates on the public switched network and terminate a call to the public switched network.

~~_____~~ (4) "Board" means the Utah Communications Authority Board, created in Section 63H-7-203.

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~~——— [(4)] (5) "Commission" means the State Tax Commission.~~

~~——— [(5)] (6) "Dispatch center" means the same as that term is defined in Section 63H-7a-103.~~

~~——— [(6)] (7) "Local exchange service" means the provision of public telecommunications services by a wireline common carrier to customers within a geographic area encompassing one or more local communities as described in the carrier's service territory maps, tariffs, price lists, or rate schedules filed with and approved by the Public Service Commission.~~

~~——— [(7)] (8) "Local exchange service switched access line" means the transmission facility and local switching equipment used by a wireline common carrier to connect a customer location to a carrier's local exchange switching network for providing two-way interactive voice, or voice capable, services.~~

~~——— [(8)] (9) "Mobile telecommunications service" means the same as that term is defined in 4 U.S.C. Sec. 124.~~

~~——— [(9)] (10) "Public agency" means a state government entity, a political subdivision of the state, a special service district, or an entity created by interlocal agreement that provides or has authority to provide fire fighting, law enforcement, ambulance, medical, or other emergency services.~~

~~——— [(10)] (11) "Public safety agency" means a functional division of a public agency which provides fire fighting, law enforcement, medical, or other emergency services.~~

~~——— [(11)] (12) "Public safety answering point" means the same as that term is defined in Section 63H-7a-103.~~

~~——— [(12)] (13) "Public switched network" means the same as that term is defined in 47 C.F.R. Sec. 20.3.~~

~~——— [(13)] (14) "Radio communications access line" means the radio equipment and assigned customer identification number used to connect a mobile or fixed radio customer in Utah to a radio communication service provider's network for two-way interactive voice, or voice capable, services.~~

~~——— [(14)] (15) (a) "Radio communications service" means a public telecommunications service providing the capability of two-way interactive telecommunications between mobile and fixed radio customers, and between mobile or fixed radio customers and the local exchange service network customers of a wireline common carrier.~~

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~~_____ (b) "Radio communications service" includes:~~

~~_____ (i) cellular telephone service;~~

~~_____ (ii) enhanced specialized mobile radio service;~~

~~_____ (iii) rural radio service;~~

~~_____ (iv) a radio common carrier;~~

~~_____ (v) a personal communications service; and~~

~~_____ (vi) any wireless public telecommunications service equivalent to the services described in this Subsection [(14)] (15)(b), as defined in 47 CFR, parts 20, 22, 24, and 90.~~

~~_____ [(15)] (16) "Voice over Internet protocol service" means the same as that term is defined in Section 54-19-102.~~

~~_____ [(16)] (17) "Wireline common carrier" means a public telecommunications service provider that primarily uses metallic or nonmetallic cables and wires for connecting customers to its local exchange service networks.~~

~~_____ Section 8. Section 69-2-402 is amended to read:~~

‡ **69-2-402. 911 emergency service charge.**

(1) As used in this section, "911 emergency service charge" means the 911 emergency service charge levied by the state under Subsection (2).

(2) (a) [Subject] Before July 1, 2023, and subject to Subsection (6), there is imposed on each access line in the state a 911 emergency service charge of 71 cents per month.

(b) On and after July 1, 2023, and subject to Subsection (6), there is imposed on each access line in the state a 911 emergency service charge of 73 cents per month.

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

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

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

(3) (a) Subject to Subsection (6), the person that provides service to an access line shall bill and collect the 911 emergency service charge.

(b) A person that bills and collects the 911 emergency service charge shall, except for costs retained under Subsection (3)(g)(iii), remit the 911 emergency service charge to the

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commission:

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

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

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

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

(c) Except as provided in Subsections (3)(d) and (e), if an access line user is not required to pay for the service, the access line provider shall collect the 911 emergency service charge from the person that is required to pay for the access line.

(d) The 911 emergency service charge is not imposed on a provider of a consumer of federal wireless lifeline service if the consumer does not pay the provider for the service.

(e) A consumer of federal wireless lifeline service shall pay, and the provider of the service shall collect and remit, the 911 emergency service charge when the consumer purchases from the provider optional services in addition to the federally funded lifeline benefit.

(f) The 911 emergency service charge is not imposed on an access line provided for public pay telecommunications service.

(g) The person that bills and collects the 911 emergency service charge:

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

(ii) may bill the 911 emergency service charge in combination with the charges levied under Sections 69-2-403 and 69-2-404 as one line item charge for 911 emergency service; and

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

(4) The commission shall transmit the funds the commission collects from the 911 emergency service charge monthly to a public safety answering point in accordance with Section 69-2-302.

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

(6) The state may impose, bill, and collect the 911 emergency service charge on a mobile telecommunications service only to the extent permitted by the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.

~~(7) Subject to an appropriation by the Legislature and approval by the board, the commission may contract with an auditor to audit a person that bills and collects the 911 emergency service charge.~~

† Section ~~(9)~~8. Section **69-2-403** is amended to read:

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

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

(2) (a) Subject to Subsection (6), there is imposed on each access line in the state a unified statewide 911 emergency service charge of:

- (i) until June 30, 2019, 9 cents per month; and
- (ii) beginning July 1, 2019, 25 cents per month.

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

- (i) for the purposes of sales and use taxes under Title 59, Chapter 12, Sales and Use Tax Act; and
- (ii) as determined in accordance with Section 59-12-215.

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

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

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

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

(B) the person is not required to file a sales and use tax return under Title 59, Chapter

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12, Sales and Use Tax Act; or

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

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

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

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

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

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

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

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

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

~~[(7) This section sunsets in accordance with Section 63H-1-269.]~~

~~{ (8) Subject to an appropriation from the Legislature and approval by the board, the commission may contract with an auditor to audit a person that bills and collects the unified statewide 911 emergency service charge. }~~

‡ Section ~~{10}9~~. Section **69-2-404** is amended to read:

69-2-404. Radio network charge to fund the Utah Statewide Radio System

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Restricted Account.

(1) As used in this section, "radio network charge" means the radio network charge imposed under Subsection (2).

(2) (a) Subject to Subsection (6), there is imposed on each access line in the state a radio network charge of:

- (i) on and after July 1, 2017, and before January 1, 2018, 18 cents per month; [~~and~~]
- (ii) on and after January 1, 2018, and before July 1, 2023, 52 cents per month[-]; and
- (iii) on and after July 1, 2023, ~~and before July 1, 2032~~, 24 cents per month.

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

- (i) for the purposes of sales and use taxes under Title 59, Chapter 12, Sales and Use Tax Act; and
- (ii) as determined in accordance with Section 59-12-215.

(3) (a) The person that provides service to an access line shall bill and collect the radio network charge.

(b) A person that bills and collects the radio network charge shall pay the radio network charge to the commission:

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

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

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

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

(c) If an access line user is not required to pay for the access line, the access line provider shall collect the radio network charge from the person that is required to pay for the access line.

(d) The person that bills and collects a radio network charge:

- (i) shall remit the radio network charge along with a form prescribed by the

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commission; and

(ii) may bill the radio network charge in combination with the charges levied under Sections 69-2-402 and 69-2-403 as one line item charge for 911 emergency service.

(4) The commission shall deposit any radio network charge remitted to the commission into the Utah Statewide Radio System Restricted Account created in Section 63H-7a-403.

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

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

~~{ (7) Subject to appropriation by the Legislature and approval by the board, the commission may contract with an auditor to audit a person that bills and collects the radio network charge.~~

‡ Section ~~{11}~~10. Section **69-2-405** is amended to read:

69-2-405. Service charges -- Collection and distribution of revenue.

(1) As used in this section:

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

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

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

(A) is paid for in advance;

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

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

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

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

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

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

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

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

(2) There is imposed:

(a) a prepaid wireless 911 service charge of 3.7% of the sales price per transaction; and

(b) a prepaid wireless telecommunications service charge of 1.2% of the sales price per transaction.

(3) (a) Each charge described in Subsection (2) shall be collected by the seller from the consumer for each transaction occurring in this state.

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

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

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

(4) Each charge described in Subsection (2) shall be separately stated on an invoice, receipt, or similar document that is provided by the seller to the consumer.

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

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

(7) A seller may retain 3% of the charges described in Subsection (2) that are collected by the seller from consumers as reimbursement for the cost of billing, collecting, and remitting the charge.

(8) A person that collects a charge described in Subsection (2), except as retained

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under Subsection (7), shall remit each charge to the commission at the same time that the seller remits to the commission money collected by the person under Title 59, Chapter 12, Sales and Use Tax Act.

(9) The commission shall distribute revenues collected under this section as follows:

(a) Before July 1, 2023:

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

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

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

~~[(d)]~~ (iv) 100% of the prepaid wireless telecommunications service charge revenue to the Universal Public Telecommunications Service Support Fund created in Section 54-8b-15~~[-]; ~~and~~~~

(b) after July 1, 2023, and before July 1, 2032:

(i) 59.84% of the prepaid wireless 911 service charge revenue to a public safety answering point in accordance with Section 69-2-302;

(ii) 20.49% of the prepaid wireless 911 service charge revenue to the Unified Statewide 911 Emergency Service Account created in Section 63H-7a-304;

(iii) 19.67% of the prepaid wireless 911 service charge revenue to the Utah Statewide Radio System Restricted Account created in Section 63H-7a-403; and

(iv) 100% of the prepaid wireless telecommunications service charge revenue to the Universal Public Telecommunications Service Support Fund created in Section 54-8b-15; and

(c) after July 1, 2032:

(i) 74.49 % of the prepaid wireless 911 service charge revenue to a public safety answering point in accordance with Section 69-2-302;

(ii) 25.51 % of the prepaid wireless 911 service charge revenue to the Unified Statewide 911 Emergency Service Account created in Section 63H-7a-304; and

(iii) 100% of the prepaid wireless telecommunications service charge revenue to the Universal Public Telecommunications Service Support Fund created in Section 54-8-15.

Section ~~{12}~~11. **Appropriation.**

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The following sums of money are appropriated for the fiscal year beginning July 1, 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

ITEM 1

To Utah Communications Authority -- Administrative Services Division

From General Fund, One-time \$17,500,000

Schedule of Programs:

Administrative Services Division \$17,500,000

Under Section 63J-1-603 the Legislature intends that appropriations provided under this section not lapse at the close of fiscal year 2021. The use of any nonlapsing funds is limited to ~~the purchase of radios.~~

~~Section 13.~~ **expenses necessary to acquire, construct, equip, and install property for, and to make improvements to, the 700/800 MHz radio system, including debt service costs.**

Section 12. Effective date.

This bill takes effect on July 1, 2022.